



# BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 June 2022

at 7:00 PM

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## 1. Acknowledgement of Country

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### **Acknowledgement of Country**

I would like to begin this meeting by acknowledging the Traditional Owners of this land on which we meet today. I would also like to pay respect to 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

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## 3. Apologies

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## 4. Declaration of Interest

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Under Clause 3.23 Statement of ethical Obligations in the Code of Meeting Practice as adopted by Council at the Ordinary Meeting of Council held on 26 April 2022 (Min No 22-86),

3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

*Councillors are reminder of the oath or affirmation which was taken at the Ordinary Meeting of Council held on 22 December 2021*

### *Oath Of Councillor*

*I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Lithgow local government area and the Lithgow City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

### *Affirmation Of Councillor*

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Lithgow local government area and the Lithgow City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

Councillors have the opportunity to declare any interests in items on the agenda and inform the Council and public if they will be leaving the Chambers during the debate and voting on the item.

## 5. Confirmation of Minutes

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Confirmation of the Minutes of the Ordinary Meeting of Council held 23 May 2022.

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## **6. Commemorations and Announcements**

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

## **7. Public Forum**

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

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

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

## **8. Mayoral Minutes**

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

## **9. Notices of Motion**

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### **9.1. Notice of Motion - 27/06/2022 - Councillor E Mahony - Lithgow Region - Local Housing Strategy**

**Report by** Councillor Eric Mahony

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#### **Commentary**

Lithgow City Council plays a central role in the medium to long term planning and decision making processes to meet the needs for housing for our community now and into the future.

For many in our community, now more than ever given the financial challenges they currently face and into the future will face in regards to access to affordable, safe and appropriate housing, a well planned response from Council to these challenges is essential. Lithgow Council through its planning and decision-making needs to contribute where appropriate to ensure that a well-planned and diverse range of housing that meets the community's needs across our region is delivered.

To facilitate a better understanding of our community's and region's housing needs it is proposed that a Councillor information session and a community housing forum with key stakeholders be delivered addressing broad housing and accommodation issues including but not limited to;

- Housing needs for our current and future workforce.
- The role urban and rural residential accommodation will continue to play in the expanding tourism market sector across the Lithgow region.
- Affordable housing and over 55's housing.
- The role that social housing will play in meeting targeted accommodation needs and how a whole of government approach can be brought to bear.
- Strategies and proposed actions to address homelessness across our region.
- The role that emergency housing plays in keeping vulnerable members of our society safe and in secure housing and the location of this housing.

#### **The purpose of this notice of motion.**

- To provide an opportunity for Council to continue to develop a well planned and responsive Local Housing Strategy on behalf of the community addressing housing needs across the greater Lithgow region.
- For Council to continue to work closely with all levels of government and non-government organisations and initiatives across our community to provide for affordable, safe and appropriate housing to meet our regions diverse needs.
- To highlight critical vulnerabilities in existing housing across the greater Lithgow region and provide effective advocacy on behalf of impacted members of our community.

#### **Attachments**

Nil

**Recommendation**

THAT Lithgow Council, in order to facilitate a better understanding of our community's and region's housing needs, deliver a Councillor information session and a community housing forum with key stakeholders addressing broad housing and accommodation issues.

**Management Comment**

Council Officers are cognisant of the current urgency and importance of ensuring that the housing needs of the community, now and in the future, including the diversity of housing are planned for and delivered. An information report can be brought to a future Councillor information session. From this information, and discussion of the key matters, Council could consider the case for, the preparations required and the costs of hosting a housing forum.

## 10. Staff Reports

### 10.1. People and Services Reports

#### 10.1.1. Building and Development

10.1.1.1. ECDEV - 27/06/2022 - DA045/22 - Public amenities, Greg Featherstone Park, Bathurst Street, Rydal

**Prepared by** Lachlan Sims – Team Leader Development

**Department** Economic Development and Environment

**Authorised by** Director People and Services

**Property Details** Railway land, adjacent to Bathurst Street, Rydal

**Property Owner** Transport Asset Holding Entity

**Applicant** Lithgow City Council

#### Reference

Minute No. 22-95 Ordinary Meeting of Council held on 23 May 2022.

#### Summary

The purpose of this report is to inform Council of the assessment of Development Application 045/22 and provide a recommendation for its determination. DA 045/22 was lodged by Council's Infrastructure Services Directorate on 24 February 2022 and seeks consent for the installation of a single public toilet facility and associated works in Greg Featherstone Park, Bathurst Street, Rydal. The application is being reported to this Ordinary Meeting of Council for determination following its call in.

#### Commentary

Notification of the "call-in" of DA045/22 was received from Councillor Stephen Lesslie on 5 May 2022. In accordance with Council's Policy 7.7 Calling In of Development Applications by Councillors, a call in report was presented to Council at its Ordinary Meeting held on 23 May 2022 (Minute No. 22-95). This application is being reported to Council for determination based on the above.

The development application seeks consent for the installation of a small public toilet facility in Greg Featherstone Park, Bathurst Street, Rydal. Details of the proposal are provided in the plans and the Planning Assessment Report attached.

Ordinarily, works such as public toilets in a public park do not require development consent and can be undertaken by Council as a public authority under the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Notwithstanding the above, Council's Infrastructure Services directorate has advised they wish to proceed with the development application as lodged to ensure complete transparency regarding the project. In this regard, the application is presented to Council with a recommendation for approval based on the details in the attached report.

The proposed public toilet is a low impact, public utility that will complement the amenities of the Rydal village and its approval is in the public interest. Conditional approval has been provided by Transport for NSW being the government agency responsible for the land and adjoining railway corridor. The development is recommended for approval subject to conditions.

*Communication about the proposal – a comment from the project lead, the Director for Infrastructure Services*

*Outside the formal exhibition process required under the Community Participation Plan, as the proponent for the application, Council's administration has significantly communicated the detail of the project with the Rydal Village Association and other members of the community. This has resulted in three meetings with the administration and many emails discussing specifics of the project. Full project plans and copies of the Development Application have been provided.*

*The council administration acknowledges that there is some objection to the location of the toilet and the associated ramp. This stems primarily from the fact that on occasions the Association and other groups use the park for public gatherings. In this regard, the following information is offered:*

- The Council has been navigating through this matter, and in particular the location, since 2014.*
- A substantial review of all other sites resulted in this being recognised as the most, if not the only, feasible location having regard for land ownership, permissibility, and available space.*
- The toilet facility will have local use but, by and large, it is geared toward providing services to the broader public, especially tourists to the village. The location chosen for the unit offers the greatest benefits because it is co-located near the cluster of tourism offers in the village.*
- The location of the ramp has been chosen to comply with the broader objectives of the Disability Discrimination Act (DDA) which are to eliminate, as far as possible, discrimination against persons on the ground of disability surrounding access to premises. The ramp as proposed within this application is 14 metres in length. An alternative proposal elsewhere in the park, as suggested by the Rydal Village Association, requires a footpath of 65 metres in length. For a person with greatly reduced mobility, this is an unjust position to be placed in understanding that a suitable alternative is available to Council.*
- It is considered that the public space in this locality and elsewhere in the village will still support community gatherings.*

*As a result of this project's long history, Council did not call for community suggestions regarding the location of the unit. Instead, to ensure this valuable project is delivered, the only suitable site was identified, and this was communicated with the community. However, the feedback from the Rydal Village Association has been heard, considered, and unfortunately found to not be feasible.*

*Council has also received correspondence from others in the community in favour of this work.*

*This project supports the Council's broader objectives of promoting the growth and diversification of our region.*

## **Policy Implications**

### Policy 7.7 Calling In of Development Applications by Councillors

This development application was called in under the provisions of this policy by Councillor Stephen Lesslie on 5 May 2022.

### Lithgow Community Participation Plan

The proposal was placed on public exhibition with adjoining landowners notified of the proposal in accordance with this plan. No submissions were received.

### **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
- Future potential impact – N/A

### **Legal and Risk Management Implications**

#### 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 attached Planning Assessment Report. The application is recommended for approval and has been assessed as achieving compliance with relevant regulatory requirements.

### **Attachments**

1. Plans and specifications - DA 045/22 [**10.1.1.1.1** - 4 pages]
2. Planning Assessment Report - DA 045/22 [**10.1.1.1.2** - 22 pages]

### **Recommendation**

THAT

1. Development Application DA045/22 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

10.1.1.2. ECDEV - 27/06/2022 - DA213/21 - Change of use (commercial premises and boarding house), 69 Main Street, Lithgow (former Grand Central Hotel)

**Prepared by** Lachlan Sims – Team Leader Development

**Department** Economic Development and Environment

**Authorised by** Director People and Services

**Property Details** Lot 1 DP 900325 – 69 Main Street, Lithgow

**Property Owner** Hanate Foundation Pty Ltd

**Applicant** Minto Planning Services

### Summary

The purpose of this report is to inform Council of the assessment of Development Application 213/21 and provide a recommendation for its determination. DA 213/21 was lodged with Council on 31 October 2021 and seeks consent for the change of use of the building formerly occupied by the Grand Central Hotel at the corner of Main and Eskbank Streets (69 Main Street), Lithgow identified as Lot 1 DP 900325. The proposal is to change the use of the former hotel to commercial premises on part of the ground floor and to a boarding house for part of the ground floor and the full extent of the first and second floors. The application has been lodged by Minto Planning Services on behalf of the owner of the site, the Hanate Foundation Pty Ltd.

### Commentary

Notification of the "call-in" of DA213/21 was received from former Councillor Steve Ring on 5 November 2021 in accordance with Council's Policy 7.7 Calling In of Development Applications by Councillors. Due to the timing of the above and the December 2021 Local Government elections, the standard call-in report to Council was not undertaken. This application is being reported to the June 2022 Ordinary Meeting of Council based on the above call-in.

The development application seeks consent for the change of use of the former Grand Central Hotel at 69 Main Street, Lithgow to commercial premises and a boarding house. The existing commercial/business premises on the site facing Eskbank Street will be retained with the former hotel bar and entertainment areas converted into additional commercial premises. The ground floor former hotel lobby and restaurant/bistro area will become part of the communal areas of the boarding house. The upper levels of the former hotel (first and second floors) will be renovated and upgraded to provide the boarding house accommodation rooms and some shared/communal facilities. Part of the development proposal includes upgrades to the building access with a new shared access to the building from Eskbank Street and a lift providing full access to each level.

The boarding house will provide a total of 17 rooms over both accommodation levels with a maximum capacity for 34 adult residents (no more than 2 adults per room). The operator of the boarding house will use the facilities to provide supportive accommodation for persons in need including crisis accommodation for parents with children which will be facilitated in some of the rooms. The use and occupancy of the boarding house will be in accordance with a plan of management, a draft of which has been submitted in support of the application.

The former Grand Central Hotel ceased trading in early 2020 following the mandatory shutdown of all non-essential businesses in response to the COVID-19 pandemic. In June 2020, the premises was acquired by the current owner, the Hanate Foundation Pty Ltd (formerly Gray Homes Western Sydney Inc). The Hanate Foundation is a not-for-profit organisation that provides assistance to

numerous charities including the purchase of facilities for conversion into quality accommodation for persons in need and in crisis.

As part of its acquisition of the site, the Hanate Foundation approached Council staff seeking advice and support regarding the use of the premises to provide accommodation for persons in need. This proposal included the undertaking of minor renovations and repairs to the premises with the use being temporary pending the lodgement of a development application to change the use of the premises into boarding house accommodation. This proposed use of the former hotel accommodation rooms for short-term crisis and emergency accommodation did not require separate development consent and that activity therefore commenced.

The current use of the site for short-term accommodation and the boarding house proposed in this application will be operated and managed by Providential Homes in partnership with the owner. Providential Homes is a not-for-profit organisation that provides temporary accommodation and personal support for individual families and provides critical assistance to people in breaking the cycle of homelessness and dependency. Providential Homes intend to use the boarding house accommodation for temporary and crisis accommodation and transitional housing while also assisting and supporting residents to find permanent accommodation within the community. The boarding house will provide a much-needed social asset and essential facilities and services to disadvantaged and needy persons in the Lithgow community.

Details of the proposal are included in the attachments to this report including architectural drawings, a Statement of Environmental Effects, a Heritage Impact Statement and a draft Plan of Management.

The site is zoned B2 Local Centre under the *Lithgow Local Environmental Plan 2014* (LEP). The uses of the site for commercial premises and as a boarding house are permitted with consent in the B2 zone. The former Grand Central Hotel is also listed as an item of environmental heritage under Schedule 5 of the LEP. Because of this, the proposed alterations to the building to facilitate the commercial premises and boarding house require development consent.

The merits of the development proposal and its compliance with applicable statutory and regulatory requirements has been assessed in the Planning Assessment Report attached. The new uses proposed, being commercial premises and boarding house, are permitted with consent under the LEP provisions. For the boarding house use, the application seeks to rely on the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) as in force at the time the DA was lodged.

Specifically, the boarding house proposal relies on the provisions of Division 3 of Part 2 of the ARH SEPP which permits with consent a boarding house on land zoned B2 Local Centre. For consent to be granted under the ARH SEPP provisions, compliance with the other relevant standards and requirements in the ARH SEPP are required. As detailed in the attached Planning Assessment Report, the proposal complies with the ARH SEPP requirements and the intended use of the site for a boarding house and supportive accommodation is supported. The development will provide accommodation that will meet the needs of disadvantaged persons in the community and provide for a type of residential accommodation needed in the Lithgow community.

Being an item of environmental heritage under the LEP provisions, the development application is also required to be assessed regarding its heritage impact on both the heritage item (the former Grand Central Hotel) and the location of the development within the Lithgow Main Street Heritage Conservation Area. Under the LEP provisions, any works involving the demolition, altering the exterior, or making changes to the interior of a heritage item require development consent. Before granting consent, a consent authority must consider the effect of the proposed development on the heritage significance of the item and area.

The application is supported by a Statement of Heritage Impact and has been assessed by Council's heritage advisor who has provided in-principle support to the proposal subject to conditions. In summary, it is considered that the works and new uses proposed will not unreasonably impact on the heritage character of the building or the heritage conservation area. The works will enable the adaptive reuse of the building in a form and manner that is generally compatible with the building's heritage character and respects its historical uses.

## Policy Implications

### Policy 7.7 Calling In of Development Applications by Councillors

This development application was called in under the provisions of this policy by former Councillor Steve Ring on 5 November 2021.

### Lithgow Community Participation Plan

Public exhibition and notification of this application was undertaken in accordance with the Lithgow Community Participation Plan. This included the public exhibition of the proposal from 25 October to 17 November 2021 and the written notification of the proposal to adjoining and adjacent landowners. During the public exhibition period, no submissions were received in response.

## 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
- Future potential impact – N/A

## Legal and Risk Management Implications

### 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 attached Planning Assessment Report. The application is recommended for approval and has been assessed as achieving compliance with relevant regulatory requirements.

## Attachments

1. Plans and Architectural Drawings - DA 213/21 [**10.1.1.2.1** - 12 pages]
2. Statement of Environmental Effects - DA 213/21 [**10.1.1.2.2** - 27 pages]
3. Heritage Impact Statement - DA 213/21 [**10.1.1.2.3** - 74 pages]
4. Draft Plan of Management - DA 213/21 [**10.1.1.2.4** - 12 pages]
5. Planning Assessment Report - DA213/21 [**10.1.1.2.5** - 29 pages]

## Recommendation

THAT

1. Development Application DA213/21 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

## 10.1.2. People and Services General Reports

### 10.1.2.1. P&S - 27/06/2022 - Nominations to Council Committees

**Prepared by** Matthew Johnson – Community & Culture Manager

**Department** Community & Culture

**Authorised by** Director of People & Places

#### Summary

This report recommends the appointment of community representatives to the Community Development Committee, Women's Advisory Committee, Youth Council, Environmental Advisory Committee and Crime Prevention Committee.

#### Commentary

Following the reinstatement by Council of a number of advisory committees, Council called for nominations from the community to join these committees. Nominations closed on 15 April 2022 with the following nominations received.

Committee and Available Positions	Nominations Received
<b>Community Development Committee</b> <ul style="list-style-type: none"> <li>1 member of the retail and business services sector</li> <li>6 members of the community including one (1) community representative with a disability or frail aged or caring for a person who is frail aged and one (1) representative of organisations involved in advocacy for and/or the provision of services for people with a disability or people that are frail aged.</li> </ul>	<b>Retail and Business Sector</b> Glenda Anthes  <b>Community Members</b> Rachael Young Leanne Walding (representing the disability sector) Gaye MacFarlane Susan Alexander
<b>Women's Advisory Committee</b> <ul style="list-style-type: none"> <li>A minimum of six (6) community representatives with an interest and experience in advancing women's interests</li> <li>Three (3) representatives of organisations involved in working with women and women's interests</li> </ul>	Sandrine Stepien Susan Alexander Kellie Evans Tenille Evans Leanne Walding Reidun Berntsen Emily Seliscar
<b>Youth Council</b>  Community Representatives A minimum of 6 people aged between 11 and 24 years who reside, work or attend school in the Lithgow local government area.	Chelsea Draper Christian Broome Alexander Taylor-Evans Emily Brown Lola Fleishman Madi Dobson Derek Washbrook

<p>Organisation Representatives 2 youth work professionals</p>	
<p><b>Environmental Advisory Committee</b> One nominated member and one alternate member of:</p> <ul style="list-style-type: none"> <li>• Lithgow Community Nursery</li> <li>• Lithgow and Oberon Landcare Association;</li> <li>• Lithgow Environment Group</li> <li>• Lithgow Tidy Towns</li> <li>• Central Tablelands Local Land Services</li> <li>• Community Representative</li> </ul>	<p>Susan Gregory, Lithgow &amp; District Community Nursery</p> <p>Trish Kidd and Helen Drew (alternate), Lithgow Oberon Landcare Association</p> <p>Julie Favell and Thomas Ebersol (alternate), Lithgow Environment Group</p>
<p><b>Crime Prevention Committee</b> Two community representatives</p>	<p>Kath Compton and Jill Cusack (alternate) Lithgow Tidy Towns</p> <p>Danny Whitty</p> <p>Jeff Smith</p>

### Policy Implications

Nil

### Financial Implications

Nil

### Legal and Risk Management Implications

Nil

### Attachments

1. EOI Community Development Committee - Gaye Macfarlane [10.1.2.1.1 - 2 pages]
2. EOI Community Development Committee - Glenda Anthes [10.1.2.1.2 - 2 pages]
3. EOI Community Development Committee - Leanne Walding [10.1.2.1.3 - 1 page]
4. EOI Community Development Committee - Rachael Young [10.1.2.1.4 - 2 pages]
5. EOI Women s Advisory Committee - Kellie Evans [10.1.2.1.5 - 1 page]
6. EOI Women s Advisory Committee - Leanne Walding [10.1.2.1.6 - 1 page]
7. EOI Women s Advisory Committee - Reidun Berntsen [10.1.2.1.7 - 1 page]
8. EOI Women s Advisory Committee - Tenille Evans [10.1.2.1.8 - 1 page]
9. EOI Womens Advisory Committee - Sandrine Stepien [10.1.2.1.9 - 1 page]
10. EOI Youth Council - Chelsea Draper [10.1.2.1.10 - 1 page]
11. EOI Youth Council Broome [10.1.2.1.11 - 1 page]
12. EOI Youth Council Membership - Alexander Taylor- Evans [10.1.2.1.12 - 1 page]
13. EOI Youth Council Membership - Emily Brown [10.1.2.1.13 - 1 page]
14. EOI Youth Council Membership - Lola Fleishman [10.1.2.1.14 - 1 page]
15. EOI Youth Council Membership - Madi Dobson [10.1.2.1.15 - 1 page]
16. EOI Youth Council Membership- Derek Washbrook [10.1.2.1.16 - 1 page]
17. EOI - EAC - Lithgow Community Nursery [10.1.2.1.17 - 2 pages]
18. EOI - EAC Lithgow Environment Group [10.1.2.1.18 - 1 page]
19. EOI - EAC - LOLA [10.1.2.1.19 - 1 page]

20. EOI Crime Prevention Committee - Jeff Smith [10.1.2.1.20 - 2 pages]
21. EOI Crime Prevention Committee - Lithgow Tidy Towns [10.1.2.1.21 - 2 pages]
22. EOI Crime Prevention Committee - Whitty [10.1.2.1.22 - 1 page]
23. EOI - Women s Advisory Committee - Emily Seliscar [10.1.2.1.23 - 1 page]
24. EOI Women s Advisory and Community Development Committees - Susan Alexander [10.1.2.1.24 - 1 page]

### Recommendation

THAT Council

1. Appoint the following representatives to the following Committees.
2. Note that further nominations will be sought for the remaining vacancies and a further report will be provided to Council at a future date.

Committee	Nominations Received
<b>Community Development Committee</b> <ul style="list-style-type: none"> <li>1 member of the retail and business services sector</li> </ul>	<b>Retail and Business Sector</b> Glenda Anthes  <b>Community Members</b> Rachael Young Leanne Walding (representing the disability sector) Gaye MacFarlane Susan Alexander
<b>Women's Advisory Committee</b>	Sandrine Stepien Susan Alexander Kellie Evans Tenille Evans Leanne Walding Reidun Berntsen Emily Seliscar
<b>Youth Council</b>	Chelsea Draper Christian Broome Alexander Taylor-Evans Emily Brown Lola Fleishman Madi Dobson Derek Washbrook
Environmental Advisory Committee	Susan Gregory, Lithgow & District Community Nursery  Trish Kidd and Helen Drew (alternate), Lithgow Oberon Landcare Association  Julie Favell and Thomas Ebersol (alternate) Lithgow Environment Group
Crime Prevention Committee	Kath Compton and Jill Cusack (alternate) Lithgow Tidy Towns  Jeff Smith  Danny Whitty

10.1.2.2. P&S - 27/06/2022 - IP&R Exhibition Outcomes & Adoption of Documents

**Prepared by** Deborah McGrath - Corporate Planning and Communications Officer

**Department** Corporate Planning and Communications

**Authorised by** Director of People & Places

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### Summary

The Council's Integrated Planning and Reporting (IP&R) Framework documents were placed on exhibition for public comment from 27 April to 29 May. The framework consists of the following suite of documents:

- Draft Community Strategic Plan 2035
  - Community Engagement Strategy
- Resourcing Strategy:
  - Draft Long Term Financial Plan 2022-2032
  - Draft Strategic Asset Management Plan 2022 - 2032
  - Draft Workforce Plan 2022-2026
- Draft Combined Delivery Program 2022-2026 and Operational Plan 2022-2023
  - Draft Fees and Charges 2022-2023
  - Draft Revenue Policy 2022-2023

This report provides a summary of the results of the community engagement program and submissions received for the Integrated Planning and Reporting Framework. In addition, the final documents are presented to Council for adoption.

### Commentary

#### Operational Plan - Updated Budget Consolidated Operating Result

The 2022/23 budget consolidated operating result (before capital) has improved from a deficit of (\$2.3M) to a surplus of \$3.6M.

Although the budget operating result (before capital) has improved from a deficit to a surplus, the underlying structural deficit remains as an issue. The annual structural shortfall in Council's general revenues has been identified in the rating review report as **\$6M p.a.** at existing levels of service and growing year upon year. The improvement in the 2022/23 budget operating result mainly relates to one-off grants and timing differences for grant receipts. The focus for the 2022/23 budget is to present a balanced cash budget, that is, operating and capital expenditure can be covered within cash receipts for the year.

The updated budget consolidated operating result is shown in the table below:

Lithgow City Council - Profit & Loss			
Description	2022/23 Budget April 2022	2022/23 Budget Final	Variance
Rates and annual charges	30,105	30,159	54
User charges and fees	7,138	7,138	0
Interest and investment revenue	282	579	297
Other revenues	1,464	1,464	0
Grants and contributions provided for operating purposes	9,083	16,760	7,677
Grants and contributions provided for capital purposes	11,512	12,081	569
Disposal of Assets		155	155
<b>Revenue Total</b>	<b>59,584</b>	<b>68,336</b>	<b>8,752</b>
Employee Benefits & On-costs	19,128	19,132	4
Borrowing Costs	515	342	(173)
Materials & Contracts	11,898	14,305	2,407
Depreciation & Amortisation	13,282	13,282	0
Other Expenses	5,577	5,547	(30)
<b>Expenses Total</b>	<b>50,400</b>	<b>52,608</b>	<b>2,208</b>
<b>Operating Result</b>	<b>9,184</b>	<b>15,728</b>	<b>6,544</b>
<b>Operating Result before Capital</b>	<b>(2,328)</b>	<b>3,647</b>	<b>5,975</b>

Details are provided below of key changes to revenue and expenditure categories since the 26 April 2022 meeting.

#### Revenue

- **Grant funding:** \$6.8M added for natural disaster operating grant income. A \$1M Category D Local Government Recovery Grant for the 2022 storms and floods was received in April 2022 and will be taken up as income in the 2022/23 year when works commence. \$1.2M of the capital grant for Cullen Bullen Sewerage Treatment Plant was rephased from 2021/22 in May 2022. \$500K of capital grants for Main Street Footpaths was rephased to the 2023/24 year.
- **Interest and Investment Revenue:** \$297K increase due to the higher interest rates outlook, with the average interest rate for the investment portfolio increased from 0.65% to 1.65%.
- **Disposal of Assets:** \$155K of expected gains on disposal of plant assets.

#### Expenditure

- **Borrowing costs:** \$173K decrease due to a correction for a loan which will be paid in full in June 2022.
- **Materials and contracts:** \$1.9M increase due to the EPA green waste clean-up grant works and \$400K of natural disaster claimable repairs. \$150K was also added for the Future Together Group strategic projects.

#### Consolidated Operating Result

- The budget consolidated operating result has improved from **(\$2.328M) deficit** to **\$3.647M surplus**.

#### Proposed amendments to the Draft 2022/23 Operational Plan – Capital Works Program

There have been a number of changes to the draft 2022/23 Capital Works Program during the Operational Plan exhibition period. Grant funding has been approved and/or received late in the 2021/22 year for additional projects and natural disaster recovery works have been determined. There have also been 2021/22 projects which have been phased for completion in the 2022/23 year.

An additional \$7.5M of works have been added to the draft 2022/23 program. This is mainly due to the addition of \$6.275M of natural disaster emergency works. The total 2022/23 capital works program budget has increased from \$21.84M to \$29.3M.

The changes to draft 2022/23 Capital Works Program are summarised in the table below:

<b>Original Draft 2022/23 Capital Works Program Total</b>		<b>\$ 21,840,560</b>
<b>Additions to 2022/23 Capital Works Program</b>		
Project	Amount	Reason for Inclusion
Store Building Rectification Works	\$ 321,334	Partly rephased from 2021/22
Infrastructure Services Project Adjustments	\$ 238,278	Projects partly rephased from 2021/23
Lithgow Information and Neighbourhood Centre Revitalisation	-\$ 317,748	Most of project completed in 2021/22
Glen Davis Closure & Transfer Station	\$ 127,832	Rephased from 2021/22
Cullen Bullen Sewerage Scheme	\$ 833,069	Partly rephased from 2021/22
Cranbrook Park Road	-\$ 164,061	Project deferred to 2023/24
Burton Street Crossing	\$ 61,000	Rephased from 2021/22
Main Street Footpath	-\$ 500,000	Partly rephased to 2023/24
Streets as Shared Spaces - 'Made in Lithgow' lighting installation		New grant funded project, commenced in June 2022
Cook Street Plaza	\$ 173,250	
Eskbank House Museum	\$ 63,000	Rephased from 2021/22
Civic Ballroom Roof Replacement	\$ 110,185	Rephased from 2021/22
Footpath Renewals - SRV	\$ 53,558	Rephased from 2021/22
Kerb & Gutter Improvements - SRV	\$ 78,797	Rephased from 2021/22
Rydal Toilet Block	\$ 109,312	Partly rephased from 2021/22
Natural Disaster Emergency Works	\$ 6,275,154	Ongoing asset restoration works
<b>Updated Totals</b>	<b>\$ 29,303,520</b>	

### Proposed amendments to the Draft 2022/23 Operational Plan – Operational Projects

Additional operational projects have been added to the draft 2022/23 Operational Plan during the exhibition period. There have also been multi-year 2021/22 projects which have been phased for completion in the 2022/23 year.

An additional \$3.3M of operational projects have been added to the draft 2022/23 program. This is mainly due to the addition of \$2.165M for the EPA green waste clean-up program.

The changes to draft 2022/23 operational projects are summarised in the table below:

<b>Additions to 2022/23 Operational Projects</b>		
Project	Amount	Reason for Inclusion
IT - Cyber Security Program (additional from 2021/22)	\$ 20,000	Rephased from 2021/22 for larger project
Local Housing Strategy	\$ 50,000	Rephased from 2021/22
Small Heritage Grants Program	\$ 10,000	Rephased from 2021/22
Lithgow Halloween 2022	\$ 127,000	In Operational Plan, budget added
Lithgow 2023	\$ 70,000	In Operational Plan, budget added
Infrastructure Asset Management Plans	\$ 110,000	In Operational Plan, budget added
Tourism Events - Caravan Muster	\$ 10,000	In Operational Plan, budget added
EPA Green waste clean-up program	\$ 2,164,966	Partly rephased from 2021/22
Natural Disaster Emergency Works	\$ 400,000	Ongoing asset restoration works
Lithgow Evolving Economy Plan (LEEP)	\$ 123,141	Including additional for FTG engagement
BCRRF - Stream 2 - Wolgan Evacuation Plan	\$ 50,000	Rephased from 2021/22
FTG - Strategic Projects	\$ 150,000	Rating, transition management, infrastructure, Domestic Waste, business unit reviews
<b>Updated Totals</b>	<b>\$ 5,002,217</b>	

### Community Engagement

A Community Engagement Feedback Report has been prepared detailing the engagement program undertaken during the exhibition period and is attached to this report.

18 Submissions were received from the community across a broad range of projects and programs predominantly requesting additional information regarding programs or providing comment on the content of documents. The Community Engagement Feedback Report has summarised the

community feedback and an Officers' Response is provided for the information of Council. The submissions can be grouped under the following areas:

- Community Strategic Plan – questions regarding Development and Infrastructure
- Community Strategic Plan – minor amendments proposed by Nepean Blue Mountains Local Health District to strategy wording.
- Transitioning the Economy – LEEP (Lithgow Emerging Economy Project) – comments regarding opportunities to transition our economy.
- Options for a sustainable future – comments/questions regarding a Special Rate Variation.
- Clarence to Wallerawang Pipeline – questions regarding this project.
- 2022/23 Operational Plan – questions regarding projects and programs. Requests for road works to be undertaken in Dargan and Marrangaroo.
- Long Term Financial Plan – minor amendments to the document and a question regarding the Clarence to Wallerawang Pipeline project.
- Water Pricing Structure – comments/question relating to the proposed changes to the pricing structure.
- Fees and Charges – minor amendments to Fees & Charges.

### **Integrated Planning and Reporting Framework Documents**

The following IP&R Framework documents are recommended for adoption with only minor amendments:

- Draft Community Strategic Plan 2035
  - Community Engagement Strategy
- Resourcing Strategy:
  - Draft Long Term Financial Plan 2022-2032
  - Draft Strategic Asset Management Plan 2022 - 2032
  - Draft Workforce Plan 2022-2026
- Draft Combined Delivery Program 2022-2026 and Operational Plan 2022-2023
  - Draft Fees and Charges 2022-2023
  - Draft Revenue Policy 2022-2023

The making of Rates and Annual charges for the 2022/23 rating year and the adoption of the following IP&R documents is the subject of a separate report:

- a) Fees & Charges 2022-2023,
- b) Revenue Policy 2022-2023, and
- c) Rating Maps 2022-2023.

### **Policy Implications**

N/A

### **Financial Implications**

As detailed in this report.

### **Legal and Risk Management Implications**

N/A

### **Attachments**

1. Community Engagement Strategy Feedback Report.pdf. [10.1.2.2.1 - 18 pages]

## Recommendation

THAT Council:

1. Note the Community Engagement Feedback Report, to capture community responses to exhibition of the IP&R documents.
2. Note the Officers responses to the community submissions contained in the attached Community Engagement Strategy Feedback Report and adopt the following Integrated Planning and Reporting documents with minor amendments identified in the Report:
  - a. Community Strategic Plan 2035.
  - b. Resourcing Strategy 2022-2032 comprising the:
    - i. o Long Term Financial Plan 2022-2032,
    - ii. o Strategic Asset Management Plan 2022-2032, and
    - iii. o Workforce Plan 2022-2026.
  - c. Combined Delivery Program 2022-2026 and Operational Plan 2022-2023.
3. Approve the changes to the 2022/23 operating budget and capital works program.
4. Respond to the submissions, providing the parties with a copy of the Community Engagement Strategy Feedback Report.
5. Publish the Community Engagement Feedback Report on the Our Place, Our Future website.

## 10.2. Waste, Water and Wastewater Reports

### 10.2.1. WWW - 27/06/2022 - Clarence to Wallerawang Pipeline - Land matters funding

<b>Prepared by</b>	Matthew Trapp - Executive Manager - Water & Wastewater
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**Department** Water & Wastewater

**Authorised by** Executive Manager Water & Wastewater

#### Summary

This report provides an overview of the proposed engagement between Lithgow City Council and Public Works Advisory for the work involved in land acquisition around the Clarence to Wallerawang Pipeline project. It advises of grant funding that has been offered for land matter aspects of the project and recommends that Council take up these funds and appoint Public Works Advisory to undertake the work.

#### Commentary

Council has been working on the planning phase of the Clarence to Wallerawang Pipeline project for some time now. Significant work is involved in the pre-planning and planning stages of a project of such magnitude. As a part of the project, there is a large amount of time and resourcing involved in the procurement and acquisition of land to ensure that the project deliverables can be constructed. Council staff have been working collaboratively with Centennial Coal, Public Works Advisory, Department of Regional NSW, and other stakeholders to complete the feasibility and planning phases prior to ongoing works relating to the project.

Public Works Advisory (PWA) have been involved with Council to provide project management services for the project. Utilising Public Works advisory has offered staff an opportunity to concentrate resources on the project with the specialised expertise of a larger and broader organisation for the management and preparation of key documents, approvals, and initial works. PWA offer a range of services to local government including project management, environmental assessment, procurement, and land acquisition amongst many other services that can be provided to councils.

Staff have engaged with Public Works for the project management of the project and requested a proposal for PWA to undertake the review of land matters, including the valuation of affected properties within the project. The proposed pipeline involves 22 different private properties and requires a large amount of coordination to complete the processes required under the land acquisition process. The PWA proposal is a key component of the project with the team at PWA able to provide the service to Council without tendering and can provide specialised expertise for a project of this size.

Council has received grant funding of \$325,000 for the purpose of investigation and planning for the Clarence to Wallerawang Pipeline project. This funding can offset the majority of the cost of utilising PWA for land matters. The original budget for the feasibility study and work with Council's consultant will remain unchanged. Should the project not proceed based on the outcomes of the feasibility study, Council will be able to halt the engagement with PWA and not have to absorb the cost of the land matters management in its entirety.

#### Policy Implications

Nil.

#### Financial Implications

- Budget approved - \$250,000 revised 2021/22 budget.
- Cost centre - PJ 200165
- Expended to date - \$14,474 on planning, \$153,131 commitment for PWA project management.
- Future potential impact - \$332,161 for PWA work on the land matters.

**Legal and Risk Management Implications**

Nil.

**Attachments**

Nil

**Recommendation**

THAT Council:

1. Accept the grant funding offered for the Clarence to Wallerawang Pipeline project, and,
2. Approve the engagement of Public Works Advisory for the land matters aspects of the Clarence to Wallerawang Pipeline project concept, with the expenditure to occur in the 2022/23 financial year.
3. Approve the land matters component of the Clarence to Wallerawang Pipeline project being added to the 2022/23 capital works program.

### 10.3. Finance and Assets Reports

#### 10.3.1. FIN - 27/06/2022 - Notice to Retire - StateWide Mutual

<b>Prepared by</b>	Ross Gurney - CFIO
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**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

#### Reference

Min. No. 19-60 Ordinary Meeting of Council held on 25 February 2019 (confidential session).

#### Summary

Council regularly reviews its key expenditure areas to ensure that it is obtaining the best value for money. The purpose of this report is to inform Council that management proposes to review Council's insurance arrangements in the 2022/23 year. Council needs to give 12 months' notice to Council's current General Insurance providers in the event that Council changes insurers from 1 July 2023.

#### Commentary

At the Ordinary Meeting of Council held on 25 February 2019 it was resolved:

#### **19-60 RESOLVED**

#### **THAT:**

1. Subject to StateWide Board approval, Council accept the offer of a premium subsidy from the StateWide Mutual Scheme over three years from 2019/20.
2. Council rescind its notice of intention to retire from the StateWide Mutual Scheme effective from 1 July 2019.
3. Council conduct a further review of insurance providers in the 2021/22 year.
4. The General Manager inform the Executive of Civic Risk Mutual of Council's decision to remain with StateWide for a further three years, to thank Civic Risk Mutual for their assistance with Council's review and to invite Civic Risk Mutual to participate in the next review of insurance providers in the 2021/22 year.

2021/22 is the final year of the premium subsidy from Council's equity in Statewide Mutual (\$100K subsidy). The further review of insurance providers was postponed from the 2021/22 year due to staff resource constraints.

General insurance contributions were \$944K for the 2021/22 year (before the premium subsidy).

Section 10.3 of the Deed establishing the Mutual Liability Scheme states:

*A Member may retire from one or more Funds with effect from the end of a Fund Year by giving at least 12 months' written notice to the Executive Officer of the Board of Management, JLT and the Fund Manager.*

It is proposed to take a similar approach to the 2018 insurances review. The reality is that the only real options available for Council, beyond self-insuring, are with either Statewide Mutual or Civic Risk Mutual. It is proposed that Council enter into an insurances due diligence review with CivicRisk Mutual. CivicRisk Mutual is a joint venture approved by the Minister for Local Government under section 358 of the Local Government Act. As such, section 55(3) (c) of the Local Government Act states that Councils do not need to undertake a tender when entering into a joint venture with another Council or Councils.

Indicative insurance pricing would also be obtained from Statewide Mutual for the 2023/24 year to provide a comparison with any CivicRisk Mutual offer.

The undertaking of service reviews such as what is proposed in this case is operational and does not require the approval of Council, at this stage. At the end of the review and comparisons of the offers from the two mutuals, a report would be presented to Council for determination of the preferred insurer.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - \$844,155
- Cost centre - PJ 800166
- Expended to date - \$844,155
- Future potential impact – best value insurance arrangements to be determined via the review.

### **Legal and Risk Management Implications**

The general insurances review and due diligence process will determine the most appropriate insurance arrangements to match Council's risk profile.

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Authorise the General Manager to give 12 months' notice to Council's current General Insurance providers (Statewide Mutual) of retirement from the mutual arrangement for General Insurance, pursuant to clause 10.3 of the Deed.
2. Note the intention to report the findings of the review to Council for determination of a preferred insurer.

### 10.3.2. FIN - 27/06/2022 - Tender - Provision of Legal Services

<b>Prepared by</b>	Kirsty Sheppard – Purchasing Coordinator
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**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

#### Reference

Min No 17–323 Ordinary Meeting of Council held on 23 October 2017.

#### Summary

The purpose of this report is to summarise the legal services tender process and to seek Council's approval to appoint providers to a Legal Panel to provide legal services to Council for a period of three (3) years.

#### Commentary

The previous Legal Services Panel consisted of 3 providers being Le Fevre & Co, Pikes & Verekers Lawyers and Swaab. A new Request for Offer process was recently undertaken to form an up-to-date Panel of providers for a period of three (3) years.

The request was advertised via VendorPanel to the open marketplace under the categories, (Legal Services and Conveyancing Services'. Additionally, an email was sent to the previous members on the Panel and local legal firms.

An impressive calibre of submissions was received with a total of 18 respondents;

- Hammond Nguyen Turnbull
- Hones Lawyers
- Marsdens Law Group
- Pikes & Verekers Lawyers
- Shaw Reynolds Lawyers
- ClarkeKann Lawyers
- Higgins Lawyers
- Local Government Legal
- Messenger & Messenger
- Redenbach Legal
- Sparke Helmore Lawyers
- Coutts Lawyers & Conveyancers
- Holding Redlich
- Maddocks
- Moray & Agnew Lawyers
- Russell Kennedy Lawyers
- Swaab
- Cronin James McLaughlin Lawyers

An evaluation team was made up by two Council Officers

- Purchasing Coordinator; and
- Property & Legal Services Officer.

As a condition of responding to the RFO, respondents were required to provide answers to all response schedules which covered the following criteria:

- Demonstrated understanding and application of the Local Government Act 1993;
- Demonstrated understanding and application of the Land Acquisition (Just Terms Compensation) Act 1991;
- Demonstrated understanding and application of the Roads Act 1993;
- Demonstrated understanding and application of the Environmental Planning and Assessment Act 1979;
- Demonstrated understanding and application of the Protection of the Environment Operations Act 1997;
- Demonstrated experience in Local and District Court matters;
- Demonstrated experience in property conveyancing;
- Demonstrated experience in drawing up Deeds and Memorandums of Understanding;
- Demonstrated experience in working with local government authorities or other public authorities;

- Accessibility; and
- Price.

There were several standout submissions received and the evaluation team nominated the top five:

- Local Government Legal – 95%;
- Marsden Law group – 93%;
- Messenger and Messenger – 95%;
- Pikes and Verekers Lawyers – 98%; and
- Swaab – 98%.

Both Swaab and Pikes and Verekers Lawyers were listed on Council's previous panel of legal services providers and again both made impressive submissions that demonstrate breadth and depth of knowledge in all areas of Local Government.

In summary, the evaluation panel are recommending approval to enter into agreements with the top 5 respondents, Local Government Legal, Marsden Law Group, Messenger and Messenger, Pikes and Verekers Lawyers and Swaab for a period of 3 years. By forming this panel there is a 'No Guarantee of Business' clause and therefore Council is not committed to one supplier.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - There are a number of allocations for legal matters within the operating budget for various Departments.
- Cost centre - Various
- Expended to date - \$215,154 as per the Quarter Three Budget Review report.
- Future potential impact – The cost proposals provided by the proposed panel suppliers are considered to be the best value to Council.

### **Legal and Risk Management Implications**

The successful firms will be required to enter into a Legal Services Agreement with Council.

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Offer the successful applicants appointment to a Legal Panel to provide legal services to Council on an "as required" basis for a period of 3 years subject to the execution of a Legal Services Agreement commencing upon the date of execution of the agreement.
2. Authorise the General Manager to execute the Legal Services Agreements.

**10.3.3. FIN - 27/06/2022 - Making of Rates & Annual Charges for 2022/23**

<b>Prepared by</b>	Rhiannan Whiteley- Senior Finance Officer
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**Department** Revenue

**Authorised by** Chief Financial & Information Officer

**Reference**

Min No 22-83 Ordinary Meeting of Council 26 April 2022

**Summary**

The purpose of this report is to make the rates and annual charges for the 2022/23 financial year in accordance with Section 535 of the Local Government Act 1993. The report encompasses the rates and annual charges, as well as the fees and charges that are included in the 2022/23 Revenue Policy, that require formal adoption by Council.

The full listing of rates, fees and charges, relevant statutory regulations and the proposed income generated is contained in the Revenue Policy and the Fees and Charges documents included as an attachment to this report.

**Commentary****Public Exhibition**

At its 26 April 2022 meeting, Council endorsed the Draft 2022/23 Revenue Policy to be placed on public exhibition as part of the Draft Operational Plan. This is an integral part of the Integrated Planning and Reporting (IPR) document suite. The documents outline Council's rating structure and the fees and charges to apply for the 2022/23 financial year.

The period of public exhibition was 26 April 2022 to 29 May 2022. No submissions were received on the Draft Revenue Policy.

**Rates & Annual Charges**

The Ordinary Rates structure incorporates an increase in Council's General Rating Income of 2.5% for 2022-23, which includes the 0.7% rate peg increase approved by IPART and assumes IPART approval of a 1.8% permanent Additional Special Variation (determinations announced on 21 June 2022).

For 2022/23 Council has applied a 2% minimum CPI related increase to all non-regulatory / non-legislated fees and charges.

The rates and annual charges structure is unchanged from the Draft Revenue Policy that was placed on exhibition.

Councils can choose how they calculate and distribute rates among categories of rateable properties in the Council area. For each category and/or subcategory, rates can be calculated in one of three ways. They are as follows:

- Option 1 – entirely on the land value of the property (known as an ad valorem rate);
- Option 2 – on a combination of the land value of the property and a fixed amount per property (known as a base amount plus ad valorem rate); or
- Option 3 – entirely on the land value, but subject to a minimum amount for land values under a certain threshold (known as ad valorem with minimum rate).

Each year, Council evaluates the impact of rates and seeks to ensure that the system we use to calculate rates is the most equitable for the whole LGA. The total amount of rates collected by Council remains the same regardless of changes to land values; it's the rating structure chosen that determines how rates are shared across all property owners.

Council uses **Option 2** as this is a fair and equitable method of rating. Under this option property owners are asked to pay their share of rates based on their individual property value. This is added to a base amount irrespective of where they are located within the LGA.

In accordance with Section 497 of the Local Government Act 1993, the structure of the Ordinary Rate consists of a base amount and an ad valorem amount:

- The ad valorem amount is set to recover the cost of infrastructure; and
- The base amount is set to recover the cost of services and operations.

It is a recommendation, at the conclusion of this report, that in accordance with the Local Government Act 1993 and using land values with a base date of 1 July 2019 that the Ordinary Rates in the table below be made for the 2022/23 rating year and that these charges commence on 1 July 2022.

The table below shows the rating categories and sub-categories that are proposed to be used from 1 July 2022 for rating purposes. Maps of each category and sub-category are included as an attachment to this report. The Mining Category map may differ slightly as the assessment boundaries provided to Council by the Office of the Valuer General do not precisely match the assessment boundaries made by it. It is intended that the land categorised for mining has an identical area to the actual assessment made by the Valuer General for each mine.

#### **Rate Categorisation Table**

Type	Category	Sub-Category	Basis
Ordinary	Residential	Lithgow Portland Wallerawang	Each parcel of rateable land valued as one assessment which can be categorised as Residential in accordance with the <i>Local Government Act, 1993</i> within the Lithgow, Portland & Wallerawang urban areas as set out in the Lithgow Rate Categorisation Map.
Ordinary	Residential	Other	Each parcel of rateable land valued as one assessment which can be categorised as Residential in accordance with the <i>Local Government Act, 1993</i> but cannot be categorised as 'Residential - Lithgow, Portland & Wallerawang'.
Ordinary	Farmland		Each parcel of rateable land valued as one assessment which can be categorised as Farmland in accordance with the <i>Local Government Act, 1993</i> .
Ordinary	Mining		Each parcel of rateable land valued as one assessment which can be categorised as Mining in accordance with the Local Government Act, 1993.
Ordinary	Business	Lithgow, Portland, Wallerawang	Each parcel of rateable land valued as one assessment which can be categorised as Business in accordance with the <i>Local Government Act, 1993</i> within the Lithgow, Portland & Wallerawang urban areas as set out in the Lithgow Rate Categorisation Map.

Ordinary	Business	Other	Each parcel of rateable land valued as one assessment which can be categorised as Business in accordance with the <i>Local Government Act, 1993</i> but cannot be categorised as either 'Business – Lithgow, Portland Wallerawang' or 'Business – Power Generation and Storage'.
Ordinary	Business	Power Generation and Storage	Each parcel of rateable land valued as one assessment which cannot be categorised as farmland, residential or mining and if its dominant use is as a centre for any of the following activities: a) the generation of, or capacity to generate, more than 15 megawatts of electricity; b) the storage of, or capacity to store, more than 50 megawatts of electricity.

### Estimated Yield

Residential			
Category/Sub-Category	Base Amount (\$)	Ad Valorem Amount (c in the \$)	Yield
Residential/Lithgow	340.80	0.55045	5,152,082
Residential/Portland	281.25	0.42697	535,850
Residential/Wallerawang	296.90	0.40671	562,981
Residential/Other	239.45	0.27215	2,226,977
Farmland			
Farmland	444.35	0.22322	2,171,524
Business			
Business/Lithgow	468.55	2.05739	1,807,285
Business/Portland	468.55	1.25935	57,203
Business/Wallerawang	468.55	1.24218	127,658
Business/Other	317.40	0.26623	169,978
Business/Power Generation and Storage	10,207.15	1.5626	48,178
Mining			
Mining	11,748.30	1.87303	1,817,714
<b>Total Estimated Yield</b>			<b>14,677,432</b>

### Parking Special Rate

The special rate for parking for 151 CBD properties will continue within the designated area of Lithgow. At the Council meeting held on 26 November 2018 it was resolved:

THAT Council take the following action from the 2019/20 financial year:

1. Utilise the parking special rate for Lithgow CBD capital works and maintenance.
2. Determine a specific program of works and activities which will be funded from the parking special rate for inclusion in each year's Operational Plan.
3. Any parking special rate funds not utilised in a financial year be placed in an internally restricted reserve for future Lithgow CBD capital works and maintenance.

4. That the outcome of the program is reported to Council annually and that the program is reviewed in 5 years.

The 2022/23 Parking Special Rate program of works includes recurrent funding for CBD street sweeping and the Main Street Banner Program. Maintenance of the "Made in Lithgow" Cook Street Plaza lighting installation will be included once the project is completed. The remaining Parking Special Rate income will be allocated to the Main Street Footpaths project as a co-contribution for grant funded works.

The ad valorem rate and estimated yield is provided below.

Parking Special Rate Income		
	Ad Valorem Amount (\$)	Estimated Yield (\$ GST Exclusive)
Designated area of Lithgow	0.76626	267,764

### Interest on Overdue Accounts

In accordance with section 566(3) of the Local Government Act 1993, the Minister for Local Government determines the maximum rate of interest payable on overdue rates and charges. The maximum rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) will be 6.0% per annum. It is recommended that Council adopt the maximum rate of interest payable of 6% as has been standard practice.

### Domestic Waste Management Service Charges

The Domestic Waste Management Charges are determined in accordance with the Reasonable Cost guidelines issued by the Office of Local Government.

It is a recommendation, at the conclusion of this report, that in accordance with the provisions set out in Section 501 of the Local Government Act 1993 and as identified as part of Council's proposed Revenue Policy, that the following Annual Waste Management charges be made and that such charges be in respect to the 2022/23 rating year commencing on 1 July 2022.

Waste Charges		
Type of Service	Charge (\$ (GST ex))	Estimated Yield (\$ (GST ex))
Residential	474	4,107,020
Business	474	291,301
Non-Rateable	474	61,004
Waste Disposal Urban (GST applies)	206.36	114,862
Waste Disposal Rural (GST applies)	157.27	411,211
Additional Waste and Recycling	474	2,370
Additional Waste	237	2,368
Additional Recycling	82.5	11,631
<b>Total Estimated Yield</b>		<b>5,001,767</b>

### Water Charges

Council levies charges for the provision of water supply services to its customers. Water access charges will increase at various rates depending on meter size and Tier 1 usage charges will decrease by 38.81% (from \$3.35/kl to 2.05/kl).

It is a recommendation, at the conclusion of this report, that in accordance with Sections 501 and 502, of the Local Government Act 1993 and as identified as part of Council's proposed Revenue Policy the following charges be made in respect to the 2022-23 rating year commencing 1 July 2022.

Water Charges - Rateable		
Annual Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
20mm Connection	380	3,092,060
25mm Connection	380	32,680
32mm Connection	640	7,680
40mm Connection	1075	23,650
50mm Connection	1,445	82,365
80mm Connection	2,770	-
100mm Connection	3,960	51,480
Unpotable Water	205	-
Vacant Land	380	-
<b>Total Estimated Yield</b>		<b>3,289,915</b>

Water Charges Non-Rateable		
Annual Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
20mm Connection	380	25,840
25mm Connection	380	3,040
32mm Connection	640	-
40mm Connection	1075	7,525
50mm Connection	1,445	30,345
80mm Connection	2,770	5,540
100mm Connection	3,960	39,600
<b>Total Estimated Yield</b>		<b>111,890</b>

Water Usage Charges - Residential	
Kilolitres Used	Charge (\$)
0 – 250 Residential	2.85 / kl
250+ Residential	5.03 / kl
Water Usage Charges – Business	
Kilolitres Used	Charge (\$)
0 – 500 Business	2.85 / kl
500+ Business	5.03 / kl

## Sewerage/Wastewater Charges

Council levies sewerage charges to cover the cost of supplying sewerage services on all properties where there is a sewerage service either connected or available. There will be a minor increase in annual sewerage access charges and the discharge usage fee for businesses will increase from \$2.24 per KL to \$2.28 per KL.

It is a recommendation, at the conclusion of this report, that the following charges for be made in accordance with Sections 501, 502, 551, 552, 553 of the Local Government Act 1993 and as identified as part of Council's proposed Revenue Policy and that such charges be in respect to the 2022-23 rating year commencing on 1 July 2022.

Sewerage Charges Rateable Properties		
Annual Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Residential	936	6,853,392
Non-Residential 20mm	520	141,970
Non-Residential 25mm	520	13,364
Non-Residential 32mm	571	4,882
Non-Residential 40mm	622	7,041
Non-Residential 50mm	694	28,412
Non-Residential 80mm	766	0
Non-Residential 100mm	816	7,670
<b>Total Estimated Yield</b>		<b>7,056,732</b>
Sewerage Usage Charges		
Type	Charge (\$)	
Business (most commonly 95% of water usage)	2.28	

Sewerage Charges Non-Rateable Properties		
Annual Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Non-Rateable 20mm	520	29,900
Non-Rateable 25mm	520	1300
Non-Rateable 32mm	571	0
Non-Rateable 40mm	622	4,105
Non-Rateable 50mm	694	10,479
Non-Rateable 80mm	766	1229.25
Non-Rateable 100mm	816	5793.6
<b>Total Estimated Yield</b>		<b>52,807</b>
Sewerage Usage Charges		
Type	Charge	

	(\$)
Non-Residential (most commonly 95% of water usage)	2.28

## Sewerage Trade Waste Charges

The annual trade waste charges for commercial premises have increased to reflect the actual cost of treating the liquid trade waste. The annual trade waste charge appears on the annual Rates Notice, while the usage charge is issued with the quarterly water accounts

It is a recommendation, at the conclusion of this report, and as detailed in Council's proposed Revenue Policy that the following Trade Waste Charges be made and that such charges be in respect to the 2022-23 rating year commencing on 1 July 2022.

Sewerage Trade Waste Charges		
Trade Waste Charge		
Fee description	Charge (\$)	Category
Application Fee – category A / A2	46.11	<b>Low risk</b> - Includes commercial premises not preparing hot food
Application Fee – category B	69.43	<b>Medium risk</b> - Includes commercial premises preparing hot food
Application Fee – category C	141.97	<b>High risk</b> – less complex pre-treatment
Annual Charge – category A / A2	158	<b>Low risk</b> - Includes commercial premises not preparing hot food
Annual Charge – category B	234.72	<b>Medium risk</b> - Includes commercial premises preparing hot food
Annual Charge – category C	431.11	<b>High risk</b> – less complex pre-treatment
Discharge Fee – category A	2.10	Discharger with approved pre-treatment
Discharge Fee – category A	10.00	Discharger without approved pre-treatment
Discharge Fee – category B	2.10	Discharger with approved pre-treatment
Discharge Fee – category B	22.00	Discharger without approved pre-treatment
Discharge Fee – category C	2.10	Discharger with approved pre-treatment
Discharge Fee – category C	22.00	Discharger without approved pre-treatment
<b>Total Estimated Yield</b>		<b>\$80,000</b>

## On-Site Sewage Management

Properties with an on-site sewerage management system will receive an annual charge based on the risk of the system. All on-site sewage management systems will be allocated a risk rating according to their type, location and proximity to waterways and property boundaries. Specific criteria are detailed in Council's Revenue Policy.

It is a recommendation, at the conclusion of this report, in accordance with the provisions of Section 608 of the Local Government Act 1993 and as identified as part of Council's proposed Revenue Policy, the following on-site sewage management charges be made and that such charges be in respect to the 2022-2023 rating year commencing on 1 July 2022.

Septic Tank Charges		
Type	Charge (\$)	Estimated Yield (\$)
High Risk Systems	106.50	34,067
Medium Risk Systems	71.50	52,780
Low Risk Systems	48.00	59,361
Initial AWTs Administration Fee (1 <sup>st</sup> two years)	106.5	-
AWTS Annual Administration Fee	48.00	-
Commercial AWTs Administration Fee	322.00	-
<b>Total Estimated Yield</b>		<b>146,208</b>

### Stormwater

The stormwater levy will remain at \$25 per residential assessment, \$12.50 per strata unit and \$25 per 350 square metres or part thereof for businesses with a cap on business properties of \$1,500 for 2022/2023 (no increase on the current year charges).

It is a recommendation, at the conclusion of this report, that all urban properties except vacant land that are in the residential and business categories for rating purposes, for which Council provides a stormwater management service will be charged an annual stormwater levy under Local Government Amendment (Stormwater) Act 2005 and the Local Government (General) Amendment (Stormwater) Regulation 2006, these charges will be in respect to the 2022-23 rating year commencing on 1 July 2022.

Stormwater Charges		
Type	Charge (\$)	Estimated Yield (\$)
Residential	25.00	157,175
Strata Unit (Residential)	12.50	1,963
Business	25.00 per 350sq metres (\$1,500 Cap)	86,876
<b>Total Estimated Yield</b>		<b>246,013</b>

### Policy Implications

This report meets Council's legislative obligations and the requirements of the NSW Integrated Planning and Reporting Framework.

### Financial Implications

The making of the rate and adoption of the fees and charges will allow Council to raise the income that is required to undertake the works included in the 2022/2023 Operational Plan.

## Legal and Risk Management Implications

It is a statutory requirement that Council adopt its Integrated Planning and Reporting suite of documents by 30 June 2021.

Council is required to pass a resolution to make the rates before it can levy rates and charges on properties each year. The resolution must be passed by 31 July each year which is the last date that a Council can 'make' a rate or charge for the 2022/23 financial year.

The recommendations follow the statutory requirements as set out in the Local Government Act 1993. In conjunction with this report another item in this Council Agenda recommends the adoption of the Operational Plan, Revenue Policy and the Fees and Charges for 2022/23.

## Attachments

1. Bus Lithgow [10.3.3.1 - 1 page]
2. Bus Other [10.3.3.2 - 1 page]
3. Bus Portland [10.3.3.3 - 1 page]
4. Bus Powerstation [10.3.3.4 - 1 page]
5. Bus Wallerawang [10.3.3.5 - 1 page]
6. Res Lithgow [10.3.3.6 - 1 page]
7. Res Other [10.3.3.7 - 1 page]
8. Res Portland [10.3.3.8 - 1 page]
9. Res Wallerawang [10.3.3.9 - 1 page]
10. Special Parking [10.3.3.10 - 1 page]
11. Mining [10.3.3.11 - 1 page]
12. Fees And Charges Report 2022-23 14 June 2022 [10.3.3.12 - 102 pages]
13. Revenue Policy 2022 2023 [10.3.3.13 - 18 pages]

## Recommendation

THAT Council:

1. Adopt the maximum rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2033 (inclusive) as 6.0% per annum.
2. Adopt the following Integrated Planning and Reporting (IPR) documents:
  - a) Fees & Charges 2022-2023,
  - b) Revenue Policy 2022-2023, and
  - c) Rating Maps 2022-2023
3. Declares a category and sub-category of ordinary rate for each proposed category and sub category set out in columns 2 and 3 of the Rates Categorisation Table in this Report on the corresponding basis set out in column 4 of the Table.
4. Make the following Rates and Annual charges for the 2022/23 rating year as detailed in the 2022/23 Revenue Policy and as listed in the tables below:

## Rates & Charges

Residential			
Category/Sub-Category	Base Amount (\$)	Ad Valorem Amount (c in the \$)	Yield
Residential/Lithgow	340.80	0.55045	5,152,082
Residential/Portland	281.25	0.42697	535,850
Residential/Wallerawang	296.90	0.40671	562,981

Residential/Other	239.45	0.27215	2,226,977
<b>Farmland</b>			
Farmland	444.35	0.22322	2,171,524
<b>Business</b>			
Business/Lithgow	468.55	2.05739	1,807,285
Business/Portland	468.55	1.25935	57,203
Business/Wallerawang	468.55	1.24218	127,658
Business/Other	317.40	0.26756	169,978
Business/Power Generation and Storage	10,207.15	1.5626	48,178
<b>Mining</b>			
Mining	11,748.30	1.84215	1,817,714
<b>Total Estimated Yield</b>			<b>14,677,432</b>
<b>Parking Special Rate Income</b>			
	<b>Ad Valorem Amount (\$)</b>	<b>Estimated Yield (\$ GST Exclusive)</b>	
Designated area of Lithgow	0.76626	267,764	

## Waste Charges

<b>Waste Charges</b>		
Type of Service	Charge (\$) (GST ex)	Estimated Yield (\$) (GST ex)
Residential	474	4,107,020
Business	474	291,301
Non-Rateable	474	61,004
Waste Disposal Urban (GST applies)	206.36	114,862
Waste Disposal Rural (GST applies)	157.27	411,211
Additional Waste and Recycling	474	2,370
Additional Waste	237	2,368
Additional Recycling	82.5	11,631
<b>Total Estimated Yield</b>		<b>5,001,767</b>

## Water Charges

<b>Water Charges - Rateable</b>		
<b>Annual Access Charge</b>		
Type	Charge (\$)	Estimated Yield (\$)
20mm Connection	380	3,092,060
25mm Connection	380	32,680
32mm Connection	640	7,680
40mm Connection	1075	23,650
50mm Connection	1,445	82,365

80mm Connection	2,770	-
100mm Connection	3,960	51,480
Unpotable Water	205	-
Vacant Land	380	-
<b>Total Estimated Yield</b>		<b>3,289,915</b>

Water Charges Non-Rateable		
Annual Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
20mm Connection	380	25,840
25mm Connection	380	3,040
32mm Connection	640	-
40mm Connection	1075	7,525
50mm Connection	1,445	30,345
80mm Connection	2,770	5,540
100mm Connection	3,960	39,600
<b>Total Estimated Yield</b>		<b>111,890</b>

Water Usage Charges - Residential	
Kilolitres Used	Charge (\$)
0 – 250 Residential	2.85 / kl
250+ Residential	5.03 / kl
Water Usage Charges – Business	
Kilolitres Used	Charge (\$)
0 – 500 Business	2.85 / kl
500+ Business	5.03 / kl

### Sewerage/Wastewater Charges

Sewerage Charges Rateable Properties		
Annual Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Residential	936	6,853,392
Non-Residential 20mm	520	141,970
Non-Residential 25mm	520	13,364
Non-Residential 32mm	571	4,882
Non-Residential 40mm	622	7,041
Non-Residential 50mm	694	28,412
Non-Residential 80mm	766	0
Non-Residential 100mm	816	7,670
<b>Total Estimated Yield</b>		<b>7,056,732</b>
Sewerage Usage Charges		
Type	Charge (\$)	
Business (most commonly 95% of water usage)		2.28

Sewerage Charges Non-Rateable Properties		
Annual Sewerage Access Charge		
Type	Charge (\$)	Estimated Yield (\$)
Non-Rateable 20mm	520	29,900
Non-Rateable 25mm	520	1300
Non-Rateable 32mm	571	0
Non-Rateable 40mm	622	4,105
Non-Rateable 50mm	694	10,479
Non-Rateable 80mm	766	1229.25
Non-Rateable 100mm	816	5793.6
<b>Total Estimated Yield</b>		<b>52,807</b>
Sewerage Usage Charges		
Type	Charge (\$)	
Non-Residential (most commonly 95% of water usage)	2.28	

### Trade Waste Charges

Sewerage Trade Waste Charges		
Trade Waste Charge		
Fee description	Charge (\$)	Category
Application Fee – category A / A2	46.11	<b>Low risk</b> - Includes commercial premises not preparing hot food
Application Fee – category B	69.43	<b>Medium risk</b> - Includes commercial premises preparing hot food
Application Fee – category C	141.97	<b>High risk</b> – less complex pre-treatment
Annual Charge – category A / A2	158	<b>Low risk</b> - Includes commercial premises not preparing hot food
Annual Charge – category B	234.72	<b>Medium risk</b> - Includes commercial premises preparing hot food
Annual Charge – category C	431.11	<b>High risk</b> – less complex pre-treatment
Discharge Fee – category A	2.10	Discharger with approved pre-treatment
Discharge Fee – category A	10.00	Discharger without approved pre-treatment
Discharge Fee – category B	2.10	Discharger with approved pre-treatment
Discharge Fee – category B	22.00	Discharger without approved pre-treatment
Discharge Fee – category C	2.10	Discharger with approved pre-treatment
Discharge Fee – category C	22.00	Discharger without approved pre-treatment
<b>Total Estimated Yield</b>		<b>\$80,000</b>

### Septic Tank/AWTS Charges

Septic Tank Charges		
Type	Charge (\$)	Estimated Yield (\$)
High Risk Systems	106.50	34,067
Medium Risk Systems	71.50	52,780
Low Risk Systems	48.00	59,361
Initial AWTS Administration Fee (1 <sup>st</sup> two years)	106.5	-
AWTS Annual Administration Fee	48.00	-
Commercial AWTS Administration Fee	322.00	-
<b>Total Estimated Yield</b>		<b>146,208</b>

### Stormwater Charges

Stormwater Charges		
Type	Charge (\$)	Estimated Yield (\$)
Residential	25.00	157,175
Strata Unit (Residential)	12.50	1,963
Business	25.00 per 350sq metres (\$1,500 Cap)	86,876
<b>Total Estimated Yield</b>		<b>246,013</b>

#### 10.3.4. FIN - 27/06/22 - Disaster Recovery Works – 2021/22 Budget

**Prepared by** Ross Gurney - CFIO  
**Department** Finance & Assets  
**Authorised by** Chief Financial & Information Officer

##### Summary

The purpose of this report is to inform Council of the Mayor's approval of 2021/22 budget allocations for natural disaster recovery works.

##### Commentary

In recent months, Council has engaged contractors and utilised internal staff to commence emergency works following the 11 January 2022 severe storm / flash flooding and the February to March 2022 severe weather and flooding.

Council staff made estimates of the costs of completing emergency works and have provided these estimates to Transport for NSW which coordinates natural disaster claims. Council can claim the costs of emergency works above a \$148K threshold for each declared natural disaster.

S211 of the Local Government (General) Regulation 2021 states that Council must approve all expenditure, usually as part of the Operational Plan / annual budget and at Quarterly Budget Reviews.

With invoices for emergency works now being received and paid, approval was required for expected expenditure on natural disaster recovery works to 30 June 2022.

Section 226 of the Local Govt Act empowers the Mayor to exercise, in the case of necessity, the policy making functions of the Council between meetings. As no budgets have been voted by Council due to the urgency to commence works, the Mayor's approval was sought and obtained for 2021/22 budget allocations totalling **\$2,523,384** as detailed below.

Projects	2021/22 Budget Required
January 2022 Natural Disaster - Farmers Creek Retaining Wall, Sealed Road Flood Damage, Trotting Track and Building Repair	\$652,135
Feb / March 2022 Natural Disaster – Sealed and Unsealed Road Repairs, Stormwater Repairs, Building Repairs, Recreational Asset Repairs	\$1,871,249
<b>Total</b>	<b>\$2,523,384</b>

In addition, **\$6,800,154** has been added to the draft 2022/23 operational budget to complete the works to restore essential public assets.

##### Policy Implications

Nil.

##### Financial Implications

- Budget approved - \$2,523,384
- Cost centre - various
- Expended / committed to date - \$2,523,384
- Future potential impact - \$6,800,154 to be spent in 2023/23.

**Legal and Risk Management Implications**

The Mayor has exercised the authority of that position, in the case of necessity, for policy making functions of the Council between meetings in accordance with the Local Government Act 1993.

**Attachments**

Nil

**Recommendation**

THAT Council note the Mayor's approval of 2021/22 budget allocations totalling \$2,523,384 for natural disaster recovery works.

### 10.3.5. FIN - 27/06/2022 - Transfer of land to NSW National Parks & Wildlife

**Prepared by** Sandra Politi - Property and Legal Services Officer

**Department** Property and Legal Services

**Authorised by** Chief Financial & Information Officer

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#### Summary

The purpose of this report is to request Council's approval to transfer Lots 421 and 422 in DP1152246 located within the Gardens of Stone State Conservation Area (**the Land**) to NSW National Parks & Wildlife Service (**NPWS**).

A decision to sell, transfer, exchange or surrender Council owned land is a non-delegable function under section 377(1) (h) of the *Local Government Act 1993*.

#### Commentary

Council has received correspondence from NPWS enquiring whether Council would be interested in transferring the Land to NPWS, to be managed as part of the Gardens of Stone State Conservation Area.

The Land is classified "operational" and comprises a total of 64.52ha. Attached to this report are two maps (extracted from the Gardens of Stone draft plan of management), with added markings to show the location of the Land.

#### Use of the Land

Lithgow water supply was affected by the severe droughts in NSW between 1918 and 1920. Consequently, in 1918 Lot 421 was appropriated for construction of water supply works for Lithgow and in 1921 Lot 422 was appropriated for extension of the water supply scheme (per Gov Gazette 16.08.1918 and 08.07.1921). A Lithgow Mercury article from 1919 indicates that water was pumped from Paddys Creek to the reservoirs contained on the Land as a means of temporary water supply during the drought.

At the time of appropriation, the Land was vested in the Minister for Public Works, and in 1996 the Land was vested in Greater Lithgow City Council (Gov Gazette 19.07.1996). Therefore, Lithgow City Council is the owner of the Land and has the right to transfer it.

NPWS has advised that the Land contains two old concrete dams with significant silt and deposition build up and no road access is available to the dams.

Council's Water & Wastewater team has confirmed that the dams are not prescribed dams and Council does not use them or have any plans to use them.

#### Recommendation

As the Land is ideally situated within the Gardens of Stone State Conservation Area, and Council has no present or future use planned for the Land, it is recommended that Council transfers the Land to NPWS. Furthermore, as the State freely vested the Land in Council in 1996, it is suggested that the Land is transferred to the State for nil consideration.

The Land is classified "operational" and therefore Council is at liberty to agree to transfer the Land, without a public exhibition process.

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## **Policy Implications**

Policy 9.16 Compliance Policy

## **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**

Local Government Act 1993

## **Attachments**

1. Maps - Gardens of Stone SCA [**10.3.5.1** - 3 pages]

## **Recommendation**

THAT:

1. Council approves the transfer Lots 421 and 422 in DP1152246 to NSW National Parks & Wildlife Service for nil consideration for the purpose of forming part of the Gardens of Stone State Conservation Area.
2. Authorise the General Manager to sign all documents and do all things necessary to give effect to the transfer of Lots 421 and 422 in DP1152246 to NSW National Parks & Wildlife Service.

### 10.3.6. FIN - 27/06/2022 - Future use of 45 Petra Avenue, Clarence

**Prepared by** Sandra Politi - Property and Legal Services Officer

**Department** Property and Legal Services

**Authorised by** Chief Financial & Information Officer

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#### Reference

Minute 19-295 – meeting of Council held 23 September 2019 (in confidence)

Minute 20-15 - meeting of Council held 29 January 2020

Minute 20-137 – meeting of Council held 25 May 2020 (in confidence)

Minute 21-91 – meeting of Council held 26 April 2021

#### Summary

The purpose of this report is to seek Council's resolution on the future use of Council owned land at 45 Petra Avenue, Clarence being Lot 2 in DP719201 (**the Property**).

#### Commentary

A brief background is provided below for the benefit of Councillors who are not aware of the history of this matter.

#### Background of matter

Council purchased the Property in 1984/85 in response to the Clarence Playgroup Association's desire to establish a playgroup on the site. The Property was used and disbanded on a couple of occasions by the playgroup and has not been used since at least 2004.

Over the years Council has received requests from people wishing to purchase the Property. Council has also received communications from community members objecting to any sale of the Property.

The Property is presently surplus land as it is not used for Council's operational activities, it is not held for a strategic purpose, and it has not been used for a community purpose since 2004.

In 2019, Council commenced a process of exploring the best future use for the Property. This was initiated by calling for expressions of interest to gauge the level and nature of interest in the Property. It was made clear in the call for expression of interest that Council does not have the resources or budget to contribute to a facility on the Property and any project would need to be self-funded by the proponent.

In May 2020, after considering the expressions of interest received, Council resolved to invite the Clarence Dargan Community Association, now constituted as the Association of Bell, Clarence Dargan Incorporated (**the Association**), to submit a project plan and report demonstrating how it will achieve its objectives for the Property and sustain that use.

In November 2020, Council received a project plan and report from the Association. In summary, the plan and report demonstrate that the Association proposes to develop a community facility to serve as a meeting place during disaster recovery, a location for workshops and a safe space for residents and local children to meet. The Association confirmed that it would apply for funding to build a facility and acknowledged that the facility will not be required to be maintained by Council.

Council provided the Association until April 2022 to obtain grant funding and in April 2022, the Association were given a short extension of time until July 2022.

### Current status

Council has recently been informed that the Association has secured grant funding to construct a community hall on the Property and the Association is ready to lodge a development application for this purpose.

It is therefore recommended that the Property be used for the Association's proposed purpose, being a community hub to provide a meeting place during disaster recovery, a location for workshops and a safe space for residents and local children to meet. If this recommendation is approved, the following matters will flow from the decision:

- **Landowners consent** - A development application lodged by the Association will require Council's consent as landowner (*Environmental Planning & Assessment Regulation 2021, cl 23(1)(b)*).
- **Ownership of facility** - Once the facility is constructed it will vest in Council. This is because generally legal ownership of land and fixtures on land cannot be separated (*May v Ceedive Pty Ltd [2006] NSWCA 369*). Therefore, the facility will be listed as a Council asset and Council will be responsible for building insurance. Council will also be required to recognise the asset within its financial statements and make financial provision for depreciation.
- **Lease to the Association** - The Association will need a lease from Council so that it has legal tenure of the Property. Consistent with Council's practice of acknowledging the efforts of community groups who have provided a community facility, it is recommended that Council grant a lease to the Association for 10 years at \$1 per annum.

### **Policy Implications**

Leasing and Licensing Policy 10.20.

### **Financial Implications**

- Budget approved - N/A
- Cost centre - N/A
- Expended to date - N/A
- Future potential impact – if approved, a future community facility will be listed as a Council asset. Council will be responsible for the cost of building insurance. Also, council will need to recognise the asset within its financial statements and make financial provision for depreciation.

### **Legal and Risk Management Implications**

Local Government Act 1993

Real Property Act 1900

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Declare the future use of 45 Petra Avenue, Clarence to be a community facility to serve as a meeting place, including during disaster recovery, a location for workshops and a safe space for residents and local children to meet.
2. Give landowner consent to a development application lodged by the Association for the community hall to be constructed at 45 Petra Avenue, Clarence.

3. Grant a lease to the Association for 10 years at \$1 per annum following construction of the facility and authorise Council's General Manager to negotiate other terms and sign all documents to give effect to the lease.

## **10.4. Policies and Governance**

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### **10.4.1. FIN 27/06/2022 - Review of Policies 8.4 Debt Recovery and 8.5 Pension Rebates**

**Prepared by** Rhiannan Whiteley – Senior Finance Officer Rates & Water

**Department** Revenue

**Authorised by** Chief Financial & Information Officer

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#### **Reference**

Min No 17-311: Ordinary Meeting of Council 23 October 2017.

#### **Summary**

The purpose of this report is to seek endorsement from Council of actions following review of policies 8.4 Debt Recovery and 8.5 Pension Rebates.

#### **Commentary**

As part of the regular policy review process, the following policies have been reviewed by management and are recommended for endorsement and approval:

- Policy 8.4 - Debt Recovery
- Policy 8.5 - Pension Rebates

#### **Policy 8.4 - Debt Recovery**

The policy has been updated to include the current due dates for water and rates instalments and to reference the relevant sections of the Local Government Act.

The reviewed policy outlines the process for recovery of overdue amounts in relation to rates, water and debtors. This includes arrangements to pay, interest and legal costs, hardship and sale of land for unpaid rates.

It is recommended that this policy be placed on public exhibition for a period of 28 days. Following the public exhibition period, the policy will be returned to Council to consider any submissions and determine whether the policy will be adopted.

#### **Policy 8.5 - Pension Rebates**

The policy has been updated to simplify the terminology and make the eligibility criteria more clear for ratepayers.

As the alterations proposed in Policy 8.5 are relatively minor, it is recommended that there is no need to publicly exhibit the revised policies prior to adoption.

#### **Policy Implications**

Update of Council policies as they are due for review.

#### **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**

Policies are prepared to assist in decision making and provide further guidance with regard to statutory obligations.

### **Attachments**

1. Policy 8 5 Pension Rebate Version 6 - Draft - June 2022 [**10.4.1.1** - 4 pages]
2. Policy 8 4 Debt Recovery Version 5 - Draft - June 2022 [**10.4.1.2** - 6 pages]

### **Recommendation**

THAT Council:

1. Place Policy 8.4 - Debt Recovery on public exhibition for a period of 28 days. Following the public exhibition period, the policy will be returned to Council to consider any submissions received and to determine whether the policy will be adopted.
2. Adopt and implement Policy 8.5 - Pension Rebates immediately due to the minor nature of changes to the policy.

#### **10.4.2. GM - 27/06/2022 - Policy 9.5 Councillor Expenses and Facilities**

**Report by** Chief Financial & Information Officer

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##### **Reference**

Min. No. 22-87 Ordinary Meeting of Council of 26 April 2022.

##### **Summary**

The purpose of this report is to seek Council adoption of Policy 9.5 Councillor Expenses and Facilities version 8 following a period of 28 days public exhibition.

##### **Commentary**

At the Ordinary meeting of Council held on 26 April 2022, Council resolved to endorse revised Policy 9.5 Councillor Expenses and Facilities for public exhibition and comment for 28 days.

The current Policy 9.5 was developed with reference to the Office of Local Government (OLG) template Councillor Expenses and Facilities Policy. The OLG template policy is provided as a suggested format for Councils in response to requests for guidance on better practice. The template has been prepared to be consistent with the Local Government Act 1993 and Local Government (General) Regulations 2005.

The policy was placed on public exhibition which closed on 25 May 2022. No submissions were received on the policy.

##### **Policy Implications**

Revision of Policy 9.5 Councillor Expenses and Facilities.

##### **Financial Implications**

- Budget approved - 2021/22 budget – in accordance with the adopted policy (as per the expense or facility table included in the policy).
- Cost centre - 1059
- Expended to date - \$13,576 for all Councillor expenses.
- Future potential impact - 2022/23 budget – in accordance with the adopted policy (as per the expense or facility table included in the policy).

##### **Legal and Risk Management Implications**

Under the Local Government Act, Councils must adopt a new policy on the payment of expenses and the provision of facilities to the Mayor and Councillors (a section 252 policy) within 12 months of the election.

##### **Attachments**

1. Policy 9.5 Payment of Expenses - V 8 FINAL - June 2022 [10.4.2.1 - 17 pages]

##### **Recommendation**

THAT Council:

1. Adopt revised Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors.
2. Note that no submissions were received during the public exhibition period for the policy.

### 10.4.3. ECDEV - 27/06/2022 - Draft Policy 7.10 - Contaminated Land

<b>Prepared by</b>	Paul Cashel
<b>Department</b>	Economic Development & Environment
<b>Authorised by</b>	Director of People & Places

#### Summary

The purpose of this report is to present Council with a draft Contaminated Land Policy and seek a resolution for its public exhibition for 28 days.

#### Commentary

Since 1998, Councils have been afforded special exemption from liability in relation to planning functions and contaminated land. This exemption is set out in Schedule 6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). To receive the exemption from liability a Council must carry out their planning functions substantially in accordance with the ***Managing Land Contamination Planning Guideline*** published by the Department of Planning and Environment. The Guideline recommends that Councils have a Contaminated Land Policy and contains recommendations on the inclusions for such a policy.

The most common planning functions that a Council regularly attends to are the determination of development applications and the provision of information on planning certificates issued under Section 10.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* requires that land contamination must be considered in the assessment of a development application and Council has a responsibility to ensure that when exercising its statutory planning functions in relation to the development of contaminated land, all relevant information is considered. The attached draft policy outlines how Council will carry out its specific planning functions related to contaminated land in relation to the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

If adopted, the draft Contaminated Land Policy will provide Council staff and the community with clear guidance on the application of planning legislation around Contaminated Land Management. The policy identifies the type of past land uses that may contribute to land contamination and classifies land where those land uses, or activities have occurred in the past and what actions have been undertaken to assess or remediate contamination as well as any contaminated land consultant's recommendations relating to suitability of future land uses.

The draft policy details what information should be recorded against a property and how that information is used to inform the development assessment process or other planning decisions. The information also needs to be made available to the public and other agencies and the policy sets out what information will be provided and how it will be provided within the Council's privacy policy and the legislative requirements of the *Government Information (Public Access) Act 2009* and *Privacy and Personal Information Protection Act 1998*.

Clause 10, Schedule 2 of the *Environmental Planning and Assessment Regulation 2021* requires that a Section 10.7 planning certificate identify whether the land is affected by any policy adopted by Council that restricts the development of land because of the likelihood of any risk. The draft Contaminated Land Policy may potentially restrict the development of land because of contamination risk. Specifically, the policy will restrict the use of land by:

1. Prescribing the circumstances where land is required to undergo some level of assessment for land contamination, or remediation, before consent can be granted for any development on that land or the land can be rezoned; and
2. Enforce the restrictions that, in the opinion of a consultant or auditor, are required through the imposition of a Site Management Plan that may be imposed on the land following remediation.

Providing information about the contamination of land on planning certificates effectively allows Council to provide a prospective purchaser of land fair and accurate warning that, in the event of a development application, Council may require specific contamination assessments to be carried out and/or remediation if warranted for that development.

The draft policy seeks to provide information about what has occurred on the land and does not seek to prejudice any future proposals by placing blanket development prohibitions on land. Land remediation is only required by Council at the time of redevelopment when it is considered necessary to make the land suitable for the intended use.

The draft policy includes specific procedures relating to the assessment of development applications and rezoning proposals with details of when investigation might be triggered. This will provide more certainty for developers to know how to prepare a development application or planning proposal.

Contractors have been engaged via the project to identify potentially contaminated properties to be included within the Land Use Information System (Contamination Register) for the Lithgow Local Government Area. This work is integral for the draft policy to be fully implemented however; a policy without a Register still affords Council far more protection concerning its liability. This work/data has very recently been supplied and requires further review and examination prior to adoption. It is anticipated that this work can be completed by staff in coming months.

It is recommended to place the draft Contaminated Land Policy on public exhibition for 28 days with details of any submissions made during the public exhibition period reported to Council at a subsequent Ordinary Meeting of the Council.

### **Policy Implications**

The attached draft Contaminated Land Policy is put to Council for public exhibition following which the matter can be reported to a subsequent Ordinary Meeting of Council for further consideration and formal adoption.

### **Financial Implications**

- Budget approved – The Environment Protection Authority (EPA) and NSW Environmental Trust have subsidised the adoption of a Lithgow City Council Policy by way of indirect grant funding; by the provision of resources and consultants to staff. The current grant finishes on 30 June 2022 however the EPA has indicated an announcement of a 6-to-12-month extension is imminent. Regardless, Council has all but exhausted its need to access these resources – i.e., once a policy is adopted.
- Cost centre - 800076
- Expended to date - \$1,650 inclusive of GST - being Council's contribution to the project/grant.
- Future potential impact – none

### **Legal and Risk Management Implications**

As noted above, Council has a legal obligation under the provisions of the EP&A Act, EP&A Regulation and relevant environmental planning instruments to consider the potential contamination of land in the assessment of development applications and planning proposals for LEP amendments and rezonings. The adoption of a Contaminated Land Policy will clarify Council's legal obligations and provide a clear policy position on how contamination risk will be managed.

### **Attachments**

1. Draft Policy 7 10 Contaminated Land V1 [**10.4.3.1** - 11 pages]

### **Recommendation**

THAT:

1. Council endorse the draft Contaminated Land Policy for public exhibition and comment for 28 days.
2. Following the exhibition period, the draft Contaminated Land Policy be returned to Council for further consideration. In the event no submissions are received, delegate authority to the General Manager to adopt the policy.

## **11. Council Committee Reports**

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### **11.1. ECDEV - 27/06/2022 - Economic Development Committee Meeting - 17 May 2022**

**Prepared by** Trinity Newton – Executive Assistant

**Department** Office of General Manager

**Authorised by** General Manager

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#### **Reference**

Min 21 –228: Ordinary Meeting of Council held 27 September 2021.

#### **Summary**

This report presents the minutes of the Economic Development Committee held on 17 May 2022 to Council.

#### **Commentary**

A meeting of the Economic Development Committee was held on 17 May 2022. Matters on the agenda were:

- Lithgow Regional Marketing Cooperative Terms of Reference and new members;
- Hassans Walls Trail Running Event;
- Future direction of the “Seven Valleys” concept;
- Regional Economic Development Strategies (REDS) report; and
- Property Portfolio.

#### **Policy Implications**

Nil

#### **Financial Implications**

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

#### **Legal and Risk Management Implications**

No specific implications arise.

#### **Attachments**

1. Draft Minutes of Economic Development Committee Meeting 17 May 2022 [11.1.1 - 5 pages]

#### **Recommendation**

THAT Council note the minutes of the Economic Development Committee held on 17 May 2022.

## 11.2. FIN - 27/06/2022 - Finance Committee Meeting Minutes - 8 June 2022

**Prepared by** Negreeta Nunan – Executive Assistant

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

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### Reference

Min No 22-108 Ordinary Meeting of Council held on 23 May 2022.

### Summary

This report provides details of the Minutes of the Finance Committee Meeting held on 8 June 2022.

### Commentary

At the meeting of the Finance Committee held on 8 June 2022 the following items were discussed:

- **Draft 2022/23 Budget Update** – The CFIO presented the draft 2022/23 budget update and key changes since 26 April 2022. It was noted that, although the budget operating result (before capital) has improved from a deficit to a surplus, the underlying structural deficit remained as an issue.
- **Audit Action List - External Audit** – The CFIO reported that 3 remaining external audit actions are on track for completion by the due date of 30 June 2022.
- **Notice to Retire – StateWide Mutual** – The CFIO reported that management proposes to review Council's insurance arrangements in the 2022/23 year. Council needs to give 12 months' notice to Council's current General Insurance providers in the event that Council changes insurers from 1 July 2023. The matter is the subject of a report to the 27 June 2022 meeting.
- **Annual Audit Engagement Plan** – The CFIO presented information on the audit engagement plan, including key audit issue and risks, pricing and the scope of the audit.
- **2020/21 Final Audit Management Letter** - The General Manager presented the 2020/21 Final Audit Management Letter which was noted by the Audit Risk & Improvement Committee at the 29 March 2022 meeting.
- **Disaster Recovery Works – 2021/22 Budget** – The CFIO informed the Committee of the Mayor's approval of 2021/22 budget allocations for natural disaster recovery works.

The following business paper recommendation was endorsed by the Committee:

### Council Investments Report May 2022

#### THAT

1. Investments of \$32,886,930 and cash of \$1,836,572 for the period ending 31 May 2022 be noted by Council.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on funding requirements for restricted reserves be noted.

### Policy Implications

Nil.

### Financial Implications

As detailed in the Finance Committee meeting minutes.

### Legal and Risk Management Implications

Nil.

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### **Attachments**

1. Draft Finance Meeting 8 June 2022 - Minutes [**11.2.1** - 6 pages]

### **Recommendation**

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 8 June 2022 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investment Report for May 2022.

### 11.3. IS- 27/06/2022 - TALC Committee Minutes - 9 June 2022

**Prepared by** Kaitlin Cibulka – Executive Assistant Infrastructure Services

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

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#### Summary

This report provides details of the Minutes of the TALC Committee meeting held on 9 June 2022.

#### Commentary

At the TALC Committee meeting held on 9 June 2022, there were several items discussed by the Committee. The following items were outside of the Committee's delegations and require Council to formally approve the recommendations:

##### Item 6.1

THAT

1. The speed limit in Kanimbla Drive and Megalong Place, Kanimbla Valley remain at 80km; and;
2. Wildlife signage is deemed unnecessary as motorists should expect the occurrence of animals due to the rural setting and environment.

##### Item 6.2

THAT the school bus zone located in the angled parking area on the western side of Hassan Street, Lithgow be amended to be operational from 8.00am to 9.15am school days.

##### Item 6.3

THAT

1. Council adopts the revised Traffic Advisory Local Committee (TALC) Terms of Reference (TOR); and
2. Council arranges for the LCC TALC Fact Sheet to be available on Council's website.

It is also noted that Cr. McGhie raised a Notice of Motion at the Ordinary Meeting of Council held 02 March 2022 requiring that the matter of a school bus stop on Sunny Corner Road Portland and children crossing sign be referred to the TALC Committee. This matter is being actively investigated to determine the need for such an asset to ensure the Committee makes a well-informed decision.

The matter is open for public submission until 15 July 2022, with contact made in writing to all schools, Lithgow Buslines, Emergency Services, local transport authorities and nearby residents. A detailed investigation regarding the technical compliance of installing such an asset at this location will be completed shortly thereafter, with the matter reported to the TALC meeting of August 2022.

#### 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.

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## Attachments

1. DRAFT Minutes - TALC Committee Meeting - 9 th June 2022 [**11.3.1** - 5 pages]
2. 6.3.2 TALC TOR 2022 [**11.3.2** - 4 pages]
3. LCC TALC Fact Sheet v 2 [**11.3.3** - 3 pages]

## Recommendation

THAT Council:

1. Notes the minutes of the TALC Committee meeting held on 9 June 2022; and
2. Maintains the speed limit in Kanimbla Drive and Megalong Place, Kanimbla Valley at 80km; and endorses the decision that wildlife signage is deemed unnecessary as motorists should expect the occurrence of animals due to the rural setting and environment.
3. Amends the school bus zone located in the angled parking area on the western side of Hassan Street, Lithgow to be operational from 8.00am to 9.15am school days.
4. Adopts the revised Traffic Advisory Local Committee (TALC) Terms of Reference (TOR).
5. Arranges for the LCC TALC Fact Sheet to be available on Council's website.

## 12. Business of Great Urgency

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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.