



Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Tuesday 30 January 2024

at 7:00 PM

Minutes

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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: 17

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
Shaun Elwood	Director People & Places
Sarah Lewis	Minutes Secretary

3. Apologies

All being present there were no apologies.

4. Declaration of Interest

The Mayor called for any declarations of interest.

Councillor M Statham declared a non-pecuniary conflict of interest in Item 13.1 for the reason that she is a member of Portland Tidy Towns Committee. She advised that she will not vacate the Chambers when the item is discussed.

Councillor E Mahony declared a potential pecuniary conflict of interest in Item 9.5 for the reason that if land which he owns is rezoned he may gain a benefit. He advised that he will not vacate the Chambers when the item is discussed.

Councillor S McGhie declared a non-pecuniary conflict of interest in Item 13.1 for the reason that he is a member of Portland Tidy Towns Committee. He advised that he will not vacate the Chambers when the item is discussed.

5. Confirmation of Minutes

24 -1 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 27 November 2023 were taken as read and confirmed.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

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.

The Mayor acknowledged and thanked the rapid response team and first responders who have attended the recent accidents in the local area.

7. Public Forum

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

Ms Ann Thompson made a statement in relation to communication and consultation from Council.

PROCEDURAL MOTION

THAT an extension of time be granted to Ms Ann Thompson.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

CARRIED

The Mayor thanked Ms Thompson for her statement.

Mr John Price made a statement in relation to flooding at his property.

The Mayor thanked Mr Price for his statement.

Mr Ray Smith made a statement in relation to community consultation.

The Mayor thanked Mr Smith for his statement.

Mr Rob Whyte made a statement in relation to community consultation.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Whyte.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

The Mayor thanked Mr Whyte for his statement.

Councillor E Mahony called a Point of Order on Councillor M Statham in relation to comments made on Councillor behaviours.

The Mayor upheld the Point of Order

Councillor S Lesslie called a Point of Order on Councillor M Statham in relation to comments made by Councillor M Statham.

The Mayor upheld the Point of Order

8. Mayoral Minutes

There were no Mayoral Minutes tabled.

9. Notices of Motion

9.1. Notice of Motion - Councillor S Ring - 30/01/2024 - Governance Review of Fees and Charges

Report by Councillor Steve Ring

MOTION

THAT the Finance Committee review

1. the basis for fees and charges relating to Food Premises, Aerated Wastewater Treatment Systems (and septics) and Lithgow Solid Waste Facility Gate Fees.
2. sections of the Schedule of Fees and Charges at each meeting are presented with the business cases for the introduction of new fees or charges for consideration and recommendation before being brought to Council for adoption.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

LOST

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

Divisions

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

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

9.2. Notice of Motion - Councillor S Ring - 30/01/2024 - Modification of Financial Delegation

Report by Councillor Steve Ring

MOTION

THAT

1. with respect to the \$1.09 million dollars of transition management allocation of the recent rate rise that the Financial Delegations manual is amended to reflect the following:
2. the General Manager can enter into contracts for consultants (or contractors) preparing reports in relation to transition management allocation or providing advice (written or verbal) or being used to fill the roles of vacant positions up to and inclusive of \$25,000.
3. where a contractor or consultant is engaged on one or more occasions and the total exceeds \$25,000, all contracts are to be referred to the Governing body of Council.

MOVED: Councillor S Ring

SECONDED: Councillor E Mahony

LOST

Councillor A Bryce called a Point of Order on Councillor S Ring in relation to addressing the public gallery and not the Mayor, as chairperson.

The Mayor overruled the Point of Order.

Councillor S Ring called a Point of Order on the General Manager in relation to comments made about the need for councillors to adhere to the Code of Conduct when speaking on matters.

The Mayor overruled the Point of Order.

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

Divisions

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

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

9.3. Notice of Motion - Councillor C Coleman - 30/01/2024 - Public meeting to discuss EnergyAustralia Pumped Hyrdo

Report by Councillor Cassandra Coleman

MOTION

THAT Lithgow City Council host a public meeting with the wider Lithgow Local Government Area, with an independent chair, in June or July 2024 regarding the Lake Lyell Pumped Hydro Project.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

Councillor S Ring called a Point of Order on Councillor C O'Connor in relation to the relevance of matters being raised in his comments.

The Mayor overruled the Point of Order.

Councillor C Coleman called a Point of Order on Councillor D Goodwin in relation to comments he made about aspects of the recent meeting at Lake Lyell.

Councillor E Mahony called a Point of Order on Councillor D Goodwin in relation to the comments made about Councillor C Coleman.

The Mayor upheld the Point of Order.

Councillor C Coleman called a Point of Order on Councillor D Goodwin in relation to comments he made.

The Mayor upheld the Point of Order.

Councillor S Lesslie called a Point of Order on Councillor M Statham in relation to making a statement after the right of reply.

The Mayor upheld the Point of Order.

MOTION

THAT Lithgow City Council host a public meeting with the wider Lithgow Local Government Area, with an independent chair, in June or July 2024 regarding the Lake Lyell Pumped Hydro Project.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

LOST

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

Divisions

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

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

Councillor E Mahony called a Point of Order on Councillor M Statham in relation to making a statement after the item had closed.

The Mayor upheld the Point of Order

9.4. Notice of Motion - Councillor C Coleman - 30/01/2024 - Community Submissions regarding Council's Draft Operational Plan 2024/2025

Report by Councillor Cassandra Coleman

24 -2 RESOLVED

THAT

1. the period for community submissions regarding Council's Draft Operational Plan 2024/2025 be extended to 29 February 2024.
2. Policy 4.1 Community Engagement and Communications Policy is amended to ensure that public consultation is not sought over the Christmas/January period when Council is closed, and key personnel are on leave.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED

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

Divisions

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

AGAINST: Councillor M Statham and Councillor D Goodwin

9.5. Notice of Motion - Councillor C O'Connor - 30/01/2024 - Lithgow Environmental Plan Review

Report by Councillor Col O'Connor

MOTION

THAT the Lithgow Environmental Plan 2014 be thoroughly reviewed with residents given the opportunity to have their say by way of submissions to Council regarding the land uses in our area.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

AMENDMENT

THAT the administration create a Land Use Planning Committee to work with the appropriate director in commencing the review and discussion.

MOVED: Councillor S Ring

SECONDED: Councillor E Mahony

The Amendment was PUT.

LOST

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

Divisions

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

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

Councillor S McGhie called a Point of Order on Councillor S Lesslie in relation to talking to him during the debate.

The Mayor upheld the Point of Order

24 -3 RESOLVED

THAT

1. the Lithgow Environmental Plan 2014 be thoroughly reviewed with residents given the opportunity to have their say by way of submissions to Council regarding the land uses in our area.
2. this item be taken to a Councillor Information Session for further discussion before returning to Council.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

9.6. Notice of Motion - Councillor C O'Connor - 30/01/2024 - Lithgow Recycling Centre

Report by Councillor Col O'Connor

24 -4 RESOLVED

THAT

1. Council investigates and report back if there is funding available to have this area finished with a two-coat bitumen seal.
2. If there is sufficient funding available for this area, Council tenders the project & place on the works schedule to be completed.

MOVED: Councillor C O'Connor

SECONDED: Councillor S Ring

CARRIED

9.7. Notice of Motion - Councillor E Mahony - 30/01/2024 - Sewer Management - Installation of Sewer reflux valves

Report by Councillor Eric Mahony

24 -5 RESOLVED

THAT Council receive a report on costings, how many properties will be affected, and where valves will be located with the installation of sewer reflux valves.

MOVED: Councillor E Mahony

SECONDED: Councillor S Ring

CARRIED

Councillor S McGhie called a Point of Order on Councillor S Lesslie in relation to talking and interrupting debate.

The Mayor upheld the Point of Order

9.8. Notice of Motion - Councillor E Mahony - 30/01/2024 - Council representation at the Lithgow Bushfire Management Committee

Report by Councillor Eric Mahony

24 -6 RESOLVED

THAT

1. Council reaffirms its support and recognition of the RFS's primary concept and role as a volunteer organisation.
2. Councillor alternates are nominated and endorsed by the Council to ensure that consistent representation occurs at the Lithgow Bushfire Management Committee.
3. Council brings back reports on RFS meetings as a regular item to Council meetings.

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

CARRIED

Councillor A Bryce left the meeting at 9:10 pm.

Councillor A Bryce returned to the meeting at 9:14 pm.

10. Questions with Notice

10.1. Question with Notice - Councillor S Ring - 30/01/2024 - Schedule of Roadworks

Report by Councillor Steve Ring

The question and management comment was noted by the Council.

PROCEDURAL MOTION

THAT a five-minute adjournment of the meeting take place.

MOVED: Councillor S Ring

SECONDED: {second}

CARRIED

PROCEDURAL MOTION

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

MOVED: Councillor M Statham

SECONDED: {second}

CARRIED

At 9:34pm the meeting re-commenced.

Councillor E Mahony left the meeting at 9:34pm.

Councillor E Mahony returned to the meeting at 9:35pm.

10.2. Question with Notice - Councillor D Goodwin - 30/01/2024 - Councillor Resignation

Report by Councillor Darryl Goodwin

The question and management comment was noted by the Council.

11. Notices of Rescission

11.1. Notice of Rescission - Councillor Coleman, Councillor Lesslie, Councillor Mahony - 30/01/2024 - Commemorations and Announcements at Council Meetings

Report by Councillor Cassandra Coleman
Councillor Stephen Lesslie
Councillor Eric Mahony

MOTION

THAT motion 23-202 be rescinded.

Cr Cass Coleman

Cr Stephen Lesslie

Cr Eric Mahony

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

Councillor S Ring called a Point of Order on Councillor S McGhie in relation to the relevance of his comments to the topic.

The Mayor upheld the Point of Order

Councillor Goodwin moved that the matter be PUT.

Councillor E Mahony called a Point of Order on Councillor D Goodwin in relation to blocking debate.

Councillor C Coleman called a Point of Order in relation to getting back to the debate.

The Mayor upheld the Point of Order

The MOTION was PUT.

THAT motion 23-202 be rescinded.

Cr Cass Coleman

Cr Stephen Lesslie

Cr Eric Mahony

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

LOST

Councillor S McGhie called a Point of Order on Councillor S Lesslie in relation to continually talking during debate.

The Mayor upheld the Point of Order

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

Divisions

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

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

12. Administration Reports

12.1. Caring for Our Community

Nil

12.2. Developing Our Built Environment

12.2.1. WWW - Cullen Bullen Sewerage Scheme

24 -7 RESOLVED

THAT Council:

1. Approve a variation to the budget of PJ 300034 Cullen Bullen Sewerage Scheme of \$450,000 ex GST to increase the total budget from \$7,200,000 to \$7,650,000.
2. Approve a variation to Purchase Order 122417 for H2H Plumbing Pty Ltd from \$1,517,053 ex GST to \$1,746,392.91 ex GST (\$229,340 increase).
3. Council specifically note that some of the expenditure dealt with in 1 and 2 above relates to works on private properties. Sections 67 (private works) and 356 (financial assistance) require resolutions of Council to approve the works.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

12.2.2. IS&E - Replacement of Second Grader

24 -8 RESOLVED

THAT Council approve the purchase of a Komatsu GD 655-7 grader from Komatsu Australia Pty Ltd for a cost of \$469,600, excluding GST (\$516,560 including GST).

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

12.3. Strengthening Our Economy

Nil

12.4. Enhancing Our Natural Environment

Nil

12.5. Responsible Governance & Civic Leadership

12.5.1. F&G - Investment Report November 2023

24 -9 RESOLVED

THAT:

1. Investments of \$56,100,000 and cash of \$1,305,228 (of which approximately \$54.6M is restricted) for the period ending 30 November 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 S Ring

SECONDED: Councillor A Bryce

CARRIED

12.5.2. F&G - Investment Report December 2023

24 -10 RESOLVED

THAT:

1. Investments of \$53,650,000 (of which approximately \$51,850,000 is restricted) and cash of \$224,262 for the period ending 31 December 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 S Ring

SECONDED: Councillor A Bryce

CARRIED

12.5.3. F&G - Policy 9.20 Conflict of Interest

24 -11 RESOLVED

THAT Council defer this item to a Councillor Information Session for Councillors to discuss.

MOVED: Councillor S Ring

SECONDED: Councillor E Mahony

CARRIED

Councillor A Bryce called a Point of Order on Councillor S Lesslie in relation to the relevance of his argument.

The Mayor upheld the Point of Order.

Councillor C Coleman called a Point of Order on the General Manager in relation to answering the question asked

The Mayor upheld to Point of Order

12.5.4. EXEC - Updated Ordinary Meetings of Council Dates 2024

24 -12 RESOLVED

THAT Council adopt the updated schedule of Ordinary meetings of Council for 2024

30 January 2024 – Tuesday (5 th week)	22 July 2024
26 February 2024	26 August 2024 – (Caretaker Period)
25 March 2024	8 October 2024 – Tuesday (New Council)
22 April 2024	28 October 2024
27 May 2024	25 November 2024
24 June 2024	

MOVED: Councillor S Lesslie

SECONDED: Councillor E Mahony

CARRIED

12.5.5. IS&E - Contracts entered into during Christmas Shutdown - Donkey Steps and Browns Gap Road Maintenance

Councillor D Goodwin left the meeting at 10:30 pm.
Councillor D Goodwin returned to the meeting at 10:30 pm.

24 -13 RESOLVED

THAT Council

1. Note the appointment of Gracey and Son Earthmoving at a cost of \$681,036 excl. GST. (and input to Council's 2023/24 works program and budget) for the Donkey Steps maintenance and improvement works, and,
2. Note the appointment of Henry's Plant and Equipment Hire at a cost of \$672,216 excl. GST, and WSP Golder at a cost of \$360,000 excl. GST (and input to Council's 2023/24 works program and budget) of the Browns Gap Road Phase 1 risk mitigation works.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

Councillor A Bryce left the meeting at 10:32 pm.
Councillor A Bryce returned to the meeting at 10:32 pm.

13. Council Committee Reports

13.1. COMM - Community Development Committee Minutes - 12 December 2023

24 -14 RESOLVED

THAT Council

1. Note the minutes of the Community Development Committee meeting held on 16 January 2024.
2. Note nominations received, and category winners for the 2024 Australia Day Awards.
3. Re-allocate \$5,000 currently allocated to Showground and Civic Ballroom fee waiver packages but not used to date, to the Round 2 allocation, thereby increasing the amount available for Round 2 to \$10,259.
4. Provide \$10,200 Round 2 Financial Assistance to the following twelve (12) projects:
5. meet with the Wallerawang Progress Association to discuss the arrangements for the New Years Fireworks

Financial Assistance: Round 2 Recommendations		
Organisation	Project and description	Recommended Amount
The Glen Museum Assoc. Inc.	To engage a recognised expert to assess the museum collection.	\$1,200.00
Rainbow Lithgow auspice by LINC.	IDAHOBIT Celebration	\$400.00
Lithgow Cares	Community Fun days	\$1,200.00
Wallerawang /Lidsdale Progress Association.	New Year's Eve celebration at Lake Wallace	\$2,000.00
Oakey Park Residents Association OPRA.	Plantings and bollards in and around the perimeter of Zig Zag Park.	\$500.00
Portland Tidy Towns.	Portland Beautification	\$800.00
Portland District Motor Sports Club Inc/Cullen Bullen Raceway.	Aluminium bench Seats	\$700.00
Capertee Valley Landcare Inc.	Glen Davis Reserve regeneration work	\$700.00
Western Region Academy of Sport Inc.	Annual operation of the Western Region Academy of Sport (part contribution)	\$700.00
Capertee & District Progress Assoc inc	Purchase new refrigerator for the Capertee hall and waiver of lease AMT up to \$500 for 2024-25 FY	\$700.00
Lithgow/ Portland gifts for girls	Lithgow Portland gifts for girls Hygiene kits for Timor Leste.	\$600.00
First Australian muzzle loading gun, Rifle & Pistol Club inc and Lithgow Valley Archers	Reimbursement of rates	\$700.00
TOTAL		\$10,200.00

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin

CARRIED

Councillor S Ring left the meeting at 10:46 pm.

13.2. F&G - Finance Committee Meeting Minutes - 21 November 2023

24 -15 RESOLVED

THAT Council note the minutes of the Finance Committee meeting held on 21 November 2023.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

13.3. F&G - 30/01/2024 - Audit Risk Improvement Committee (ARIC) Minutes - 28 November 2023

24 -16 RESOLVED

THAT Council note the Minutes of the 28 November 2023 Audit Risk & Improvement Committee meeting.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

Councillor S Ring returned to the meeting at 10:47 pm.

14. Business of Great Urgency

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

The Mayor advised that TAFE NSW is asking for feedback from the community to better understand the needs of the community.

The Mayor did not declare her matter to be of great urgency, but raised it to bring attention to this opportunity to contribute to a review of TAFE's operation.

PROPOSED MOTION

THAT Cr S Lesslie be suspended from the next three (3) Operations Committee Meetings due to his conduct during the last Operations Committee Meeting, be declared as business of great urgency.

MOVED: Councillor S McGhie

SECONDED: Councillor D Goodwin

Councillor E Mahony called a Point of Order on Councillor S McGhie in relation to his conduct during an earlier meeting.

The Mayor overruled the Point of Order.

Councillor S Lesslie left the meeting at 10:49 pm and did not return.

Councillor S Ring called a Point of Order on Councillor S McGhie as he considered the matter being raised was a Code of Conduct issue and, as such, not to be discussed in Council.

The Mayor overruled the Point of Order.

Councillor A Bryce called a Point of Order on Councillor E Mahony in relation to a comment made about Councillor M Statham.

The Mayor upheld the Point of Order

MOTION

THAT Cr S Lesslie be suspended from the next three (3) Operations Committee Meetings due to his conduct during the last Operations Committee Meeting, be declared as business of great urgency.

MOVED: Councillor S McGhie

SECONDED: Councillor D Goodwin

LOST

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

Councillor C Coleman called a Point of Order on Councillor M Statham in relation to comments made after voting had occurred.

The Mayor upheld the Point of Order

A **DIVISION** was called by Councillor A Bryce

Divisions

FOR: Councillor M Statham and Councillor S McGhie

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

MOTION

THAT Council ask the administration to look at obtaining appropriate independent specialist advice once any proposal from EnergyAustralia in relation to the pumped hydro is put forward to Council.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

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

AMENDMENT

THAT

1. Council ask the administration to look at obtaining appropriate independent specialist advice once any proposal from EnergyAustralia in relation to the pumped hydro is put forward to Council.
2. the administration bring back a report to the next meeting advising the role of Council in reviewing State significant projects and the potential costs of bringing in experts.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

The Amendment was PUT.

CARRIED

The Amendment became the MOTION.

24 -17 RESOLVED

THAT

1. Council ask the administration to look at obtaining appropriate independent specialist advice once any proposal from EnergyAustralia in relation to the pumped hydro is put forward to Council.
2. the administration bring back a report to the next meeting advising the role of Council in reviewing State significant projects and the potential costs of bringing in experts.

MOVED: Councillor S Ring

SECONDED: Councillor A Bryce

CARRIED

There being no further business the Mayor declared the meeting closed at 11:03 pm.