



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 July 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: 118

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
Councillor S Ring

Also in attendance

Craig Butler	General Manager
Ross Gurney	Chief Financial and Information Officer - Finance, Assets and Legal
Jonathon Edgecombe	Director Infrastructure and Economy
Matthew Trapp	Executive Manager Water, Wastewater and Waste
Sarah Lewis	Minutes Secretary
Trinity Newton	Minutes Secretary

3. Apologies

All Councillors being present, there were no apologies.

4. Declaration of Interest

Councillor C O'Connor declared a pecuniary conflict of interest in Item 10.1.2.1 and undertook to vacate the Chambers when the item is discussed.

5. Confirmation of Minutes

23 -119 RESOLVED

THAT the Minutes of the Ordinary Meeting of Council held on the 26 June 2023 were taken as read and confirmed.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

6. Commemorations and Announcements

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

Cr C Coleman expressed condolences for Mr Charles Dalglish who passed away on the weekend.

Cr S Lesslie expressed condolences for Mr Eric Rayner who passed away recently.

7. Public Forum

At 7:09 pm members of the public gallery were invited to participate in the Public Forum Session.

Michael De Vink made a statement in relation to Item 10.1.1.2 on the business paper.

The Mayor thanked Mr De Vink for his statement.

Ben Eastwood made a statement in relation to Item 10.1.1.2 on the business paper.

The Mayor thanked Mr Eastwood for his statement.

Tom Evangelidis made a statement in relation to Item 10.1.1.2 on the business paper.

The Mayor thanked Mr Evangelidis for his statement.

Rob White made a statement in relation to Item 10.1.1.2 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr White.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

The Mayor thanked Mr White for his statement.

23 -120 RESOLVED

THAT the Council move to allow other public forum speakers to speak.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

Belinda and Russell Impey made a statement in relation to Item 10.1.1.2 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Belinda & Richard Impey.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED

The Mayor thanked Mr & Mrs Impey for their statement.

Ray Smith made a statement in relation to Item 10.1.1.2 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Smith.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

The Mayor thanked Mr Smith for his statement.

Brett Hawkins made a statement in relation to Item 10.1.2.2 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Hawkins.

MOVED: Councillor D Goodwin

SECONDED: Councillor S McGhie

CARRIED

The Mayor thanked Mr Hawkins for his statement.

Mr Henry Herriman made a statement in relation to Item 10.1.1.2 on the business paper.

The Mayor thanked Mr Herriman for his statement.

8. Mayoral Minutes

No Mayoral Minutes were tabled.

9. Notices of Motion

9.1. NOTICE OF MOTION - 24/07/2023 - Councillor S Lesslie - Purchase of Art Work for Council Collection

Report by Councillor Stephen Lesslie

MOTION

THAT:

1. Lithgow City Council's Mayor be given the authority to purchase an art work such as, but not limited to, a painting, sculpture, pottery, tapestry each year from a local art show, gallery or exhibition:
2. This art work to form part of the council's art collection or placed on loan to reputable organisations.
3. The cost of the purchase to be authorised by Lithgow Council's General Manager. Should the General Manager refuse to authorise the expenditure then a report be presented to the next council meeting.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

Cr S Lesslie withdrew his original motion and proposed an alternative.

MOTION

THAT the General Manager bring down a report detailing when it became mandatory that Councillors cannot put forward new funding programs as stated in the General Manager's Management comment attached to the Notice of Motion submitted by Cr Stephen Lesslie on 24 July 2023.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

LOST

10. Staff Reports

10.1. People and Places

10.1.1. Building and Development

10.1.1.1. P&P 24/07/2023 Variations to Development Standard

23 -121 RESOLVED

THAT Council note the information provided in the report relating to variations to Development Standards under Clause 4.6 of the Standard Instrument for the April to June 2023 quarter.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

10.1.1.2. P&P 24/07/2023 - DA070/22 (Mod DA013/23) - Geotechnical Investigations, Lake Lyell - Magpie Hollow Road South Bowenfels

MOTION

THAT

1. Modification of development consent application DA070/22 modification MODDA013/23 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

AMENDMENT

THAT Lithgow Council deny EnergyAustralia access for the purposes of transporting drilling equipment or any other form of heavy transport across any land owned by Lithgow Council.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

The AMENDMENT was PUT and was LOST.

A **DIVISION** was called by Councillor C Coleman

Divisions

FOR: Councillor C Coleman and Councillor S Lesslie

AGAINST: Councillor M Statham, Councillor A Bryce, Councillor D Goodwin, Councillor S McGhie, Councillor E Mahony, Councillor C O'Connor and Councillor S Ring

MOTION

23 -122 RESOLVED

THAT

1. Modification of development consent application DA070/22 modification MODDA013/23 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

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 A Bryce, Councillor D Goodwin, Councillor S McGhie, Councillor C O'Connor and Councillor S Ring

AGAINST: Councillor C Coleman, Councillor S Lesslie and Councillor E Mahony

PROCEDURAL MOTION

THAT a five minute adjournment of the meeting take place.

MOVED: Councillor S Lesslie

SECONDED: Councillor E Mahony

CARRIED

At 8:20pm to meeting was adjourned.

PROCEDURAL MOTION

THAT Council re-adjourn the meeting and move back into open Council.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

At 8:25pm the meeting re-commenced.

10.1.1.3. P&P - 24/07/2023 - Lithgow Women's Shed Section 94A Fee - Exemption Request

MOTION

THAT

1. Council approve the Section 94A (Section 7.12) Development Contributions Plan exemption request for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc, noting that the assessed contribution is \$24,606.25.
2. Council vary from Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land and delegate authority to the General Manager to determine the application (should that be required to expedite this decision), and subject to the arrangements outlined in this report.
3. Details of a proposed licence agreement be reported to Council at a future time.

MOVED: Councillor S McGhie

SECONDED: Councillor A Bryce

AMENDMENT

THAT

1. Council approve the Section 94A (Section 7.12) Development Contributions Plan exemption request for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc, noting that the assessed contribution is \$24,606.25.
2. Details of a proposed licence agreement be reported to Council at a future time.
3. The DA for the Women's Shed be brought back to Council for determination and if required an Extra Ordinary Meeting of Council be called to expedite the decision.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED

The AMENDMENT was PUT and became the MOTION.

Councillor S Ring called a Point of Order in relation to the Mayor and General Manager talking during debate.

The Mayor upheld the Point of Order.

23 -123 RESOLVED

THAT

1. Council approve the Section 94A (Section 7.12) Development Contributions Plan exemption request for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc, noting that the assessed contribution is \$24,606.25.
2. Details of a proposed licence agreement be reported to Council at a future time.
3. The DA for the Women's Shed be brought back to Council for determination and if required an Extra Ordinary Meeting of Council be called to expedite the decision.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED

10.1.2. People and Services General Reports

10.1.2.1. P&P - 24/07/2023 - Development Contributions Review - Proposed Revised Lithgow Local Infrastructure Contributions Plan (S.7.12) 2023

Councillor C O'Connor left the meeting at 8:42 pm.

MOTION

THAT

1. Council receive and note the information provided in this report.
2. Council endorse the Draft Local Infrastructure Contributions Plan (S. 7.12) 2023 attached to this report for public exhibition, and,
3. The matter be returned to Council for further consideration of adoption of the Draft Local Infrastructure Contributions Plan (S. 7.12) 2023 following public exhibition.
4. The Draft Local Infrastructure Contributions Plan (S.7.12) 2023 is amended to exempt the construction of single dwellings for personal use.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

AMENDMENT

THAT Council defer the matter and refer the information to a Councillor Information Session.

MOVED: Councillor S McGhie

SECONDED: Councillor A Bryce

CARRIED

The AMENDMENT was PUT and became the MOTION.

23 -124 RESOLVED

THAT Council defer the matter and refer the information to a Councillor Information Session.

MOVED: Councillor S McGhie

SECONDED: Councillor A Bryce

CARRIED

Councillor C O'Connor returned to the meeting at 8:54 pm.

10.1.2.2. P&P - 24/07/2023 - Greenspot Scoping Proposal

23 -125 RESOLVED

THAT Council note the assessment of the Greenspot Scoping Proposal, as outlined in this report and the attachment titled "Greenspot Scoping Proposal Assessment Report".

MOVED: Councillor C O'Connor

SECONDED: Councillor D Goodwin

CARRIED

Councillor A Bryce left the meeting at 8:57 pm.
Councillor A Bryce returned to the meeting at 8:57 pm.

A **DIVISION** was called by Councillor M Statham

Divisions

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

AGAINST: Nil

10.2. Infrastructure and Economy

10.2.1. IS&E - 24/07/2023 - Endorsement of the Seven Valleys Beatlesfest

23 -126 RESOLVED

THAT Council:

1. Receive this report on the proposed Seven Valleys Beatlesfest event,
2. Approve the request for \$16,510 of financial assistance, to be costed to 600337 - Large Scale Events Attraction Program, and
3. Receive a report upon the conclusion of the event, detailing the outcomes of the event against the anticipated benefits outlined in this report.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

10.3. Water, Wastewater and Waste

10.3.1. W&WW - 24/07/2023 Cullen Bullen Sewerage Scheme

23 -127 RESOLVED

THAT Council:

1. Approve the variations to the engagement with SNG Engineering Pty Ltd as per the report to bring the total cost of the contract to \$4,386,702 ex GST.
2. Delegate authority to the General Manager to vary the purchase order for SNG Engineering Pty Ltd in accordance with point 1.
3. Approve a variation to the project 300034 – Cullen Bullen Sewerage Scheme budget to bring the revised project budget to \$7,200,000 with the additional \$400,000 to be funded from the sewer reserve.

MOVED: Councillor A Bryce

SECONDED: Councillor S Ring

CARRIED

10.4. Finance, Assets and Legal

10.4.1. FIN - 24/07/2023 - Referral of Financial Reports for External Audit - Year Ended 30 June 2023

23 -128 RESOLVED

THAT Council refer the 2022/23 financial statements for audit (in accordance with S413 of the Local Government Act 1993) and note the proposed process and timeline for the audit of the financial statements.

MOVED: Councillor A Bryce

SECONDED: Councillor S Ring

CARRIED

Councillor D Goodwin left the meeting at 9:22 pm.

10.4.2. FIN - 24/07/2023 - Investment Report June 2023

Councillor D Goodwin returned to the meeting at 9:23 pm.

23 -129 RESOLVED

THAT:

1. Investments of \$42,337,579 and cash of \$585,472 for the period ending 30 June 2023 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

10.5. Policies and Governance

10.5.1. FIN - 24/07/2023 - Model Media Policy

MOTION

THAT Council:

1. Adopt the Model Media Policy (2022) for immediate implementation.
2. Rescind Policy 9.12 - Media and Social Media Policy.
3. Adopt Policy 9.8 - Records Management Policy (Version 7) with updates to include the Model Social Media Policy and Model Media Policy, as well as other minor changes.
4. Update the Terms of Reference for s355 Committees to include under Committee member responsibilities "observation and compliance with Council's Model Media Policy 2022".
5. Provide a copy of the Model Media Policy to all staff and members of s355 Committees.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

AMENDMENT

THAT Council rescind Policy 9.12 - Media and Social Media Policy.

MOVED: Councillor S Lesslie

SECONDED: Councillor E Mahony

The AMENDMENT was put and LOST.

23 -130 RESOLVED

THAT Council:

1. Adopt the Model Media Policy (2022) for immediate implementation.
2. Rescind Policy 9.12 - Media and Social Media Policy.
3. Adopt Policy 9.8 - Records Management Policy (Version 7) with updates to include the Model Social Media Policy and Model Media Policy, as well as other minor changes.
4. Update the Terms of Reference for s355 Committees to include under Committee member responsibilities "observation and compliance with Council's Model Media Policy 2022".
5. Provide a copy of the Model Media Policy to all staff and members of s355 Committees.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

A **DIVISION** was called by Councillor E Mahony

Divisions

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

AGAINST: Councillor C Coleman, Councillor S Lesslie, Councillor E Mahony and Councillor S Ring

11. Council Committee Reports

11.1. FIN - 24/07/23 - Audit Risk & Improvement Committee (ARIC) Minutes - 20 June 2023

23 -131 RESOLVED

THAT Council:

1. Note the minutes of the 20 June 2023 Audit Risk & Improvement Committee meeting.
2. Appoint Neil Maltby as Chair of the Committee, with the appointment to be reviewed at the end of December 2023.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

CARRIED

11.2. P&P - 24/07/2023 - Community Development Committee Minutes 20 June 2023

23 -132 RESOLVED

THAT Council:

1. Note the Minutes of the Community Development Committee meeting held 20 June 2023.
2. Allocate the following amounts of Financial Assistance in 2023/24:

Portland Community Pool Operating Subsidy	\$44,085
Arts Outwest	\$14,000
Lithgow Show Society	\$15,000*
	* Most of this allocation is to offset Civic Ballroom/Showground hire charges, cleaning costs and Council staff costs during the event. This amount is \$3,500 greater than in 2022/3 to better reflect actual Council staff costs.
Fee waivers, delegated to the General Manager, for the use of Council facilities	\$2,000
Ballroom and Showground Fee waivers for major events	\$5,000
Sporting Assistance	\$2,500
School end of year awards (\$50 per school)	\$800
Rounds 1 and 2 Non-Recurrent Financial Assistance	\$26,757
Total	\$110,142

3. Approve \$19,098 in Round 1 2023/4 Financial Assistance to the following 10 organisations.

Organisation	Project	Recommended Amount
Lithgow Arts Council	Sponsorship of the 2023 Lithgow Arts Council awards	\$2,000
Daffodils at Rydal 2024	Daffodils at Rydal 2024 event	\$1,500
Tarana Tanker Trailers Inc	Registration of 12 firefighting tanker trailers	\$1,400
Portland Golf Club	To provide family nights for the local community to meet and socialise	\$3,000
Nanna's Touch Community Connection Lithgow	Provide weekly meals to local homeless people and people on low incomes impacted by the Covid pandemic and facing food insecurity.	\$3,000
Minga'an	NAIDOC 2023 event	\$3,000
Rydal A H & P Society	Prize money sponsorship of	\$1,000

	Heavy Horse and Dog Yard sections of 2023 Rydal Show	
Lithgow District Car Club	General Rate component reimbursement for Yvonne Martin Motor Sport Club circuit Portland	\$1,143
First Australian Muzzle Gun Club / Lithgow Valley Archers	General Rate component Reimbursement for premises in Doctors Gap Rd Lithgow	\$1,055
Portland Tidy Towns	Refurbish Pioneer Park Portland and Cullen Street footpath garden. Maintain Williwa and Wolgan Street footpath gardens.	\$2,000
Total		\$19,098

4. Note that there will be \$7,659 available for allocation in Round 2 of Non-Recurrent Financial Assistance later in 2023/24.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

11.3. IS&E - 24/07/2023 - Operations Committee Meeting Minutes - 21 June 2023

23 -133 RESOLVED

THAT Council note the minutes of the Operations Committee Meeting held on 21 June 2023.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

CARRIED

11.4. FIN - 24/07/2023 - Finance Committee Meeting 22 June 2023

23 -134 RESOLVED

THAT Council note the minutes of the Finance Committee meeting held on 22 June 2023.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

11.5. IS&E - 24/07/2023 - TALC Committee Meeting Minutes - 6 July 2023

23 -135 RESOLVED

THAT Council:

1. Note the minutes of the TALC Committee Meeting held on 6 July 2023; and

2. Approve the proposed temporary road closures for Mt Horrible Road, Palmer Oakey and Dark Corner Road, Dark Corner for the conduct of the 2023 Bathurst Rally by North Shore Sporting Car Club on Saturday, 23 September 2023, subject to formal Temporary Road / Footpath Closure Application and payment of appropriate fees and charges.
3. Note the Race Across NSW (Border 2 Beach) event proposed to be conducted in the Lithgow Local Government Area between 21 September 2023 and 2 October 2023.
4. Requests confirmation from the Race Across NSW (Border 2 Beach) event organiser that NSW Police have been informed and approve of the event.

MOVED: Councillor S Lesslie

SECONDED: Councillor A Bryce

CARRIED

11.6. P&P - 24/07/2023 - LATE REPORT - Womens' Advisory Committee Minutes 11 July 2023

23 -136 RESOLVED

THAT Council:

1. Note the minutes of the Women's Advisory Committee meeting held on 11 July 2023.
2. Write to the current NSW Minister for Women, Jodie Harrison MP, for an updated NSW Government Women's Strategy.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

12. Business of Great Urgency

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

Cr S Ring raised the matter of contractors stopping road works in the Lithgow area.

The Mayor declared the matter not to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

Councillor E Mahony called a Point of Order on Councillor M Statham in relation to not being allowed to talk to Cr S Ring's Business of Great Urgency.

The Mayor overruled the Point of Order.

Councillor E Mahony called a Point of Order on Councillor M Statham in relation to not upholding his first Point of Order.

Cr E Mahony withdrew his Point of Order.

There being no further business the Mayor declared the meeting closed at 9:57 pm.
