



View of Lithgow from Bracey's Lookout

# BUSINESS PAPER

Ordinary Meeting of Council  
to be held at  
Council Administration Centre

180 Mort Street, Lithgow  
on

Monday 25 July 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 27 June 2022.

## 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.

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## **7. Public Forum**

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

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

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

## **8. Mayoral Minutes**

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

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## 9. Notices of Motion

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### 9.1. Notice of Motion - 25/07/2022 - Cr C Coleman - Companion Animals

**Report by** Councillor Cassandra Coleman

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#### **Commentary**

Carry Me Home is a small independent rescue service for dogs and abandoned farm animals and is located on a property 15 mins from Lithgow

The dog in question had been placed in the drop box at the Lithgow pound by another resident. As it was Saturday night, it was explained by Council's emergency hotline that the dog could not be collected until Monday.

The ladies who contacted me were concerned for the little dog's welfare due to the terrible weather conditions.

They had other more general concerns as well. Hence the following Notice of Motion. I hope to give residents interested in animal welfare a potential pathway to work through ideas with Council towards solutions.

#### **Attachments**

Nil

#### **Recommendation**

THAT the General Manager provides a report to Council, taking into account the possible costs involved, on the benefits of establishing a Companion Animal Advisory Committee.

#### **Management Comment**

A dog was impounded on the weekend of 9-10 July as it had apparently been lost. The Animal Shelter is not open to the public on weekends and therefore cannot accept payments and issue receipts for shelter/registration fees. The dog was released safe and well to its carer on the morning of Monday 11 July.

Dogs and cats that are surrendered or impounded at the Animal Shelter are cared for by Council staff over weekends and public holidays when the shelter is closed to the public. Sick, injured, or distressed animals are referred to a veterinary clinic if they cannot be cared for by Council staff.

The delivery of companion animal services to the public is undertaken within a highly regulated and informed environment, as described below.

The [Companion Animals Act 1998](#) and the [Companion Animals Regulation 2018](#) provide for the identification and registration of cats and dogs, how they are managed and the duties and responsibilities of their owners. Councils must adhere to the Act and the Regulation as they apply to a local council operating an animal shelter.

The Office of Local Government (OLG) maintains a section of its website designed to provide members of the public and professionals with information on Dogs and Cats:

<https://www.olg.nsw.gov.au/public/dogs-cats/>

This website contains information on:

- The NSW Pet Registry
-

- Responsible Pet Ownership
- Information for Professionals including: -

Animal Rescue Organisations  
Breeders  
Pet shops  
Vets and Identifiers

The OLG website also contains information on the *Responsible Pet Ownership Reference Group* established by the Minister for Local Government: -

<https://www.olg.nsw.gov.au/public/dogs-cats/responsible-pet-ownership-reference-group/>

The Minister for Local Government established the Responsible Pet Ownership Reference Group to provide advice to the Minister for Local Government on strategic companion animals management issues to promote responsible pet ownership. This advice is on:

- responsible pet ownership policy and legislative development and review
- implementation of recommendations from the Companion Animals Taskforce accepted by the NSW Government and other policies developed by the Office of Local Government
- emerging policy issues involving responsible pet ownership in NSW, and
- best practice relating to the management of cats and dogs in NSW.

The Responsible Pet Ownership Reference Group and the companion animals section of the OLG website is administered by the Office of Local Government (OLG) and provides regular updates and advice to Councils, the general public, and professionals. It is a valuable resource that Council staff refer to on a regular basis.

Lithgow Council operates its companion animal services in accordance with the above regulations and expert advice.

## **9.2. Notice of Motion - 25/07/2022 - Cr E Mahony - Greater community participation and ease of access to Council meetings**

**Report by** Councillor Eric Mahony

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### **Commentary**

Lithgow City Council, as a decision-making body, plays a central role in planning and decision-making processes for our community; participation and ease of access to this process, which can significantly impact our communities, should be encouraged.

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

The notice of motion seeks the support of the Council to investigate the feasibility of hosting Council meetings in a number of our townships to provide an opportunity for a broader sector of our community to participate in our decision-making process.

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

To provide an opportunity for Council to encourage greater community engagement in its decision-making processes across all our communities by relocating some Council meetings to other townships within the local government area. This will provide our communities with a greater opportunity to more easily attend and participate in Council meetings.

### **Attachments**

Nil

### **Recommendation**

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

### **Management Comment**

The merits of broad community participation in the business of Council are without question. Lithgow Council currently goes to great lengths to involve and engage the community in its planning and decision making processes. Examples -

- The full suite of IP&R documents (strategic plans, operating plans, budgets) are broadly exhibited and submissions invited,
- All public-facing policies are exhibited and submissions invited,
- DAs are advertised and consulted on,
- Council uses social media which allows the community to participate and provide feedback on matters,
- Councillors are readily accessible to the public,
- Council's staff are increasingly out in the community discussing key matters,
- The community is often involved in committees

A key tenet of the Local Government Act is that decision-making and the processes of the Council be transparent to the community. Council's Ordinary Meetings, where decisions are made and policy is established, are public forums. The public can attend and speak at these. The business paper is made public.

The Council's meetings are also video-cast and this has had the effect of revealing these proceedings to the whole community should they wish to view these. Arrangements are also made for people to address the Council via video if required. This practice is likely to be the factor which would be most challenged by moving meetings around the city. It may either be not possible, or just excessively work-intensive and costly to effectively record and broadcast the proceedings from halls and other venues ill-equipped for this.

## 10. Staff Reports

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### 10.1. People and Services Reports

#### 10.1.1. Building and Development

##### 10.1.1.1. ECDEV - 25/07/2022 Variations to Development Standards under Clause 4.6 of the Standard Instrument

**Prepared by** Lauren Stevens – Development Planner

**Department** Development

**Authorised by** Director of Infrastructure & Services

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#### Summary

The purpose of this report is to advise Council of variations to development standards for the April to June 2022 quarter as per the NSW Department of Planning and Environment Guidelines.

#### Commentary

The provisions of clause 4.6 of the Lithgow Local Environmental Plan 2014 (LEP) enable consent to be granted to in certain circumstances where a development proposal does not comply with prescribed development standards.

The objectives of clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular developments,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A development application that seeks a variation to a development standard under clause 4.6 is required to provide sufficient supporting documentation justifying why the departure from the LEP development standard is warranted and that the relevant objectives can be reasonably achieved. In accordance with the NSW Department of Planning and Environment Guidelines and in compliance with procedural and reporting requirements, variations approved under delegation by staff are to be reported to a meeting of the full Council on a quarterly basis.

Details of the development applications approved by staff with variations to development standards under clause 4.6 of the LEP in the April to June 2022 quarter is attached. This information has been submitted to the Department of Planning and Environment in accordance with their reporting and procedural requirements.

#### Policy Implications

Nil.

#### Financial Implications

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

#### Legal and Risk Management Implications

Nil.

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**Attachments**

1. Variations to Development Standards under Clause 4.6 of the Standard Instrument  
[10.1.1.1.1 - 1 page]

**Recommendation**

THAT Council note the information provided in the report relating to variations to Development Standards under Clause 4.6 of the Standard Instrument for the April to June 2022 quarter.

**10.1.1.2. ECDEV - 25/07/2022 - DA070/22 - Geotechnical Investigation Works, Lake Lyell**

**Prepared by** Lachlan Sims – Team Leader Development  
**Department** Economic Development and Environment  
**Authorised by** Director of People & Services  
**Property Details** Lot 103 DP 751651 – Lake Lyell, Magpie Hollow Road, Bowenfels  
**Property Owner** Energy Australia NSW Pty Ltd  
**Applicant** Energy Australia NSW Pty Ltd

**Reference**

Minute No. 22-94 Ordinary Meeting of Council held on 23 May 2022.

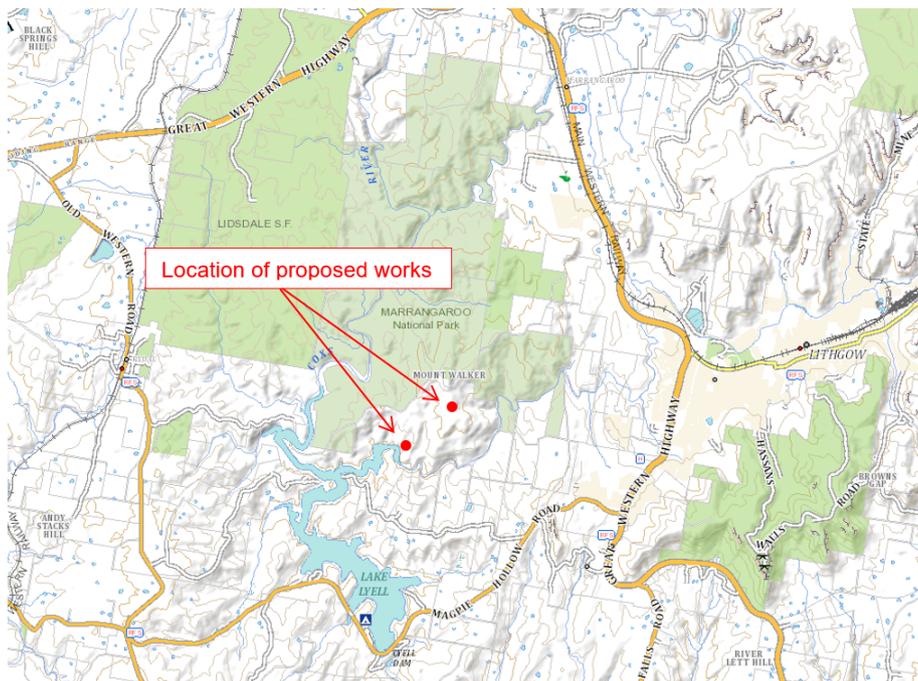
**Summary**

The purpose of this report is to inform Council of the assessment of Development Application 070/22 and provide a recommendation for its determination. DA (Development Application) 070/22 was lodged by Energy Australia on 31 March 2022 and seeks consent to undertake geotechnical investigation works on land adjacent to Lake Lyell and Mount Walker. The application is being reported to this Ordinary Meeting of Council for determination following its call in.

**Commentary**

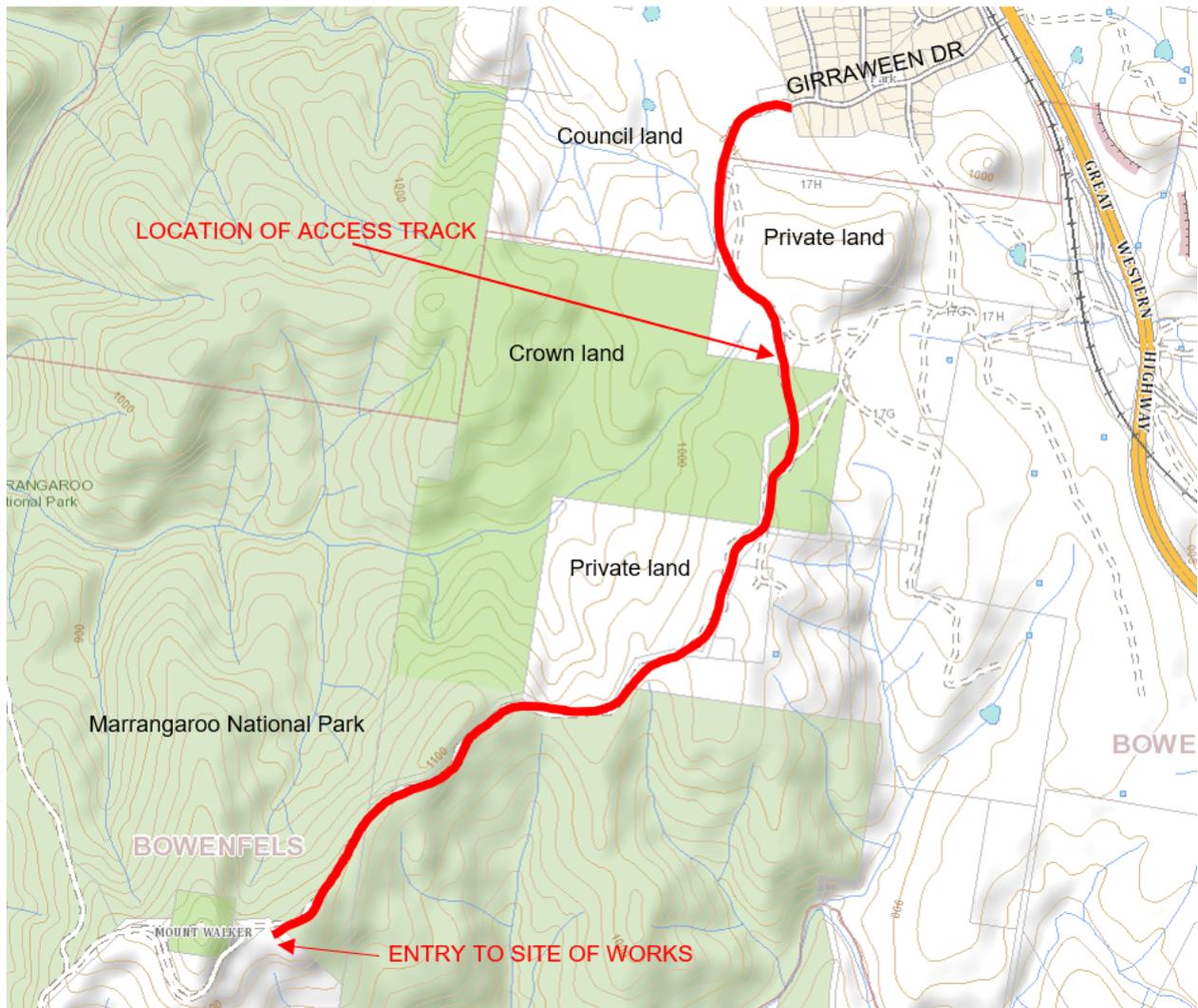
Notification of the "call-in" of DA070/22 was received on 27 April 2022 from Councillors Eric Mahony, Stephen Lesslie and Cassandra Coleman. In accordance with Council's Policy 7.7 Calling In of Development Applications by Councillors, a call-in report was presented to Council at its Ordinary Meeting held on 23 May 2022 (Minute No. 22-94). This application is being reported to Council for determination based on the above.

The development application seeks consent for the temporary use of land to undertake geotechnical investigation on land owned by Energy Australia. The works are proposed to take place over 3-6 months and are for the purposes of assessing the feasibility of the site for a future Pumped Hydro Energy Storage (PHES) system. The location of the proposal is in an isolated location adjacent to the foreshore of Lake Lyell and below Mount Walker in the locality of Bowenfels as illustrated on the map below.



The specifics of the geotechnical investigation works proposal involve the installation of nine temporary boreholes from seven drill pad locations on the site. Associated with the works are the creation of access tracks and site preparation to enable the drilling, which involves disturbance of less than 1 hectare. The information gathered from the works will enable the assessment of surface and subsurface conditions, site geology and hydrology to inform the feasibility investigations for the PHES.

Access to the site is proposed via existing access tracks and rights of way over private land, Crown land and Marrangaroo National Park. The primary entry point for access is from Girraween Drive, Marrangaroo. The proposed access point and access track to the site is illustrated in the map below:



Access of machinery and plant to the site is limited by the constraints of the existing access track. Following site establishment, machinery will be transported to, and will remain, on site for the duration of works. During the activities, the only recurring vehicular movement to and from the site will be via light vehicles.

The full details of the proposal, including the location of the borehole sites, access road construction and a full environmental assessment has been provided in the Statement of Environmental Effects and other supporting documentation submitted with the application. A copy of these documents is attached.

**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 Councillors Eric Mahony, Stephen Lesslie and Cassandra Coleman on 27 April 2022.

Lithgow Community Participation Plan

The development application was subject to community consultation in accordance with the Lithgow Community Participation Plan. Given the particulars of the proposal and its sensitive nature, additional consultation measures were undertaken beyond the requirements in the Community Participation Plan. The consultation undertaken included:

- Written notification to owners of land adjoining the site;
- Written notification to owners of land who may experience visual impacts from the works;
- Written notification to owners of land in Girraween Drive who may be impacted by the proposed site access;
- Written notification to owners of land containing the proposed access track (including the Department of Planning and Environment – Crown Land and the National Parks and Wildlife Service);
- Written notification of the proposal to recorded stakeholders in the local Aboriginal community;
- Exhibition of application documentation in hard copy form at Council’s customer service counter;
- Exhibition of application documentation on Council’s website.

In response to the public exhibition of the proposal, 10 public submissions were received as well as a response from the Department of Planning and Environment (Crown Land). Of the submissions received, one indicated support for the proposal while nine raised concerns and objections. Issues raised in the submissions were provided to the applicant who responded on 31 May 2022 with further clarification and additional information (see attached). The issues raised in the submissions are summarised in the table below.

Issue Raised	Comments/Response
Safety of access, one lane bridge, weight limit on bridge	The bridge over the Main Western Railway is not a Council asset and is the responsibility of UGL Regional Linx as the appointed management entity for the country rail network. They have advised Council the load rating for the bridge was completed in 2020 and has been confirmed as suitable and safe for all “general access vehicles” under the National Heavy Vehicle Regulations.
Use of Girraween Drive for heavy vehicle access	The applicant has provided further clarification detailing proposed vehicle movements which indicates some heavy machinery accessing the site for establishment, then to transport drilling rigs. Once established, there will be no regular ongoing heavy vehicle access with daily/regular access by 4WD vehicles only.  In addition to the above, all heavy vehicle road use approvals are required through the National Heavy Vehicle Regulator (NHVR) who informs

	<p>all impacted authorities and provides for the issue of conditions of consent (or the rejection) for approval of individual vehicles. In this case, the relevant impacted authorities who would be informed include Lithgow City Council, Transport for NSW and UGL Regional Linx. The NHVR is the regulatory authority to monitor and for residents to report any illegal access to. The NHVR will investigate and impose appropriate penalties for any infringements substantiated.</p> <p>To ensure traffic impacts of the development activity are minimised, it is recommended that the applicant provide a Traffic Management Plan to Council for approval prior to works commencing.</p>
<p>Inadequacy of Girraween Drive, poor state of repair</p>	<p>The condition of Girraween Drive has been raised with Council's Infrastructure Services team. The current road surface and width are considered acceptable to enable the limited and short-term use of Girraween Drive for access to the site.</p>
<p>Increased traffic movements, public safety risk</p>	<p>The increased traffic movements will not be significant and although increased from current conditions are not sufficient to restrict or prevent access to the site based on the minimal and short-term access arrangements proposed.</p> <p>To ensure traffic impacts of the development activity are minimised, it is recommended that the applicant provide a Traffic Management Plan to Council for approval prior to works commencing.</p>
<p>Vehicle noise</p>	<p>Some additional vehicle noise is acknowledged. As noted above, heavy vehicles will only access the site during site establishment and demobilisation. Based on this, the additional noise generated will be minimal and negligible.</p>
<p>Alternative access options</p>	<p>Neither Sugarman's Road (through Lidsdale State Forest) or Sir Thomas Mitchell Drive are considered to provide practical or feasible access to the site in the circumstances. Given the scale and temporary nature of the development, it would be unreasonable to require access via either of these options.</p>
<p>Improvements to access track will attract recreational users</p>	<p>The access track traverses private land, Council land, Crown land and national park land under existing agreements. The access track is not open to the public and access is restricted.</p>

	No public access will be facilitated by the proposal.
Poor state of access track, inadequacy for vehicle access, continuing erosion	Minor improvements will be made to the existing access track as required to facilitate access. The applicant has evaluated the condition of the track and considers it acceptable for access to the site for the proposed works.
Approval required under Roads Act 1993	The development does not propose direct access to a classified (main) road or any works on a public road, therefore approval under the Roads Act 1993 is not required.
Limitations on consultation	Public consultation has been undertaken by Council in accordance with the requirements in the Lithgow Community Participation Plan. In the circumstances of the case, additional consultation has been undertaken by Council given the particulars of the proposed development. Any additional consultation by the applicant has been undertaken on their own volition separate from the development assessment process.
Insufficient flora and fauna assessment	The flora and fauna assessment and other environmental impact assessment considerations for the proposal has been undertaken by reputable and qualified consultants on behalf of the applicant. Council is satisfied with the quality and extent of the environmental assessment undertaken.
No local Aboriginal consultation	The application is supported by an Aboriginal Heritage Due Diligence Assessment Report which has addressed potential impacts on cultural heritage. The report has been undertaken by qualified and reputable consultants who have engaged with relevant Aboriginal stakeholders. In addition, Council specifically notified key stakeholders in the local Aboriginal community providing the opportunity to comment and review the proposal.
Unacceptable noise levels	The noise impacts of the development have been addressed in accordance with accepted standards and regulatory requirements. Given the isolated location of the works and its relative low scale and short duration, no significant noise impacts are expected.

Many of the submissions above raise valid concerns due to uncertainties with the use of Girraween Drive for access, the movement of heavy vehicles to and from the site and impact on local amenity and traffic movements. In this regard, it is recommended the applicant provide further details to Council's satisfaction detailing how traffic access to and from the site will be managed during site establishment, the geotechnical works and during demobilisation. A condition of consent is

recommended that requires the submission of a Traffic Management Plan to Council for approval prior to works commencing to aid in addressing these issues.

### 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

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

### Attachments

1. Statement of Environmental Effects - DA070/22 [**10.1.1.2.1** - 69 pages]
2. Engineering Design Drawings - DA070/22 [**10.1.1.2.2** - 23 pages]
3. Flora and Fauna Assessment - DA070/22 [**10.1.1.2.3** - 106 pages]
4. Aboriginal Heritage Due Diligence Assessment - DA070/22 [**10.1.1.2.4** - 46 pages]
5. Applicant's Response to Issues Raised in Submissions - DA070/22 [**10.1.1.2.5** - 9 pages]
6. Planning Assessment Report and Recommended Consent Conditions - DA070/22 [**10.1.1.2.6** - 20 pages]

### Recommendation

THAT:

1. Development Application DA070/22 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.

**10.1.1.3. ECDEV - 25/07/2022 - HyTec Quarry Voluntary Planning Contribution and Community Grant**

<b>Prepared by</b>	Lauren Stevens – Development Planner
<b>Department</b>	Development
<b>Authorised by</b>	Director of People & Services
<b>Property Details</b>	Lot 1 DP456814, 391 Jenolan Caves Road, Hartley
<b>Property Owner</b>	Hartley Pastoral Co Pty Ltd
<b>Applicant</b>	Hy-Tec Quarry

**Reference**

Min No 9.1.1.3 - Ordinary Meeting of Council held on 28 March, Hy-Tec Quarry Voluntary Planning Contribution 2020.

**22 -56 RESOLVED THAT**

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3. *Hytec - Voluntary Planning Agreement to be presented to a Councillor Information Session prior to consideration of reviewing the allocation and report back to Council.*

**Summary**

The purpose of this report is to advise Council of the allocation of the Hy-Tec Quarry Voluntary Planning Agreement funds. The aim of the Planning Agreement is to allow for the provision of community facilities and infrastructure for public use within the Local Government Area.

**Commentary**

On 15 July 2015, the Department of Planning and Environment granted Development Consent for an extension to the Austen/Hy-Tec Quarry (State Significant Development-6084) situated at 391 Jenolan Caves Road, Hartley. A Voluntary Planning Agreement associated with the development consent provides for a contribution of \$0.025 per tonne of quarry product to be paid to Council. The distribution of funds was determined by Council at its Ordinary Meeting of 21 March 2016.

The resolution of the Council meeting is as follows:

**16-52 RESOLVED**

THAT:

1. Council endorse the Voluntary Planning Agreement proposed by Hy-Tec Industries Pty Limited for a contribution of \$0.025 per tonne of quarry product extracted and transported from the Stage 2 Extraction Area on a quarterly basis. This contribution is to be allocated as follows:
  - a. \$10,000 in the first year be allocated to the Hartley District Progress Association for expenditure on the Hartley School and Hartley Annex Hall.
  - b. 25% of the contribution in subsequent years be allocated to the Hartley District Progress Association to go towards projects in the Hartley area which may at its discretion be spent on maintenance, upkeep or improvements to the Hartley School, Hartley Annex Hall or surrounds.
  - c. 25% of the contribution in all years be allocated to general community projects in the Hartley area to be determined by an annual expression of interest process. The Expression of Interest process to be carried out by the Austen Quarry with the results to be provided to Council.
  - d. The balance to be allocated to annual projects throughout the Lithgow Local Government Area to be determined by an annual expression of interest process.

The Expression of Interest process to be carried out by Austen Quarry with the results to be provided to Council.

2. Funds generated by the VPA are to be paid to Council for distribution on an annual basis.
3. The Voluntary Planning Agreement be notified to the Department of Planning and Environment and the Hartley District Progress Association once both parties have endorsed the plan.
4. That an annual report on the expenditure of the VPA be provided to Council each year. Hy-Tec Quarry advertises the Expression of Interest process through the Lithgow Mercury and the Village Voice.

The allocation of funds were determined by way of resolution of the Council on 21 March 2016. It is noteworthy that the allocation can be amended by resolution at any time. While the endorsed and signed VPA requires the agreement of both parties prior to any amendment, a close reading of the VPA only states that funds are to be paid and subsequently collected by the Council and ***“Once funds from the VPA have been collected Council begins planning for their expenditure through incorporation into the capital works program.”*** Therefore, Council can distribute or apportion this money as it wishes by way of a new resolution taking into consideration any social impacts caused by the operation of the Quarry. The funds however must go towards the provision of community facilities and infrastructure (within the LGA).

For a fairer distribution of the funds, it is recommended that the Council resolution be amended. The recommendation is that the annual funding go towards Council's prioritised capital works program across the Lithgow LGA, Hartley and surrounds.

It is further recommended that as the Austen Quarry is located within the vicinity of Hartley, that a significant portion (50%) of the VPA for the Quarry is funded towards prioritised capital work projects within the Hartley precinct.

The purpose of the recommendation in this report is to also allow for the annual VPA contribution to be incorporated into much larger prioritised capital works that provide public facilities and infrastructure of an overall greater value to the wider community than the annual VPA funding currently allows as stand-alone dollar contribution.

The most recent VPA funding for the 2021 period is yet to be distributed. Given the amount of rain that the Lithgow region has received over the past month, Council's Infrastructure Department has advised that the 2022/2023 Capital Works Program will include Baanners Lane upgrade works. Therefore, it is recommended that the 2021 VPA payment is spent on the upgrade of Baanners Lane. This will further benefit the Hartley community as well as all commuters and visitors utilising the road network.

Council staff have advised some of the past, regular recipients of the funding, that a review of the VPA was being undertaken and that it will be reported to the July Council meeting.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - Funds are held in reserve from contributions by Hy-Tec.
- Cost centre - N/A.
- Expended to date - N/A.
- Future potential impact - N/A.
- Other - The key financial implication for Council is the receipt of a monetary contribution to go towards public facilities and infrastructure within the Lithgow Local Government area. The

Hy-Tec Quarry operates at a capacity of 1.1 million tonnes per annum of quarried product transported from the site.

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

Nil.

### **Attachments**

1. Hy- Tec Voluntary Planning Agreement [**10.1.1.3.1** - 12 pages]

### **Recommendation**

THAT

1. The annual distribution of the Hytec funding, as per the VPA, be incorporated into Council's Capital Works Program each year.
2. A portion (50%) of the VPA for the Quarry is allocated to capital work projects within the Hartley precinct.
3. The remainder (50%) of the VPA for the Quarry is allocated to capital work projects within the Lithgow and surrounding communities.
4. The 2021 VPA funding is allocated to the Capital Works Program for the upgrade of Baaners Lane.
5. 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. PS - 25/07/2022 - Reconnecting Regional NSW Community Events Program**

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

**Department** Community & Culture

**Authorised by** Director of People & Services

**Summary**

This report advises Council of funding allocated for the Reconnecting Regional NSW Community Events program.

**Commentary**

The NSW Government recently announced a \$200 million Regional Recovery Package that aims to create new jobs, and support community events, shows and festivals to boost tourism across the State. The package includes \$25 million for the Reconnecting Regional NSW – Community Events Program to promote economic and social recovery across all regional NSW local government areas.

The Community Events Program is designed to deliver COVID-Safe community events and festivals that are open for the entire community to attend, providing immediate positive outcomes for regional communities.

A dedicated allocation of \$239,651 is available to Lithgow City Council to apply towards eligible events. Accordingly, Council called for event proposals from the community with twelve proposals received that meet the guidelines. Council has also submitted two proposals for Council run events to be held in late 2022 – Halloween and a Festival of Fire at Blast Furnace. All eligible applications received have been submitted to the Department with the requested amounts amended to meet the total funding allocation of \$239,651.

applicati on #	Applicant	Project	Event date	submitte d budget
1	Nickels Family	Nickels Family Circus picnic at Lithgow Blast Furnace	First quarter 2023	\$5,500
2	Tarana Community Group	Welcome to Spring event at Tarana	September 2022	\$2,000
3	Tarana Community Group	Festival of Dark Emu and the Night Sky at Tarana	4 <sup>th</sup> quarter 2022	\$5,000
4	Lithgow Community Nursery	Natives of the Tablelands Exhibition at Gang Gang Gallery 4 <sup>th</sup> quarter 2022	4 <sup>th</sup> quarter 2022	\$3,000
5	Lithgow Community Nursery	Natives Festival Lecture Series	4 <sup>th</sup> quarter 2022	\$5,000
6	Lithgow Community Nursery	30th Birthday Celebrations at the Nursery	4 <sup>th</sup> quarter 2022	\$7,750
7	Lithgow City Council	Halloween 2022	4 <sup>th</sup> quarter 2022	\$141,651
8	Individual	Twilight Picnics and Music in the Park at various locations	1 <sup>st</sup> quarter 2023	\$19,500
9	Mitchell Conservatorium	Lithgow Rocks It music event at Blast Furnace	1 <sup>st</sup> quarter 2023	\$7,000
10	Mitchell Conservatorium	Blast Furnace Christmas Carols and markets	4 <sup>th</sup> quarter 2022	\$15,000

11	Lithgow City Council	Lithgow Festival of Fire Performance	4 <sup>th</sup> quarter 2022	\$10,000
12	Individual	Buzzing bees' ecology plays at Cook Street Plaza	4 <sup>th</sup> quarter 2022	\$3,000
13	ABCD Group Dargan	Community Markets at Monkey café Dargan	1 <sup>st</sup> quarter 2023	\$7,625
14	ABCD Group	Community Markets at Petra Avenue Dargan	1 <sup>st</sup> quarter 2023	\$7,625
	<b>Total Requests</b>			<b>\$239,651</b>

Applications closed on 8 July 2022 and events must be held by 31 March 2023.

Assessment / approval of applications will be within 20 working days of the application being submitted. If successful, eligible applicants will enter into a simple legally binding funding agreement.

### Policy Implications

Nil

### Financial Implications

- Budget approved - \$239,651 – income & expenditure budget to be added to the 2022/23 operational program.
- Cost centre - PJ 600303
- Expended to date - \$0
- Future potential impact – N/A

Council has received 80% of the total (\$191,721) upfront for disbursement to event organisers. In cases where events do not proceed due to natural disaster etc, the Department of Regional NSW will encourage event organisers to reschedule, and the Department will cover any sunk costs.

### Legal and Risk Management Implications

Nil.

### Attachments

Nil

### Recommendation

THAT Council:

1. Note that fourteen applications to the value of \$239,651 have been submitted for funding under the Reconnecting Regional NSW – Community Events Program.
2. Endorse a variation to 2022/23 operational budgets to add income and expenditure budgets of \$239,651 to the Operational Plan.

**10.1.2.2. PS - 25/07/2022 Community Recovery Officer Quarterly Report**

**Prepared by** Rachel Nicoll - Community Recovery Officer

**Department** Community & Culture

**Authorised by** Director of People & Services

**Summary**

The Community Recovery Officer (CRO) quarterly report provides a summary of program deliverables, recovery priorities, and any significant projects supporting bushfire affected communities as well as assisting to those impacted by floods. This report encompasses the period March 2022 – June 2022 and includes another phase of disaster support under AGRN 1025 - Severe Weather and Flooding from 27 June 2022 onwards.

The CRO program is funded through the joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) and is due to conclude in August 2022. An application was made under the DFRA for a limited extension of time, however, has not been determined at the time of this report.

**Commentary**

**Progress on deliverables**

**Deliverable 1: Establish a Community Resilience Network**

<b>Percent completed:</b>	90% (Established and ongoing)	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      The Community Resilience Network (CRN) has met on three occasions (4 May, 30 May and 23 June 2022).                      Meetings included a presentation from Patrick Gennari – Lithgow SES on the role and functions of the SES including recent callout hours and activity. The CRN is currently working on a project to increase preparedness and resilience and is due to be endorsed at the next meeting.</p> <p><b>Constraints/Risks:</b>                      Severe weather and flooding has resulted in four disaster declarations for the Lithgow LGA:</p> <ul style="list-style-type: none"> <li>o AGRN 987 - 9 November 2021 onwards</li> <li>o AGRN 996 - Lithgow severe storm and flash flooding as of 11 January 2022</li> <li>o AGRN 1012 - NSW Severe Weather and Flooding from 22 February 2022 onwards.</li> <li>o AGRN 1025 - Severe Weather and Flooding from 27 June 2022 onwards.</li> </ul> <p>This limits the ability of some organisations to attend, while there is significant focus on supporting the mental health of those affected in consecutive events.</p>		

**Deliverable 2: Facilitate community recovery events**

<b>Percent completed:</b>	91% ongoing	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                      Significant recovery events were delivered in collaboration with and in support of local groups, agencies and organisations:</p> <ul style="list-style-type: none"> <li>- Women in Disaster Workshop 22 March</li> <li>- Bushfire Recovery Weeds Workshop Clarence 9 April</li> </ul>		

	<ul style="list-style-type: none"> <li>- Pop Up Cafes at Glen Davis, Dargan, Running Stream and Tarana</li> <li>- Have your say community consultation, 29 May</li> <li>- Men’s Mental Health events Clarence / Dargan 21 June and Running Stream 22 June</li> <li>- CatholicCare Financial Information Session, 24 June</li> <li>- Cullen Bullen Family Fun Day, 12 July</li> <li>- Ongoing attendance and support of community meetings and events.</li> </ul> <p>The percentage completed has been kept at its previously reported level due to ongoing activities.</p> <p><b>Constraints/Risks:</b>                  COVID still remains a challenge with people reluctant to come out and there is a risk posed to services interacting in these events. We continue to exercise precautions and covid safety at all events.</p>
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**Deliverable 3: Develop a Local Recovery Action Plan incorporating community needs and activities**

<b>Percent completed:</b>	90%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                  The Local Recovery Action Plan incorporating community needs, and activities has been developed. Data collected from 1:1 community interactions and activities continue to be collected as part of this plan.                  The Local Recovery Action Plan will be reviewed at the next meeting of the Community Resilience Network.</p> <p><b>Constraints/Risks:</b>                  Disaster events have resulted in disrupted engagement and input into this process. The CRO is consulting with other bushfire affected Councils and colleagues to share experiences and lessons from the recovery planning process.</p>		

**Deliverable 4: Provide access to relevant and timely recovery information**

<b>Percent completed:</b>	90%	<b>Status:</b>	Not yet started / <b>In progress</b> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b>                  This deliverable continues to experience an increase in demand for recovery assistance and support following consecutive disaster events.</p> <p>Updates continue to be made to Lithgow Council's Flood Assistance page and 1:1 support of resident &amp; business enquiries.                  The NSW Bushfires Coronial Inquiry was heard over two weeks at the Katoomba Local Court. The proceedings impacting the Lithgow LGA included the inquiry into the fire at Gaspers Mountain (Wollemi National Park) and fire at Palmers Oaky, Upper Turon.</p> <p>Information continues to be communicated through the existing channels of newsletters, community groups, shared resources and partnerships, social media, and information sessions.</p> <p>Free training opportunities and workshops held during the period included:</p> <ul style="list-style-type: none"> <li>- Rebuild, Recharge, Renew workshop as part of Small Business Month 2022 (held in partnership with the Australian Government's Strengthening Business Program)</li> <li>- No Grant No Worries – getting your project shovel ready</li> </ul>		

	<ul style="list-style-type: none"> <li>- Managing your project and acquittals</li> <li>- Top tips for writing good grants and</li> <li>- Grant Deep Dive - webinar to support the Regional NSW Community Events Program Expressions of Interest through Lithgow Council.</li> </ul> <p><b>Constraints/Risks:</b> The Step-by-Step Bushfire Recovery Support Program wrapped up in February 2022. Disaster support services have a number of vacant roles and key people have resigned or exited with contracts concluding. This reduces the service capability and capacity for the immense need still out in the community.</p> <p>Grant applications continue to be an area requiring support and benefiting from the work of the Disaster Recovery Community Development Worker Jen Quealy.</p> <p>The CRO continues to work with funded projects and project escalations as an on-ground support for Resilience and Regional NSW.</p>
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**Deliverable 5: Develop a Local Recovery Plan**

<b>Percent completed:</b>	88%	<b>Status:</b>	Not yet started / <span style="background-color: #90EE90;">In progress</span> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b> The Local Recovery Plan has been reviewed and included in the next meeting of the Community Resilience Network.</p> <p><b>Constraints/Risks:</b> Linkage of the Local Recovery Plan to the Resilience NSW Pre Event Recovery Plan (Lithgow pilot) needs to be clear working with all stakeholders for supported engagement.</p>		

**Deliverable 6: Develop a Transition Plan**

<b>Percent completed:</b>	82%	<b>Status:</b>	Not yet started / <span style="background-color: #90EE90;">In progress</span> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b> The CRO continues to work with Resilience NSW on a structured transition plan to connect existing on-ground services and projects that support ongoing recovery and resilience.</p> <p><b>Constraints/Risks:</b> Flooding events have paused much of this work as Resilience NSW colleagues are deployed into flood impacted areas.</p>		

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

<b>Percent completed:</b>	87%	<b>Status:</b>	Not yet started / <span style="background-color: #90EE90;">In progress</span> / Overdue / Completed
Rationale for deliverable status and percent completed:	<p><b>Status of Activities, Timeliness and Cost</b> Deliverables and initiatives supported include:</p> <ul style="list-style-type: none"> <li>- The EPA Bushfire Generated Green Waste Program – 57 locations have been completed with a further 108 locations remaining. Continuing to support project management, resident enquiries and additional needs assessments.</li> <li>- Negotiations with the Minderoo Pod Foundation – extensions and ongoing rebuild support.</li> </ul>		

	<p><b>Constraints/Risks:</b>                  Due to Covid 19 restrictions and severe weather events, extensions of time were successful for:</p> <ul style="list-style-type: none"> <li>- BCRRF Stream 1 projects to extend the timeframe of delivery to 30 June 2023.</li> <li>- EPA Bushfire Generated Green Waste Program (impact of severe weather).</li> </ul>
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## Priorities for next quarter

Theme	Description
<b>Resilience NSW Pre-event Recovery Plan</b>	<p>Lithgow City Council has been selected as a pilot for the Resilience NSW Pre-Event Recovery Plan. This plan outlines key activities that take place in anticipation of a disaster and is required across all NSW Local Government Areas.</p> <p>The purpose of the plan is to assist the Local Emergency Management Committee (LEMC) members, Local Councils and Recovery Committee members to allocate responsibilities and tasks ahead of time so that when disaster strikes – regardless of the scale – individuals and agencies, understand their role in recovery.</p> <p>Resilience NSW and CRO are currently working on the recovery plan development and implementation (including consultation with the LEMO).</p>
<b>Lithgow Rally 2022</b>	<p><b>Readiness</b></p> <p>The Lithgow Readiness Rally was restricted by covid in 2021 and held as an online event.</p> <p>The Readiness Rally will return at a new venue and expanded format on Saturday 15 October 2022. The focus of this year's Lithgow Readiness Rally is to prepare, prevent and protect from Natural Disaster and includes:</p> <ul style="list-style-type: none"> <li>- Special Guest Speakers from key local industries</li> <li>- Products and Services to help you prepare and retrofit your home</li> <li>- Workshops, Demonstrations and so much more</li> </ul>
<b>EPA's Generated Green Waste Program</b>	<p><b>Bushfire</b></p> <p>Representatives from the EPA will visit the Lithgow LGA in September 2022 as part of the Bushfire Generated Green Waste Program. This includes planning site meetings and visits to residents who have benefited from the program.</p>
<b>Additional Projects and Events</b>	<p>Tradies Breakfast 20 July 2022 (sold out)</p> <p>Rising from the Ashes Community Mural – Dargan 30 July</p> <p>Continued Pop-Up Cafes</p> <p>Presentation of the Lithgow CRO program to Resilience NSW in Mudgee.</p>

### Policy Implications

N/A

### Financial Implications

- Budget approved - \$190,414 (fully grant funded)
- Cost centre - 600244 Community Recovery (P&S).
- Expended to date - \$180,965
- Future potential impact – N/A

## **Legal and Risk Management Implications**

N/A

## **Attachments**

1. Recovery & Resilience March 2022 [**10.1.2.2.1** - 5 pages]
2. Recovery & Resilience April 2022 [**10.1.2.2.2** - 5 pages]
3. Recovery & Resilience May 2022 [**10.1.2.2.3** - 4 pages]
4. Recovery & Resilience June 2022 [**10.1.2.2.4** - 6 pages]

## **Recommendation**

THAT Council note the Community Recovery Officer report for the period March 2022 – June 2022.

**10.1.2.3. PS - 25/07/2022 - Appointment of Additional Community Representatives to Council Committees**

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

**Department** Community & Culture

**Authorised by** Director of People & Services

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**Reference**

Min 22 –113 Ordinary Meeting of Council held on 27 June 2022.

**Summary**

This report advises Council that new nominations have been received for Council's consideration for appointment to the Women's Advisory Committee and Community Development Committee.

**Commentary**

At the Ordinary Meeting of Council held 27 June 2022 Council resolved (Min 22-113) to appoint the following people to the Community Development Committee and Women's Advisory Committee.

**Community Development Committee**

**Retail and Business Sector**

Glenda Anthes

**Community Members**

Rachael Young

Leanne Walding (representing the disability sector)

Gaye MacFarlane

Susan Alexander

**Women's Advisory Committee**

Sandrine Stepien

Susan Alexander

Kellie Evans

Tenille Evans

Leanne Walding

Reidun Berntsen

Emily Seliscar

New nominations have been received from Glenda Anthes to join the Women's Advisory Committee and from Bryan Williamson to join the Community Development Committee. Glenda Anthes is a former member of the Women's Advisory Committee and a current member of the Community Development Committee. Bryan Williamson is a former member of the Community Development Committee.

There are three vacancies on the Women's Advisory Committee and two vacancies on the Community Development Committee. Accordingly, it is recommended that Glenda Anthes be appointed to the Women's Advisory Committee and Bryan Williamson be appointed to the Community Development Committee.

**Policy Implications**

Nil

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**Financial Implications**

Nil

**Legal and Risk Management Implications**

Nil

**Attachments**

1. Bryan Williamson Nomination to Community Development Committee [10.1.2.3.1 - 1 page]
2. Glenda Anthes Nomination to Join Women's Advisory Committee [10.1.2.3.2 - 1 page]

**Recommendation**

THAT Council appoint Glenda Anthes to the Women's Advisory Committee and Bryan Williamson to the Community Development Committee.

**10.1.2.4. PS - 25/07/2022 - Financial Assistance Recommendations**

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

**Department** Community & Culture

**Authorised by** Director of People & Services

**Summary**

The purpose of this report is to inform Council that a number of Financial Assistance applications from community organisations have been considered by the Community Development Committee and are now recommended to Council for approval.

**Commentary**

Council's Financial Assistance Program assists local not-for-profit groups that offer a significant contribution to the social, economic and/or environmental well-being of the community. Council called for applications from the community during April 2022 for allocation in the 2022/23 financial year. Applications were reviewed by the Community Development Committee on 12 July 2022 and are now reported to Council for approval.

The total Financial Assistance Budget approved by Council for allocation in 2022/23 is \$110,142 which is apportioned as follows:

Portland Pool	\$41,200
Arts Outwest	\$14,000
Fee waivers/ reductions of Council fees and charges	\$2,000
Schools' end of year academic prizes	\$800
Showground/Civic Ballroom fee waivers	\$5,000
Sporting assistance	\$2,500
Lithgow Show	\$11,500
<b>Total</b>	<b>\$77,000</b>

A CPI increase is added to the annual Portland Pool allocation as resolved by Council (Min. No. 21-39 Ordinary Meeting of Council held on 22 February 2021).

The Memorandum of Understanding (MOU) with Arts Outwest expired on 30 June 2022 and a new MOU will need to be considered by Council in due course.

There is \$33,142 budget available for allocation to local projects.

Fifteen local projects to the value of \$42,055 were received and reviewed by the Community Development Committee of which 12 projects to the value of \$21,408 are recommended for funding. Criteria used by the Community Development Committee to assess applications included:

- Does the project meet the guidelines,
- The extent of local benefit
- Relative need addressed by the project.

The allocation of \$21,408 as follows will leave \$11,734 for further allocation throughout the year.

Organisation	Project	Request Amount	Recommended amount
<b>Australian Eco Systems Foundation</b>	Native Food Garden – build 6 raised garden beds to plant native bush tucker	\$3,000	<b>\$0</b> The Committee recommends against this project as the applicant has recently received substantial government funding for related projects.
<b>Rydal Village Association</b>	Daffodils at Rydal 2022	\$1,500	\$1,500
<b>Tarana Tanker Trailers</b>	Registration of 12 fire fighting tanker trailers	\$1,350	\$1,350
<b>Lithgow City Band</b>	Cost of Business Pack Insurance including Public Liability insurance	\$3,000	\$2,000
<b>Association of Bell, Dargan and Clarence</b>	Employ community empowerment coordinator 5 hours pw for 16 weeks to oversee project management of community hall construction	\$3,000	\$3,000
<b>Lithgow Environment Group</b>	Engage young people in conservation work	\$3,000	\$1,500
<b>Lithgow Community Projects</b>	Trauma Informed Care Conference	\$3,000	\$1,500
<b>Lithgow District Car Club</b>	Rate reimbursement for Yvonne Martin Motor Sport Club circuit Portland	\$1,147	\$1,000
<b>Orange Community Broadcasters</b>	Travel expenses for volunteers to travel to Lithgow for Outside broadcast of events	\$2,000	<b>\$0</b> The Committee recommends against this project as there is no benefit to the Lithgow Community.
<b>Mingaan</b>	NAIDOC 2022 event	\$3,000	\$3,000
<b>Rydal A H &amp; P Society</b>	Sponsorship of Heavy Horse and Dog Yard sections of 2022 Rydal Show	\$1,000	\$1,000

Organisation	Project	Request Amount	Recommended amount
Oaky Park Residents Association	Enhancement works Zig Zag Park	\$3,000	\$2,500
First Australian Muzzle Gun Club / Lithgow Valley Archers	Rate Reimbursement for premises in Doctors Gap Rd Lithgow	\$1,058	\$1,058
Portland Tidy Towns	Install children's playground in Saville Park	\$10,000 request – plus \$40,000 contribution by Tidy Towns and further grant funding.	\$2,000 The total cost of the project is between \$100K - \$120K. Council will continue to liaise with the group. In the event that other funding is sourced, there may be a case for increased funding by Council.
Rural Doctors Network	Sponsor two medical students to undertake a two week placement in rural areas	\$3,000	\$0 The Committee recommends against this project as this is a rural NSW wide project without guaranteed benefit to the Lithgow Community.
<b>Total</b>		<b>\$42,055</b>	<b>\$21,408</b>

**Policy Implications**

Nil.

**Financial Implications**

- Budget approved - \$110,142
- Cost centre - 800158
- Expended/allocated to date - \$77,000
- Future potential impact - \$33,142 available allocation for financial assistance.

**Legal and Risk Management Implications**

Nil .

**Attachments**

Nil

**Recommendation**

THAT Council

1. Approve \$21,408 in financial assistance to the following twelve projects -

Organisation	Project	Request Amount	Recommended amount
Rydal Village Association	Daffodils at Rydal 2022	\$1,500	\$1,500
Tarana Tanker Trailers	Registration of 12 fire fighting tanker trailers	\$1,350	\$1,350
Lithgow City Band	Cost of Business Pack Insurance including Public Liability insurance	\$3,000	\$2,000
Association of Bell, Dargan and Clarence	Employ community empowerment coordinator 5 hours pw for 16 weeks to oversee project management of community hall construction	\$3,000	\$3,000
Lithgow Environment Group	Engage young people in conservation work	\$3,000	\$1,500
Lithgow Community Projects	Trauma Informed Care Conference	\$3,000	\$1,500
Lithgow District Car Club	Rate reimbursement for Yvonne Martin Motor Sport Club circuit Portland	\$1,147	\$1,000
Mingaam	NAIDOC 2022 event	\$3,000	\$3,000
Rydal A H & P Society	Sponsorship of Heavy Horse and Dog Yard sections of 2022 Rydal Show	\$1,000	\$1,000
Oaky Park Residents Association	Enhancement works Zig Zag Park	\$3,000	\$2,500
First Australian Muzzle Gun Club / Lithgow Valley Archers	Rate Reimbursement for premises in Doctors Gap Rd Lithgow	\$1,058	\$1,058
Portland Tidy Towns	Install children's playground in Saville Park	\$10,000 request – plus \$40,000 contribution by Tidy Towns and further grant funding.	\$2,000 The total cost of the project is between \$100K - \$120K. Council will continue to liaise with the group. In the event that other funding

Organisation	Project	Request Amount	Recommended amount
			is sourced, there may be a case for increased funding by Council.
<b>Total</b>			<b>\$21,408</b>

2. Approve the following allocations:

Portland Pool	\$ 41,200
Fee waivers/ reductions of Council fees and charges	\$ 2,000
Schools end of year academic prizes	\$ 800
Showground/Civic Ballroom fee waivers	\$ 5,000
Sporting assistance	\$ 2,500
Lithgow Show	\$ 11,500

3. Note that a further round of Financial Assistance will be held in October 2022 for the allocation of the remaining funds.

## 10.2. Infrastructure Services Reports

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### 10.2.1. IS - 25/07/2022 - Financial Assistance Request - Sporting Achievement

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

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

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#### Summary

The purpose of this report is to provide details of a request for financial assistance for sporting representation.

#### Commentary

Council is in receipt of an application request for financial assistance from Alexis Reid for her selection in the Australian National Taekwondo Cadet Team to compete at the Junior World Championships in Bulgaria in from 28<sup>th</sup> to 31<sup>st</sup> July 2022.

Alexis is 13 years old and has won many local, state, and national tournaments with aspirations of a world title and go further to Olympic level.

This financial assistance would help Alexis with the costs of travel and accommodation to represent at the Junior World Championships.

Similar financial assistance requests are usually reported through the Sports Advisory Committee, with recommendations made by the Committee subsequently reported to Council for resolution. However, due to the lack of a quorum at the Sports Advisory Committee that was scheduled for 13th July 2022, this request has been presented to Council for endorsement of the recommendation.

#### Policy Implications

Policy 4.2 Financial Assistance – Section 356 of the Local Government Act

#### Financial Implications

- Budget approved - \$2,500
- Cost centre - PJ 800158 – Governance – Section 356 Donations & Contributions
- Expended to date – Nil.
- Future potential impact – Should assistance of \$500.00 be awarded, total budget remaining would be \$2,000.00

#### Legal and Risk Management Implications

Nil.

#### Attachments

Nil

#### Recommendation

THAT Council approves financial assistance to Alexis Reid in the amount of \$500 from the 2022/23 allocation for financial assistance for Alexis' sporting representation in Taekwondo.

## 10.2.2. IS - 25/07/2022 - Gardens of Stone Draft Master Plan – Council’s Response

**Prepared by** Jonathon Edgecombe – Director of Infrastructure Services

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

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### Reference

Nil

### Summary

This report provides details regarding Lithgow City Council’s submission on the Gardens of Stone State Conservation Area draft Master Plan and draft Plan of Management. This report was also presented to the Environmental Advisory Committee meeting held Wednesday 13 July 2022.

### Commentary

The Gardens of Stone Draft Master Plan sets out the NSW Government’s proposed response to its landmark commitment in strengthening protection of the iconic landscape within the Western Blue Mountains. A key driver of the draft master plan is the establishment of the Gardens of Stone SCA as a major sustainable visitor and adventure tourism destination for NSW, and an example of conservation in action. While there are existing access tracks, lookouts and camping areas, the new park aims to achieve the following benefits:

- protecting and enhancing significant cultural, natural and historic values
- immersing visitors in nature while creating accessible, memorable experiences
- enabling better management of existing and future visitation in the park
- driving growth in the visitor economy, including overnight visitor expenditure in Lithgow and surrounds.

Lithgow City Council was invited to submit a response to the draft master plan. Submissions for the plan closed Friday 8 July, a very tight timeframe considering Council’s other commitments to natural disaster recovery and other related projects. However, understanding the significance of the development, it was important Council submitted a response. While the administration did not have the ability to present the response to the Council prior to making its submission, the response aligns with the Council’s position on related matters.

Overall, the Council’s submission (attached for reference) is supportive of the overarching concepts presented within the draft Master Plan. It acknowledges the opportunity that the State Conservation Area, with its focus on active tourism, provides for growth in tourism because of the natural endowments, cultural values and heritage offerings. The submission also acknowledges the potential for local stakeholders to contribute to and participate in the management of the site. The submission is framed around six key themes which are considered to provide social, economic, health and wellbeing benefits to a local community while also meeting the needs of visitors from further afield.

#### 1. Emergency Management

The first part of this report identifies that our bushlands blend with our urban environment, blurring the boundaries of recreational and residential lands. In this context, Council has requested greater consideration of the bushfire risk posed by the site. It is considered that significant investment will be required to address this risk, and the draft master plan does not sufficiently respond to this matter. Council’s response calls for better processes, engagement with local stakeholders, installation of

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monitoring and telecommunications technologies and investigation of alternative accesses to best manage this risk.

## 2. Indigenous Representation

Council's response acknowledges the importance of these lands to First Nations people. We must respect this and embed their stories and values into the place of the precinct. While the draft master plan acknowledges this is to occur through collaboration and consultation with the Wiradjuri community, Council's submission encourages more direct action. It is strongly suggested that there be indigenous representation at the core of the decision-making process, affording the Traditional Owners a strong voice in the strategic and operational management of the place.

## 3. Community Partnerships

Many people have enduring connections and a strong sense of stewardship for the Gardens of Stone SCA and have a deep knowledge of the area developed over many years of living, working and creating in the SCA. While this knowledge will be critical in developing the initial offer of the site, Council's submission takes this one step further by asking that the proponent maintain the meaningful relationships with the space and deeply involve our community in the ongoing management of the precinct, thereby improving social outcomes in a local capacity. The submission suggests the introduction of local volunteer programs, a local procurement policy and the development of a multi-stakeholder working party that will help inform ongoing management of the site.

## 4. Blending Environmental Protection with Adventure Tourism

Council's response acknowledges the widely varied uses of such an iconic space, and that these uses can sometimes conflict with each other and the intent of both maintaining and improving biodiversity. It is essential that we balance both these outcomes to reduce the tension which can be created should this not be dealt with appropriately. To blend the need for environmental protection and the accommodation of usage types such as walking, cycling and 4WDing, Council's submission highlights the need for a transport hierarchy that primarily encourages active transport, eliminates use by trail bikes and creates precincts to separate conflicting land uses (bushwalking versus 4WDing for example).

## 5. Local Services and Facilities

This chapter of Council's response acknowledges that the development of the Gardens of Stone State Conservation Area will result in impacts on local infrastructure, such as roads and tourism assets. Of particular interest is State Mine Gully Road and Inch Street, as the primary access to the area. Similarly, as the proposal is just one part of the broader package of opportunity that Lithgow has to offer, there is opportunity to link these assets and ensure there is awareness of the broad range of local services available to contribute to the Gardens of Stone experience, thereby creating economic and social benefits to Lithgow's community.

## 6. Existing Land Uses

Here, Council's submission reflects the current local, national and international significance of Lithgow's coal mining industry. While Council plans its transition to greener industries and more circular economies, over 75% of the employees of these mines live locally. Hence, this industry plays a critical role in Lithgow's economy. However, this position is blended with Council's acknowledgement that resounding need for sustainable mining operations that do not compromise the ability of future generations to meet their own needs in an environmental, social, and economic

capacity. As such, Council's response asks for the National Parks and Wildlife Services to acknowledge the need for mining and SCAs to coexist, support the ongoing operation of existing mines, and build productive relationships with all stakeholders of the site. There is also the suggestion of planning studies to examine how land abutting the State Conservation Area could offer tourism services (short stay accommodation "huts" supporting multi-day walks and environmental education/tourism) so growing the local economic benefits.

### **Policy Implications**

Nil

### **Financial Implications**

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

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

Nil

### **Attachments**

1. Lithgow City Council Response to Gardens of Stone State Conservation Area Master Plan [10.2.2.1 - 13 pages]

### **Recommendation**

THAT Lithgow City Council endorse the response to the Gardens of Stone State Conservation area draft Master Plan and Plan of Management, submitted on Friday 8 July 2022.

**10.2.3. IS - 25/07/2022 - Proposed Amendment to J M Robson Aquatic Centre Fees and Charges**

**Prepared by** Jonathon Edgecombe – Director of Infrastructure Services

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

**Reference**

Min. No. 22-114: Ordinary Meeting of Council held 27 June 2022

**Summary**

This report requests Council’s consideration of an amendment to the Fees and Charges applicable to the JM Robson Aquatic Centre, adopted at the Ordinary Meeting of Council held 27 June 2022.

**Commentary**

Council’s Administration have been approached by Flourish Australia, a local support provider, requesting that Council provide additional financial assistance to those members of the community on a Disability Support Pension.

Flourish Australia is a local support provider, specialising in mental health, and providing practical support for people with lived experience of a mental health issue, as well as their families and carers. Their recovery-focused services range from support to improve physical health and develop supportive social networks, to assistance with housing and transitioning to open employment.

The vision of Flourish Australia is to “create communities where everyone’s mental health and wellbeing flourishes”. This intersects with part of the Council’s vision statement which aims to “create a healthy community by providing opportunities and facilities for a healthy lifestyle”.

In achieving this vision, Flourish Australia have requested Council’s assistance in providing opportunities and facilities for a healthy lifestyle by making JM Robson Aquatic Centre more affordable to those on the Disability Support Pension. Flourish suggest that the current cost of accessing the J M Robson Aquatic Centre on a regular basis exceeds the financial capacity of many of our residents who receive such payments.

The fees which currently apply to the J M Robson Aquatic Centre are as follows:

Adult Entry (Per Visit)	\$7.40
Concession Entry (Per Visit)	\$5.20
Over 75 years (Per Visit)	Free of charge

These fees align with industry standards, with the Manning Aquatic Centre (Bathurst) charging \$9 for an adult entry, for example. However, it is understood that the Lithgow community measures a higher level of disadvantage than bordering LGAs, and the cost of disability can increase vulnerability. Both physical and mental health are equally important in ensuring a resilient community. The J M Robson Aquatic Centre delivers an exceptional service in this space.

Hence, the Administration proposes the addition of the following fee, to both improve accessibility and encourage those in need to access Council’s facility.

Weekly concession pass (unlimited entry)	\$7.80
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To be eligible for the concession pass, a valid Pensioner Concession Card must be shown, validated by proof of signature or other corroboration of identity.

By adding a weekly concession pass, the Council will be creating opportunities for regular visits to the facility by those in need. It is expected that by increasing the accessibility of this facility, the Council will be directly improving the quality of life, physical and mental health of people with disability.

### **Policy Implications**

Amendments to the Fees and Charges adopted at the Ordinary Meeting of Council held 27 June 2022.

### **Financial Implications**

- Budget approved - Nil
- Cost centre - Nil
- Expended to date - Nil
- Future potential impact – Increased accessibility will improve cost recovery at the centre.

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

Nil

### **Attachments**

Nil

### **Recommendation**

THAT Council add provision within the adopted Fees and Charges for a “weekly concession pass” for visitors with a valid Pensioner Concession Card, at a cost of \$7.80 per week.

#### **10.2.4. IS - 25/07/2022 - Natural Disaster Recovery Process**

**Prepared by** Jonathan Edgecombe - Director of Infrastructure & Services

**Department** Infrastructure & Services

**Authorised by** Director of Infrastructure & Services

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#### **Summary**

The Lithgow region has been subject to persistent and significant rainfall. This has resulted in widespread damage to the city's road, drainage and embankment infrastructure.

Council continues to direct resources to the disasters that have beset the city and stand with the community as they rebuild. But there is a larger context of a shift in local government's responsibilities and of new agendas that will persist due to climate change.

At the recent National General Assembly for Local Government this new and costly agenda for local government was a common theme for presentations and discussions. One of the presentations made the point, based upon extensive research, that disasters are occurring so frequently now that communities, and their councils, are not able to move from the response phase to the recovery phase. The presentation also proposed that more funding was required to be directed toward up-front abatement of the impacts of disasters ahead of the actual disaster (prevention, not just response and recover).

#### **Commentary**

In the past six months, the Lithgow area has been subject to over 1,000mm of rainfall. This rain has fallen over 129 days in a 180-day period. Council staff continue to brave the conditions day and night to inspect all low-lying assets that may be affected by floodwaters and provide residents with the most up to date information for road closures throughout the area.

As a result of these inspections, Council has urgently prioritised road repairs across the 4,000 square kilometres of our LGA. All machines are operational, every available local contractor is engaged, and staff are prioritising and attending to those hazards which present the highest risk.

The first stage of Lithgow's infrastructure recovery has commenced. This has not involved pothole patching. Instead, entire seals are being removed, pavements reconstructed, drainage reestablished, and seals replaced with hotmix asphalt. On unsealed roads, gravel resheeting and drainage improvements are being completed to improve the longevity of these assets. To date, work has been completed on Browns Gap Road, Peach Tree Road, Sunny Corner Road, Dunville Loop Road, Stewart Street, Inch Street, Bren Street, Wicketty War Road, Marsden Swamp Road, Hazelgrove Road, Cullenbenbong Road, Sodwalls Road and many others.

Most of the failures being repaired are in response to entirely saturated pavements shifting as a result of the persistent rainfall and repeated vibrations of vehicular traffic. This is exacerbated with high percentages of heavy vehicle traffic, and where cracked road surfaces or otherwise defective road surfaces have allowed moisture to penetrate the pavement.

In a broad sense, while there will be medium-term disruption as Council responds to this disaster, there is some up-side for Lithgow in that the weaknesses of Council's network have been highlighted and there are immediate funding opportunities available to respond appropriately. Council staff continue to operate under the premise that post-disaster, our road network will present in a more resilient condition than that beforehand. However, considering the matter more deeply, the impact

of this natural disaster confirms the volatility of Lithgow's assets and their vulnerability in the face of abnormal circumstances.

Good management of transport assets is contingent on the delivery of preventative maintenance regimes which, in a perfect world, prevent significant failure from occurring in the first instance. They keep our assets sealed from moisture and our pavements protected by maintaining the shape of the road itself and adjacent drainage infrastructure. Lithgow has not had the capacity nor resources to deliver such programs in those areas that need it most, instead diverting all available resources to responsive maintenance, i.e., the repair of defects which have already occurred and roads that have already failed.

Importantly, we do not find ourselves in this position as a result of any recent action or inaction. Nor do we face this problem alone. This is a systemic funding challenge which has plagued local government for many years. Speaking to the heart of this issue, Lithgow faces the following challenges regarding asset management;

1. Funding programs which focus on road renewal and fixing roads once they've failed, rather than facilitating and encouraging preventative maintenance regimes.
2. A lack of recurrent and reliable funding opportunities for asset management. We find ourselves eagerly waiting for the cyclic announcements of funding programs like the Local Roads and Community Infrastructure Program (\$1.6M for the 2022 calendar year), rather than having the comfort of these programs guaranteed. Similarly, there is a prevalence of competitive programs over those with pre-determined allocations.
3. Despite annual growth in Australia's GDP and costs of operation, Financial Assistance Grants (FAG) have steadily declined by about 43% in relative terms, now amounting to just 0.55% of Commonwealth tax revenue. For example, in the three years following 2014 when the indexation of the FAG grants was frozen, local communities lost \$600 million in services and infrastructure funding. The biggest impact is felt by Councils in regional and remote Australia and the loss continues to compound, year on year. The FAG is also the subject of a separate report to this meeting.
4. Inadequate funding structures for pro-active and sustained emergency management focused on prevention as much as response and recovery. We believe there is the need for state and federal governments to liaise with local government about new models of delivering resources dedicated to local emergency management. As it stands, the Local Emergency Management Officer role is undertaken by the Director Infrastructure Services. Noting that Lithgow has been in a constant state of emergency response since the fires of December 2019, current structures promote a resource struggle between delivering services day-to-day and responding to emergencies.
5. Current issues surrounding the methodology used to calculate the rate peg applied to local government. The existing strategies result in applied rate pegs which do not cover increased costs of doing business, most specifically in the construction industry. This results in an unsustainable position for local government, notwithstanding the above concerns.
6. The Natural Disaster Funding Arrangements require Council to reach an activation threshold before funding can be accessed. This means that for each declared natural disaster, Council must spend (current threshold) \$148,215 of its own funds before a claim can be lodged. By its nature, this spending is unplanned and requires the diversion of funds from other Council programs and services.

In addition to the above, climate change continues to impact the Council's operation, as it has over the course of the past 6 months. As we move from periods of drought and bushfire to flood, the rate of dilapidation of our public assets increases. It is clear our assets were not designed to cope with such weather extremes.

First and foremost, the intent of this report is to highlight what Council and its staff are attempting to achieve during very trying times, and under exceptionally difficult circumstances.

There has been a vast improvement in the support provided by the State and Federal Governments under the *Natural Disaster Relief and Recovery Arrangements*.

However, it is considered that all levels of government will need to respond differently to the challenges presented by a disaster-influenced operating environment.

To ensure a resilient Lithgow of the future, our assets and community must be ready to respond to the reality of climate change. To achieve this, it is suggested that Lithgow City Council advocate for the following:

1. Funding models which speak to the heart of proactive asset management rather than reactive end-of-life repair.
2. Financial opportunities which are cyclic, guaranteed and thereby reliable, allowing local government the ability to develop the necessary capacity to deliver on proactive maintenance obligations.
3. Financial assistance should better reflect the expectation that Council's manage around 90% of the entire NSW road network while also balancing the broader needs of diverse communities. Restoration of the prior FAG allocation of 1% of Commonwealth tax revenue is an essential starting point. Horizontal equalisation is also important to ensure that a council is funded for the true cost of delivering a service in their circumstances (regions and rural areas are more costly yet this is not fully accounted for in the funding approaches used today.)
4. Consultation with local government to improve the current structures of emergency management at a local level.

**Policy Implications**

N/A

**Financial Implications**

As outlined in this report.

**Legal and Risk Management Implications**

N/A

**Attachments**

Nil

**Recommendation**

THAT Council again recognise the State and Federal Governments for the opportunities delivered under the *Natural Disaster Relief and Recovery Arrangements* but also advocate for the four key actions discussed in the body of the report.

## 10.3. Finance and Assets Reports

### 10.3.1. FIN - 25/07/2022 - Contracts for the Supply and Delivery of Bulk Fuel

**Prepared by** Kirsty Sheppard – Purchasing Coordinator

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

#### Summary

Under the Local Government Act Tendering Regulation, where a contract is for greater than \$250,000, a Request for Tender must be conducted and be considered by Council. The Central NSW Joint Organisation (CNSWJO), on behalf of participating member councils, has undertaken a formal Request for Tender (RFT) process to identify a suitable provider for the supply and delivery of bulk fuel.

It is anticipated that Council will spend \$247,000 per annum on bulk fuel which is close to the tender threshold.

#### Commentary

CNSWJO member councils have participated in regional contracts for the supply and delivery of bulk fuel for approx. 10 years and interest was expressed by members for the Joint Organisations to conduct a procurement process for a new regional contract to commence on 1 July 2022. Although Lithgow Council is not a member of CNSWJO, the JO has welcomed Council's participation in the tender on a fee for service basis.

#### Financial and resourcing impacts

CNSWJO has managed the procurement process on behalf of participating member councils and will receive a 0.7% management fee from the service providers to cover their costs.

#### Tender Evaluation

An open Request for Tender process was undertaken through the CNSWJO eProcure Portal. The Request for Tender for the supply and delivery of bulk fuel opened on 25 March 2022 and closed on 22 April 2022.

The Tender Evaluation Panel (TEP) undertook an assessment of the responses remotely and participated in a consensus evaluation meeting via videoconference on 3 May 2022. The TEP consisted of the following members and was assisted by Kate Barker from CNSWJO.

- Garry Keen – Blayney Shire Council,
- Peter Heffernan – Cabonne Council, and
- Tim Mooney – Orange City Council.

#### Tender Evaluation Criteria

The selection criteria advertised and used in selecting the successful respondents were:

- Product,
- Customer Services and Delivery,
- Quality, Safety and Environmental, and
- Pricing.

#### Summary of Responses Received

The following companies submitted tender responses for S1\_2022: Supply and Delivery of Bulk Fuel for Central NSW Councils (in alphabetical order):

- Hill & Co Metro Fuel Distributor,
- Inland Petroleum,

- Liberty Oil,
- Lowes Petroleum,
- Oilsplus Holdings Australia,
- On Site Fuel Rural – Xpress Group, and
- Park.

### **Evaluation of Submissions**

Evaluation rankings were as follows:

1. Lowes Petroleum.
2. Park.
3. On Site Fuel Rural – Xpress Group.
4. Oilsplus Holdings Australia.
5. Liberty Oil.
6. Hill & Co Metro Fuel Distributor.
7. Inland Petroleum.

### **Evaluation of the Preferred Respondents**

The TEP agreed to recommend Lowes Petroleum, Oilsplus Holdings Australia (pending resolution of insurances), Onsite Fuel Rural - Xpress Group, and Park (pending resolution of insurances) as the panel of providers for the supply and delivery of bulk fuel.

The recommended providers were selected based on their:

1. Compliance with the evaluation criteria,
2. Demonstrated ability to meet Council's requirements, and
3. Competitive price for the services offered.\

Council's administration has viewed the JO's tender evaluation report and concurs with the findings outlined in this section of this report.

### **Terms and Conditions of Supply**

CNSWJO has undertaken a project over the recent years called Best Practice in Aggregated Procurement. Included in the project was the review of the terms and conditions of supply used for regional contracts, which resulted in a suite of revised templates. This contract uses the updated terms and conditions which have been reviewed and approved by the Sponsoring General Managers of CNSWJO's Inter-Council Cooperation Priority.

### **Conclusion**

It is recommended that Council accept and sign contracts with Lowes Petroleum, Oilsplus Holdings Australia (pending resolution of insurances), Onsite Fuel Rural - Xpress Group, and Park (pending resolution of insurances) for the supply and delivery of bulk fuel and advise CNSWJO of its decision.

The term of the contract is 1 July 2022 to 30 June 2024, with an optional 12-month extension.

### **Policy Implications**

Nil

### **Financial Implications**

- Budget approved - \$420,000 (total fleet & plant fuel budget).
- Cost centre - PJ 800019
- Expended to date - nil in 2022/23 to date.
- Future potential impact – utilising the CNSWJO regional contract enables Council to achieve economies of scale.

## **Legal and Risk Management Implications**

Nil.

## **Attachments**

1. CONFIDENTIAL – Issued to Councillors only.

## **Recommendation**

THAT Council:

1. Accept tenders from the following organisations for the supply and delivery of bulk fuel:
  - Lowes Petroleum
  - Oilsplus Holdings Australia (pending resolution of insurances)
  - Onsite Fuel Rural – Xpress Group, and
  - Park (pending resolution of insurances).
2. Advise the Central NSW Joint Organisation of its decision.
3. Delegate authority to the General Manager to execute all necessary contract documentation.

**10.3.2. FIN - 25/07/2022 - Financial Assistance Grant Allocation**

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

**Summary**

The purpose of this report is to provide information on Council’s 2022/23 estimated Financial Assistance Grant (FAG) allocation. The report also provides details of Council’s recent advocacy for a better allocation model and a fair share of FAG funding for rural and regional communities.

**Commentary**

**Financial Assistance Grants**

Council has received advance payment of approximately 75% of the 2022/23 FAG allocation. The amount received was \$4,098,745 which indicates that Council’s total 2022/23 FAG allocation will be around **\$5.4M**. Council is usually informed of its FAG allocation in August of each year.

The NSW Grants Commission is required to adhere to National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. Lithgow Council has benefited from this policy in recent years with above CPI year-on-year FAG increases in most years as shown in the table below.

Year	Total FAG	% Change
2017/18	\$4,472,446	-
2018/19	\$4,664,837	4.3%
2019/20	\$4,887,511	4.8%
2020/21	\$4,993,026	2.2%
2021/22	\$5,120,012	2.5%

**Council Advocacy**

The value of Financial Assistance Grants provided to local government has declined over the past three decades from around 1 percent of Commonwealth taxation revenue to around 0.55 percent.

By comparison to international figures, Australian local governments receive a low amount of public funds (sourced from taxation) - around 3.5 percent of taxation nationally. Yet funding to councils is one of the most direct ways to align public funds to needs. Every dollar of public funds returned locally is re-invested locally, often with a large multiplier benefit from local employment and local procurement or address of a local social, economic or environmental need. Financial Assistance Grants are particularly valuable for local government, as the funding is untied, meaning it can be spent where it is most needed.

In recent years, Council has supported ALGA and LGNSW lobbying for the Federal Government to restore FAG funding back to at least 1% of Commonwealth tax revenue.

In 2021, the former Mayor wrote to Federal Member, The Hon Andrew Gee MP, to seek the following actions:

- Ensuring that the 2021/22 and future year Financial Assistance Grant allocations take into account the real circumstances of Councils dealing with increased costs and declining revenue;
- Ensuring that increased Financial Assistance Grant allocations are directed to rural and regional communities with the greatest relative need; and
- Continuation of the Financial Assistance Grant advance payment.

Council's advocacy efforts have had some success, with an increase in the FAG allocation and continuation of the FAG advance payment. But more significant correction is required ie., FAGs back to at least 1% of Commonwealth tax revenue.

**Policy Implications**

Nil.

**Financial Implications**

As detailed in this report.

**Legal and Risk Management Implications**

Nil.

**Attachments**

Nil

**Recommendation**

THAT Council note the information provided on the Financial Assistance Grant allocation and maintain ongoing advocacy for increased levels of funding and a better allocation model based upon principles of horizontal equalization and a recognition of the particular economic challenges facing regional and rural councils.

### 10.3.3. PS - 25/07/2022 - Community Engagement - Options for a Sustainable Lithgow

<b>Prepared by</b>	Ross Gurney - CFIO
<b>Department</b>	Finance & Assets
<b>Authorised by</b>	Chief Financial & Information Officer Director of People & Services

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#### Summary

The purpose of this report to seek Council's endorsement to proceed to engage with the community on a pathway to financial sustainability for the purpose of securing the future of the Lithgow local government area.

The Council has also been provided with the Our Place Our Future Communications Strategy and the Rating Review Technical Paper in the form of confidential attachments.

#### Commentary

##### Background

As Council has been briefed since the start of the Council term, the Local Government Act imposes considerable onus upon the governing body, the elected Council, in relation to the financial performance and financial sustainability of the Council.

Chapter 3 of the Act outlines principles which give guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous. Sub-section 8B deals with the principles of sound financial management ie.,

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following—
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following—
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services.

A Council's spending must be responsible and sustainable by **aligning general revenue and expenses** over the long term.

At the recent National General Assembly for Local Government the dominant theme of discussion was the financial challenges confronting local government – most particularly, regional and rural councils. Since 2018, in extensive and credible research across Australia, financial sustainability has always been identified as the greatest current risk to local government. This matters to communities because more than ever in the era of covid and sustained and multiple disasters, it has become apparent that local government is central to the lives of so many. Councils deliver services that support and sustain people, in the places where they reside or work.

This Council has experienced extended periods of deficits in its annual financial operating result. The current General Manager identified that this is not sustainable. Interim additional financial control measures have been introduced while the magnitude of the challenge was defined in today's terms.

Of course, in lay terms there are two aspects to consider – the level of expenditures and the level of revenues. Also, any such analysis must not only consider today's circumstances, but also, it must have regard for the future (strategic, long term financial sustainability).

One of Council's principal sources of revenue is derived from the rates applicable to properties. (Council also receives other revenue from recurrent and non-recurrent grants. In this regard, this Council is advocating for a greater share of public funding for local government generally – see our federal government election advocacy priorities).

A comprehensive review of Council's rating structure had not been undertaken for decades.

To equip the new Council with the information necessary for it to meet its obligations in terms of sound financial management, the General Manager engaged independent specialist local government finance advisors to conduct a comprehensive review of Council's rating structure. The review benchmarked Lithgow Council's total rates to that of like-for-like councils. Lithgow Council's current financial allocation to infrastructure maintenance and replacement was also benchmarked to these like-for-like councils. The bases for the Council's historical deficits, and the expectation of continuing future deficits, are explained from these comparisons which identified a shortfall of \$6m in Council's required annual general revenues.

In short, this Council has insufficient own-source revenue to manage the city and ready it for the future. The available funding is insufficient to maintain the city's considerable infrastructure (roads, parks, sports fields, public buildings) or to ready the city for a sustainable future. We need to not just maintain infrastructure, on its own a large task, but also transform the local economy. We need financial capacity to innovate and attract investment to the city – public and private. And the problem, or the gap in funding, will grow significantly unless interventions are made.

Alongside of the above-mentioned critical review, the administration have prepared the 2022-2032 Long Term Financial Plan (LTFP) which confirms a continuation of deficits unless significant interventions are made to revenues and/or expenditures.

For the 2022/23 budget, the administration prepared a balanced cash budget, operating and capital expenditure constrained within the level of cash receipts. A significant operating deficit (before capital) is planned for the 2022/23 year.

For the above reasons, the Council needs to commence implementation of a financial strategy from the commencement of the 2023/24 year. The available options are to increase revenue or decrease services.

The Rating Review Technical Paper has been included as a confidential attachment to this report.

## **Community Engagement**

The administration recommends that over the coming months, Council consult with the community on two options to ensure the long-term financial sustainability of the city. Action to implement a financial sustainability strategy could commence on 1 July 2023.

A robust community engagement process will be undertaken to ensure that the community is well informed about the facts and is shaping the pathway forward through their submissions.

The community will be engaged on two scenarios for ensuring a sustainable future. In communicating these options, the Council will outline the following:

- The magnitude of the financial challenge and infrastructure funding shortfall facing the local government area (LGA) over the next 10 years and its impact on service levels.
- The need to consider community "capacity" to pay additional rates in determining the options to be presented.

- The need for residents to be able to have their say on whether or not they are prepared to pay additional rates to maintain service levels.

The two scenarios, which have been developed for community consideration, are:

**Scenario 1 – Service Levels Maintained**

Council would apply for a permanent increase in general rate income (a Special Rate Variation) above the peg rate set by IPART.

The external review identified a shortfall of \$6 million in Council’s annual general revenues. Although the majority of the funding in this option is proposed to be set aside for asset renewal and maintenance, \$1.25m of the funding is also proposed for building capacity within the organisation and facilitating economic resilience in the local government area.

The addition of \$6 million to Council’s annual general revenues equates to a 42% overall increase in rates. Great care has been taken, however, to distribute the rating as fairly as possible amongst the various rating categories, and as a result the impact on residential rating under this proposal would typically be 26.5% (including expected rate peg).

**Scenario 2 – Service Levels Reduced**

If Council chooses not to proceed with a rating increase or IPART determines not to approve Council’s application, Council will need to undertake a comprehensive review of its services and present a plan to the community for a reduction in levels of service.

The plan will prioritise the maintenance of essential services over discretionary services.

Council anticipates that this process would take approximately twelve months and will again involve extensive community engagement. It will also require significant funding and resources.

The following is a summary of key dates (including IPART deadlines) for Councillors to inform them of the process moving forward.

Action	Date
Community Engagement	26 July – October 2022
Council decision to notify IPART of Council's intention to apply for a special rate variation or minimum rates increase.	28 November 2022
Council decision on final endorsement of special rate variation application to IPART.	January 2023
Special Rate Variation applications due to IPART	February 2023
Determinations announced for Special Rate Variation and Minimum Rate Variation by IPART	May 2023

The Our Place Our Future Communications Strategy has been included as a confidential attachment to this report.

**Policy Implications**

Nil

**Financial Implications**

As detailed in this report.

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

Prudent action is required to manage risks to Council's long-term financial sustainability.

### **Attachments**

1. CONFIDENTIAL – only issued to Councillors
2. CONFIDENTIAL - only issued to Councillors

### **Recommendation**

THAT Council:

1. Receive the report on Our Place Our Future.
2. Endorse the findings related to considering a special rate variation included in the Rating Review Technical Paper.
3. Resolve to commence community engagement on the two options outlined in this report, in accordance with the Communications Strategy.

#### 10.3.4. FIN - 25/07/2022 - Accounting Treatment of RFS (Red Fleet) Assets

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

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##### Summary

The purpose of this report is to provide information on the NSW Government and Auditor-General's push for Councils to recognise Rural Fire Service (RFS) firefighting (Red Fleet) assets. The report recommends that Council support the LGNSW campaign against this cost shifting exercise by writing to the local State member, as well as relevant State Government and opposition members.

##### Commentary

Local Government NSW (LGNSW) is calling on Councils to support the local government campaign on the financial accounting treatment of RFS mobile assets known as the 'Red Fleet'.

A long-standing dispute over the accounting treatment of the Red Fleet has come to a head with the Auditor-General's 2021 Report on Local Government on 22 June 2022. The Audit Report reemphasises the State Government determination that RFS assets are the "property" of councils and must be recorded in Council's financial statements with Council required to therefore absorb all depreciation costs.

The *Audit Office Local Government Report* has reinforced the notion that RFS mobile and other fire-fighting assets can somehow be deemed to be council assets and applies more pressure on Councils and the Office of Local Government (OLG) to conform with this determination, even though Councils do not have effective management or control of these assets.

Councils across the State and LGNSW refute this determination. Councils do not have any say in the acquisition, deployment, or disposal of these assets. Comparable assets held by Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES) are not vested anywhere other than with the organisations that purchase, use, maintain and dispose of them.

Councils and LGNSW have also raised concerns that the requirement breaches Australian Accounting Standards. The State Government's own *Local Government Accounting Code of Accounting Practice and Financial Reporting* provides for Councils to determine whether to record RFS assets on their books as Council assets. This position has been confirmed by the Secretary of the Department of Planning and Environment in his letter to the Auditor-General dated 7 June 2022 (presented in Appendix 1 on page 47 of the 2021 Local Government Audit Report).

Council notes advice from LGNSW that many councils are refusing to comply with the Auditor General's instructions. Councils remained firm in 2021, resisting pressure to record RFS assets with the majority (68), choosing not to record the RFS mobile assets in accordance with the *Local Government Accounting Code*. This was the same number of councils as in 2020. LGNSW is encouraging councils to continue resisting pressure from the Audit Office and make their own determinations, notwithstanding overtures that ongoing non-compliance with the Auditor General's instructions may result in future qualified financial reports.

The latest Audit Report has made further impositions on (Council) by:

- recommending Council undertakes a stocktake of RFS assets and records the value in Council's financial statements;
- warning that if Council does not recognise the assets, it will be found non-compliant and will have a high risk finding reported; and
- calling on the NSW Department of Planning and Environment (OLG) to intervene where councils do not recognise rural firefighting equipment.

The Government's blanket determination is not only nonsensical, but also inconsistent with the treatment of the comparable assets of other emergency service agencies such as Fire & Rescue NSW (FRNSW) and the State Emergency Service (SES). There is no rational reason for maintaining this anomaly.

LGNSW has been advocating this position on Councils' behalf and has written to the NSW Treasurer the Hon. Matt Kean MP, Minister for Emergency Services, the Hon. Steph Cooke MP, Minister for Local Government the Hon. Wendy Tuckerman MP and the Auditor-General, Ms Margaet Crawford to express the local government sector's strong objection to the NSW Government's determination, applied by the Auditor-General, that RFS assets are the property of councils for accounting purposes and to amend the *Rural Fires Act 1997*.

LGNSW has advised it will continue its advocacy efforts on Councils' behalf and is asking all affected Councils in NSW to consider adopting an appropriate resolution on the matter.

### **Lithgow Council Position**

At the 6 July 2022 Audit Risk and Improvement Committee meeting and in subsequent discussions with the CFIO, the Audit Office representative made it clear that Council must recognise the RFS firefighting assets or face a qualified audit opinion. A qualified audit opinion would result in reputational damage to Council and potential intervention from the OLG (e.g. a Performance Improvement Order). It would also result in Council not meeting the eligibility criteria for a dividend payment from the Sewer Fund for the 2021/22 year.

Council proposes to recognise the RFS firefighting assets, however, will include a note in the financial statements as follows:

*Council recognises the RFS buildings on Council controlled land.*

*In accordance with the Local Government Code of Accounting Practice, Council has assessed whether it controls any rural firefighting equipment in accordance with Australian Accounting Standards and has determined that the assets **are not controlled** by Lithgow City Council.*

*As the NSW Audit Office has determined that Councils which do not include rural firefighting equipment in their financial statements will risk a qualified audit opinion, Council has complied with this directive and recognised rural firefighting equipment assets.*

*Council continues to work with other Councils and Local Government NSW to restore financial transparency and integrity to Council's financial statements through the correct application of the "control" test in accordance with Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.*

There are issues to be resolved to undertake a stocktake of RFS firefighting assets. Council is awaiting advice from the Audit Office on a listing of assets and a valuation methodology will need to be determined. Council does not have the resources to inspect and value every item of RFS firefighting equipment located in the Local Government Area before the audit commences in September 2022.

In the 2020/21 Audit Engagement Closing Report, the Audit Office estimated the value of depreciation expense on rural fire-fighting equipment assets not recorded at **\$213K**. In future years, Council will need to further constrain its expenditure on critical services by the depreciation expense amount to ensure that it meets the OLG's performance indicator of a balanced operating result (before capital) for the General Fund.

**Policy Implications**

Council's accounting policies are included in the annual financial statements.

**Financial Implications**

As detailed in this report.

**Legal and Risk Management Implications**

Nil.

**Attachments**

Nil

**Recommendation**

THAT Council:

1. Continue with its current complete support of and commitment to local RFS brigades noting that Council's action on this matter is entirely directed towards the NSW Government's position that RFS assets are controlled by councils - which has the effect of cost-shifting the NSW Government's responsibilities onto local communities.
2. Affirm its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to the State Government about the accounting treatment of RFS assets.

**10.3.5. FIN - 25/07/2022 - Referral of Financial Reports for External Audit - Year Ended 30 June 2022**

**Prepared by** Ross Gurney - CFIO

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

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**Summary**

Section 413 of the Local Government Act 1993 (the Act) requires Council to refer its financial reports for audit prior to the commencement of the external audit.

**Commentary**

**Financial Statements Timeline**

Council officers and the external auditors work to an agreed timeline to ensure that the financial reports are completed and lodged with the Office of Local Government (OLG) by the legislative deadline of 31 October of each year.

Work has commenced on the 2021/22 financial reports prior to audit in September 2022. It is a requirement of the Act that the financial reports be referred for audit by resolution of Council prior to the audit commencing. Council is required to lodge the financial statements with the OLG by 31 October 2022.

The key dates agreed between Council and the Audit Office of NSW which are included in the 2021/22 Annual Engagement Plan are as follows:

- 25 July 2022: Council resolves to refer the financial reports for audit.
- 9 September 2022: Council provides draft financial reports and supporting workpapers to the audit team.
- 20 to 24 September 2022: on-site audit (Crowe - contract auditor).
- 24 October 2022: Audit Office issues Engagement Closing Report.
- 24 October 2022: Council resolves to approve the financial reports for lodgement to the OLG and for public exhibition and the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer sign the Statements.
- 27 October 2022: Audit Office issues the Auditors' reports.
- 28 October 2022: Council lodges financial statements with OLG.
- 31 October 2022: Audit Office issues final Management Letter.
- 28 November 2022: Council presents its audited financial statements and the Auditors' Reports to the November meeting.

According to Section 413 (2) of the Act, Council must make a statement as to its opinion on the preparation of the general purpose financial report (and by extension the special purpose financial report). The signing of these statements is an administrative function that is required at the completion of the audit.

**Format of Financial Reports**

The financial reports comprise the following:

1. General purpose financial reports consisting of an Income Statement, a Statement of Financial Position, a Statement of Changes in Equity, and a Statement of Cash Flows along with a number of explanatory notes. These are presented for audit by the Audit Office;
  2. Special purpose financial reports consisting of an Income Statement by Business Activity, a Statement of Financial Position by Business Activity and appropriate explanatory notes. These financial reports are also presented for audit by the Audit Office; and
-

3. Special schedules which present financial information specifically required by the OLG, the Department of Public Works, the Department of Planning and Infrastructure, the Australian Bureau of Statistics.

As required by the Act, the financial reports are prepared in accordance with the Australian Accounting Standards, Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

**Policy Implications**

Nil.

**Financial Implications**

The audit of Council's financial reports by the Audit Office is a legislative requirement and provides assurance that Council's finances are managed prudently and in accordance with accounting standards.

The adoption of the recommendation of this report has no direct financial impact upon the Council's adopted budgets or forward estimates.

**Legal and Risk Management Implications**

The forwarding of the financial statements to the Council's external auditor for audit supports the Council in ensuring care and compliance is exercised in financial reporting.

**Attachments**

Nil

**Recommendation**

THAT Council refer the 2021/22 financial statements for audit (in accordance with S413 of the Local Government Act 1993) and note the proposed process for the audit of the financial statements.

**10.3.6. FIN - 25/07/22 - Proposed Leases**

**Prepared by** Sandra Politi – Property & Legal Services Officer

**Department** Finance & Assets

**Authorised by** Chief Financial & Information Officer

**Summary**

The purpose of this report is to seek Council’s approval to grant four new leases to existing tenants of premises on community land.

This matter is reported to Council for determination as Council’s Policy 10.14 – Property Leases requires a resolution of Council when the rental under the lease is below market by more than 10%, which is the case with each of the proposed new leases.

**Commentary**

This report relates to leases of premises on community land that have recently expired, and now operate on a month to month basis. The respective tenants would like to enter new leases with Council for a fixed term so that they have security of tenure over the next few years.

Three of the leases proposed to be entered involve Council owned land classified community, while one lease involves Crown land classified community. Particulars of the proposed leases are as follows:

<b>Proposed leases of premises on Council owned land classified community</b>	
<b>Lease 1</b>	
Premises	South Littleton Hall, East Street, Lithgow (Part 114/28254)
Tenant	Lithgow Chapter No. 39 Order of the Eastern Star
Term	3 years + 2 years
Rent	In line with rent applied to Category C tenants (community use – non-core function) as detailed in Council Policy 10.20 Leasing and Licensing. Approximately \$600 pa + GST on commencement with annual CPI reviews.
Permitted use	Meeting room together with associated equipment of a non-profit nature.
About the tenant	Lithgow Chapter No. 39 Order of the Eastern Star has occupied the South Littleton Hall since 2017. The Chapter’s vision is to work for the betterment of the community and for each other by extending generous support for charitable purposes, responding to the needs of others and giving assistance in adversity and support in the practicalities of day to day living.
<b>Lease 2</b>	
Premises	Memorial Hall, Tweedie Street, Wallerawang (Part 1/15683)
Tenant	Wallerawang Memorial Men’s Shed Inc.
Term	5 years
Rent	In line with rent applied to Category C tenants (community use – non-core function) as detailed in Council Policy 10.20 Leasing and Licensing, estimated to be approximately \$600 pa + GST on commencement with annual CPI reviews.

Permitted use	Activities of Wallerawang Memorial Men's Shed Incorporated including meetings and social functions and building and construction activities that do not interfere with the amenity of the residential neighbourhood.
About the tenant	Wallerawang Men's Shed has occupied the Memorial Hall since 2017. The Men's Shed play a key role in the prevention of social isolation by providing a safe, friendly, and welcoming place for men to work on meaningful projects and to contribute to the wider community.
<b>Lease 3</b>	
Premises	Red Cross Hall, Queen Elizabeth Park, Main Street, Lithgow (Part 45/1096536)
Tenant	Australian Red Cross Society
Term	5 years
Rent	In line with rent applied to Category C tenants (community use – non-core function) as detailed in Council Policy 10.20 Leasing and Licensing, estimated to be approximately \$600 pa + GST on commencement with annual CPI reviews.
Permitted use	Activities undertaken by or authorised on behalf of the Australian Red Cross Society
About the tenant	Red Cross Lithgow branch has occupied the Red Cross Hall since 1939. The Red Cross Lithgow branch consists of a small group of volunteers dedicated to fundraising for humanitarian services, including blood bank, drought, aged care, youth, disaster management and more.
<b>Proposed lease of premises on Crown land classified community</b>	
<b>Lease 4</b>	
Premises	Men's Shed building, Tony Luchetti – Crown Reserve 500946, Geordie Street, Lithgow (Part 1/1123449)
Tenant	Lithgow District Men's Shed Association Inc.
Term	5 years
Rent	In line with rent applied to Category C tenants (community use – non-core function) as detailed in Council Policy 10.20 Leasing and Licensing, estimated to be approximately \$600 pa + GST on commencement with annual CPI reviews.
Permitted use	Activities of Lithgow District Men's Shed Association Inc. including meetings and functions and building and construction activities that do not interfere with the amenity of the surrounding area.
About the tenant	Lithgow Men's Shed has occupied the Men's Shed building since 2013. The Men's Shed play a key role in the prevention of social isolation by providing a safe, friendly, and welcoming place for men to work on meaningful projects and to contribute to the wider community.

Key terms of the proposed leases

All leases will include the following key provisions:

**Not for profit** - The grant of the lease is contingent upon the tenant operating on a not-for-profit basis, and the premises must not be used for personal gain or profit.

**Verification of Not for Profit** - Within 7 days' of receiving a request in writing from Council, the tenant must provide such information and/or financial records as requested to verify that the tenant is operating on a not-for-profit basis.

**Utilities** - The tenant is responsible for connection to and payment of utilities (such as electricity) and must pay for all separately metered usage charges.

**Maintenance and repair** - The tenant must maintain the premises in good repair and condition, having regard to its condition on the commencing date and do repairs needed to keep it in that state. Council is responsible for repairs needed due to fair wear and tear and structural repairs.

**Insurance** - The tenant must maintain public liability insurance, noting the interests of Lithgow City Council as landlord, and any other insurances it is required to hold by law.

**Indemnities** - The tenant indemnifies Council in relation to any claim arising out of the tenant's breach of the lease or the tenant's use of the premises, but the indemnity does not extend to any claim arising from or contributed to by a negligent act or omission of Council.

#### Council's authority to grant leases of premises on land classified community

Council's authority to grant leases in respect of premises on community land is found in section 45(2) of the *Local Government Act 1993*, which states "A council may grant a lease or licence of community land, but only in accordance with this Division".

A summary of the applicable rules under the Act regarding leasing community land is as follows:

1. Exclusive occupation or exclusive use of community land is prohibited, except in accordance with a lease or licence (section 47D).

*As the respective tenants need exclusive use, a lease is required to be entered.*

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

*In relation to the three premises on Council owned land, Council's 2013 Generic Plan of Management expressly authorises leases to be entered.*

*In relation to the one premises on Crown land, while a plan of management is not yet in place, clause 70(2)(c) of the Crown Land Management Regulation 2018 provides an exemption to this rule. It provides that if a lease or licence was in place immediately before 1 July 2018 and there are no additional permitted uses, a lease may be granted. The proposed lease to Lithgow District Men's Shed Association Inc. falls within this exemption and can therefore be granted.*

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

*If Council resolves to grant the leases proposed in this report, the draft leases will be placed on public exhibition for a minimum of 28 days inviting any person to make a submission.*

#### Conclusion

In conclusion, in recognition of the valuable commitment and support that each tenant contributes to the local community through their vision and work, it is recommended that Council gives preliminary approval to grant a lease to each tenant as outlined in this report.

## **Policy Implications**

Policy 9.16 - Compliance Policy  
Policy 10.14 – Property Leases  
Policy 10.20 - Leasing and Licensing Policy

## **Financial Implications**

- Budget approved - minor rental income only.
- Cost centre - PJ 800089
- Expended to date – Nil.
- Future potential impact – lease income of approx \$2,400 on commencement with annual CPI reviews.

## **Legal and Risk Management Implications**

Local Government Act 1993  
Crown Land Management Act 2016  
Real Property Act 1900  
Conveyancing Act 1919

## **Attachments**

Nil

## **Recommendation**

THAT

1. Council give preliminary approval to grant leases to Lithgow Chapter No. 39 Order of the Eastern Star, Australian Red Cross Society, Wallerawang Memorial Men's Shed Inc. and Lithgow District Men's Shed Association Inc. as set out in this report.
2. Council give public notice and place the proposed leases on public exhibition for at least 28 days.
3. If no submissions are received during the public exhibition period, Council proceed with the leases and for this purpose authorise the General Manager to sign all documents and attend to all things necessary to give effect to the leases.
4. If in the opinion of the General Manager any submissions received during the public exhibition period warrant consideration by Council, the matter be returned to Council with details of relevant submissions and any proposed recommendations in respect of the matter.

## 10.4. Policies and Governance

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### 10.4.1. IS - 25/07/2022 - Review of Policy 10.5: Footpath Reservations – Works Requirements

**Prepared by** Jonathan Edgecombe - Director of Infrastructure & Services

**Department** Infrastructure & Services

**Authorised by** Director of Infrastructure & Services

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#### Reference

Min. No. 22-69: Ordinary Meeting of Council held 26 April 2022.

Min. No. 22-100: Ordinary Meeting of Council held 23 May 2022.

#### Summary

At the Ordinary Meeting of Council held 23 May 2022, Council resolved to make amendments to Policy 10.5 Footpath Reservations – Works Requirements. This report details the proposed changes.

#### Commentary

Changes have been made to Policy 10.5 Footpath Reservations – Works Requirements to include conditions surrounding private works and embellishments in rural areas. Those original conditions applying to urban roads generally have not been modified.

The overarching intent of the Policy remains to set the overarching principles of road reserve embellishments, maintaining motorist and pedestrian safety, amenity, Council's maintenance capability and functionality of roadside civil assets and utilities.

While the full draft policy is attached, for transparency, the new conditions for rural roadsides are as follows:

1. Prior to any private works or embellishments occurring on a rural road, application must be made to the Council to consider the impact to environmental biodiversity, with reference to Council's Roadside Vegetation Management Plan, and compliance with the conditions of this policy.
2. Private works or embellishments occurring on a rural road are limited to grassing and installation of trees, to ensure Council's ongoing ability to maintain the reserve as required.
3. Private works or embellishments on rural roads is limited to the following:
  - a. Clearing and grassing of the verge;
  - b. Installation of trees being limited to roads with a speed limit of 80km/h or less, and spacings of no less than 7 metres from the road edge and no less than 10 metres apart; and
  - c. Must be of a suitable species to ensure no impact to adjacent civil infrastructure or utilities.
4. Any impacts to roadside drainage, including impacts to neighbouring properties and adjacent infrastructure, must be neutral or beneficial.
5. The adjacent property owner accepts all liability and maintenance responsibility for those features installed as part of their private works or embellishments.

Should property ownership change, or maintenance be otherwise lacking, with reasonable notice to the landowner, Council reserves the right to remove any offending trees within the road corridor.

The policy changes will require public exhibition for 4 weeks prior to endorsement and adoption by the Council.

### **Policy Implications**

Changes to Policy 10.5 Footpath Reservations – Works Requirements as explained above.

### **Financial Implications**

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

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

Nil

### **Attachments**

1. ECM 1758219 v1 Policy 10 5 Footpath Reservations Works Requirements Version 4  
[10.4.1.1 - 5 pages]

### **Recommendation**

THAT Policy 10.5 - Footpath Reservations – Works Requirements be placed on public exhibition for 28 days prior to being returned to Council for final consideration.

## 11. Council Committee Reports

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### 11.1. IS - 27/06/2022 - Sports Advisory Committee Minutes - 8 June 2022

**Prepared by** Kaitlin Cibulka – Executive Assistant

**Department** Infrastructure Services

**Authorised by** Director of Infrastructure & Services

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#### Summary

This report provides details of the minutes of the Sports Advisory Committee meeting held on 18 May 2022.

#### Commentary

At the Sports Advisory Committee held on 18 May 2022, there were several items discussed by the Committee including:

- 2022 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking Requests

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

- Item 6 – Terms of Reference  
RECOMMENDATION  
THAT Council accepts the Terms of Reference of the Sports Advisory Committee.

#### Policy Implications

Nil.

#### Financial Implications

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

#### Legal and Risk Management Implications

Nil.

#### Attachments

1. DRAFT Minutes Sports Advisory Committee Meeting 18 May 2022 [11.1.1 - 7 pages]
2. Sports Advisory Committee Terms of Reference [11.1.2 - 7 pages]

#### Recommendation

THAT Council:

1. Notes the minutes of the Sports Advisory Committee Meeting held on 18th May 2022.
2. Accepts the Terms of Reference of the Sports Advisory Committee.

## 11.2. FIN - 25/07/2022 - Audit & Risk Improvement Committee (ARIC) Minutes - 6 July 2022

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

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### Reference

Min No. 22-89 Ordinary Meeting of Council held on 26 April 2022.

### Summary

This report summarises the minutes of the Audit Risk & Improvement Committee (ARIC) meeting held on 6 July 2022.

### Commentary

At the ARIC meeting held on 6 July 2022, the following items were presented and discussed:

- **Terms of Reference Actions** – the Committee nominated independent member Neil Maltby to be appointed as Chair of the Committee, with review in 12 months.
- **Risk Management** – CFIO reported on the Statewide Mutual Risk program and a comparison of Council's risk management status against the new guidelines,
- **Compliance** – CFIO provide an update on Council's legal and compliance framework and current improvement actions. The Committee discussed the Hunter Joint Organisation compliance self review tool.
- **Internal Audit** - CFIO provided the committee with an update on Council's internal audit program which includes the four year audit plan.
- **External Audit** – the Committee discussed the annual audit engagement plan and the recently released Auditor-General's report on local government. The issue of Council recognition of RFS assets was discussed with Council's auditors.
- **Internal Controls** – CFIO provided an update on the Committee's internal control responsibilities which include delegations.
- **Fraud & Corruption** – CFIO reported on the workplan items achieved with a review of the Code of Conduct required within 12 months of the election.
- **Financial Management** – the Committee endorsed the findings of the Our Place Our Future Rating Review Technical Paper. CFIO noted the update on the budget which has now been adopted by council at the June meeting.
- **Governance** – CFIO provided the Committee with an update on Council's key governance processes which covers conflicts of interest, polices due for review, Code of Meeting Practice review and adoption by Council.
- **Strategic Planning** - CFIO provided the report for an update to the committee on Council's strategic planning which includes the IP&R process and measurement against Council's objectives.
- **Service Reviews & Business Improvement** - CFIO provided an update on Council's progress with service reviews and business improvement. CFIO reported on the response to Auditor-General Report - Local Government Business and Service Continuity Arrangements for Natural Disasters.
- **Performance Data & Measurement** – CFIO reported on Council's performance data and measurement activities, including benchmarking.

### Policy Implications

Nil.

**Financial Implications**

Nil.

**Legal and Risk Management Implications**

The functions of the CTA ARIC assist in the management and mitigation of risk at Council.

**Attachments**

1. ARIC meeting draft minutes 6 July 2022 [11.2.1 - 12 pages]

**Recommendation**

THAT Council:

1. Endorse the Audit Risk & Improvement Committee meeting 6 July 2022 minutes.
2. In accordance with the ARIC Terms of Reference, appoint Neil Maltby to be Chair of the Committee, with the Committee to review the appointment in 12 months' time.

## 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.