



BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 October 2021

at 7:00 PM

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1. Acknowledgement of Country

Acknowledgement of Country

I would like to acknowledge the traditional custodians of this land we are on here today, and pay respect to their elders both past, present and emerging.

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.

2. Present

3. Apologies

4. Declaration of Interest

5. Confirmation of Minutes

6. Commemorations and Announcements

7. Public Forum

8. Mayoral Minutes

8.1. Mayoral Minutes - 25/10/2021 - Emergency Electrical Repairs to Tornado Damage Building

Report by Mayor – Councillor Ray Thompson

Commentary

During October a severe weather front passed through parts of the city bringing heavy rain and, in the case of a belt of land through Meadow Flat, very high winds (described as a tornado). The day after the Deputy Mayor and I visited the area to view some of the damaged properties and speak to residents.

Houses had lost roofs and several outbuildings will require demolition. After consulting with the General Manager an offer was made that Council would assist in any ways reasonable to help the residents recover. One form of assistance which the General Manager has asked to be considered is in relation to the costs of disposing of demolition material at Council's landfills.

Immediately after our visit one of the property owners, Scott McKinnon and Anne Becroft of 260 Curly Dick Road, Meadow Flat, who were at the time driving back from Orange after medical treatment to a severe cut to Scott's forearm from flying debris, called to seek assistance in returning power to their badly damaged house. With more rain approaching and temperatures being very low they were keen to be able to heat the house and get through the night.

After consultation with the General Manager, arrangements were made for a local electrician to immediately call to the site and attend to this. In recognition of this being an emergency and another example of circumstances in which Council will stand in support of its people an offer was made that Council would be prepared to pay this expense. Funds are available in the Mayor's Donations Fund.

The undertaking of work on private property requires the approval of Council.

Attachments

1. Invoice for repairs to Curly Dick Road Meadow Flat \$324.37 [8.1.1 - 1 page]

Recommendation

THAT Council –

1. note the action to support a local resident recover from severe damage to their house and property at Meadow Flat as a result of a tornado, and,
2. endorse the expenditure of \$324.37 for works on this private property at Curly Dick Road Meadow Flat

9. Notices of Motion

9.1. NOTICE OF MOTION - 25/10/2021 - Councillor Stephen Lesslie - Ironfest

Report by Councillor Stephen Lesslie

Commentary

Ironfest has been part of the Lithgow scene for two decades and for people who do not live in our LGA is one of the major identifiers of who we are.

Thousands of visitors, performers and participants have, in recent years, come to Lithgow for the festival and the economic benefit to our LGA has been enormous.

In 2020 and again in 2021 because of the Covid pandemic Ironfest had to be cancelled. Cancellations are not cost free and these cancellations have put Ironfest under an enormous financial pressure.

Attachments

Nil

Recommendation

That Lithgow Council management meet with the Ironfest executive to determine how Lithgow Council can assist Ironfest in staging Ironfest 2022 and that a report be brought back to Council as soon as practicable after the December Council elections.

Management Comment

All major public events have been significantly disrupted, if not cancelled, during the era of the Covid pandemic. Hopefully, these circumstances will soon be a thing of the past. Council intends to reach out and give assistance to organisations that are proposing events in 2022.

9.2. NOTICE OF MOTION - 25/10/2021 - Councillor Steve Ring - Limited Parking Permit Lithgow Businesses

Report by Councillor Steve Ring

Commentary

Some of our Main Street Cafes have introduced home deliveries in order to maintain a cash flow rather than close their doors and walk away during the pandemic. That they have persisted during difficult times is a sign of their commitment to this town and as local employers.

However, there are a small number of cafes that do not have parking at the rear of their buildings and this has meant parking in front of their shops to undertake deliveries. As a consequence, a number of operators have received parking fines (see attachment).

This is by no means a criticism of staff who are doing their job – they do not have discretion or authority to not issue fines.

I have discussed this matter at length with the Director Economic Development and Environment and the Director Infrastructure Services and appreciate the complexity of parking issues within our CBD.

The Directors advised me that there is a need to review parking within the CBD and this should occur as part of the current upgrade works that have just been announced.

Why not wait until the study is completed? Because that would most likely result in more vacant shops in Main Street.

A number of Sydney Councils have waived parking fees in an endeavour to increase the flow of customers to their business owners.

We don't charge residents a parking fee in Main Street but we do issue fines. It is on this basis that I make the following recommendation.

Attachments

1. Email received - Business parking [9.2.1 - 1 page]

Recommendation

THAT the:

1. Administration immediately introduce a parking permit system for 12 months to allow affected businesses parking in front of their businesses between 12 noon and 6 pm
2. Permit system is restricted to those hospitality businesses in the CBD whose business model has altered during Covid by introducing home deliveries and whose premises do not have rear parking.

Management Comment

There is an assertion in the attachment that a "business has been targeted receiving no less than four parking infringements even though the ranger is aware the vehicle is for business use". This has not been substantiated and the comment is inaccurate.

Parking along Lithgow's Main Street is in extremely high demand, with more demand at times than there is available parking. Generally though, parking can be found within a comfortable walking distance in these small peaks.

Over the past 5 years, both Council and the administration have heard calls for amended parking layouts in this area, with requests for additional/removal of loading zones, disability parking spaces,

no stopping zones, and many other requests. To date, these requests have been denied pending a review of parking along the whole length of the street.

Parking limits are in place to provide maximum benefit for all shop fronts on the Main Street of Lithgow. Such limits ensure optimisation of shopping spending and allow convenience for the maximum number of patrons over a given period. Additionally, particularly in central business districts, timed parking schemes reduce traffic congestion by maximising the availability of parking. Third, our Main Street offers several essential services such as optometrists, chemists and medical centres. Time limits best ensure availability of parking for these services.

There is no doubt that the city has changed in recent years, with cafes and gourmet eateries proliferating. Such businesses are affected as a result of the artificial environment created by COVID and recent extended lockdowns. However, in aiding these businesses, we must all ensure that a decision made does not negatively impact others.

As available parking is extremely limited, allowing hospitality businesses permits for parking will very likely be to the detriment of other businesses, all of which have equal right to trade and flourish. Without designated spaces, a permit system could see business owners parking anywhere on Main Street, particularly if the parking in front of their business is occupied. Even if designated permit parking spaces were put in place, patrons of that business would then occupy alternate spaces in front of another business. In short, any permit scheme will negatively impact those businesses and patrons who are not eligible for its benefits.

The best way to ensure parking is best supporting all businesses is to undertake a holistic and strategic review of the Main Street parking layout. Such a review is part of the scope of the Main Street Renewal project, for which \$2M has been recently announced.

With restrictions now easing, it is strongly recommended that Council continue to apply consistent and equitable rules through the reinforcement of existing parking restrictions to maximise patron turnover and opportunity for all local businesses.

Parking patrols have actually reduced over the lockdown period. As business resumes, the sensitive but consistent management of parking can actually increase spending within the city centre by supporting customer convenience and easy access to businesses.

10. Staff Reports

10.1. General Manager's Reports

10.1.1. GM - 25/10/2021 - Delegations to General Manager

Prepared by Trinity Newton – Executive Assistant
Department Office of the General Manager & Mayor
Authorised by General Manager

Summary

Under the Act, all current Councillors and Mayors elected by the Councillors cease to hold their civic offices from election day 4 December 2021.

This means that Lithgow City Council will be without a governing body from 4 December 2021 until the declaration of the election between 21 - 23 December 2021 at the earliest.

Councils that elect their Mayor must hold a mayoral election within 3 weeks of the declaration of the ordinary election and are required to schedule a meeting for this purpose within 3 weeks of the declaration of the election. Lithgow City Council has resolved to meet for an Ordinary Meeting of Council 22 December 2021 to deal with post-election matters only.

Commentary

In accordance with caretaker restrictions under the Local Government Regulation, Councils are required to assume a “caretaker” role in the four weeks preceding the election day (clause 393B).

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

The caretaker period for the 4 December 2021 local government elections commences on Friday 5 November 2021 and ends on Saturday 4 December 2021.

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

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

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

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

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

Councils that elect their Mayor, such as Lithgow City Council, will not have a Mayor in the period between election day and the first meeting after the election when the Mayoral election is held. This is scheduled for 22 December 2021, however, if the election has not been declared at this point it will be required to be rescheduled until no later than 11 January 2022. This current Council may wish to set a subsequent meeting date Monday 10 January 2022.

Given that the outgoing mayor is not standing for re-election and therefore will cease to be accountable to the Council and the community, the OLG suggests that Councils should refrain from making any delegations to the outgoing mayor for the interim period.

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

Policy Implications

Nil.

Financial Implications

Nil.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT Council

1. Authorise the General Manager to exercise the civic and ceremonial functions normally exercised by the Mayor for the period between election day and the first meeting of the Council following the election.
2. Delegate all delegable functions to the General Manger for the period between election day and the first meeting of the Council following the election.
3. In the event that the election is not declared by the time of the scheduled Council meeting of 22 December 2021 that it be rescheduled to Monday 10 January 2022, if required.

10.2. Economic Development and Environment Reports

10.2.1. Building and Development

10.2.1.1. ECDEV - 25/10/2021 - DA155/21 - Installation of Fibre Optic Cable and Telecommunication Works, Hassans Walls Reserve

Prepared by Lauren Stevens - Development Assessment Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Summary

The purpose of this report is to assess and recommend determination of Development Application DA155/21 for the installation of fibre optic cable on land known as Lot 2 DP 875910, which is Crown land located at Bracey Lookout, Hassans Walls Reserve, Lithgow.

Commentary

Development Application DA155/21 involves the installation of fibre optic cable to the Bracey Lookout base station, trenching for the purposes of installing telecommunications transmission facilities including conduit, fibre optic cable and pits (2).

An excavator will be utilised to construct a trench approximately 300mm wide by 0.7m deep. A PVC conduit will be installed at the base of the trench with a fibre optic cable to be hauled through the conduit. The trench will be backfilled and two telecommunications pits installed.

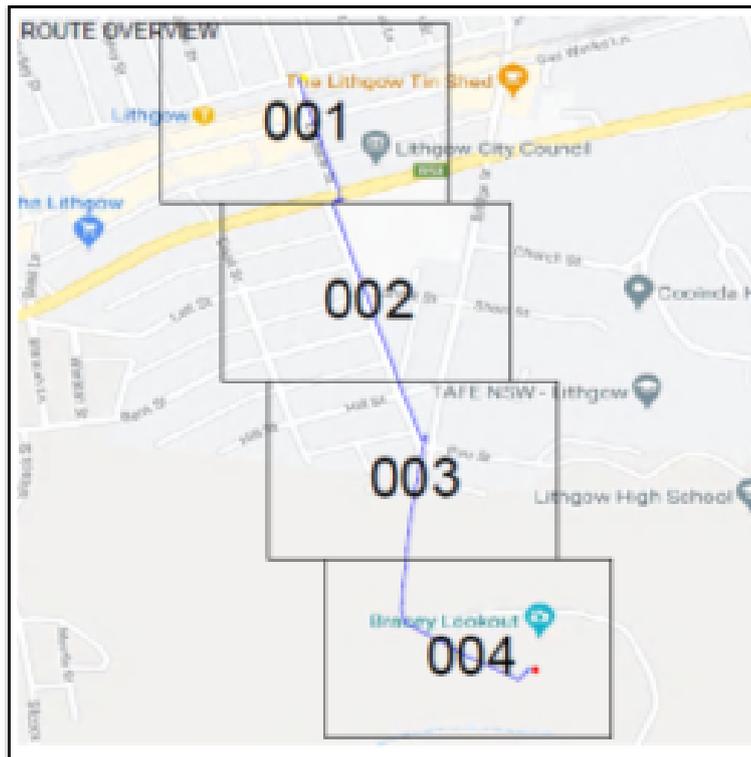
The site is predominantly surrounded by bushland, vehicle / walking tracks and powerlines. Council's Water Reservoir and the Optus Mobile Phone Tower is located at Bracey Lookout on Lot 2 DP 875910.

The development is located within the E3 Environmental Management zone under the Lithgow Local Environmental Plan 2014. The development, being ancillary works to an existing telecommunications facility (Optus Tower), is permitted with consent as per Clause 115 '*Development permitted with consent*' under the State Environmental Planning Policy (Infrastructure) 2007.

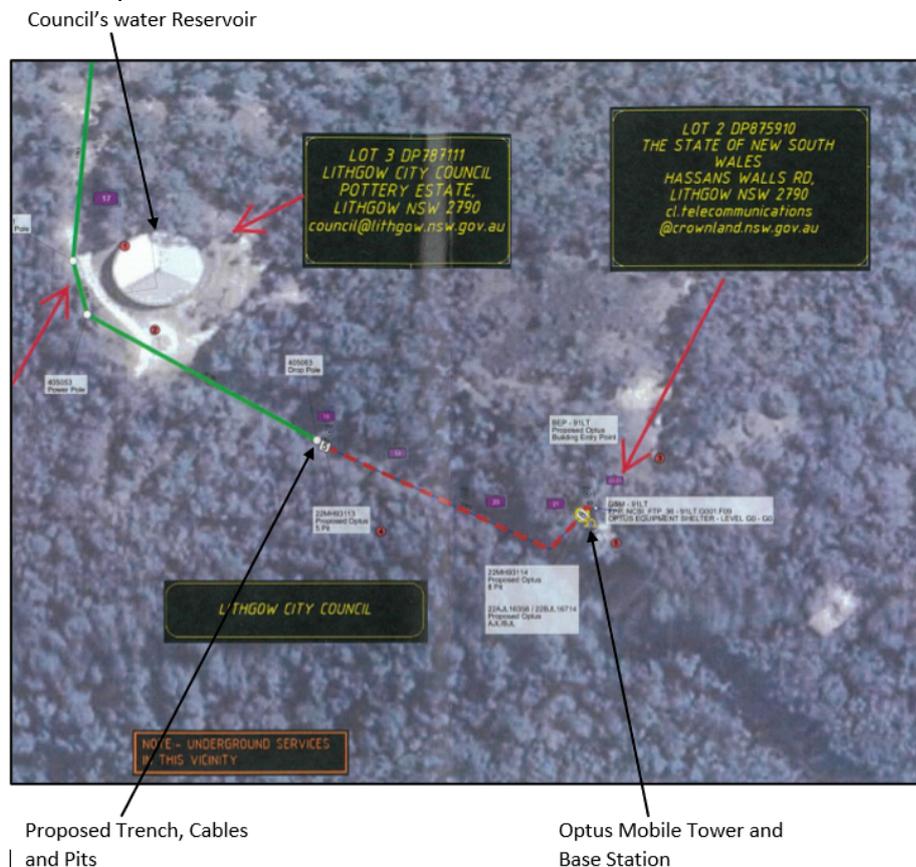
Other ancillary works located in the R1 General Residential Zone involve underground conduits and pits running along Bent Street, Eskbank Street, Bridge Street and Hill Street. These works are being completed by Optus under the provisions of the Telecommunications Act 1997 and do not require Council approval.

The underground conduits from the existing Optus Base Station at Braceys Lookout to Bridge Street will follow cleared areas under power lines and along Council's road reserves.

The route overview is shown in the diagram below:



The location of the proposed development at Bracey Lookout, that is subject to development consent, is shown on the plan below:



The proposal has been assessed in accordance with the requirements of section 4.15 of the Environmental Planning and Assessment Act 1979 as detailed in the assessment report in the

attachment. The assessment report recommends granting approval to the development subject to conditional consent.

Crown Land Management

Lot 2 in DP 875910 is Crown land and forms part of Hassans Walls Reserve. Council is the Crown Land Manager of Hassans Walls Reserve and is committed to ensuring compliance with the *Native Title Act 1993*, which affects all Crown land in NSW.

Section 24KA of the *Native Title Act 1993* sets out the requirements regarding use or development of Crown land for the purpose of facilities for services to the public. It provides that any Native Title holders, and any registered Native Title claimants have the same procedural rights as they would have if they instead held ordinary title (s. 24KA(7)).

The *Telecommunications Act 1997* requires telecommunication carriers and providers to give notice to owners or occupiers of land before performing certain activities or development (CI 17, Div 5 of Schedule 3).

As Native Title holders and Native Title claimants have the same procedural rights in relation to Crown land that owners or occupiers have in relation to ordinary title, Council asked Optus to give notice to the Native Title claimants in relation to its proposed development on Lot 2 in DP875910. Subsequently, Council received confirmation from Optus that it has provided the requisite notice and received non-objection letters from the Native Title claimants. Council is therefore satisfied of compliance with the *Native Title Act 1993* and has no objection to the development from a Crown Land Management perspective.

Policy Implications

Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land

This policy requires that a development application relating to Crown land managed by Council be referred to an Ordinary Meeting for the consideration and determination by Council. As Hassans Walls Reserve is Crown Land ownership under the care, control and management of Lithgow City Council, the application is reported to an Ordinary Meeting of Council for determination in accordance with this Policy.

Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes the following types of development as exempt from requiring notification:

2. APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN

- Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.

Therefore, no adjoining or adjacent landowners have been notified of the proposal as part of this process.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Environmental Planning and Assessment Act 1979

In determining a development application, Council as the consent authority is required to take into consideration the matters of relevance under Section 4.15 of the Environmental Planning and Assessment Act 1979. These are addressed in the planning assessment report.

Attachments

1. DA155/21 Fibre Optic Cable Hassans Walls Reserve Assessment Report [**10.2.1.1.1** - 19 pages]

Recommendation

THAT:

1. Development Applications DA155/21 be APPROVED subject to conditions of the consent as shown in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Sectionn 375A(3) of the Local Government Act, 1993.

10.2.2. Economic Development & Environment General Reports

10.2.2.1. ECDEV - 25/10/2021 - Classification of two parcels of land

Prepared by Sandra Politi - Land Use & Property Officer

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

21-133 – confidential meeting of Council 24 May 2021

Summary

This report requests Council's approval to classify Lot B in DP398553 and Lot 6 in DP33474 as "operational" land.

Commentary

Background

At the meeting of Council on 24 May 2021 Council resolved to accept a donation of two parcels of land, namely Lot B in DP398553 and Lot 6 in DP33474, shown on the image **attached** to this report. The transfer of both lots was effected on 11 October 2021.

Requirement for Council to classify public land as "community" or "operational" land

All "public land" must be classified as either "community" or "operational" land by way of a resolution of Council within 3 months of acquisition. (Local Government Act 1993, s.31(2)).

"Public land" means:

any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or*
- (b) land to which the Crown Land Management Act 2016 applies, or*
- (c) a common, or*
- (d) a regional park under the National Parks and Wildlife Act 1974.*

(Local Government Act 1993, s.3)

"Community" land is land that falls within one of the following categories:

- (a) a natural area,*
- (b) a sportsground,*
- (c) a park,*
- (d) an area of cultural significance,*
- (e) general community use.*

(Local Government Act 1993, s.36(4))

"Operational" land is "public land" that does not meet the criteria or core objectives for "community" land.

Public notice of classification

Council is required to give public notice of a proposed resolution to classify public land. (Local Government Act 1993, s.34(1))

Proposal to classify the two parcels of land as “operational” land

It is proposed to classify both parcels of land as “operational” land for the following reasons:

1. Lot B in DP398553 is a narrow 35 m² slither of land forming part of a drainage reserve at Farmers Creek. Drainage reserves are typically classified “operational” land because they do not fall within any of the categories for “community” land. Therefore, it is appropriate to classify Lot B in DP398553 as “operational” land.
2. Lot 6 in DP33474 is a 9972 m² elongated parcel of land located in Vickers Street, South Littleton and backs on to Hassans Walls Reserve. The lot may have development opportunity, but this needs to be further explored. At this stage, it is appropriate to classify the land as “operational” so that Council can more fully consider the best use of the land. If it is determined that the best use of the land is a “community” use, the land may be re-classified to “community” by way of a resolution of council. (Local Government Act 1993 (s.33)).

Policy Implications

Policy 9.16 Compliance Policy.

Policy 1.6 Land Acquisition and Disposal Policy

Financial Implications

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

The financial implications listed pertain only to classifying the land and do not account for any future use of the land.

Legal and Risk Management Implications

Local Government Act 1993

Attachments

1. Images - Lot B D P 398553 and Lot 6 D P 33474 [**10.2.2.1.1** - 2 pages]

Recommendation

THAT

1. Council resolve to give public notice for at least 28 days of the proposal to classify Lot B in DP398553 and Lot 6 in DP33474 as “operational” land.
2. If no submissions are received during the public exhibition period, Lot B in DP398553 and Lot 6 in DP33474 be deemed classified “operational” land and be added to Council’s land register.
3. If submissions are received during the public exhibition period, and those submission can’t be satisfactorily addressed by Council administration, the matter be returned to Council for further consideration with details of submissions received.

10.2.2.2. ECDEV – 25/10/2021 – proposed Eskbank Railway Project

Prepared by Sandra Politi - Land Use & Property Officer

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

Nil

Summary

The purpose of this report is to:

1. Inform Council of a proposal by COC Ltd (**COC**) to develop the Eskbank Railway Project (**the Project**);
2. Request Council's approval to provide landowner's consent to any development application Council receives from COC regarding the Project, insofar as it affects land owned by Council;
3. Request Council's approval to sign letters of support for the Project, including for COC's funding applications to third parties, on the proviso that offers of support are subject to adoption of a plan of management.

Commentary

About COC

COC is a local community based not-for-profit company headed by director Michael Wilson. COC's mission is to preserve, protect and promote Lithgow's vast railway and industrial heritage, which includes the proposed development of the Eskbank Railway Heritage Precinct. COC believes that such projects have the potential to stimulate local economic development through employment and tourism opportunities.

About the Project

In summary, the Project involves the development of a working railway museum showcasing Lithgow's early railway heritage, including a tourist train linking the Eskbank Precinct with a number of historically important sites such as Blast Furnace Park and the Lithgow State Coal mine via the State Mine branch.

In addition, the project involves a modern wagon maintenance facility incorporated into the museum complex to provide support and financial assistance to keep the integrated development viable. COC aims to marry business with heritage to ensure that rail preservation has a sustainable future and is not continually reliant on government funding to survive.

For a comprehensive outline of the Project, the following documents provided by COC are attached to this report:

1. The Eskbank Rail Heritage Centre Business Plan 2014;
2. Layout plan – proposed Eskbank Rail Heritage Precinct;
3. Location plan – proposed Eskbank Rail Heritage Precinct locomotive depot and wagon maintenance centre.

Land required for the project

In order to achieve the Project, COC will require the use of Council owned land being Lot 1 in DP433264 (zoned RE1 public recreation), as shown on the image **attached** to this report. This land is classified “community” and categorised “area of cultural significance”.

Additionally, COC will use Lot 1 in DP1105168 (zoned SP2 infrastructure) for the Project. This land is owned by Transport NSW/Railways and COC has a licence from Railways for this purpose.

Development application

COC will need to lodge a development application for the Project and will require landowner’s consent from Council and Transport NSW/Railways for this purpose.

Clause 49(1) of the Environmental Planning & Assessment Regulation 2000 provides that a development application may be made:

- (a) by the owner of the land to which the development application relates, or*
- (b) by any other person, with the consent of the owner of that land.*

Therefore, in accordance with s.49(1)(b), COC may lodge a development application for the Project if Council provides landowner’s consent (in its capacity as landowner), and NSW Transport/Railways provides landowner’s consent in relation to its land.

If development for the Project is approved, COC will need a legal right to use the land before any development can commence.

Legal right to use the Council owned land - community classification

Councillors may be aware that use of “community” land is subject to certain restrictions under the *Local Government Act 1993*, including that it may only be used in accordance with a plan of management and any lease or licence of the land must be authorised in a plan of management and be for a maximum term of 30 years. Furthermore, land that is categorised “area of cultural significance” must have a specific plan of management (ie, it can’t form part of a generic plan of management).

Presently there is no plan of management for the land owned by Council and a suitable plan of management will need to be commissioned and adopted before Council can grant a legal right to COC to use the land and commence development. A plan of management must expressly authorise the use and the granting of a lease or licence and will be subject to community consultation.

To sum up, if Council supports the Project, there is nothing to prevent Council from giving landowner’s consent to enable COC to lodge a development application. There is also no reason that Council can’t provide letters of support to enable COC to apply for funding for the Project, provided such letters of support are issued subject to a plan of management being adopted that allows the land to be used for the Project and a lease or licence to be granted for that purpose.

Policy Implications

Policy 9.16 Compliance Policy
Policy 10.20 Leasing and Licensing Policy

Financial Implications

- Budget approved - N/A

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

Note: the financial implications listed pertain only to the purpose of this report and do not factor in the cost of any plan of management or future activity regarding the project.

Legal and Risk Management Implications

Local Government Act 1993

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Attachments

1. Image - Lot 1 D P 433264 community land [10.2.2.2.1 - 1 page]
2. Eskbank Heritage Centre Business Plan 2014 [10.2.2.2.2 - 92 pages]
3. Layout plan - proposed development of Eskbank Rail Heritage Precinct [10.2.2.2.3 - 1 page]
4. Locality plan - Eskbank Rail Heritage Precinct Locomotive Depot and Wagon Maintenance Centre [10.2.2.2.4 - 1 page]

Recommendation

THAT

1. Council provide landowner's consent to any development application lodged by COC Ltd in relation to the Project.
2. Council authorise letters of support including those for funding applications in relation to the project on the proviso that such letters are issued subject to a plan of management being adopted that expressly authorises the use and the grant of a lease or licence for that use

10.2.2.3. ECDEV - 25/10/2021 - Foundations Planning Proposal 2020-4094 - Post Exhibition Update and Process

Prepared by Sherilyn Hanrahan – Strategic Land Use Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reference

Min 18-159 Ordinary Meeting of Council held on 25 June 2018.

Min 20-273 Ordinary Meeting of Council held on 23 November 2020.

Summary

The purpose of this report is to:

- Provide an update on the progress of the planning proposal for Lithgow Local Environmental Plan 2014 (Amendment 5) - The Foundations site Portland;
- Advise of the outcomes of the consultation and public exhibition phases; and
- Obtain a resolution to proceed with the making of the Local Environmental Plan 2014 (Amendment 5).

Commentary

Background

At the Ordinary meeting held on 23 November 2020, Council resolved to support the preparation of a Planning Proposal for the Foundations Site, Williwa St, Portland. The planning proposal (as revised at Gateway) seeks to:

- Remove the “deferred matter” status of the site and bring the lands within Lithgow Local Environmental Plan 2014. Lithgow Local Environmental Plan 1994 can then be fully repealed.
- Rezone the site from 2(v) under Lithgow Local Environmental Plan 1994 to a combination of R1 General Residential, R2 Low Density Residential, B4 Mixed Use and RE 2 Private Recreation under Lithgow Local Environmental Plan 2014 as well as amending the R1 and B4 zones under Lithgow Local Environmental Plan 2014 as shown in Figure 1 below.
- Apply an additional permitted use (APU) to two areas of the B4 mixed use zone towards the front of the site to permit dual occupancy (attached and detached); dwelling houses and multi-dwelling housing. These additional uses will only apply to the identified areas in this site shown in an APU Map.
- Remove all minimum lot size provisions across the site.
- Identify the site as an Urban Release Area (URA) to which Part 6 of Lithgow Local Environmental Plan 2014 will apply requiring satisfactory arrangements for state public infrastructure, public utility infrastructure and the preparation of a development control plan (DCP) to ensure development occurs in a logical and cost-effective manner.

The intended urban design outcomes of the proposal are to facilitate:

- Approximately 174 residential lots of varying size ranging from more compact lots to large lot residential;
 - Seniors Housing;
 - Employment and entertainment land;
-

- Private recreation land to support parks, walkways, caravanning, camping/glamping and suitable tourist and visitor accommodation;
- A range of mixed uses to support commercial, retail, tourism and employment land uses;
- Future works to improve the environmental management and integrity of the eastern most quarry void; and
- Adaptive reuse of heritage cottages at the site and promotion and conservation of the remaining heritage on the site.

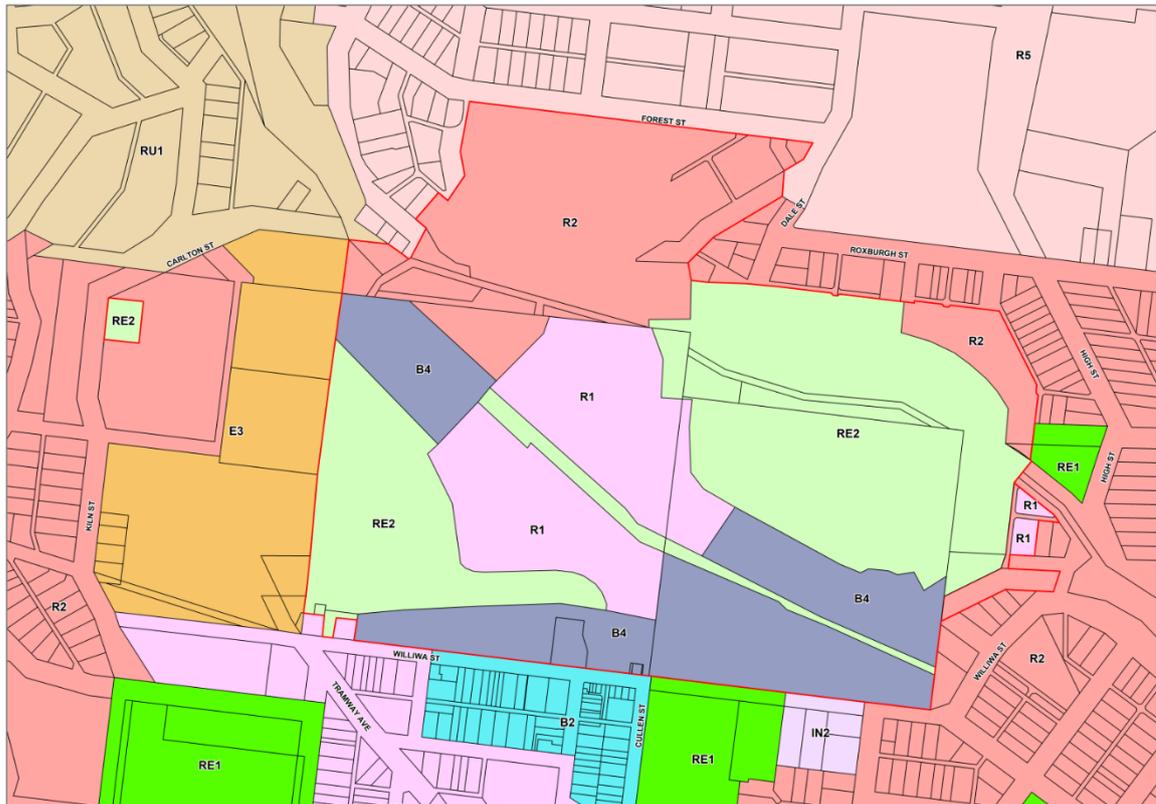


Figure 1 Proposed Land Use Zones

Proposal Update

The Planning Proposal was uploaded to the NSW Planning Portal and referred to the Western Region Office of the NSW Department of Planning, Industry and Environment on 22 December 2020 seeking a Gateway Determination. Council received a Gateway Determination dated 2 February 2021 subject to eight (8) conditions. A copy of the Gateway Determination is attached to this report.

The Director of Western Region Local and Regional Planning (DPIE) has agreed the planning proposal's inconsistency with S.9.1 Direction 2.6 Remediation of land and 6.3 Site Specific Provisions are justified. No further approval is required in relation to these Directions. In relation to the inconsistency with Section 9.1 Direction 4.4 Planning for Bushfire Protection, consultation with NSW Rural Fire Service is required to resolve the inconsistency.

The planning proposal was revised to comply with Condition 1 of the Gateway Determination to include:

- The 'Deferred Matter' land with an appropriate Lithgow LEP (Local Environmental Plan) 2014 land use zone and related mapping; and
- The Foundations precinct as an Urban Release Area (URA) with the inclusion of related mapping.

Following further consultation with Crown Lands and Bathurst Aboriginal Land Council in relation to the inclusion of their lands within the planning proposal, the revised planning proposal was resubmitted to DPIE on 23 March 2021. Approval to proceed subject to Condition 2 consultation was granted on 12 April 2021.

The revised planning proposal was also referred to NSW Rural Fire Service on 23 March 2021 in compliance with Condition 2 of the Gateway Determination. Council received a response on 21 April 2021 that required a comprehensive bush fire report addressing the requirements of *Planning for Bush Fire Protection 2019* to be prepared and placed on public exhibition with the Planning Proposal. The proponents were requested to provide this report on 29 April 2021, and it was received by Council on 28 June 2021. The Bushfire Strategic Study – The Foundations Portland NSW prepared by Bushfire Environmental Management Consultancy (BEMC) has concluded:

‘Several strategies have been provided in the form of planning controls to reduce the bushfire risk to an appropriate level. These planning controls are consistent with the deemed to satisfy bushfire protection requirements outlined in Planning for Bushfire Protection 2019, and this study shows that all bushfire protection requirements can be achieved.

The Foundation Site, Portland has been evaluated in relation to the feasibility of bushfire protection measures. The required bushfire protection measures in accordance with Planning for Bushfire Protection 2019 are achievable within the Foundations Site, Portland and reduce the bushfire risk associated with development that will occur with the Foundation Site, Portland”.

Public Exhibition/Community Consultation

The Planning Proposal was placed on public exhibition between 9 August 2021 and 10 September 2021. To support the exhibition the following was undertaken to satisfy the relevant Directions of the EP & A Act and Council’s Community Participation Plan:

- Notification in the local newspaper in Council’s column throughout the exhibition period.
- Notification on Council’s website via a dedicated webpage including an enquiry form and request for call back form to enable officer response throughout the exhibition period.
- Written notification to all adjoining and adjacent landowners (approx. 100); and
- Notification to all relevant government agencies via the NSW Planning Portal.

Due to the NSW Health Covid restrictions, copies of the Planning Proposal were not able to be available for viewing at Council’s Administration Centre or the town libraries. However, after concerns were raised that some residents were denied access to the information, hard copies of the relevant documents and an enlarged map were provided to concerned residents through a central contact at Portland to alleviate the issues with accessing the information. Council officers also attended to phone enquiries from residents seeking further explanation.

Overview of submission received

Council received a total of 12 written submissions during the exhibition period, seven were from government authorities/agencies and five from individual private residents/community members. The Gateway Determination required public authorities/organisations to be given at least twenty-one (21) days to comment on the proposal. At the conclusion of the public exhibition period, Council had only received a response from 7 out of the 13 public authority/agency referrals.

Council and Western Region Department of Planning, Industry and Environment contacted the remaining public authorities/organisations to further facilitate a response. The Covid lockdown restrictions also contributed to response times.

Whilst it would be preferable to have all government authority/organisation responses at this stage of the process, officers will continue to chase the outstanding formal responses from the following

authority/organisations until such time as Council has received a legal opinion from Parliamentary Counsel that the Local Environmental Plan can be made:

- NSW Rural Fire Service
- Bathurst Aboriginal Land Council
- NSW Aboriginal Land Council
- NSW Health
- NSW Department of Education and Training
- DPIE Water Group
- Transgrid

Should any unresolved issues or objection raised by any of the above public authority/organisations remain at that time, a further report will be brought back to Council. There is no requirement for a public hearing to be held in response to any submission made to date.

Table 1 attached to this report provides a summary of the submissions received and a planning response/action to each. The submissions received do not raise any issue that would prevent Council resolving to proceed with the making of Local Environmental Plan (Amendment 5).

Mapping

Council will arrange for the preparation of the necessary Local Environmental Plan Maps in accordance with Department of Planning, Industry and Environment requirements.

Timeline

The timeframe for completing the LEP is 12 months following the date of the Gateway Determination which falls due on 2 February 2022. Council is on track to comply with this timeframe.

Next steps in the process

As Council has been delegated authority to exercise the Ministers functions under S.3.36(2) of the EP & A Act, 1979, the next steps in the process are summarised below:

- Council resolves to proceed with the making of Local Environmental Plan (Amendment 5);
- Council directly requests Parliamentary Counsel to draft the legal instrument and to issue an opinion that the Plan can legally be made;
- Council resolves to adopt and make the Local Environmental Plan. The General Manager holds the plan making powers delegated to Council from the Minister for Planning to make this Plan. Use of this delegation has been authorised by the Gateway Determination, Condition 6; and
- Council through the General Manager requests the Department to notify Local Environmental Plan (Amendment 5).

Disclosure of political donations and gifts

Under Section 10.4(4) of the Environmental Planning and Assessment Act a person who makes a relevant planning application including a planning proposal to Council must disclose the following reportable gifts (if any) made by any person with a financial interest in the application within the period commencing two (2) years before the application is made and ending when the application is determined:

1. All reportable political donations made to any local councillor or council;
2. All gifts made to any local councillor or employee of that Council.

No disclosure has been made in relation to this planning proposal.

Recording of voting on planning matters

Under Section 375A of the Local Government Act, 1993 a division must be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee. A Planning proposal is a planning decision for the purposes of this provision.

Policy Implications

Nil.

Financial Implications

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact - The costs of administering the planning proposal are met by the applicable fee of \$25,000 paid by the proponent in accordance with Council's adopted fees and charges.

Legal and Risk Management Implications

The planning proposal must be prepared, assessed, and administered in accordance with Part 3 of the Environmental Planning and Assessment Act.

Attachments

1. Summary of submissions - Planning Proposal 2020-4094 (LLEP Amendment 5) [**10.2.2.3.1** - 12 pages]
2. Gateway determination [**10.2.2.3.2** - 2 pages]

Recommendation

THAT:

1. Council forward the Foundations Planning Proposal (PP 2020-4094) to the Parliamentary Counsel Office (PCO) to request drafting of the legal instrument and the issue of an opinion that Local Environmental Plan (Amendment 5) can legally be made.
2. Council officers receive and consider any further responses from public authorities/organisations whilst awaiting the PCO opinion. Should any response raise any issues that cannot be resolved, or any objections to the Planning Proposal, the matter will be reported back to Council.
3. Following receipt of the legal opinion from PCO and compliance with resolution 2, Council delegate authority to the General Manager to adopt and finalise the making of the Local Environmental Plan without further resolution.
4. A **DIVISION** be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

10.2.2.4. ECDEV - 25/10/2021 - Pottery Estate DCP

Prepared by Sherilyn Hanrahan - Strategic Land Use Planner

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

This report will be tabled prior to the meeting.

10.3. Infrastructure Services Reports

No Reports

10.4. Water and Wastewater Reports

10.4.1. WWW - 25/10/2021 - Water and Wastewater Report

Prepared by Matthew Trapp - Executive Manager Water & Wastewater

Department Water & Wastewater

Authorised by Executive Manager Water & Wastewater

Summary

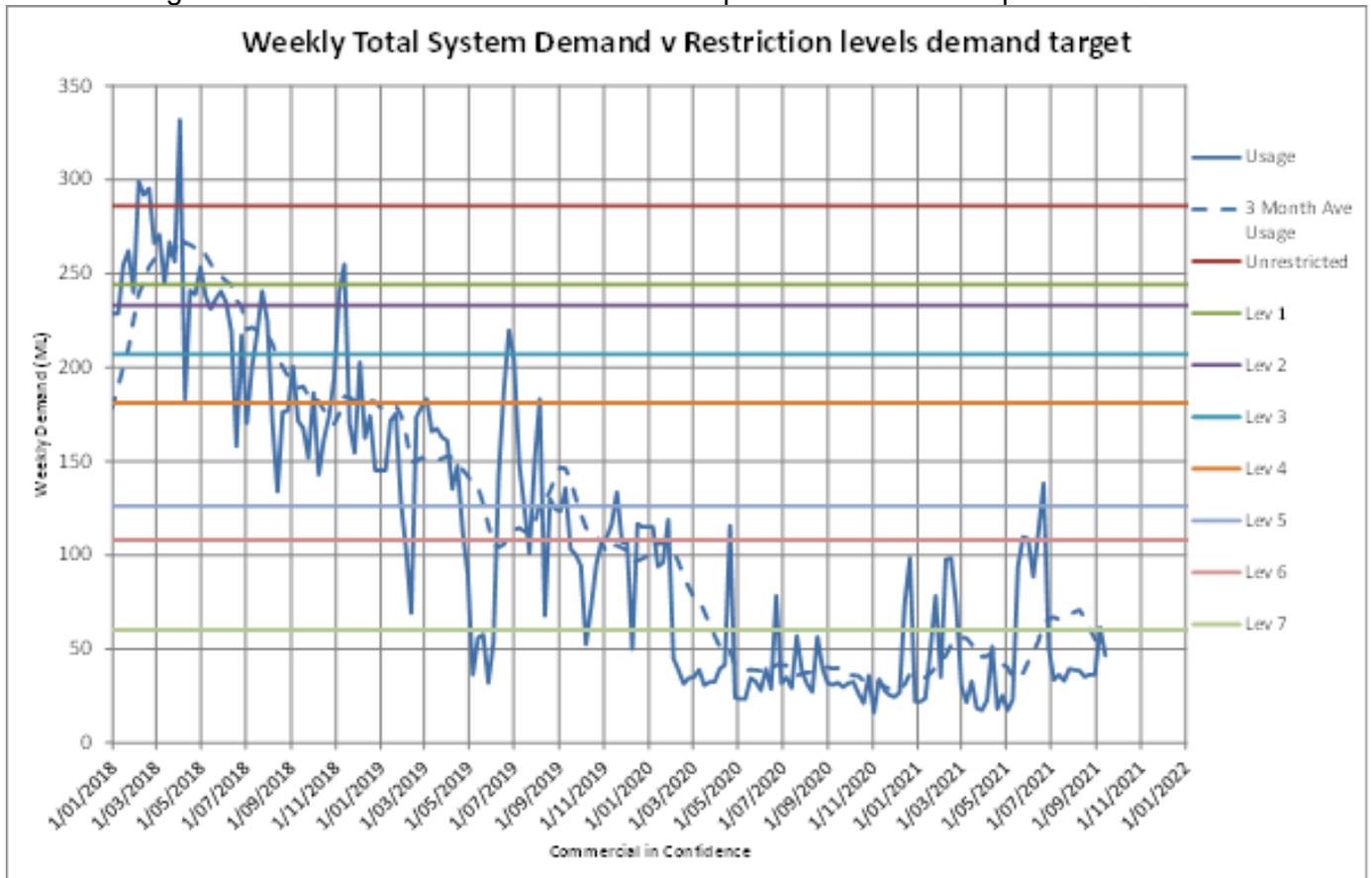
This report provides an update on various water and wastewater management matters between August and October 2021.

Commentary

Current Dam Levels for Farmers Creek No.2 Dam and Oberon Dam

Farmers Creek No.2 Dam has a capacity of 450ML. Storage volume on 18 October 2021 was 100%. Clarence Transfer System remains shut down. Oberon Dam has a capacity of 45000ML. Storage volume on 18 October 2021 was 91%. The scheme has returned to full allocations.

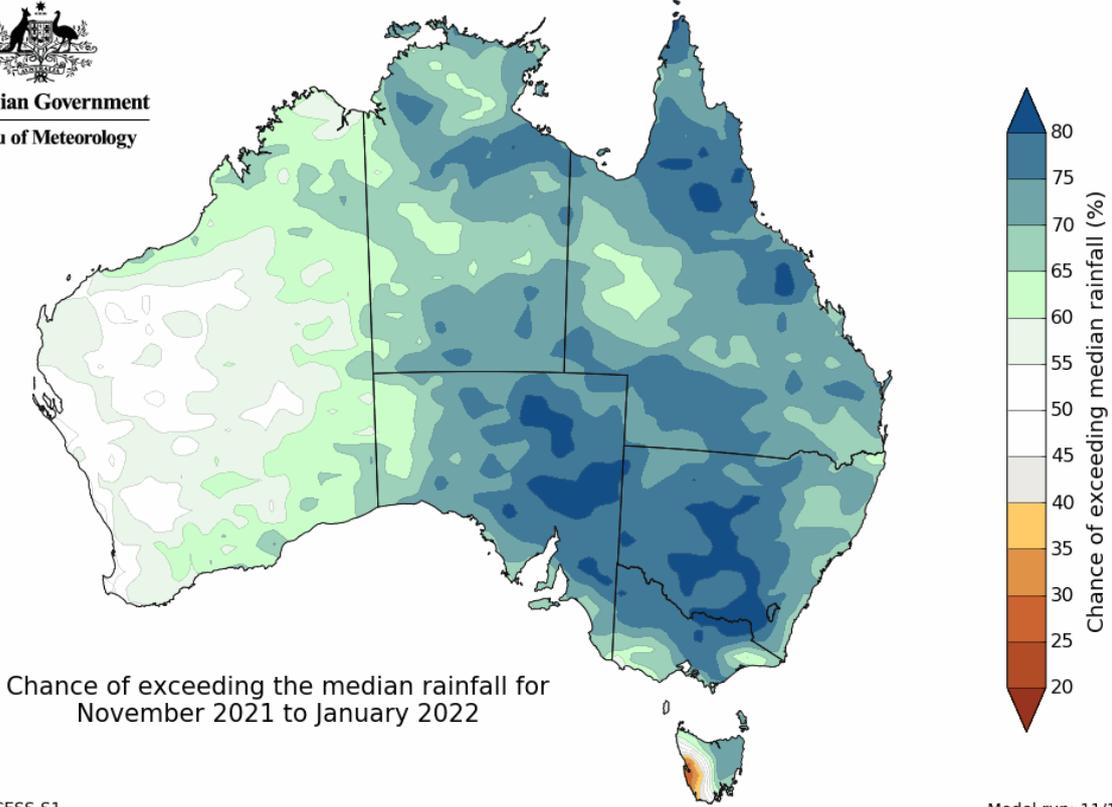
The above figures are from the WaterNSW Fish River operations forum of September 2021.



This graph shows the water usage of LCC from the Fish River scheme over time layered over the various restriction levels that the Fish River Water Scheme has during drought. As can be noted from above, spikes in water usage are from time FRWS is supplying the Lithgow water network for Council to undertake works such as on OPWTP and dips are where Council is feeding the system and no water is taken from FRWS.

Climatic and Rainfall Outlook

The following climatic and rainfall outlook is taken from the Bureau of Meteorology website.



Chance of exceeding the median rainfall for November 2021 to January 2022

Model: ACCESS-S1
Base period: 1990-2012

Model run: 11/10/2021
Issued: 14/10/2021

- November to January rainfall is likely to be above median for the eastern two-thirds of Australia,
- Maximum temperatures for November to January are likely to be above median for much of western and the Northern Interior of WA, the far south-east of Australia, and along the coastline of northern Australia. Below median daytime temperatures are more likely for large parts of eastern Queensland and eastern NSW.
- Above median minimum temperatures for November to January are very likely for almost all of Australia,
- The El Niño–Southern Oscillation is neutral, with cooling of the tropical Pacific towards La Niña levels likely in the coming months. This may be increasing the chances of above average rainfall for much of eastern and northern Australia. The Indian Ocean Dipole is expected to return to neutral in November.

Current Water Usage from Each Supply

License Limit (ML/yr)	1500	1293	1778
Month (FY 21/22)	Oakey Park	Clarence Transfer	Fish River
July	115.4	0	61.368
August	121	0	76.113
September	112.7	0	62.029
October	-	-	-
November	-	-	-
December	-	-	-

January	-	-	-
February	-	-	-
March	-	-	-
April	-	-	-
May	-	-	-
June	-	-	-

Following the latest IPART determination Lithgow City Council will have an approximate increase in the cost of its water purchases from WaterNSW of approximately 25%. The determination is effective with new prices from 1 October 2021 and increase with CPI for the next four years. The increase in prices is listed below:

Fish River			
Raw Water			Increase
MAQ	20/21	21/22	
Access charge (\$/kL)	0.42	0.49	17%
Usage charge	0.26	0.33	27%
Excess Usage	0.68	0.82	21%
Filtered Water			
MAQ	20/21	21/22	
Access charge	0.68	0.86	26%
Usage charge	0.39	0.53	36%
Excess Usage	1.07	1.39	30%

The modelling on this price change is being constructed currently and will be brought to the new Council.

System Configuration

OPWTP is servicing the Lithgow city and WaterNSW Fish River has been supplying the villages since June

Clarence Water Transfer Scheme

Clarence Transfer System was shut down on 9 February 2020 due to the level of the dam and remains off.

Oakey Park Water Quality Summary

There were no exceedances of the health guideline values of the Australian Drinking Water Guidelines (ADWG) for May and June 2021.

During the period, 1 August 2021 to 18 October 2021, there were four reports of dirty water from water supplied from the OPWTP and Fish River, these occurred in the following areas:

- Atkinson Street, Lithgow
- Read Avenue, Lithgow
- Macauley Street, Lithgow
- Macauley Street, Lithgow

Dirty water in the supply infrastructure can be due to several reasons. Often the dirty water is due to main breaks or where works are being carried out on the network causing excess cavitation in the pipelines and disturbing debris or material that is within the pipe. Water and Wastewater staff address this by repairing the main and performing flushing to remove the dirty water.

Treatment Plant Monitoring Results

Samples are taken monthly at various locations within the Sewage Treatment Plants and Water Treatment Plant, in accordance with the Environment Protection Licence requirements.

Wallerawang STP had one 90th percentile limit exceedance for Ammonia during the September testing. Lithgow STP also experienced one 90th percentile exceedance for ammonia during the September period.

All other plants continue to operate within licence limits.

Fish River Water Scheme Water Quality Summary

During the reporting period Fish River Scheme has had two experiences of low Chlorine Residues at its sites. This was caught quickly, and residues returned to normal rapidly.

Water Mains and Service Issues

Council experienced twenty-three main breaks during the period, 1 June 2021 to 16 August 2021. Since 16 August 2021 to 18 October 2021 Council experienced thirteen in the below areas:

- Oxley Street, WALLERAWANG
- Vickers Street, LITHGOW
- Oxley Street WALLERAWANG
- Oxley Street WALLERAWANG
- Coalbrook Street, LITHGOW
- Cary Avenue, WALLERAWANG
- Hartley Valley Road LITHGOW
- Cripps Avenue, WALLERAWANG
- Jerrys Meadow Road SODWALLS
- Eskbank Street, LITHGOW
- Young Street, LITHGOW
- James Parade WALLERAWANG
- Airly Street, GLEN DAVIS

The Level of Service from Council's Strategic Business Plan 2015 shows that expected number of blockages per 100km per year should be 20. This equates to 48 mains breaks per year or 4 per month. Previously the trend showed Council's number of breaks to be in the order of 9 per month. Currently this figure sits around 6 per month.

Sewer Mains and Service Issues

Council experienced thirty-two sewer chokes/blockage during the period, 1st June 2021 to 16 August 2021. In the period from 16 August 2021 to 18 October 2021 Council experienced 28 chokes or blockages.

The below provides the location of the chokes:

- Victoria Avenue, LITHGOW
- Vickers Street, LITHGOW
- Sandford Avenue LITHGOW
- Hay Street, LITHGOW
- Lambert Place, WALLERAWANG
- Bragg Street, LITHGOW
- Roy Street, LITHGOW
- Main Street, LITHGOW
- Wrights Road, LITHGOW
- Lett Street, LITHGOW
- Calero Street, LITHGOW
- Cox Street, PORTLAND
- Bell Street, PORTLAND
- Cupro Street, LITHGOW
- Inch Street, LITHGOW
- Saville Street, PORTLAND
- Main Street, LITHGOW
- Blackett Drive, WALLERAWANG

- Lithgow Street, LITHGOW
- Wilton Close, LITHGOW
- Main Street, LITHGOW
- Lett Street, LITHGOW
- Ikara Street, LITHGOW
- Bent Street, LITHGOW
- Inch Street, LITHGOW
- Roy Street, LITHGOW
- Roy Street, LITHGOW
- Rabaul Street, LITHGOW

The Level of Service from Council's Strategic Business Plan 2015 shows that expected number of blockages per 100km per year should be 150. This equates to 264 chokes/blockages per year or 22 per month. The previous reporting period shows Council's number of blockages to be in the order of 12 per month. The current period trend is 14 per month.

Policy Implications

Nil.

Financial Implications

N/A to this report.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT the Council note the Water and Wastewater report for the period August to October 2021.

10.5. Finance and Assets Reports

10.5.1. FIN - 25/10/2021 - 2020/21 Financial Statements

Prepared by Chief Financial & Information Officer
Department Finance & Assets
Authorised by Chief Financial & Information Officer

Reference

Min No 21-171 Ordinary Meeting of Council 26 July 2021.

Summary

The purpose of this report is to notify Council that the audit of the 2020/21 financial statements has been completed. The report also recommends that Council authorise the signing of the Statements by Councillors and Management, as required by Section 413(2)(c) of the Local Government Act 1993.

Commentary

At the 26 July 2021 Ordinary Meeting, Council resolved to refer the draft 2020/21 General Purpose and Special Purpose Financial Reports for audit (Min. No. 21-171).

The Council's Financial Statements for the year ended 30 June 2021 have now been reviewed and returned by the Audit Office of NSW, in accordance with legislative requirements as detailed below.

Details of the 2020/21 financial results will be presented by a representative of the Audit Office at the 22 November 2021 Ordinary Meeting. Due to the COVID-19 situation, the auditor may provide the presentation by either:

- Virtual attendance via technology such as Microsoft Teams, Zoom, Webex etc; or
- Presentation via pre-recorded video/presentation that can be played in the meeting.

Annual Financial Statements Reporting Process

The Council's Annual Financial Statements are required to be audited by the Audit Office of NSW, and copies of the financial reports and the Auditor's report submitted to the Office of Local Government by the 31 October 2021. Both requirements will be met within the prescribed timeframes.

The Local Government Act 1993 has detailed provisions for the completion of the financial statements. The basic process under the Act is as follows:

1. Council staff prepare the financial statements;
2. The Council issues a statement that the accounts are in order;
3. The Council refers the statements to its external auditor (Min No. 21-171, Ordinary Meeting on 26 July 2021);
4. The Audit Office complete their work and return the statements with an audit opinion attached;
5. The financial reports and Auditor's reports are presented to a meeting of the Council of which public notice has been given. The public notice must be given at least one week before the meeting and the meeting must be held not more than one month after the receipt of the Auditor's reports. The auditor may attend the meeting and must do so if requested in writing by the Council (scheduled for the Ordinary Meeting on 22 November 2021);
6. The public notice must specify that the financial reports and Auditor's reports will be considered at the meeting and must indicate the right of any person to

lodge submissions within 7 days after the meeting. The notice must include a summary of the financial reports;

7. Have available for public inspection copies of the financial reports and the Auditor's reports; and
8. Consider submissions at a subsequent meeting of the Council and advise the Office of Local Government of any matter which requires amendment to the financial reports. Submissions are required to be lodged with the Council in writing by 4:00pm on Monday 29 November 2021. If any submissions are received, a further report on the submissions, together with Council officer comment, will be presented to the Council.

Policy Implications

NIL

Financial Implications

The completion of the 2020/21 financial statements is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards. The adoption of the recommendations of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

Legal and Risk Management Implications

There are no legal or risk management issues associated with the adoption of the recommendations. The completion of the financial statements supports the Council in ensuring care and diligence is exercised in financial reporting.

Attachments

Nil

Recommendation

THAT Council:

1. Note that that the audit of the 2020/21 financial statements has been completed.
2. Authorise the signing of the statement on the 2020/21 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2020/21 Special Purpose Financial Reports.
4. Invite a representative of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2020/21 Financial Statements at the Ordinary Council meeting scheduled for 22 November 2021 via virtual attendance.

10.5.2. FIN - 25/10/2021 - Investment Report September 2021

Prepared by Sharon Morley – Finance Officer
Department Finance & Assets
Authorised by Chief Financial & Information Officer

Reference

Min No 21-226 Ordinary Meeting of Council held on 27 September 2021.

Summary

The purpose of this report is to advise Council of investments held as at 30 September 2021 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 internal and externally restricted reserves.

Commentary

Movements in the Cash and Investments Balance

Council's total investment portfolio as at 30 September 2021, when compared to 31 August 2021, has decreased by \$2,458,254 to \$29,534,965. Investments decreased from \$30,844,593 to \$29,114,593. Cash in Council's bank account decreased from \$1,148,626 to \$420,372.

The \$2.458M decrease in investments is mainly due to the ordinary business of Council, with no Rates and Annual Charges or major grant payments due in September. Cash outflows were lower than an average month and included payment of annual contributions, recurrent monthly operational invoices and capital works project invoices.

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

The movement in Investments for the month of September 2021 were as follows:

Opening Balance of cash and investments as 01 September 2021	\$31,993,219
Plus New Investments – Serptember 2021	\$4,000,000
Less Investments redeemed – September 2021	-\$6,458,254
Closing Balance of cash and investments as at 30 September 2021	\$29,534,965

CFIO comment on the cash and investments balance – the \$2.5M decrease in cash and investments in September was anticipated as September is usually a month of lower cash inflows. As was planned, there were some large creditor payments at the end of September, including workers compensation insurance (\$363K) and the Emergency Services Levy instalment (\$162K).

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.

CFIO comment on restricted reserves – The pre-audit balance of external restrictions at 30 June 2021 is **\$23.4M** and for internal restrictions **\$5.8M** (total cash and investments \$29.2M). No audit issues are anticipated in relation to Council's reserve balances. Council has sufficient cash and investments to fund the externally restricted reserve balances.

A plan is in place to return \$2.5M to the depleted Land Bank internally restricted reserve over three years from 2021/22 (approx. \$825K p.a.). This requires the reallocation of funds from discretionary capital works projects to internal reserves in annual budgets over three years. The plan will commence with the return of \$825K to internal reserves in the 2021/22 year.

Policy Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 22 March 2021, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

Financial Implications

- YTD interest income budget approved – \$37,500
- Cost centre - 3259
- YTD Income to date - \$32,695
- Future potential impact – Nil.

The Council's interest income for YTD is \$4.8K under budget. Investment returns remain low due to the impact of record low interest rates. CBA has started paying zero interest on On-Call deposits from the 1 June 2021. Investment income against budget will be closely monitored and a budget variation will be considered if it is determined that the annual budget cannot be achieved.

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.

Legal and Risk Management Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. The Investment Policy was reviewed and adopted by Council in March 2021 to address issues in relation to the practicality of the policy in the current investment environment.

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

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.

Ross Gurney
Chief Financial and Information Officer (Responsible Accounting Officer)

Attachments

1. Investment Report - September 2021 [**10.5.2.1** - 1 page]

Recommendation

THAT

1. Investments of \$29,114,593 and cash of \$420,372 for the period ending 30 September 2021 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on funding requirements for restricted reserves be noted.

10.5.3. FIN - 25/10/2021 - Tender Delegations Report

Report by Chief Financial & Information Officer

Reference

Min 18-195: Ordinary Meeting of Council held 23 July 2018.

Min 18-215: Ordinary Meeting of Council held 27 August 2018.

Summary

To advise Council of a tender which the General Manager has used his delegated authority to accept with a contract value of up to \$500,000.

Commentary

At the Ordinary meeting of Council held 27 August 2018 Council resolved:

18 – 215 RESOLVED

THAT the:

1. Council note that there were no exercised delegations to approve tenders between 24 July and 22 August 2018.

2. Report only be brought to Council when the delegation has been exercised.

The following tender was approved by the General Manager under delegated authority.

Project: Farmers Creek Shared Pathway (separable portion1).

Tender accepted: Workfield Investments Pty Ltd.

Amount: \$199,780 (excluding GST).

The section of pathway to be completed extends along Inch Street from opposite the Blast Furnace access road past Eskbank House & Museum and along Bennett, Donald and Gay Streets to Farmers Creek at the Tank St/Macaulay Street intersection.

Separable Portion 2 of Tender 12/21 for the construction of another section of pathway was not awarded, with these works to be undertaken by Council's internal works team.

The 2021/22 Farmers Creek Shared Pathway works are funded from a \$1,000,000 Bushfire Economic Recovery Fund (BLERF) grant which is to be fully spent this financial year. The purpose of the BLERF fund is to support the recovery of bushfire affected communities. The BLERF funded Farmers Creek project involves expanding the shared pedestrian cycle network along and to Farmers Creek together with weed and vegetation works so as to encourage community use and appreciation of the creek corridor.

Policy Implications

The tender process and evaluation complies with Council's Tendering Policy 1.4 and Council procedures for Purchasing and Tendering.

Financial Implications

- Budget approved - \$1,000,000 (grant funded).
- Cost centre - PJ 600269
- Expended to date - \$79,821 spent plus \$125,845 committed.
- Future potential impact – N/A

Legal and Risk Management Implications

The tender process for Farmers Creek Shared Pathway was conducted in accordance with Local Government tendering legislation, including Section 55 of the Local Government Act 1993 (The Act) and Part 7 of the Local Government (General) Regulation 2005. The General Manager had been

requested to accept the recommendations of the Tender Evaluation Group under his delegation in accordance with Section 377 (i) of The Act.

Council will engage the successful tenderer using an official Council purchase order. Council's Standard Purchase Order Terms and Conditions will apply.

Attachments

Nil

Recommendation

THAT Council note the exercise of the General Manager's delegation to approve the Farmers Creek Shared Pathway tender in October 2021.

10.6. People and Services Reports

10.6.1. PS - 25/10/2021 - Centennial Coal Community Contribution for Youth Scholarships

Prepared by Matthew Johnson – Community & Culture Manager

Department Community & Culture

Authorised by Director of People & Services

Reference

Minute 16-183 Ordinary Meeting of Council held on 18 July 2016.

Minute 21-123 Ordinary Meeting of Council held on 24 May 2021.

Summary

At the Ordinary Meeting of Council held on 24 May 2021, Council considered a report on the allocation of funds from the Centennial Coal Community Contribution for youth scholarships. Council resolved:

21-123 RESOLVED

That the matter be deferred with a report to be provided to a future meeting with further information about the history of the scholarship program.

Commentary

Background

Since 2015, Centennial Coal has made a Community Contribution to Council of three cents per saleable tonne of coal to fund long-term community activities and projects. The stipulated use of the funds from Centennial Coal is simply “long term community activities and projects”.

At the Ordinary Meeting of Council held 18 July 2016 Council resolved (Min. No. 16 -183):

7. Approve an annual allocation from the Centennial Coal Community Contribution as follows:

- a) Adventure Playground \$120,000
- b) Scholarships for Young People and Children \$10,000
- c) Lithgow library Homework Zone \$10,000
- d) With 100% of any funds received in excess of \$140,000 to be allocated to the Adventure Playground and 100% of any shortfall below \$140,000 to be deducted from the Adventure Playground allocation.

Actual funds received since 2015 are as follows:

Year	Total Contribution Received	Adventure Playground Allocation	Homework Zone Allocation	Scholarships Allocation
2016	\$32,095.50	\$12,095.50	\$10,000	\$10,000
2017	\$119,804.37	\$99,804.37	\$10,000	\$10,000
2018	\$137,154.27	\$117,154.27	\$10,000	\$10,000
2019	\$126,614.61	\$106,614.61	\$10,000	\$10,000
2020	\$84,969.42	\$64,969.42	\$10,000	\$10,000
2021	\$120,416.19	\$100,416.19	\$10,000	\$10,000
Total	\$621,054.36	\$501,054.36	\$60,000	\$60,000

Adventure Playground

Council undertook construction of the Adventure Playground in 2018/19, funded through grant funds and an internal loan serviced by the current and future annual Centennial contributions. This allowed the Adventure Playground to be built earlier than would otherwise be the case.

A total of \$837,284 in Centennial contributions was required to construct the Adventure Playground, including an allocation of \$92,733 for the future construction of a new carpark below the playground on Amiens Street. The internal loan balance is currently (\$336,230).

Library Homework Zone

The Library Homework Zone has been replaced with online learning resources for young people at a cost of approximately \$6,000 per year.

Scholarships for Young People and Children

Attempts were made over a number of years to allocate scholarships to students of need at Lithgow High School and Lithgow PCYC. A small number of scholarships were awarded, however, demand was low despite attempts to promote the scholarships through the school and PCYC membership. It is difficult to determine the reasons why uptake was low. Insufficient marketing and perhaps stigma may have played a part.

Conclusion

As reported to Council on 24 May 2021, it was originally recommended that all currently unused contributions for Youth Scholarships and Library Homework Zone be reallocated to the Adventure Playground internal borrowing. This has the potential to reduce the internal loan balance by \$86,928 to \$249,302. While this would pay down the loan, it would move funds from youth programs such as the original scholarship concept to capital expenses.

Another option would be to hold these funds for non-capital purposes, allied particularly to youth needs. Collaborations are developing with Western Sydney University and the Lithgow Emerging Economy Plan studies may identify such initiatives. See below for another example project.

In 2019, Lithgow participated in a trial of the internationally renowned alcohol and drug prevention program 'Planet Youth'. Planet Youth is an evidence-based program from Iceland known for reducing alcohol and other drug use among young people.

The Local Drug Action Team (LDAT), with the support of Council staff, is working on local programs with young people and their families to strengthen community participation and diversionary programs including school holiday and extra-curricular activities. One such activity is the very successful Planet Youth Lithgow and Headspace Lithgow new Drop in Space for Young People launched in February 2021.

Scholarship funds could be also allocated on request by PCYC for young people to meet PCYC membership and activity costs. With a new PCYC manager and diverse programs now on offer, there is increased potential for this partnership to be more successful moving forward.

Other potential partnerships that fit under the Planet Youth banner include Tuition scholarships with Mitchel conservatorium and job readiness workshops with local employment agencies. These will be further pursued by Council staff in the coming months.

On balance, and having regard for the above, it is considered that the accrued funds from the lack of take-up of scholarships should be held for Planet Youth type initiatives. Also, going forward, the annual amount be increased from \$10,000 to \$14,000 per year (see the next paragraph for explanation of the extra \$4000).

It is also recommended that from 2021, the allocation to the Library Homework Zone be reduced from \$10,000 to \$6,000 in line with the actual cost of online learning resources.

Policy Implications

Nil.

Financial Implications

- Budget approved - contribution of \$120,416.19 received in 2021.
- Cost centre - \$100,416 applied to the Adventure Playground internal loan in 2020/21
- Expended to date - \$100,416 to the Adventure Playground internal loan in 2020/21
- Future potential impact - Allocations of \$14,000 per year for the Planet Youth initiative, \$6,000 per year towards Library online learning resources and the balance of contributions received to be applied to the Adventure Playground internal loan.

Legal and Risk Management Implications

Nil.

Attachments

Nil

Recommendation

THAT:

1. Council re-allocate all currently unused Centennial Coal contributions for Youth Scholarships and Library Homework Zone to Planet Youth type initiatives administered by Council's community development department.
2. Council allocate future Centennial contributions for - programs associated with the Planet Youth initiative in Lithgow \$14,000 per year, Library online learning resources \$6,000 per year and the balance to the Adventure Playground internal loan (until repaid) beginning from the 2021/22 year.
3. The Centennial Coal allocations be reviewed in two years and a report be brought to Council at that time.

10.6.2. PS - 25/10/2021 - Delivery Program - Six Months Progress Report

Prepared by Deborah McGrath - Corporate Planning and Communications Officer

Department Corporate Planning and Communications

Authorised by Director of People & Services

Reference

Min 21-46 - Ordinary Meeting of Council held on 22 February 2021.

Summary

This report provides Council with the January to June 2021 Progress Report against the combined 2017-2021 delivery Program and 2020/21 Operational Plan.

Policy Implications

The Local Government Act 1993 s404(5) states:

“The general manager must ensure that regular progress reports are provided to the council, reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months”.

The January to June 2021 Progress Report, provides a progress update against actions in the combined 2017-21 Delivery Program and 2020/21 Operational Plan and has been compiled in accordance with the requirements under the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. A copy of this report has been provided to Councillors within their Business Paper Packages. A summary (which appears in the report as the General Manager’s comment) is below.

General Manager’s Comment

This Progress Report deals with a time where business and life were unusual because of the influences of the Covid pandemic.

The Council has been required to continue to deliver a broad range of services in a vastly different operating environment. This has included a dispersed and segregated workforce and remote communication with residents and customers. There are positive aspects from these experiences. I believe our workforce is more resilient and contemporary as result.

There have also been new work roles, priorities and demands such as advocating for and delivering Covid protective services to the community (vaccination and testing clinics, effective community information). It is apparent to me that these roles have reminded the community of the central place that a council can have in their lives.

While trying hard to maintain a continuity of good customer service across all of our activities I do acknowledge that there was some slight slippage. But, on balance, the Council should be very proud of their workforce and of the programs, projects and service that has been provided to the community during the period.

The report will be placed on Council's website and made available for viewing.

Financial Implications

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

Legal and Risk Management Implications

The Six-Month Progress Report was prepared in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Amendment (Planning and Reporting) Regulation 2009.

Attachments

1. January June 2021 Progress Report [**10.6.2.1** - 116 pages]

Recommendation

THAT Council note the January – June 2021 Progress Report against the combined 2017-21 Delivery Program and 2020/21 Operational Plan.

10.6.3. PS - 25/10/2021 Community Recovery Officer Quarterly Report

Prepared by Rachel Nicoll – Community Recovery Officer

Department Community & Culture

Authorised by Director of People & Services

Summary

The Community Recovery Officer (CRO) quarterly report provides a summary of program deliverables, recovery priorities, and any other significant project reporting for the period 1 July – 30 September 2021.

The CRO program is an evidence-based framework with officers embedded in and managed by Councils to support their community to identify needs, develop local recovery programs, assist in accessing information and resources and provide leadership and community capacity building. This includes helping to coordinate and facilitate community led projects, activities and events that contribute to the community's recovery, resilience, and future disaster preparedness.

In the past 12 months, the activities of the CRO in the Lithgow LGA has included advising and supporting the National Recovery & Resilience Agency on recovery needs and issues, briefings on the Royal Commission into National Natural Disaster Arrangements, facilitating local government awareness and implementation of the NSW Government's response to the NSW Bushfire Inquiry. The role has supported the development of Mental Health Fact Sheets for the Lithgow LGA with NRRRA, Resilience NSW, NSW Health and Council and has provided input to the New South Wales Mental Health Commission consultation on changes in mental health and well-being in response to the Australian bushfires and COVID-19. The role has also supported residents contacted by NSW Police who provided statements that have been collated for consideration by the Coroner in the Coronial inquiry/inquest into the 2019/20 bushfires, offering support to those who may find the process challenging.

The NSW Bushfire Community Recovery Officer program has demonstrated success with extension of the program announced by former Deputy Premier John Barilaro and Minister David Littleproud on 8 April 2021. This will see the continuation of work of the Lithgow Community Recovery Officer to 17 August 2022.

Commentary

Progress on deliverables

Deliverable 1: Establish a Community Resilience Network

Percent completed:	68%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost</p> <p>The Community Resilience Network (CRN) met online via Zoom on Monday, 20th September 2021. The meeting was well attended with representatives from the LEMC, Resilience NSW, Lithgow City Council, RAMHP, LINC, Lithgow Lions Club, Energy & Water Ombudsman, Lifeline Central West, Business Chamber and Community Groups.</p> <p>The meeting discussed Covid impacts, challenges, and priorities for Lithgow LGA including how each member organisation is working under COVID restrictions as well as updates on Get Ready events and emerging issues.</p> <p>The next CRN meeting is scheduled to be held on zoom on Monday 25th October.</p> <p>Constraints/Risks:</p>		

	COVID conditions have resulted in a reduced expenditure due to no catering / venue hire / restriction of numbers. Participation of some members was prevented due to the use of technology. CRN membership adaption is underway with transition of Recovery Support Services.
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Deliverable 2: Facilitate community recovery events

Percent completed:	91%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost</p> <p>The format of many planned events and collaborations have been adapted to manage COVID restrictions:</p> <ul style="list-style-type: none"> - Grant Writing workshops – two events successfully held in Lithgow and Wallerawang. An intensive workshop on the Black Summer Bushfire Grants was held at the Lithgow Transformation hub with participants attending in-person and via zoom. - Business Resilience workshops – two events successfully held in Lithgow and Wallerawang. These pivoted to Digital drop-ins delivering online training and advice. The sessions running August-October were highly valued by attendees and recordings of the sessions are available to watch online. The series will conclude on Monday 25th October with an in-person business networking event. - The ReNew bushfire art exhibition has been delayed to Saturday 20th November. - Lithgow Readiness Rally (Bushfire Preparedness Forum) moved online also Saturday 20th November. <p>Our ‘theme’ for these events was to focus on recovery and resilience as a whole and what services we provide for residents/landholders. All materials produced and purchased for these events have been designed to have longevity.</p> <p>Support continues for recovery and resilience activities provided by local groups, agencies and organisations.</p> <p>Constraints/Risks:</p> <p>Several events were due to take place during the quarter, but with ongoing restrictions it was felt there was too much uncertainty to be able to deliver and therefore postponed. This will make for a busy end to the year, and we are convening a meeting of stakeholders to coordinate and consider the impact on residents in a short period (event and workshop overload due to many being rolled out over a short period of time).</p>		

Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities

Percent completed:	68%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost Consultation on the Local Recovery Plan and Local Recovery Action Plan will be integrated into Lithgow Council’s Community Strategic Plan, which drives the whole strategic process and will encourage conversations to capture recovery and resilience priorities. This is being managed effectively with communications and work-around solutions where we are able to do so.</p> <p>Constraints/Risks: This project requires a strong emphasis on managing community expectations due to the high level of interest and a consistent process to proceed and prevent confusion surrounding Covid-19 restrictions. The outcome of Council’s EPA Bushfire-generated Green Waste Program continues to be a high-risk priority for both plans.</p>		

Deliverable 4: Provide access to relevant and timely recovery information

Percent completed:	81%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost This deliverable continues to experience an increase in demand through 1:1 contact for recovery assistance and grant support. Projects and information continue to be communicated through existing channels, delivering information, advice and support for recovery, while helping residents to prepare their properties and natural resources for natural disasters and emergencies.</p> <p>This quarter delivered a number of mental health campaigns and messages including R U OK, RAMHP, SafeWork NSW and promotion of free mental health training opportunities.</p> <p>Constraints/Risks: Despite additional time allocation by the CRO, late grant project requests and insufficient or duplicate information meant that it was difficult and, in some cases, not possible to offer the full level of support that was delivered to others who commenced applications in August through the grant writing workshops.</p> <p>Due to Covid19 conditions during the period and the subsequent cancellation of community and training events the presence of information in printed formats has been limited.</p>		

Deliverable 5: Develop a Local Recovery Plan

Percent completed:	65%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost The Draft Local Recovery Plan has been developed. The local plan in its development aims to capture one-on-one and community interactions as well as providing input into the development of community-led plans and supporting documents.</p>		

	<p>Updates to the plan will be made based on feedback from planned Community Consultation sessions.</p> <p>The plan has already collated results from two surveys (17 local organisations and 43 landholders in the Wolgan Valley) which has provided some valuable findings and has helped shape the evidence base of the plan.</p> <p>Constraints/Risks:</p> <p>The plan is being reviewed to demonstrate linkages to Council’s Adverse Events Plan under the Drought Communities Funding. Any changes are not considered material deviations from the original Framework but are important to enhance the overall plan.</p>
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Deliverable 6: Develop a Transition Plan

Percent completed:	62%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost</p> <p>The 2021-22 Annual Work Plan is in place with themed “accountability” targets. Resilience NSW has provided an overview on the transition plan for Recovery Officers and this project will be adjusted to adopt these learnings. This transition plan will call for ideas to create a more formal and structured opportunity and will be a major implementation milestone to provide clear direction and have measurable results and outcomes at appropriate scale.</p> <p>Constraints/Risks:</p> <p>A risk of the transition plan is that the internal and external scan doesn’t adequately capture decisions being made within the recovery context of the built, social, economic and environmental domains. Steps will be put in place to monitor this risk.</p>		

Deliverable 7. Other deliverables, activities, or initiatives as identified by council

Percent completed:	75%	Status:	Not yet started / In progress / Overdue / Completed
Rationale for deliverable status and percent completed:	<p>Status of Activities, Timeliness and Cost</p> <p>All (100%) of activities identified for the period 1 July – 30 September 2021 have been completed or have undergone adaptive management due to Covid-19.</p> <p>Alternatives have been put in place to ensure that we meet our project outcomes or will seek a variation as we look at new ways of delivering BCRRF Stream 1 projects.</p> <p>Key deliverables of this quarter include:</p> <ul style="list-style-type: none"> - Negotiated partnership with Lithgow Transformation Hub to provide subsidised co-working opportunities for fire affected businesses. - Reviewing, triaging and responding to COVID-19 related inquiries and impact assessments – predominantly from disaster impacted businesses. - Get Ready Main Street Banner Campaign. <p>Constraints/Risks:</p> <p>BCRRF Stream 1 projects look to have a projected underspend, this is still ongoing at the start of this quarter and these funds will be reviewed and reallocated in the post-lockdown event planning phase.</p>		

	We are waiting on a number of community groups to advise on project status and acquittal reports to be received as part of the Council-led community grants as COVID-19 has delayed project timelines.
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Priorities for next quarter

Theme	Description
Immediate	<p>Co-ordination and referrals to agencies re-commencing recovery works on properties in the Lithgow LGA.</p> <p>Stakeholder forum for collaboration and coordination of events and grant funded activities.</p> <p>ABC Fires Series - The fictional series tells the story of everyday people at the front line of the devastating fires of the 2019-2020 Australian summer. This content may be traumatic in nature and disturbing to some people and Lithgow Council and recovery agencies are providing regular communications to ensure residents are supported through this period. These have been through email, 1:1 contact, resources provided to community leaders and media broadcasts.</p> <p>Continue to offer a range of contactless options for residents not fully vaccinated.</p> <p>Continue to support community grant projects.</p> <p>Monitor and provide EPA green waste information.</p>
Preparedness	<p>Planning for the Readiness Rally – which expands on the Bushfire Recovery & Community Day held last December to provide information and resources on how people can prepare themselves and their properties for bushfires and other hazard events. Key presentations will include:</p> <ul style="list-style-type: none"> - Seasonal briefing of conditions for the Lithgow LGA - Bushfire behaviour and landscaping - Bushfire design and construction - Weeds and Environment <p>Website for more information is at: https://www.readinessrally.com.au/</p>
Community Consultation Recovery Plan	<p>Local Consultation and engagement for the Local Recovery plan linked into consultation on Council’s Community Strategic Plan.</p>
Community Resilience Network	<p>Meeting of CRN set for Monday 25 October 2021.</p>
CRO Workplan	<p>The Recovery Officer Workplan is being developed using program logic to:</p> <ul style="list-style-type: none"> - Adapt to the current recovery conditions - Identify the engagement methods - Integrate community mapping - Increase the capture of project outputs and - Identify legacy elements or activities for communities when the CRO program is finished.
Grants Offering	<p>Program A business case has been developed to deliver a grants program to better support community groups and organisations. Group operations and activities are predominantly reactive (especially to</p>

natural disasters) and using an integrated approach will maximise any grant opportunity to work proactively for the betterment of their patch.

Policy Implications

N/A

Financial Implications

- Budget approved - \$190,414 (fully grant funded).
- Cost centre - 600244 Community Recovery (P&S).
- Expended to date - \$104,705
- Future potential impact - N/A

Legal and Risk Management Implications

N/A

Attachments

1. Recovery Resilience Newsletter July 2021 [**10.6.3.1** - 6 pages]
2. Recovery Resilience Newsletter August 2021 [**10.6.3.2** - 7 pages]
3. Recovery Resilience Newsletter September 2021 [**10.6.3.3** - 8 pages]

Recommendation

THAT Council note the Community Recovery Officer report for the period 1 July – 30 September 2021.

10.7. Policies and Governance

10.7.1. GM - 25/10/2021 - Councillors & Designated Person returns for the period 1 July 2020 to 30 June 2021

Prepared by Trinity Newton – Executive Assistant to the Office of The General Manager and Mayor
Department Executive
Authorised by General Manager

Reference

Min 20 –253: Ordinary Meeting of Council held 26 October 2020

Summary

To advise Council of returns lodged with the General Manager for Councillors & Designated Person for the period 1 July 2020 to 30 June 2021.

Commentary

Part 4 of the Model Code of Conduct for Local Councils in NSW (2018) (Model Code) requires a councillor or a designated person to complete and lodge with the general manager a return disclosing his or her pecuniary interests for each year. That return may contain personal information about each councillor and designated person, including his or her name, address and signature, as well as information about property and share holdings, gifts received, debts owed, other sources of income, and positions held in a trade union or business or professional organisation.

Council officials are required to disclose their personal interest in publicly available returns of interest for the period 1 July 2020 to 30 June 2021.

As per the Model Code of Conduct for Local Councils in NSW – A guide to Completing Returns of Interest, a return must be completed and lodged if you are a **councillor or designated person**, where a designated person is defined as: the general manager, senior staff, and staff, delegates of councils or members of committees who the council identify as exercising functions that could give rise to a conflict of interest

This being the case, the following positions have been classified as designated persons:

- General Manager
 - Director Economic Development and Environment
 - Director Infrastructure Services
 - Director Water and Wastewater
 - Director People and Services
 - Chief Financial and Information Officer
 - Development Manager
 - Information Technology Manager
 - Team Leader Building
 - Team Leader Planning
 - Team Leader Environment & Health
 - Strategic Land Use Planner
 - Property Officer
 - Building & Development Officers
 - Community Liaison Officer
 - Community and Culture Manager
 - Finance Manager
 - Procurement Officer
 - Senior Water and Wastewater Engineer
-

- Water and Wastewater Development Officer
- Senior Engineer Operations
- WHS/ Risk Coordinator

At the due date for the returns being 30 September 2021, all designated persons and all elected Councillors had responded by supplying their completed return except for one Water and Wastewater Development Officer who was on extended leave.

The information collected on the form will be kept by the General Manager in a register of returns. The General Manager is required to table all returns at a Council Meeting. Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Policy Implications

Policy 9.9 Public Interest Disclosure Policy.
Code of Conduct.

Financial Implications

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

Legal and Risk Management Implications

Nil

Attachments

1. Current 2021 Disclosures by Councillors and Designated Persons Returns [**10.7.1.1** - 1 page]

Recommendation

THAT Council acknowledge the disclosures received under the Model Code of Conduct for Local Councils in NSW (Clause 4.21) for the period 1 July 2020 to 30 June 2021 from designated persons and all Councillors.

10.7.2. FIN - 25/10/2021 - Policy 9.21 IT Infrastructure Security

Prepared by Ally Shelton – IT Manager
Department Information Technology
Authorised by Chief Financial & Information Officer

Reference

Min. No. 19-105 Ordinary Meeting of Council held on 29 April 2019.

Summary

The purpose of this report is to recommend that Council rescind Policy 9.21 IT Infrastructure Policy following the implementation of a framework of internal IT policies and procedures that were endorsed in 2020.

Commentary

At the 29 April 2019 meeting, Council adopted Policy 9.21 IT Infrastructure Policy. The policy had been developed in response to issues raised in the 2017/18 Interim Audit Management letter, where the auditors had identified a need to strengthen Council's IT policies.

Cyber security is becoming more important as cyber risks continue to evolve. In early 2020, Council's IT team worked with Kaon Securities to develop a comprehensive suite of internal IT Policies and Procedures that address all critical IT security risks including:

- Confidentiality - information must not be made available or disclosed to unauthorised individuals, entities, or processes;
- Integrity - data must not be altered or destroyed in an unauthorised manner, and accuracy and consistency must be preserved regardless of changes; and
- Availability - information must be accessible and useable on demand by authorised entities.

The IT Security Policies and procedures identify responsibilities within Council for IT security, and comply with the "Essential Eight", which are eight strategies identified by the Australian Signals Directorate to prevent or limit the impact of cyber security attacks and to improve recovery.

Policy Implications

Policy 9.21 IT Infrastructure Policy would be rescinded.

Financial Implications

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

Legal and Risk Management Implications

The IT Security Policies and Procedures framework is far more extensive than Policy 9.21. Council auditors have reviewed the effectiveness of the framework in 2020 and 2021 without any issues being raised.

Attachments

Nil

Recommendation

THAT Council rescind Policy 9.21 IT infrastructure Policy which has been superseded by the IT security internal policy suite.

11. Council Committee Reports

11.1. PS - 25/10/21 - Youth Advisory Committee Meeting - 20 September 2021

Prepared by Ali Kim – Community Development Officer

Department Community & Culture

Authorised by Director of People & Services

Reference

Min 21-227 Ordinary Meeting of Council held on 27 September 2021.

Summary

The minutes of the Youth Advisory Committee (Youth Council) meeting held 20 September 2021 (via video conference) are presented for Council's consideration.

Commentary

The Youth Council met on 20 September 2021 via video conference and discussed various items including:

- Planning for Youth week 2022,
- Create Lithgow,
- Youth Drop in Space, and
- Headspace's new homelessness project.

Details of discussions are included in the attached minutes.

Policy Implications

Nil

Financial Implications

Nil.

Legal and Risk Management Implications

Nil

Attachments

1. Youth Council Committee Meeting 20 September 2021 - Minutes [11.1.1 - 5 pages]

Recommendation

THAT Council note the minutes of the Youth Advisory Committee (Youth Council) meeting held on 20 September 2021.

11.2. PS - 25/10/2021 - Women's Advisory Committee Meeting Minutes - 5 October 2021

Prepared by Ali Kim – Community Development Officer

Department Community & Culture

Authorised by Director of People & Services

Summary

The minutes of the Women's Advisory Committee meeting held on 5 October 2021 are presented for Council's consideration.

Commentary

At the Women's Advisory Committee meeting held on 5 October 2021 various items were discussed including planning for International Women's Day 2022 and the Safe Haven project.

It was also noted that the Australia Post Grant was awarded to LINC who will administer the grant in partnership with the Women's Advisory Committee.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. 5 October minutes [**11.2.1** - 5 pages]

Recommendation

THAT Council note the minutes of the Women's Advisory Committee meeting held on 5 October 2021.

11.3. IS - 25/10/2021 - TALC Committee Meeting Minutes - 7 October 2021

Prepared by Kaitlin Cibulka - Executive Assistant Infrastructure Services

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

This report provides details of the minutes of the TALC Committee meeting held on 7 October 2021.

Commentary

At the TALC Committee meeting held on 7 October 2021, there were numerous items discussed by the Committee however they were outside the Committee's delegations and require Council to formally approve the recommendation:

- NSW Static Mobile Speed Camera Signs

RECOMMENDATION

THAT Council liaise with Transport for NSW for appropriate locations to install static mobile speed camera signs on State and local roads within the Lithgow LGA.

- Pipers Flat Road, Portland – Speed Reduction Request

RECOMMENDATION

THAT Council does not support the speed reduction along Pipers Flat Road, Portland as it is highly unlikely that Transport NSW (RMS) will agree to the change.

- Sandford Avenue, Lithgow – Traffic Counts

RECOMMENDATION

THAT the traffic count data for Sandford Avenue, Lithgow be noted and a report be brought back to the committee with proposal of implementing traffic calming in the area.

Policy Implications

Nil.

Financial Implications

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

Legal and Risk Management Implications

Nil.

Attachments

1. DRAFT Minutes TALC Committee 7th October 2021 [11.3.1 - 8 pages]

Recommendation

THAT Council:

1. Note the minutes of the TALC Committee meeting held on 7 October 2021; and
 2. Approve the following recommendations of the Committee:
 - a. Council liaises with Transport for NSW for appropriate locations to install static mobile speed camera signs on State and local roads within the Lithgow LGA; and
-

- b. Council does not support the speed reduction along Pipers Flat Road, Portland as it is highly unlikely that Transport NSW (RMS) will agree to the change; and
- c. The traffic count data for Sandford Avenue, Lithgow be noted and a report be brought back to the committee with proposal of implementing traffic calming in the area.

12. Business of Great Urgency

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

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

13. Closed Council

13.1. CONFIDENTIAL REPORT - WWW - 25/10/2021 - Tender Evaluation Report - Wallerawang Sewerage Pumping Station No.1 Renewal

Prepared by Samuel Lenkaak – Projects Engineer Water & Wastewater

Department Water & Wastewater

Authorised by Executive Manager Water & Wastewater

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would, if disclosed
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,

Summary

This report is to provide Council with the results of a tender evaluation for the replacement of the Wallerawang Sewerage Pumping Station (SPS) No.1.

13.2. CONFIDENTIAL REPORT - WWW - 25/10/2021 - Tender Evaluation - Portland Watermains Renewal and Trunk main

Prepared by Matt Trapp - Executive Manager Water & Wastewater

Department Water & Wastewater

Authorised by Executive Manager Water & Wastewater

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would, if disclosed
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,

Summary

This report provides Council with the results of a tender evaluation for the renewal of the Portland Watermains and Trunk main.

13.3. CONFIDENTIAL REPORT - IS - 25/10/2021 - Tender Evaluation - Replacement of Bridges - Glen Davis Road

Prepared by Sean Quick - Project Officer
Department Infrastructure & Services
Authorised by Director of Infrastructure & Services

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would, if disclosed
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,

Reference

Min No. 21-213 Ordinary Meeting of Council held on 27 September 2021.

Summary

The purpose of this report is to summarise the tender process undertaken to source a contractor for the demolition, design and construction of the three bridges along Glen Davis Road, between the townships of Capertee and Glen Davis.

13.4. CONFIDENTIAL REPORT - IS - 25/10/2021 - Repair of Lithgow Library Awning & Façade - Tender Evaluation

Prepared by Sean Quick - Project Officer
Department Infrastructure & Services
Authorised by Director of Infrastructure & Services

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would, if disclosed
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,

Reference

Min No. 21-35 Ordinary Meeting of Council held on 22 February 2021.

Summary

The purpose of this report is to summarise the tender process undertaken by Council for the repair of the Lithgow Library Façade and awning.

13.5. CONFIDENTIAL REPORT - 25/10/2021 - ECDEV - Lease of 21 Proto Avenue

Prepared by Sandra Politi – Land Use & Property Officer

Department Economic Development & Environment

Authorised by Director of Economic Development & Environment

Reason for Confidentiality

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

(e) information that would, if disclosed, prejudice the maintenance of law

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Reference

Minute 18-377 - Confidential meeting of Council 26 November 2018

Minute 19-90 - Confidential meeting of Council 25 March 2019

Minute 21-182 - Confidential meeting to Council 26 July 2021

Minute 21-231 – Confidential meeting to Council 27 September 2021

Summary

The purpose of this report is to provide Council with an update regarding the status of this matter.

Recommendation

THAT Council resolve to move into closed council to consider the confidential reports as listed in the business paper.