Business Paper

Lithgow City Council

Surrounded by Nature · Steeped in History

Blast Furnace Park

Ordinary Meeting of Council

to be held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 July 2026

at 6:30 PM

ORDER OF BUSINESS

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.

Public Attendance
In accordance with the mandatory requirements of the NSW Local Government Code of Meeting Practice, clause 15.20, members of the public attending a meeting of Council

(a) must remain silent during the meeting unless invited by the chairperson to speak,
(b) must not bring flags, signs or protest symbols to the meeting, and
(c) must not disrupt the meeting.

Council Meeting Emergency Procedures
Procedures to be outlined in the meeting.

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 29 June 2026.

1. Mayoral Minutes

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

2. Administration Reports

2.1. GM - 27/07/2026 - Council Resolution Action Register

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

The purpose of this report is to provide Council with information on the status of outstanding resolutions determined at Council meetings during the current term from October 2024 to 10 June 2026.

As of 13 July 2026, there are 47 resolutions to be finalised.

Administration's Recommendation

THAT Council note the July 2026 quarterly report on the Council Resolution Action Register.

Attachments

1. October 2024 to 10 June 2026 - Council Resolution Action Register [**2.1.1** - 9 pages]

Reference to any relevant previous minute

Min. No. 25-186 - Ordinary Meeting of Council held on 28 July 2025
Min. No. 25-252 - Ordinary Meeting of Council held on 27 October 2025
Min. No. 26-7 – Ordinary Meeting of Council held on 28 January 2026
Min. No. 26-18 – Ordinary Meeting of Council held on 29 April 2026

Background and discussion

It is the role of the General Manager to implement, without undue delay, lawful decisions of the Council, in accordance with s335 of the Local Government Act 1993.

The Resolution Action Sheet is an ongoing document, updated progressively by staff. As items are completed, they are removed.

Resolutions relating to land transfers, purchases, or sales can take 2-5 years to be completed. Completion of some actions have needed to be prioritised, due to competing priorities, staff turnover and delays in recruiting for vacant key staff positions.

The Resolution Action Sheet is presented to Council quarterly.

The current reporting period covers October 2024 (the start of the Council term) to the 10 June 2026 Extra Ordinary Meeting.

Consultation and Communication

N/A

Policy

N/A

Legal

The subject matter of this report is a function of Council conferred by the Local Government Act 1993.

Risk Management

N/A

Financial

Nil arising directly from this report.

2.2. F&G - 27/07/2026 - Investment Report June 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: Jonathon Reid – Financial Services Manager
Responsible Officer: Vanessa Browning - Director Finance and Governance

Reference

Min No 26-134 Ordinary Meeting of Council held 29 June 2026.

Executive Summary

The purpose of this report is to advise Council of investments held as at 30 June 2026 and to note the certification of the Responsible Accounting Officer that funds have been invested in accordance with legislation, regulations and Council's Investment 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 $68.2M, these are almost entirely restricted (internally or externally), with only $91K unrestricted and available for general purposes.

Administration's Recommendation

THAT:

1. Investments of $66,200,000 and cash of $2,045,069 (which is restricted for specific purposes) for the period ending 30 June 2026 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. Investment Report Attachment - June 2026 [**2.2.1** - 1 page]

Commentary

Movements in the Cash and Investments Balance

Council's total investment portfolio as at 30 June 2026, when compared to 31 May 2026, has increased from $51,400,000 to $66,200,000. Cash in the Council's bank account decreased from $3,066,102 to $2,045,069.

June is usually a cashflow negative month, with grant income being the main funding source. In June 2026, there were high cash outflows relating to supplier payments which were offset by advance payments relating to part of the 2026/2027 Financial Assistance Grant allocation in the amount of $5.67M (internally restricted), the drawdown of the $5.5M Sewer Loan (externally restricted) and a prepayment of Natural Disaster Funding Arrangements of $5.5M, resulting in a net increased cash position.

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

The movements in Investments for the month of June 2026 were as follows:

Opening Balance of cash and investments as of 1 June 2026	$54,466,102
Plus New Investments – June 2026	$19,800,000
Less Investments redeemed – June 2026	$6,021,033
Closing Balance of cash and investments as at 30 June 2026	$68,245,069

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 the attachment and within the report relates 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 $13.8M increase in cash and investments in June 2026 arising from the advance payments as outlined above. The additional cash inflows were partly offset by high payments to suppliers ($7.5M), which resulted in a net 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:

- $1.0M Annual Software Licence (General Fund),
- $650K Portland Sunny Corner Road, Portland, road repairs (DRFA funded, General Fund),
- $581K Wolgan Valley Access Road design and project management (DRFA funded),
- $361K Lowther Sliding Road, Lowther, road repairs (DRFA funded, General Fund),
- $347K Domestic Waste collection for May 2026 (Waste Fund),
- $327K Traffic Control Hartley Vale Road (Transport for NSW),
- $277K Hampton Road, Hampton, road repairs (DRFA funded, General Fund),
- $221K Plant replacement Kubota Tractor (SRV funded),
- $207K Water usage April 2026 from Fish River (Water Reserve Funded),
- $193K Footpath upgrade of Main St, Lithgow (loan and grant funded),
- $123K Sewerage Pumping Station South Bowenfels (Sewer Fund),
- $110K Mid Hartley Road, Hartley, road repairs (DRFA funded, General Fund),
- $105K Replacement Valves - Lithgow Treatment Plant (Water Fund),
- $100K Sewerage Treatment Study Dam Safety (Sewer Fund),

Funding Requirements for Restricted Reserves

A large proportion of the 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, bonds, and deposits.

Responsible Accounting Officer comment on restricted reserves – Council had sufficient cash and investments as at 30 June 2026 to fund $54.2M of externally restricted reserves and $14.0M of internally restricted reserves. Council is able to meet its short-term financial obligations effectively.

The interim 30 June 2026 cash and investments balance indicates a $91K balance in working capital. Further work will be undertaken as part of completing the 2025/2026 financial statements. An updated working capital balance for June will be confirmed upon lodgement of the financial statements.

Council is maintaining the cash management measures outlined previously until the unrestricted cash balance maintains a stable, satisfactory level, to ensure that Council does not use externally restricted reserves.

As at 30 June 2026, the period during which General Fund expenses could be met with available unrestricted cash was estimated at one week. It should be noted that cash inflows and outflows can vary substantially from month to month due to a range of factors. The end of month balance does not accurately reflect the liquidity of Council.

The table below shows the current balances of internal and external reserves.

Cash and Investments Statement ($'000)

	30 June 2025 Position	30 September 2025 Position	31 December 2025 Position	31 March 2026 Position	30 June 2026 Position
Externally Restricted					
Developer Contributions	1,913	2,060	1,979	2,307	2,405
Special Purpose Grants	33,822	30,667	26,749	23,558	32,724
Water Supplies	3,864	4,922	4,298	4,194	4,230
Sewerage Services	294	410	(316)	(197)	5,006
Domestic Waste	8,531	9,857	9,547	9,526	9,428
Unexpended Loans	1,700	984	593	380	401
	50,124	**48,901**	**42,849**	**39,768**	**54,195**
Internally Restricted					
Land & Buildings	85	85	80	72	41
FAGs	3,359	-	-	-	5,679
Plant & Equipment	-	-	-	-	0
Bonds, Deposits & Retentions	400	352	261	318	317
Works in Progress	137	137	137	137	137
Carry Over Works	63	66	43	26	24
Commercial Waste	2,769	3,910	4,225	4,492	4,706
ELE	661	661	161	161	161
Election	77	77	77	77	77
Other	1,223	350	2,545	2,618	2,817
Internal Borrowing to General Fund	0	(2,196)	(3,264)	0	
Total Internally Restricted	**8,774**	**3,442**	**4,266**	**7,902**	**13,959**
Unrestricted (working capital)	**-**	**-**	**-**	**333**	**91**
Total Cash and Investments	**58,898**	**52,343**	**47,115**	**48,003**	**68,245**

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, regulations, Council resolutions, and the Council's endorsed budget allocations to / from reserves.

Vanessa Browning
Director Finance and Governance - Responsible Accounting Officer

Policy Implications

Investments are held in accordance with the Council's Investment Policy at the date of investing funds. On 23 March 2026, the Council adopted a revised Investment Policy, which includes the Minister’s Investment Order of 12 January 2011.

Financial Implications

- Budget approved - $2,103,000
- Cost centre - 800152-8130-41500
- Earned to date - $2,222,242
- Future potential impact - Nil.

Council’s original budgeted investment interest income for 2025/2026 was $2.8M, approximately $653K less than the 2024/25 actual interest received. The original forecast of $2.8M has been reduced to $2.1M due to lower than budgeted cash balances. During June, the average rate achieved was 5.34% on an investment balance of $62M, 39% of which is due to the remaining balance of the $44.7M of advance payments received 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 the Council’s Quarterly Budget Review process. Interest returns are determined by the average funds invested and the rate of interest return.

Legal and Risk Management Implications

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

Risk is managed by adopting a conservative approach to the Council’s investments, investing only in term deposits.

2.3. P&P - 27/07/2026 - Proposed closure of part of Tank Union Lane and transfer to Lithgow and District Workmen's Club Ltd

Strategic Context for this matter:
Strengthening Our Economy: To provide for sustainable and planned growth through the diversification of the economic base, the development of diverse job opportunities and the provision of a broad range of formal and non-formal educational services.

Author: Sandra Politi – Development Manager
Responsible Officer: Shaun Elwood – Director People and Places

Executive Summary

This report seeks Council's final determination on the proposed closure of part of Tank Union Lane and its sale to Lithgow & District Workmen's Club Ltd. Council gave in principle approval to the proposal in October 2025, subject to completion of the required road closure notification process and a further report to Council following public exhibition.

Public notification was undertaken in accordance with section 38B of the *Roads Act 1993*. No objections were received from notifiable authorities. Three neighbour objections were received, primarily raising concerns about transparency, the relationship between the road closure and any future development application, and potential traffic impacts. Council staff have responded to these concerns, noting that the required statutory road closure process has been followed, traffic counts have not identified adverse traffic impacts, and only part of the laneway is proposed to be closed.

It is recommended that Council approve the road closure and sale to the Club, subject to development consent being granted for proposed motel additions. If Council resolves to proceed, the remaining steps will include legal documentation, registration of the survey plan, publication of the Government Gazette notice, creation of a new title, and finalisation of the transfer. Sale proceeds must be applied in accordance with section 43(4) of the *Roads Act 1993*.

Administration's Recommendation

THAT Council:

1. Approve the closure of part Tank Union Lane and sale to Lithgow & District Workmen's Club Ltd, subject to development consent being granted for proposed motel additions.

2. Authorise the General Manager to undertake all matters required and sign all documents necessary to give effect to the road closure and sale to Lithgow & District Workmen's Club Ltd in accordance with this Council report, if development consent is granted for proposed motel additions.

Attachments

1. Tank Union Lane - Submissions [**2.3.1** - 7 pages]

Reference to any relevant previous minute

Min.No.25-264 Confidential Meeting of Council held 27 October 2025

Background and discussion

At the Confidential Ordinary Meeting of Council on 27 October 2025 Council considered the proposal to close part Tank Union Lane and its sale to Lithgow & District Workmen's Club Ltd (**the Club**).

At the meeting, Council made the following resolution:

THAT Council:

1. *Gives in principle approval to the closure of part of Tank Union Lane and sale of that part to Lithgow & District Workmen's Club Ltd.*
2. *Notes that, following the notification and public exhibition period regarding the proposal to close part of Tank Union Lane, the matter will be reported back to Council for a final determination on the matter.*

The proposal to close part of Tank Union Lane stemmed from an enquiry from the Club that involved constructing a footbridge over Tank Union Lane, to connect the existing motel with a proposed motel extension on the opposite side of Tank Union Lane.

The land proposed for closure is approximately 246 m2 and sits between the Club's existing motel and motel carpark. The proposed closure satisfies the criteria under section 38A of the *Roads Act 1993*, as the road is not reasonably required for public use, is not required for continuity of the existing road network, and lawful and reasonably practicable vehicular access will remain available through the surrounding road network.

The proposed direct sale to the Club is consistent with Council's Land Acquisition, Purchase and Disposal Policy because the land is a small laneway parcel that is only of practical benefit to the adjoining landowner. A survey plan and independent market valuation have been obtained, and Council has accepted the Club's offer of $240,000 excluding GST, subject to Council's final determination on the road closure and transfer.

<u>Relevant part of Tank Union Lane</u>

The relevant part of Tank Union Lane proposed to be closed and sold to the Club is shown in red on the image below. It comprises an area of approximately 246m^2 with dimensions of 6m x 41m.

<u>Road closure - pathway</u>

The effect of formally closing a road is that the road ceases to be designated as a 'road' and becomes 'land' that can potentially be dealt with in the same manner as any other land.

Section 38A of the *Roads Act 1993* authorises councils to propose the closure of a public road if:

(a) The road is not reasonably required as a road for public use (whether for present or future needs), and
(b) The road is not required to provide continuity for an existing road network, and
(c) If the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

The image below shows the traffic flow within the immediate road network between Tank Street, Union Street, Gay Street and Inch Street can be maintained despite the road closure.

Therefore, the closure of part of Tank Union Lane satisfies the criteria listed in section 38A of the *Roads Act 1993*.

Sale to the Club - Pathway

Council's Policy 1.6 (Land Acquisition, Purchase and Disposal) provides that in all situations **except where direct negotiation is justified**, Council must dispose of land through a competitive process, consistent with the Guiding Principles of Local Government, by way of auction or expression of interest.

The Policy states that direct negotiation may be warranted and used as the method of disposal in very limited circumstances, including where:

> *The land will only be of benefit to a particular landowner – for example, a laneway that is not large enough to be used as an independent parcel of land and would be of use only to the adjoining owner.*

The proposal to sell part of Tank Union Lane directly to the Club satisfies the direct negotiation exception under the Policy for the following reasons:

- the area of land is approximately 246m2,
- the laneway sits between the Club's motel and the Club's motel carpark, owned by the same entity,
- the land could not feasibly be used by any other party, and
- the Club is the only party that will benefit from the use of the land.

Council resolution Oct 2025 – in principle approval

At the Council meeting of 27 October 2025, Council resolved to give in principle approval to the proposed road closure and its sale to the Club, subject to the following process:

1.	Obtain a survey plan.	✓
2.	Obtain a market valuation	✓
3.	Negotiate a sale price with the Club.	✓
4.	Initiate the road closure process which involves notification in a local newspaper, notifying all adjoining landowners, all notifiable authorities, etc.	✓
5.	Report to Council to consider any submissions received and make a final determination regarding the proposed road closure and sale to the Club.	We are here
6.	If it is determined to proceed with the road closure the parties to engage legal to undertake the contract and transfer process.	
7.	Instruct the surveyor to register the survey plan with Land Registry Services.	
8.	Once the survey plan is registered, publish a notice in the Government Gazette to formally close the road.	
9.	Register a Request with the NSW Land Registry Services for the issue of a new title.	
10.	Legal to finalise the contract and transfer process to the Club.	

Steps 1 to 4 above have been completed, as follows:

1. CEH Surveyors were engaged to provide a survey plan of the relevant part of Tank Union Lane.
2. Independent Property Valuers Pty Ltd were engaged to provide an independent market valuation for part of Tank Union Lane.
3. Subsequent negotiations between the Club and Council took place, with the following offer and acceptance eventually being made:
   - By letter dated 20 March 2026 the Club made an offer of $240,000 (ex GST) for part of Tank Union Lane.
   - By letter dated 9 April 2026 the Club's offer was accepted, subject to a final determination by Council in relation to the road closure and transfer.
4. On 20 April 2026 Council staff advertised and notified the proposed road closure in accordance with section 38B of the *Roads Act 1993*, and the following responses were received:
   - no objections were raised by relevant notifiable authorities, including Transport for NSW, Endeavour Energy, Jemena, Crown Lands, NPWS, Transgrid, APA Group;
   - three (3) objections were received by neighbours. A copy of the redacted submissions by way of objection are annexed to this report and a summary of concerns is provided below:

Submission	**Concerns raised**	**Council staff comment**
1.	- Proposed future use of the relevant part of Tank Union Lane. - Proposed rezonings or development applications or expansion plans etc. - Lack of transparency and insufficient information.	Council responded to the author of the submission by telephone and in writing on 21 May 2026. Council staff received further emails from the author on 21 May and 26 May along the same lines as the initial submission.

	- More information is required to enable comment on the proposed road closure. - A decision in relation to the road closure cannot be made separately to the development application.	Council is following and will continue to follow the required process that applies to road closures under the *Roads Act 1993*. It will be recommended that if Council approves the road closure and sale to the Club, such closure and transfer will be subject to development consent issuing in relation to motel additions.
2.	- Closure will create significant inconvenience and unnecessary traffic impacts for local residents. - Forcing additional vehicles into that intersection will only worsen delays, increase driver frustration, and increase safety concerns. - The laneway currently provides an important access point that supports local traffic movement and reduces congestion pressure elsewhere in the area. Closing it will create more problems than it solves.	A traffic count was undertaken on 3 September and 23 September 2025. No concerns from a traffic impact perspective were identified. There is no intention to close the entire laneway. Access to Inch Street can still be gained by turning left at the intersection of Gay Union Lane and Tank Union Lane and then right onto Union Street and left or right onto Inch Street.
3.	Same concerns as 2. above.	Same comment as 2. above.

Recommendation

Council did not receive any objections from notifiable authorities regarding the road closure, and it will not result in adverse impacts on the road network.

Therefore, it is recommended that Council approve the road closure and sale to the Club, subject to a development application for the Club's motel additions being approved.

Step 6 of the process has been amended as shown in blue below to factor in the requirement for development consent prior to formalising the road closure and transfer process.

1.	Obtain a survey plan.	✓
2.	Obtain a market valuation	✓
3.	Negotiate a sale price with the Club.	✓
4.	Initiate the road closure process which involves notification in a local newspaper, notifying all adjoining landowners, all notifiable authorities, etc.	✓
5.	Report to Council to consider any submissions received and make a final determination regarding the proposed road closure and sale to the Club.	We are here
6.	If it is determined to proceed with the road closure, and approval is granted for motel additions, the parties engage legal to undertake the contract and transfer process.	

7.	Instruct the surveyor to register the survey plan with Land Registry Services.	
8.	Once the survey plan is registered, publish a notice in the Government Gazette to formally close the road.	
9.	Register a Request with the NSW Land Registry Services for the issue of a new title.	
10.	Legal to finalise the contract and transfer process to the Club.	

Consultation and Communication

The proposed road closure and sale to Lithgow & District Workmens Club Ltd was publicly advertised (including in the local paper, on Council's website and in Customer Service) and neighbour notified from 23 April 2026 to 25 May 2026. During the public exhibition period Council received three (3) submissions by way of objection, a copy of which are attached to this report (redacted). Additionally, Council wrote to all relevant notifiable authorities and no objections were raised.

Policy

Council's policy 1.6 Land Acquisition, Purchase and Disposal policy applies. The policy authorises direct negotiation with a party in limited circumstances, including where the land will only be of benefit to a particular landowner.

Legal

The subject matter of this report is a function of Council conferred by the *Roads Act 1993* and the *Local Government Act 1993*.

If the road closure and sale to the Club is finalised, council must comply with section 43(4) of the *Roads Act 1993* which provides that money received by a Council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

Risk Management

While the development application will be assessed on its planning merits, there is a perceived risk that the financial benefit to Council from the proposed road closure and sale may create a perception that the application could receive favourable consideration. The perceived risk is mitigated by separating the road closure and sale process from the development assessment process.

The road closure is being considered under the *Roads Act 1993*, while any development application will be assessed independently on its planning merits under the *Environmental Planning and Assessment Act 1979*.

The road closure and transfer will not be finalised unless development consent is granted, ensuring the land transaction does not predetermine, or appear to predetermine, the outcome of the development application. Further mitigation is provided through public notification, consideration of submissions, an independent market valuation, and Council's final determination being made by resolution.

Financial

- Budget approved - Nil
- Cost centre - Nil
- Expended to date - Nil
- Future potential impact - Payment of $240,000 to Council for sale of land. Sale proceeds would be transferred to the Land Bank reserve.

2.4. I&PD - 27/07/2026 - Access to Private Property off Honeysuckle Falls Road

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: Paul Smith – Interim Director of Infrastructure and Project Delivery
Responsible Officer: Paul Smith - Interim Director of Infrastructure and Project Delivery

Executive Summary

This report is provided for Council to consider the matter of access to private property off Honeysuckle Falls Road. The report summarises the information gathered by Council staff to date.

Administration's Recommendation

THAT no budget be reallocated from other scheduled roadworks to construct new access to Lot 35 DP 757076, and that the owner be advised.

Attachments

Nil

Reference to any relevant previous minute

Min. No. 26-39 Ordinary Meeting of Council held on 23 February 2026

Background and discussion

Council Resolution

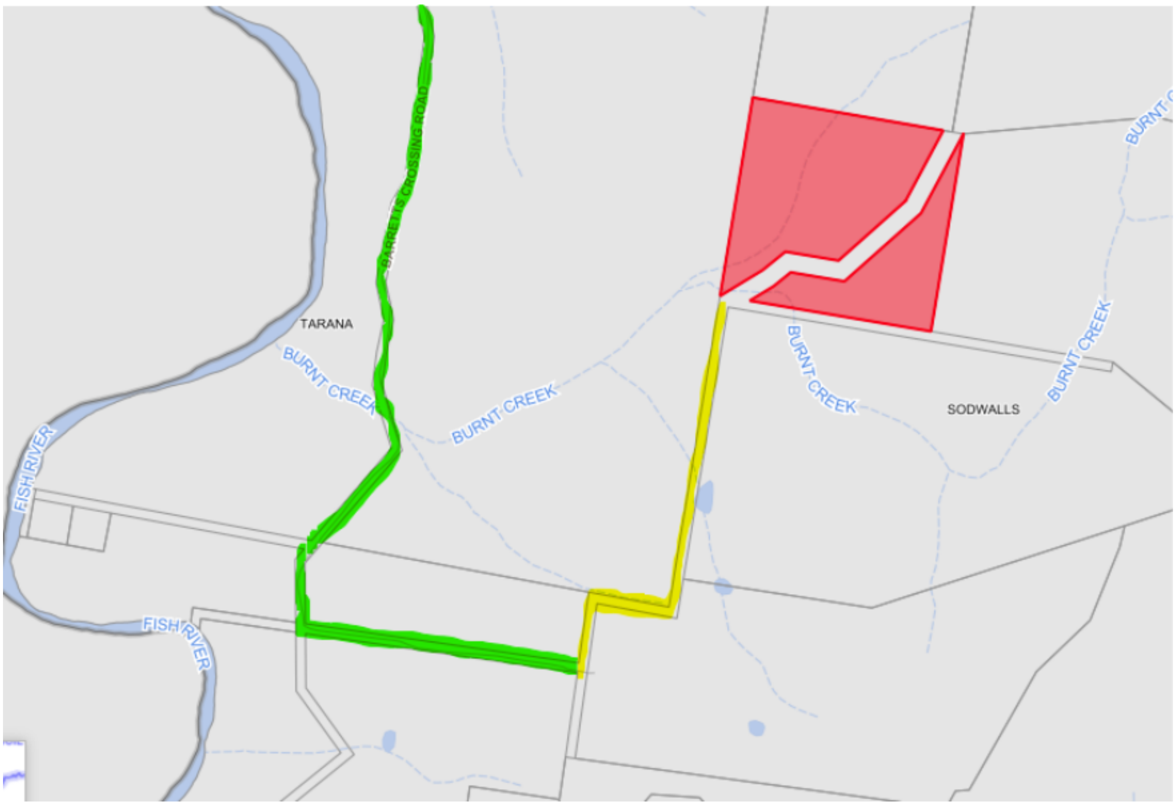
The following report was provided to the 29 June 2026 Ordinary Meeting. At the meeting Council resolved as follows:

26 -129 RESOLVED
THAT Council defer this item to the next available Council Meeting when the Council is able to confirm what arrangements are in place between the neighbouring property owner for vehicle access by the owners of Lot 35.

The Interim Director Infrastructure and Project Delivery contacted the neighbours, and they have informed Council that they do not want to discuss this matter any further.

Background

Lot 35 DP 757076 (Lot 35) is on Barretts Crossing Road off Honeysuckle Falls Road. The property was purchased the property around 2007, when two Crown roads provided legal access. NSW Crown Lands later sold one to an adjoining owner, and, due to the steep terrain, it is not suitable for a traversable road. The second was transferred to Council and is now a dedicated public road under Council's control. It is unconstructed and commonly referred to as a paper road. As shown below, the paper road is highlighted in yellow and is approximately 980 metres long and 20 metres wide. The property is shown in red, and the existing constructed gravel road is shown in green.



The information above shows that there is legal access to Lot 35 and is therefore not landlocked. A gravel road could be constructed along the paper road shown above, suitable for a small two-wheel-drive vehicle, although this is not considered the preferred location. The estimated cost to build the road to Council standards is about $250,000, including earthworks, drainage structures, and a 100mm thick gravel surface. The following photo shows the approximate location of the paper road.

The owner of Lot 35 currently uses an unformed access track over a neighbouring property. Council staff did not contact the owner of this track to confirm what arrangements, if any, were in place.

In May 2026, the Interim Director of Infrastructure and Project Delivery spoke with the owner of Lot 35 by phone and advised that Council is not obliged to construct a gravel road to the property boundary. The owner was also advised that, under the Local Government Act, the only available option would be to construct the road on a Council-controlled dedicated public road, as Council has no legal authority to build roads on private land.

The following photo shows part of the private access road to 35 over the neighbouring property. The photo shows a section of the access track around 500 metres east of Barretts Crossing Road.

The following snip from Google Earth shows the approximate alignment of the private access track over the neighbouring property to Lot 35. The length of this track from Barretts Crossing Road to the boundary of Lot 35 is approximately 870 metres.

The following photograph shows the intersection of the private access road Lot 35 and Barretts Crossing Road. It was taken looking east across the neighbouring property. There is no boundary fence or gate restricting access to this private road.

As shown in the photograph, there is no rural addressing post or mailbox, making it difficult for first-time visitors to locate the private access. The lack of signage could also make it harder for emergency services to find Lot 35. This is further complicated by Lot 35's listed address being 35 Honeysuckle Falls Road, Tarana, while the access is from Barretts Crossing Road.

Consultation and Communication

Council has been in regular contact with the owner of Lot 35, before and after the transfer of the unnamed Crown road providing access from Honeysuckle Falls Road to Lot 35 to Council.

Council staff have also spoken with adjoining landholders.

Policy

At the Ordinary Meeting of Council held on 23 February 2026, Council resolved that the current matter of 35 Honeysuckle Falls Road, Tarana, is not included in the draft Unformed and Unmaintained Road Policy (Min. No. 26-39).

Adoption of the Unformed and Unmaintained Road Policy is the subject of a separate report to the 29 June 2026 Ordinary Meeting.

Legal

The Council is under no obligation to construct a built road on a Council controlled dedicated public road, but if a constructed road is built it must then be maintained to a traversable and safe standard.

Risk Management

Construction of an access road to private property off Honeysuckle Falls Road would add to the Council’s financial sustainability and asset management risks, both in the construction of a new road and ongoing maintenance and depreciation expenses.

Financial

- Budget approved - No budget approved. Any funds spent on this matter would need to be redirected from other critical road projects, thereby delaying the completion of other gravel resheeting or bitumen road projects.
- Expended to date - Nil
- Future potential impact - The construction of a new road would increase the Council’s road network and maintenance obligations. This would also increase the Council’s overall road depreciation expense.

3. Council Committee Reports

3.1. WWW - 27/07/2026 - Infrastructure Committee Meeting - 7/07/2026 & 14/07/2026

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:	Matthew Trapp - Director Water, Wastewater and Waste
Responsible Officer:	Matthew Trapp - Director Water, Wastewater and Waste

Executive Summary

This report provides details of the minutes of the WWW&W Infrastructure Committee Meetings held on 7 and 14 July 2026.

Administration's Recommendation

THAT Council note the minutes and actions of the WWW&W Infrastructure Committee Meetings held on 7 July 2026 and 14 July 2026.

Attachments

1. Infrastructure Committee WWW Draft Minutes 14 07 26 [**3.1.1** - 9 pages]
2. Infrastructure Committee WWW Draft Minutes 07 07 26 [**3.1.2** - 6 pages]

Reference to any relevant previous minute

Min. No. 26-63 Ordinary Meeting of Council held on 23 March 2026

Background and discussion

The content was discussed over two meetings due to time limitations due to the reconvened Ordinary Meeting held on 7 July 2026. On that date, more urgent business was put to the Committee regarding major roads projects, including Wolgan Road and Browns Gap Road. In addition, the Governance and Risk Manager presented on the actions arising from the 2025 Water Outage, including Business Continuity Planning and incident management planning.

At the 14 July meeting, the Committee discussed several standing agenda items relating to strategy and potential future impacts on the Council and the community arising from water, sewerage, and waste management.

All recommendations are listed below from the minutes and provide the Council with an overview of the meeting actions. All actions listed in the matters arising were taken as completed, other than a few where further follow-up is required. These will be attended to by the Administration.

Two items were raised in General Business by Cr Coleman for the administration and one comment thanking the staff raised by Cr Mahony.

Item	Recommendation
Water Outage Review Presentation	THAT the Committee note the report on the Water Outage actions and the update provided by staff on the actions and status update.
Wolgan Road Discussion	THAT the Committee receive the report from the Director Infrastructure and Project Delivery on the Wolgan Road.
Browns Gap Discussion	THAT the Committee receive the report from the Director Infrastructure and Project Delivery on the Browns Gap Road strategy.
7.1	THAT the Committee note the report on sewerage issues and ongoing strategic plans.
7.2	THAT the Committee note the report on the Water Outage actions and the update provided by staff on the actions and status update.
7.3	THAT 1. The Infrastructure Committee note that a single lidded skip bin will be utilised adjacent to the Glen Davis campground for use by residents, campers, cleaners and day trippers with removal of the skip bin from the temporary transfer station adjacent to the closed landfill. 2. The Administration bring back a report to the Infrastructure Committee on rural waste management servicing, including additional options and consultation.
7.4	THAT the Committee note the progress of the Water Resourcing and Security works.
7.5	THAT the Committee note the progress of the 2025–26 Water, Wastewater and Waste Capital Works Program.

4. Notices of Rescission

4.1.	Notice of Rescission - 27/07/2026 - Regional Precincts and Partnership Program - Grant Approval
Report by	Councillor Cassandra Coleman Councillor Eric Mahony Councillor Ray Smith

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 Regional Precincts and Partnerships Program -Grant Approval that was lost at Lithgow City Council's Ordinary Meeting held on Monday 29 June 2026 as follows:

THAT Council rescind the motion for the 29/6/26 Ordinary Meeting Item 2.2 Regional Precincts and Partnerships Program - Grant Approval that was lost and replace it with the following motion which has the same effect as the lost motion:

Attachments

1. Rescission Motion [**4.1.1** - 1 page]

Recommendation

THAT Council:

1. Accept the successful grant application under the Australian Government's Regional Precincts and Partnerships Program, Stream One: Precinct Development and Planning.
2. Approve the creation of project income and expenditure budgets for the Lithgow Net Zero Transition Precinct project, comprising: • $1,500,000 in Australian Government grant funding; and • Council cash co-contribution of $360,000 from the Lithgow Emerging Economy Plan budget.
3. Note that the project also includes in-kind and partner contributions identified in the grant application, and that these will be managed and reported in accordance with the final funding deed and project plan.
4. Authorise the General Manager to finalise, execute and administer the funding deed and any associated documentation required to give effect to the successful grant application.
5. Note that public communications regarding the grant approval will be held until after Council's resolution on the matter.
6. Explore opportunities for external contributions from interested parties towards the cost of Council's cash co-contribution.

5. Notices of Motion

5.1. NOM - 27/07/2026 - Cr M Ticehurst - Civil Class Action over ongoing closure of Great Western Hwy.

Report by Councillor Martin Ticehurst

Commentary

As Council would be aware, in early March this year, a catastrophic engineering failure to the 194-year-old Mitchells Convict-built Bridge on the Victoria Pass closed the Great Western Hwy (GWH) between the Central West / Western NSW and Sydney. Presently, the best estimate for any future reopening of the GWH is some two to three years, well after the next NSW State Election to be held on Saturday 13 March 2027.

Additionally, the Council would be aware that the NSW Premier Chris Minns State Labor Government after more than 10 weeks announced on the 21 May 2026, very limited financial support packages of $10,000 for small businesses in just the town and villages of Mount Victoria, Little Hartley, Hartley and Hartley Vale and similarly a very limited amount of funding to 11 Local Councils and Shires, including Lithgow Council.

However, since early March this year, a number of public statements and media reports in the public domain indicate that there may be a case for a Civil Class Action to be undertaken on behalf of all those severely financially impacted by the original and ongoing closure of the Great Western Hwy and as such I am making several recommendations to initiate that action.

On the 15 May 2026, our Federal Member Mr Andrew Gee said, “Our local businesses are going broke because of the indefinite closure of the Great Western Highway at Victoria Pass and there was not one dollar of support for them in the budget. This is as appalling and heartless as it is disgraceful. **For years, successive governments knew this 200-year-old bridge built by convicts was going to fail. They did nothing but watch it crumble and kick the can down the road to save money.”**

Additionally, WINTV News reported on the 20 March 2026 that, ‘A local group **(Blackheath Chamber of Commerce) says it's been warning the State Government for nearly a decade that Convict Bridge at Mount Victoria will fail.’**

Further, ABC News online reported on the 10 March 2026, that, **‘(Blackheath) Chamber of Commerce President Michael Paag said if the Government had acted on its earlier warnings about the fragility of the nearly 200-year-old bridge the closure could have been avoided.** A letter addressed to Ms Aitchison on December 19, 2025, requested, in addition to the sensors, a structural investigation to determine the durability, resilience and remaining life span of Convict Bridge. **[Transport for NSW] must … acknowledge the real possibility of failure," stated the letter from Blackheath and District Chamber of Commerce. The Group said its request had gone unanswered.’**

ABC News online reported on the 3 March 2023, that, **‘Labor would pause plans for Australia's longest road tunnel, diverting the money to regional and Western Sydney roads if it won the state election.**’ (It won the 2023 NSW State Election, stopped the Blue Mountains GWH Tunnel and diverted the money.)

Attachments
Nil

Recommendation

THAT Council liaise with Blue Mountains City Council, NSW Regional Councils and Shires in Central West NSW (CENTROC), Western NSW and impacted residents and businesses to consider Civil Class Action over ongoing closure of Great Western Hwy.

Management Comment

Council is continuing to work collaboratively with TfNSW and the Reconstruction Authority while lobbying and advocating to several NSW Ministers and agencies to represent our community, including the local business community, to address the negative impacts of the closure of the Great Western Highway at Victoria Pass.

Council resources are fully committed to delivering business-as-usual services to our community, the works and programs in the 2025/2026 Operational Plan, and planning for the works and programs being considered in the 2026/2027 Operational Plan. Implementing this NOM would involve redirecting resources away from these activities, requiring deferral of project/s or program/s or a reduction in service levels to our community.

As a class action requires significant input, takes extensive time to be considered within the legal system, and may not result in a favourable ruling, it is not considered prudent for Council's financial and staff resources to be diverted for this purpose.

<u>Social, Financial and Legal Implications</u>

Socially, the recommendation acknowledges the significant disruption being experienced by residents, businesses and visitors as a result of the ongoing closure of the Great Western Highway at Victoria Pass. Council advocacy may help demonstrate support for affected communities, however, Council involvement in potential legal action may also create expectations that Council can influence or secure compensation outcomes that are beyond its control.

Financially, progressing the recommendation would require officer time and external legal advice, with an initial estimated cost of $10,000. Further costs may arise depending on the scope of advice, stakeholder engagement and any subsequent action. As no budget allocation currently exists for this purpose, funding would need to be identified from an existing discretionary budget or through a future budget adjustment, which may require the deferral or reduction of other services, projects or programs.

From a legal perspective, Council would need to obtain independent advice before taking any further steps to determine whether it has an appropriate role, standing, and risk position in relation to any proposed class action. The advice would need to consider case law, potential exposure to costs, prospects of success, reputational implications, conflicts with existing advocacy relationships with NSW Government agencies, and whether affected businesses or industry associations may be better placed to pursue legal avenues independently of Council.

Vanessa Browning
Director of Finance and Governance

6. Questions with Notice

6.1.	QWN - 27/07/2026 - Councillor M Ticehurst - DRFA Funding Clarification
Report by	Councillor Martin Ticehurst

Commentary
I request that the General Manager and Senior Council staff provide detailed answers to the following Questions with Notice.

At the last Ordinary Meeting of the Lithgow City Council held on Monday 29 June 2026, the Council's Interim Director of Infrastructure and Project Delivery, verbally reported that the Council had initially gone for $18 million dollars in funding from the DRFA to fix the land slips on the down slopes of Brown's Gap.

However, he subsequently reported that the DRFA funding received was just $12.564 million dollars (69.8%) and not the $18 million as was initially sought by the Council.

Further, that the Council had only recently received the DRFA funding and that the Council is starting the planning process with the Wasabi Group.

Attachments
Nil

Question with Notice
Can the Council, Councillors, ratepayers and residents be advised of:

Q. 1. What were the total planned infrastructure works on the Browns Gap that were requested in the Lithgow City Council's original $18m DRFA Application?

Q. 2. What are the total infrastructure works that are now to be omitted from the Browns Gap upgrade due to the now substantial DRFA decrease in funding the original Lithgow City Council $18m DRFA Application?

Q. 3. Is it correct that the DRFA is expecting by their funding agreement, that the Lithgow City Council will provide the remaining outstanding funding of some $5.36m to complete in full the total planned infrastructure works on the Browns Gap that were requested in the Lithgow City Council's original $18m DRFA Application?

Q. 4. How much is the Lithgow City Council financially contributing to the Browns Gap Upgrade now following the substantial DRFA decrease in funding of the Council's $18m DRFA Application; and if so, where is this new Council Funding coming from within the Council's recently adopted, current Operational Plan and Budget?

Management Comment

This report provides background information and formal responses to the Questions with Notice regarding Disaster Recovery Funding Arrangements (DRFA) funding for Browns Gap Road. The report includes details of the scope of works originally proposed, the funding approved by the NSW Reconstruction Authority, and the Council's financial contribution.

1. Background

In July 2022, following prolonged above-average rainfall, Council identified increased rockfall and landslide activity along Browns Gap Road. WSP Australia Pty Ltd was engaged to undertake a quantitative Slope Risk Assessment (SRA), dividing the road corridor into Sections 1–5 and outlining requirements for reopening under an Interim Access Strategy Plan (IASP) and Trigger Action Response Plan (TARP). The SRA also identified the need for future remediation works to achieve the Council's tolerable annual loss-of-life risk criteria.

A timeline is set out below.

- Phase 1 restoration works and interim access controls were completed in 2024.
- Phase 2 geotechnical and geophysical investigations and additional monitoring were completed in early 2025, enabling restricted reopening under traffic-controlled, single-lane conditions.
- On 4 June 2025, Council applied to Transport for NSW (TfNSW) for $20.354 million to remediate Sections 1–5. TfNSW approved a Total Upper Limit Grant (TULG) of $4.487 million for Section 1 only, determining that Sections 2–5 were ineligible as they were not sufficiently impacted by the July 2022 event and the proposed works exceeded pre-disaster function.
- Subsequent geotechnical analysis of Section 1 identified that approximately 140 m of remediation was required, rather than the initial 20 m length.
- The Concept Design for Section 1 produced four options, with the preferred option being a secant pile wall and anchors solution estimated at $18.245 million (including a P90 contingency).
- Council resubmitted a funding application to NSW Reconstruction Authority (NSW RA) in late March 2026 seeking $18.245 million. NSW RA approved $12.564 million in late June 2026.
- A May 2026 update to the SRA included a forecast Quantitative Risk Analysis (QRA) indicating that, following completion of Section 1 remediation, unrestricted access could be achieved for Sections 1–5 without ongoing reliance on an IASP or TARP, with risk levels marginally within conventional tolerability criteria.

In early July 2026, Council reopened Browns Gap Road to two-way traffic, except for a ~200 m traffic-light controlled contraflow at Section 1. The road is safe for use under current controls but is not yet at full design standard, with downslopes requiring stabilisation as proposed in the NSW RA application.

2. Responses to Questions With Notice

Q1. What works were included in Council's original $18 million DRFA application?

Council's late March 2026 application to NSW RA for $18.245 million related solely to Section 1 and included the following works:

- Construction of pile walls along the identified instability zone,
- Installation of pile cap and anchors,
- Pavement remediation and reinstatement,
- Reinstatement of road furniture,
- Formalisation of drainage ditches,
- Reinstatement of culvert pits and drainage, and
- Refurbishment of riprap/spreader structures.

Q2. What works will now be omitted due to the reduced DRFA funding?

The Concept Design identified one cost-effective solution for Section 1; however, multiple viable design approaches exist to restore two-way traffic. Council will now release a Design and Construct tender for a Principal Contractor. The final design:

- May differ from the Concept Design used in the funding application,
- Must achieve the required post-construction risk levels, and
- Must remain within the funding approved by NSW RA.

No specific works have been omitted at this stage. The final scope will be determined through the Design and Construct process to ensure the project is fit for purpose and compliant with the approved funding envelope.

Q3. Is Council required to contribute the remaining $5.36 million to complete the originally proposed works?

No, the Council does not have the capacity to contribute the remaining $5.36 million to complete the originally proposed works.

The NSW RA funding approval does not require a Council co-contribution. The project will be scoped and delivered within the approved funding of $12.564 million.

Q4. How much is Council contributing, and where is this shown in the Operational Plan/Budget?

Council is not making a financial contribution to the Browns Gap Road upgrade.

No allocation is required in the current Operational Plan and Budget.

3. Conclusion

The DRFA funding approved by NSW RA will enable the Council to progress the remediation of Section 1 of Browns Gap Road through a Design and Construct procurement process. The final design solution will be developed by the Principal Contractor in collaboration with Council to ensure compliance with risk requirements and alignment with the approved funding envelope. Council is not required to contribute any additional funds to the project.

Paul Smith
Interim Director Infrastructure & Project Delivery

6.2. QWN - 27/07/2026 - Councillor M Ticehurst - Access to Private Property off Honeysuckle Falls Road

Report by Councillor Martin Ticehurst

Commentary
I request that the General Manager and Senior Council staff provide detailed answers to the following Questions with Notice.

My Questions with Notice are with respect to the information as set out in Agenda Item 2.6. Access to Private Property off Honeysuckle Falls Road of the Business Paper for the Ordinary Meeting of the Lithgow City Council on Monday 29 June 2026.

Under the NSW Local Government Act 1993 No 30, Section 67 ‘Private Works’ states that:

(1) A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.

Note. Examples of the kind of work that a council might carry out under this section include - paving and roadmaking; kerbing and guttering; fencing and ditching; tree planting and tree maintenance; demolition and excavation; land clearing and tree felling; water, sewerage and drainage connections; and gas and electricity connections.

(2) A council must not carry out work under this section unless –

(a) it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or

(b) if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

(3) A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.

(4) A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying – the person for whom the work was carried out; the nature of the work; the type and quantity of materials used; the charge made for those materials; the total of the number of hours taken by each person who carried out the work; the total amount charged for carrying out the work (including the charge made for materials); and the reason for carrying out the work.

(5) This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.

(6) This section does not apply to any graffiti removal work carried out by a council in accordance with Part 4 of the Graffiti Control Act 2008.

Attachments
Nil

Questions with Notice

Q. 1. Is it correct that the Lithgow City Council's 2024/25 Annual Report confirmed under the title, 'Resolutions concerning works carried out on private land Local Government (General) Regulation 2021 – Section 217 Local Government Act 1993 – Section 67', that

'Stormwater improvement works to the driveway at Seclusions, at 209 Martins Road (Rydal). The works included the reshaping of the driveway immediately within the boundary to deflect water from the driveway to a dam within the property.

The main purpose of the work was to stop the erosion of the driveway apron and the drain immediately downstream from the driveway. This allowed Council to create a better space for the busses carrying visitors to and from the venue to alight passengers safely.

The works were undertaken by Gracey Earthmoving and Excavations between 5 - 12 December 2024?

Q. 2. Is it correct that these works carried out on Private Land in Rydal were in excess of $10,000, if not correct, what were the actual full costs and were any financial co-contributions made to the Council by the private land holder?

Q. 3. Is it correct that these works carried out on Private Land in Rydal, never went before the Lithgow City Council Councillors for their consideration and resolution approval? If not, what was the Council Resolution number and why was it and the Council's expenses for the private works not published in the Lithgow City Council's Annual Report for 2024/25?

Q. 4. Is it correct that the Lithgow City Council's 2017/18 Annual Report confirmed under the title, 'Summary of Resolutions Concerning Work Carried Out on Private Land and any Subsidies Related to the Work', that there were two resolutions passed during 2017/18 in accordance with the provisions of section 67(2)(b) of the Local Government Act 1993 relating to Council subsidising the cost of any works carried out on private lands,

Namely, 29 May 2017 - Min. 17-159 RESOLVED THAT Council execute the deed of agreement and the document for transfer of easement as submitted involving Lot 3 DP881717 Kirkley Street, South Bowenfels; and 23 July 2018 - Min. 18-193 RESOLVED THAT Council Approve the reallocation of $37,881 from PJ100294 to fund the construction of improved stormwater infrastructure in the vicinity of 12 Kirkley Street, Lithgow in 2018/19 at an expected cost of $37,000.00?

Q. 5. Is it correct that the Lithgow City Council's 2019/20 Annual Report confirmed under the title, 'Summary of Resolutions Concerning Work Carried Out on Private Land and any Subsidies Related to the Work', that there was one resolution (see page 93) passed during 2019/20 in accordance with the provisions of Section 67(2)(b) of the Local Government Act 1993 relation to Council subsidising the cost of any works carried out on private lands.

Namely, (from page 93) the replacement of pipework with a large culvert along a private right of carriageway in Woolnough Street Lithgow (Council Resolution)?

Q. 6. Is it correct that the Lithgow City Council's 2021/22 Annual Report confirmed under the title, 'Summary of Resolutions Concerning Work Carried Out on Private Land and any Subsidies Related to the Work', that there was one resolution passed during 2021/22 in accordance with the provisions of section 67(2)(b) of the Local Government Act 1993 relating to Council subsidising the cost of any works carried out on private lands,

Namely, Mayoral Minutes - 25/10/2021 - Emergency Electrical Repairs to Tornado Damaged Building 21 -236 RESOLVED THAT Council 1. Note the action to support a local resident recover from severe damage to their house and property at Meadow Flat as a result of a tornado, and, 2. Endorse the expenditure of $324.37 for works on this private property at Curly Dick Road Meadow Flat?

Q. 7. Is it correct that the Lithgow City Council’s 2023/24 Annual Report confirmed under the title, ‘Statutory information | Appendix Local Government (General) Regulation 2021 – Section 217 Local Government Act 1993 - Section 67, Resolutions concerning work carried out on private land,

Namely, In 2021, H2H Plumbing PTY Ltd was awarded a contract to construct a reticulation system that delivers sewerage from individual properties to the new Sewerage Treatment Plant (STP).

After the project's commencement, some private properties were identified as connected to the sewerage system via a low-pressure unit powered by an on-property switchboard, requiring additional electrical work. This incurred extra cost ($450,000), funded from the sewerage reserve. The increase was put to the Council and resolved on January 30th, 2024, (item 12.2.1, minute 24.7)?

Management Comment

To ensure compliance with S67(2) of the Local Government Act (the Act), the Administration either charges an approved fee for carrying out work on private land or seeks a Council resolution in limited cases where the Council would be subsidising or fully covering the cost of any works carried out on private land.

Council's fees and charges register includes a fee of " full cost plus 20%" for materials used to complete work at owners cost.

S67 of the Local Government (General) Regulation 2021 requires details or a summary (as required by section 67(3) of the Act) of resolutions made during that year under section 67 of the Act concerning work carried out on private land and details or a summary of such work if the cost of the work has been fully or partly subsidised by the council, together with a statement of the total amount by which the council has subsidised any such work during that year.

Ross Gurney
General Manager

6.3. QWN - 27/07/2026 - Councillor M Ticehurst - ARIC Minutes of 9 June Questions

Report by Councillor Martin Ticehurst

Commentary

I request that the General Manager and Senior Council staff provide detailed answers to the following Questions with Notice.

At the adjourned 29 June 2026 Lithgow City Council Meeting held on Tuesday 7 July 2026, Agenda Item 3.6 F&G - Audit Risk Improvement Committee (ARIC) Minutes - 9 June 2026 came before the Council and Councillors with a 7-page Attachment of the ARIC Minutes.

In the Minutes of the ARIC Meeting, under 7.1 External Audit, it was minuted that, 'Intentus gave an overview of the Interim Audit and that good progress has been made on many of the information requests, however the revaluation of Infrastructure Property, Plant & Equipment and the grant register requires significant and immediate attention.'

Additionally, under the following 7.2 Financial Management, it was minuted that, 'The (ARIC) Committee emphasised the importance of prioritising the grants register to assist with appropriate oversight of unrestricted cash.'

I note that for reasons unknown, both of these minuted records were not repeated within Agenda Item report 3.6 F&G - Audit Risk Improvement Committee (ARIC) Minutes - 9 June 2026.

When the matter arose on the 7 July 2026, Councillor Ring moved the Council's Administration Recommendation, 'THAT Council note the minutes of the 9 June 2026 ARIC Meeting.'; and also moved an additional point 2. 'THAT the Administration provide a timeline for the completion of the Grants Register, required as part of the 23/24 and 24/25 Management action list to the July 2026 (Council) Finance Committee.'

In support of his Recommendation, Councillor Ring said, "But what I found frustrating is in the Management Letter that comes from the Auditor, is the (Council) Grants Register has been outstanding for two years. We lost a $2 million dollar Grant. It should not be outstanding. It needs to be dealt with. We need a timeline and it needs to be actioned."

Attachments
Nil

Question with Notice

1. Who within Council's Administration is responsible for actioning, completing and updating timely important financial issues raised by the Council's Auditors in their Audit Management Letters?
2. Who or whom within the Council's Administration was, as recently quoted by Councillor Ring, responsible for the loss of an over $2 million-dollar Federal Government Grant for the Lithgow Main Street Footpath Restoration project?

Management Comment

1. Management actions identified by the external auditors relate to a range of Council functions. These actions are recorded in registers to monitor delivery progress and are reported to ARIC on a quarterly basis. Some delays have occurred due to staff vacancies, including those that have remained unfilled for an extended period. The backlog of management actions is being

progressively addressed within available resources. It should be noted that no management actions have been assessed as Extreme or High Risk.

2. A confidential report on the Main Street Revitalisation project grant was provided to the 30 June 2025 Ordinary Meeting. The report included an overview of the timeline of communications related to the loss of the Building Better Regions Fund (BBRF) grant for the revitalisation of the Main Street footpath, and the actions taken to mitigate the risk of future grant losses.

   Council resolved as follows:

   25 -179 RESOLVED

   THAT Council:
   1. Note the findings of the management review undertaken on the communications in relation to the loss of the Building Better Regions Fund grant for the revitalisation of the Main Street Footpath.
   2. Note the actions identified and implemented to date to reduce the risk of grant funding being lost in future.

Vanessa Browning
Director Finance & Governance

6.4. QWN - 27/07/2026 - Councillor E Fredericks - Current Grants

Report by Councillor Elizabeth Fredericks

Attachments
Nil

Question With Notice

Can the General Manager provide a report detailing all grants currently held by Lithgow City Council, including:

1. The name and funding program of each grant.
2. The total grant amount awarded.
3. The amount of co-contribution required from Lithgow City Council (cash and/or in-kind).
4. The grant commencement and expiry/completion dates.
5. The amount of grant funding expended to date.
6. The amount of grant funding remaining.
7. The amount of Council's co-contribution expended to date.
8. Whether each project is currently on schedule to meet its funding milestones and completion date.
9. Any grants that are at risk of requiring an extension, variation, or repayment, and the reasons why.

Management Comment

At the 29 June 2026 Council Meeting, Council resolved (Min. No. 26-144) that the Administration provide a timeline for completion of the Grants Register, as part of the 2023/2024 and 2024/2025 Audit Management Action List, to the next Finance Committee Meeting.

The Grants Register will address items 1 to 7 of the Question With Notice. Items 8 and 9 are substantially addressed through reports tabled at Infrastructure Committee Meetings, as these matters relate to project delivery, in which grant funding is one component.

Items 1, 2, 5 and 6 are also audited by the Council's external auditors and reported as part of the annual financial statements process. As year-end processes for 2025/2026 remain in progress, the final actuals are not yet available.

The Administration is well advanced in developing a live Grants Register, which will track items 1 to 7 monthly and support regular reporting to Finance Committee meetings, rather than only at year end. Project risks, including the potential for grant milestones not to be met, are escalated to the Executive Leadership Team by relevant managers and the Financial Services Department.

Council is also progressing actions on the findings of the internal audit on Project Management, which will reduce the risk of losing grant funding due to failure to meet grant milestones.

Vanessa Browning
Director Finance & Governance

6.5. QWN - 27/07/2026 - Councillor E Fredericks - Current Loans

Report by Councillor Elizabeth Fredericks

Attachments

1. Loan Register [**6.5.1** - 1 page]

Question with Notice

Can the General Manager provide a report detailing all current loans held by Lithgow City Council,
including:

1. The purpose of each loan.
2. The original loan amount.
3. The current outstanding balance.
4. The interest rate applicable to each loan.
5. The monthly loan repayment amount.
6. The monthly interest component of each repayment.
7. The total interest payable over the life of each loan.
8. The loan commencement date.
9. The final repayment date.
10. Whether any loans have been refinanced, varied, or extended since they were first established, and if so, the details of those changes.

Management Comment

The requested information is provided in the attachment (Loan Register).

Council's loan repayments are made quarterly. The interest component of each repayment reduces progressively as the principal balance of the loan is repaid.

Loans 102, 108 and 110 have scheduled refinance dates. Accordingly, the total interest payable over the life of these loans has been calculated based on the current interest rate. The total interest payable may increase or decrease depending on whether Council refinances the loans, reduces the principal amount carried forward, or repays the loans in full, as well as on the applicable interest rate at that time.

Vanessa Browning
Director Finance & Governance

6.6.	QWN - 27/07/2026 - Councillor R Smith - Lake Lyell Pumped Hydro Energy Storage Project
Report by	Councillor Ray Smith

Commentary
As endorsed at the June Ordinary Meeting of Council what progress has been made into NOM ITEM 6.5 Lake Lyell Pumped Hydro?

During Council Forum an EA representative finally released to Council some of the major high impacts the Project will bring. Dropping the water level of the dam by 13.5m during the construction period for at least six months and anyone can summarise this will possibly take longer. Hidden like many other issues in the back pages of the EIS was an admission that there was no guarantee of the Lake ever returning to its original recreational or environmental value.

If the Project does get approved and built there will be a 3m variation every day creating a tidal situation revealing extensive areas of mud, creating possible erosion and unsafe conditions As supported by the majority of the other Councillors was the obvious lack of transparency and lack of complete community consultation to reveal all aspects of the Project, no consultation was held at the Lake itself.

This lack of transparency also existed within the Community Consultation Committee run by EA - where again the same High Impacts have only recently been revealed by committee members and collected from Govt. Depts. Responses to their EIS - NOT the Proponents their selves.

During the Forum Presentation by EA the Presentation by EA the Representative stated a figure of approval for the Project. It is uncertain where the figure was attained, but to qualify the approval rate one must seek the EIS submission figures where it’s documented that a high figure was actually a disapproval rate over 80%

Attachments
Nil

Questions with Notice
THAT:
QUESTIONS as endorsed by Council at the JUNE Meeting of Council
1 Has the Proponents released to the Public OR in the process of making public all Project details?
2 Has communication been engaged with all Government Departments supporting their PRE and POST approvals?
3 Has the qualified EIS Submission results been made public - WHICH showed the high disapproval rate of the PROJECT?
4 Can the LAKE LYELL operator negotiations for future management be brought forward to coincide with the current project movements?
FURTHER QUESTION What assessments has Council considered (if the PROJECT is approved) on the short term and long term impacts will have on tourism, recreational, local business and economy?

Management Comment

1. In accordance with Council Resolution 26-123, the Administration has written to the proponents to “r*equest the Project Proponents to make Public all project details, especially the High Impact areas impacting Lake Lyell’s future, such as 13.5m water level variation, environmental studies, and Geotechnical results.”*

2. No communication has been engaged with Government Departments. The public exhibition period for Council to provide a submission in support of other submissions or referred Government agency advice has closed.
3. The NSW Government Planning Portal does not show public documentation related to '*qualified EIS Submission results'*.
4. There is a current Council resolution to begin a process on the future management of Lake Lyell Recreation Area (LLRA) in January 2027 (Min. No. 25-55). It would be prudent to seek tenders or expressions of interest (EOI) for the management of LLRA in 2027, rather than negotiate with the current caretaker, who will have the opportunity to submit a tender or EOI in a competitive process.
5. Council anticipates that if the project is approved, relevant conditions of approval will require the proponent to undertake assessments of short and long term impacts on tourism, recreational, local business and the economy.

Shaun Elwood
Director People and Places

7. 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 2021 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.