



Blue Tree Project – Lake Pillans Wetland – Photo: Deborah McGrath

Ordinary Meeting of Council
to be held at
Council Administration Centre
180 Mort Street, Lithgow
on
Monday 22 September 2025
at 6:30 PM

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Acknowledgement of Country

Acknowledgement of Country

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

Declaration of Webcasting

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

Present

Apologies

Declaration of Interest

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

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

Ethical decision making

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

Conflict of interest

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

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

There are two types of conflict:

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

with a non-pecuniary interest can choose to either disclose and vote, disclose and not vote or leave the Chamber.

- Local Government Act 1993 and Model Code of Conduct
For more detailed definitions refer to the *Local Government Act 1993*, Chapter 14 Honesty and Disclosure of Interest and adopted Code of Conduct.

Identifying problems

1st Do I have private interests affected by a matter I am officially involved in? **2nd** Is my official role one of influence or perceived influence over the matter? **3rd** Do my private interests conflict with my official role?

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 440AAA(3) of the *Local Government Act 1993* (pecuniary interests) and the Model Code of Conduct it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed.

Confirmation of Minutes

Confirmation of the Minutes of the Ordinary Meeting of Council held 25 August 2025.

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.

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.

1. Mayoral Minutes

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

2. Administration Reports

2.1. GM - 22/09/2025 - Nominations for and Election for the Position of Deputy Mayor from September 2025 to September 2026

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Trinity Newton – Executive Assistant

Responsible Officer: Ross Gurney - General Manager

Executive 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.

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.

Administration's Recommendation

THAT Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor.
2. Determine whether to hold an election for the position of a 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.

Attachments

1. Deputy Mayor Election Form 2025 [2.1.1 - 1 page]

Reference to any relevant previous minute

Min. No. 24-196 Ordinary Meeting of Council held on 8 October 2024

Background and discussion

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, 2021 and Council's Code of Meeting Practice.

In accordance with Section 231 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, 2021, outlines the following procedures for the election of the Mayor and/or Deputy Mayor.

Returning Officer

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

Nomination

Unless otherwise determined by Council, nominations will be requested by the Returning Officer at this Meeting for the Office of Deputy Mayor for the 2025 to 2026 term (until September 2026).

Nomination forms for the position of Deputy Mayor were provided to Councillors as an attachment to the business paper. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Monday 22 September 2025 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed. Nomination forms are coloured **GREEN** 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 steps set out below.

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 candidates 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 and the Local Government (General) Regulation 2021.

Consultation and Communication

N/A

2.2. P&P - 22/09/2025 - DA123/24, Subdivision 54 Residential Allotments, 14 Claret Ash Avenue, South Bowenfels

Strategic Direction:	Developing Our Built Environment: To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.
Author:	Lauren Stevens – Development Planner
Department:	People and Places
Responsible Officer:	Shaun Elwood - Director People and Places
Property Details	Lot 1 DP933666 and Lot 24 DP1041700, 14 Claret Ash Avenue, South Bowenfels NSW 2790 and the existing drainage reserve on Lot 45 DP1109094, Munbinga Drive, Lithgow.
Property Owner	Paul and Catherine Ledger and Lithgow Council (existing drainage reserve on Lot 45 DP1109094)
Applicant	Ledger Enterprises Pty Ltd

Executive Summary

This report is submitted to Council for consideration and determination of Development Application DA123/24 seeking consent for a subdivision of two lots into 54 residential lots, six new roads and one drainage reserve. The land is located at 14 Claret Ash Avenue, South Bowenfels and the legal particulars of the two existing lots are Lot 1 DP933666 and Lot 24 DP1041700. The development also includes an existing drainage reserve on Lot 45 DP1109094, Munbinga Drive, Lithgow.

At the ordinary meeting of Council on 30 June 2025 Council resolved as follows:

25 -166 RESOLVED

THAT consideration of the DA is deferred to the July Ordinary Meeting to allow the Administration to:

1. *Provide a detailed report on the future treatment of the retention basin and ongoing flooding of adjacent private properties.*
2. *Seek the concurrence of the RFS in supporting a gated access for emergency vehicles through Munbinga Drive.*

Re-cap of report to Council dated 30 June 2025

As per the original report dated 30 June 2025 and as part of the assessment of the development application the following overview is provided:

Council is the determining authority - As the proposal involves roads and drainage reserves that will be dedicated to Council upon completion of the subdivision, the development application invokes Council's Policy 7.6 - Development Applications by Councillors and Staff or on Council Owned Land. Clause 1.e of the policy provides that any application that proposes to dedicate land or an asset to Council is to be considered and determined by Council if the recommendation is for approval of that application.

Assessment Report - Council's Development Planner has prepared an Assessment Report, which is Attachment 1 of this report. The Assessment Report details the matters that are required to be

considered during assessment of the development application, and identifies the legislation, environmental planning instruments, standards and controls that apply to this development. The Assessment Report also includes proposed conditions of consent.

Offer to enter Voluntary Planning Agreement - The development application includes an offer to enter a Voluntary Planning Agreement with Council (pursuant to section 7.4 of the *Environmental Planning and Assessment Act 1979*) for monetary contributions of \$6,800 per residential lot, which is to be allocated to public open space and recreational needs in the South Bowenfels/Littleton area. This offer complies with Council's policy 7.8 and is consistent with what is generally accepted for a proposed residential subdivision in the Lithgow LGA. The Voluntary Planning Agreement is provided as Attachment 3 of this report.

External referrals - The development application was referred to external agencies including NSW Rural Fire Service, Water NSW, Endeavour Energy and Subsidence Advisory. All agencies have indicated support for the original plans submitted with the development application subject to conditions of consent.

Internal referrals - The development application was referred to Council's internal departments for review and advice in relation to water and sewer, infrastructure (roads and stormwater) and waste. All departments have provided support for the development application subject to conditions of consent.

Public exhibition and submissions - The application was placed on public exhibition and neighbour notified between the period 26 September 2024 and 4 November 2024 (28 days). The public exhibition period was extended until 2 December 2024 at the discretion of the Development Department in accordance with the *Environmental Planning and Assessment Act 1979* and the Lithgow Community Participation Plan. During the notification period 43 submissions were received, in the form of objections or to provide design recommendations. Pages 47 to 58 of the Assessment Report attached provides a summary of the submissions received together with the applicant's response and Council's response.

Recommend approval - All matters that are required to be assessed and considered pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* have been evaluated as documented in the attached Assessment Report, and the Development Dept recommend DA123/24 be approved.

Administration's Recommendation

THAT:

1. Development application DA123/24 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. Council endorse the draft Voluntary Planning Agreement proposed for DA123/24 being for \$6,800 per residential lot to go towards public open space and recreational needs.
3. The draft Voluntary Planning Agreement for DA123/24 be placed on public exhibition for a period of 28 days.
4. If no submissions are received during the public exhibition period for the draft Voluntary Planning Agreement, the agreement be endorsed by the General Manager under delegated authority.
5. \$200,000 be allocated to the amplification of stormwater infrastructure adjacent to 981 and 983 Great Western Highway, Lithgow, sourced from the 2025/26 SRV-funded stormwater improvements budget (100884).
6. \$10,000 be allocated to the development of a Local Area Traffic Management Plan for the neighbourhood of Littleton, sourced from the 2025/26 Transport Management budget (800193), depending on the outcome of negotiations with the developer.
7. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

Attachments

1. Att 1 - Assessment Report [2.2.1 - 88 pages]
2. Att 2 - Subdivision Plans [2.2.2 - 3 pages]
3. Att 3 - Voluntary Planning Agreement [2.2.3 - 25 pages]
4. Director advice re Conceptual Stormwater Management System 30.07.2025 [2.2.4 - 13 pages]

Reference to any relevant previous minute

Min No 24-251 Ordinary Meeting of Council 25 November 2024 - Call In Report

Min No 25-166 Ordinary Meeting of Council 30 June 2025 - Determination Report (deferred)

Background and discussion

This report is submitted to Council for consideration and determination of Development Application DA123/24 seeking consent for a subdivision of two lots into 54 residential lots, six new roads and one drainage reserve. The land is located at 14 Claret Ash Avenue, South Bowenfels and the legal particulars of the two existing lots are Lot 1 DP933666 and Lot 24 DP1041700. The development also includes an existing drainage reserve on Lot 45 DP1109094, Munbinga Drive, Lithgow.

The subject site is zoned C3 - Environmental Management and R2 - Low Density Residential under the Lithgow Local Environmental Plan 2014 (**Lithgow LEP**). The proposed development is characterised and defined as 'Subdivision' and is permissible with consent in R5 zone. The proposed

lots all exceed 800m² in area (see Attachment 1 - Assessment Report) and therefore, the development complies with the lot size requirements of clause 4.1 of the Lithgow LEP.

About the site

The site is an irregular shaped allotment with a site area of approximately 17.23ha. The development also involves the existing drainage reserve on Lot 45 DP1109094, Munbinga Drive, Lithgow. The subdivision plans are included as Attachment 2.

The property adjoins residential subdivisions (containing built developments) on Claret Ash Avenue to the southwest of the site and Munbinga Drive to the northeast. Hassans Walls Reserve adjoins the site to the southeast.

The site contains two high points, the northwestern corner and the southern area of the site. These slope down towards the centre of the property. Most of the proposed allotments therefore are affected by slopes over 20%. These allotments have been designed to contain larger area sizes to provide suitable land availability for future dwellings.

Part of the site is identified as flood-affected under the Lithgow Council's Flood Prone Maps and part is identified as bush fire prone land. The site contains no heritage items and is not in a heritage conservation area.

The development proposes to provide two (2) connections to the existing road network; that being from Claret Ash Avenue and Munbinga Drive.

The lots are proposed to range in size from 830m² to 7.4ha, as detailed below:

Proposed Lot	Allotment Size		Proposed Lot	Allotment Size		Proposed Lot	Allotment Size
Lot 1	830m ²		Lot 21	1384m ²		Lot 41	1360m ²
Lot 2	938m ²		Lot 22	1327m ²		Lot 42	969m ²
Lot 3	1103m ²		Lot 23	1256m ²		Lot 43	1030m ²
Lot 4	1108m ²		Lot 24	1148m ²		Lot 44	1315m ²
Lot 5	2172m ²		Lot 25	1061m ²		Lot 45	835m ²
Lot 6	1464m ²		Lot 26	832m ²		Lot 46	834m ²
Lot 7	1010m ²		Lot 27	837m ²		Lot 47	2327m ²
Lot 8	1266m ²		Lot 28	865m ²		Lot 48	2491m ²
Lot 9	1315m ²		Lot 29	1313m ²		Lot 49	1145m ²
Lot 10	967m ²		Lot 30	1168m ²		Lot 50	1041m ²
Lot 11	1185m ²		Lot 31	1142m ²		Lot 51	3447m ²
Lot 12	1065m ²		Lot 32	1413m ²		Lot 52	6304m ²
Lot 13	1052m ²		Lot 33	2424m ²		Lot 53	5000m ²
Lot 14	968m ²		Lot 34	2313m ²		Lot 54	7.4ha
Lot 15	968m ²		Lot 35	1203m ²			
Lot 16	968m ²		Lot 36	1203m ²			
Lot 17	1103m ²		Lot 37	1352m ²			
Lot 18	1005m ²		Lot 38	1422m ²			
Lot 19	909m ²		Lot 39	1251m ²			
Lot 20	2505m ²		Lot 40	1202m ²			

Integrated development and external referrals

The development is categorised as 'integrated development' within the meaning of section 4.46 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* because it requires an approval under section 100B of the *Rural Fires Act 1997 (RF Act)* in addition to development consent. The approval is required because the site is mapped as bushfire prone land and involves a subdivision of land for residential purposes.

The application was referred to the NSW Rural Fire Service (**RFS**) pursuant to section 4.46 of the EP&A Act and section 100B of the RF Act. The RFS assessed the application and provided its general terms of approval (GTA) and Bush Fire Safety Authority on 2 April 2025.

The application was referred to Water NSW pursuant to section 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021. Water NSW issued concurrence conditions on 23 December 2024.

The application was referred to Endeavour Energy as per Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Endeavour Energy provided its concurrence on 26 September 2024.

The application was referred to Subsidence Advisory. NSW Subsidence Advisory issued General Terms of Approval with conditions on 25 November 2024.

The government authorities raised no objection to the application and have recommended conditions on the consent.

The development application was also referred to Council's internal departments for review and advice in relation to water and sewer, infrastructure (roads and stormwater) and waste. All departments have provided support for the development application subject to conditions of consent.

Key environmental considerations

The key environmental planning considerations arising from the assessment of the proposal include biodiversity impacts, traffic / access and stormwater management, which have been satisfactorily addressed and can be appropriately managed through the recommended conditions of consent.

Public exhibition and neighbour notification

The application was required to be placed on public exhibition for a minimum period of 28 days pursuant to the EP&A Act (cl 7, div 2, part 1 of schedule 1) and the Lithgow Community Participation Plan. The application was placed on public exhibition from 26 September 2024 until 4 November 2024 and extended until 2 December 2024 at the discretion of the Development Department. The development proposal was exhibited at Council's Administration Building, on Council's website and in the local newspaper. An onsite meeting for residents and Councillors was also held on 23 January 2025

During the public exhibition period 43 submissions were received, in the form of objections or to provide design recommendations. The main issues raised include traffic impacts and concerns about congestion between Claret Ash, Munbinga Drive and streets beyond, including the Great Western Highway; safety and security concerns with the additional traffic load; flora and fauna impacts; provision for footpaths, cycleways and bus stops; flood and stormwater impacts; and noise and sewerage impacts. These submissions have been outlined and addressed at pages 47 to 58 of the Assessment Report at Attachment 1.

Community concerns regarding connector road through to Munbinga Drive, and stormwater

Two of the main concerns raised by the community involve the proposed connector road from Claret Ash Avenue through to Munbinga Drive, and stormwater.

Connector road through to Munbinga

During the assessment period, the applicant made considerable effort to explore the possibility of re-designing Claret Ash as a no through road or a through road for emergency vehicles only. However, this could not be supported by RFS who is tasked with prioritising safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. This is crucial in a location that is exposed to extensive bushland and high bushfire risk.

Page 73 of the Assessment Report at Attachment 1 imposes conditions of consent in relation to the subdivision roads and stormwater.

Stormwater

The stormwater plan submitted with the development application explains that there will be two main discharge points for stormwater:

- A western discharge point via an existing easement that conveys runoff via a drainage depression to the existing stormwater infrastructure along the Great Western Highway; and
- An eastern discharge point via Lot 45 DP1109094 (Council owned) with an existing piped system conveying runoff to Council's stormwater infrastructure along Munbinga Drive.

The report concludes that "*The development in its current state incorporates two detention basins, one for each catchment. A review of these basins show that they are both suitably sized to ensure there is no adverse impact on the downstream system ...*"

A consent condition is imposed to require a final detailed stormwater drainage plan, including suitable stormwater management measures, to be prepared in consultation with Water NSW and Council prior to the issue of a Subdivision Works Certificate.

Page 73 of the Assessment Report at Attachment 1 provides conditions of consent in relation to the subdivision roads and stormwater.

Infrastructure Concerns

1. Stormwater Management

In relation to point 1 of the resolution of 30 June 2025 (Min. No. 25-166), Council's Director of Infrastructure and Project Delivery has provided a report addressing the future treatment of the retention basin and ongoing flooding of adjacent private properties. The report is attachment 4 of this business paper.

The attached report (Attachment 4) was presented to the Infrastructure Committee meeting held on 5 August 2025. In summary, this report suggests that the following action be taken to alleviate concerns relating to stormwater impacts relating to the proposed development.

1. The developer installs 157 lineal metres of pipework within the Taylor's property, to both drain the stormwater from the subdivision detention basin and also to capture groundwater originating from any detention basin/subdivision overflows. This pipework will consist of a 250mm diameter pipe to match the outlet of the detention basin, and a 100mm perforated pipe to capture groundwater, laid in parallel.

2. Council upgrades the existing concrete 'half-cut' pipes that border the property frontages of 981 and 983 Great Western Highway. They will remain open-top box culverts that are at least triple the capacity of the existing pipes. This will also involve the upgrade of driveway crossings and the system by which the stormwater from these culverts deposit into the existing pipe traversing the Great Western Highway.
3. Advocate for Transport for NSW to fund the install of a new pipeline under the highway over a length of 62 metres, conveying stormwater on the same alignment from the pipework running parallel to the north-eastern boundary of 983 Great Western Highway, underneath the highway, to the existing pipeline underneath the northern side of Col Drewe Drive (this alignment is shown in purple on the map shown on Page 7 of Attachment 4).

Quotes have been sought for the works associated with Item 2 above. Early estimates place the value of this work at approximately \$200,000. Council has funds available for stormwater infrastructure improvements for 2025/26, with a budget available under the 2025/26 SRV program of \$303,993.

Should Council wish, advances can be made to the developer to co-fund a portion of this work. Generally, the administration would welcome the commencement of such a negotiation. However, the history of flooding in the vicinity of 981 and 983 Great Western Highway is long established. The stormwater infrastructure in place requires upgrade even if this development doesn't proceed. Hence, it is suggested that Council should bear the costs of delivering those improvements associated with Item 2 above, with the developer bearing the full costs of Item 1.

2. *Gated access and traffic constraints*

It is understood that there is also community and Councillor concern relating to the impact of increased traffic flows on residents surrounding the proposed subdivision.

In relation to point 2 of the resolution of 30 June 2025, Council's Development Department made enquiries with NSW Rural Fire Service regarding gated access. By email dated 24 July 2025, the RFS confirmed that they do not support gated access between Claret Ash and Munbinga Drive.

It is understood that the primary concern is the increase in traffic volumes along a road with a narrow corridor, with secondary impacts being the speed of traffic and availability of parking. Council has considered possible forms of traffic flow improvements that might be implemented by the developer to result in improved outcomes or mitigated impacts for the local community. At this time, aside from gating the access (which is not possible), there is no single option that the developer can implement that will mitigate the concerns raised by objectors to the proposal.

However, while Council has never completed one before, there is the opportunity to allocate a comparatively small amount of money (\$20,000) to the development of a *Local Area Traffic Management Plan* (LATM Plan).

An LATM Plan is a strategy which seeks to review and improve road safety, traffic flow, and amenity in a specific neighbourhood or precinct by considering engineering solutions, enforcement, education, and community input. These plans aim to reduce vehicle speeds and volumes, increase safety for pedestrians and cyclists, and enhance liveability by addressing issues, such as vehicle conflicts, speeds, pedestrian flow, and cyclist facilities.

Rather than considering a single issue in isolation and attempting to match it with a solution, a LATM Plan considers all aspects of pedestrian and vehicular flow within a given precinct and puts forward an integrated and holistic approach to an improvement initiative.

A LATM Plan addresses:

- Vehicle conflict and speeds by considering the implementation of physical changes like speed humps or traffic circles to slow down cars and reduce dangerous intersections;

- Pedestrian and cyclist safety by suggesting improvements to infrastructure and encouraging active transport to create safer and more accessible environments;
- Community amenity through the potential enhancement of overall liveability and appeal of the local area by making streets more pleasant and reducing traffic impacts; and
- Community engagement by involving residents and local businesses in identifying issues and developing solutions to ensure the plan meets their needs.

Such a plan is generally developed following these general steps:

1. Study Initiation: A local council initiates a study for a specific area.
2. Data Collection and Analysis: Existing traffic trends and user conflict issues are examined.
3. Community Consultation: Public meetings and community reference groups are formed to gather local knowledge and feedback.
4. Solution Development: Based on the analysis and community input, potential engineering and non-engineering solutions are proposed.
5. Plan Preparation: A detailed Traffic Management Planning Report (or similar document) is prepared, outlining the proposed treatments and their staged implementation.
6. Review and Adoption: The plan is reviewed by a Local Traffic Committee and then formally adopted by the Council.

Unlike the suggested stormwater improvements above, the proposed development is likely to be a significant cause of changes to traffic characteristics throughout Littleton. However, it is Council's responsibility to ensure that infrastructure is built in such a way that promotes and supports future growth, and this has not occurred consistently in the past.

Hence, with a likely cost of \$20,000 to develop a LATM Plan for Littleton, it is suggested that the Council meet half the cost (\$10,000) and commences negotiation with the developer to fund the remaining \$10,000 cost. Sufficient budget exists within Council's Transport Management budget (800193) to cover this cost.

3. *Infrastructure Recommendations*

It is considered that the above recommendations are the most effective and efficient way for this development to proceed in a manner that best minimises and mitigates impacts to the surrounding community. To assist in alleviating community impacts and Councillor concerns associated with this development, it is suggested that as part of its consideration of this development proposal, Council considers:

- a. Allocating \$200,000 from the 2025/26 SRV-funded stormwater improvements budget (100884) for the amplification of stormwater infrastructure adjacent to 981 and 983 Great Western Highway, Lithgow, and
- b. Allocating \$10,000 (depending on the outcome of negotiations with the developer) from the 2025/26 Transport Management budget (800193) for the development of a Local Area Traffic Management Plan for the neighbourhood of Littleton.

Recommend approval

All matters that are required to be assessed and considered pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* have been evaluated as documented in the attached Assessment Report, and the Development Dept recommend that DA123/24 be approved subject to the conditions included in the Assessment Report.

Consultation and Communication

Pursuant to the Lithgow Community Participation Plan, the Application was notified for a period of 28 days, commencing 26 September 2024 to 4 November 2024 (and this exhibition period was

subsequently extended until 2 December 2024). The development proposal was also exhibited at Council's Administration Building and on Council's website.

Policy

Policy 7.6 Development Applications by Councillors and Staff (including immediate relatives), Or On Council Owned Land and Conflicts of Interest

Council's Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land requires any application that proposes to dedicate land or an asset to Council is to be considered and determined by Council if the recommendation is for approval of that application. Given that the proposed roads and bioretention basin will become Council assets and will be under the care and maintenance of Council, the application is to be determined by the elected Council.

The application further involves land owned by Council being the existing drainage reserve on Lot 45 DP1109094.

Policy 7.7 Calling in of Development Applications by Councillors

This application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors". Item 3 that states:

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.*

As such a call in report was presented that the Ordinary Meeting of Council held 25 November 2024.

Policy 7.8 Voluntary Planning Agreements

The developer has offered to enter a voluntary planning agreement with Council in relation to the development. The developer offers a monetary contribution of \$6,800 per residential lot, totalling \$353,600. The Voluntary Planning Agreement is provided as Attachment 3 of this report.

The wider community will share in benefits resulting from the planning agreement, through the allocation of funds towards a public benefit in accordance with Council Policy 7.8 - Voluntary Planning Agreements.

Legal

The subject matter of this report is a function of Council conferred by the *Environmental Planning and Assessment Act 1979* and under the Lithgow Local Environmental Plan 2014.

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

Risk Management

N/A.

Financial

- Budget approved - N/A for the assessment of the development application.
- Cost centre - N/A for the assessment of the development application.
- Expended to date - N/A for the assessment of the development application.
- Future potential impact - A Voluntary Planning Agreement will be conditioned on the consent should the application be approved to assist Council to provide facilities for the public benefit. Water and Sewerage Development Contributions also apply and would be conditioned on the consent, as well as maintenance bonds for the road work and bio-retention basins.

2.3. P&P - 22/09/2025 - Determination of modification application MODDA017/25 - 17G Great Western Highway, Marrangaroo

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

Author: Sandra Politi – Development Manager

Department: Development

Responsible Officer: Shaun Elwood - Director People and Place

Property Details 17G Great Western Highway, Marrangaroo – Lot 72 in DP1282868

Property Owner Brayton Investments Pty Ltd (ACN 682 060 573)

Applicant Heinz Beckers

Executive Summary

This report is submitted to Council for consideration and determination of Modification Application MODDA017/25 which seeks to amend condition 56 of the original development consent DA245/13.

The elected Council is the determining authority in relation to this modification application because clause 4 of Council Policy 7.7 Calling in of Development Applications states:

*“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 modification application involves issues that were the subject of an objection with the original application, namely suitable vehicle access to the site, and accordingly the report is submitted to Council for determination.

The modification application has been assessed as documented in the development assessment report attached to this business paper. The assessing officer recommends the application be REFUSED because:

1. there is no suitable vehicle access to the site; and
2. it would be contrary to the public interest to grant the modification application due to the increased exposure to risk that may arise if the application were approved.

Administration's Recommendation

THAT:

1. Modification Application MODDA017/25 be REFUSED.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

Attachments

1. Modification assessment report - MODD A 017-25 [2.3.1 - 11 pages]

Reference to any relevant previous minute

N/A.

Background and discussion

Conditional development approval – 65 lot subdivision

In 2015 Council granted conditional approval of DA245/13 for a 61 lot subdivision (subsequently modified to 65 lots) at 17G Great Western Highway, Marrangaroo. The land is current Lot 72 in DP1282868, shown in yellow on the image below. A more detailed image together with a plan showing the subdivision layout are provided in the attached assessment report.

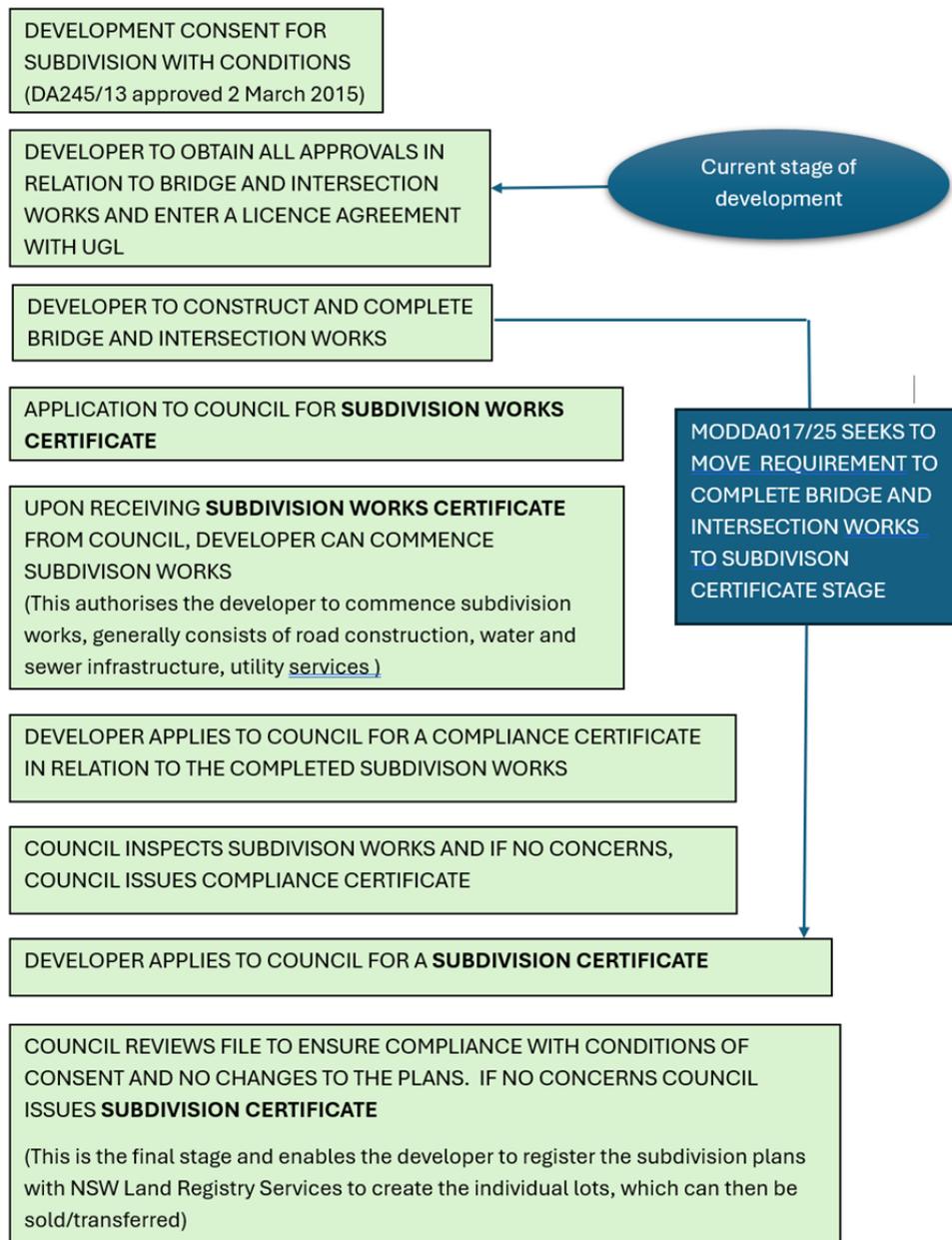


Conditions imposed on the consent of DA245/13 include a requirement that the developer construct a bridge parallel to the existing single lane bridge (at the entrance to Girraween Drive) and intersection works before a construction certificate (now known as a subdivision works certificate) issues in relation to the proposed subdivision.

Council is in receipt of a modification application (MODDA017/25) which seeks to amend condition 56 of development consent DA245/13 as follows:

Current condition 56 on DA245/13	That the bridge and intersection construction is to be completed and signed off by a Structure 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).
Proposed condition 56	That the bridge and intersection construction is to be completed and signed off by a qualified Civil Engineer, and where appropriate, Council, UGL Regional Links and Transport for NSW prior to a Subdivision Certificate being issued relating to the proposed land subdivision.

Below is a flow chart which (at a very general level) shows the sequential steps that need to occur between the approval of DA245/13 in 2015 and subdivision completion. The flow chart visually demonstrates the change that the modification application seeks.



It was established during assessment of DA245/13, over 10 years ago, that:

1. the single lane bridge which provides entry to Girraween Drive does not have capacity for an increase of 65 residential lots;
2. the single lane bridge also does not have capacity to accommodate construction vehicles entering and exiting Girraween Drive and Bundara Close to undertake subdivision works;
3. access to the site via the railway level crossing route to the south of the site being proposed by the applicant is unsafe and is not supported by UGL, Transport for NSW, Crown Lands or Council.

To overcome the above issues, conditions were imposed on the consent (after much discussion with the developer) requiring the developer to construct a bridge and intersection works to create suitable vehicle access to the development site.

There has been no change to the above position since DA245/13 was determined.

The modification application cannot be approved because the development site does not have suitable vehicle access to support construction vehicles. The only means of creating suitable access for construction vehicles is to construct and complete the bridge and intersection works prior to subdivision works certificate stage.

For the reasons outlined in the attached assessment report, it is recommended that the modification application be refused.

Consultation and Communication

Modification Application MOD017/25 was neighbour notified and placed on public exhibition for 14 days from 01/08/2025 to 15/08/2025. During the public exhibition period 12 submissions were received and all submissions object to the application.

Policy

Clause 4 of Council Policy 7.7 Calling in of Development Applications is relevant to this report. It requires that modification applications that “involve issues the subject of an objection with the original application” be determined by Council. Access to the site was the subject of objection in the original application, therefore this modification application is referred to Council for determination.

Legal

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

Risk Management

As the recommendation is for refusal, no risks will arise from this report. If Council determines to approve the modification application, it could expose Council (and others) to risk as there is presently no suitable access to the site for construction vehicles.

Financial

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

2.4. P&P - 22/09/2025 - DA051/25 - 81 Martini Parade Lithgow - 4 x 3 bedroom dwellings

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

Author: Will Cherrington – Team Leader

Department: Planning and Development

Responsible Officer: Shaun Elwood - Director People and Place

Property Details 81 Martini Parade, Lithgow – Lots 585, 586, 587 in DP9370 and Lot 31 in DP251410

Property Owner Elysian Projects Pty

Applicant Mitchell Partridge

Executive Summary

This report is submitted to Council for consideration and determination of Development Application DA051/25 seeking consent to demolish all existing structures on the site and construct 4 x 3 bedroom dwellings (2 storeys), each with a single garage, and ancillary works.

Background

DA051/25 was 'called in' by Councillor Coleman on 29 June 2025 and subsequently by Councillor Evangelidis on 1 July 2025. At the ordinary meeting of Council on 28 July 2025 (25-189) Council resolved:

THAT

1. *Council note the information provide in relation to DA051/25 – 81 Martini Parade, Lithgow.*
2. *An onsite meeting be organised for staff, Councillors and residents.*
3. *Council note that a report will be submitted to a future Ordinary Meeting of Council for determination of DA051/25 - 81 Martini parade, Lithgow.*

An onsite meeting was held on 27 August 2025. Several Councillors, Council staff and residents attended the meeting.

Assessment

Council's Consultant Development Planner has prepared an Assessment Report, which is Attachment 1 of this report. The Assessment Report details the matters that are required to be considered during assessment of the development application, and identifies the legislation, environmental planning instruments, standards and controls that apply to this development. The Assessment Report also includes proposed conditions of consent.

Other attachments provided with this report are:

1. the final plans submitted with the application; and
2. the flood report submitted with the application.

The development application was referred to external agencies including Water NSW and Endeavour Energy. All agencies have indicated support for the development application subject to conditions of consent.

The development application was referred to Council's internal departments for review and advice in relation to water and sewer, infrastructure (flooding and stormwater) and waste. All departments have provided support for the development application subject to conditions of consent.

The application was placed on public exhibition and neighbour notified between the period 30 April 2025 to 30 May 2028 (28 days). During the notification period 4 submissions were received, in the form of objections.

The proposal fundamentally complies with the requirements of the legislation, environmental planning instruments, standards and controls that apply to this type of development and therefore it is recommended that DA051/25 is approved with conditions.

Administration's Recommendation

THAT:

1. Development application DA051/25 be APPROVED with conditions 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*.

Attachments

1. Assessment Report -81 Martini Parade Lithgow [**2.4.1** - 69 pages]
2. Plans 81 Martini Parade Lithgow D A 052-25 [**2.4.2** - 22 pages]
3. Flood Impact Assessment [**2.4.3** - 19 pages]

Reference to any relevant previous minute

Min No 25-189 Ordinary Meeting of Council 28 July 2025 – Call In Report

Background and discussion

Nature of the development application

Council is in receipt of Development Application DA051/25. The application seeks consent for the following:

- Demolition of all structures and improvements currently on the land;
- Construction of multi-dwelling housing comprising four x 3 bedroom dwellings (2 storeys), each with an attached single garage; and
- Ancillary and related works including new driveways and vehicular crossings, pathways, fencing to courtyards, retaining walls, stormwater drainage system and landscaping embellishment.

The site

The site consists of four lots (namely, Lots 585, 586, 587 in DP9370 and Lot 31 in DP251410), with a combined total area of 1128m². All lots are zoned R1 – General Residential under Lithgow Local Environmental Plan 2014.

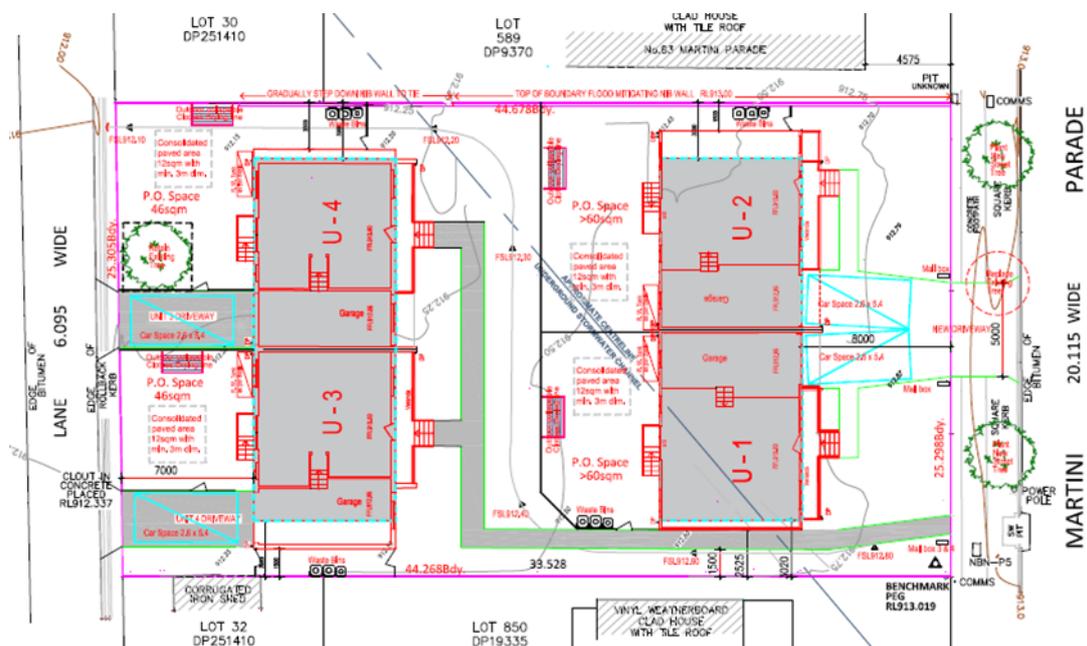
The site fronts Martini Parade and backs onto a laneway to the rear boundary. Presently the site contains a single storey clad dwelling and other outbuildings, which are proposed to be demolished as part of the development application.

Below is an aerial image showing the site as it currently exists.



The proposal

Below is an image showing the layout of the proposed development.



Each proposed dwelling will have a floor area of 120.88 m² (excluding garage). The maximum height of the dwelling buildings will be 8m, and they will have a combined total floor area of 483.52 m² (including attached garages), being 43.2% of the total site area. Dwellings 1 and 2 will include private open space of 60 m², while dwellings 3 and 4 will include private open space of 46 m². 2 carparking spaces are provided for each dwelling via a single attached garage and stacked space. Dwellings 1 and 2 have a single driveway from Martini Parade and dwellings 2 and 4 will have their own separate driveway onto the laneway to the rear.

The proposal is defined as multi dwelling housing under the Lithgow Local Environmental Plan 2014 and is permissible with consent in the R1 – General Residential zone.

Development application referrals

The development application was referred externally to Water NSW and Endeavour Energy. Water NSW issued conditions of consent on 6 June 2025, and Endeavour Energy issued conditions of consent on 5 May 2025.

The development application was referred to Council's internal departments for review and advice in relation to water and sewer, infrastructure (flooding and stormwater) and waste. All departments have provided support for the development application subject to conditions of consent.

Public exhibition and neighbour notification

The application was publicly notified in accordance with the Lithgow Community Participation Plan 2020 for 28 days from 30 April until 30 May 2025. Four submissions objecting to the proposal were received. The main issues raised by the submitters include:

- use of rear laneway for waste collection, carparking and access.
- traffic generation and number of visitor spaces.
- impacts on streetscape.
- impacts on neighbours in terms of overshadowing, noise and privacy.
- infrastructure concerns including flooding and connection to Councils services.

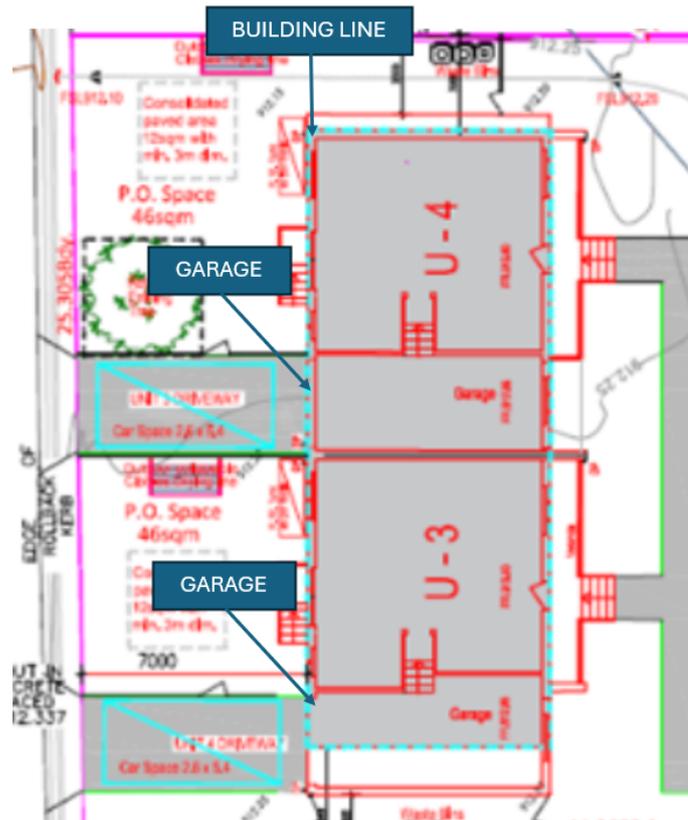
An onsite meeting for residents, staff and Councillors was also held on 27 August 2025 where the above matters were discussed. Pages 46 to 50 of the Assessment Report attached provides a summary of the submissions received together with Council's staff response.

Variations to the Lithgow Development Control Plan 2021

The proposal requires the following variations from the Lithgow Development Control Plan 2021:

1. Clause 6.5.1 Siting and Setbacks (garages fronting public road).

Clause 6.5.1 of Lithgow DCP recommends that garages be set back a minimum of 0.5m behind the front building line. The garages for dwellings 3 and 4 will not be setback behind the building line, however, will be in line with the building line.



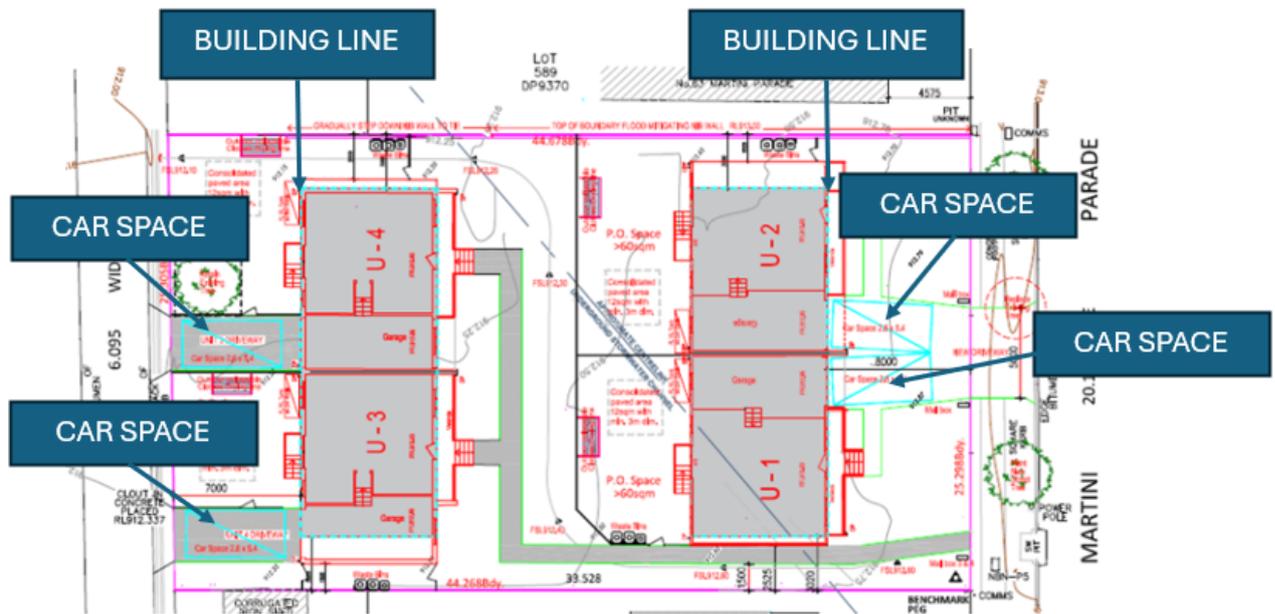
Page 29 of the attached Assessment Report justifies support for this variation because:

- Martini Parade remains the dominate primary front setback.
- The garages face the rear laneway to reduce additional garage doors on the Martini frontage.
- Sufficient storage space is provided in the garages.
- The garage doors comply with the required garage door widths.
- The design of dwellings 3 and 4 are consistent with the nature of the rear laneway and the orientation of the existing dwellings in the lane.

2. Clause 6.5.6N(3) Car and Bicycle Parking

Clause 6.5.6N(3) of Lithgow DCP recommends that off street car spaces are to be setback at least 1m behind the building line. The objective of this DCP recommendation is "Visual and environmental impacts of car parking and garages do not dominate the streetscape and have an appropriate scale relationship with the dwelling".

The off street car spaces do not comply with this setback as all off street car spaces will be in front of the building line as shown on the image below.



This variation is justified because the car spaces will not dominate the streetscape, the property has a wide frontage and landscaping is proposed. Furthermore, the car spaces will have no adverse impact on the environment.

Recommend approval

All matters that are required to be assessed and considered pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* have been evaluated as documented in the attached Assessment Report, and the Development Dept recommend that DA051/25 be approved with conditions included in the Assessment Report.

Consultation and Communication

Pursuant to the Lithgow Community Participation Plan, the Application was notified for a period of 28 days, commencing 30 April 2025 to 30 May 2025. The development proposal was also exhibited at Council’s Administration Building and on Council’s website.

Policy

Policy 7.7 Calling in of Development Applications by Councillors

This application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors”. Item 3 that states:

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.*

This report is submitted to Council for determination of this application which was called-in.

Legal

The subject matter of this report is a function of Council conferred by the *Environmental Planning and Assessment Act 1979* and under the Lithgow Local Environmental Plan 2014.

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

Risk Management

N/A

Financial

Nil

2.5. F&G - 22/09/2025 - Referral of Financial Statements for External Audit for Year Ended 30 June 2025

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Vanessa Browning - Director Finance and Governance

Responsible Officer: Vanessa Browning - Director Finance and Governance

Executive Summary

Section 413 of the Local Government Act 1993 (the Act) requires Council to refer its financial statements (Statements) for audit prior to the commencement of the external audit in September 2025.

The report also recommends that Council authorise the signing of the Statements by Council and management, as required by Section 413(2)(c) of the Local Government Act 1993. Arrangements will be made for a representative from the Audit Office to present to the Council on the topic of their Auditor's Report, when it is received.

Administration's Recommendation

THAT Council:

1. Refer the 2024/25 financial statements for audit (in accordance with S.413 of the Local Government Act 1993) and note the proposed process and timeline for the audit of the financial statements.
2. Authorise the signing of the statement on the 2024/25 General Purpose Financial Statements.
3. Authorise the signing of the statement on the 2024/25 Special Purpose Financial Statements.
4. Note that a representative of the Audit Office of NSW will be invited to present a report to Council on the 2024/25 Financial Statements at a Council meeting within one month of the receipt of the Auditor's reports.

Attachments

Nil

Reference to any relevant previous minute

N/A

Background and discussion

Financial Statements Timeline

Council officers and the external auditors work to an agreed timeline to ensure that the Statements are completed and lodged with the Office of Local Government (OLG) by the legislative deadline of 31 October of each year. Work is progressing on the 2024/25 Statements prior to audit in September 2025. It is a requirement of the Act that the Statements be referred for audit by resolution of Council prior to the audit commencing.

The key indicative dates agreed between Council and the Audit Office of NSW which are included in the 2024/25 Annual Engagement Plan, with some amendments required to finalise the draft Statements, are as follows:

- 22 September 2025: Council resolves to refer the Statements for audit.
- 22 September 2025: the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer sign the Statements.
- 23 September 2025: Council provides draft Statements and supporting workpapers to the audit team.
- 23 September 2025: on-site audit commences (Intentus - contract auditor).
- 25 September 2025: ARIC Special Meeting to review the draft 2024/25 financial statements.
- 25 October 2025: audit clearance meeting.
- 27 October 2025: Audit Office issues Engagement Closing Report.
- 29 October 2025: Audit Office issues the Auditors' reports.
- By 31 October 2025: Council lodges Statements with OLG.
- November 2025: Audit Office issues final Management Letter.
- 1 December 2025: Council presents its audited Statements and the Auditors' Reports to the rescheduled November meeting.

According to Section 413 (2) of the Act, Council must make a statement as to its opinion on the preparation of the General Purpose Financial Statements and the Special Purpose Financial Statements. The signing of these statements is an administrative function that is required at the time of referring the Statements for audit.

Format of Financial Statements

1. The financial reports comprise the following:
2. General Purpose Financial Statements consisting of an Income Statement, a Statement of Financial Position, a Statement of Changes in Equity, and a Statement of Cash Flows along with a number of explanatory notes. These are presented for audit by the Audit Office;
3. Special Purpose Financial Statements consisting of an Income Statement by Business Activity, a Statement of Financial Position by Business Activity and appropriate explanatory notes. These financial reports are also presented for audit by the Audit Office; and
4. Special Schedules which present financial information specifically required by the OLG, the Department of Public Works, the Department of Planning and Infrastructure, the Australian Bureau of Statistics.

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

Consultation and Communication

N/A

Policy

N/A

Legal

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

Risk Management

N/A

Financial

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

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

2.6. F&G - 25/08/2025 - Investment Report August 2025

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Jonathon Reid - Financial Services Manager

Responsible Officer: Vanessa Browning - Director Finance and Governance

Executive Summary

The purpose of this report is to advise Council of investments held as at 31 August 2025 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council Policy.

The report also provides commentary on the cash and investments balance compared with the funding required for internally and externally restricted reserves. A key aspect of the report is that while Council has total investments and cash of \$55.6M, most of this amount is restricted (internally and externally). Therefore, those funds are not available for any purpose beyond that for which they have been restricted.

Administration's Recommendation

THAT:

1. Investments of \$54,200,000 and cash of \$1,393,047 (which is mostly restricted for specific purposes) for the period ending 31 August 2025 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

Attachments

1. August 2025 Investment [2.6.1 - 1 page]

Reference to any relevant previous minute

Min No 25-201 Ordinary Meeting of Council held on 25 August 2025.

Background and discussion

Movements in the Cash and Investments Balance

Council's total investment portfolio as at 31 August 2025, when compared to 31 July 2025, has increased from \$51,801,705 to \$54,200,000. Cash in Council's bank account increased from \$570,581 to \$1,393,046

August is usually a cashflow positive month, with rates and grant income being the main funding source. In August 2025, there were high cash inflows relating to rates payments, resulting in an improved cash position.

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

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

Opening Balance of cash and investments as 1 August 2025	\$52,372,286
Plus New Investments – August 2025	\$12,220,760
Less Investments redeemed – August 2025	\$9,000,000
Closing Balance of cash and investments as at 31 August 2025	\$55,593,046

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

Responsible Accounting Officer comment on the cash and investments balance – there was a \$3.2M increase in cash and investments in August 2025. High cash inflows were partly offset by payments to suppliers (\$5.9M) which has resulted in an increased cash balance. Cash outflows continue to be managed to ensure that the timing of grant funding milestones matches the pace of works undertaken.

High value supplier payments included:

- \$1.26M Annual Insurance Renewals (General Fund)
- \$623K Cupro/Main Street Stormwater Drainage Improvements (grant funded),
- \$351K Sewer pumps - various locations (Sewer Fund),
- \$257K Domestic waste collection for July (Waste Fund),
- \$212K Water Charges Fish River (Water Fund),
- \$209K Footpath upgrade of Main St, Lithgow (reserve and grant funded),
- \$205K Workers Compensation Premium Instalment (General Fund),
- \$189K Wolgan Valley Access Road design and project management (DRFA funded),
- \$158K Wallerawang Water Mains Renewals (Water Fund),
- \$128K Sewerage Pumping Station South Bowenfels (Sewer Fund),
- \$115K Sewer Main Refurbishments Various Locations (Sewer Fund).

Funding Requirements for Restricted Reserves

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

Responsible Accounting Officer comment on restricted reserves – a 31 August 2025 Cash and Investment Statement cannot be prepared with accuracy until 30 June 2025 reserve balances are finalised with the completion of work to determine carryover budgets and recognise prior year expenditure. At the time of preparation of this report, all investments are required to fund restricted assets for specific purposes.

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 2021 and Council's Investments Policy.

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

Vanessa Browning

Director Finance and Governance - Responsible Accounting Officer

Consultation and Communication

N/A

Policy

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 24 March 2025, Council adopted a revised Investment Policy which includes the Minister's Investment Order of 12 January 2011.

Legal

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

Risk Management

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

Financial

- Interest income budget approved \$2,813,000 (full year)
- Cost centre 800152-8130-41500
- YTD Income to date \$411,902
- Future potential impact Nil.

Council's budgeted investment interest income for 2025/26 is \$2.8M, approximately \$653K less than 2024/25 actual interest received. During August, the average rate achieved was 4.15% on an investment balance of \$54M, which is mainly due to the balance of the \$3.4M 50% upfront payment of the 2025/26 Financial Assistance Grant and the remaining balance of the \$33.8M advance payment for natural disaster restoration works.

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.

2.7. F&G - 22/09/2025 - Supply & Delivery of Bulk Fuel Tender

Strategic Direction:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Vanessa Browning - Director Finance and Governance

Responsible Officer: Vanessa Browning - Director Finance and Governance

Executive Summary

Central NSW Joint Organisation (CNSWJO) member councils have participated in regional contracts for the supply and delivery of bulk fuel for approximately 18 years and interest was expressed by members for the Joint Organisation to conduct a procurement process for a new regional contract to commence on 1 July 2025.

An open Request for Tender (RFT) process was undertaken through the CNSWJO eProcure Portal. The RFT for the supply and delivery of bulk fuel opened on 31 March 2025 and closed on 23 April 2025.

The Tender Evaluation Panel (TEP) agreed to recommend Castlyn Pty Ltd. T/A Inland Petroleum, Petro National Pty Ltd T/A Oilsplus and Ocwen Energy Pty Ltd T/As Lowes Petroleum Service as the panel of providers for the supply and delivery of bulk fuel.

The recommended providers were selected based on their:

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

Administration's Recommendation

THAT Council:

1. Accept and authorise the General Manager to sign a contract with the following organisations for the supply and delivery of bulk fuel:
 - a. Castlyn Pty Ltd. T/A Inland Petroleum;
 - b. Ocwen Energy Pty Ltd. T/A Lowes Petroleum Service; and
 - c. Petro National Pty Ltd. P/A Oilsplus; and
2. Advise the Central NSW Joint Organisation of its decision.

Attachments

1. CONFIDENTIAL - Evaluation Report for Bulk Fuel Tender [2.7.1 - 11 pages]

Reference to any relevant previous minute

Nil

Background and discussion

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

CNSWJO member councils have participated in regional contracts for the supply and delivery of bulk fuel for approx. 18 years and interest was expressed by members for the Joint Organisation to conduct a procurement process for a new regional contract to commence on 1 July 2025.

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

Tender Evaluation

An open RFT process was undertaken through the CNSWJO eProcure Portal. The RFT for the supply and delivery of bulk fuel opened on 31 March 2025 and closed on 23 April 2025.

The Evaluation Panel undertook an assessment of the responses remotely and participated in a consensus evaluation meeting via videoconference on 6 May 2025. The TEP consisted of the following members, and was assisted by Grace Quinton from CNSWJO:

- Adrian Milne – Lachlan Shire Council
- Chris Schumacher – Bathurst Regional Council
- Damon Grenfell – Blayney Shire Council
- Peter Heffernan – Cabonne Shire Council

Tender Evaluation Criteria

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

- Product - 20%
- Customer Service and Delivery - 20%
- Quality, Safety and Environment - 30%
- Pricing - 30%

Summary of Responses Received

The following companies submitted tender responses for S1_2025: Supply and Delivery of Bulk Fuel for Central NSW Councils (in alphabetical order):

- Castlyn Pty Ltd. T/A Inland Petroleum;
- Ocwen Energy Pty Ltd T/As Lowes Petroleum Service; and
- Petro National Pty Ltd T/A Oilsplus.

Evaluation of Submissions

Evaluation rankings were as follows:

1. Petro National Pty Ltd T/A Oilsplus;
2. Ocwen Energy Pty Ltd T/As Lowes Petroleum Service; and
3. Castlyn Pty Ltd. T/A Inland Petroleum.

Evaluation of the Preferred Respondents

The TEP agreed to recommend Castlyn Pty Ltd. T/A Inland Petroleum, Petro National Pty Ltd T/A Oilsplus and Ocwen Energy Pty Ltd T/As Lowes Petroleum Service as the panel of providers for the supply and delivery of bulk fuel.

The recommended providers were selected based on their:

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

Conclusion

It is recommended that Council accept and sign a contract with Castlyn Pty Ltd. T/A Inland Petroleum, Petro National Pty Ltd T/A Oilsplus and Ocwen Energy Pty Ltd T/As Lowes Petroleum Service for the supply and delivery of bulk fuel and advise CNSWJO of its decision.

The term of the contract is 1 July 2025 to 30 June 2027, with an optional 12-month extension.

Consultation and Communication

Nil

Policy

The engagement of contractors under panel contracts under the management of the CNSWJO is in line with 1.4 Tendering Policy.

Legal

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

Risk Management

Council resolving as recommended will reduce the current risks being experienced with the purchase of bulk fuel outside a contract, as several risk mitigation actions are built within the contract.

Financial

As this relates to the engagement of a panel of contractors in relation to the supply of bulk fuel, there is no direct financial implications. Council does have the opportunity to select the most appropriate contractors based on specific needs and the prices are in accordance with the contract requirements.

Through participation in the CNSWJO tender process, the optimal value for money has been assessed as part of the evaluation of tender submissions.

Recurrent operating budgets include funding for bulk fuel costs.

2.8. F&G - 22/09/2025 - Line-marking Services Tender

Strategic Direction:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Vanessa Browning - Director Finance and Governance

Responsible Officer: Vanessa Browning - Director Finance and Governance

Executive Summary

Central NSW Joint Organisation (CNSWJO) member councils have participated in regional contracts for line-marking services since 2015, and the most recent contract concluded on 28 February 2025.

Through the CNSWJO Roads Technical Committee, member councils agreed to repeat the process via this Request for Tender to identify suitably qualified providers to deliver line-marking services. The Request for Tender is for a 2-year period with an optional 12-month extension (for a total duration of 3 years).

An open Request for Tender (RFT) process was undertaken through the CNSWJO eProcure portal for Line-marking Services. The RFT opened on 18 December 2024 and closed on 31 January 2025.

The Tender Evaluation Panel (TEP) agreed to recommend ACT Line-marking Pty Ltd, Gumbay Holdings Pty Ltd t/as Avante Line-marking, Central West Line-marking Pty Ltd and Complete Line-marking Services Pty Ltd for line-marking services.

The recommended providers were selected as it allows councils flexibility to utilise different suppliers in busy periods. All suppliers ranked very close and were deemed competent in all aspects of the Tender.

Administration's Recommendation

THAT Council:

1. Accept and authorise the General Manager to sign a contract with the following organisations for line-marking services:
 - a. ACT Line-marking Pty Ltd;
 - b. Gumbay Holdings Pty Ltd t/as Avante Line-marking; and
 - c. Central West Line-marking Pty Ltd; and
2. Advise the Central NSW Joint Organisation of its decision.

Attachments

1. CONFIDENTIAL - R 1 2025 - Evaluation Report with attachments [2.8.1 - 24 pages]

Reference to any relevant previous minute

Nil.

Background and discussion

Under the Local Government Act Tendering Regulation, where a contract is for over \$250,000 it needs to go to both open tender and be considered by Council. The CNSWJO, on behalf of participating member councils, has undertaken a formal RFT process in late 2024 through early 2025 to identify a suitable panel of providers for line-marking services.

CNSWJO member councils have participated in regional contracts for line-marking services since 2015, and the most recent contract concluded on 28 February 2025. Through the CNSWJO Roads Technical Committee, member councils agreed to repeating the process via this RFT to identify suitably qualified providers to deliver line-marking services. The RFT is for a 2-year period with an optional 12-month extension (for a total duration of 3 years).

CNSWJO has managed the procurement process on behalf of participating member councils and will receive a 3% management fee from the service providers to cover these costs.

Tender Evaluation

An open RFT process was undertaken through the CNSWJO eProcure portal for Line-marking Services. The RFT opened on 18 December 2024 and closed on 31 January 2025.

The TEP consisted of the following members, and was assisted by Grace Quinton and Kirsty Sheppard from CNSWJO:

- Chris Schumacher – Bathurst Regional Council
- Kristian Beaumont – Cowra Shire Council
- Mark Frecklington – Orange City Council

The TEP undertook an assessment of the responses remotely and participated in a consensus evaluation meeting via web-conference on 11 February 2025.

Tender Evaluation Criteria

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

- Customer Service and Delivery - 10%
- Capacity and Capability - 40%
- Quality, Safety and Environment - 20%
- Pricing - 30%

Summary of Responses Received

The following companies submitted tender responses for S1_2025: Supply and Delivery of Bulk Fuel for Central NSW Councils (in alphabetical order):

- ACT Linemarking Pty Ltd;
- Gumbay Holdings Pty Ltd T/A Avante Linemarking;
- Central West Linemarking Pty Ltd; and
- Complete Linemarking Services Pty Ltd.

Evaluation of Submissions

Evaluation rankings were as follows:

1. ACT Linemarking Pty Ltd;
2. Gumbay Holdings Pty Ltd T/A Avante Linemarking;
3. Central West Linemarking Pty Ltd; and
4. Complete Linemarking Services Pty Ltd.

Evaluation of the Preferred Supplier

The TEP agreed at the conclusion of the evaluation to recommend all four (4) suppliers on a panel arrangement, ACT Linemarking Pty Ltd, Gumbay Holdings Pty Ltd t/as Avante Linemarking, Central West Linemarking Pty Ltd and Complete Linemarking Services Pty Ltd on an unranked panel for the following reasons: by selecting all suppliers it allows Councils flexibility to use different suppliers in busy periods. All suppliers ranked very close and were deemed competent in all aspects of the Tender.

Council has determined that due to an ongoing investigation (Operation Wyvern) by the Independent Commission Against Corruption involving Complete Linemarking Pty Ltd and the subsequent suspension of Local Government Procurement contracts with the company, that Council will not use the supplier on this panel.

Conclusion

It is recommended that Council accept and sign contracts with ACT Linemarking Pty Ltd, Gumbay Holdings Pty Ltd t/as Avante Linemarking, and Central West Linemarking Pty Ltd for linemarking services and advise the Central NSW Joint Organisation of its decision.

There term of the contract is 1 March 2025 to 29 February 2027, with an optional 12-month extension.

Please find all tender advice attached as **commercial in confidence**.

Consultation and Communication

Nil.

Policy

The engagement of contractors under panel contracts under the management of the CNSWJO is in line with 1.4 Tendering Policy.

Legal

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

Risk Management

Council resolving as recommended will reduce the current risks being experienced with the engagement of line-marking services outside a contract, as several risk mitigation actions are built within the contract.

Financial

As this relates to the engagement of a panel of contractors in relation to line-marking services, there are no direct financial implications. Council does have the opportunity to select the most appropriate contractors based on specific needs and the prices are in accordance with the contract requirements.

Through participation in the CNSWJO tender process, the optimal value for money has been assessed as part of the evaluation of tender submissions.

2.9. I&PD - 22/09/2025 - TEN09/25 – Wolgan Road (Old) – Wolgan Valley Road Repair Works

Strategic Context for this matter:

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

Author: Nimalika Wijetunga – Project Officer

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Project Deliver

Executive Summary

This report summarises the tender evaluation process that has been undertaken for the Wolgan Road (Old) - Wolgan Valley Road Repair Works. This work includes repairs to the road surface, edges, shoulders, and V-drains, with both heavy and minor patching at identified damaged areas. It helps preserve the integrity of the road network, extend pavement life, and enhance safety and serviceability for all road users.

The project is funded from the NSW Disaster Recovery Funding Arrangements under Essential Public Asset Restoration and the budget is \$414,879.

Administration's Recommendation

THAT Council:

1. Note the tender evaluation for the Wolgan Road (Old) - Wolgan Valley Road Repair Works,
2. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, accept the tender submission from Gracey & Son Earthmoving for the tendered amount of \$270,960 (ex GST).
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

Attachments

1. CONFIDENTIAL - Wolgan Road (Old) - Wolgan Vally Road Repair Works - Tender Evaluation [2.9.1 - 1 page]

Background and discussion

Wolgan Road is a critical access route connecting the Wolgan Valley with the wider Lithgow region. It provides essential connectivity for residents, emergency services, tourism operators, and visitors to the valley.

In recent years, Wolgan Road has sustained significant damage due to severe weather events, resulting in reduced accessibility and safety concerns for road users. Temporary measures have been implemented to maintain limited access, however, the extent of the damage necessitates permanent repair works to ensure long-term functionality.

Lithgow City Council, with support from TfNSW under the NSW Disaster Recovery Funding Arrangements, has committed to undertaking major repair works to restore the road. The project aims to reinstate reliable and safe access, improve road resilience against future natural disasters, and support the ongoing social and economic wellbeing of the Wolgan Valley community.

Tender Process

A Tender Evaluation Panel (TEP) was formed, consisting of the following staff:

Name	Position	Role on TEP
Nimalika Wijetunga	Project Officer	Chair
Paul Creelman	Transport Manager	Member
Jim McGee	Principal Civil Engineer – Roads	Member
Peter Fisher	Team Leader- Projects	Member
Vanessa Browning	Director of Finance and Governance	Member

In accordance with the tender evaluation plan, it was determined that tender responses would be evaluated based on the following criteria:

- Value for money (40%)
- Design Concept and Proposed Methodology (20%)
- Demonstrated Experience and Past Performance (15%)
- Project Program (10%)
- WHS & Quality Management (10%)
- Local Preference Policy (5%).

Council called for open tenders on 4th August 2025, and eight (8) responses were received by the tender closing time, 5:00pm on 1st September 2025. These were received from the following companies:

- Dukes Earthmoving PTY LTD
- GILI Services PTY LTD
- Gracey & Son Earthmoving
- Gracey's Earthmoving & Excavations Pty Ltd
- Peter's Earthmoving
- Road Wokx
- Stabilcorp Pty Ltd
- T &L Excavations & Asphaltting

Tender Evaluation

The TEP reviewed the submissions and met on 10 September 2025 to discuss the proposals.

The table below provides a summary of the TEP's average scoring against the evaluation criteria. A detailed evaluation has been provided to all Councillors as a confidential attachment to this report. Please note that the attachment contains information that is commercial-in-confidence.

- **T & L Excavations & Asphaltting** submitted only a Non-Conforming (Alternative) Solution. In accordance with Clause 2.14 of Volume 1 – Conditions of Tendering, this supplier was not considered for evaluation, as submission of a Conforming Tender is mandatory.
- **Stabilcorp Pty Ltd** submitted both Conforming and Non-Conforming tenders separately. However, Council had already obtained approvals from TfNSW for the scope included in the Conforming Tender. Considering an Alternative (Non-Conforming) Solution would require additional time to obtain further approvals and therefore was not considered.
- After reviewing the Conforming Tenders, it was determined that the lowest bid was below the upper limit of the granted funding. Accordingly, the TEP resolved to proceed with the evaluation of Conforming Tenders only.

Tenderer	Overall Score (out of 100)
Dukes Earthmoving PTY LTD	87
GILI Services PTY LTD	35
Gracey & Son Earthmoving	91
Gracey's Earthmoving & Excavations Pty Ltd	86
Peter's Earthmoving	45
Road Wokx	64
Stabilcorp Pty Ltd	63
T & L Excavations & Asphaltting	Not Eligible

As well as tendering the lowest price, Gracey & Son Earthmoving demonstrated a sound understanding of the project, including limited access issues. Gracey & Son Earthmoving has been engaged by Lithgow City Council in the past to successfully complete rehabilitation and reconstruction works on Cox's River Road, Kanimbla. Gracey & Son Earthmoving has completed similar project in Arkstone Road, Arkstone with Oberon Council.

Gracey & Son Earthmoving is based in Lithgow and meet the requirements of Council's Local Procurement Policy.

Consultation and Communication

Residents in the local area have been advised of the project and further direct communication will be issued once the tender is awarded

Policy

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

Legal

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

The project is subject to a thorough assessment of key environmental issues by way of formal Review of Environmental Factors, to ensure compliance with the *Environmental Planning and Assessment Act 1979*

Risk Management

Council's Project Officer has undertaken a risk assessment of the project and identified real and perceived risks and treatment strategies have been applied. The risk register will be updated over the course of the project.

Financial

- Budget approved - \$414,879.36, funded via the NSW Disaster Recovery Funding Arrangements (Essential Public Asset Restoration Works, AGRN 1034 NSW Flooding from 14 September 2022 onwards), AGRN1034- Wolgan Road (Old) – Wolgan Valley
- Cost centre - PJ100909
- Expended to date - \$3,366.00
- Future potential impact – Amount to be expected to spend this financial Year

For Construction Cost	: \$270,960.00
For Project Management	: \$ 37,934.40 (14% from Construction cost)
Total cost	: \$308,894.40

2.10. I&PD - 22/09/2025 - TEN10/25 – Road Works Package 1 (2025-2026)**Strategic Context for this matter:**

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

Enhancing Our Natural Environment To balance, protect and enhance our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations.

Author: Nimalika Wijetunga – Project Officer

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Project Delivery

Executive Summary

This report summarises the tender evaluation process that has been undertaken for the Road Works Package 1 (2025–2026). The package covers two separate locations where a combination of earthworks, pavement works, resealing, and drainage improvements are required at identified approved damaged areas. The two project locations are Hampton Road and Mid Hartley Road. The required project works helps to preserve the integrity of the road network, extend pavement life, and enhance safety and serviceability for all road users at both locations.

The project is funded through the NSW Disaster Recovery Funding Arrangements under Essential Public Asset Restoration, along with council contributions, with a total budget of \$436,910.

Administration's Recommendation

THAT Council:

1. Note the tender evaluation for the Road Works Package 1 (2025–2026).
2. In accordance with Clause 178 (1)(a) of the Local Government (General) Regulation 2021, accept the tender submission from Dukes Earthmoving Pty Ltd for the tendered amount of \$250,680.00 (ex GST).
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

Attachments

1. CONFIDENTIAL - TEN 10 25 Road Works Package 1 (2025-2026) - Tender Evaluation [2.10.1 - 1 page]

Background and discussion

Mid Hartley Road and Hampton Road are critical local routes that provide essential connectivity for residents, local communities, and visitors within the Lithgow region. Both roads have sustained significant damage from past disaster events, resulting in pavement deterioration, drainage deficiencies, and safety risks for road users.

The proposed works are intended to improve road safety and serviceability by delivering a uniform, skid-resistant, and weatherproof surface. These works will also extend the lifespan of Council-maintained roads through cost-effective and timely preventive maintenance.

Lithgow City Council, with funding support from Transport for NSW under the NSW Disaster Recovery Funding Arrangements and supplementary Council funding, has committed in the Operational Plan to undertake major repair works on Mid Hartley Road and Hampton Road. The project will reinstate safe and reliable access, strengthen the resilience of the road network against future natural disasters, and contribute to the long-term social and economic wellbeing of the Lithgow community.

Tender Process

A Tender Evaluation Panel (TEP) was formed, consisting of the following staff:

Name	Position	Role on TEP
Nimalika Wijetunga	Project Officer	Chair
Paul Creelman	Transport Manager	Member
Jim McGee	Principal Civil Engineer – Roads	Member
Peter Fisher	Team Leader- Projects	Member
Sarah Lewis	Executive Assistant	Member

In accordance with the tender evaluation plan, it was determined that tender responses would be evaluated based on the following criteria:

- Value for money (40%),
- Design Concept and Proposed Methodology (20%),
- Demonstrated Experience and Past Performance (15%),
- Project Program (10%),
- WHS & Quality Management (10%), and
- Local Preference Policy (5%).

Council called for open tenders on 18th August 2025, and Eleven (11) responses were received by the tender closing time, 5:00pm on 8th September 2025. These were received from the following companies:

- Dukes Earthmoving Pty Ltd,
- GILI Services Pty Ltd,
- Gracey's Earthmoving & Excavations Pty Ltd,
- Knight Civil Pty Ltd,
- Na Group Pty Ltd,
- NSW Building and Civil Pty Ltd,
- Peter's Earthmoving,
- Roadworx Surfacing Pty Ltd,
- Stabilcorp Pty Ltd,
- Alpha Civil Group Pty Ltd, and
- Asphalt Laying Services Pty Limited.

Tender Evaluation

The TEP reviewed the submissions and met on 15 September 2025 to discuss the proposals.

The table below provides a summary of the TEP's average scoring against the evaluation criteria. A detailed evaluation has been provided to all Councillors as a confidential attachment to this report. Please note that the attachment contains information that is commercial-in-confidence.

- **Alpha Civil Group Pty Ltd** and **Asphalt Laying Services Pty Ltd** did not attend the mandatory Pre-Bid Meeting as mentioned in Clause 1.5 of Volume 1 – Conditions of Tendering. Therefore, these two bidders were not considered for evaluation, as attendance at this meeting is mandatory.
- **Stabilcorp Pty Ltd** submitted both Conforming and Non-Conforming tenders separately. However, Council had already obtained approvals from TfNSW for the scope included in the Conforming Tender. Considering an Alternative (Non-Conforming) Solution would require additional time to obtain further approvals.
- After reviewing the Conforming Tenders, it was determined that the lowest bid was below the upper limit of the granted funding. Accordingly, the TEP resolved to proceed with the evaluation of Conforming Tenders only

Tenderer	Overall Score (out of 100)
Dukes Earthmoving PTY LTD	90
GILI Services PTY LTD	42
Gracey's Earthmoving & Excavations Pty Ltd	86
Knight Civil Pty Ltd	62
Na Group Pty Ltd	76
NSW Building and Civil Pty Ltd	83
Peter's Earthmoving	52
Roadworx Surfacing Pty Ltd	75
Stabilcorp Pty Ltd	65
Alpha Civil Group Pty Ltd	Not eligible
Asphalt Laying Services Pty Limited	Not eligible

According to the above table, Dukes Earthmoving Pty Ltd achieved the highest score in the evaluation. In addition to submitting the lowest tender price, Dukes Earthmoving Pty Ltd demonstrated a sound understanding of similar projects. The company has previously been engaged by the Council to successfully deliver works on Pipers Flat Road, Pipers Flat; John Mackey Drive, Portland; and High Street, Portland under the Rural Distributor Road Rehabilitation program. Dukes Earthmoving Pty Ltd has also completed the Stages 3–9 Springfield Residential Subdivision and the Highlands Estate Rural Subdivision in partnership with Titania Properties Pty Ltd. A referee from Titania Properties vouched for Dukes Earthmoving Pty Ltd.'s quality of work.

Dukes Earthmoving Pty Ltd is based in Lithgow and meets the requirements of Council's Local Procurement Policy.

Consultation and Communication

Residents in the local area have been advised of the project and further direct communication will be issued once the tender is awarded.

Policy

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

Legal

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

The project is subject to a thorough assessment of key environmental issues by way of formal Review of Environmental Factors, to ensure compliance with the *Environmental Planning and Assessment Act 1979*.

Risk Management

Council's Project Officer has undertaken a risk assessment of the project and identified real, and perceived risks and treatment strategies have been applied. The risk register will be updated over the course of the project.

Financial

- Budget approved - \$436,910, funded through the NSW Disaster Recovery Funding Arrangements (Essential Public Asset Restoration Works) and the Council budget for the Mid Hartley Road and Hampton Road projects.
- Cost centre - PJ100900, PJ100902
- Expended to date - \$16,499.00
- Future potential impact - Amount to be expected to spend this financial Year
 - For Construction Cost : \$ 250,680.00
 - For Project Management : \$ 35,095.20 (14% from Construction cost)
 - Total cost : \$ 285,775.20

2.10. I&PD - 22/09/2025 - Proposed Crown Road Transfers

Strategic Context for this matter:

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

Responsible Governance & Civic Leadership To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Jonathon Edgecombe – Director Infrastructure and Project Delivery

Responsible Officer: Jonathon Edgecombe - Director Infrastructure and Project Delivery

Executive Summary

This report provides the Council with advice regarding the recent position taken by the Department of Planning, Housing and Infrastructure – Crown Lands relating to the transfer of Crown roads to Council ownership and control.

Three roads are currently being proposed for transfer. Those are:

- Cupitts Lane, Dark Corner,
- Doctors Gap Road, Lithgow, and
- The southern Crown Road providing access to 35 Honeysuckle Falls Road, Tarana (the subject of current media interest).

For the most part, the reasoning being used by Crown Lands to support these proposed transfers relates to historic development approvals made by Council, for which these roads are relied upon for access. However, regarding the Crown Road providing access to 35 Honeysuckle Falls Road, Tarana, no such reason is being offered.

Council's road renewal backlog is already significant. Over the next 6 years, Council is tasked with sourcing \$20 million to strategically address this challenge. The position taken by the Department serves to further entrench challenges relating to financial sustainability by increasing service delivery burden on the tier of government with the least financial capacity to respond.

It speaks to the very heart of vertical fiscal imbalance in NSW and the mismatch between the capacity of Local Government to generate revenue relative to its spending obligations.

In response, this report seeks the Council's support to stand against these transfers and to advocate for a more equitable and reasonable position to be taken by the NSW Government.

Administration's Recommendation

THAT Council:

1. Strongly reject the recent proposals made by the NSW Government's Department of Planning, Housing and Infrastructure – Crown Lands to transfer Crown roads to Council.
2. Urgently writes to the Hon. Stephen Kamper MP (Minister for Lands and Property), the Hon. Stephen Lawrence, MLC (Duty MLC for Lithgow), the Hon. Paul Toole, MP (Local Member for Lithgow), the Hon. Ron Hoenig MP (Minister for Local Government), and the Hon. Jenny Aitchison MP (Minister for Roads and Regional Transport) seeking their support for a more equitable and financially sustainable position to be taken regarding the transfer of Crown roads to Councils.
3. Seek the support of the Central NSW Joint Organisation in similarly advocating for the outcomes described in Point 2 above.

Attachments

Nil

Reference to any relevant previous minute

Nil

Background and discussion

1. Introduction

This report is presented in relation to recent correspondence regarding proposals from the Department of Planning, Housing and Infrastructure – Crown Lands (the Department) to transfer several roads in the Lithgow LGA from a Crown road under the control of the NSW Government, to a local road under the care and control of Lithgow City Council.

The action taken by the Department represents a concerning new trend with three road transfer requests in the past month.

2. Justification for transfer

Specifically, the Department is currently seeking to transfer the following roads to Council:

1. Cupitts Lane, Dark Corner,
2. Doctors Gap Road, Lithgow, and
3. The southern Crown road providing access to 35 Honeysuckle Falls Road.

First and foremost, the written advice from Council to the Department is that Lithgow City Council does not provide its concurrence for the abovementioned transfer to occur, for the reasons provided below.

The Department is using the provisions of the NSW Roads Act 1993 (the Act) to enact these transfers. Section 152 of the Act reads:

152I Transfer of Crown road to roads authority

- (1) The roads authority may, by order published in the Gazette, transfer a specified Crown road to another roads authority.
- (2) On the publication of the order, the road ceases to be a Crown road.

(3) An order transferring a Crown road to TfNSW may not be made except with the consent of TfNSW.

(4) If the road has been provided in a subdivision of Crown land for alienation, or has been reserved in the measurement of Crown land, the official plans of survey showing the road adjacent to the land subdivided or measured are evidence of the width, extent and position of the road.

Oddly, but unsurprisingly, the protections offered to Transport for NSW by Section 152 (3) of the Act are not also afforded to Local Government.

While the Department is required to consult on the proposal, Council has been informed that financial hardship will not be considered a legitimate reason to decline the request to transfer.

Council has also been advised by representatives of the Department that it is the intent of the Minister to actively identify historic development approvals that rely on Crown road access and pursue proactive retrospective transfers. With almost 700 properties in the Lithgow LGA relying on Crown roads for access, this position poses as a significant risk to the Council.

3. Reasons for Opposition

As it stands, the three road corridors referenced above give access to the following:

Road	Number of discrete and rateable properties in the Lithgow LGA
Cupitts Lane, Dark Corner	1 (and the Sunny Corner State Forest)
Doctors Gap Road, Lithgow	3 (although Council rates 8 individual owners)
Southern Crown road to 35 Honeysuckle Falls Road, Tarana	1

The subdivision and/or development of the properties referenced in correspondence from the Department occurred several years ago. Council has acknowledged that there may be examples of historic development approvals which may not have been referred to the Department for advice and concurrence. We cannot change the past.

However, Council only recently met with the Department on Thursday 01 May 2025. It was at this meeting where the Department disclosed its intent to commence stricter enforcement of its position relating to the transfer of Crown roads that support approved local development applications. If this position had been clarified earlier, and the Department's position on the matter had been applied consistently, Council would have responded to this advice through the application of different consent conditions that result in minimised costs to the residents of Lithgow post-transfer.

Without this clarity, Council has not sought to implement such development consent conditions. Hence, retrospective transfers are not fair to the Council, nor its broader community.

Similarly, the Administration has referred to a process undertaken 2018 in consultation with the Department wherein Council sought to voluntarily acquire many Crown roads and transition them to Council ownership and control. This process was proactively initiated by Council. We accepted that these transfers must occur, as Council had regularly maintained those roads previously. The roads proposed for transfer were discussed with the Department and were endorsed at the Ordinary Meeting of Council held 26 February 2018. None of the abovementioned roads were included in this process, nor did the Department seek to have these roads included.

Thirdly, Lithgow City Council has undertaken significant work to quantify its own road repair backlog at \$88 million. The Council is actively considering strategies to respond to this, with the first being

its largest ever renewal program of \$16 million being programmed for 2025/26. But still, over the next 6 years, Lithgow is at least \$20 million short of what it needs to meet this challenge. Unlike previous years, there are no state or federal grants available to meet this need. The addition of new roads to Council's care and control will only grow this asset renewal backlog, increase the Council's yearly operational and maintenance costs and negatively impact the Council's financial sustainability and critical service delivery capacity.

While new subdivisions result in increased rates revenue, with such a significant asset renewal backlog, this additional revenue does not increase the capacity of Council to manage new assets. Ultimately, this position will result in increased hardship to the wider Lithgow community.

With the advice received from the Department during the meeting between Council and the Department of 01 May 2025, Council has commenced the application of new conditions for all development on Crown roads. These conditions will require upgrade of Crown roads to an acceptable public standard as part of the development consent, prior to their transfer to Council ownership.

At face value, this sounds like a suitable approach. However, while this removes the financial impact to the Council, it simply transfers it to the resident. This creates a position where the Council cannot be seen to subsidise the cost of development and grow its renewal backlog, however, the developer may not be able to afford the necessary road upgrades associated with their project. This will effectively serve to sterilise development and subdivision in rural and remote areas.

Inhibiting rural growth and diversification is an unacceptable position for Council and its community.

Further to the above, the proposal to transfer the Crown Road that acts to provide legal access to the southern boundary of 35 Honeysuckle Falls Road, Tarana, is completely without merit or reason, other than to transfer responsibility of a difficult issue. Ultimately, like the Department, Council has no resources to construct this road. It is a low priority as it provides access to just one property and serves no broader community benefit. Were Council to provide a benefit to a single property owner, S356 of the Local Government Act may be relevant (i.e. can a council financially assist others?).

Put simply, this tactic simply serves to reorient reputational risk toward Council and away from the NSW Government. There is no other valid justification for this proposal.

4. Current position and suggested advocacy

Council continues to reject these transfers and will continue to do so for any other retrospective transfers that use historic development approval as justification for transfer. The Administration is seeking an urgent meeting between relevant Ministers and the Council to discuss the matter further and consider an alternative approach that does not further impact the financial sustainability of the Local Government sector and place additional burden on the residents of Lithgow.

This matter is of utmost importance. Accordingly, it is suggested that Council strongly advocate against such transfers to the Hon. Stephen Kamper MP (Minister for Lands and Property), the Hon. Stephen Lawrence, MLC (Duty MLC for Lithgow), the Hon. Paul Toole, MP (Local Member for Lithgow), the Hon. Ron Hoenig MP (Minister for Local Government), and the Hon. Jenny Aitchison MP (Minister for Roads and Regional Transport). The Administration will also circulate to members of the Central NSW Joint Organisation with the hope of assisting regional advocacy relating to this matter.

Consultation and Communication

Regarding the matter of access to 35 Honeysuckle Falls Road, Tarana, the Council has written to the property owner to provide them with options to progress this matter of concern. Those options were:

1. They could engage a solicitor to pursue a pathway for compulsory acquisition of a right of carriageway over their neighbour's land, or any other legal pathway that might result in a resolution of this matter.
2. At their cost, perhaps under a mutually agreed payment plan, Council could provide services to deliver minor improvements to the Crown road corridor.

Regarding the Cupitts Lane and Doctors Gap Road proposals, Council has written to the Department and responded much the same as the position taken in this report.

Policy

Of the policies endorsed by Council, three apply to the forced transfer of Crown roads to Council. Those are:

1. Policy 1.2 - Asset Acquisition

This policy notes that when acquiring assets, the Council must consider:

- The comparative long-term ownership costs of the asset,
- Evidence of community demand for the provision or retention of the asset,
- The strategic worth of the asset and its community benefit, and
- The extent to which the asset is subsidised by the community, through the use of general rate revenue.

It is noted that these assets are currently unformed and unmaintained. This should remain the case. Should Council choose to form and maintain the asset, this will incur costs that offer no strategic worth to the Council and no benefit to the wider community. Similarly, it will incur operational costs that greatly exceed the rate base that gain benefit from it, resulting in the broader Lithgow population subsidising the cost of this service for the gain of one rateable property.

2. Policy 1.5 - Asset Management (Acquisition and Disposal of Assets)

The parts of this Policy that are relevant to the matter at hand are:

- As part of Council's consideration of infrastructure asset management, Lithgow City Council will:
 - Manage its infrastructure and assets in a systematic and sustainable manner.
 - Set levels of service, risk and cost standards after balancing competing demands and considering integrated planning matters.
- All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.
- Future life cycle costs will be reported and the ability to fund those costs considered in all decisions relating to new services and assets and upgrading of existing services and assets. Those lifecycle costs will include the eventual disposal / decommissioning costs.

In short, it is required that Council appropriately consider the 'sustainable' management of assets, with reference to political, social and economic environments. Future life cycle costs and the ability to fund these are to be considered when making decisions as to whether the Council will accept new assets.

3. Policy 10.11 - Crown Roads and Private Roads – Maintenance

While it largely relates to the maintenance of Crown roads and other roads that fall outside the care and control of Council (such as private roads), this Policy does contemplate how the organisation will respond to forced transfers of Crown roads to Council ownership and control. Specifically, this Policy notes that:

In the event where the Department of Lands proceed to transfer a Crown Road to Lithgow City Council, Council will not maintain any additional rural roads constructed as accesses to rural subdivisions or properties.

Appeals to this policy or its application can only be made by Council resolution through written submission to Council for consideration at a meeting of Council, or verbally during public forum at a Council meeting.

This suggests that the Council's typical public policy position relating to the transfer of Crown roads to Council ownership is that should such a transfer occur, that road will remain unformed and/or unmaintained by Council.

Legal

The provisions of the Roads Act 1993 allow for Councils to determine the appropriate level of service provided to given classifications of roads across the Local Government Area. Even if a road is owned by the Council, there is no legal requirement to provide a minimum standard of service. Based on an assessment of risk, strategic benefit, community benefit and affordability, a Council can choose to designate a road as 'unmaintained and/or unformed'.

The commonly used benchmark for the transition of an unmaintained and/or unformed road to a formed and/or maintained road is that it services at least 5 permanent residences.

Risk Management

As detailed in this report.

Financial

- Budget approved – Nil – no budget has been endorsed by the Council for the maintenance and management of Crown roads.
- Cost centre - Not applicable.
- Expended to date – Nil.
- Future potential impact - This depends on the will of the Council regarding its strategy in responding to these transfers of the available options, the following broad impacts can be expected. Further reports can be furnished to the Council depending on their proposed strategy.
 - Should Council accept the roads and designate them as unmaintained and/or unformed, there will be minimal impact to operating budgets, depending on the nature of the road when it is handed over.
 - Should Council accept the roads and choose to upgrade and/or maintain them, a this will come with considerable cost in many circumstances. Generally, funding is not provided by the Department when roads are transitioned to Council. Without additional revenue, funding will need to be reallocated from elsewhere, resulting in a reduction of other service levels.

2.11. I&PD - 22/09/2025 - Review of Policy 10.15 & New Draft Policy - ENM & VENM

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Kaitlin Cibulka - Cemeteries & Administration Supervisor

Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Project Delivery

Executive Summary

The update and implementation of these policies will better ensure their accuracy, completeness and pertinence to an evolving Council and community.

Revised Policy 10.15 Footpath Reservation and Nature Strip Maintenance and Draft Policy ENM (Excavated Natural Materials) and VENM (Virgin Excavated Natural Materials) Management were publicly exhibited for 28 days and closed with no submissions. It is therefore recommended that these policies be adopted and implemented with immediate effect.

Administration's Recommendation

THAT Council:

1. Adopt and implement revised Policy 10.15 Footpath Reservation and Nature Strip Maintenance with immediate effect; and
2. Adopt and implement the new policy – ENM (Excavated Natural Materials) & VENM (Virgin Excavated Natural Materials) Management with immediate effect.

Attachments

1. Policy 10.15 - Footpath Reservation and Nature Strip Maintenance [2.11.1 - 9 pages]
2. New Draft Policy - ENM and VENM Management [2.11.2 - 26 pages]

Reference to any relevant previous minute

Min No: 25 - 152 – Ordinary Council Meeting of 30 June 2025.

Background and discussion

After the Ordinary Meeting held on the 30 June 2025, the following policies were placed on public exhibition for a period of 28 days during the month of August 2025. The period for comment closed on 1st September 2025 with no submissions received.

- Policy 10.15 - Footpath Reservation and Nature Strip Maintenance; and
- New Draft Policy – ENM & VENM Management

Amendments were made to Policy 10.15 which were summarised in a report to the 17 June 2025 I&E Infrastructure Committee meeting. The report to the Infrastructure Committee is included as an attachment, together with the current and revised versions of the policy.

Similarly, the report to the 17 June 2025 I&E Infrastructure Committee meeting on the draft ENM & VENM Management Policy is included as an attachment, together with the draft policy.

Each of these draft Policies speak to Council's focus on continuous improvement. With respect to the ENM and VENM management policy, it is expected that this will move the Council toward best practice regarding its adherence to industry best practice and environmental obligations.

Consultation and Communication

Nil

Policy

Recommendation to Council for adoption of updates to Policy 10.15 - Footpath Reservation and Nature Strip Maintenance & adoption of new policy ENM (Excavated Natural Materials) & VENM (Virgin Excavated Natural Materials) Management.

Legal

Nil

Risk Management

The implementation of these policies will reduce legislative, compliance, environmental and reputation risks to Council.

Financial

N/A

3. Council Committee Reports

3.1. P&P - 22/09/2025 - Seven Valleys Tourism Committee Meeting Minutes - 20 August 2025

Strategic Context for this matter:

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

Author: Simon Francis – Tourism Manager
Responsible Officer: Shaun Elwood - Director People and Place

Executive Summary

The purpose of this report is to present the minutes of the Seven Valleys Tourism Committee meeting of 20 August 2025.

Administration's Recommendation

THAT:

1. Council note the minutes of the Seven Valleys Tourism Committee meeting held on 20 August 2025.
2. Endorse Trevor Evans (Secret Creek) and Lucie Novakova (Six Foot Track Eco Lodge) as additional members of the Seven Valleys Tourism Committee.

Attachments

1. Seven Valleys Tourism Meeting Minutes 20 August 2025 [3.1.1 - 9 pages]

Reference to any relevant previous minute

25-158 Ordinary Meeting of Council held on 30 June 2025

Background and discussion

At the Seven Valleys Tourism Committee meeting held on 20 August 2025 the following items were discussed:

- Seven Valleys Tourism Website Stakeholder Engagement presented by Headjam Pty Ltd,
- Tourism Roads – Director Infrastructure & Project Delivery,
- Seven Valleys Branding & Marketing Update,
- Events Program Update, and
- General Business
 - Wolgan Valley & Emirates Update
 - Visitor Information Centre Update
 - Trail Openings update by National Parks
 - Mountain Bike Park Update
 - Committee Structure.

An action arising from the meeting was for the Committee to provide feedback on the Council's development of a road network renewal strategy, and development of its related road asset management plans.

Financial

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

3.2. P&P - 22/09/2025 - Environmental Advisory Committee Minutes - 3 September 2025

Strategic Context for this matter:

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

Enhancing Our Natural Environment: To balance, protect and enhance our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations

Author: Ailis Chapman Natural Areas Management Officer

Responsible Officer: Shaun Elwood Director People and Places

Executive Summary

This report provides details of the minutes of the Environmental Advisory Committee held on 3 September 2025. This meeting had been postponed from 13 August 2025 due to a lack of quorum.

Administration's Recommendation

THAT Council note the minutes of the Environmental Advisory Committee held on 3 September 2025.

Attachments

1. Environmental Advisory Committee Meeting Minutes 3 September 2025 [3.2.1 - 7 pages]

Reference to any relevant previous minute

25-157 Ordinary Meeting of Council held on 30 June 2025.

Background and discussion

At the Environmental Advisory Committee held on 3 September 2025, there was two presentations by Council Staff.

The Director of Infrastructure and Project Delivery presented on Council's Roadside Vegetation Management Plan and the Director of Water, Wastewater and Waste made a presentation on the Clarence to Wallerawang Pipeline Proposal.

General Business included updates on the following:

- Hassans Walls Reserve,
- Hyde Park Reserve,
- Biodiversity Month,
- Great Southern Bioblitz,
- Roadkill prevention program,
- Pearsons Lookout,
- Glen Davis Reserve, and
- Farmers Creek Management.

Financial

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

3.3. I&PD - 22/09/2025 - TALC Minutes - 21 August 2025

Strategic Context for this matter:

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

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

Author: Kaitlin Cibulka – Cemeteries & Administration Supervisor
Responsible Officer: Jonathon Edgecombe - Director of Infrastructure and Project Delivery

Executive Summary

This report provides details of the minutes of the TALC Committee meeting held on 21 August 2025.

Administration's Recommendation

THAT Council:

1. Note the minutes of the TALC Committee Meeting held on 21 August 2025; and
2. Adopt the reforms to Transport for NSW delegations to Council, including the reforms to Local Traffic Committees (item 8.1); and
3. Note that the TfNSW template Terms of Reference for Council's Local Transport Forum (formerly Traffic Advisory Local Committee) will be presented to the Committee (when available) for discussion and review, with any amendments to reflect the new delegations and reforms (item 8.1); and
4. Approve "No Parking" zones to be installed on both sides of High Street, between Mort Street and Johnson Street, Lithgow (item 8.2); and
5. Approve a "No Parking" zone to be installed on the continuous side of Stewart Street / Page Street intersection, for a total of 35 metres (lining up with the 10 metre No Parking zones on the opposite side of the street) (item 8.3); and
6. Reiterate the existing restriction of not parking within 10 metres of any intersection by installing "No Parking" signs in Stewart Street, either side of the Page Street intersection (currently not signposted) (item 8.3); and
7. Approve the current parallel parking in Blanchard Lane to remain as is (item 9.1); and
8. Approve a second accessible parking space in Blanchard Lane, Lithgow (upon discussion with Red Cross) (item 9.1); and
9. Approve Bus Zone signage to be installed to reflect the restriction on parking 20 metres before and 10 metres after both bus stops in Williwa Street, Portland (between Lett Street and Wolgan Street) (item 9.2); and
10. Forward correspondence to the resident / businesses in Williwa Street, between Lett Street and Wolgan Street, Portland advising of the restrictions and requirement for valuable public transport usage (item 9.2); and
11. Approve the Blue Mountains Grammar School Charity Walk event scheduled for Saturday 11 October 2025 as submitted (item 9.3).

Attachments

1. DRAFT Minutes TALC 21 August 2025 [3.3.1 - 9 pages]

Reference to any relevant previous minute

Nil

Background and discussion

At the TALC Committee Meeting held on 21st August 2025, there were several items discussed by the committee; however, the following items were outside the Committee's delegations and require Council to formally approve the recommendations;

- Local Traffic Committee Reforms and Updated Delegations to Council.
- No Stopping Request – High Street, Lithgow.
- No Stopping Request – Stewart Street, Lithgow.
- Blanchard Lane, Lithgow – Request for Angled Parking.
- Bus Zone Issues – Williwa Street, Portland.
- BMGS Charity Walk.

Financial

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

3.4. F&G - 22/09/2025 - Audit Risk Improvement Committee (ARIC) Minutes and Annual Report

Strategic Context for this matter:

Responsible Governance & Civic Leadership: To develop community confidence in the organisation by the way it is directed, controlled and managed.

Author: Vanessa Browning - Director Finance and Governance

Responsible Officer: Vanessa Browning - Director Finance and Governance

Executive Summary

This report summarises the business discussed at the Audit Risk & Improvement Committee (ARIC) meeting held on 9 September 2025 and recommends that Council note the minutes.

The ARIC Annual Report is also presented, as attached, for Council's endorsement.

Administration's Recommendation

THAT Council:

1. Note the Minutes of the 9 September 2025 ARIC Meeting; and
2. Endorse the ARIC Annual Report which is included as an attachment.

Attachments

1. DRAFT Minutes - Audit Risk Improvement Committee Meeting - 9 September 2025 [3.4.1 - 7 pages]
2. Draft - LCC ARIC Annual Report 2024-25 [3.4.2 - 12 pages]

Reference to any relevant previous minute

Min No. 25-173 Ordinary Meeting of Council held on 30 June 2025.

Background and discussion

At the ARIC meeting held on 3 June 2025, the following items were presented and discussed.

- **Business Arising:** ARIC noted and discussed items within the Recommendations Tracking List.
- **External Audit:** the 2024/2025 Interim Audit Management Letter was discussed. An update on the progress of the 2024/2025 Audit was presented by the external auditor. An update on the progress of implementing Management Actions arising from the 2023/2024 Audit was noted.
- **Financial Management:** the Financial Management Report, incorporating the July Investment Report, was presented and discussed.
- **Internal Audit:** the Committee received and noted an update in relation to the Internal Audit Manual. The draft Project Management Work Plan for the internal audit to be undertaken on Council's Project Management Framework was presented. The draft Four-Year Internal Audit Plan was discussed. In addition, Management Actions arising from internal audits were reviewed.
- **Management Reviews, Self-Assessments & Non-ARIC Audits:** an update was provided regarding the progress of the following:

- Internal Audit and Risk Management Attestation,
- Self-assessment against the Cyber Security Insights report from the NSW Audit Office, and
- Management actions arising from the Information Security Gap Analysis.
- **Risk Management:** the following were presented and discussed:
 - Council's strategic and operational risk registers,
 - Business Continuity Plans and Sub-Plans,
 - Progress on the Risk Maturity Review recommendations,
 - Progress on the Central NSW Joint Organisation's Cyber Security Framework, and
 - Annual Insurance Report.
- **Asset Management:** discussions were held on the developments and progress with Asset Management and the proposed engagement of expert consultancy and support services required to embed best-practice asset management.
- **Service Reviews:** the update on the development of the Service Management Framework was received and noted.
- **Policies / Standard Work Procedures:** an update was presented and noted by ARIC, on reviewed and new policies and SWPs.
- **Strategic Planning – IP&R Framework Documents:** an update regarding the Integrated Planning & Reporting (IP&R) Frameworks was provided and noted.
- **Standing Items:** the following items were discussed:
 - Non-Compliance – no items of note,
 - Fraud & Corruption – no items of note,
 - Conflicts of Interest – no items of note,
 - Major Projects – Wolgan Road and Project Management Improvement,
 - Change in Risk Profile – compliance risk due to recruitment issues and reputational risk due to level of code of conduct complaints related to social media interactions,
 - OLG Circulars – no items of note, and
 - Governance – annual update on organisational culture initiatives undertaken in the previous 12 months and those planned for the next 12 months.
- **General Business:** the following items were discussed:
 - Committee's Annual Report to Council – as attached,
 - ARIC Terms of Reference – Annual Review – minor update only, and
 - ARIC Workplan – Annual Review – updated with minor changes.

Annually, the ARIC is required to undertake an Annual Review and report to Council on the performance of the Committee, which is attached for Council's endorsement.

Financial

N/A

4. Notices of Rescission

4.1. NOM - 22/09/2025 - Notice to Rescind Resolution - Code of Meeting Practice

Report by Councillor Elizabeth Fredericks
Councillor Eric Mahony
Councillor Steve Ring

Commentary

In accordance with the provisions of Section 372 of the Local Government Act 1993 and Lithgow City Council's currently adopted Model Code of Meeting Practice for Local Councils in NSW, we, the undersigned three Councillors, hereby provide Notice of Motion to Rescind Resolution with respect to Agenda Item 2.2 Review of Code of Meeting Practice that was carried at Lithgow City Council's Ordinary Meeting held on Monday 25 August 2025 which resolved as follows:

25 -202 RESOLVED

THAT:

1. *The draft Code of Meeting Practice be placed on public exhibition for a period of 28 days.*
2. *If no submissions are received during the public submission period or in the General Manager's view the submissions do not warrant referral to Council, the Code of Meeting Practice be adopted.*
3. *Council endorse Section 18 Time Limits on Council Meetings with a conclusion timeframe for meetings being: meetings to conclude no later than 10:30 pm plus a half hour buffer.*

WE further move the following Motion be put before the Ordinary Meeting of the Lithgow City Council to be held on Monday 22 September 2025:

THAT:

1. The newly released draft Model Code of Meeting Practice be placed on public exhibition for a period of 28 days and members of the community be allowed 42 days in which to comment on the draft code.
2. If no submissions are received during the public submission period or in the General Manager's view the submissions do not warrant referral to Council, the Code of Meeting Practice be adopted.
3. Council endorse Section 18 Time Limits on Council Meetings with a conclusion timeframe for meetings being: meetings to conclude no later than 10:30 pm plus a half hour buffer.
4. Council endorse the other proposed non-mandatory provisions included in the draft Model Code which meet best practice as set by the Office of Local Government.
5. Council fix the general order of business included as Appendix 1 of the draft Model Code.

Deputy Mayor Cr Steve Ring

Cr Eric Mahony

Cr Elizabeth Fredericks

Attachments

1. Rescission Motion - Code of Meeting Practice [4.1.1 - 1 page]
2. 2025- Model- Code-of- Meeting- Practice-for- Local- Councils-in- NSW Draft LCC [4.1.2 - 40 pages]

Recommendation

THAT

1. The newly released draft Model Code of Meeting Practice be placed on public exhibition for a period of 28 days and members of the community be allowed 42 days in which to comment on the draft code.
2. If no submissions are received during the public submission period or in the General Manager's view the submissions do not warrant referral to Council, the Code of Meeting Practice be adopted.
3. Council endorse Section 18 Time Limits on Council Meetings with a conclusion timeframe for meetings being: meetings to conclude no later than 10:30 pm plus a half hour buffer.
4. Council endorse the other proposed non-mandatory provisions included in the draft Model Code which meet best practice as set by the Office of Local Government.
5. Council fix the general order of business included as Appendix 1 of the draft Model Code.

5. Questions with Notice

5.1. QWN - 22/09/2025 - Councillor M Ticehurst - 2024/2025 Financial Year Claims

Report by Councillor Martin Ticehurst

Commentary

Could the General Manager and Senior Council staff provide answers to the following questions:

1. For the recent 2024/2025 Financial Year, what was the total number of 'Claims' made to the Lithgow City Council for personal injury, property damage, motor vehicle damage, etc?
2. With respect to the above total claims, how many were each related to the Councils:
 - a. Roads?
 - b. Footpaths?
 - c. Trees?
 - d. Drainage?
 - e. Other?
3. With respect to the above total claims for Roads, how many claims related to 'Potholes'?
4. With respect to the above total claims, how much in financial compensation was claimed for:
 - a. Motor Vehicles?
 - b. Property Damage?
 - c. Personal Injury?
 - d. Other?
5. With respect to the above total claims, how much in financial compensation was paid out by either the Council or it's Insurer for:
 - a. Motor Vehicles?
 - b. Property Damage?
 - c. Personal Injury?
 - d. Other?
6. With respect to the above total claims, how many still remained outstanding at the 30 June 2025?

Attachments

Nil

Management Response

1. There were a total of 99 claims made against Council in relation to injury and damages.
2. The claims were related to Council's:
 - a. Roads - 74
 - b. Footpaths - 6
 - c. Trees - 5
 - d. Drainage - 4
 - e. Other - 10
3. There were 73 claims relating to damages arising from potholes.

4. Council is unable to provide this information; 29 claims were denied either by Council or its insurer. Claimants sometimes make a claim without providing the costs sought, and if denied, the amount sought is not requested.

7. Financial compensation that was paid out by either the Council or it's Insurer:
 - a. Motor Vehicles - \$49,738
 - b. Property Damage - \$511
 - c. Personal Injury - \$0
 - d. Other - \$12,076

Please note that this only includes the amounts that Council paid either to the insurer in relation to deductibles or directly to the claimant. This does not include the amounts the insurer paid directly to claimants above the deductible, as this is not a cost to Council.

8. There were 16 claims outstanding at the 30 June 2025.

Vanessa Browning
Director Finance & Governance

5.2. QWN - 22/09/2025 - Councillor M Ticehurst - On Lithgow City Council Resolution 25 -164 made on the 30 June 2025.**Report by** Councillor Martin Ticehurst**Commentary**

At the Ordinary Meeting of the Lithgow City Council held on Monday 30 June 2025, Councillor Ring in his right of reply on Agenda Item 2.4. DA226/22, Subdivision into 54 Residential Allotments, 19 Barton Avenue, Wallerawang said,

“Yeah, I’d just like to say that on reports we didn’t debate in previous Councils, it was clear I stated that ICAC have looked at this sale. There was nothing to look at. There was nothing corrupt. That’s it. Need to move on.”

Attachments

Nil

QUESTION

Could the General Manager and Senior Council staff provide advice to the Council and all Councillors on what material correspondence, letters, emails, etc. the Lithgow City Council holds from 1 July 2017 to the 30 June 2025, made from the Council to and received from the NSW ICAC with respect to their previous sale in 2017 of Council land at Wallerawang to Timberfix Pty Ltd. leading to Lithgow City Council Resolution 25 -164?

Management Response

The correspondence timeline of the ICAC assessment of allegations concerning the 2017 sale of land by Lithgow City Council to Timberfix Pty Ltd is as follows:

- 21 April 2023 – letter from the ICAC advising that the Commission has received complaints concerning the 2017 sale of land by Lithgow City Council to Timberfix Pty Ltd. The letter included an information request.
- 1 May 2023 – the Council provided responses to the ICAC’s information request.
- 23 June 2023 - letter from the ICAC to advise that, following their consideration of the information obtained, including that obtained from the Council, the ICAC will not be pursuing the matter further.

Ross Gurney
General Manager

6. Business of Great Urgency

The General Manager / Acting General Manager publicly confirms, that before and during this Ordinary / Extra-Ordinary Meeting of the Lithgow City Council, that they have provided all Councillors with full access to all relevant information necessary for the performance of their official functions and necessary to effectively discharge their official functions.

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

Ross Gurney
General Manager

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

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

7. Closed Council

Recommendation

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