



Sunrise over Main Street Lithgow

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 March 2025

at 6:30 PM

# ORDER OF BUSINESS

<b>1. Mayoral Minutes.....</b>	<b>6</b>
<b>1.1. Mayoral Minute - 24/03/2025 - ALGA's 2025 Federal Election Campaign .....</b>	<b>6</b>
<b>2. Notices of Motion.....</b>	<b>9</b>
<b>2.1. NOM - 24/03/2025 - Cr T Evangelidis - Council Legal Assistance .....</b>	<b>9</b>
<b>2.2. NOM - 24/03/2025 - Councillor T Evangelidis - Lithgow Pottery.....</b>	<b>11</b>
<b>2.3. NOM - 24/03/2025 - Councillor T Evangelidis - Hockey Fields Squatter .....</b>	<b>12</b>
<b>2.4. NOM - 24/03/2025 - Councillor M Ticehurst - Proposed Upgrades and Art Mural for     Lithgow Visitors Centre.....</b>	<b>14</b>
<b>2.5. NOM - 24/03/2025 - Councillor M Ticehurst - Proposed Rule changes to the Lithgow     City Council Mayoral Relief Fund.....</b>	<b>15</b>
<b>2.6. NOM - 24/03/2025 - Councillor M Ticehurst - Proposed establishment of up to 10 new     Lithgow City Council linked, Town and Village Council Community Incorporated     Associations.....</b>	<b>18</b>
<b>2.7. NOM - 24/3/2025- Councillor E Fredericks - Urgent Request for Traffic Safety     Remediation Works for the Great Western Highway Bowenfels.....</b>	<b>20</b>
<b>2.8. NOM - 24/03/2025 - Councillor M Ticehurst - Wind Turbine projects in the Lithgow     City Council LGA.....</b>	<b>21</b>
<b>2.9. NOM - 24/03/2025 - Councillor E Mahony - Development of Integrated Asset     Management Services Works Panels and supplier lists .....</b>	<b>22</b>
<b>3. Questions with Notice .....</b>	<b>24</b>
<b>3.1. QWN - Councillor M Ticehurst - 24/03/2025 - Lithgow Golf Club .....</b>	<b>24</b>
<b>3.2. QWN - 24/03/2025 - Councillor E Mahony - DA137/22 Proposed Hardware &amp; Building     Supplies (Bunnings) .....</b>	<b>25</b>
<b>4. Notices of Rescission.....</b>	<b>27</b>
<b>4.1. Notice of Rescission - 24/03/2025 - Main Street Footpath .....</b>	<b>27</b>
<b>5. Administration Reports .....</b>	<b>28</b>
<b>5.1. F&amp;G - 24/03/2025 - Trial of Lithgow City Council Mayoral Ambassadors in 2025.....</b>	<b>28</b>
<b>5.2. P&amp;P - 24/02/2025 - Nomination of Community Representatives to Council     Committees .....</b>	<b>30</b>
<b>5.3. F&amp;G - 24/03/2025 - Review of Policy 8.7 Investment Policy.....</b>	<b>37</b>
<b>5.4. F&amp;G - 24/03/2025 - Establishment of Remote Location Council Meetings .....</b>	<b>39</b>
<b>5.5. F&amp;G - 24/03/2025 - Investment Report February 2025 .....</b>	<b>43</b>
<b>5.6. P&amp;P - 24/03/2025 - Six Month Progress Report July - December 2024.....</b>	<b>47</b>
<b>5.7. P&amp;P - 24/03/2025 - Proposed Shed at 1A Caroline Avenue Lithgow.....</b>	<b>49</b>
<b>5.8. P&amp;P - 24/03/25 - Energy from Waste - Options Paper .....</b>	<b>54</b>

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<b>5.9. P&amp;P - 24/03/2025 - Events Plan 2024-2026.....</b>	<b>57</b>
<b>5.10. P&amp;P - 24/03/2025 - Planning Agreements and Contributions Policy .....</b>	<b>60</b>
<b>5.11. I&amp;E - 24/03/2025 - Road Rehabilitation Contract Variation .....</b>	<b>64</b>
<b>5.12. I&amp;E - 24/03/2025 - Hazelgrove Road Crown Land Matters .....</b>	<b>66</b>
<b>5.13. I&amp;E - 24/03/2025 - Main Street Slip Resistant Treatment Options .....</b>	<b>70</b>
<b>5.14. I&amp;E - 24/03/2025 - Emerging Economy Committee .....</b>	<b>73</b>
<b>5.15. I&amp;E - 24/03/2025 - Kremer Park Retaining Wall - Investigation.....</b>	<b>76</b>
<b>6. Council Committee Reports.....</b>	<b>79</b>
<b>6.1. P&amp;P - 24/03/2025 - Environmental Advisory Committee Minutes 19 February 2025..</b>	<b>79</b>
<b>6.2. FIN - 24/03/2025 - Finance Committee Meeting Minutes 20 February 2025 .....</b>	<b>79</b>
<b>6.3. WWW - 24/03/25 - Infrastructure Committee Meeting Minutes - 4 March 2025.....</b>	<b>82</b>
<b>7. Delegates Reports .....</b>	<b>83</b>
<b>7.1. Delegates Report - 24/03/2025 - CNSWJO Board Meeting 27 February 2025 .....</b>	<b>83</b>
<b>8. Business of Great Urgency.....</b>	<b>89</b>

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## Acknowledgement of Country

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### Acknowledgement of Country

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

### Declaration of Webcasting

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

## Present

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## Apologies

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## Declaration of Interest

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### Ethical Decision Making and Conflicts of Interest

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

#### Oath or Affirmation of Office

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

#### Ethical decision making

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

#### Conflict of interest

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

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

#### There are two types of conflict:

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

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Confirmation of the Minutes of the Ordinary Meeting of Council held 28 February 2025.

And

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held 5 March 2025.

### Commemorations and Announcements

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

### Public Forum

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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.

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## 1. Mayoral Minutes

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### 1.1. Mayoral Minute - 24/03/2025 - ALGA's 2025 Federal Election Campaign

**Report by** Mayor – Councillor Cassandra Coleman

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#### Commentary

The next Federal Election must be held by 17 May 2025.

Working in conjunction with its member state and territory associations, the Australian Local Government Association (ALGA) has developed a framework and resources for a national advocacy campaign that will run in the lead up to this election.

Based around the tagline of “Put Our Communities First”, the goal is to secure additional federal funding that will support every Council to play a bigger role delivering local solutions to national priorities.

All Australian councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.

#### Discussion

The Put Our Communities First campaign will advocate for new federal funding to be distributed to all Councils on a formula-basis, similar to the Commonwealth’s Roads to Recovery Program, or the previous Local Roads and Community Infrastructure Program.

This will ensure that every council and community benefits, and support local decision making based on local needs.

ALGA has developed free campaign resources that can be adapted and used by all Councils to ensure a consistent and effective approach.

Participating in a national advocacy campaign does not preclude Lithgow council from advocating on additional local needs and issues, but it will strengthen the national campaign and support all 537 Australian local governments.

The five national funding priorities have been determined by the ALGA Board – comprised of representatives from each of Australia’s state and territory local government associations – and align with key national priorities.

These five funding priorities are:

- \$1.1 billion per year for enabling infrastructure to unlock housing supply,
- \$500 million per year for community infrastructure,
- \$600 million per year for safer local roads,
- \$900 million per year for increased local government emergency management capability and capacity, and
- \$400 million per year for climate change adaptation.

Further information on each of these priorities is listed below.

### Housing enabling infrastructure

A lack of funding for enabling infrastructure – including roads, and water and sewerage treatment connections and facilities – is a significant barrier to increasing housing supply across the country.

Research from [Equity Economics](#) found that 40 per cent of local governments have cut back on new infrastructure developments because of inadequate enabling infrastructure funding.

This research also shows that achieving the National Housing Accord's housing targets would incur an additional \$5.7 billion funding shortfall on top of infrastructure funding gaps already being felt by councils and their communities.

A five year, \$1.1 billion per annum program would fund the infrastructure that is essential to new housing developments, and Australia reaching its housing targets.

### Community Infrastructure

ALGA's [2024 National State of the Assets report](#) indicates that \$8.3 billion worth of local government buildings and \$2.9 billion worth of parks and recreation facilities are in poor condition and need attention.

Introduced in 2020, the Local Roads and Community Infrastructure Program supported all councils to build, maintain and upgrade local facilities, with \$3.25 billion allocated on a formula basis.

This program had a significant impact, driving an almost \$1 billion improvement in the condition of local government buildings and facilities; and a \$500 million per year replacement fund would support all councils to build, upgrade and revitalise the community infrastructure all Australians rely on.

### Safer Roads

Councils manage more than 75% of Australia's roads by length, and tragically more than half of all fatal road crashes in Australia occur on these roads.

In 2023 the Australian Government announced that it would double Roads to Recovery funding over the forward estimates, providing councils with an additional \$500 million per year.

However, recent independent research by the [Grattan Institute](#) highlighted a \$1 billion local government road maintenance funding shortfall, meaning there is still a significant funding gap.

Providing local government with \$600 million per year tied to road safety programs and infrastructure upgrades would support all councils to play a more effective role addressing Australia's unacceptable road toll.

### Climate adaptation

Local governments are at the forefront of grappling with climate impacts as both asset managers and land use decision makers.

However, funding and support from other levels of government has failed to keep pace, placing an inequitable burden on councils and communities to fund this work locally.

A \$400 million per year local government climate adaptation fund would enable all councils to implement place-based approaches to adaptation, delivering local solutions to this national challenge.

### Emergency management

Fires, floods and cyclones currently cost Australia [\\$38 billion per year, and this is predicted to rise to \\$73 billion by 2060](#).

Australian Councils play a key role preparing for, responding to and recovering from natural disasters, but aren't effectively funded to carry out these duties.

The Government's \$200 million per year Disaster Ready Fund is significantly oversubscribed, especially considering the scale and cost of disaster mitigation projects.

Numerous national reviews – including the [Colvin Review](#) and [Royal Commission into Natural Disaster Arrangements](#) – have identified the need for a significant uplift in local government emergency management capability and capacity.

A \$900 million per year fund would support all Councils to better prepare their communities before natural disasters, and more effectively carry out the emergency management responsibilities that have been delegated to them.

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Support the national federal election funding priorities identified by the Australian Local Government Association (ALGA).
2. Supports and participates in the Put Our Communities First federal election campaign.
3. Writes to the local federal member(s) of Parliament, all known election candidates in local federal electorates and the President of the Australian Local Government Association expressing support for ALGA's federal election funding priorities.



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## 2. Notices of Motion

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### 2.1. NOM - 24/03/2025 - Cr T Evangelidis - Council Legal Assistance

**Report by** Councillor Tommy Evangelidis

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#### Commentary

I was surprised that Lithgow City Council does not have the ability to commence legal action in order to protect their staff and councillors. I was told we are only covered for defending an action against council. As part of health and safety isn't it paramount that staff and councillors feel they are protected in their role? As councillors we are subject to a code of conduct, but what happens when individuals from the community take aim at a councillor or staff member, do they have to fend for themselves? In cases where a business or person continually ignores council requests and directives how do we force a result? How can we be proactive if we can't adopt common and accepted means for a speedy desirable resolution and outcome.

In most cases a simple Cease and Desist letter will normally put an end to undesirable behaviour. Currently Lithgow council, due to its policy, cannot even do that.

The fear is if we don't have the ability to be pro-active in certain situations (as any business or workplace would) we as a council can be open to litigation from staff and councillors for not ensuring a reasonable level of protection is provided. Inaction is our failing.

#### Attachments

Nil

#### Recommendation

THAT Lithgow City Council adopt a legal policy that enables them to take legal action where necessary in order to provide a safe working environment for their staff and councillors and to hold any business accountable for their behaviour.

#### Management Comment

##### Policy Implications

Policy 9.5 Councillor Expenses and Facilities enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

Lithgow Council's Councillor Expenses and Facilities Policy is based on the Office of Local Government's better practice policy template. A revised version of Policy 8.5 is currently on public exhibition.

Policy 9.5 covers legal assistance for Councillors as follows:

##### 8 Legal Assistance

8.1. Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly because of the Councillor's actions in the civic office, Council will determine, by resolution, if the Councillor is to be reimbursed for reasonable solicitor/client costs as long as they relate to:

- Where legal action has been brought against the Councillor;
- Conduct arising from the execution of a Councillor's civic duties;
- The matter being finalised;
- Council authorises by specific resolution naming the Councillor and determining the amount to be reimbursed; and
- The finding is not substantially unfavourable to the Councillor.

8.2. In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

8.3. Council will not meet the legal costs:

- of legal proceedings initiated by a Councillor under any circumstances;
- of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and/or
- for legal proceedings that do not involve a Councillor performing their role as a Councillor.

Any change to the legal assistance provisions of Policy 9.5 Councillor Expenses and Facilities would require a further period of public exhibition.

No circumstances have arisen where staff have requested assistance to initiate legal action.

#### Financial Implications

There is no budget allocation for Councillor initiated legal action as it is not covered by the current policy.

Ross Gurney  
General Manager

**2.2. NOM - 24/03/2025 - Councillor T Evangelidis - Lithgow Pottery****Report by** Councillor Tommy Evangelidis**Commentary**

Lithgow Pottery holds a very important part of Lithgow's history. The Pottery was one of the first industrial buildings in Lithgow and was recognised by the state with a heritage listing in 1999. Lithgow Pottery is known all over the world and is sort after by private collectors and housed in various collections (including Lithgow' ESBANK house and Sydney's POWERHOUSE) I understand even the Royal family have pieces in their collection. The building has also been used as the studio for talented and renowned artists, including Bill Cunningham and Anthony Symons.

We have to take every advantage in promoting what is unique and special about Lithgow's heritage. Currently there is no mention of the Pottery on our Seven Valleys tourism site. Which I see as a missed opportunity and neglectful.

Whilst privately owned the Pottery has council land on two sides which can and should be kept in a fit state to attract tourists and pay respect to this wonderful historic attraction. We need attractive signage, an information plaque and for council to maintain the surrounds in a presentable condition.

**Attachments**

1. Silcock Street [2.2.1 - 1 page]

**Recommendation**

THAT Lithgow City Council erect an information plaque, clean up the council owned surrounds and include The Pottery on all our tourist content.

**Management Comment****Strategic Implications**

The Council is reviewing the location and status of current information or interpretative signage associated with Council-owned visitor sites to ensure consistency in message, design and site priority. The Pottery will be considered in this review.

The Council managed lands adjacent to the Pottery will be considered for addition to Council's grounds maintenance program.

**2.3. NOM - 24/03/2025 - Councillor T Evangelidis - Hockey Fields Squatter**

**Report by** Councillor Tommy Evangelidis

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**Commentary**

We have had the ongoing issue of an illegal camper residing near the hockey fields for a while now. Recently there was an open altercation in front of families and children that caused great distress to those community members that simply wanted to enjoy their sport and spectatorship. The person also has a threatening dog living with him.

Now I understand the complexities of this issue, the reluctance of the state government, the reluctance of the individual in question and the challenges relocating them. Surely there must be a point where we say enough is enough? At the end of the day we the council must show strong leadership and make it very clear that this type of squatting will not be tolerated. What if others follow suit?

If he is threatening, we call the police, if his caravan falls apart during transit? then it is deemed unroadworthy and should be dealt with accordingly. Homelessness is a terrible reality, of course we need to be sympathetic, but we have a duty to those that do follow the rules, that do pay their rates and it's on us to provide safe public areas.

**Attachments**

Nil

**Recommendation**

THAT Lithgow City Council take every measure to relocate the person to another council owned parcel of land away from families and children.

**Management Comment****Legal and Policy Implications**

Council officers are aware of the matter raised and have been in contact with the man concerned and have approached other relevant agencies for assistance over recent months. Council has also sought advice from neighbouring Councils.

Council officers are taking the following action with relation to the matter raised by Cr Evangelidis:

- Investigating the installation of signage which will allow Council's Ranger and the Police to instruct the gentleman to move on,
- Actively working with the relevant NSW Department of Communities and Justice teams, the local Assertive Outreach team, Link Wentworth Housing, and relevant mental health services to seek appropriate housing and support services for the man concerned if possible,
- Council has issued orders to the man to leave the site. Officers continue to work across departments and with Police to enforce this order and clean the site, and
- Should these interventions fail, Council officers are exploring other legal orders which could apply and will continue to proactively case manage the matter until it is resolved.

It is not recommended to move the man to another Council owned site. Officers are working with partner agencies to identify suitable housing for the man. He may decline services and continue to camp in public space. Officers will continue to work with partners to offer services and to issue orders and move the man should he continue to camp in a public space.

Officers will also undertake the following longer-term actions in relation to managing instances of people sleeping rough in Council-owned public spaces:

- Register as a member of the Homelessness NSW SHS Network which provides information, resources and training support for agencies concerned with homelessness, including Councils,
- Develop a draft Homelessness Protocol for the review of the Community Development and Crime Prevention Committees. This protocol would guide Council officers in the management of cases of camping or rough sleeping in Council owned spaces. Such protocols are common practice within Local Government, seeking to balance the provision of services to people experiencing hardship and homelessness without enabling homelessness to persist, and
- Prepare a discussion paper for presentation to a Councillor Information Session, noting the relevant social policies, agencies, and barriers associated with the provision of suitable temporary and long-term social housing within NSW. This paper would also provide an overview of specific local concerns from the perspective of community services and state government agencies.

## 2.4. NOM - 24/03/2025 - Councillor M Ticehurst - Proposed Upgrades and Art Mural for Lithgow Visitors Centre.

**Report by** Councillor Martin Ticehurst

### Commentary

This Notice of Motion is requesting that this Council develop proposals and/or Business Plans towards seeking either State or Federal Government Grant Funding through our respective State Member Paul Toole or the newly elected Federal Member, for major building upgrades to the Lithgow City Council's Visitor's Information Centre (also known on Google as the Seven Valleys Visitors Information Centre Lithgow) and adjoining Car Park; including the possible addition of a 'mining themed' major Art Mural surrounding the whole or western side of the Centre and a major upgrade/spruce up of the 'Miners Lamp'.

### Attachments

Nil

#### Recommendation

THAT Council develop proposals and/or Business Plans towards seeking either State or Federal Government Grant Funding through our respective State Member Paul Toole or the newly elected Federal Member, for major building upgrades to the Lithgow City Council's Visitor's Information Centre (also known on Google as the Seven Valleys Visitors Information Centre Lithgow) and adjoining Car Park; including the possible addition of a 'mining themed' major Art Mural surrounding the whole or western side of the Centre and a major upgrade/spruce up of the 'Miners Lamp'.

### Management Comment

#### Strategic Implications

In late 2024, the Council received the final Service Planning report from consultants CT Management Group.

The report identified that Tourism (including the Visitor Information Centre) was one external service that should be a priority service considered for a service review.

Council is undertaking recruitment action for the vacant Service Review Coordinator role. It is planned for the Tourism Service Review to commence in the 2025/26 year.

Objectives of a Service Review include:

- focus on one service at a time,
- aim to provide a more effective service,
- aim to drive more efficient use of resources,
- aim to improve unit cost of the service, and
- aim to achieve the best outcomes for its customers whilst recognising the needs of the broader community.

The result of a Service Review could be changes to:

- levels of service,
- quantum of service,
- provider of the service or
- charges for the service.

**2.5. NOM - 24/03/2025 - Councillor M Ticehurst - Proposed Rule changes to the Lithgow City Council Mayoral Relief Fund.**

**Report by** Councillor Martin Ticehurst

**Commentary**

This Notice of Motion is requesting that this Council consider changing the current Fund Rules of the Lithgow City Council's Mayoral Relief Fund so that on a non-judgemental basis any Council ratepayers and residents who as a result of a severe or tragic incident, (local bush fire or flooding, house fire, serious medical or motor vehicle accident, an act-of-God incident, etc.) suddenly find themselves in necessitous financial circumstances; can be the subject of an urgent Mayoral Relief Fund Appeal.

By way of some background to this Notice of Motion, the attached Agenda and Minutes of the (Covid) postponed Ordinary Meeting of Council for the 23 March 2020 and later held on the 6 April 2020 reports that:

'At the Extraordinary meeting of Council held on 13 January 2020 Council resolved:

That the General Manger enact the following current Council resolution 15-330 adopted at the 14 December 2015 Council Meeting:

"Establish a relief fund to attract public donations for the support of the community during declared natural disasters only and as each event occurs, seek Deductible Gift Recipient Status for the fund from the Australian Taxation Office."

Council has applied to establish a "public fund for persons in necessitous circumstances". The fund would be set up as a perpetual Mayoral Relief Fund to enable the Council to be more responsive and to be able to offer direct support to community members when State declared natural disasters occur.

Endorsement of the Fund's Deductible Gift Recipient status will allow the Council to receive tax deductible donations to help community members facing financial hardship as a result of any future State declared natural disasters and be more proactive in helping affected residents.

The proposed Fund Rules state that the fund will:

- Accept donations from members of the public, with the sole aim of providing funding to assist residents who are in financial necessity, as a result of a State declared natural disaster.
- Provide a "one stop shop" where members of the general public can donate money to assist local residents affected by State declared natural disasters.
- Allocate 100% of funds received directly to those residents adversely affected by a State Declared Natural Disaster.
- Operate for a period of up to two years for any single natural disaster or sequence of disasters.

The governance structure of the Lithgow Mayoral Relief Fund Advisory Committee will include two highly prominent local citizens and the General Manager. Following a State Declared Natural Disaster, the General Manager and Mayor will convene a Committee to determine if the Fund is activated.'

The ABN Lookup webpage confirms that on the 6 April 2020, the Lithgow City Council Mayoral Relief Fund ABN 59 986 092 492 was given and still currently has Deductible Gift Recipient (donations being tax-deductible) status by the Australian Taxation Office.

This Notice of Motion to the Council and Councillors seeks to inform that as everyone would appreciate, this one rule of only being able to accept financial donations following a State Declared Natural Disaster, seriously restricts our generous Lithgow City Council ratepayers, residents and businesses from immediately coming together to financially help on a non-judgemental basis their fellow community members, who as a result of any other severe or tragic incident, (local bush fire or flooding, house fire, serious medical or motor vehicle accident, an act-of-God incident, etc.) find themselves in necessitous financial circumstances.

As such, it is proposed that this Council resolve to consider changing the current Fund Rules of the Lithgow City Council's Mayoral Relief Fund to assist those as indicated above and those impacted distressed families and their friends from having to rely on conducting a future Go Fund Me appeal that also comes with some fee costs.

Additionally, it will be of merit that if this Council does resolve to consider changing the current Fund Rules of the Lithgow City Council's Mayoral Relief Fund, that they may wish to include to depending on the community application, consider restricting the receipt of community donations to say a period of just weeks after which the funds raised are then provided to one of our local prominent Charitable organisations (Salvos, Vinnies, Churches, etc.) for the future financial assistance of those who are to be financially provided for in the community application.

### **Attachments**

1. Postponed- Ordinary- Meeting-of- Council-23- March-2020-6- April-2020 [2.5.1 - 3 pages]
2. Postponed- Ordinary- Meeting-of- Council-23- March-2020-6- April-2020 - Minutes [2.5.2 - 2 pages]
3. Necessitous Circumstances Fund - Public Fund Rules FINAL April 2020 Signed Version [2.5.3 - 4 pages]

### **Financial**

Minor financial implications may be incurred depending on Relief Fund need.

### **Recommendation**

THAT Council change their current Fund Rules of the Lithgow City Council's Mayoral Relief Fund so as to assist on a non-judgemental basis, it's fellow community members, who as a result of any other severe or tragic incident, (local bush fire or flooding, house fire, serious medical or motor vehicle accident, an act-of-God incident, etc.) find themselves in necessitous financial circumstances.

### **Management Comment**

#### **Legal Implications**

The Mayoral Relief Fund was set up after the 2019 bushfires as a perpetual fund to enable the Council to be more responsive and to be able to offer direct support to community members when State declared natural disasters occur.

The recommended motion would necessitate a re-write of the Lithgow Mayoral Relief Fund Public Fund Rules (included as an attachment). Clause 17 of the Rules requires the Australian Tax Office (ATO) to be notified of any changes to the fund rules within twenty one days. Changes to the Fund Rules would need to be reviewed by the ATO to ensure that they are consistent with the strict "necessitous circumstances" rules.



### Financial Implications

The administration of a Mayoral Relief Fund has significant financial implications for the Council in staff costs (e.g. receipting donations, Trust Fund administration, fund governance, assessing financial necessity against ATO and fund rules, making payments). The administration would need to advise the Council on service cuts required to implement any resolution as there are no funds available to add staff resources to administer a regularly utilised relief fund.

## 2.6. NOM - 24/03/2025 - Councillor M Ticehurst - Proposed establishment of up to 10 new Lithgow City Council linked, Town and Village Council Community Incorporated Associations

**Report by** Councillor Martin Ticehurst

### Commentary

This Notice of Motion is proposing the establishment of, where requested, up to 10 new Lithgow City Council linked, Town and Village Council Community Incorporated Associations.

It is proposed that this action will much better assist our Local Government Area (LGA) Towns and Villages to take a more active and community role in the Lithgow City Council on their Local, State and Federal issues impacting their own Town and Village communities; such as roads, rates and rubbish; the proposed Lake Lyell Pumped Hydro Project, proposed Waste to Energy projects and the currently proposed multiple major Wind Turbine projects for Sunny Corner (80 units), Ben Bullen (80 units), Mount Lambie (40 units) and another at Meadow Flat.

It is proposed that all new Town and Village applications will similarly use the following Incorporated Association title of: (Town / Village) – Council Community Association Inc.

It is further proposed that all new (Town / Village) – Council Community Association Inc. will:

- be provided with an initial \$1,000 to assist with setting up their individual Incorporated Association
- be provided initially and annually by the Lithgow City Council with a mutual Group Community Incorporated Association Public Liability Insurance Policy with a common expiry date
- include in their Objects of Association links to the Lithgow City Council and have a minimum membership of 12 or members being current Lithgow City Council ratepayers and/or residents
- adopt and use the Model Constitution under the Associations Incorporation Act 2009

### Financials

In the current 2024/2025 financial year, 5 x \$1,000 (\$5,000); and a mutual Group Community Incorporated Association Public Liability Insurance Policy.

In the 2025/2026 financial year budget, 10 x \$1,000 (\$10,000); and a mutual Group Community Incorporated Association Public Liability Insurance Policy.

### Attachments

1. Model Constitution for Associations 2024 5 31 [2.6.1 - 19 pages]

<https://www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations/starting-an-association/model-constitution>

### Recommendation

THAT Council seek the establishment of, where requested, up to 10 new Lithgow City Council linked, Town and Village Council Community Incorporated Associations so that this Council action will much better assist our Local Government Area (LGA) Towns and Villages to take a more active and community role in the Lithgow City Council on their Local, State and Federal issues impacting their own Town and Village communities.

## **Management Comment**

### Strategic Implications

A range of progress associations currently exist across the LGA (i.e. Cullen Bullen, Hartley, Wallerawang - Lidsdale). The formation of new progress associations will require local resident representatives committed to maintaining their respective village association. The inability to maintain the required membership and office holders for each association is a significant and historically demonstrated risk to maintain progress associations.

A funding source for each group and insurance will be required to be determined, as well as the impact on the source of the funding to be identified.

Shaun Elwood  
Director People & Place

**2.7. NOM - 24/3/2025- Councillor E Fredericks - Urgent Request for Traffic Safety Remediation Works for the Great Western Highway Bowenfels.**

**Report by** Councillor Elizabeth Fredericks

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**Background:** There have been two separate fatal E-Scooter / Motor vehicle accidents along the same stretch of the GWH in Bowenfels in 8 months.

Both incidents pertained to pedestrians crossing at unsafe intersections which resulted in closures of the Highway and unfortunately the deaths of both pedestrians.

**Commentary:** This notice of Motion seeks that Council urgently requests Transport for NSW to consider the installation of Traffic Safety Remediation Works on the Great Western Highway, between Main Street Lithgow and Magpie Hollow Road Bowenfels following a second fatal E-Scooter/ Motor Vehicle accident in 8 months.

**Attachments**

Nil

**Recommendation**

THAT Council

1. Urgently requests Transport for NSW to consider the installation of Traffic Safety Remediation Works on the Great Western Highway, Between Main St Lithgow and Magpie Hollow Road Bowenfels.
2. Works with TALC, Transport NSW and other agencies to come up with ideas on what can and cannot work in regard to future safety improvements on this stretch of road.
3. Works with the Families of the two fatalities to organise appropriate and permanent memorials for the two sites.

## 2.8. NOM - 24/03/2025 - Councillor M Ticehurst - Wind Turbine projects in the Lithgow City Council LGA

**Report by** Councillor Martin Ticehurst

### **Commentary**

As the Council and elected Councillors would be aware, there is currently proposed multiple major Wind Turbine projects for Sunny Corner (80 units), Ben Bullen (80 units), Mount Lambie (40 units) and another at Meadow Flat in the Lithgow City Council Local Government Area.

Moving forward, this Notice of Motion seeks the Lithgow City Council's public position on the currently known and no doubt future unknown proliferation of proposed multiple major Wind Turbine projects for the Lithgow City Council Local Government Area.

### **Attachments**

Nil

### Recommendation

THAT Council indicate its public position on the currently known and no doubt future unknown proliferation of proposed multiple major Wind Turbine projects for the Lithgow City Council Local Government Area.

### **Management Comment**

#### Strategic Implications

Management makes the following comments on the motion:

- The proposed wind farm projects are still in the investigative phase.
- Proponents have advised that the wind farms would create jobs through both the construction phase and in ongoing operations, which would assist the Lithgow LGA's economic transition.
- Each project would include a community benefits program which the Council could help to shape if it awaited further information on the projects before determining its position.
- Except for State Significant Development, projects would require an individual Development Application which, once submitted, would afford the Council the opportunity to consider each proposal on its own merits.

Someva Pty Ltd, proponents of the Sunny Corner Wind Farm have recently stated the following:

*There is misinformation spreading in the community and we are working hard to dispel some of the myths that are forming. We released a series of new fact sheets at the recent information hubs on visual assessment, noise, traffic and transport, cultural heritage, bushfire, social and community assessment, biodiversity, waste and decommissioning - found here: [Fact Pack](#). We will continue to update our Frequently Asked Questions [here](#).*

NB: The Sunny Corner windfarm proposal applies the total number of wind turbines across both the Bathurst Regional Council and Lithgow City Council LGAs.

## 2.9. NOM - 24/03/2025 - Councillor E Mahony - Development of Integrated Asset Management Services Works Panels and supplier lists

**Report by** Councillor Eric Mahony

### Commentary

Council acknowledges the importance to the community of renewing and maintaining a range of built assets, footpaths, trees and landscaped areas that sit outside the capacity or capabilities of the current Council workforce.

There is also a strong community desire to see Councils utilise and maximise local small to medium businesses in the delivery of council works contracts and the supply of goods and services. Typically, local government contracts and tenders tend to favour larger businesses.

Within Council there are a number of departments and individuals with responsibility for purchasing different products, goods and services.

It is important that local businesses understand Council's service needs to identify who is the best person to communicate with, about being placed on supplier lists, and to be added to their database for any notifications relevant to their businesses.

This also includes providing information regarding Joint Organisations (JO) or buying groups in our local area.

It is proposed that a Request For Tender (RFT) would be utilised to establish the panels through an Open Tender. This would involve an invitation to tender by public advertisement. A targeted campaign through Council-run public information sessions related to the RFT would seek to maximise local business participation.

Through the development of a Request for Tender (RFT), Council aims to establish a panel of pre-approved service providers for the efficient and effective delivery of identified local works programs. Council will seek suitably qualified contractors interested in becoming part of its yet to be established Integrated Asset Management Services Works Program Panels.

Tenderers would be required to demonstrate in their tender that they have the necessary skills, resources, experience, financial capacity, and in some cases licences, accreditations, etc., to fulfil the tender requirements.

The separate service area panels will be formed through this RFT, delivering services across a range council's assets.

### Attachments

Nil

### Recommendation

THAT a report be brought back to the Infrastructure Committee and in turn to Council on:

1. The establishment of pre-approved panels delivering Integrated Asset Management works, through a Request To Tender (RFT) utilising clear criteria to ensure qualified contractors are available for ongoing Council projects.
2. The engagement of local businesses, with a particular focus on small to medium local businesses through tailored communication campaigns and public information sessions to encourage their participation in the tender process.

3. The enhancement of communication and coordination with local businesses on how they can be included on supplier lists and ensure better coordination across departments for efficient procurement processes.

## **Management Comment**

### Strategic and Policy Implications

Management can certainly bring a report back to the Infrastructure Committee and in turn to Council regarding the points included in the motion. This could also consider the benefits of engaging with neighbouring Councils in the development of these pre-approved panels.

The following information is provided to Councillors on the Council's use of pre-approved panels and engagement with local suppliers:

- Council engages pre-qualified suppliers through its Internal Trade Services Panel (Panel), managed via VendorPanel, consisting of 234 active suppliers, covering a wide range of infrastructure and facilities management services, including, but not limited to:
  - Airconditioning, Refrigeration and Heating;
  - Electrical Services;
  - Fire Services and Safety Compliance;
  - Plumbing and Roofing; and
  - Roadworks, Civil Construction and Drainage.
- Suppliers who are not on this Panel are also engaged if works require specific expertise, for example SCADA and Automation, if above the general specifications of the Panel.
- There may be an opportunity to set up a panel with neighbouring councils, or as part of the Central NSW Joint Organisation as a joint procurement initiative, based on agreed specifications.
- Council promotes opportunities to local suppliers, including has a "Doing Business With Council" webpage - <https://council.lithgow.com/business/doing-business-with-council/> and hosting information sessions for local suppliers who are interested in working with Council. An information session can be scheduled for the near future.

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### 3. Questions with Notice

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#### 3.1. QWN - Councillor M Ticehurst - 24/03/2025 - Lithgow Golf Club

**Report by** Councillor Martin Ticehurst

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Could the General Manager and Senior Council staff provide the Council and all Councillors at this Council Meeting with all available information, proposals, plans, etc. that they have received since 2015 from all other interested third parties, companies and individuals (not including the Lithgow Golf Club Ltd.) with respect to the annual operating of the Council's community ownership and maintenance of the 18-hole Lithgow Golf Course?

#### **Attachments**

Nil

#### **Management Comment**

The Administration have reviewed Council's records management and email software and there are no records of any approaches to Council from any parties in respect of operating, owning or maintaining the Lithgow Golf Course, except for those from the Lithgow Golf Club Limited.

Vanessa Browning  
Director Finance & Governance



### 3.2. QWN - 24/03/2025 - Councillor E Mahony - DA137/22 Proposed Hardware & Building Supplies (Bunnings)

**Report by** Councillor Eric Mahony

#### **Commentary**

At the Ordinary Meeting of Council 27 February 2023 the following Resolution was carried:

10.1.1.3. DEV - 27/02/2023 - DA137/22 Proposed Hardware and Building Supplies (BUNNINGS)

Council RESOLVED

THAT:

1. Development Application DA137/22 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report except for the following: - condition No. 69 and to be amended to read:

#### Hours of Operation

The use shall operate only between the following hours:

- 6AM – 9PM Monday to Friday;
- 6AM – 7PM Saturday, Sunday, and Public Holidays
- 'Bunnings Trade' and all associated trade and all bulk deliveries are to cease by 6PM, 7 days.
- conditions 20, 21, 29 and 35 be combined into the below condition 20: 20.

#### Construction Activities

The Soil and Water Management Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans.

The Plan shall:

- be based on the Erosion and Sediment Control Plan and Notes & Details (Job No. 2021.1178, DWG. Nos. ES01 and ES02, Issue P7, dated 10/10/22) prepared by Calare Civil Pty Ltd
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
- be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council
- include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
- Drains gutters, roadways shall be kept clean and free of sediment and
- a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. the length must be at least 5 metres with width at least 3 metres.

The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Ordinary Meeting of Council 27 February 2023

2. The General Manager be granted delegated authority to amend the consent for any minor corrections prior to its issuance immediately following this Meeting. Any such amendments must satisfy the description within S4.55(1) of the Environmental Planning & Assessment Act 1979 i.e. only be a 'minor error, misdescription or miscalculation'.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor A Bryce SECONDED: Councillor D Goodwin

CARRIED

**Attachments**

Nil

**QUESTION**

With respect to this resolution can the Administration please advise on the progress of the DA 137/22 and any associated road infrastructure required to support it:

**Management Comment**

Due to timeframes for release of the Council meeting business papers the Notice of Motion will be taken as a Question on Notice, and provided as a late response to the business paper.

## 4. Notices of Rescission

### 4.1. Notice of Rescission - 24/03/2025 - Main Street Footpath

**Report by** Councillor Elizabeth Fredericks  
Councillor Maree Statham  
Councillor Martin Ticehurst

#### Commentary

In accordance with the provisions of Section 372 of the Local Government Act 1993 and the Lithgow City Council's currently adopted Model Code of Meeting Practice for Local Councils in NSW, we, the undersigned three Councillors, hereby provide Notice of Motion to Rescind Resolution with respect to Agenda Item 1.1. NOM - 05/03/2025 - Main Street Footpath' that was carried at Lithgow City Council's Extraordinary Meeting held on Wednesday 5 March 2025 which resolved (in part) as follows:

That the Council administration seek a loan not exceeding \$2.1 million to complete the remaining Main Street CBD Stage 2 Footpath Revitalisation program works.

1. Administration table the costing for undertaking the upgrade of footpath on the Southern Side of Main Street between Bridge and Eskbank Streets.
- 2.
3. That Council authorises the General Manager to negotiate a price for the additional work to seek a loan not exceeding \$2.1 million dollars.
4. That the Finance Infrastructure Committees develop a borrowing strategy for capital works for inclusion in the Council's Long Term Financial Plan.
- 5.
6. That a Grant Register be established and individual Projects be reported bi-monthly to the Infrastructure and Finance and/or other relevant Committees.

WE further move the following Motion be put before the next Ordinary Meeting of the Lithgow City Council on Monday 24 March 2025:

#### Recommendation

THAT Council:

1. Seeks in writing, the full public support from all of the major political parties and all of the various Calare Electorate Candidates, towards the urgent reinstatement of the previously approved (and then removed) Commonwealth Labor Government's Building Better Regions Fund - Infrastructure Projects Stream Round 5 (BBRF) providing \$1,938,911 to enable the completion of the remaining unfunded Top End section of the Main Street CBD Stage 2 Footpath Revitalization program.
2. Seek an updated Administration report on this issue come back to the Ordinary Meeting of the Lithgow City Council on Monday 26 May 2025.

#### Attachments

1. Rescission Motion 24 March 2025 [4.1.1 - 1 page]

#### Management Comment

N/A

## 5. Administration Reports

### 5.1. F&G - 24/03/2025 - Trial of Lithgow City Council Mayoral Ambassadors in 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:** Vanessa Browning - Director Finance and Governance

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

#### **Executive Summary**

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

#### **24 -210 RESOLVED**

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.

This report provides a recommended pathway to undertake a trial of Lithgow City Council Mayoral Ambassadors in 2025.

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

THAT Council refer the determination of the length of the trial period, the identification of the events a Mayoral ambassador would attend, and the development of the eligibility criteria, nomination process, assessment criteria and selection process to determine the Mayoral ambassadors to the next Community Development Committee.

#### **Attachments**

Nil

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

Min. No. 24-210 Ordinary Meeting of Council held on 28 October 2024.

#### **Background and discussion**

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

#### **24 -210 RESOLVED**

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.

The Community Development Committee (Committee) was determined by the Administration to be the most appropriate body to develop a process in relation to the trial. There is a strong correlation between the proposed trial and the current process for the Australia Day Local Citizenship Awards, which is delegated to the Committee.

The responsibilities of the Committee include:

- Council's community engagement process,
- Planning for community celebration events, and
- Recognition of significant people in the Lithgow Local Government Area.

These responsibilities tie strongly to both the outcomes and processes involved in developing a trial for mayoral ambassadors.

Therefore, it is recommended that the Committee is assigned to:

- Determine the length of the trial period,
- Identify the events that a mayoral ambassador would attend,
- Develop the eligibility criteria, nomination process, assessment criteria and selection process to determine the mayoral ambassador, and
- Report the recommendations for Council's consideration to the Ordinary Meeting of 26 May 2025.

### **Consultation and Communication**

N/A

### **Policy**

N/A

### **Legal**

N/A

### **Risk Management**

Determination of the eligibility criteria, nomination process, assessment criteria and selection process are required to mitigate any potential reputational risks to Council.

### **Financial**

N/A

## 5.2. P&P - 24/02/2025 - Nomination of Community Representatives to Council Committees

### Strategic Context for this matter:

#### Caring for Our Community

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

**Author:** Heather Chaffey - Manager Community and Culture

**Responsible Officer:** Shaun Elwood - Director people and Places

### Executive Summary

This report recommends the appointment of non-Councillor representatives and the reappointment of First Nations representatives to five (5) Committees of Council. These committees are as follows:

- Community Development Committee,
- Crime Prevention Committee,
- Women's Advisory Committee,
- Environmental Advisory Committee, and
- Seven Valleys Tourism Advisory Committee.

Terms Of Reference for each committee have been updated for Council's consideration.

### Administration's Recommendation

THAT Council:

1. Endorse revised Terms of Reference for the listed Committees.
2. Endorse the appointment of non-Councillor representatives and re-appoint First Nations representatives to Council Advisory Committees as listed in Attachment 5.1.1.

### Attachments

1. Attachment Committees Report March 2025 [5.2.1 - 3 pages]
2. TOR Community Development Committee March 2025 draft [5.2.2 - 4 pages]
3. TOR Crime Prevention Committee March 2025 draft [5.2.3 - 4 pages]
4. TOR Womens Advisory Committee March 2025 draft [5.2.4 - 4 pages]
5. TOR Environmental Advisory Committee March 2025 draft [5.2.5 - 4 pages]
6. TOR Seven Valleys Tourism Committee March 2025 draft [5.2.6 - 4 pages]

### Reference to any relevant previous minute

Min 24 -78 Ordinary Meeting of Council held 22 April 2024

Min 24 –256 Ordinary Meeting of Council held 25 November 2024

### Background and discussion

At the Ordinary Meeting of Council held 25 November 2024, Council resolved (Min 24 - 256) to appoint the following Councillor delegates to Internal Committees.

Community Development Committee	Cr Statham, Cr Mahony and Cr Fredericks
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Crime Prevention Committee	Cr Fredericks and Cr Evangelidis
Women's Advisory Committee	Cr Coleman and Cr Evangelidis
Environment Advisory Committee	Cr Mahony and Cr Ring
Seven Valleys Tourism Committee	Cr Statham, Cr Smith, Cr Mahony and Cr Evangelidis

### **Nominations for Non-Councillor Community Membership to Council Committees**

Council called for nominations for non-councillor community member positions on these committees in mid-December 2024. Nominations closed on 31 January 2025. Council received a total of 26 nominations which reflects positively on the relevance of this mechanism for civic engagement.

It is recommended that all nominees are included as non-councillor members on the committees they have expressed interest in.

A detailed list of nominees and their interests is provided as attachment 5.1.1. Updated Terms of Reference for each of the five committees are also attached.

#### *First Nations Representatives*

Council resolved at the Ordinary Meeting of Council 22 April 2024 (Min 24 –78) to appoint the following First Nations representatives to Council committees:

Aunty Helen Riley	Mingaan Wiadjuri Aboriginal Corporation	CDC, EAC
Kylie Manson	Warrabinga Native Title Claimants Aboriginal Corporation	CDC, WAC,
Rick Slaven	Community Member	EAC

It is recommended that the previously endorsed (April 2024) First Nations representatives be re-appointed.

It is noted that a Wiradjuri man, Brett Groves is a nominee for some committees. Brett is a First Nations person but has not been appointed as a representative of First Nations people on the Council committees. Mr Groves is deeply committed to being of service to community and Council supports his nominations as a community member.

#### *Summary of Nominees*

The nominees, returning non-Councillor representatives, First Nations representatives, Councillors and partner organisations for each committee are summarised below.

#### ***Community Development Committee (CDC)***

Purpose: Provide advice to Council regarding community wellbeing, including a specific focus on disability access and inclusion, in the Lithgow LGA.

The Terms of Reference outlines the following membership requirements for the CDC:

- 2 Councillors
- At least one person with lived experience of disability or caring for a person with disability

<b>Nominated non-councillor community members</b>	<b>Organisation or group represented</b>
Brett Groves	Community member
Ian Douglas	Community member
Dennis Limbert	Community member
Emma Mason	Head Space
Reidun Berntsen	Community member
Nathan Mas-Stephens	Lithgow Information & Neighbourhood Centre
Carol Cropper	Lithgow District Business Chamber
Rebekah Berntsen	Community member
Angie Sheehan	Community member, experience in disability services
Tim Roberts	Ethical SDA, disability housing business
Johanna Koleda	Community member
Sarah Arnold	Community member
<b>Returning non-councillor community members</b>	
Glenda Anthes	Community member
Leanne Walding	Community member
Rachael Young	Community member
<b>First Nations representatives</b>	
Aunty Helen Riley	Mingaan Wiadjuri Aboriginal Corporation
Kylie Manson	Warrabinga Native Title Claimants Aboriginal Corporation
<b>Councillors</b>	
Cr Cass Coleman	Mayor
Cr Statham	Councillor
Cr Mahony	Councillor
Cr Fredericks	Councillor

### *Crime Prevention Committee (CPC)*

Purpose: Provide advice to Council regarding matters of community safety and crime prevention in the Lithgow LGA.

The Terms of Reference outlines the following membership requirements for the CPC:

- 2 Councillors
- 2 non-councillor community members
- *Organisations which must be represented*
  - Lithgow Police
  - Lithgow District Chamber of Commerce
  - Lithgow Liquor Accord
  - Housing NSW

<b>Nominated non-councillor community members</b>	<b>Organisation or group represented</b>
Shirley Gray	Community member
Nathan Mas-Stephens	Lithgow Information & Neighbourhood Centre



Johanna Koleda	Community member
Sarah Arnold	Community member
Glenda Anthes	Community member
Mark McAulay	Community member Partner of Cr Cass Coleman
<b>Retained non-councillor community members</b>	
Kathleen Compton	Lithgow Tidy Towns
Jill Cusack	Lithgow Tidy Towns
<b>First Nations representatives</b>	
Nil	
<b>Councillors</b>	
Cr Coleman	Mayor
Cr Fredericks	Councillor
Cr Evangelidis	Councillor

### *Women's Advisory Committee (WAC)*

Purpose: Provide advice to Council regarding the interests, safety and wellbeing of women and girls in the Lithgow LGA.

The Terms of Reference outlines the following membership requirements for the WAC:

- 2 Councillors
- Minimum of 6 non-councillor community members
- If possible, 3 organisations which represent women's interests

<b>Nominated non-councillor community members</b>	<b>Organisation or group represented</b>
Karina Dodd	Community Member
Kay Whitbread	Community Member
Deonne Kinney	Lithgow Community Projects
Chloe Mas-Stephens	Lithgow Information & Neighbourhood Centre
Emma Mason	Head Space
Reidun Berntsen	Community Member
Rebekah Berntsen	Community Member
Johanna Koleda	Community Member
<b>Returning non-councillor community members</b>	
Glenda Anthes	Community Member
<b>First Nations representatives</b>	
Kylie Manson	Warrabinga Native Title Claimants Aboriginal Corporation
<b>Councillors</b>	
Cr Cass Coleman	Mayor
Cr Evangelidis	Councillor

### *Environmental Advisory Committee (EAC)*

Purpose: Provide advice to Council regarding environmental sustainability and emerging issues regarding the health of the natural environment within the Lithgow LGA.

The Terms of Reference outlines the following membership requirements for the EAC:

One nominated member and one alternate nominated member from each of the following organisations

- Lithgow and Oberon Landcare Association,
- Lithgow Environment Group,
- Lithgow Tidy Towns, and
- Lithgow Community Nursery.

<b>Nominated non-councillor community members</b>	<b>Organisation or group represented</b>
Stevan Pejic	Community Member
Greg Johnston	Community Member
David Peters	Community Member
<b>Retained non-councillor community members</b>	
Susan Gregory	Lithgow Community Nursery
<b>First Nations representatives</b>	
Aunty Sharon Riley	Mingaan Wiradjuri Aboriginal Corporation
Rick Slaven	Community Member
<b>Councillors</b>	
Cr Mahony	Councillor
Cr Ring	Councillor

### *Seven Valleys Tourism Committee (SVTC)*

Purpose: Provide advice to Council regarding tourism initiatives and opportunities within the Lithgow LGA.

The Terms of Reference outlines the following membership requirements for the SVTC:

- 5 Councillors including the Mayor, and
- 6-10 tourism industry representatives.

<b>Nominated non-councillor community members</b>	<b>Organisation or group represented</b>
Johanna Koleda	Lithgow Chamber of Commerce
Brett Groves	Community Member
Rachael Kay	Lithgow Pet Adventures
Andrew Chalk	Wolgan Valley Association
Graeme Pike	Glen Davis Ruins Tour
Mark Thomas	Timesite Pro
<b>Retained non-councillor community members</b>	

Sharon Howard	Gang Gang Gallery
Wendy Stephens	Belle Bois B&B
Louise Wallace	NPWS
Daniel Zolfel	Zig Zag Railway
Mandy Wiggins (substitute for Daniel Zolfel)	Zig Zag Railway
Ann Thompson	MTA Travel
<b>First Nations representatives</b>	
Nil	
<b>Councillors</b>	
Cr Coleman	Mayor
Cr Statham	Councillor
Cr Smith	Councillor
Cr Mahony	Councillor
Cr Evangelidis	Councillor

### Consultation and Communication

Council commenced advertising for nominations from the community in mid-December 2024 to fill the community representative positions on these committees. Nominations closed in February 2025.

### Policy

Community stakeholders and residents are appointed to Committees of Council according to Council Policy 4.1 Community Representatives – Appointment to Committees or Working Groups. Committees are also guided by Advisory Committee Terms of Reference, Council's Model Code of Conduct and Councils commitment to First Nations representation.

Other Council policies relevant to the management of Advisory Committees include

- Policy 4.6 Customer Service Policy.
- Policy 4.8 Consultation with indigenous people.
- Policy 4.10 Community Engagement and Communications.
- Policy 9.12 Media and Social Media Policy.

#### *Strategic alignment*

The Community Strategic Plan (CSP) *Our Place, Our Future*, focuses on strong civic leadership, organisational development and effective governance with an engaged community actively participating in decision making processes affecting their future.

Committees of Council are a fundamental opportunity for Council to achieve its ambition of strong community participation in decision making. The relevant section of the CSP is listed below

GL1 Our Council works with the community Lithgow City Council Policy

GL1.1 our community is involved in the planning and decision-making processes of Council.

**Legal**

Nil.

**Risk Management**

Committees of Council provide an important mechanism by which residents and representatives of local government agencies, community services, and community groups, can influence the decisions of Council. Any civic participation activity is likely to produce a range of positive community outcomes and carries some reputational risk for Council.

To mitigate reputational risk, Council officers have reviewed Terms of Reference of these committees.

**Financial**

Budget approved – NA

Cost centre – NA

Expended to date - NA

Future potential impact – N/A

### 5.3. F&G - 24/03/2025 - Review of Policy 8.7 Investment Policy

#### Strategic Context for this matter:

##### Responsible Governance & Civic Leadership:

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

**Author:** Vanessa Browning – Director Finance and Governance

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

#### Executive Summary

The purpose of this report is to provide Council with revised Policy 8.7 Investment Policy (Policy) for consideration.

The proposed revision of the Policy includes adjustments to Section 13 Credit Quality Limits to reduce Council's risk exposure and the addition of Section 16 Environmental, Social and Governance (ESG) Investing, to provide greater strategic alignment, enhance governance and to provide additional guidance for optimal investment placement.

#### Administration's Recommendation

THAT Council adopt revised Policy 8.7 Investment Policy for immediate implementation.

#### Attachments

1. Policy 8 7 Investment Policy V 10 Draft [5.3.1 - 9 pages]

#### Reference to any relevant previous minute

Min. No. 24-36 Ordinary Meeting of Council held on 26 February 2024.

#### Background and discussion

##### Section 13. Credit Quality Limits

The proposed revision of the Policy includes adjustments to Section 13 Credit Quality Limits to reduce Council's risk exposure to loss of invested funds. It is proposed to lower the maximum limit permitted on A Category and BBB Category rated institutions and funds, due to the inherit higher risk associated with those categories compared to the AAA and AA or Major Bank Categories. The proposed changes are outlined in the table below.

Long Term Rating Range	Maximum Holding
AAA Category	100% (no change)
AA Category or Major Bank*	100% (no change)
A Category	60% (reduced from 100%)
BBB Category	50% (reduced from 100%)

## Section 16. Environmental, Social and Governance (ESG) Investing

The review of the Policy also includes the addition of Section 16 Environmental, Social and Governance (ESG) Investing.

ESG Investing refers to investment in institutions or funds that are implementing policies and actions that are pro-social, environmentally friendly, and have good corporate governance. These institutions and funds generally have greater alignment with the objectives within Council's Community Strategic Plan and have lower risk, therefore reducing the risk-exposure to Council.

Where financial institutions are offering equivalent investment returns with the same credit rating and assessed financial risk and the investment fits within the provisions of the Policy, preference will be given to placing funds with institutions identified as having the higher ESG standards.

### Other Changes

All other changes to the policy are minor changes to wording and formatting. There have been no significant changes to the objectives, purpose or principles of the Policy.

### **Consultation and Communication**

The Policy supports Council's internal systems and therefore public exhibition inviting community feedback is not required. The document will be included in Council's Policy Register on the website for the information of the community.

### **Policy**

The revised Policy will improve Council's prudent management of investments while maximising returns and portfolio diversity.

### **Legal**

The Policy limits investments to those allowed by the Ministerial Order (12/1/11).

### **Risk Management**

The Policy includes risk management guidelines for investments.

### **Financial**

As detailed in this report.

**5.4. F&G - 24/03/2025 - Establishment of Remote Location Council Meetings****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 and Governance

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

**Executive Summary**

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

**24 -214 RESOLVED**

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

This report considers the implications of holding Council Meetings in alternative locations and recommends that the Model Code of Meeting Practice is amended to enable registration to speak at Public Forum via audio-visual link. This will enable greater community participation and accessibility to all Council Meetings across the entire Lithgow Local Government Area (LGA).

It is also recommended that community information sessions are held four times per year across the Lithgow Local Government Area, to enhance community engagement and interaction between community members, Councillors and the Administration.

**Administration's Recommendation**

THAT

1. The Code of Meeting Practice is amended to enable the public to register to speak as part of the Public Forum via audio-visual link from July 2025; and
2. Community information sessions are held four times per year in different locations across the Lithgow Local Government Area commencing from July 2025.

**Attachments**

Nil

**Reference to any relevant previous minute**

Min. No. 24-214 Ordinary Meeting of Council held on 28 October 2024.

**Background and discussion**

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

**24 -214 RESOLVED**

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

The Administration have reviewed the implications of holding Council Meetings in alternative locations and there are several implications arising from the requirements of the Code of Meeting Practice and legislation in relation to recording Council Meetings and making them available on Council's website. These implications include:

- Possible locations around the LGA will not support livestreaming of Council Meetings due to unreliable internet bandwidth and fibre connection, particularly at the time Council Meetings are held, which is at peak demand times. Therefore, the outcome of alternative locations may reduce the accessibility of Council Meetings, with 399 people livestreaming the January 2025 Council Meeting.
- It will only be possible to have one camera recording with a wide angle for the meetings, unlike the camera that is able to track speakers that is available at the Council Chambers. This will result in a reduction in video quality for those who livestream or watch the Council Meetings online. A total of 690 views of the January 2025 Council Meeting have been recorded.
- Many locations have poor acoustics to support the clear recording of audio that is required to provide the livestream or online recording of Council Meetings. It is possible to purchase a dedicated microphone system to support the audio requirements. Quotations sourced indicate that a used system would cost \$11,000 and a new system would cost \$21,380 to purchase.
- There will be additional staff time required to travel to set up for Council Meetings, test the audio and visual equipment, attend the Council Meetings and to pack up and re-establish the venue. Due to the time Council Meetings are held, there are also fatigue management and WHS issues that may arise due to the additional travel time involved.

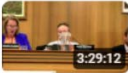









One suitable conference centre at Wallerawang was located, and quotes were obtained to be able to hold the meetings at this location, being approximately \$550 for each meeting. It is to be noted that using this facility would enable livestreaming with the purchase of the microphone system outlined earlier in this report. The additional staff time to set up and pack down would be required.

It is to be noted that the current location of Council Meetings is held in the most populated area of the LGA and typically have low attendance in person, particularly if meeting extend late into the night. A higher number of people choose to watch via livestream, or by watching the recorded meeting once loaded to Council's website on the following day. Therefore, enabling members of the public to speak as part of the Public Forum via audio-visual link would likely result in achieving the desired outcomes in relation to encouraging community participation and ease of access to Council Meetings, with minimal expenditure.

The Administration also considered alternatives to enable greater transparency and engagement with constituents across the LGA and recommend that four community information sessions are held at different locations each year. This will enable greater two-way communication between the public, Councillors and the Administration that can cover a broader range of issues than what may be within a Council Meeting Agenda. Items to be covered can be tailored to cover points of interest within that locality and to provide information on items that are currently on public exhibition.

Below is the record of livestream views from recent meetings (figure on the right).



	Ordinary Meeting of Lithgow City Council 25 Nov... Live Stream of Ordinary Meeting of Lithgow City Council 25 November 2024	Streaming software	 Public	None	Nov 25, 2024 Streamed	636
	Extra Ordinary Meeting of Lithgow City Council 12... Live Stream of Extra Ordinary Meeting of Lithgow City Council 12 November 2024	Streaming software	 Public	None	Nov 12, 2024 Streamed	361
	Ordinary Meeting of Lithgow City Council 28 Octo... Live Stream of Ordinary Meeting of Lithgow City Council 28 October 2024	Streaming software	 Public	None	Oct 28, 2024 Streamed	809
	Ordinary Meeting of Lithgow City Council 8 Octob... Live Stream of Ordinary Meeting of Lithgow City Council 8 October 2024	Streaming software	 Public	None	Oct 8, 2024 Streamed	603
	Ordinary Meeting of Lithgow City Council 26 Augu... Live Stream of Ordinary Meeting of Lithgow City Council 26 August 2024	Streaming software	 Public	None	Aug 26, 2024 Streamed	556

**Consultation and Communication**

If the recommendation of this report is resolved by Council, an enhanced level of consultation and communication will be provided to the community.

**Policy**

The recommendations align with the objectives of Policy 4.10 Community Engagement and Communications, being:

- To offer opportunities for the community to participate in the decisions made by Council;
- To provide an effective two-way flow of information between Council and the community; and
- To ensure local decision-making is transparent and works in the interest of the community and considers its many and diverse stakeholders.

If the recommendations are adopted, the Model Code of Meeting Practice will be amended to stipulate that speaking at Public Forums are permitted via audio-visual link.

**Legal**

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

**Risk Management**

If Council resolves to implement a percentage of Council Meetings at alternative locations, there are increased fatigue management issues due to the additional travel to support and attend the meetings. Additionally, the security provisions at alternative locations may not be at the same level as the Council Chambers.

There also could be a reputational risk if the quality of recordings deteriorates for those that currently attend virtually and if the locations selected are not supported by the Community or are seen as favouring one location ahead of another.

**Financial**

If Council resolves to implement a percentage of Council Meetings at alternative locations, at least \$11,000 will be required to purchase the required microphone system to support audio recordings of acceptable quality to place on Council’s website. Additional costs will also be incurred for staff time to set up, attend and pack down Council Meetings.

If Council resolves the recommendations within this report, dependent upon the locations of the Community Information Sessions, there will be a minimal cost for hall hire and the setup and pack down, as this can be managed by staff already attending the sessions. There will be a minimal cost associated with making changes to support speakers at Public Forums via an audio-visual link.

## 5.5. F&G - 24/03/2025 - Investment Report February 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:** Jonathon Reid – Financial Services Manager

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

### **Executive Summary**

The purpose of this report is to advise Council of investments held at 28 February 2025 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council Policy.

The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves. A key aspect of the report is that while Council has total investments and cash of \$70.5M, most of this amount is restricted (internally and externally). Therefore, those funds are not available for any purpose beyond that for which they have been restricted. The balance of \$3.9M is Council's working capital.

### Administration's Recommendation

THAT:

1. Investments of \$67,354,567 and cash of \$3,183,516 (which is mostly restricted for specific purposes) for the period ending 28 February 2025 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

### **Attachments**

1. Investments Portfolio February 2025 [5.5.1 - 1 page]

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

Min No 25-18 Ordinary Meeting of Council held on 28 January 2025.

### **Background and discussion**

#### Movements in the Cash and Investments Balance

Council's total investment portfolio as at 28 February 2025, when compared to 31 January 2025, has decreased from \$68,503,952 to \$67,353,567. Cash in Council's bank account increased from \$182,088 to \$3,183,516.

February is usually a cashflow positive month, with rate instalments due during the month. In February 2025, there were normal cash outflows relating to supplier payments.

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

The movements in Investments for the month of February 2025 were as follows:

Opening Balance of cash and investments as 1 February 2025	\$68,686,040
<u>Plus</u> New Investments – February 2025	\$14,001,429
<u>Less</u> Investments redeemed – February 2025	-\$12,150,391
Closing Balance of cash and investments as at 28 February 2025	\$70,537,078

The attachment to this report provides an overview of the current market value of investments held with each financial institution. The difference between the value quoted in in the attachment and within the report relate to the recognition of interest earned, but not yet received by Council.

**Responsible Accounting Officer comment on the cash and investments balance** – there was a \$1.85M increase in cash and investments in February 2025. Higher cash inflows combined with regular payments to suppliers (\$4.55M) has resulted in an increased cash balance. Cash outflows continue to be managed to ensure that the timing of grant funding milestones matches the pace of works undertaken.

High value supplier payments included:

- \$624K for domestic waste collection for December and January (Waste revenue funded),
- \$270K Flood damage rehabilitation Hampton Road, Hampton (grant funded),
- \$236K Footpath upgrade stage 2a of Main St Lithgow (reserve and grant funded),
- \$170K Water Usage from Fish River (Water revenue funded),
- \$160K Plant Replacement of Excavator (SRV funded),
- \$140K Wolgan Valley Access Road and design and project management (DRFA funded),
- \$123K Upgrades to Red Hill Bridge, Upper Turon (grant funded) and
- \$115K Road Rehabilitation Blackmans Creek Road, Hartley (general revenue funded).

#### Funding Requirements for Restricted Reserves

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

**Responsible Accounting Officer comment on restricted reserves** – Council had sufficient cash and investments at 28 February 2025 to fund \$56.2M of externally restricted reserves and \$10.5M of internally restricted reserves. The \$33.75M advance payment for natural disaster restoration works has been included in the Special Purpose Grants Reserve.

The Council's working capital position (used to fund outgoing payments) was \$3.868M at 28 February 2025. The increase in working capital from \$698K at the end of January to \$3.868M at the end of February is due to the timing of cash flow. February had standard cash outflows with an increase of cash due to rates instalments which has increased the working capital balance.

<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>28 February 2025 Position</b>
<b>Externally Restricted</b>				
Developer Contributions	1,851	1,741	1,937	1,839
Special Purpose Grants	44,441	42,429	37,213	35,300
Water Supplies	4,712	4,913	4,525	4,720
Sewerage Services	6,419	5,505	4,943	4,372
Domestic Waste	8,261	9,774	9,660	9,703
Unexpended Loans	1,342	754	241	224
	<b>67,027</b>	<b>65,117</b>	<b>58,520</b>	<b>56,158</b>
<b>Internally Restricted</b>				
Land & Buildings	2,184	2,184	2,184	2,184
FAGS	5,410	4,260	4,245	1,830
Plant & Equipment	643	643	297	151
Bonds, Deposits & Retentions	539	523	477	458
Works in Progress	637	637	637	637
Carry Over Works	407	117	76	64
Commercial Waste	1,405	306	681	2,510
ELE	668	754	754	754
Election	175	175	175	175
Other	2,332	2,332	2,018	1,776
<b>Total Internally Restricted</b>	<b>14,401</b>	<b>11,933</b>	<b>11,542</b>	<b>10,511</b>
<b>Unrestricted (working capital)</b>	<b>-</b>	<b>3,302</b>	<b>118</b>	<b>3,868</b>
<b>Total Cash and Investments</b>	<b>81,428</b>	<b>80,251</b>	<b>70,180</b>	<b>70,537</b>

## CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER

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

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

Vanessa Browning  
Director Finance and Governance - Responsible Accounting Officer

## Consultation and Communication

N/A

## Policy

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

## Legal

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

## Risk Management

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

## Financial

- Interest income budget approved      \$3,978,500 (full year)
- Cost centre                                      3259
- YTD Income to date                         \$2,692,691
- Future potential impact                    Nil.

Council's budgeted investment interest income for 2024/25 is \$4.0M, approximately \$1M more than 2023/24 actual interest received. During February, returns had dropped below 5.00% to around 4.80%. Council's average investment balance was \$74M, which is mainly due to the \$5.4M 80% upfront payment of the 2024/25 Financial Assistance Grant, the \$13.8M natural disaster works payment and the \$33.75M advance payment for natural disaster restoration works. In November and December, the investment balance has dropped to \$68.7M due to Capital Works and Natural Disaster works being undertaken. In February, the balance increased to \$70.5M with increased cash inflows.

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

**5.6. P&P - 24/03/2025 - Six 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 endorse the following draft documents:

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

**Attachments**

1. 6-month report summary July- December 2024 [5.6.1 - 37 pages]
2. 6-month report July- December 2024 [5.6.2 - 115 pages]

**Reference to any relevant previous minute**

Min No. 25-53 Ordinary Meeting of Council held on 24 February 2025

**Background and discussion**

At the Ordinary Meeting of Council held on 24 February 2025, Council resolved as follows:

25 -53 RESOLVED

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.
- 2024-2025 July – December Progress Report.

The Six Month Progress Report is now returned to Council for endorsement.

**Report Highlights**

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.



## 5.7. P&P - 24/03/2025 - Proposed Shed at 1A Caroline Avenue Lithgow

### Strategic Direction:

#### Developing Our Built Environment:

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

<b>Author:</b>	Cassandra Ford – Executive Assistant
<b>Department:</b>	Building & Planning
<b>Responsible Officer:</b>	Shaun Elwood - Director People and Place
<b>Property Details</b>	Lot 7 DP 263999, 1A Caroline Avenue LITHGOW NSW 2790
<b>Property Owner</b>	Phillip Peace
<b>Applicant</b>	Fernleigh Drafting Pty Ltd

### Executive Summary

This matter was previously considered by Council at the Ordinary Meeting of 25 November 2024 (Min 24-252) wherein it was resolved that Council organise an onsite visit for Councillors, Council officers, the applicant and residents.

The onsite meeting was held on 23 January 2025 and the applicant was invited to submit further design revisions for the consideration of Council.

A subsequent amended proposal has now been submitted providing for a front building setback of 11.24m (an increased distance of 1.04m), additional landscaping to soften the appearance of the proposed shed when viewed from Caroline Avenue and the installation of infill / removable cladding to reduce the height of the front roller door opening. No further design revisions are proposed. The applicant has indicated a willingness to further articulate the front elevation through the installation of suitable vertically oriented window openings.

Notwithstanding the proposed design revisions, the previous recommendation for refusal of the development application is reaffirmed. The amended development proposal remains non-compliant with critical development standards under the Lithgow Development Control Plan 2021 (**DCP**) and the applicant-provided justification for variation to such standards is not supported.

Clause 3.1(4) of the administration's Standard Working Procedure 14.1 provides that an application *must be determined by Council* where a development proposal does not comply with a development standard of any relevant Environmental Planning Instrument and justification has been provided but is not supported by the assessing officer.

A detached garage / shed building is proposed on the subject land through Development Application No DA007/24. The proposal seeks variations to several development standards that apply under the DCP in respect to maximum floor and cumulative floor areas, wall/ ridge heights, minimum side boundary setback, and minimum vehicular access/driveway/ parking which on balance are not supported through a merit-based assessment. The scale of the proposed garage/ shed is proportionate and attributable to the garaging of a privately-owned motor home (currently kept on onsite) and several privately owned cars.

The irregular shaped and prominent site is constrained by a 2.0m wide easement to drain sewage (which traverses a grassed front yard area), a road drainage culvert / municipal power pole within the Caroline Avenue kerb / footpath, a large established tree within the rear yard area and front fencing / landscaping recently established along the Caroline Avenue alignment.

Council's Infrastructure Services staff have reviewed the amended proposal and support the amended proposal subject to the imposition of conditions (see attached assessment report) on any approval to:

- protect Council's sewer main infrastructure from any superimposed loads associated with the motor home;
- upgrade the existing vehicular access point to such loads associated with the motor home, and;
- provide suitable engineering details for the proposed driveway.

The amended proposal represents an over-development of this constrained site. It will adversely impact the residential character of the existing development on the site and other residential development within the immediate neighbourhood. The proposal if approved could establish an enduring precedent within the streetscape of a poor development outcome.

There has been insufficient justification on planning grounds provided by the applicant for the requested variations.

It is recommended that the application be refused on the following grounds:

1. The proposal far exceeds the development standards under the DCP for sheds ancillary to a dwelling in residential zones, as detailed in the attached assessment report.
2. The approval of a commercial scale shed ancillary to a dwelling in a residential zone could set a precedent that places ongoing pressure on Council to approve such sheds in residential zones across the LGA.
3. There is a risk of creating double standards amongst the community if a commercial scale shed is approved in this location, but not in others.

### **Administration's Recommendation**

THAT

1. Development Application DA007/24 be REFUSED.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

### **Attachments**

1. D A 007 24 Section 4 15 Development assessment report Final version 8 November 20 [5.7.1 - 37 pages]
2. 1 A Caroline Avenue, Bowenfels FINAL PLAN [5.7.2 - 6 pages]

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

Nil

## Background and discussion

A comprehensive assessment under the s4.15 of the *Environment Planning & Assessment Act 1979* is attached to this report.

### Lithgow Development Control Plan 2021 (DCP)

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plan. The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the DCP. An assessment of the development against the relevant sections of the DCP is fully detailed in the table in Appendix 1.

The applicant proposes to vary the following development controls detailed in Part 6.4.7 of the DCP:

- Maximum floor & cumulative floor areas;
- Wall and ridge height; and
- Side boundary setback.

The applicant has provided the following grounds to justify the granting of DCP variations:

- The garage / shed is required to store four (4) classic cars and a bus / motor home (approximately 11m long).
- The owner has already purchased the garage kit.
- The existing garage is not large enough to accommodate the vehicles and currently they are stored on the property and street, degrading the visual aesthetic of the locality.
- The proposed garage will occupy 10.76% of the total site.
- The proposed shed will be obscured by proposed landscape screening which will reduce the overall bulk.
- The 4.2m high roller door is required for ease of access of the bus and the storage of the bus.
- The reduced side set back variation to 900mm will allow the provision of a 2.2m separation distance on the property between the proposed garage and dwelling for vehicular access to the backyard.
- The proposed structure is not inconsistent with other structures in the locality and does not present an adverse precedent if approved.

### Non-compliances with DCP

An assessment of the proposed development under Part 6.4.7 of the DCP revealed the following non-compliances with the Development Controls:

- The proposed 128m<sup>2</sup> shed exceeds the maximum permissible floor and cumulative area constraint, each being 100m<sup>2</sup> (by 28m<sup>2</sup> or 28%).
- The proposed 900mm side boundary setback does not comply with the required minimum 1.2m setback (applicable to a maximum permissible 3m wall height)
- The proposed wall height of 4.2m exceeds the maximum permissible 3m requirement by 1.2m. The roller door on the front facade is 4.2m high by 3.05m wide.
- The proposed ridge height of 5.172m exceeds the maximum permissible 4.5m requirement by 672mm.

An assessment of the proposed development against the objectives of Part 6.4.7 revealed the following non-compliances:

- The proposal does not meet objective 1(a) and (c) due to the excessive height of the shed, reduced side boundary setback. It is considered that the proposed garage / shed will dominate the streetscape and the existing dwelling on site. The adjoining dwelling to the west of the property (1B Caroline Avenue, Lithgow) has a wall height of 2.4m and ground height to ridge height of 4.2m. The proposed garage / shed with its wall height of 4.2m and ridge

height of 5.172 is significantly higher and will be prominent, despite the proposed increased front setback of 11.24m, and out of character with the existing development and streetscape.

- The proposed roller door on the front elevation and front wall height (4.2) will be higher than the height of the bus and the top of the opening will be higher than the wall and portion of the roof height of the dwellings. The amended proposal provides for a removable infill panel to reduce the height of the roller door opening which would ordinarily remain in position, except on the occasion that the motor home enters or leaves the shed.
- The scale and location of the shed does not comply with Objective 1(b) and is not in keeping with surrounding sheds within the R1 General Residential zone, locality and streetscape.
- The industrial scale of the proposal and lack of adequate landscaping does not integrate with or complement the existing dwelling or surrounding residential development.
- The proposal does not comply with objective 1(d) and will adversely impact on the amenity of surrounding properties given its height, scale and use to garage a large heavy motor home vehicle. This may result in noise, odour and vibration nuisances.
- The garaging of such a heavy vehicle on the residential property impacts on sewer easements, and stormwater infrastructure located on the property that serves neighbouring and surrounding properties, due to associated loading and manoeuvring of the bus to, from and within the property.

An assessment of the amended development proposal against the objectives of Part 2.5 (vehicular access & driveway) revealed the following departures:

- The proposed access and driveway is currently not suitable for the existing motor home vehicle.
- The proposed driveway does not provide sufficient room to manoeuvre the subject bus to enter or exit the proposed garage without traversing the grassed area within the front yard including Council's Sewer Easement.

Section 4.6(3) of Lithgow Local Environmental Plan provides that "*Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- there are sufficient environmental planning grounds to justify the contravention of the development standard."*

The proposal seeks variations to several development standards that apply under the DCP in respect to maximum floor area, wall / ridge heights, minimum side boundary setback, and minimum vehicular access/ driveway / parking.

The matters referred to in s. 4.6(3)(a) and (b) have not been satisfied and consequently the proposal cannot be supported.

### Conclusion

The application has been thoroughly assessed under Section 4.55 1(A) of the *Environmental Planning and Assessment Act 1979* and is recommended to be determined by way of refusal.

An assessment of the proposed development against Part 2.5 & Part 6.4.7 of the DCP revealed a number of departures for which variations have not been justified in accordance with Part 1.6 of the DCP or section 4.6(3) of Lithgow Local Environmental Plan 2014.

The following matters are noted in conjunction with the tabling of this report to Council:

1. The applicant has been informed that the application will be decided at a council meeting.
2. The recommendation for refusal is supported by reasons as set out in the attached assessment report.
3. All information to be reported to Council regarding the matter will be publicly available, as will the Council meeting.
4. The applicant has previously been provided the opportunity to withdraw the application.

It is therefore recommended that the application be refused because:

- the proposal does not comply with the standards for sheds ancillary to a dwelling in residential zones, as detailed in the attached assessment report;
- the approval of a commercial scale shed ancillary to a dwelling in a residential zone could set a precedent that places pressure on Council to approve such sheds in residential zones across the LGA;
- there is a risk of creating double standards amongst the community if a commercial scale shed is approved in this residential area, but not in others.

### **Consultation and Communication**

The amended development proposal was neighbour notified in accordance with the Lithgow Community Participation Plan on 14 February 2025.

No written submissions were received during the notification period.

### **Policy**

The subject application is recommended to be determined by refusal. Council's SWP 14.1 (Refusal of Development Applications) is therefore invoked and provides that "*where the development proposal does not comply with a development standard provided within any relevant Environmental Planning Instrument and justification has been provided but not supported by the assessing officer the application must be determined by Council.*"

### **Legal**

No specific implications at this point of the process.

### **Risk Management**

N/A

### **Financial**

Budget approved – N/A

Cost centre – N/A

Expended to date – N/A

Future potential impact – N/A

## 5.8. P&P - 24/03/25 - Energy from Waste - Options Paper

### Strategic Context for this matter:

#### Strengthening Our Economy

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

**Author:** Shaun Elwood - Director People and Place

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

### Executive Summary

On 25 February 2025, the NSW Environmental Protection Authority (EPA) released an *Energy From Waste - Options Paper*. The EPA is seeking feedback on three key areas in this waste framework and as outlined in the options paper. The consultation period runs to 8 April 2025.

There are currently four precincts identified in the Protection of the Environment Operations (General) Regulation 2022 as areas that permit the thermal treatment of waste to recover energy, including the West Lithgow Precinct. The options paper proposes that the boundaries of the West Lithgow Precinct be changed to include the former Wallerawang power station.

#### Administration's Recommendation

THAT Council provides detailed guidance and information to the Administration to assist with providing feedback to the EPA on each of the three points raised in the Energy From Waste - Options Paper.

### Attachments

1. EPA Energy from waste options paper [5.8.1 - 11 pages]
2. NSW Government Energy from Waste Fact Sheet [5.8.2 - 3 pages]

### Reference to any relevant previous minute

Ordinary Meeting of Council held on 28 October 2024

24 -207 RESOLVED THAT Lithgow City Council opposes an energy from waste facility within our local government area.

### Background and discussion

On 25 February 2025, the NSW Environmental Protection Authority released an *Energy From Waste - Options Paper*. The Options Paper is included as an attachment. The consultation period runs to 8 April 2025.

The EPA is seeking feedback on three key areas in this waste framework and as outlined in the options paper:

1. *Changes to the precincts and associated risks*

The paper outlines some changes to the locations where energy from waste facilities can be proposed and developed. This includes adding Tomago, located near Newcastle, as a new priority infrastructure area and adding the former Wallerawang Power Station to the already established

West Lithgow Precinct. It is proposed that the Richmond Valley Jobs Precinct is no longer identified as a priority infrastructure area.

2. *Changes to the definition of thermal treatment:*

Expanding the exclusions to allow certain types of waste to be thermally treated to produce new products or inputs to those products, not just for plastic.

Also, under consideration is expanding the exclusions to include processes that produce a clear environmental benefit, as defined by the criteria in the Regulation or guidelines.

3. *Changes to the exception relating to powering industrial or manufacturing processes on site:*

Adjusting the exception under clause 144(4) of the Regulation to enable the EPA to consider and allow proposals to replace liquefied petroleum gas, natural gas, and liquefied natural gas with energy recovery from waste, on a case-by-case basis. This is to maximise the value of waste where it can be demonstrated that it is safe and environmentally sound.

Also included as an attachment is a NSW Government Energy From Waste Fact Sheet. The fact sheet provides information on the following:

- Energy from waste process.
- What is energy from waste?
- What is residual waste?
- What about pollution? Is it safe?
- Improved technology means lower emissions.

## Consultation and Communication

A formal submission response to the *Options Paper* will be prepared following guidance from the Council as to how a response submission to the options paper would be structured.

## Policy

Thermal treatment of waste that involves or results in energy recovery is prohibited in NSW, unless the activity is excepted from the prohibition under the Protection of the Environment Operations (General) Regulation 2022. The primary exception is if the activity is carried out in one of four regional precincts within boundaries defined by maps published in the NSW Government Gazette: Parkes Special Activation Precinct, Richmond Valley Regional Jobs Precinct, Southern Goulburn Mulwaree Precinct and West Lithgow Precinct.

The Protection of the Environment Operations (General) Regulation 2022 gives effect to the infrastructure plan. It prohibits the thermal treatment of waste that involves or results in energy recovery and specifies exceptions to the prohibition.

There are currently four precincts identified in the Protection of the Environment Operations (General) Regulation 2022 as areas that permit the thermal treatment of waste to recover energy: West Lithgow Precinct, Parkes Special Activation Precinct, Richmond Valley Regional Jobs Precinct, and Southern Goulburn Mulwaree Precinct. These are identified as priority infrastructure areas in the NSW Energy from Waste Infrastructure Plan. The West Lithgow Precinct map was revoked by notice in the NSW Government Gazette on 21 October 2022.

Proposed changes to precincts detailed in the *Options paper*:

- Richmond Valley Jobs Precinct no longer identified as a priority infrastructure area and the map revoked.
- West Lithgow Precinct boundaries extended to include the former Wallerawang power station and a map gazetted.
- A new priority infrastructure area is established for Tomago and a map gazetted.
- No changes to Parkes Special Activation Precinct and Southern Goulburn Mulwaree Precinct.

**Legal**

Nil.

**Risk Management**

N/A in relation to the Options Paper.

**Financial**

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



## 5.9. P&P - 24/03/2025 - Events Plan 2024-2026

### Strategic Context for this matter:

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

**Author:** Heather Chaffey Manager Community and Culture  
Simon Francis Tourism Manager

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

### Executive Summary

The Lithgow Events Plan 2025-26 (the Plan), as detailed within this paper, outlines the proposed program for the delivery of Council-led and Council-sponsored events in the 2025-26 financial year, and the recommended budget for allocation in the 2025/26 Operational Plan.

The Plan presents a pragmatic approach for 2025-26 financial year which works within current financial and resource constraints whilst strategically building upon community ambition.

### Administration's Recommendation

THAT Council:

1. Endorse the Lithgow City Council Events Plan 2025-26.
2. Endorse the draft Sponsorship Agreement which would apply to all Council sponsored and funded events.
3. Note the indicative funding allocation of \$250,000 for the 2025-26 Events Plan which will be included in the draft budget to be put to the 30 June 2025 Ordinary Meeting following community consultation.

### Attachments

1. Draft Sponsorship agreement 2025 [5.9.1 - 11 pages]

### Reference to any relevant previous minute

N/A

### Background and discussion

Local Government has a significant role to play in the delivery of events, particularly in Regions. Councils work with a broad range of stakeholders in delivering Destination Events which stimulate local economies and Community or Cultural Events which create social and cultural outcomes.

Events are a powerful tools of community engagement, civic participation, building social capital and a sense of community pride.

*The Lithgow Events Plan 2025-26*

Over many years the community of Lithgow, including businesses, residents and Council among other stakeholders, has been driving efforts to develop and build a diverse range of events which contribute to a visitor economy and create social and cultural outcomes. The Lithgow City Council Events Plan 2025-26 builds on the success of these efforts.

The Administration recommends an indicative provision of \$250,000 for 2025-26, the same allocation as provided in 2024-25, to support the delivery of community events which generate community and economic outcomes. The Council funded major events proposed for 2025-26 are outlined in Table 1 below.

**Table 1: Summary of proposed Council funded major events 2025-26 within \$250,000 indicative funding allocation**

<b>Event</b>	<b>Allocated Funds</b>	<b>Council's Role</b>	<b>Notes</b>
Lithgow Halloween	\$90,000	Producer	Average cost to deliver across 2023 and 2024 - \$165,000. This event may attract sponsorship locally which would reduce costs to Council.
Lithgow Christmas Concert	\$90,000	Producer	Cost to deliver in 2024 - \$130,000. This event may attract sponsorship locally which would reduce costs to Council.
Capertee Valley Bird Watching Festival	\$15,000	Partner	This is a new event (Year 1) and offers a unique opportunity to build a destination event over several years.
Wallerawang New Year Eve	\$10,000	Sponsor	A further \$10,000 may be provided through Council's Financial Assistance Program.
EOI New Events	\$45,000	Sponsor	Council will release an EOI process calling for new event proposals funded from a sponsorship pool. The EOI responses will be assessed against predetermined criteria established by Council's Events Working Group.

The average costs associated with the delivery of Halloween and Christmas events in recent years have exceeded the above proposed allocations. It is recommended that Council officers work closely with the Events Working Group to assess opportunities for cost savings and/or changes to scale, to deliver these important community events within the allocations provided above.

A draft Sponsorship Agreement is included as an attachment. The agreement would apply to all Council sponsorship and funded events.

### **Consultation and Communication**

Consultation and discussion with councillors regarding the Plan presented within this report has occurred through meetings of the Events Working Group, and the Councillor Information Session (10 March 2025).

### **Policy**

There are several aspects of Council's Seven Valleys Destination Action Plan 2024-30 which the events make direct contributions to achieving. These include

- 1.2. Lead and facilitate genuine and effective industry engagement.

- 1.6 Foster and facilitate a strategic approach to attracting investment and talent, including grant funding.
- 2.2 Events and Industrial Heritage Sites.
- 3.2 Create a destination marketing plan to guide all marketing and marketing-communication activities.

## **Legal**

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

## **Risk Management**

Based on the costs associated with road closures and the infrastructure required to deliver the Halloween event in the Main St, there is a risk that the Halloween event cannot be delivered within the proposed budget. Similar risks may affect the Christmas Concert event.

To mitigate these risks, Council officers and the Events Working Group are assessing opportunities for cost savings from the delivery of the event.

Council officers will also work to attract sponsorship for the proposed events and source potential grant funding for relevant events.

## **Financial**

- Budget approved – Proposed budget 2025/26 \$250,000
- Cost centre – TBC
- Expended to date - Nil
- Future potential impact – N/A

**5.10. P&P - 24/03/2025 - Planning Agreements and Contributions Policy****Strategic Context for this matter:****Responsible Governance & Civic Leadership**

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

**Author:** Sandra Politi – Development Manager  
**Responsible Officer:** Shaun Elwood - Director People and Place

**Executive Summary**

This report relates to Item 3.20 of the business paper for the Ordinary Meeting of Council held on 25 November 2024. Item 3.20 sought approval to place a draft Planning Agreements and Contributions Policy on public exhibition.

At the meeting, Council resolved as follows (minute 24-272):

1. *Council endorse the Draft Planning Agreements and Contributions Policy 2025 for the purpose of public exhibition.*
2. *Council place the Draft Planning Agreements and Contributions Policy on public exhibition until the end of January 2025.*
3. *If no submissions are received during the public exhibition period, the Policy be adopted.*
4. *If submissions are received during the public exhibition period, the Policy be returned to Council for further consideration.*

The draft Planning Agreements and Contributions Policy was placed on public exhibition from 6 December 2024 to 31 January 2025 (inclusive). During the public exhibition period, two submissions were received. Accordingly, the draft Planning Agreements and Contributions Policy is being returned to Council for further consideration.

This report:

1. summarises the concerns raised in the two submissions received during the public exhibition period;
2. notes the release of the NSW Government's publication 'Benefits Sharing Guideline – guidance for large-scale renewable energy projects' in November 2024; and
3. recommends that the draft Planning Agreements and Contributions Policy be withdrawn from further consideration until the Administration has had the opportunity to consider the draft Policy in the context of the submissions received and the NSW Government's Benefits Sharing Guideline released in November 2024.

If the recommendation is supported, Council will continue to be guided by the current legal and procedural framework that applies to development contributions and planning agreements.

**Administration's Recommendation**

THAT the draft Planning Agreements and Contributions Policy be withdrawn from further consideration until the Administration has had the opportunity to consider the Policy in the

context of the submissions received and the NSW Government's Benefits Sharing Guideline released in November 2024.

### **Attachments**

1. Draft Planning Agreements and Contributions Policy (15.11.24) [5.10.1 - 22 pages]
2. NSW Government benefit-sharing-guideline Nov 2024 [5.10.2 - 29 pages]

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

Min. No. 24-272 – Ordinary Meeting of Council held on 25 November 2024 - Planning Agreements and Contributions Policy.

### **Background and discussion**

This report relates to Item 3.20 of the business paper for the ordinary meeting of Council held on 25 November 2024. Item 3.20 sought approval to place a draft Planning Agreements and Contributions Policy on public exhibition.

At the meeting, Council resolved as follows (minute 24-272):

1. *Council endorse the Draft Planning Agreements and Contributions Policy 2025 for the purpose of public exhibition.*
2. *Council place the Draft Planning Agreements and Contributions Policy on public exhibition until the end of January 2025.*
3. *If no submissions are received during the public exhibition period, the Policy be adopted.*
4. *If submissions are received during the public exhibition period, the Policy be returned to Council for further consideration.*

### **Submissions - Summary of Concerns Raised**

The two submissions received express appreciation of Council's efforts to plan for long-term investment and infrastructure development in the local government area and agree that local residents should benefit in various ways as a consequence of development being delivered locally. The submissions also recognise the intended approach of the Draft Policy to be flexible and applied on a case by case basis.

However, concerns are raised in the submissions regarding the proposal to apply monetary contributions to the Future Lithgow Fund (clause 4.4) and the pooling of monetary contributions (clause 4.7). The concerns are summarised below.

#### Application of monetary contributions to the Future Lithgow Fund

Clause 4.4 of the Draft Policy allows for the application of monetary contributions in relation to development involving mining, energy generation or energy storage operations, to the Future Lithgow Fund.

On this issue, the concerns raised in the submissions include:

- Developers and Council will not be able to identify or demonstrate the tangible benefits that have been delivered to the community from a given project.
- Developers will have no visibility as to how funds are managed or invested.
- It is difficult for communities to identify the tangible benefits of individual, contributing projects.
- The payment of monetary contributions into the Future Lithgow Fund may not be compatible with the developer's own robust internal processes and governance requirements in respect of the

allocation and administration of funds, and the Australian law that governs large corporations, including public listed companies.

- Lack of detail in the Draft Future Lithgow Fund Policy.
- *(Note, the Draft Future Lithgow Fund Policy was also reported to the 25 November 2024 meeting of council and is Item 3.5 of the business paper. At the time of writing, the Future Lithgow Fund Policy has not been adopted.)*
- The Draft Future Lithgow Fund Policy does not restrict the application of funds to projects within the Lithgow LGA only.
- The Draft Future Lithgow Fund Policy enables Council to borrow money to acquire and develop land. It is concerning that monetary contributions intended for public benefit could be exposed to such risk and uncertainty.

### Pooling of monetary contributions

Clause 4.7 of the Draft Policy allows monetary contributions provided by one developer to be pooled with contributions received by another developer.

The concerns raised in the submissions in relation to pooling of monetary contributions include:

- It would be difficult for communities to identify the tangible benefits of individual, contributing projects.
- Pooling of funds can delay delivery of benefits, which can result in negative sentiment and frustration among communities waiting to see benefits realised.
- Pooling tends to benefit the broader local government area, whereas the host community should be first in line to benefit from community funding as they are at the forefront of any project impacts.

### **Release of NSW Government's Benefits Sharing Guideline**

In November 2024, the Department of Planning, Housing and Infrastructure released its 'Benefits Sharing Guideline' in relation to large scale renewable energy projects.

The purpose of the guideline is to:

- provide information to applicants, councils and the public about the importance of benefit sharing for large-scale renewable energy generation and storage in NSW;
- outline how benefit-sharing should be incorporated into State significant development and critical State significant infrastructure applications for solar, wind and battery energy storage systems;
- encourage coordination of benefit-sharing programs;
- support the rapid roll-out of solar and wind energy generation and storage in NSW, including in renewable energy zones, while ensuring that host communities experience tangible, long-term benefits from the transition to renewable energy.

The Guideline demonstrates a flexible approach to benefit sharing schemes which allows for monetary contributions payable by developers of large scale renewable energy projects to be administered in various ways. For example, monetary contributions:

- may be used for scholarship programs or training courses, as agreed directly between a developer and community organisation (with some input from Council); and / or
- may be applied through Council-managed programs. The Guideline confirms that benefit arrangements can provide opportunities to consolidate funds from multiple renewable energy projects, thus giving Councils the ability to deliver bigger community projects or services than would otherwise be possible. However, benefit-sharing funds must not be used to fund works or services of any kind that should be delivered by Council in the ordinary course of business.

## **Recommendation to Withdraw the Draft Policy**

In light of the submissions received during the public exhibition period and the NSW Government's release of the Benefits Sharing Guideline, it is recommended that the Draft Policy be withdrawn from further consideration until the Administration has had the opportunity to carefully consider the Draft Policy in the context of the submissions and the Benefits Sharing Guideline.

If this recommendation is supported, Council will continue to be guided by the current legal and procedural framework for development contributions and planning agreements, consisting of:

- Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979*
- Divisions 1 to 4 of Part 9 of the *Environmental Planning and Assessment Regulation 2021*
- Lithgow City Council Voluntary Planning Agreements policy 7.8
- Lithgow Local Infrastructure Contributions Plan section 7.12
- Planning Agreements Practice Note - February 2021
- Environmental Planning and Assessment (Planning Agreements) Direction 2019 >

## **Consultation and Communication**

The draft Planning Agreements and Contributions Policy was placed on public exhibition from 6 December 2024 to 31 January 2025 (inclusive). During the public exhibition period, two submissions were received.

## **Policy**

As detailed in this report.

## **Legal**

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

## **Risk Management**

This objective of this report is to mitigate the risk of adopting a Policy that warrants further careful consideration in light of submissions received and the release of the NSW Governments Benefits Sharing Guideline in November 2024.

## **Financial**

N/A to this report.

**5.11. I&E - 24/03/2025 - Road Rehabilitation Contract Variation****Strategic Context for this matter:****Developing Our Built Environment:**

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

**Author:** James McGee - Principal Civil Engineer - Roads  
**Responsible Officer:** Jonathon Edgecombe - Director of Infrastructure and Economy

**Executive Summary**

Council approved the 2024/25 Road Rehabilitation Program at the November 2024 Ordinary Meeting of Council. Detailed scoping and quality control checks of the subject roads has revealed an increase to the number of repairs required prior to reseal alongside opportunities for program efficiency through an expansion of the project scope. An increase of \$383,275 (inc. GST) is required to ensure a satisfactory result.

**Administration's Recommendation**

THAT Council Approve an increase in the maximum program value of the Bitumen Reseal Program of \$348,432 excluding GST (\$383,275 including GST) to a new total program value of \$2,178,900 including GST.

**Attachments**

Nil

**Reference to any relevant previous minute**

Min. No. 24–261 Ordinary Meeting of Council held on 25 November 2024

**Background and discussion**

At the 25 November 2024 Ordinary Meeting of Council, Council resolved:

24 -261 RESOLVED

THAT Council:

1. Appoint Country Wide Asphalt Pty Ltd to deliver Lithgow City Council's 2024/25 bitumen reseal program a cost of \$1,596,487.95 (incl. GST), and
2. Accept the schedule of rates provided by Country Wide Asphalt Pty Ltd for additional works as may be required while delivering this program, up to a maximum program value of \$1,795,625.
3. Advertise the nominated streets that are going to be included in the reseal program.

The scope of the rehabilitation program was based on the high-level assessment of road condition undertaken by Council in 2023/24.

The Rehabilitation Program works have commenced, and scope proofing has been undertaken to verify the scope of works required prior to works commencement. Based on these quality control pre-inspections, staff have identified program efficiencies that can be built into the tender through



the expansion of project scope to include the full length of Ganbenang Road. The works crews are already in Hartley, reducing overheads and time required to deliver this work.

The new expected upper cost is \$2,178,900 which includes a 5% contingency. The increase of \$383,275 (inc. GST) is to be funded from savings achieved from other projects, namely Lithgow Street, High Street and Limestone Creek Road. Details of these underspends are listed below.

<b>Project</b>	<b>Total Budget</b>	<b>Underspend</b>	<b>Allocation to Rehabilitation Program</b>
Lithgow Street	\$746,344	\$249,618	\$249,618
High Street	\$539,454	\$86,488	\$86,488
Limestone Creek Rd	\$258,996	\$95,979	\$47,169

### **Consultation and Communication**

The contractor has been consulted and has assisted with the revision of some rates to facilitate the completion of the program within the program upper limit.

### **Policy**

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

### **Legal**

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

### **Risk Management**

The contractor has acceptable work health and safety systems, quality control measures and environmental management systems, maintaining ISO 14001 and 45001 accreditations. Similarly, the preferred tenderer has the required Public Liability Insurance to work for Lithgow Council.

### **Financial**

- Budget approved - 2024/25 SRV Road Maintenance Program: Total budget: \$1,795,625
  - **Savings achieved from existing projects \$383,275.**
  - Total Budget \$2,178,900.
- Cost centre - 100883
- Expended to date - \$328,763
- Future potential impact - \$1,850,137

**5.12. I&E - 24/03/2025 - Hazelgrove Road Crown Land Matters****Strategic Context for this matter:****Developing Our Built Environment**

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

**Author:** Jonathon Edgecombe – Director Infrastructure and Economy

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

**Executive Summary**

A property within the Lithgow local government area, 35 Honeysuckle Falls Road Tarana (Lot 35, DP 757076), has access constraints that have been in place for several years. This report advises Council of these challenges and seeks a position for an approach to this challenge.

**Administration's Recommendation**

THAT Council:

1. Immediately advocate to NSW Crown Lands to permit the owner of 35 Honeysuckle Falls Road Tarana (Lot 35, DP 757076) to conduct maintenance on the sole Crown road access to their property, and
2. If point 2 above is unsuccessful, immediately commence lobbying relevant Ministers for their assistance and intervention regarding this matter.

**Attachments**

Nil

**Reference to any relevant previous minute**

Nil.

**Background and discussion**

In 1991, Lithgow Council provided development consent to construct a two-bedroom home at the above address. At that time, there were two Crown road access points to the property, and both were useable by the owner. One accessed the property from the north and the other from the south. The formal access was through the Crown road to the north. Please note the map below for further detail.



*Top image: Blue road is the northern Crown Road, yellow road is the southern Crown road*

*Bottom image: Green road is the remaining existing Crown road.*

In October 2007, the current owner purchased the property. The access at that time was still via the northern Crown road. It was unformed but still very accessible. The road to the south crosses more challenging terrain and was / is also unformed.

In July 2015, the Department of Primary Industries issued a letter proposing to close the northern Crown road. The owner advises that she was not provided notice, but surrounding landowners (and Council) were given notice. Council, at the time, did not object to the closure of the northern Crown road. On 15 February 2016, the relevant Minister approved the closure of the northern Crown road.

At this time, the southern Crown road became the sole legal access to the property. However, it is unformed and crosses extremely challenging terrain. Since 2016 to 2025, the owner obtained access across a neighbouring property. That property now has new owners, and that owner has exercised their right to restrict this informal access arrangement.

The property owner has written to the Department of Crown Lands to seek approval for works to form the southern Crown road. This was denied. The owner was given advice that such work is only permissible if the road is transferred to Council first. She was advised to write to Council and request Council's consideration of transferring the road to its ownership as the Crown is unable to force such a transfer.

The owner and her family met with the Mayor and Director Infrastructure and Economy on 5 March 2025 to discuss the matter. The owner requested that Lithgow City Council consider taking ownership of the approx. 800 metre length of Crown road so that it may be formed and thereby offer reasonable access to the owner. They have also requested that Council perform a light grade of the route to allow access, thereafter the resident will maintain the access herself.

*Issues to note:*

1. This is not an isolated issue. There are scores of properties around the Lithgow local government area that rely on Crown road access to their property. Owners of these properties have written to Council and requested Council to maintain the Crown road access. Understanding the unaffordable precedent that it would create, the Administration's advice to these residents is that all adjacent landowners work together to contribute to the costs of such work and seek approval from Crown Lands to deliver this work. We are not aware of any requirement for the road to be transferred to Council prior to works being completed, commissioned by the private owners. Choosing to transfer this road to Council ownership will create an uncontrollable and unsustainable precedent.
2. If Council chooses to transfer this road to its ownership, it is choosing to accept the costs associated with managing a new asset to benefit one property/resident only. Council has an obligation under the Local Government Act (Part 8) to act in the best interest of the whole community. Effectively, this proposal may be considered the granting of assistance for private gain and thereby trigger Part 356 (2) of the Local Government Act, requiring public exhibition of such assistance.
3. Lithgow has quantified its road asset renewal backlog at an estimated \$88 million. Even though the owner has suggested they will maintain the route, this may not remain the case if ownership changes. It is not enforceable. As the local roads authority, public roads carry with them non-transferrable obligations. Though small, this transfer would increase Council's asset base and thereby its operational costs.

However, noting the above, the plight of this resident is understood. It is suggested instead that Council lobby the NSW Government and NSW Crown Lands to allow this resident to maintain the

private access to her property. After all, there would be thousands of properties around Australia that face this challenge and therefore must maintain their access through use of privately paid, insured and qualified contractors. Should this be unsuccessful, even though the resident has written to Ministers previously (without success), on behalf of Council, the Administration would then commence advocacy with relevant Ministers.

On behalf of the resident, this draft report (excluding its recommendation) has been sent to NSW Crown Lands to foreshadow a likely petition for relief.

### **Consultation and Communication**

The owner and her family met with the Mayor and Director Infrastructure and Economy on 5 March 2025 to discuss the matter

### **Policy**

Council has a long-standing precedent of rejecting applications to take control of Crown roads that serve 10 residents or less.

### **Legal**

If Council chooses to transfer this road to its ownership, it is choosing to accept the costs associated with managing a new asset to benefit one property/resident only. This may trigger criticism, complaint or contest regarding Council's obligation under the Local Government Act (Part 8) to act in the best interest of the whole community. Additionally, this proposal could be considered the granting of assistance for private gain and thereby trigger Part 356 (2) of the Local Government Act, requiring public exhibition of such assistance.

### **Risk Management**

Nil

### **Financial**

- Budget approved - Nil
- Cost centre - Nil
- Expended to date - Nil
- Future potential impact – has not been quantified.

## 5.13. I&E - 24/03/2025 - Main Street Slip Resistant Treatment Options

### Strategic Context for this matter:

#### Developing Our Built Environment

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

**Author:** Jonathon Edgecombe - Director of Infrastructure and Economy

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

### Executive Summary

This report seeks Council's approval for the reallocation of *Local Roads and Community Infrastructure* (LRCI) funding (sourced from the Federal Government) for the purpose of conducting slip resistance works on the footpaths of Main Street, Lithgow, between Eskbank Street and Lithgow Street.

### Administration's Recommendation

THAT Council approve the reallocation of \$130,086 of *Local Roads and Community Infrastructure* (LRCI) funding (sourced from the Federal Government) for the purpose of conducting slip resistance works on the footpaths of Main Street, Lithgow, between Eskbank Street and Lithgow Street.

### Attachments

Nil

### Reference to any relevant previous minute

- Min. No.: 25-59 – Ordinary Meeting of Council held 24 February 2025 (I&S - Strategic Review Committee Meeting Minutes)
- Min. No.: 24 –181 – Ordinary Meeting of Council held 26 August 2024 (P&P - 26/08/2024 - Town Entry Signage - Concept Designs)

### Background and discussion

At the Infrastructure Committee meeting held 4 February 2025, Committee members discussed options surrounding the broader project of the Main Street Footpath Renewal program. While the immediate focus is the delivery of the project scope on the southern side of Main Street between Bridge Street and Eskbank Street, the committee also spoke about necessary interventions to improve slip resistance for the footpath of both sides of Main Street between Eskbank Street and Lithgow Street. The committee recommended, and Council subsequently resolved, to investigate options for slip resistance treatment for this length.

The area of footpath requiring treatment has been estimated at approximately 4,110 square metres. This will be verified shortly but is a sufficient figure to obtain indicative quotes.

The administration has reached out to several companies for options and quotes. The three main options available to Council are:

1. Acid etching.

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Creates micro-paws and channels in the surface of the pavers.</li> <li>No downtime – immediately trafficable post-treatment.</li> <li>Able to treat small sections at a time to minimise impact.</li> <li>Cost effective at approx. \$26/m<sup>2</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>Important to keep surfaces clean else the channels will fill and reduce efficacy of the treatment.</li> </ul>
Estimated cost (based on 4,110m <sup>2</sup> ) = \$117,546 inc. GST	

2. Clear coating with a non-slip aggregate

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Creates a rough, non-slip surface on all pavers.</li> <li>Longest lasting solution.</li> </ul>	<ul style="list-style-type: none"> <li>12-hours drying time. Will be hard to manage in a reasonable application timeframe for a high-traffic area.</li> <li>Costly at approx. \$68/m<sup>2</sup>.</li> </ul>
Estimated cost (based on 4,110m <sup>2</sup> ) = \$207,966 incl. GST	

3. Diamond pad buffing

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>Creates a rough, non-slip surface on all pavers.</li> <li>No downtime – immediately trafficable post-treatment.</li> <li>Cost effective at approx. \$35/m<sup>2</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>Requires sufficient traction for treatment application – may not be possible in Main Street.</li> <li>Needs access to electrical power.</li> </ul>
Estimated cost (based on 4,110m <sup>2</sup> ) = \$158,235 incl. GST	

Currently, Option 1 is preferred because of the limited commercial impacts, reasonable cost and satisfactory slip resistance improvements. It is anticipated that this solution could be applied to the full remaining length of Main Street within four weeks.

However, these are simply indicative costs from an expert supplier. A detailed options report will be presented to the next possible Infrastructure Committee to reach a decision on the preferred treatment option.

Under the LRCI program (Phase 4) Community Infrastructure allocation, Council has the following approved projects:

No.	Projects – Part A	Budget
1	Town Entry Signage	\$100,000
2	Basketball Stadium Amenities	\$100,000
3	Bus Shelter and Access – Portland Sunny Corner Road	\$224,334
4	Farmers Creek Improvements	\$240,000
5	Cemetery Improvements	\$66,233
6	Lithgow Street Footpath	\$66,233
	<i>Total</i>	<i>\$796,800</i>

Projects 2 – 6 can be delivered this financial year with a hard deadline for all projects of being completed by 30 June 2025. Project 1, however, requires the delivery of Council's Branding Strategy before Council engages with the community on options for refreshed town entry signage. If a significant investment in town entry signage is to be made, it should closely align with Council's endorsed branding strategy, otherwise there is a risk of misrepresenting Lithgow's brand, cultural values or identity.

In the interim, pursuant to resolution 24-181, Council will be procuring aluminium sleeves to place over the existing signs to temporarily refresh them until the budget for a full replacement is available. This matter is tabled for a future Infrastructure Committee for discussion.

Hence, it is proposed to vary the approved program above by undertaking the following changes:

- Remove Project 1 from the program, for delivery later, once Council's Branding Strategy is complete.
- Reduce the budget for Project 6 to \$30,086. This project is complete and was delivered by internal staff rather than external contractors, producing project savings.
- Reallocate the complete value of Project 1 and the savings from Project 6, a total of \$130,086, to the delivery of a slip resistance treatment to Main Street footpaths between Eskbank Street and Lithgow Street.

Should the Council resolve accordingly, a project variation will be requested of the Australian Government. At face value, the scope of this work satisfies all the required project criteria.

### **Consultation and Communication**

Should a resolution be forthcoming from the Council to reallocate these funds, and approval subsequently received from the Australian Government to change the program scope, the Administration will advise all business owners of the approved scope of work, the relevant treatment details, impacts and timelines. Notice by media release will also be provided to the broader community.

### **Policy**

Quotations have been sought in accordance with Policy 1.4 - Tendering and Policy 1.7 - Local Procurement.

### **Legal**

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

### **Risk Management**

The contractor will be required to hold acceptable work health and safety systems, quality control measures and environmental management systems, maintaining ISO 14001 and 45001 accreditations. Similarly, the preferred tenderer has the required Public Liability Insurance to work for Lithgow Council. The result will need to deliver slip resistance that complies with AS/NZS 4663.

### **Financial**

As detailed in this report.



## 5.14. I&E - 24/03/2025 - Emerging Economy Committee

### Strategic Context for this matter:

#### Strengthening Our Economy

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

**Author:** Senior Manager, Economics and Strategy

**Responsible Officer:** Director, Infrastructure and Economy

### Executive Summary

The purpose of the Report is for Councillors to:

- Receive and note the Minutes of the Economic Development Committee of 11 December 2024,
- Receive and note the Minutes of the Emerging Economy Committee of 13 March 2025 and consider the adoption of the Committee's recommendations, and
- Receive an update on progress towards the actions of the Emerging Economy Plan 2024 – 2025.

### Administration's Recommendation

THAT

1. Council note the draft Minutes of the Economic Development Committee of 11 December 2024.
2. Council note the draft Minutes of the Emerging Economy Committee of 13 March 2025 and adopt the Committee's recommendations contained therein.
3. Council adopt the further revised Functions of the Emerging Economy Committee set out in attachment [5.14.3](#) to this Report, in the interim, whilstsoever the Committee considers any further recommendations it may wish to make to the Council as to its Functions.
4. Council delegate to the Emerging Economy Committee the determination of the frequency of its meetings provided that such meetings be held at least quarterly.
5. Council allocate \$5,200 of funding from the General Fund as additional funding to the Emerging Economy Budget in the 2024-2025 Financial year to resource the provision of monthly meetings of the Emerging Economy Committee for the balance of the financial year.
6. Council provision \$21,630 of funding from the General Fund as additional funding to the Emerging Economy Budget in the 2025-2026 financial year to resource the provision of monthly meetings of the Emerging Economy Committee.
7. Council note the progress towards the actions of the LEEP 2025 – 2026 Action Plan as set out in the Report.

### Attachments

1. Economic Development Committee Minutes 111224 [[5.14.1](#) - 4 pages]
2. Emerging Economy Committee Minutes 130325 [[5.14.2](#) - 6 pages]
3. Emerging Economy Committee - Functions - Draft - March 2025 V 2 [[5.14.3](#) - 4 pages]
4. Emerging Economy Committee Business Paper 13 March 2025 [[5.14.4](#) - 29 pages]
5. CONFIDENTIAL - Closed Sections of the Emerging Economy Committee Business Paper 13 March 2025 [[5.14.5](#) - 9 pages]

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

References to relevant previous Council Resolutions are set out in the Business Paper of the Emerging Economy Committee Meeting of 13 March 2025 which is included as an attachment.

## **Background and discussion**

### Minutes

The Economic Development Committee was replaced with the Emerging Economy Committee, as part of Council's review of its Committee Structure. An administrative oversight resulted in the minutes of the former Economic Development Committee of 11 December 2024 not being reported to the Emerging Economy Committee Meeting of 13 March 2025. Both minutes are provided to Council in draft and will be considered for adoption at the next meeting of the Emerging Economy Committee.

### Committee Functions

Further revised recommended Functions for the Committee are an attachment. The Emerging Economy Committee resolved to defer consideration of the Functions until its next meeting but resolved to recommend to Council that it meet monthly. It is noted that the Emerging Economy Budget is fully committed and that some additional resourcing will be required to facilitate monthly meetings. Council staff officers estimate that this will be in the order of \$2,600 each meeting mostly comprising staff officer time in the preparation of reports and attendances after ordinary working hours. If additional financial and action plan reporting is required outside of Council's quarterly reporting, an additional \$900 is estimated to be required in the preparation of reports for each meeting.

It is irregular for a committee to be meeting without Functions and, accordingly, it is recommended that Council adopt the attached functions on an interim basis. The further revised Functions accommodate a request for monthly meetings.

### Reports generally

The Emerging Economy Committee ultimately deferred items 6.2, 6.5, 6.6, 6.8 and 6.9 to its next ordinary meeting.

Notwithstanding the resolution of the Committee, staff officers are required to report to Council on progress against the 2025 – 2026 LEEP Action Plan quarterly. A copy of the Business Paper for the Emerging Economy Committee is attached, containing such an update at 6.2.

## **Consultation and Communication**

The 2025 – 2026 LEEP Action Plan is accompanied by a LEEP Engagement Plan which sets out the consultation, engagement and communication planning for the LEEP initiative. An update on progress against the LEEP Engagement Plan is contained at 6.4 of the Business Paper for the Emerging Economy Committee Business Paper for 13 March 2025.

## **Policy**

Council has endorsed the 2023 LEEP Report and a 2025 – 2026 LEEP Action Plan.

**Legal**

Not than as otherwise set out in this report.

**Risk Management**

Not than as otherwise set out in this report.

**Financial**

A financial budget update is provided as part of items 6.2 and 6.3 of the Business Paper for the Emerging Economy Committee Business Paper for 13 March 2025.

**5.15. I&E - 24/03/2025 - Kremer Park Retaining Wall - Investigation****Strategic Context for this matter:****Developing Our Built Environment**

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

**Author:** Jonathon Edgecombe – Director Infrastructure and Economy

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

**Executive Summary**

This report provides Council with an update on the status of the Kremer Park Retaining Wall project.

**Administration's Recommendation**

THAT Council note the update on the status of the Kremer Park Retaining Wall project.

**Attachments**

Nil

**Reference to any relevant previous minute**

Nil.

**Background and discussion**

Lithgow City Council endorsed the reconstruction of the Kremer Park retaining wall during the 2024/25 financial year, as part of the Capital Works Program, at a cost of \$498,826.24. Harryan Engineering Consulting P/L (Mudgee, NSW) was engaged for the site investigation and design, and AMP Engineering (Bella Vista, NSW) were engaged to construct the design solution produced by Harryan.

Works commenced on 28 October 2024. The project scope included geotechnical testing to inform the design, and required the compaction of backfill in 300mm layers, with further geotechnical testing to confirm compaction prior to commencing the next layer, the results of which were received by Council for verification. Still, during post-completion checks, Council Project Engineers identified movement of the concrete slabs installed over the new retaining wall.

By way of a summary of action taken to date, please note the following facts below.

1. Council staff became aware of the issue during proactive post-completion checks. The matter was immediately raised with the contractor.
2. The construction contractor, AMP Engineering, has been nothing but incredible to deal with. Responsive, amicable and professional. The procurement process followed to appoint them was a competitive, merit-based process and a local procurement preference was applied to the selection criteria (2.5%) to assist locals in obtaining the work.

3. Several site inspections have been carried out, alongside the regular measurement of material/wall movement. From this, it is evident that:
  - a. There is significant compaction or movement in the backfilled material behind the new wall.
  - b. There is no significant deflection or movement in the wall itself.
4. While there might be others, there are two possible causes that are being currently investigated:
  - a. While compaction requirements were listed in the design and were verified during construction, the heavy rainfall events that occurred during construction may have led to material escaping the geotextile mesh and settling into the voids in the old wall.
  - b. The panels of the wall are fanned; the footing extends to the rear of the front panel and the backfill is compacted on top of the rear footing which provides wall stability. As the panels are placed along a concave curve around the trotting track, there are gaps between the footings. This could be allowing water to escape.
5. We cannot be certain as to the cause without some physical testing.

Commencing Monday 17 March, AMP Engineering are on site to remove the footpath and dig test pits to determine the cause of material settlement behind the wall. Once these pits are dug and Council staff understand what has caused the settlement, a judgement call will be made as to who should shoulder responsibility regarding costs to rectify. If required, a specialist, objective third-party engineer will be engaged to consider the facts of the investigation and report on how costs should be apportioned.

Council will also be arranging for CCTV inspections to occur through all subsurface pipework in the vicinity to check pipe condition and determine if there are any broken pipes contributing to the challenges on-site. Site investigations will also involve peeling back the compacted fill layer by layer to check compaction and further check the extent of impact.

### **Consultation and Communication**

Moving forward, communication will be issued weekly to both Councillors and the community via social media channels. Once the site investigations are complete and a result is in hand, an extraordinary meeting of the Infrastructure Committee will be held to discuss and form a conclusion.

### **Policy**

Nil

### **Legal**

Nil, at this time. Once the cause of the settlement is known, Council will need to form an opinion regarding liability and pursue the matter accordingly.

### **Risk Management**

Access has been completely restricted from the site. No public access will be permitted until the cause of the settlement is understood and rectified.

### **Financial**

- Budget approved - \$498,826.24
- Cost centre - 100876

- Expended to date - \$460,860.20
- Future potential impact - Immediate investigation works, currently estimated to be approximately \$22,000. Until the investigation is complete, costs to rectify site concerns are unknown.

## 6. Council Committee Reports

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### 6.1. P&P - 24/03/2025 - Environmental Advisory Committee Minutes 19 February 2025

**Author:** Cassandra Turner – Executive Assistant  
**Responsible Officer:** Shaun Elwood - Director of People and Places

#### Executive Summary

This report provides details of the minutes of the Environmental Advisory Committee held on Wednesday 19 February 2025.

#### Administration's Recommendation

THAT Council note the minutes of the Environmental Advisory Committee held on 19 February 2025.

#### Attachments

1. EAC Minutes 19-02-2025 [6.1.1 - 7 pages]

#### Reference to any relevant previous minute

Min 24-143 Ordinary Meeting of Council held 24 June 2024

#### Background and discussion

At the Environmental Advisory Committee held on 19 February 2025 the following items were discussed:

- Finalised Hassans Walls Reserve Reports.
- Structure and Focus of EAC
  - Terms of Reference for the Committee.

#### Financial

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

**6.2. FIN - 24/03/2025 - Finance Committee Meeting Minutes 20 February 2025**

**Author:** Trinity Newton – Executive Assistant  
**Responsible Officer:** Vanessa Browning - Director Finance and Governance

**Executive Summary**

This report provides a summary of matters discussed and considered at the Finance Committee Meeting held on 20 February 2025 and recommends that the Council note the minutes.

**Administration's Recommendation**

THAT Council note the minutes of the Finance Committee meeting held on 20 February 2025 and the business paper recommendations endorsed by the Committee.

**Attachments**

1. Draft Finance Committee Minutes 20 February 2025 [6.2.1 - 7 pages]

**Reference to any relevant previous minute**

Min 24-192 Ordinary Meeting of Council 26 August 2024.

**Background and discussion**

At the 20 February 2025 Finance Committee Meeting, the following reports were discussed by the Committee:

- Finance Committee Terms of Reference and Election of Chair.
- Investment Report January 2025.
- December 2024 Quarterly Budget Review.
- 2023/2024 Financial Statement Management Letter.
- Internal Plant Hire Discussion.

The following business paper recommendations were endorsed by the Committee:

**Finance Committee Terms of Reference and Election of a Chair**

THAT:

1. The Committee defer the draft Terms of Reference for the Finance Committee until the next committee meeting for the purpose of reviewing the Terms of Reference.
2. Councillor E Mahony be endorsed as the Chair of the Finance Committee.
3. Councillor S Ring be endorsed as the Deputy Chair of the Finance Committee.

**Investment Report January 2025**

THAT

1. Investments of \$68,503,952 and cash of \$182,088 (which is mostly restricted for specific purposes) for the period ending 31 January 2025 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.



**Financial**

As detailed in the Finance Committee meeting minutes.

**6.3. WWW - 24/03/25 - Infrastructure Committee Meeting Minutes - 4 March 2025**

**Author:** Rebecca Hodgson – Executive Assistant  
**Responsible Officer:** Matthew Trapp - Executive Manager Water, Wastewater and Waste

**Executive Summary**

The report provides details of the minutes of the Water, Wastewater and Waste Infrastructure Committee meeting, formerly the Strategic Review Committee.

**Administration's Recommendation**

THAT Council note the minutes of the WWW Infrastructure Committee meeting held on 4 March 2025.

**Attachments**

1. Infrastructure Committee - TOR - Draft [6.3.1 - 4 pages]
2. Infrastructure Committee WWW Draft Minutes - 4 March 2025 [6.3.2 - 4 pages]

**Reference to any relevant previous minute**

Min. No. 25-60 Ordinary Meeting of Council held on 24 February 2025

**Background and discussion**

At the Strategic Review Committee held on 4 March 2025, there were two items discussed by the Committee :

1. Strategic Project Update Report.
2. Terms of Reference

The Terms of Reference were agreed in the meeting and the name of the committee changed to the Infrastructure Committee.

**Financial**

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

## 7. Delegates Reports

### 7.1. Delegates Report - 24/03/2025 - CNSWJO Board Meeting 27 February 2025

**Report by** Ross Gurney - General Manager

#### Executive Summary

This report is provided to give advice from the recent meeting of the Central NSW Joint Organisation Board held in Oberon on 27 February 2025. The minutes from the meeting are attached, as is the Draft Statement of Budget and Revenue.

#### Attachments

1. Delegate CNSWJO Board Meeting Report [7.1.1 - 17 pages]
2. Draft Central NSW Statement of Revenue and Budget 2025 2026 [7.1.2 - 5 pages]

#### Recommendation

THAT Council note the report from the General Manager on the Central NSW Joint Organisation (CNSWJO) Board meeting on 27 February 2025 held in Oberon.

#### Commentary

Delegates were welcomed to Oberon by its Mayor, Cr Andrew McKibbin.

Speakers to the meeting were Local Government NSW President, Cr Phyllis Miller, and Chief Executive Mr David Reynolds. The Board then had a strategic session around the priorities into the federal election and for this term of Council. Updates were provided from the NSW Office of Local Government, Regional Development Australia Central West and the NSW Premier's Department.

More detail on reports to the meeting are below where the agenda can be found on the [CNSWJO website](#).

#### Forward budget

The Board adopted a draft Statement of Budget and Revenue and has put it on public exhibition. It can be found on the [CNSWJO website](#). While the website calls for feedback in 30 days, giving consideration to member Council meeting timeframes, please provide feedback by 30 April 2025 so this can be considered by the Board.

Considerations for the 2025/2026 budget include:

- taking up the rate peg increase of 3.8% for fees where this figure is the lowest rate increase in this region (Blayney);
- noting the decision by the Board to realise \$150K from internally restricted reserves to support the cyber security project;
- noting the Statement of Strategic Regional Priority (SSRP) will be finalised in November of this calendar year and changes to priorities will be funded in the budget;
- based on the pilot with Forbes Shire Council, growth in the service offering for the procurement function to include a "fee-for-service" procurement management service at a reasonable cost to members showing a conservative income stream of \$20K;
- inclusion of \$12,500 to support matching funding for energy projects;
- inclusion of grant funded projects for:
  - Disaster Readiness;
  - Joint Organisation Net Zero Acceleration Program; and

- o Water Loss Management.

## Advocacy Plans

Every February the Board reviews its Advocacy Plans. These plans are used to inform submission, media, correspondence, ministerial briefings and other collateral.

Developed with the direction of the Portfolio Mayors, the following were adopted by the Board:

- [The Transport Advocacy Plan](#)
- [The Health and Ageing Advocacy Plan](#)
- [The Water Advocacy Plan](#)
- [The Regional Prosperity Advocacy Plan](#)
- [The Energy Advocacy Plan](#)

## Other key outputs adopted by the Board

Output	Description
<a href="#">Statement of Strategic Regional Priority Risk Management Plan</a>	Undertaken internally, risks to the JO, region and Council are identified. All JO activities must give consideration to these risks and advice is provided to the Board in their quarterly meeting.
<a href="#">CNSWJO Social and Environmental Scan</a>	Using an external provider, this report provides a snapshot of the region's data, opportunities and challenges. This advice informs forward strategy.
<a href="#">High level Destination Marketing Plan</a>	Commissioned by the previous Board and undertaken externally this work informs the destination marketing being undertaken through the CNSWJO.
<a href="#">Leading Practice in Regional Development</a>	At the request of the previous Board this work has been undertaken collaboratively between Central West Regional Development Australia (CWRDA) and the JO. RDA will take the lead in its implementation.
<a href="#">Draft MoU with SkillSet</a>	CNSWJO has a growing number of MoUs and other instruments to facilitate collaboration. The most recent is with Skillset. Importantly, these MoUs identify initiatives to be undertaken collaboratively in the interest of Councils and communities in the CNSWJO region.
<a href="#">CNSWJO Regional Electric Vehicle Strategy - final</a>	A support document for Councils and the JO in transitioning fleet to meet net zero carbon emissions targets.
<a href="#">EV Drive Day Event Report</a>	A wrap-up report from the Electric Vehicle (EV) Drive Day held in Bathurst in December 2024.
<a href="#">New Councillor Event Final Report</a>	The Welcome Councillor event was held 28 November 2024. A report from the meeting made the following recommendations which will now be progressed as they have been adopted by the Board. <ol style="list-style-type: none"> <li>1. provide advice back to peak agencies included in this report;</li> <li>2. develop a CNSWJO induction report for incoming Councillors with advice drawn from the event;</li> <li>3. receive advice on resourcing of: <ol style="list-style-type: none"> <li>a. an informal network of Councillors; and</li> <li>b. specific support for Deputy Mayors; and</li> </ol> </li> <li>4. include advice from this report in its deliberations on forward programming for the Statement of Strategic Regional Priority and advocacy.</li> </ol>

## Advocacy Priorities leading into the federal election

The Board identified the following as priorities leading into the federal election.

1. Increase Financial Assistance Grants to at least 1% of Commonwealth tax revenue and add a one-time \$3 billion payment to address past underfunding.
2. Recognise Local Government in the Constitution.
3. Recognise Central NSW's strengths in agriculture, mining, renewable energy, and proximity to cities and ports with the "Made in Central NSW" initiative.
4. Provide support and compensation for regional communities during the energy and mining transition.
5. Empower regional communities to become more energy independent and resilient.
6. Ensure energy security for regional communities during the transition to renewable energy.
7. Improve road funding with a focus on betterment and resilience.
8. Develop a safe, reliable, and efficient transport network linking Central NSW to Sydney and beyond for both passengers and freight.
9. Create a strong multi-modal freight network.
10. Address health workforce shortages, exacerbated by housing shortages, with better collaboration between state and federal services.
11. Despite the various interventions and inquiries over decades, local government is still battling health and aged care workforce shortages, the more remote the greater the challenge.
12. Improve health services, as 94% of our communities prioritises this.
13. Leverage the region's water security work to develop a regional water supply pipeline grid in partnership with the NSW and Federal Governments.
14. Include Water Supply and Sewer Assets in State and Commonwealth Disaster Recovery Funding.
15. Ensure the Murray Darling Basin Plan considers the social and economic impacts on communities while meeting environmental targets, especially during droughts and natural disasters.
16. Review the Aboriginal and Torres Strait Islander Heritage Protection Act Section 10 process.

At the time of writing an event is being coordinated for 11 March which will include a session on federal priorities and meeting with candidates leading into the election. All Councillors in the region have been invited and the event is free to attend.

Further advocacy will be at the direction of the Mayors of the region under the leadership of the Chair, Cr Kevin Beatty, Mayor of Cabonne.

## Priorities for the Joint Organisation for this term of Council

Similar to the Community Strategic Plan for Council, Joint Organisations must develop a Statement of Strategic Regional Priority. Under the auspices of the Mayors of the region, workshops have been held with new Councillors (28 November 2024), Executive Leadership Teams (31 October 2024) and the Board provided high level advice on priorities at the meeting in Oberon as follows. Staff will now pull together a program of work in support of this direction. Again, all feedback is welcomed.

80% of the JOs resources go to delivering operational support to Councils in helping with the financial sustainability challenge.

### Priority One: Leveraging our reputation and strength in collaboration

- 1.1 Drive efficiencies and effectiveness saving Councils money
- 1.2 Build capacity and networks across our Councils and the Joint Organisation network
- 1.3 Work well with other peak agencies
- 1.4 Engage with State and Federal Governments to get better advocacy outcomes for the region.

**Priority Two: Regional prosperity through better connected infrastructure and services**

- 2.1 Initiatives for sustainable growth population-in the context of locational preference factors
- 2.2 Optimise land use and regional development planning and implementation
- 2.3 Advocacy and initiatives on skills and housing shortages
- 2.4 Infrastructure prioritisation through the CNSWJO Matrix
- 2.5 Leveraging the region's endowments and opportunities
  - a. Activation precincts including Parkes SAP
  - b. Pattern of settlement; livability, proximity to capital cities and ports – this region is a solution for growth outside Sydney
  - c. Agriculture focusing on value-add
  - d. Renewable energy generation
  - e. Mining
  - f. Visitor economy
- 2.6 Biosecurity

**Priority Three: Better infrastructure and services in health and ageing**

- 3.1 addressing the need for more palliative care in region
- 3.2 addressing the mental health challenge
- 3.3 identifying pathways through the challenging health frameworks to deliver better outcomes for regional communities

**Priority Four: Telecommunications****Priority Five: Regional Transport Improvements**

- 5.1 Multi-modal transport connectivity planning and implementation including road, rail and air passenger and freight
- 5.2 Optimal road funding framework including for natural disasters
- 5.3 High quality, efficient and safer road and rail networks

**Priority Six: Regional Water Security and Productive Water**

- 6.1 Regional water network planning and implementation including best practice skills development
- 6.2 Productive water
- 6.3 Leveraging the region's leadership in water utilities
- 6.4 Human critical need particularly urban water

**Priority Seven: Climate change adaptation and mitigation**

- 7.1 Transition to a sustainable, secure, just and affordable energy future
  - a. Energy efficiency and emissions reduction
  - b. Distributed energy resources
  - c. Circular economy and waste
  - d. Environment and biodiversity
- 7.2 Adapting to a warming climate
  - a. Disaster risk reduction, response and recovery
  - b. Betterment and prioritisation of resilient infrastructure
  - c. Leading practice in region and across NSW

**The UN Youth Summit**

In line with direction from the Opt-in Advocacy Mayors, councils were asked to sponsor local school students to attend a United Nations (UN) Youth Summit in Bathurst on 26 March 2025. This sponsorship has different forms in different LGAs and council staff have been working closely with the Executive Officer in this regard. Promotion of this event was also recommended through a media release. A proforma report and media release were provided to members and are available on request.

UN Youth Australia is a youth-led organisation that brings young people, community and global leaders together to equip the next generation of young leaders with the skills and inspiration to create

meaningful change. All activities are designed to prepare students to be informed, responsible, and engaged participants in their local and global communities.

They run a broad range of peer-to-peer interactive education programs that give young people a deep understanding of the social and political issues the world faces today. From Model United Nations debates, Workshops, and our Interactive Problem-Solving simulations, the programs foster ideas and innovation to support young people in solving global problems. For more information please go to [About Us – UN Youth Australia](#)

Charles Sturt University is hosting the Regional Youth Summit on Wednesday 26 March 2025 in Bathurst and the CNSWJO has committed up to \$5K to support catering and other costs.

### **Charles Sturt University Scholarship Program**

Charles Sturt University has provided the 2024 report to CNSWJO on the progress and success of the medical scholarship program. The CNSWJO committed \$75,000 in the form of three \$25,000 scholarships paid to the students in instalments over the course of their study.

Feedback from the students has been very positive. This funding concludes at the end of this financial year and the Board will receive a report on the program's value in due course for consideration for inclusion in the SSRP.

### **Submissions**

The following submissions have been lodged over the past quarter. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All previous submissions can be viewed on the CNSWJO website at [Submissions](#)

1. [Central West Orana Strategic Regional Integrated Transport Plan – February 2025](#)
2. [Submission to the National Electricity Market \(NEM\) Review – Initial Consultation – February 2025](#)
3. [Submission to the Inquiry into the Impact of Renewable Energy Zones on Rural and Regional Communities in NSW – January 2025](#)
4. [Submission to the Discussion Paper on Review of Alternative Funding Models for Local Water Utilities – December 2024](#)
5. [Submission to the Independent Pricing and Regulatory Tribunal review of prices for the Water Administration Ministerial Corporation and WaterNSW – December 2024](#)
6. [Submission to the Inquiry into PFAS contamination in waterways and drinking water supplies – November 2024](#)
7. [Submission on the Councillor Conduct Framework Review – November 2024](#)

### **NSW Regional Consultation Guidelines**

In September 2024 the [Regional Communities \(Consultation Standards\) Bill 2024](#) was passed. The object of this Bill is to provide that the consultation of regional communities by government bodies and agencies must be carried out in a proper and effective manner. The Bill calls for Guidelines to be developed. The Guidelines are based on advice from the International Association for Public Participation (IAP2) and have been informed by a Premier's Dept listening tour.

The draft Guide was provided for comment on 12 February with feedback sought until Monday 17 March via this web link: [Consultation with Regional Communities Guide](#).

CNSWJO will provide a response within existing policy calling for a fit-for-purpose approach and an accountability framework.

## Value to Council

80% of CNSWJO resources are dedicated to providing its operational support program. For the 2023/2024 year this program delivered a return on investments of 9.3:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

Noteworthy from this meeting is that the Board has created an Enduring Council Financial Sustainability Subcommittee to give consideration to forward programming of the JO build on the work currently undertaken.

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

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

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

Please find following some highlights from the various operational support programs taken from a recent newsletter. For the full newsletter please go to [CNSWJO Quarterly Newsletter - Edition 2 - February 2025](#)



## 8. Business of Great Urgency

The General Manager / Acting General Manager publicly confirms, 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 relevant information necessary for the performance of their official functions and necessary to effectively discharge their official functions.

The General Manager / Acting General Manager is aware that Council Staff Members have provided full and timely relevant information to all Councillors, sufficient to enable them to exercise their official functions and in accordance with Council Procedures.

Ross Gurney  
General Manager

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.