



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 May 2023

at 7:00 PM

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DRAFT

The Mayor declared the meeting open at 7:00 pm.

1. Acknowledgement of Country

The Mayor acknowledged Wiradjuri Elders past and present of the Wiradjuri nation - the original custodians of the land on which the Lithgow's communities reside and extended respect to our neighbouring nations.

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

2. Present

Public: 8

Her Worship the Mayor Councillor M Statham
Councillor A Bryce
Councillor C Coleman
Councillor D Goodwin
Councillor S Lesslie
Councillor S McGhie
Councillor E Mahony
Councillor C O' Connor

Also in attendance
Craig Butler, General Manager
Ross Gurney, Chief Financial and Information Officer
Jonathon Edgecombe, Director Infrastructure Services
Michael McGrath, Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Sarah Lewis, Minutes Secretary
Trinity Newton, Minutes Secretary Assistant

3. Apologies

All being present, there were no apologies.

4. Declaration of Interest

The Mayor called for any declarations of interest.

There were Nil declarations of interest.

5. Confirmation of Minutes

23 -84 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 24 April 2023 were taken as read and confirmed.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

6. Commemorations and Announcements

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

On behalf of Lithgow City Council the Mayor expressed sincere sympathy and condolences to Margaret Hickey's family on her passing. Margaret was a member of many organisations in Lithgow and volunteered for many organisations in the local government area.

On behalf of Lithgow City Council and the Councillors, the Mayor expressed the best of wishes to Deanna Goodsell on her resignation as a councillor and wished her all the best in the future in her career. The Mayor thanked Deanna Goodsell for her service to the community and the council by playing an active role as a councillor.

Councillor C Coleman conveyed her best wishes to Deanna Goodsell in her future.

Councillor C Coleman thanked Mr Edgecombe and his team for their assistance with preparations for the Catholic Ball.

The Mayor also thanked Mr Edgecombe for his assistance with the Catholic Ball.

The Mayor thanked all the Council staff involved in the organisation on the running of a successful LithGlow.

Councillor D Goodwin thanked Deanna Goodsell on her service stating that she was a very good councillor who threw her heart and soul into learning the processes at Council. She also said that Deanna Goodsell always had the community at heart and will be missed at council and by the community.

Councillor E Mahony expressed his thanks towards Deanna Goodsell expressing sorrow that she will not be here for the remainder of the term.

7. Public Forum

At 7:06 pm members of the public gallery were invited to participate in the Public Forum Session.

Justin Courmadias made a statement in relation to Item 10.1.1.2 on the business paper.

The Mayor thanked Mr Courmadias for his statement.

Mike De Vink made a statement in relation to Item 10.1.1.3 on the business paper.

The Mayor thanked Mr De Vink for his statement.

8. Mayoral Minutes

8.1. Mayoral Minute - 22/05/2023 - Emergency Services Levy

Report by Mayor – Councillor Maree Statham

23 -85 RESOLVED

THAT Council:

1. Writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member:
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on Councils for 2023/24 by scrapping the ESL subsidy and at a time after Council has commenced publicly advertising its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate peg increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24,
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost, and
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

MOVED: Councillor M Statham

CARRIED

9. Notices of Motion

9.1. NOM - Cr Almudena Bryce - 22/05/2023 - Seven Valleys Tourism Committee

Report by Councillor Almudena Bryce

23 -86 RESOLVED

THAT

1. The Seven Valleys Tourism Committee meeting minutes be reported to Council meetings, rather than go through the Economic Development Committee.
2. Terms of Reference be altered to reflect the requirement for minutes be reported to Council meetings.

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED

9.2. NOM - Cr Almudena Bryce - 22/05/2023 - First Nations Representative on S355 Committees

Report by Councillor Almudena Bryce

23 -87 RESOLVED

THAT:

1. A First Nations representative, from a Registered Aboriginal Party (RAP), be nominated for appointment to S355 Committees, as relevant, to follow on from the support of the Voice to Parliament.
2. Council determine the S355 committees which will include a First Nations representative.
3. Committee Terms of Reference be altered to reflect the inclusion of a First Nations representative on selected Committees.
4. In order to advance, the matter be referred to a Councillor Information Session and invite the local RAP's representatives to speak to this and of the council committees they would like to have representation on.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

10. Staff Reports

10.1. People and Services Reports

10.1.1. Building and Development

10.1.1.1. ECDEV - 22/05/2023 - DA042/23 Proposed Community BBQ Area-Saville Park
Portland

Councillor A Bryce left the meeting at 7:33 pm.

Councillor A Bryce returned to the meeting at 7:35 pm.

23 -88 RESOLVED

THAT

1. Development Application DA042/23 be APPROVED subject to conditions of the consent outlined 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.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 735A (3) of the Local Government Act, 1993.

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

10.1.1.2. ECDEV - 22/05/2023 - Call In - DA 064/23 - Energy Australia – Industrial
Development - Borehole Drilling & Pitt Excavation

Councillor A Bryce called a Point of Order on Councillor S Lesslie in relation to staying on topic.

The Mayor upheld the Point of Order.

23 -89 RESOLVED

THAT the calling in of Development Application DA064/23 for the site investigation activities for a proposed grid scale battery energy storage system be noted.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

CARRIED

10.1.1.3. ECDEV - 22/05/2022 - Call In - DA070/22 (Mod DA013/23) - Lake Lyell – Magpie
Hollow Road South Bowenfels

23 -90 RESOLVED

THAT the calling in of the Modification of Development Consent Application MODDA013/23 for DA070/22 relating to geotechnical investigation works adjacent to Lake Lyell and Mount Walker be noted.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

CARRIED

10.1.2. People and Services General Reports

10.1.2.1. LATE REPORT - PS 22 05 2023 - The Foundations Portland - Draft Development Control Plan

23 -91 RESOLVED

THAT Council

1. Endorse the public exhibition of the Draft Foundations DCP for a period of no less than 28 days, including an option to amend the Lithgow DCP 2021 to insert the Draft Foundations DCP as a chapter (if required).
2. Authorise the General Manager to make any minor consequential and formatting amendments prior to publishing for public exhibition.
3. Endorse the public exhibition and consultation plan summarised in this report.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

10.2. Finance and Assets Reports

10.2.1. FIN - 22/05/2023 - Review of Insurance Provider

Councillor S Lesslie left the meeting at 7:46 pm.

Councillor S Lesslie returned to the meeting at 7:47 pm.

23 -92 RESOLVED

THAT Council:

1. Remain with StateWide Mutual as its insurance provider on the basis of obtaining best value for Council's insurance needs.
2. Rescind its notice of intention to retire from the StateWide Mutual Scheme effective from 1 July 2023.
3. Note that the next review of review of insurance value and performance is proposed for 5 years time (i.e. in 2028).
4. Note that the General Manager will inform the Executive of Civic Risk Mutual of Council's decision to remain with StateWide and thank Civic Risk Mutual for their assistance with Council's review.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

10.2.2. FIN - 22/05/2023 - Loan - Cullen Bullen Sewer Scheme

23 -93 RESOLVED

THAT Council approve the sourcing of a \$1,000,000 loan for the Cullen Bullen Sewer Scheme project from a lending institution approved by the Office of Local Government.

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED

10.2.3. FIN - 22/05/23 - 2022/2023 Quarter Three Budget Review

Councillor C Coleman called a Point of Order in relation to Cr A Bryce being overlooked as the seconder.

The Mayor upheld the Point of Order and offered Cr A Bryce the chance to speak on the matter.

23 -94 RESOLVED

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of \$10.3M surplus for the 2022/23 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 January 2023 to 31 March 2023.
2. Note that the reasons for the significant change in Council's projected operating result over Quarters One, Two and Three substantively relate to the extraordinary event of road repairs following multiple natural disasters.
3. Adopt the income, expenditure and capital budget variations to the 2022/23 Council budget as outlined in the attached report.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

10.2.4. FIN – 22/05/2023 – Proposal to enter a Licence Agreement with COC Limited

23 -95 RESOLVED

THAT Council:

1. Note the contents of this report on a proposed Licence Agreement with COC Limited.
2. Authorise the General Manager to sign all documents and do all things necessary to give effect to the Licence Agreement.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

10.3. Policies and Governance

10.3.1. DEV - 22/05/2023 - Policy 7.1 Contaminated Land

MOTION

THAT Council:

1. Note the one public submission received on the policy and the Council Officer comments.
2. Amend the draft Contaminated Land Policy to include a Table of Abbreviations (being Attachment 1).
3. Adopt the Contaminated Land Policy (being Attachment 3).

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

AMENDMENT

THAT Council defer the report to the next council meeting and it first be taken to the next Councillor Information Session for discussion.

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

CARRIED

The Amendment was PUT and became the Motion.

The Motion was PUT.

23 -96 RESOLVED

THAT Council defer the report to the next council meeting and it first be taken to the next Councillor Information Session for discussion.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

10.4. General Manager's Reports

10.4.1. LATE REPORT - GM - 22/05/2023 - Update Lithgow Community Private

23 -97 RESOLVED

THAT the report detailing the status of negotiations between Lithgow Community Private and the NSW Government be received.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11. Council Committee Reports

11.1. IS - 22/05/2023 - TALC Committee Minutes 4 May 2023

23 -98 RESOLVED

THAT Council:

1. Notes the minutes of the TALC Committee meeting held on 4 May 2023; and
2. Note that the TALC Committee does not support the resolution adopted at the ordinary meeting of Council held on 27th March 2023 (NOM - Fifteen Minute Parking Zone for Lithgow Mobility Aids – (MIN 23-49 RESOLVED) due to non-compliance with Australian Standards for roads with two lane with parking, pedestrian safety and traffic logistic reasons; and
3. To resolve the matter of the Fifteen Minute Parking Zone for Lithgow Mobility Aids the following actions be undertaken:
 - a. Carry out a public consultation for a period of 28 days to consider changing the laneway to one direction between Bridge Street through to Eskbank Street section; and
 - b. Apply to Transport for NSW for a shareway zone and speed reduction on the laneway; and
 - c. Reconfigure the existing carpark to relocate mobility parking spaces closer to Lithgow Mobility Aids rear access.
4. Note that a future report will be provided to Council on the matter of the Fifteen Minute Parking Zone for Lithgow Mobility Aids once actions 3 (a) and 3 (b) are completed.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11.2. PS - 22/05/2023 - Crime Prevention Committee Meeting 8 May 2023

23 -99 RESOLVED

THAT Council endorse the Minutes of the Crime Prevention Committee meeting held on 8 May 2023.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin

CARRIED

11.3. FIN - 22/05/2023 - Finance Committee Meeting 9 May 2023

23 -100 RESOLVED

THAT Council endorse the minutes of the Finance Committee meeting held on 9 May 2023.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

11.4. PS - 22/05/23 - Seven Valleys Tourism Committee - 9 May 2023

23 -101 RESOLVED

THAT Council endorse the minutes of the Seven Valleys Tourism Committee meeting held on 9 May 2023.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

11.5. LATE REPORT - PS - 22/05/2023 - Environment Advisory Committee Meeting 8 February 2023

23 -102 RESOLVED

THAT Council accepts the Minutes of the Environmental Advisory Committee held on the 10 May 2023 and 8 February 2023.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

12. Business of Great Urgency

The Mayor asked if there were any matters to be considered as matters of great urgency.

Councillor A Bryce raised the matter of the reduction of services at the Lithgow Centre for Aboriginal Legal Services and requested that a letter be written to the local Federal Member, The Hon Andrew Gee, requesting further detail so as to guide Council's future position.

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

23 -103 RESOLVED

THAT a letter be written to the local Federal Member, The Hon Andrew Gee, requesting further detail so as to guide Council's future position as the request from Councillor A Bryce be declared as business of great urgency.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

Councillor A Bryce raised the matter of the LRCIP Grant cuts in the Federal Budget and how this will impact the Lithgow Area, and also encourage that Council enquires why the Federal Assistance Grant has dropped from 0.52% to 0.5% when NSW Councils have been pushing for 1%. Requesting that a letter to be written to the local Federal Member, The Hon Andrew Gee, regarding these matters

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

23 -104 RESOLVED

THAT representations to be made to Local Federal Member, The Hon Andrew Gee, regarding LRCIP and Federal Assistance Grant funding issues.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

Councillor C O'Connor raised that this is Mr Michael McGrath's last council meeting and he thanked him for his service.

Mayor M Statham raised the issue of the new trains sitting on the tracks in Lithgow and the cost associated with storing them. Requesting to lobby the ministers to get them back on the tracks for use.

Neither of the above matters were determined to be Business of Great Urgency.

There being no further business the Mayor declared the meeting closed at 8:51 pm.