



Hoskins Church – Photo by Karen Hall

# BUSINESS PAPER

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 September 2023

at 7:00 PM

# ORDER OF BUSINESS

<b>1. Acknowledgement of Country .....</b>	<b>4</b>
<b>2. Present .....</b>	<b>4</b>
<b>3. Apologies .....</b>	<b>4</b>
<b>4. Declaration of Interest .....</b>	<b>4</b>
<b>5. Confirmation of Minutes.....</b>	<b>5</b>
<b>6. Commemorations and Announcements .....</b>	<b>5</b>
<b>7. Public Forum.....</b>	<b>5</b>
<b>8. Mayoral Minutes.....</b>	<b>5</b>
<b>9. Notices of Motion.....</b>	<b>6</b>
<b>9.1. NOTICE OF MOTION - 25/09/2023 - Councillor S Lesslie - Modification to the Order of Business on Council's Agenda .....</b>	<b>6</b>
<b>10. Staff Reports .....</b>	<b>9</b>
10.1. General Manager's Reports .....	9
10.1.1. GM - 25/09/2023 - Nominations for and Election for the Position of Mayor 2023-2024 .....	9
10.1.2. GM - 25/09/2023 - Nominations for and Election for the Position of Deputy Mayor for 2023-2024 .....	13
10.1.3. GM - 25/09/2023 - Delegations to the Mayor and Deputy Mayor.....	17
10.2. People and Place Reports.....	20
10.2.1. Building and Development .....	20
<b>10.2.1.1. P&amp;P - 25/09/2023 - DA245/13 (MOD DA052/22) – Approved Subdivision of 1 Lot into 61, Modification of Lot Configuration &amp; No. of Allotments, Services &amp; Road Construction, Lot 72 DP1282868, 17G Great Western Highway, Bowenfels .....</b>	<b>20</b>
10.2.2. People and Places General Reports .....	32
<b>10.2.2.1. P&amp;P - 25/09/2023 - Six Month Progress Report (Jan - June).....</b>	<b>32</b>
10.3. Infrastructure Services Reports.....	34
10.3.1. I&E - 25/09/2023 - Replacement of Grader .....	34
10.3.2. I&E - 25/09/2023 - Acceptance of Road Sealing Tenders - Asphalt and Spray Sealing .....	37
10.4. Water and Wastewater Reports .....	39
10.4.1. WWW - 25/09/2023 - Waste Operational Budget Variation - Hook-Lift Truck and Operator.....	39
10.5. Finance and Assets Reports .....	42
10.5.1. F&G - 25/09/23 - Investment Report August 2023 .....	42
10.6. Policies and Governance .....	45
<b>11. Council Committee Reports.....</b>	<b>45</b>
11.1. 25/09/2023 - IS&E - Operations Committee Meeting Minutes - 7th August 2023.....	45
11.2. 25/09/2023 - IS&E - Sports Advisory Committee Meeting Minutes - 9th August 2023 .....	46
11.3. P&P - 25/09/2023 - Environmental Advisory Committee Minutes - 16 August 2023 .....	47

11.4. 25/09/2023 - IS&E - TALC Committee Meeting Minutes - 7th September 2023..... 48

**12. Business of Great Urgency ..... 49**

**13. Closed Council..... 49**



## 1. Acknowledgement of Country

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### **Acknowledgement of Country**

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

### **Declaration of Webcasting**

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

## 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**

Confirmation of the Minutes of the Ordinary Meeting of Council held 28 August 2023.

## **6. Commemorations and Announcements**

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

## **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 - 25/09/2023 - Councillor S Lesslie - Modification to the Order of Business on Council's Agenda**

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**Report by** Councillor Stephen Lesslie

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#### **Commentary**

Nil

#### **Attachments**

Nil

#### **Recommendation**

THAT

1. That the Order of Business on the Council's agenda be modified to include a new item. "Requests for Reports and Memorandums", to be inserted immediately before Business of Great Urgency.
2. In the General Manager's opinion a Councillors request for such a Memorandum or Report be excessive or unlawful then all Councillors are to be notified as soon as practicable but in any event at least three days before the close of business for the next Council meeting.
3. Such a request can be answered at the meeting in which case both the request and answer are to be minuted.

#### **Management Comment**

The Notice of Motion was not accompanied by any commentary. For this reason, it is not clear as to the background or context for the proposal. Nor is it possible to reconcile the proposal with the Council's adopted Code of Meeting Practice. On these bases, the administration is unable to provide advice to the Council as to the legality, or the practicality of the proposal.







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## 10. Staff Reports

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### 10.1. General Manager's Reports

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#### 10.1.1. GM - 25/09/2023 - Nominations for and Election for the Position of Mayor 2023-2024

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<b>Prepared by</b>	Trinity Newton - Executive Assistant to the Office of the General Manager and Mayor
<b>Department</b>	Executive
<b>Authorised by</b>	General Manager

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#### Reference

Min. No. 21-281 Ordinary Meeting of Council held on 22 December 2021

#### Summary

S290 of the NSW Local Government Act 1993 (the Act) sets out when an election of a Mayor by the Councillors is to be held. At the 22 December 2021 meeting, Council elected the Mayor for the period to September 2023.

This report outlines and can guide the Council as to the procedure for the election of a Mayor for a 12 month period in the specific circumstances of the Local Government election scheduled for September 2024.

#### Commentary

Section 290 of the Act states when an election of a Mayor by the Councillors is to be held, in ordinary circumstances.

*290 When is an election of a mayor by the councillors to be held?*

- (1) The election of the mayor by the councillors is to be held:
  - (a) if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
  - (b) if it is not that first election or an election to fill a casual vacancy-during the month of September, or***
  - (c) if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
  - (d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.**
- (2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*
- (3) For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

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## **The procedures to be followed**

The election of a Mayor must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

### **Returning Officer**

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

### **Nomination**

Nominations will be requested by the Returning Officer at this Meeting for the Office of Mayor for the 2023 to 2024 term (until September 2024).

Nomination forms for the position of Mayor and Deputy Mayor were provided to councillors prior to this meeting. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 25 September 2023 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed. Nomination forms for the position of Mayor are coloured **BLUE** and will also be available at the Meeting.

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s).

If necessary, an election will then be conducted as per the decision made on the previous report

### **Election**

The election is to be held at the Council meeting at which the Council resolves on the method of voting.

If only one councillor is nominated for the position of Mayor, that councillor is elected.

If more than one councillor is nominated, Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means).

The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In all other matters open voting must be used.

## Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

## Preferential Ballot

The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

## Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. "absolute majority" in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

## Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

## General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

### Notes:

- (i) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (ii) “Open Voting” means voting by a show of hands or similar means;
- (iii) “Ballot” has its normal meaning of secret ballot; and
- (iv) “Ordinary Ballot” means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate..

## Policy Implications

Nil.

## Financial Implications

The Mayor is paid a Mayoral Fee and the Councillor Fee plus use of a motor vehicle. 2023/24 Mayoral and Councillor fees were set by resolution at the June 2023 meeting (Min. No. 23-108).

## Legal and Risk Management Implications

The election of a Mayor, as well as the process for nominations and voting is in accordance with the NSW Local Government Act 1993.

## Attachments

1. Mayor Election Form 2023 [**10.1.1.1** - 1 page]

## Recommendation

THAT Council proceed with the election of the Mayor for the period to September 2024 and, in order to facilitate that, determine the method of voting.

**10.1.2. GM - 25/09/2023 - Nominations for and Election for the Position of Deputy Mayor for 2023-2024**

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

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**Reference**

Min. No. 21-282 Ordinary Meeting of Council held on 22 December 2021

**Summary**

S231 of the NSW Local Government Act 1993 states that “Councillors **may** elect a person from among their number to be the Deputy Mayor”. This report sets out the procedure for the election of the Deputy Mayor, if so decided.

At the 22 December 2021 meeting, Council elected the Deputy Mayor for the same period as the Mayor (to September 2023). The period for the next Deputy Mayor's appointment (if that is Council's decision) would be to September 2024 to coincide with the next Local Government election.

This report describes the methods of election available. Council will need to determine which of these it wishes to use. The Local Government Remuneration Tribunal's fees for General Purpose and County Councils does not include an additional fee for a Deputy Mayor.

**Commentary**

**Role of Deputy Mayor**

Council may elect a councillor to be the Deputy Mayor.

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

**The procedures to be followed**

The election of a Deputy Mayor must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Deputy Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of the Deputy Mayor.

**Returning Officer**

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

## Nomination

Nominations will be requested by the Returning Officer at this Meeting for the Office of Deputy Mayor for the 2023 to 2024 term (until September 2024).

Nomination forms for the position of Mayor and Deputy Mayor were provided to councillors prior to this meeting. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 25 September 2023 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed. Nomination forms are coloured **BLUE** and will also be available at the Meeting.

A councillor may be nominated without notice for election as Deputy Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s).

If necessary, an election will then be conducted as per the decision made on the previous report

## Election

The election is to be held at the Council meeting at which the Council resolves on the method of voting.

If only one councillor is nominated for the position of Deputy Mayor, that councillor is elected.

If more than one councillor is nominated, Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means).

The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In all other matters open voting must be used.

## Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- 3b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- 3c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
- 3d. A further vote is to be taken of the 2 remaining candidates.
- 3e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- 3f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

## Preferential Ballot

The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

## Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the un-exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her un-exhausted ballot papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause “absolute majority” in relation to votes means a number which is more than one-half of the number of formal un-exhausted ballot papers.

## Preferential Voting - Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

## General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

### Notes:

- (i) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (ii) “Open Voting” means voting by a show of hands or similar means;
- (iii) “Ballot” has its normal meaning of secret ballot; and
- (iv) “Ordinary Ballot” means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

## Policy Implications

Nil.

## Financial Implications

No additional fees are presently paid by Council for the holder of the position of Deputy Mayor.

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

The election of a Deputy Mayor, as well as the process for nominations and voting is in accordance with the NSW Local Government Act 1993.

### **Attachments**

1. Deputy Mayor Election Form 2023 [10.1.2.1 - 1 page]

### **Recommendation**

THAT Council:

1. Note the report on the appointment of and procedure for the election of Deputy Mayor.
2. Determine whether to hold an election for the position of Deputy Mayor.
3. Determine the method of voting for any election of a Deputy Mayor.
4. Determine the fee that is to be paid to the Deputy Mayor, if any.



### 10.1.3. GM - 25/09/2023 - Delegations to the Mayor and Deputy Mayor

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

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#### Reference

Min. No. 21-284 Ordinary Meeting of Council held on 22 December 2021

#### Summary

The purpose of this report is for Council to consider granting Delegations of Authority to the Mayor and Deputy Mayor to assist the functioning of Council.

#### Commentary

Section 226 of the Local Government Act 1993 (the Act) outlines the role of the Mayor. Section 226 provides:

The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

The additional proposed delegations for the Mayor are:

#### 1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

#### 2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

#### 3. Temporary General Manager

In accordance with Section 351(1)(a) of the Local Government Act, authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

#### 4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

#### 5. General Manager's Performance Review

In conjunction with the Deputy Mayor, the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

## Function of the Deputy Mayor

Section 231(3) of the Act provides:

*The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

The Deputy Mayor may also exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

It is proposed to allocate additional delegations to the **Deputy Mayor** as follows:

### 1. General Manager's Performance Review

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

### Policy Implications

The proposed additional functions to the Mayor and Deputy Mayor are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

### Financial Implications

Nil.

### Legal and Risk Management Implications

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

### Attachments

Nil

### Recommendation

THAT

1. To supplement the functions outlined in Section 226 of the New South Wales Local Government Act 1993, Council delegate the following to the Mayor of Lithgow City Council:

- a. **Donations**

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

- b. **Mayoral Reception**

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

**c. Temporary General Manager**

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

**d. General Manager – Leave**

Authority to approve applications for holidays and leave of absence to the General Manager.

**e. General Manager’s Performance Review**

In conjunction with the Deputy Mayor, the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

2. To supplement the functions outlined in Section 231(3) of the New South Wales Local Government Act 1993, Council delegate the following to the Deputy Mayor of Lithgow City Council:

**a. Function of the Mayor**

The Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

**b. General Manager’s Performance Review**

In the absence of and with authorisation from the Mayor, chair a meeting of all Councillors convened to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

3. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

## 10.2. People and Place Reports

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### 10.2.1. Building and Development

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#### 10.2.1.1. P&P - 25/09/2023 - DA245/13 (MOD DA052/22) – Approved Subdivision of 1 Lot into 61, Modification of Lot Configuration & No. of Allotments, Services & Road Construction, Lot 72 DP1282868, 17G Great Western Highway, Bowenfels

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<b>Prepared by</b>	Lauren Stevens - Development Planner
<b>Department</b>	Development
<b>Authorised by</b>	Director of People and Place
<b>Property Details</b>	Lot 72 DP 1282868, 17G Great Western Highway, Bowenfels- extension of Marrangaroo Estate
<b>Property Owner</b>	Marrangaroo Estate Pty Ltd
<b>Applicant</b>	Marrangaroo Estate Pty Ltd

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#### Reference

Min No 09-442: Ordinary Meeting of Council held on 2 November 2009  
Min No 12-129: Ordinary Meeting of Council held on 23 April 2012  
Min No 13-292: Ordinary Meeting of Council held on 19 August 2013  
Min No 13-429: Ordinary Meeting of Council held on 16 December 2013  
Min No 14-452: Ordinary Meeting of Council held on 17 November 2014  
Min No 15-35: Ordinary Meeting of Council held on 2 March 2015  
Min No 16-36: Ordinary Meeting of Council held on 29 February 2016  
Min N0 23-24: Ordinary Meeting of Council held on 27 February 2023

#### Summary

Council is in receipt of Modification Application MODDA052/23 seeking to modify Development Application DA245/13 to provide for the reconfiguration of lot, services and road layouts together with additional lots on land known as Lot 72 DP 1282868, 17G Great Western Highway, Bowenfels- extension of Marrangaroo Estate.

The Development Application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors". On 27 February 2023, the Call In Report was reported at the Ordinary Meeting of Council (reference Min No. 23-25).

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 11 January 2023 and concluded 3 February 2023. Nine (9) written submissions, by way of objection, were received during the notification period.

The original approval was determined by the elected Council on 2 March 2015, for Subdivision of 1 lot into 61 lots.

In 2020, Council sought legal advice on information provided in the context of whether the engineering design drawings, geotechnical report and survey work would be sufficient to constitute physical commencement of the development within the meaning of section 4.53(4) of the Environmental Planning and Assessment Act.

It was concluded that the combination of the geotechnical investigation, survey works and engineering design drawings (which directly relied on the geotechnical investigation and survey works) would likely comply with the requirements of section 4.53 (4) of the EP&A Act. Consequently, it was advised to the applicant that should Council be asked to act in certification role for a Construction Certificate for the bridge it would not decline on the basis that it was of the view that the consent had lapsed.

A previous modification modda002/21 was determined by Council Officer's Delegated Authority on 26 March 2021, for a modification relating to Transport for NSW/John Holland Rail Conditions.

As such, the current modification application was assessed under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*.

### **Commentary**

In summary, Modification Application MODDA052/23 proposes the following:

- Amendment to change the lot configuration, with the addition of 4 new allotments, including changing the proposed development from 1 lot into 65 lots.
- Proposal to amend the additional emergency access via the level crossing to the south of the property.
- Amendment to the technical requirements for sewer services and contributions.
- Amendment to the road construction standards and technical requirements.
- Amend conditions, 71, 109, 113, 115, 124, relating to a new storm water model and bioretention basin.

Proposed allotment modification is as follows:

- Lots 1- 14 will remain as per the original approval,
- Lots 15-17 involves the same number of allotments as per the original approval with the reduction to allotment sizes,
- Lots 18 & 19 involves reconfiguration to road frontage with a reduction to allotment sizes,
- Lots 20-27 involves the same number of allotments as per the original approval with a slight increase to allotment sizes except Lots 23, 25 & 26 will be slightly reduced
- Lots 28- 49 will contain a total reconfiguration and amendments to allotment sizes,
- Lots 50-58 involves the same number of allotments as per the original approval with the reduction to allotment sizes,
- Lots 59-65 involves reconfiguration to road frontage with a reduction to allotment sizes.

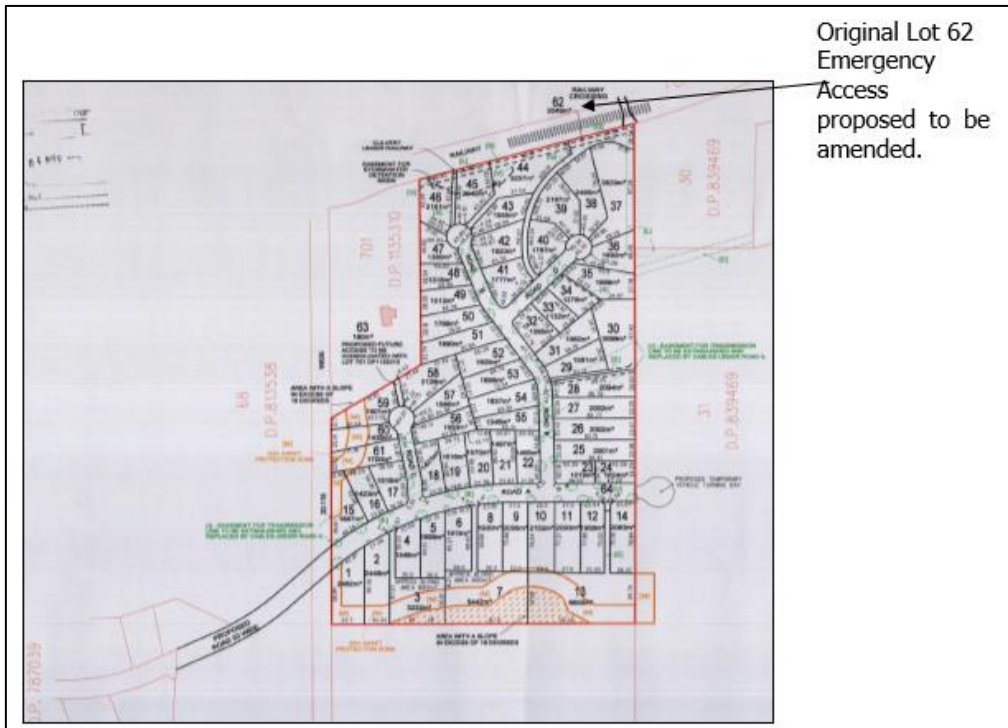

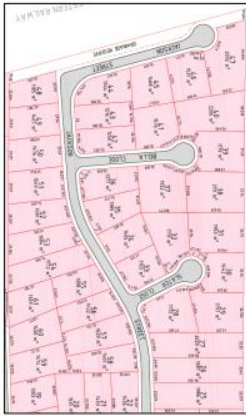


Figure 1 - Approved Subdivision Arrangement DA245/13



Figure 2 - Proposed Subdivision Arrangement MODDA052/22

The following outlines the Applicant’s reasoning and justification for the proposed modification.	
<b>Proposed Modification: Item 1</b>	
Modification	Amendment to change the lot configuration, with the addition of 4 new allotments, including changing the proposed development from 1 lot into 65 lots from the approved 61 lots.
Applicants Reasoning	<p>The modified layout will result in a superior lot layout/design in conformity with the provisions of Chapter 5 of the Lithgow Development Control Plan 2021. The development is substantially the same. The modification is generally limited to the southeastern portion of the proposed development. The modification achieves a better road design thereby enabling the creation of more uniform and regular shaped lots with all modified lots now having street frontages for safe street access. The applicant has further provided the following justification:</p> <ul style="list-style-type: none"> <li>• The modification achieves a better road design thereby enabling the creation of more uniform and regular shaped lots with all modified lots now having street frontages for safe street access.</li> <li>• The modification achieves better lot shapes by the elimination of large irregular shaped lots and several battle-axe lots.</li> <li>• The modification maximises the number of regular shaped lots with the intention of eliminating irregular shaped lots and battle-axe lots where possible/practicable.</li> <li>• The modification generally results in a range of lot sizes which will enhance the area and result in a more consistent streetscape and character.</li> <li>• The additional 4 allotments will be compatible with the objectives of the R2 zone under the LEP 2014 as well as being more consistent with the streetscape.</li> </ul>
Council Assessment (Item 1)	<p>The modification proposes to decrease the size of the originally approved allotments (approved in 2013 under LEP 1994) to allow for four (4) additional lots. As such the overall development does not comply with the minimum allotment size of 4000m<sup>2</sup> under the current Lithgow Local Environmental Plan 2014.</p> <p>Council requested the applicant provide additional information to justify the amended layout and the inclusion of the additional four (4) undersized allotments. The applicant’s response to both concerns is noted above.</p> <p>This proposal is consistent with lots sizes under the original approval and fits within Council's strategic vision for large residential allotments within this area (including the adjoining Marrangaroo Estate to the north).</p> <p>Council considers the modification provides for a more efficient design/ layout compared to the originally approved subdivision plan.</p> <p>The modification plan provides a better road network (by removal of small road slivers) to the proposed allotments, and removes the need for battle-axe allotments, particularly within the southeastern corner of the site. All proposed allotments will enjoy two-way road frontages (refer to examples below).</p>

	<p style="text-align: center;">From This:</p>  <p style="text-align: center;">To This:</p>  <p>Example of road network/ Battle-axe</p> <p>In relation to allotment sizes, the original proposed subdivision was considered and approved (in 2015) under Council's Local Environmental Plan (LEP) 1994, as Residential 2(a) zoning with no minimum allotment size.</p> <p>LEP 2014 now stipulates minimum allotment sizes in respect to the subject land.</p> <p>Council's Development Planner considers the proposal consistent and compatible with the adjoining Marrangaroo Fields Estate (in terms of allotment sizes) and supports the amended lot layout, allotment sizes and the addition of four (4) lots, particularly given:</p> <ul style="list-style-type: none"> <li>A) The original approval permitted allotment sizes under 4000m<sup>2</sup></li> <li>B) The current R2 Low Density residential zoning of the land;</li> <li>C) relatively minor amendment to the original approval is required; and</li> <li>D) no additional undue environmental or other impacts are envisaged compared to those assessed under the original application.</li> </ul>
<p><b>Proposed Modification: Item 2</b></p>	
<p>Modification</p>	<p>Proposal provides to amend Condition 17 which relates to additional emergency access via the level crossing to the south of the property to read:</p> <p><i>17. Prior to Lot 62 being dedicated to Council, the track is to be upgraded to a suitable standard as determined by Council's Group Manager Operations.</i></p>
<p>Applicants Reasoning</p>	<p>The Approved Plan of Subdivision by Rygate &amp; Company Pty Limited dated 11 February 2014 is to be modified/replaced as shown in the proposed Plan of Subdivision by Voerman &amp; Ratsep Surveyors dated June 2021 – CAD File 21130B04a.</p> <p>An emergency access will be provided via Road 2 of the modified Plan of Subdivision and therefore Lot 62 is no longer required and has been deleted from the design.</p> <p>The proposed emergency access is to be located over an existing, registered right of carriageway.</p> <p>It is envisaged that the emergency access located within Lot 72 DP 1282868 (current Lot description) be dedicated to Council. Once the subdivision works have been completed the Right of Carriageway within Lot 72 DP 1282868 can be extinguished.</p> <p>The proposed modification will eliminate future ongoing Council maintenance obligations.</p>



	<p>The modification will result in an improved lot layout.</p> <p>The modification will result in additional privacy to future lot owners in the subject location.</p>
<p>Council Assessment (Item 2)</p>	<p>Given that Lot 62 on the original plans has been extinguished via the modified plans, Council agrees that condition 17 should be amended to read:</p> <p><i>17. Prior to the emergency access road (located within the southeastern corner of the property) being dedicated to Council, the track is to be upgraded to a suitable standard as determined by Council's Group Manager Operations. This emergency access road is to further run within the current Lot 72 DP1282868 boundary and connect directly to Mount Walker Road from the new road. The emergency access will not be permitted to be redirected through private property.</i></p> <p><i>Physical access for Lots 711 and 712 in DP 1287027 (previously known as 701 in DP1135310) is to be maintained throughout the construction process. The developer is to consult with the landowners of both lots throughout construction works.</i></p> <p>The existing right of carriageway and the proposed emergency access is shown in DP1135310 below:</p> <div data-bbox="560 981 1155 1328" data-label="Diagram"> <p>The diagram is a site plan for DP1135310. It shows two lots, 701 and 702, separated by a diagonal road. Lot 701 is on the right and Lot 702 is on the left. A dashed line indicates the 'Existing Right of Carriageway' running along the top and right boundaries. A solid line indicates the 'Proposed Emergency Access' road running from the bottom towards the southeast corner of the property. The diagram also shows various boundaries, easements, and other features like 'Farmers Creek' and 'Mount Walker Road'.</p> </div> <p>Existing Right of Carriageway DP1135310/Proposed Emergency Access</p>
<p><b>Proposed Modification: Item 3</b></p>	
<p>Modification</p>	<p>Amendment to the technical requirements for sewer services and contributions.</p> <p>The applicant proposes to amend condition 28 that reads:</p> <p><i>28. Upgrade works to Farmers Creek Pump Station shall be completed at the applicants full cost, including:</i></p> <ol style="list-style-type: none"> <li><i>1. The two (2) existing pumps shall be replaced. The replacement pump type and size shall be determined by Council's Water and Wastewater Department. The pumps are to be to a "Duty Assist" setup.</i></li> <li><i>2. Increase in wet weather storage, to provide a minimum Eight (8) hours Peak Wet Weather Flows.</i></li> <li><i>3. Upgrade of power supply as required to meet all requirements of the electricity supplier and Council requirements. An Electrical design report to be submitted prior to approval under Section 68 of Local Government Act 1993 and Construction Certificate Approval.</i></li> <li><i>4. Full design details for Pump Station upgrade works to be submitted to Council prior to the release of the Construction Certificate.</i></li> <li><i>5.</i></li> </ol>

	<p>6. <i>To read:</i></p> <p>7.</p> <p>8. <i>The Developer shall pay a Sewerage Headworks charge as listed in Councils Fees and Charges and Council shall provide a “point of connection” at the lowest point of the development site in respect of the sewerage and a connection point at the highest and lowest point of the property in respect of water. The subject fee shall be paid prior to the issue of a Subdivision Certificate.</i></p>
Applicant Reasoning	<i>Proposal was made by Council and accepted by the developer.</i>
Council Assessment (Item 3)	<p><i>Council’s Planner’s Assessment:</i> Council’s Water, Wastewater and Waste Officer advised that the original condition can be removed relating to work to be completed on the sewerage pumping station as the development contributions will be Council’s methodology for works being completed on downstream infrastructure, particularly as some of this work has already been completed and included in the funding models for the DSP.</p> <p>As such, suitable conditions have been placed on the consent in this regard.</p>
<b>Proposed Modification: Item 4</b>	
Modification	<p>Proposal provides for an amendment to the road construction standards and technical requirements.</p> <p>The applicant proposes to amend condition 59 that reads:</p> <p><i>59. That all batters do not exceed a maximum of 1:5.</i></p> <p>To be:</p> <p><i>All batters are to comply with the provisions of 2.3.4.4 of the Lithgow City Council Engineering Design and Construction for Development Guidelines</i></p>
Applicant Reasoning	<p>Condition 59 is currently not framed in accordance with the provisions of 2.3.4.4 of the Lithgow City Council Engineering Design and Construction for Development Guidelines.</p> <p>Condition 59 does not adequately allow for the permissible designs. Condition 59 is too restrictive and therefore unreasonable.</p>
Council Assessment (Item 4)	<p>Council has no objection in principle to this proposal and supports modifying the condition to read as follows:</p> <p><i>Note: all batters adjacent to proposed residential lots do not exceed a maximum of 1:4 for demonstrating potential driveways for proposed lots can be constructed in accordance with AS2890.1 – the maximum gradient of domestic driveways shall be 1:4 (25%).</i></p>
<b>Proposed Modification: Item 5</b>	
Modification	<p>The applicant proposes to amend condition 60 that reads:</p> <p><i>60. That the maximum road grade does not exceed 12%.</i></p> <p>To be:</p> <p><i>Road grades are to be determined by and comply with the provisions of 2.3.5.2 of the Lithgow City Council Engineering Design and Construction for Development Guidelines</i></p>

Applicants Reasoning	<p>Condition 60 is currently not framed in accordance with the provisions of 2.3.5.2 of the Lithgow City Council Engineering Design and Construction for Development Guidelines.</p> <p>Condition 60 does not adequately allow for the permissible road designs for the subject development.</p> <p>Condition 60 is too restrictive and therefore unreasonable from a development and engineering perspective.</p>
Council Assessment (Item 5)	Council has no objection to the proposed modification of the condition. The difference is that grades of up to 16% may be permissible on straight roads for a maximum distance of 150m in accordance with Council's engineering design guidelines.
<b>Proposed Modification: Item 6</b>	
Modification	<p>The applicant proposes to amend condition 63 that reads:</p> <p><i>63. Internal roads shall have a minimum of 150mm (subject to testing) of DGB-20 road base applied and compacted providing a smooth transitional surface. The road surface of roads 02, 03, and 04 are to be constructed to an 8m wide formation within a 15m minimum road reserve. The road surface of road 01 is to be constructed to a 11m wide formation within a 20m minimum road reserve. Where appropriate roads are to be surfaced with a finished seal to 14/7 hot bitumen spray. Turning circles are to be 40mm hotmix/AC Roll top kerb and guttering is to be provided on both sides of all internal roads. Geotechnical compaction tests and visual deflection testing are to be undertaken and to be approved by Council prior to the application of seal.</i></p> <p>To be:</p> <p><i>Internal roads shall have a minimum of 150mm (subject to testing) of DGB-20 road base applied and compacted and providing a smooth transitional surface. The road surface of roads 01, 02, 03, 04 and 05 are to be constructed to an 8-meter-wide carriageway within a 15-meter-wide road reserve. The road surface of the main road in the Plan of Subdivision by Voerman &amp; Ratsep CAD File – 21130B04a (connecting to Bundara Close) is to be constructed of an 11-meter-wide carriageway within a 20-meter-wide road reserve. Roads are to be surfaced with a finished seal of 14/7 hot bitumen spray. Turning circles are to be 40mm hot mix. Roll top curbs and guttering is to be provided on both sides of all internal roads.</i></p>
Applicant's Reasoning	To redefine/identify the proposed subdivision roads in accordance with the Plan of Subdivision by Voerman & Ratsep dated June 2021.
Council Assessment (Item 6)	The applicant and Council previously had discussions in relation to this amendment dated 4 November 2020. As such Council has no objection to the modified condition to include Road-05 stated on the plans should the amended approved layout plan be approved. The last sentence on the original consent condition should also be included.
<b>Proposed Modification: Item 7</b>	
Modification	The applicant proposes to amend condition 71 in relation to the timeframe of the maintenance bond for the bio-retention basin.
Applicant's Reasoning	The applicant proposes to include an additional condition to include a 2 year period for the maintenance bond for the bio-retention basin.
Council Assessment (Item 7)	Council is satisfied to amend the condition to include a separate bond for the bioretention basin.

<b>Proposed Modification: Item 8</b>	
Modification	The applicant proposes to amend condition 109 that reads:  <i>109. The lot layout of the subdivision shall be as shown on the Proposed General Arrangement Layout Plan prepared by LandTeam Australia Pty Ltd (Dwg No. 206152 DA01, Rev. B; dated 18 July 2014). No revised lot layout or staging of the subdivision that will impact on water quality shall be permitted without the agreement of the Sydney Catchment Authority.</i>
Applicant's Reasoning	To reflect WaterNSW Requirements.
Council Assessment (Item 8)	Council is satisfied for the condition to be amended to reflect the amended plans and as per WaterNSW requirements.
<b>Proposed Modification: Item 9</b>	
Modification	The applicant proposes to amend condition 113 that reads:  <i>113. The subdivision roads and access ways shall be located and constructed as shown on the Proposed General Arrangement Layout Plan prepared by LandTeam Australia Pty Ltd (Dwg No. 206152 DA01, Rev. B; dated 18 July 2014), but with the following specifications and requirements:</i> <ul style="list-style-type: none"> <li>• <i>be sealed and otherwise constructed in accordance with Council's engineering standards</i></li> <li>• <i>incorporate a two-way crossfall, as appropriate, with runoff to be collected via a series of pits and pipes and directed to various water quality treatment measures detailed in the following conditions, and</i></li> <li>• <i>incorporate inlet filters (EnviroPod 200 or Sydney Catchment Authority approved equivalent) on all inlet pits.</i></li> </ul>
Applicant's Reasoning	The proposed Plan of Subdivision is to be modified by the Plan of Subdivision by Voerman & Ratsep Surveyors dated June 2021 CAD File – 21130B04a and Condition 113 will become ambiguous.
Council Assessment (Item 9)	Council is satisfied for the condition to be amended to reflect the amended plans and as per WaterNSW requirements.
<b>Proposed Modification: Item 10</b>	
Modification	The applicant proposes to amend condition 115 that reads:  <i>115. All stormwater management measures as specified in the MUSIC Model Assessment Report (dated 18 July 2014) and Concept Drainage Plan (Dwg. No. 206152 DA24, Rev A; dated 6 June 2014.) all prepared by LandTeam Australia Pty Ltd, shall be implemented, in particular as elaborated or varied in the following conditions.</i>
Applicant's Reasoning	Stormwater Plan and MUSIC model is to be replaced by Stormwater Plan by Williams Consulting Engineers Australia Pty Ltd.
Council Assessment (Item 10)	Council is satisfied for the condition to be amended so as to reflect the amended plans. Condition 115 has been amended accordingly.
<b>Proposed Modification: Item 11</b>	
Modification	The applicant proposes to amend condition 124 that reads:  <i>124. The Soil and Water Management Plans prepared by LandTeam Australia Pty Ltd (Dwg. No. 206152 DA22 and DA23, Rev A; dated 6 June 2014.) shall be updated by a person with knowledge and experience in the preparation of such plans for all works proposed or required including for the filling of the existing dam and works in the natural drainage lines. The</i>

	<i>Plans shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual the "Blue Book" and shall be developed in consultation with the Sydney Catchment Authority <b>prior</b> to the issuance of a construction certificate.</i>
Applicant's Reasoning	The Plans by the LandTeam are to be replaced by the Plans of Williams Consulting Engineers Australia Pty Ltd.
Council Assessment (Item 11)	Council is satisfied for this condition to be amended to reflect the amended plans and as per WaterNSW requirements.

## Policy Implications

### Lithgow Community Participation Plan

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 11 January 2023 and concluded 3 February 2023.

As the modification proposes to impact nearby neighbours, the proposed development was placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners have been notified of the proposal. The proposal documents were placed on public exhibition for 21 days in accordance with the Participation Plan.

During the notification period for the modification of consent, nine (9) submissions were received. These submissions are detailed below:

1. *Impacts of the proposed and existing infrastructure (drainage, sewer and electricity),*
2. *Potential impact from the Emergency Access via Road 2,*
3. *Certainty that the bridge would be constructed,*
4. *Guarantee that the existing bridge would not be utilised for the construction of the subdivision,*
5. *Suitability and safe access for the existing Marrangaroo Field residents, for the future of the subdivision and during construction given the increase in traffic movements, as the bridge is only formal access to the Highway. Concerns are further raised with large vehicles utilising the proposed right of carriageway to the rail boom gates.*
6. *The removal of the footways would create safety issues, including around the streets, playground and bus stops.*

### Council's Assessment Officer's Response:

1. All infrastructure assets will be required to be upgraded to comply with all legislations, this includes providing an adequate bioretention system for drainage purposes. As for during the development period, the electricity supply and telecommunications will be undertaken by the relevant authorities. The modification as such will incur additional impacts from the original assessment of the application in this regard.
2. The original approval contained an emergency access road within the same corner of the property as the proposed modification. As shown in the plans earlier in this report, the emergency access road will be provided from the end of the cul-de-sac rather than between proposed allotments on the original approval. As such it is considered that the location of the amended emergency access road will be shorter in length and limit impacts to potential new property owners. The location of the amended access road is therefore considered to be more beneficial and suitable for the development. The original conditions relating to the emergency access road will remain on the consent.
3. The modification does not propose to amend the bridge construction and as such the original conditions remain on the consent stating:

*Condition 56: That the bridge and intersection construction is to be completed and signed off by a Structural Engineer, Council, John Holland Rail Pty Ltd and the Roads and Maritime Services prior to a Construction certificate being issued relating to the proposed subdivision. (NB – The issue of the construction certificate for subdivision works cannot occur until the bridge and intersections are completed in accordance with this condition).*

4. The construction of the new bridge would be utilised for the construction of the subdivision.
5. As previously stated, the new bridge is to be constructed prior to the issue of a Construction Certificate for the subdivision development. The modification is not proposing to amend or create additional impacts to the existing Marrangaroo Estate then what was previously assessed as part of the original assessment.
6. The footpath conditions will remain on the consent.

#### **Policy 7.6 Development Applications by Councilors and Staff or on Council Owned Land**

This Policy states:

*3. This policy does not apply to applications for the modification of development consent unless the modification represents a significant departure from the original application. However, staff cannot assess or determine modification applications involving their development; their land; or development or land involving their immediate family.*

As per the original application, the development requires access across Council land.

#### **7.7 Calling in of Development Applications or Development Application/Construction Certificates by Councillors**

This Policy states:

*4. This policy does not apply to applications to modify development consents unless the modification represents a significant departure from the original application; would involve issues the subject of an objection with the original application; or where the modification application itself has been called in under the processes outlined in this policy.*

The original and modification application were both called in and reported/determined at previous Council meetings.

The current modification was subsequently 'called in' and reported at Council's Ordinary Meeting dated 27 February 2023. As such the development further complies with clause 3 of Council's 7.7 Policy as stated below:

*3. Should written notice signed by a Councillor be provided to the General Manager prior to determination of a development application, the application shall not be determined under delegated authority but shall be:*

- *Reported to the next available Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and*
- *Reported to a Meeting of Council for determination where the application is in a state that it can be determined.*

### **Policy 1.3- Acquisition and Disposal of Assets**

As per the original application, this application requests the use of Council land to construct a road to the proposed development from Bundarra Place. This road, once completed, will be dedicated back to Council as part of the subdivision Certificate release process. The land is known as Lot 68 DP813538.

Once the subdivision has been constructed and finalised, all roads will be dedicated as public roads under Council control.

The dedication of this land is not proposed to change as part of this application.

The modification however proposes an amended water quality treatment devices that involves a proposed "Filtrerra" bioretention basin. This bioretention basin was accepted by Council's Director of Infrastructure; Jonathon Edgecombe, on 14 August 2023.

### **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 - Nil.
- Future potential impact - The Voluntary Planning Agreement will be amended should the application be approved to assist Council to provide facilities which will be of benefit towards a public purpose.

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

The proposed development requires consent in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and 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. The matters of relevant under Section 4.15 of the Act have been addressed in the attached Planning Assessment Report and is considered to demonstrate compliance with the relevant regulatory requirements.

### **Attachments**

1. MOD DA 052/22 - Proposed Subdivision Modification Lot Layout Plan [**10.2.1.1.1** - 1 page]
2. MOD DA052/22- Original Approved Plans as per DA245/13 [**10.2.1.1.2** - 1 page]
3. Council Assessment Report (1) [**10.2.1.1.3** - 57 pages]

### **Recommendation**

THAT

1. Development application MODDA052/22 relating to DA245/13 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.

## 10.2.2. People and Places General Reports

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### 10.2.2.1. P&P - 25/09/2023 - Six Month Progress Report (Jan - June)

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**Prepared by** Deborah McGrath - Corporate Planning and Communications Officer  
**Department** Corporate Reporting and Communications  
**Authorised by** Director of People and Places

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#### Reference

Min No. 23-27 Ordinary Meeting of Council held on 27 February 2023.  
Min No. 22-114 Ordinary Meeting of Council held on 27 June 2022.

#### Summary

This report provides Council with the January – June 2023 summary of progress against the combined 2022-2026 Delivery Program and 2022/23 Operational Plan activities.

#### Commentary

The Local Government Act 1993 S404(5) states:

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

The Progress Report against actions in the combined 2022-2026 Delivery Program and 2022/23 Operational Plan has been compiled in accordance with the requirements of the Local Government (General) Amendment (Planning and Reporting) Regulation 2009. A copy of this report has been provided to Councillors with the Business Paper. A summary (which appears in the report as a General Manager’s comment) is below.

#### General Manager's comment

This report provides a summary of the achievements the Council has made towards delivering on the Community Strategic Plan.

72% of actions scheduled for the 2022/2023 year have been completed, 9% are ongoing, 10% have been deferred and 9% are not completed. Detailed explanations are provided where actions are ongoing, deferred or not completed. These will receive additional attention over the current financial year.

Key outcomes delivered over the six months which this report relates to include –

- Completion of a review of insurance providers with a \$336K saving for the 2023/24 year.
- Achievement of \$3.8M planned cost savings and extra revenue.
- Preparation and approval of a 45.7% Special Rate Variation application.
- Completion of a development application for the South Bowenfels Housing Development.
- The Donkey Steps track was completed with access re-instated to residences and businesses. Substantial studies were commenced to determine the alternate route for the new Wolgan Road.
- Portland Foundations Trunk Main was connected and installed for future development which will enable the continuation of works on the Portland Foundations site for development.
- The Waste Strategy for 2022-2026 was finalised and adopted. This Strategy will guide Council’s commitment to achieving best practice standards for waste management and resource recovery.



- Consultation also commenced with the community on the introduction of a FOGO (Food Organics and Garden Organics) service well ahead of the 2030 deadline.
- The city's landfills and transfer stations are being well-managed and continuously improved.
- Major events included Lithgow with over 5000 people attending, Lithgow Live and Local program, Union Theatre activation and Netwaste Waste to Art.
- Council undertook numerous projects, as part of a comprehensive disaster response program. Over the 2022/23-year, Council delivered \$19 million in disaster recovery works. Continued wet weather and cashflow management has resulted in some delays to the completion of this program. Council must also provide up-front most of the costs before recovering government disaster recovery funding. This has introduced a significant challenge i.e., balancing the planned with the unplanned and ensuring that projects are delivered while maintaining the financial sustainability of the organisation.
- Effective management of cashflow to fund major natural disaster works and grant funded projects. A \$3.5M working capital short-term loan facility was utilised to cover high cash outflows throughout the 2022/23 year. The pace of works was matched with available cash and the timing of natural disaster and grant milestone claims. The need to manage cashflow resulted in some projects being rephased to the 2023/24 year.
- The Clarence to Wallerawang Pipeline Project (multi-year project) 2022/23 has progressed with a variety of studies being undertaken and an Expression of interest for a selective tender process for the design and construction of the pipeline. The project has been identified as the preferred approach for enabling water security in the Lithgow City Council area and sub options including other water sources are being developed into scenarios for development in the Integrated Water Cycle Management Strategy.
- The Cullen Bullen Sewerage Scheme is progressing with the construction of the IDEA tank, offsite programming and SCADA design to align the equipment programming with required operations and construction.

### **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**

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

### **Attachments**

1. 6 Month Progress Report January - June [**10.2.2.1.1** - 148 pages]

### **Recommendation**

THAT Council receive and endorse the January – June 2022 Progress Report for the combined 2022-2026 Delivery Program and 2022/23 Operational Plan

## 10.3. Infrastructure Services Reports

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### 10.3.1. I&E - 25/09/2023 - Replacement of Grader

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**Prepared by** Paul Creelman – Transport Manager

**Department** Infrastructure Services

**Authorised by** Director Infrastructure Services

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#### **Summary**

This report summarises the process for the replacement of one (1) of Council's graders, and seeks Council's approval to purchase a replacement machine.

#### **Commentary**

##### **Background**

Council's graders are used for the repair and maintenance of the city's extensive road network. One of these is overdue for renewal. It is located at the Wallerawang Depot, along with other rural construction team plant and equipment. The machine currently experiences frequent breakdowns, and parts have become harder to obtain, because the manufacturer no longer makes graders.

A request for tenders was issued through vendor panel lists. Responses were received from four (4) suppliers:

- Earthmoving Equipment Australia Pty Ltd. (Luigong Grader 423D);
- Komatsu Australia Pty Ltd. (Komatsu GD 655-7);
- RDO Equipment Pty Ltd. (John Deere 620 GP); and
- Westrac Pty Ltd. (Caterpillar 140).

#### **SUMMARY OF TENDER RESULTS**

Detailed below are the points noted by Council's Tender Evaluation Panel, which included:

- Transport Manager;
- Acting Plant Manager;
- Acting Workshop Leading Hand; and
- Two (2) current Operators.

#### **Luigong 423D**

- Lowest in price.
- New to the market in Australia.
- Warranty 4 years, 6000 hours.
- Concerns from mechanical perspective.
- Vulnerability of computer for transmission.
- Mounting of rear rippers seemed a bit light.
- Unsure where hydraulic filters are located, it could not be shown.
- Unproven reliability.
- Unsure about supply of spare parts.
- Would likely have a low resale value.

#### **Operators' Comments**

- Rough ride when Grading.
- Controls confusing, not labelled clearly.
- Only had big roll over ripper shank. No rippers at the rear of the machine Company did say they could have rippers modified. This is also a concern on reliability.
- Company was unable to demonstrate float on the day of test.

#### **Panel Recommendation - Decline**

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**Komatsu GD 655-7 – price \$516,560 (including GST)**

- Second lowest in price.
- Need to check if a belly can be fitted for engine component protection.
- Service points are all quite easily accessible.
- Good Warranty - 5 years 6000 hours.
- Komatsu include 1<sup>st</sup> year servicing within the original purchase price (only charge for travel).
- Available March / April 2024

**Operators' Comments**

- Happy with power and layout of the controls.
- Slight concern with position of forward / reverse lever position.
- Only supplied with up / down bull blade (not a concern by the Operators).
- Everyone involved in the selection process agreed that this grader offers the best value for money.

**Panel Recommendation - Accept**

**Caterpillar 140**

- Third lowest in price.
- Warranty 3 years, unlimited hours
- Mechanically staff have had no real problem with our current Cat 12M which we have had since 2010.
- Good power.
- Operators like the option of still having a steering wheel. This is the only grader offered that has no steering wheel.
- Availability - around 8 Months from date of order.

**Panel Recommendation - Decline**

**John Deere (JD) 620 GP**

- Highest in price
- Good power.
- Controls are somewhat confusing.
- JD have an innovative idea with a bearing circle turn. However, this was not included in the quote. This is an extra cost of approximately \$12,500.
- Thoughts were that while this was a good grader, the extra price could not be justified.
- Warranty - 5 years, 5000 hours.

**Panel Recommendation - Decline**

Once a new grader arrives at Council and it has been embedded into to Council's works team, the existing grader will be sold, with funds returned to the plant replacement reserve.

**Policy Implications**

Nil.

**Financial Implications**

- Budget approved - \$2,423,826- total plant budget for the fiscal year.
- Cost centre - 100025
- Expended to date - \$983,670.
- Future potential impact - \$469,600 excluding GST.

**Legal and Risk Management Implications**

Nil

**Attachments**

Nil

**Recommendation**

THAT Council approve the purchase of the Komatsu GD 655-7 grader from Komatsu Australia Pty Ltd for a cost of \$469,600, excluding GST (\$516,560 including GST).

### **10.3.2. I&E - 25/09/2023 - Acceptance of Road Sealing Tenders - Asphalt and Spray Sealing**

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**Prepared by** Paul Creelman - Transport Manager

**Department** Infrastructure & Economy

**Authorised by** Acting Director Infrastructure & Economy

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#### **Summary**

Council uses the services of external companies to seal Council's roads for storm rehabilitation, capital works and urgent works that arise. There are two (2) types of seal - a spray seal and an asphalt seal.

A separate tender was recently conducted for both types of seals.

The Council staff involved in the selection of the eligible tenders were:

- Transport Manager;
- Engineering Officer; and
- Building and Recreation Manager.

Of the selected suppliers, a panel will be established so that as each project requires road sealing, quotes will be requested from each accepted supplier to get the best value price for the specific seal.

#### Tender VP344755 - Asphalt Sealing

The tender was sent out to six (6) companies with the following four (4) responses received:

1. Asphalt Laying Services P/L - Acceptable
2. Bernipave Road Solutions P/L - Acceptable
3. Downer EDI - Acceptable
4. State Asphalt Services P/L - Declined

Of the four (4) respondents above, State Asphalt did not supply required information regarding site costs and additional charges as requested, and thus were declined as an accepted contractor. The other three (3) suppliers were acceptable to be placed on a panel for future procurement based on the information received and responses to questions.

#### Tender VP344847- Spray Sealing

The tender was sent to five (5) companies with following three (3) responses received:

1. All Pavement Solutions P/L - Acceptable
2. Fulton Hogan Industries P/L - Acceptable
3. State Asphalt Services P/L - Declined

Of the responses received, again State Asphalt Services did not supply information regarding site costs and additional charges, and as such their submission was declined as an accepted contractor. All Pavement Solutions and Fulton Hogan were acceptable to be placed on a panel for future procurement based on the information given and schedule of rates received.

These tenders will be in place until the end of the 2023 / 24 financial year and will be applicable to a number of capital and operational projects approved in Council's Operational Plan and Delivery Program, as well as any emergency works that may arise.

### **Policy Implications**

The acceptance of tenders followed all requirements of Council's adopted procurement and tendering Policies, including Policy 1.4 Tendering, Policy 1.7 Local Procurement, and Policy 9.7 Tenders – Canvassing / Lobbying of Councillors and staff.

### **Financial Implications**

- Budget approved – The budget to seal Council roads has been approved on the ledgers below (and other maintenance activities as required).
- Cost centre –100748, 100754, 100861,100879, 100877, 100757, 100863 as well disaster recovery ledgers
- Expended to date - Nil
- Future potential impact – Nil

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

Nil

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Approve the use of Asphalt Laying Services P/L, Bernipave Road Solutions P/L and Downer EDI as a panel for Council to use in the sealing of roads in asphalt until 30 June 2024.
2. Approve the use of All Pavement Road Solutions and Fulton Hogan Industries as a panel for Council to use in the sealing of roads in spray seal until 30 June 2024.
3. Delegate authority to the General Manager to execute all necessary contract documentation.

## 10.4. Water and Wastewater Reports

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### 10.4.1. WWW - 25/09/2023 - Waste Operational Budget Variation - Hook-Lift Truck and Operator

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**Prepared by** Nigel Campbell – Waste & Recycling Manager  
**Department** Waste & Recycling  
**Authorised by** Executive Manager Water, Wastewater and Waste

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#### Summary

The purpose of this report is to recommend a variation to the Waste operational and capital budgets to allow the purchase and operation of a hook-lift truck for Waste service operations.

#### Commentary

##### Current operation

Council currently operates 5 rural waste transfer stations located at Angus Place, Glen Davis, Hampton, Meadow Flat and Tarana. These sites are set up with skip bins typically 23 cubic metres in volume. Under the current Waste Services Contract, JR Richards provide a hook-lift truck to service (i.e., collect, empty, then replace) these bins and deliver collected waste to Lithgow Solid Waste Facility. The frequency of collections is determined by Council and depends on waste volumes.

In 2022/23 Council spent ~\$133,000 under the Waste operational budget (PJ 800098) to service skip bins at the rural transfer stations.

In addition to the rural transfer stations, Council recently commenced operation of the new Resource Recovery Centre (RRC) at Lithgow Solid Waste Facility. A key operation at the RRC is the provision of similar sized skip bins at the small vehicle drop off area for separation of recyclable products (e.g., scrap metal, green waste, timber) along with a residual waste bin for landfilling.

Following a Request for Quotation process in 2022, Council entered an agreement with JR Richards to service skip bins at the RRC in addition to servicing rural transfer stations under the Waste Services Contract. It is noted that servicing of bins for the RRC was not included in the original Waste Services tender scope, hence this work is not included in the current Waste Services Contract. It is also noted that the decision to engage a contractor to service these bins was based on the unknown servicing frequency at the new RRC, along with staff time constraints to thoroughly develop a Business Case to commit to the purchase of plant and commitment to employing another permanent staff member.

Based on the initial 4 weeks of operation, it is estimated the servicing of skip bins at the RRC will cost ~\$45,000 per annum. This amount is already included in the Waste operational budget for Lithgow Solid Waste Facility (PJ 800102).

In summary, the current total cost per annum to service skip bins is **\$178,000**. This amount can vary depending on collected waste volumes.

##### Proposed Council purchase and operation of hook-lift truck

Market estimates for the purchase of a new 8 wheeled hook-lift truck indicate an upfront purchase price of ~\$360,000. The actual cost will be determined through a formal tender process.

Based on an assumed purchase price of \$360,000, and a residual value of \$120,000 after 10 years, it is expected that the purchase of a hook-lift will cost \$24,000 per year over 10 years.

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Staff at Lithgow Solid Waste Facility will need the required licence to operate the truck. This will maximise the use and flexibility of the truck which is beneficial in a 7 day per week operation. The additional staff member will not be engaged until after the truck tender process.

A summary of annual costs is presented below:

Item	Annual cost
Plant purchase (over 10 years)	\$24,000
Operating costs	
Fuel & lubricants (based on 35,000 km/year)	\$15,000
Maintenance	\$15,000
Other (rego, insurance, ad-hoc repairs etc.)	\$12,000
Operator (salary including on-costs)	\$100,000
<b>TOTAL COST PER ANNUM</b>	<b>\$166,000</b>
Current cost per annum	\$178,000
Estimated savings	\$12,000

### Budget impact

The above predicted costs indicate a recurrent budget saving of ~\$12,000 per annum. The upfront purchase can be funded through the Waste Reserve. Should the purchase be greater than \$360,000, there are sufficient funds in the Waste Reserve to cover this amount. The Domestic Waste Reserve had a balance of over \$7M at 30 June 2023.

The current costs using JR Richards do not include future costs of additional transfer stations. Council has already commenced assessment of options for a transfer station at Capertee in preparation for closure of the landfill. It is expected a transfer station at Capertee will add a further \$26,000 in skip bin servicing costs. Should Council be operating their own truck, these costs will be reduced.

As the costs are expected to reduce, the actual budget impact will be the ongoing \$166,000 per year commitment.

### Timing

Under the terms of the Waste Services Contract with JR Richards, Council has exercised the 2 x one-year extensions from the original expiry date of 3 November 2023 until 3 November 2025. Under the terms of extension, Council can take over skip bin servicing with 3 months' prior notice to JR Richards.

The timing will be dictated by the expected lead time for delivery of a new hook-lift truck – this may be significant and up to 12 months or more. An expected delivery timeframe will not be known until after the tender process. It is highly likely that a new truck (and new staff member) will not occur until the 2024/25 financial year. This Council report is being prepared to allow changes to the Waste budget and staffing in case a hook-lift truck becomes available in the current financial year.

### Tender process

The actual cost for the purchase of a hook-lift truck will be determined through a formal tender process. A formal tender is required where an item or service will exceed a value of \$250,000. The tender will determine both the cost and availability.

A panel will be formed to assess tenders.



### **Additional benefits of Council hook-lift truck operation**

There are numerous benefits in Council operating their own hook-lift truck including:

- Flexibility to empty bins more regularly and provide additional bins;
- Ability to use the truck for other Waste operations when other vehicles are hired;
- Ability to use the truck in other Council areas; and
- Additional staff to cover day to day operations if/when required.

### **Policy Implications**

Nil.

### **Financial Implications**

- Budget approved - \$167,425 (800098-63130), \$615,000 (800102-61164)
- Cost centre - 800098 and 800102
- Expended to date - \$13,776 (800098-63130), \$41,702 (PJ 800102-61164)
- Future potential impact – estimated \$166,000 p.a. cost ongoing, as well as estimated savings of \$12,000 p.a.

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

Nil.

### **Attachments**

Nil

### **Recommendation**

THAT Council:

1. Endorse a variation to the Waste operational and capital budgets and the calling of tenders to purchase a hook-lift truck (total estimated cost of approximately \$402,000 - truck \$360,000, operating costs \$42,000).
2. Endorse the addition of a Full-Time Equivalent (FTE) waste services staff member at an estimated cost of \$100,000 p.a. (including on-costs), subsequent to this service being brought in-house.

## 10.5. Finance and Assets Reports

### 10.5.1. F&G - 25/09/23 - Investment Report August 2023

**Prepared by** Sharon Morley – Finance Officer  
**Department** Finance

**Authorised by** Chief Financial & Information Officer

#### Reference

Min No 23-154 Ordinary Meeting of Council held on 28 August 2023.

#### Summary

The purpose of this report is to advise Council of investments held as at 31 August 2023 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council policy. The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves.

#### Commentary

##### Movements in the Cash and Investments Balance

Council's total investment portfolio as at 31 August 2023, when compared to 31 July 2023, has increased by \$3,049,466 to \$42,250,000. Investments increased from \$39,200,534 to \$42,250,000. Cash in Council's bank account increased from \$884,074 to \$2,265,618.

The \$4.4M increase in cash and investments is mainly due to the ordinary business of Council, with a rates instalment due in August. Cash outflows remained high, with \$5.3M of Accounts Payable invoices paid.

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

The movement in Investments for the month of August 2023 were as follows:

Opening Balance of cash and investments as 01 August 2023	\$40,084,608
Plus New Investments – August 2023	\$10,431,010
Less Investments redeemed – August 2023	-\$6,000,000
Closing Balance of cash and investments as at 31 August 2023	\$44,515,618

**CFIO comment on the cash and investments balance** – the \$4.4M increase in cash and investments in August 2023 was generally anticipated due to high cash inflows partly offset by large invoice payments. Cash outflows are being managed to ensure that the timing of natural disaster claims and grant funding milestones matches the pace of works undertaken.

High value Accounts Payable transactions included \$770K for natural disaster road remediation works, \$349K for Farmers Creek remediation works, \$207K for 2022/23 energy invoices, \$108K for water purchases, \$111K for replacement vehicles, \$211K to Public Works Advisory (Donkey Steps), \$103K for Joint Organisation membership, \$592K for Cullen Bullen Sewer Scheme, \$230K for Upper Macquarie County Council membership, \$124K for a workers compensation premium instalment and \$178K for domestic waste collection

## Funding Requirements for Restricted Reserves

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

**CFIO comment on restricted reserves** – Council had sufficient cash and investments at 30 June 2023 to fund \$29.6M of externally restricted reserves and \$13.3M of internally restricted reserves.

The Administration took action to initiate a \$3.5M working capital short-term loan facility to cover anticipated and ongoing high cash outflows for grant funded capital projects and claimable natural disaster recovery works. The loan amount is reviewed quarterly. The use of the loan for these purposes accords with Council's resolved policy position.

## **Policy Implications**

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

## **Financial Implications**

- Interest income budget approved – \$1,662,000
- Cost centre - 3259
- YTD Income to date - \$346,658
- Future potential impact – Nil.

Council's interest income for 2023/24 is over budget for year-to-date. Investment returns have increased with Council being able to achieve up to 5.7% return on six month term investments. More recently with the pause on increasing interest rates, Council is obtaining returns around 5.0%. Also, Council's average investment balance has been above the budgeted average investment balance of \$39M, which is mainly due to the \$6M upfront payment of the 2023/24 Financial Assistance Grant.

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

## **Legal and Risk Management Implications**

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

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

## **CERTIFICATION OF THE RESPONSIBLE ACCOUNTING OFFICER**

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

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

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

### **Attachments**

1. August 2023 Investment Attachment [**10.5.1.1** - 1 page]

### **Recommendation**

THAT:

1. Investments of \$42,250,000 and cash of \$2,265,618 for the period ending 31 August 2023 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

## 10.6. Policies and Governance

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## 11. Council Committee Reports

### 11.1. 25/09/2023 - IS&E - Operations Committee Meeting Minutes - 7th August 2023

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**Prepared by** Kaitlin Cibulka – Executive Assistant  
**Department** Infrastructure and Economy  
**Authorised by** Director of Infrastructure and Economy

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#### Summary

This report provides details of the minutes of the Operations Committee Meeting held on 7 August 2023.

#### Commentary

At the Operations Committee Meeting held on 7 August 2023, numerous items were discussed by the Committee including:

- Asset Management Improvement Project – Progress Update (W&WW);
- Portland/Sunny Corner Road, Portland – Proposed Bus Stop;
- Council Response – Independent Review of Commonwealth Disaster Funding; and
- Project Progress Report

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

Item 7.1 - Great Western Highway – Maintenance – Entrance to Lithgow

#### RECOMMENDATION

THAT

1. Council note the information provided regarding Great Western Highway maintenance.
2. The additional information in response to Councillor enquiries be brought back to the 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 - Operations Committee Meeting - 7 th August 2023 [11.1.1 - 9 pages]

#### Recommendation

THAT

1. Council note the minutes of the Operations Committee Meeting held on 7 August 2023; and
  2. Council note the information included in the minutes regarding Great Western Highway maintenance and that the additional information in response to Councillor enquiries be brought back to the Committee.
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## 11.2. 25/09/2023 - IS&E - Sports Advisory Committee Meeting Minutes - 9th August 2023

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**Prepared by** Kaitlin Cibulka – Executive Assistant  
**Department** Infrastructure & Economy  
**Authorised by** Director of Infrastructure and Economy

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### Summary

This report provides details of the Minutes of the Sports Advisory Committee Meeting held on 9 August 2023.

### Commentary

At the Sports Advisory Committee held on 9 August 2023, there were numerous items discussed by the Committee including:

- Financial Assistance Requests;
- 2023 LJ Hooker Reg Cowden Memorial Awards; and
- Booking Requests.

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

Item 9 – New Members

RECOMMENDATION:

THAT Council accepts Nicholas Kenniff and Mark McAuley as the Sports Advisory Committee representatives from Lithgow District Senior Cricket and Lithgow Table Tennis Club

### 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 - 9 th August 2023 [11.2.1 - 8 pages]

### Recommendation

THAT

1. Council note the minutes of the Sports Advisory Committee Meeting held on 9 August 2023; and
2. Council accepts Nicholas Kenniff and Mark McAuley as the Sports Advisory Committee representatives from Lithgow District Senior Cricket and Lithgow Table Tennis Club.

### 11.3. P&P - 25/09/2023 - Environmental Advisory Committee Minutes - 16 August 2023

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**Prepared by** Fiona Dick – Administration Assistant  
**Department** Environment  
**Authorised by** Executive Manager Water & Wastewater  
Matthew Trapp

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#### **Summary**

This report provides details of the Minutes of the Environmental Advisory Committee held on 16 August 2023.

#### **Commentary**

At the Environmental Advisory Committee held on 16 August 2023 the following items were discussed: -

1. Hassans Walls Reserve Track & Trail.
2. Farmers Creek Works.
3. Threatened Species Habitat at Lithgow Solid Waste Facility.
4. Lake Pillans Wetlands Reserve Planning.
5. There were 4 other items in the Business Paper which were discussed as per the attached minutes.

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

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

Nil

#### **Attachments**

1. Draft Minutes - Environmental Advisory Committee - 16 August 2023 [11.3.1 - 6 pages]

#### **Recommendation**

THAT Council note the minutes of the Environmental Advisory Committee held on 16 August 2023.

## **11.4. 25/09/2023 - IS&E - TALC Committee Meeting Minutes - 7th September 2023**

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**Prepared by** Kaitlin Cibulka – Executive Assistant  
**Department** Infrastructure and Economy  
**Authorised by** Director of Infrastructure and Economy

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### **Summary**

This report provides details of the Minutes of the TALC Committee meeting held on 7 September 2023.

### **Commentary**

At the TALC Committee meeting held on 7 September 2023, there were numerous items discussed by the Committee including:

- McKanes Falls Road , South Bowenfels – Request for Reinstatement of Load Limit;
- Tour De Cure Bicycle Event;
- 2023 Alpine Classic Road Event; and
- 2023 Lithgow Halloween Event.

However, these items were outside the Committee's delegations and require Council to formally approve the recommendations.

### **Policy Implications**

Nil

### **Financial Implications**

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

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

Nil

### **Attachments**

1. DRAFT Minutes TALC Committee Meeting 7th September 2023 [11.4.1 - 7 pages]

### **Recommendation**

THAT Council:

1. Note the minutes of the TALC Committee meeting held on 7 September 2023; and
2. Reinstate the 5 tonne load limit on McKanes Falls Road, South Bowenfels between Great Western Highway and Jenolan Caves Road to improve safety for road users, and to preserve the structural integrity of the road; and
3. Grant permission to conduct the Tour De Cure bicycle event travelling through Lithgow on Monday, 6th of November 2023, subject to permission being granted by TfNSW and NSW Police Road Events; and
4. Endorse the 2023 Alpine Classic road event on local roads in the Lithgow Local Government on 14th and 15th October 2023 provided verification of the approval from NSW Police is provided; and
5. Approves the Traffic Management Plan for the 2023 Lithgow Halloween event, including the following temporary road closures between 10.00am Saturday, 28th October 2023 until 1.00am Sunday, 29th October 2023:
  - a. Main Street, Lithgow between Sandford Avenue and Bridge Street.
  - b. Eskbank Street, between Main Street Lane and Railway Parade.
  - c. Station Street, between Main Street and Station Street Carpark.
  - d. Burns Lane (Bank Lane) between Main Street and Main Street Lane.



## 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.

## 13. Closed Council

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### 13.1. WWW - 25/09/2023 - Waste Services Contract - New Recycling Supply Agreement

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**Authorised by** General Manager

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#### **Reason for Confidentiality**

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

- (d) commercial information of a confidential nature that would, if disclosed – prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the council.

#### **Recommendation**

THAT Council Resolve to move into Closed Council to consider the confidential reports as listed in the Business Paper.