



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 August 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: 12

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
Leanne Kearney	Acting Director Infrastructure and Economy
Matthew Trapp	Executive Manager Water, Wastewater and Waste
Sarah Lewis	Minutes Secretary

3. Apologies

All Councillors being present, there were no apologies.

4. Declaration of Interest

Councillor E Mahony declared a non-pecuniary conflict of interest to Item 10.2.1.3 for the reason that he is the President of the Lithgow Workies Rugby League Club and advised that he will not vacate the Chambers when the item is discussed.

5. Confirmation of Minutes

23 -137 RESOLVED

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

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

6. Commemorations and Announcements

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

7. Public Forum

Robert Setter made a statement in relation to Item 10.2.1.1 on the business paper.

The Mayor thanked Mr Setter for his statement.

Anne Hopkins made a statement in relation to Item 10.2.1.3 on the business paper.

The Mayor thanked Ms Hopkins for her statement.

Ray Smith made a statement in relation to Item 10.2.1.1 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Ray Smith.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED

The Mayor thanked Mr Smith for his statement and requested that he provide a written note of the matters he discussed so that the administration could deal with these and respond.

Mark Hoy made a statement in relation to an update on the Chambers Investor Day February 2024.

The Mayor thanked Mr Hoy for his statement.

8. Mayoral Minutes

No Mayoral Minutes were tabled.

9. Notices of Motion

9.1. NOTICE OF MOTION - 28/08/2023 - Councillor S Ring - Draft Marrangaroo Structure Plan

Report by Councillor Steve Ring

MOTION

THAT:

1. Further work on the Marrangaroo Structure Plan is placed on hold until such time as there is demonstrated demand by legitimate developers.
2. The Administration priorities its resources to support alternate concepts that can deliver residential, commercial, and industrial lands for the growth of the LGA.

MOVED: Councillor S Ring

SECONDED: Councillor E Mahony

Councillor C Coleman called a Point of Order in relation to waiting until the amendment is available to read on the screen to discuss further.

The Mayor upheld the Point of Order

AMENDMENT

THAT:

1. A Councillor Information Session be held with a briefing regarding the Marrangaroo Urban Release Area (MURA) plan including an update on the RMS road issues, the State Government's willingness to assist with the plan, and any genuine developer interest.
2. If after the Councillor Information Session it appears the plan has not progressed to a point where any development is to happen within the next 10 years, a report should be brought back to Council and Councillors given the chance to vote on whether the plan should be placed on hold until such time there is a demonstrated demand by developers.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

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

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

The AMENDMENT was PUT and became the MOTION

23 -138 RESOLVED

THAT:

1. A Councillor Information Session be held with a briefing regarding the Marrangaroo Urban Release Area (MURA) plan including an update on the RMS road issues, the State Government's willingness to assist with the plan, and any genuine developer interest.
2. If after the Councillor Information Session it appears the plan has not progressed to a point where any development is to happen within the next 10 years, a report should be brought back to Council and Councillors given the chance to vote on whether the plan should be placed on hold until such time there is a demonstrated demand by developers.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

9.2. NOTICE OF MOTION - 28/08/2023 - Councillor S Ring - Wolgan Road Tennis Courts - Lidsdale

Report by Councillor Steve Ring

MOTION

THAT the Council allocate the full amount of the voluntary planning agreement for DA 196/18 (CC083/22) to the Wolgan Road Tennis Court Park.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

AMENDMENT

THAT Council:

1. Investigate the demolition of the current structures that contain asbestos
2. Hold the contributions in a restricted fund.
3. Determine recreation infrastructure needs for Lidsdale via community consultation
4. Design and cost the infrastructure
5. Determine the means to fund the infrastructure including through use of the developer contributions.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

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

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

The AMENDMENT was PUT and became the MOTION.

23 -139 RESOLVED

THAT Council

1. Investigate the demolition of the current structures that contain asbestos
2. Hold the contributions in a restricted fund.
3. Determine recreation infrastructure needs for Lidsdale via community consultation
4. Design and cost the infrastructure
5. Determine the means to fund the infrastructure including through use of the developer contributions.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

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

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

10. Staff Reports

10.1. General Manager's Reports

10.1.1. GM - 28/08/2023 - Local Government NSW Conference 2023

MOTION

THAT Council:

1. Endorse the tenor of the proposed motions to the LGNSW Annual State Conference (as canvassed in this report) and submit those, and,
2. Defer the decision to the next meeting

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

AMENDMENT

THAT Council:

1. Endorse the tenor of the proposed motions to the LGNSW Annual State Conference (as canvassed in this report) and submit those, and,
2. Determine councillor attendance at the LGNSW Annual State Conference being the Mayor and the Deputy Mayor.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

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

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

The AMENDMENT was PUT and became the MOTION.

23 -140 RESOLVED

THAT Council:

1. Endorse the tenor of the proposed motions to the LGNSW Annual State Conference (as canvassed in this report) and submit those, and,
2. Determine councillor attendance at the LGNSW Annual State Conference being the Mayor and the Deputy Mayor.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

A **DIVISION** was called by Councillor S Ring

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

10.1.2. GM - 28/08/2023 - Central NSW Joint Organisation Review

23 -141 RESOLVED

THAT:

1. Council note the report on the value of joining the Central NSW Joint Organisation of councils, and,
2. Include membership of the Western Region Academy of Sport program as part of the CNSWJO fees going forward.

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

Councillor S McGhie called a Point of Order on Councillor S Lesslie in relation to staying on discussion.

The Mayor upheld the Point of Order

Councillor D Goodwin left the meeting at 8:07 pm.

Councillor D Goodwin returned to the meeting at 8:08 pm.

CARRIED

10.2. People and Services Reports

10.2.1. Building and Development

10.2.1.1. PP - 28/08/2023 - DA 064/23 Energy Australia Industrial Development Boreholes & Pit Excavation-Boulder Road

23 -142 RESOLVED

THAT

1. Development application DA064/23 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 E Mahony

SECONDED: Councillor C O'Connor

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 375A (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, Councillor C O'Connor and Councillor S Ring

AGAINST: Nil

10.2.1.2. PP - 28/08/2023 - DA199/22 Proposed Shed Lithgow Golf Club

23 -143 RESOLVED

THAT

1. Development application DA199/22 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 A Bryce

SECONDED: Councillor C O'Connor

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 375A (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, Councillor C O'Connor and Councillor S Ring

AGAINST: Nil

10.2.1.3. PP - 28/08/2023 - DA084/23 Lithgow Women's Shed Multi Purpose Building

Councillor A Bryce left the meeting at 8:24 pm.
Councillor A Bryce returned to the meeting at 8:25 pm.

23 -144 RESOLVED

THAT:

1. Development application DA084/23 be APPROVED subject to conditions of consent as detailed in the attached planning assessment report.
2. Council approve the Section 64 (Water and Sewer Charges) exemption request under the Local Government Act 1993 for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc, noting that the assessed contribution is \$138,813.166.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
4. Details of a proposed licence agreement be reported to Council at a future meeting.
5. The Conditions of Consent are amended to exclude the requirement for the construction of a carpark.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 375A (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, Councillor C O'Connor and Councillor S Ring

AGAINST: Nil

10.3. Infrastructure Services Reports

10.3.1. I&E - 28/08/2023 - Storm Recovery Related Works

MOTION

THAT Council:

1. Note Mayoral approval of the budget required and a tender exemption for the protection of Council's wastewater assets in Farmers Creek, undertaken by Shumack Engineering P/L. with a budget of \$400,000 for works to be completed.
2. Approve the additional budget and expenditure to rehabilitate Coxs River Road, between Morris Place and Blaxland Road, of \$1,570,000. The works were completed by Gracey's Earthmoving and Excavations P/L.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

AMENDMENT

THAT

This item be deferred until a report is brought to Council addressing the following issues:

- a. The legal basis supporting the concept of a mayor delegation
- b. Detailed justification for undertaking roadworks without first doing a detailed geotechnical report

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

Councillor S Ring called a Point of Order on the General Manager and Acting Director in relation to them talking during discussion.

The Mayor upheld the Point of Order

Councillor A Bryce called a Point of Order on Councillor S Lesslie in relation to Councillor S Lesslie making assumptions on what the Mayor was and was not told.

The Mayor upheld the Point of Order

Councillor S Ring moved a Motion of Dissent in relation to the Mayor's ruling on the Point of Order stating that a Councillor cannot be stopped from wanting to know information about what the Mayor has or has not been told.

MOVED: Councillor S Ring

The Mayor PUT the MOTION OF DISSENT. The MOTION was LOST.

LOST

Councillor S Ring called a Point of Order on the staff in relation to talking during the debate.

The Mayor upheld the Point of Order.

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

Before the Mayor dealt with the Point of Order, Councillor E Mahony called a Point of Order asking for people to stay in their seat.

PROCEDURAL MOTION

THAT a 15 minute adjournment take place at this point in the meeting.

MOVED: Councillor M Statham

CARRIED

At 8:44pm the meeting was adjourned.

PROCEDURAL MOTION

THAT Council re-adjourn the meeting and move back into open Council at 8:59pm.

MOVED: Councillor S Ring

SECONDED: Councillor C O'Connor

CARRIED

At 8:59pm the meeting re-commenced.

The AMENDMENT was PUT.

THAT this item be deferred until a report is brought to Council addressing the following issues:

1. The legal basis supporting the concept of a mayor delegation.
2. Detailed justification for undertaking roadworks without first doing a detailed geotechnical report.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

LOST

The AMENDMENT was PUT and LOST.

23 -145 RESOLVED

THAT Council:

1. Note Mayoral approval of the budget required and a tender exemption for the protection of Council's wastewater assets in Farmers Creek, undertaken by Shumack Engineering P/L. with a budget of \$400,000 for works to be completed.
2. Approve the additional budget and expenditure to rehabilitate Coxs River Road, between Morris Place and Blaxland Road, of \$1,570,000. The works were completed by Gracey's Earthmoving and Excavations P/L.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

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

Divisions

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

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

10.3.2. I&E - 28/08/2023 - South Bowenfels Link Road - Tender Acceptance

MOTION

THAT Council:

1. Accept the submission from Gracey's Earthmoving and Excavation Pty Ltd for the Construction of the South Bowenfels Link Road at a cost of \$685,600 (excluding GST).
2. Subject to pending budget negotiations, approve a budget variation up to a maximum of \$204,525 to complete the project (funding from the sewer reserve to be confirmed).
3. Delegate authority to the General Manager to enter a Contract with Gracey's Earthmoving and Excavation Pty Ltd in accordance with the Tender for "Construction of Three Tree Drive".

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

AMENDMENT

THAT

1. This item is deferred until the next meeting where Councillors are to be provided with a detailed report that allows them to exercise their governance role in an informed manner.
2. A report summarising all road contracts issued during the past two years is tabled as part of that report.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

LOST

The AMENDMENT was PUT and LOST.

23 -146 RESOLVED

THAT Council:

1. Accept the submission from Gracey's Earthmoving and Excavation Pty Ltd for the Construction of the South Bowenfels Link Road at a cost of \$685,600 (excluding GST).
2. Subject to pending budget negotiations, approve a budget variation up to a maximum of \$204,525 to complete the project (funding from the sewer reserve to be confirmed).
3. Delegate authority to the General Manager to enter a Contract with Gracey's Earthmoving and Excavation Pty Ltd in accordance with the Tender for "Construction of Three Tree Drive".

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED

10.3.3. I&E - 28/08/2023 - Glen Davis Road Bridge Replacements - Project Variations

23 -147 RESOLVED

THAT Council:

1. Note the project update, and information regarding contract variations, in relation to the Glen Davis Road bridges replacement project.
2. Approve a contract variation in the amount of \$283,600 to allow the contractor, Central Industries, to undertake road widening works within the cutting on the eastern approach to the Airly Creek bridge.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED

10.4. Finance and Assets Reports

10.4.1. F&G - 28/08/2023 - ALGWA Executive Appointment Cr C Coleman - Requesting Support

23 -148 RESOLVED

THAT:

1. Council support Deputy Mayor Coleman to fulfil her role as ALGWA Treasurer by approving Cr Coleman's travels costs to be funded from the Councillor expenses budget allocation, and,
2. Council increases the Councillor expenses budget by \$3000 to allow Cr C Coleman to attend ALGWA meetings.
3. Councillor C Coleman brings back regular reports to Council meetings regarding information from the ALGWA meetings.

MOVED: Councillor S Ring

SECONDED: Councillor E Mahony

CARRIED

10.4.2. F&G - 28/08/2023 - Amendment to right of way benefitting Council land

23 -149 RESOLVED

THAT Council agree to reduce the right of way burdening Tin Shed land and benefiting Union Theatre land for the length of the cool room (being 9.8m) from 3m wide to a minimum of 1.18m wide, in the event that development application DA045/23 is approved.

MOVED: Councillor C O'Connor

SECONDED: Councillor D Goodwin

CARRIED

10.5. Policies and Governance

10.5.1. FIN - 28/08/2023 - Review of Policy 8.4 Debt Recovery

23 -150 RESOLVED

THAT Council adopt and implement revised Policy 8.4 - Debt Recovery.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED

10.5.2. FIN - 28/08/23 - Public Interest Disclosure Policy

23 -151 RESOLVED

THAT Council:

1. Note the information provided on the new Public Interest Disclosure Act 2022.
2. Adopt the new Policy 9.9 Public Interest Disclosure, to be implemented from 1 October 2023.
3. Rescind current Policy 9.9 Internal Reporting effective from 1 October 2023.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

CARRIED

11. Council Committee Reports

11.1. I&E - 28/08/23 - Seven Valleys Tourism Committee Minutes - 31 July 2023

23 -152 RESOLVED

THAT Council endorse the minutes of the Seven Valleys Tourism Committee meeting of 31 July 2023

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

11.2. PP - 28/08/2023 - Crime Prevention Committee Minutes 7 August 2023

23 -153 RESOLVED

THAT Council note the minutes of the Crime Prevention Committee meeting held 7 August 2023.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

CARRIED

11.3. FIN - 28/08/2023 - Finance Committee Meeting 9 August 2023

23 -154 RESOLVED

THAT Council note the minutes of the Finance Committee meeting held on 9 August 2023.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

CARRIED

11.4. PP - 28/08/2023 - Community Development Committee Minutes 15 August 2023

23 -155 RESOLVED

THAT Council note the minutes of the Community Development Committee meeting held 15 August 2023.

MOVED: Councillor C Coleman

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 E Mahony proposed media announcements about the new resource recovery center opening and success of the facility.

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

23 -156 RESOLVED

THAT the Council issue a media release outlining the success of the new Resource Recovery Centre be declared as business of great urgency.

MOVED: Councillor E Mahony

SECONDED: Councillor D Goodwin

CARRIED

There being no further business the Mayor declared the meeting closed at 9:50pm.