



Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 May 2024

at 6:00 PM

Minutes

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DRAFT

The Mayor declared the meeting open at 6:00 pm.

## 1. Acknowledgement of Country

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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

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Public: 42

Her Worship the Mayor Councillor M Statham  
Councillor D Goodwin  
Councillor C Coleman  
Councillor S Lesslie  
Councillor S M<sup>c</sup>Ghie  
Councillor E Mahony  
Councillor C O' Connor  
Councillor S Ring

Also in attendance

Craig Butler	General Manager
Ross Gurney	Director Governance & Finance
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

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An apology was received and leave of absence granted to Councillor A Bryce who is unable to attend due to personal circumstances.

PROCEDURAL MOTION

That a leave of absence be granted to Councillor A Bryce.

**MOVED:** Councillor C O'Connor

**CARRIED**

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#### 4. Declaration of Interest

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The Mayor called for any declarations of interest.

Councillor S Ring declared a non-pecuniary significant conflict of interest in Items 8.2 & 11.2.1 for the reason that he is engaged on a commercial basis by the owner of the Foundations. He undertook to not vacate the Chambers when the item is discussed because he did not deem that the decisions being taken would result in any benefit, either actual or perceived, to the owner

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#### 5. Confirmation of Minutes

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##### 24 -99 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 22 April 2024 were taken as read and confirmed.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor S Ring

**CARRIED**

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#### 6. Commemorations and Announcements

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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 congratulated the operators of the Black Gold Motel on their recent winning of the Trip Advisors Travelers' Choice Award for the 5th year running. This ranks the business in the top 10% of hotels globally.

Councillor S McGhie thanked all the La Trobe based organisations and community members who contributed to the recent LaTrobe Valley study visit.

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#### 7. Public Forum

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At 6:06 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Fletcher made a statement in relation to Item 9.1 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Fletcher.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

**CARRIED**

The Mayor thanked Mr Fletcher for his statement.

The General Manager provided information relating to Mr Fletcher's matters.

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Mr DeVink made a statement in relation to Item 11.4.3 on the business paper.

The Mayor thanked Mr DeVink for his statement.

Mr Jackson & Mr Sequeira made a statement in relation to Item 11.1.2 on the business paper.

The Mayor thanked Mr Jackson & Mr Sequeira for their statements.

Mr White made a statement in relation to Item 11.4.3 on the business paper.

#### PROCEDURAL MOTION

THAT an extension of time be granted to Mr White.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor E Mahony

**CARRIED**

The Mayor thanked Mr White for his statement.

Mr Smith made a statement in relation to Item 11.4.3 on the business paper.

#### PROCEDURAL MOTION

THAT an extension of time be granted to Mr Smith.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor C Coleman

**CARRIED**

The Mayor thanked Mr Smith for his statement.

Ms Hoy made a statement in relation to the removal of native vegetation that may comprise habitats for the Purple Copper Butterfly in McKellars Park.

The Mayor thanked Ms Hoy for her statement.

A question was asked from a member of the public regarding item 11.4.3 in the business paper. The question sought for the Mayor to state a position in support of, or opposition, to pumped hydro at Lake Lyell.

The General Manager responded, advising that the Council and councillors are legally prevented from taking a position ahead of the matter coming forward as a proposal in a development application, at which stage the matter must be assessed on its merits.

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## 8. Mayoral Minutes

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### 8.1. Mayoral Minute - 27/05/2024 - Passing of Rae Burton

**Report by** Mayor – Councillor Maree Statham

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#### MOTION

THAT an appropriate memorial dedication be made at the Union Theatre in honour of the dedication and legacy left behind by Rae Burton to the creative and performing arts of the Lithgow community.

**MOVED:** Councillor M Statham

#### AMENDMENT

THAT

1. The administration identifies a suitable location within the Union Theatre, that could be dedicated to honour individuals from the Lithgow Creative Arts Community that have made significant contributions to our community.
2. The administration provides options for the material, size and font to be used for plaques to honour individuals.
3. The first dedication is to honour the contribution of Rae Burton.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

The Amendment was PUT.

**LOST**

The Original MOTION was PUT.

#### 24 -100 RESOLVED

THAT an appropriate memorial dedication be made at the Union Theatre in honour of the dedication and legacy left behind by Rae Burton to the creative and performing arts of the Lithgow community.

**MOVED:** Councillor M Statham

**CARRIED**

**8.2. Mayoral Minute - 27/04/2025 - Ironfest Acknowledgement**

**Report by** Mayor – Councillor Maree Statham

**24 -101 RESOLVED**

THAT Council note the Mayoral Minute on Ironfest 2024.

**MOVED:** Councillor M Statham

**CARRIED**

**9. Notices of Motion****9.1. Notice of Motion - 27/05/2024 - Tarana Roads – Community Meeting**

**Report by** Councillor Steve Ring

**24 -102 RESOLVED**

THAT the Administration organise a public meeting at Tarana to discuss council's road repair program and listen to the communities' concerns prior to the June Council meeting. That the meeting is attended by the General Manager, Mayor and Director Infrastructure & Economy and any other Councillors who may be available.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

**CARRIED**

**10. Questions with Notice****10.1. Question on Notice - 27/05/2024 - Cr S Ring - La Trobe Valley Inspection**

**Report by** Councillor Steve Ring

Due to a report on the business paper later in the meeting this item was not discussed at this point in the meeting.



## 11. Administration Reports

### 11.1. Caring for Our Community

#### 11.1.1. P&P - 27/05/2024 - Tender 05/24 - Blast Furnace Projection Lighting and Electrical Upgrades

#### 24 -103 RESOLVED

THAT Council:

1. Note the tender evaluation for Tender 05/24, Blast Furnace Projection Lighting and Electrical Upgrades.
2. Award the tender to Frontier Assembly Pty Ltd for the sum of \$429,006 GST inclusive, \$390,005 ex GST.
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED**

#### 11.1.2. P&P - 27/05/2024 - Beatlesfest Event Assistance Application

#### 24 -104 RESOLVED

THAT Council:

1. Approve a \$20,000 cash sponsorship of Beatlesfest from the 2024/25 large events budget.
2. Note that a sponsorship agreement will be entered, should Council approve funding.
3. Within three months of the event, a report is tabled in open Council that discusses the metrics agreed with organisers such as overnight stays, spendings, visitor surveys.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

**CARRIED**

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

#### Divisions

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

**AGAINST:** Councillor C Coleman and Councillor S Lesslie

## 11.2. Developing Our Built Environment

### 11.2.1. I&E - 27/05/24 - Road Naming Proposals - Yesteryears Lane and Casino Way, Portland

#### MOTION

THAT, in accordance with Council's Policy 10.10 Addressing, Road Naming & Locality Naming, Council advertise the road names "Yesteryears Lane" and "Casino Way", Portland in local newspapers and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a) If no submissions against the proposal are submitted, Council proceed with the gazette process of the name and notify all resident and emergency authorities accordingly; or
- b) If submissions against the proposal are submitted, a report be furnished to the next available Council meeting for resolution.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor C O'Connor

#### AMENDMENT

THAT, in accordance with Council's Policy 10.10 Addressing, Road Naming & Locality Naming, Council advertise the road names "Yesteryears Lane" and "Casino Way", Portland in local newspapers and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal are submitted, Council proceed with the gazette process of the name and notify all resident and emergency authorities accordingly; or
- b. If submissions against the proposal are submitted, a report be furnished to the next available Council meeting for resolution.
- c) that the advertisement includes the choice for residents of either 'Yesteryears Lane' or 'WallNuts Lane'

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

The Amendment was PUT.

#### LOST

The Original MOTION was PUT.

#### 24 -105 RESOLVED

THAT, in accordance with Council's Policy 10.10 Addressing, Road Naming & Locality Naming, Council advertise the road names "Yesteryears Lane" and "Casino Way", Portland in local newspapers and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a) If no submissions against the proposal are submitted, Council proceed with the gazette process of the name and notify all resident and emergency authorities accordingly; or
- b) If submissions against the proposal are submitted, a report be furnished to the next available Council meeting for resolution.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor C O'Connor

**CARRIED**

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

**Divisions**

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

**AGAINST:** Councillor S Lesslie

**11.2.2. I&E - 27/05/2024 - Extension of Coxs River Road Reconstruction Project**

**24 -106 RESOLVED**

THAT Council award the Coxs River Road and Ganbenang Road project to Gracey and Son Earthmoving P/L based on the submitted lump sum price for the defined scope, and the schedule of rates supplied for any additional works.

**MOVED:** Councillor C O'Connor

**SECONDED:** Councillor D Goodwin

**CARRIED**

**11.2.3. F&G - 27/05/2024 - South Bowenfels Housing Initiative Project**

**MOTION**

THAT Council:

1. Note the updated information on the South Bowenfels housing development.
2. Proceed with a public Expression of Interest to determine the level of interest from suitable proponents to partner with Council.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor E Mahony

Councillor S McGhie FORESHADOWED a MOTION

**LOST**

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

**Divisions**

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

**AGAINST:** Councillor M Statham, Councillor D Goodwin, Councillor S McGhie, Councillor C O'Connor and Councillor S Ring

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**FORESHADOWED MOTION****24 -107 RESOLVED**

THAT Council:

1. Note the updated information on the South Bowenfels housing development.
2. Proceed with a public Expression of Interest to determine the level of interest from suitable proponents to partner with Council or purchase the site.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor S Ring

**CARRIED**

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

**Divisions**

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

**AGAINST:** Nil

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**11.3. Strengthening Our Economy**

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**11.3.1. P&P - 27/05/2024 - Adoption of Seven Valleys Destination Action Plan****24 -108 RESOLVED**

THAT Council:

1. Note the outcome of the public exhibition process and the recommended changes to the document as a result.
2. Adopt the Seven Valleys Destination Action Plan 2024–2030.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

**11.3.2. F&G - 27/05/2024 - 2023/24 Quarter Three Budget Review****24 -109 RESOLVED**

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of \$2M surplus for the 2023/24 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 January 2024 to 31 March 2024.
2. Note the commentary on the capital expenditure budget, cashflow and reserve balances.
3. Adopt the income, expenditure and capital budget variations to the 2023/24 Council budget as outlined in the attached Quarterly Budget Review Report.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor E Mahony

**CARRIED**

**11.4. Responsible Governance & Civic Leadership****11.4.1. F&G - 27/05/2024 - Final Report - Winding Up of Former Tenant, ECEC Management Services Pty Ltd****24 -110 RESOLVED**

THAT Council:

1. Note the contents of the report on the winding up of former tenant, ECEC Management Services Pty Ltd.
2. Write-off the rent and outgoings owed to Council as at 22 September 2022 totaling \$277,864.15 which had previously been recorded as a doubtful debt and has no impact on Council's current financial position.

**MOVED:** Councillor C O'Connor

**SECONDED:** Councillor D Goodwin

**CARRIED**

**11.4.2. F&G - 27/05/2024 - Proposed Transfer of Land at Blackmans Flat to EnergyAustralia (NSW) Pty Ltd for Pipeline****MOTION**

THAT Council:

1. Transfer Lot 1 in DP1127043 to EnergyAustralia NSW Pty Ltd subject to the conditions outlined in this report and any other conditions that the General Manager deems appropriate.
2. Authorise the General Manager to sign all documents and do all things necessary to give effect to the transfer of Lot 1 in DP1127043 to EnergyAustralia NSW Pty Ltd.

**MOVED:** Councillor C O'Connor

**SECONDED:** Councillor D Goodwin

**AMENDMENT**

THAT Council defer this item to a Councillor Information Session.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Lesslie

The Amendment was PUT.

**LOST**

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

**Divisions**

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

**AGAINST:** Councillor M Statham, Councillor D Goodwin, Councillor S McGhie, Councillor C O'Connor and Councillor S Ring

The Original MOTION was PUT.

**24 -111 RESOLVED**

THAT Council:

1. Transfer Lot 1 in DP1127043 to EnergyAustralia NSW Pty Ltd subject to the conditions outlined in this report and any other conditions that the General Manager deems appropriate.
2. Authorise the General Manager to sign all documents and do all things necessary to give effect to the transfer of Lot 1 in DP1127043 to EnergyAustralia NSW Pty Ltd.

**MOVED:** Councillor C O'Connor

**SECONDED:** Councillor D Goodwin

**CARRIED**

**11.4.3. F&G - 27/05/2024 - Various Matters - Lake Lyell Lease from EnergyAustralia (NSW) Pty Ltd****MOTION**

THAT Council:

1. Defer the excise of Lot 2 in DP792415 from the Lake Lyell lease between Council and EnergyAustralia NSW Pty Ltd until such time as EnergyAustralia has made a decision on whether or not it will proceed with the proposed pumped hydro project.
2. Defer the negotiation of option terms to the Lake Lyell lease between Council and EnergyAustralia NSW Pty Ltd until such time as EnergyAustralia has made a decision on whether or not it will proceed with the proposed pumped hydro project.
3. Arrange for the restrictive covenant affecting the Council owned land to be modified to allow for the operation of a primitive camping ground on a commercial basis.
4. Add Lots 1 to 4 in DP1304125 to the Lake Lyell lease between Council and EnergyAustralia NSW Pty Ltd.
5. In relation to Lot 1 in DP246233:
  - a. re-classify Lot 1 in DP246233 from community land to operational land;
  - b. following re-classification, transfer Lot 1 in DP246233 to EnergyAustralia NSW Pty Ltd.
6. In relation to Lot 5 in DP1304125:
  - a. re-classify Lot 5 in DP1304125 from community land to operational land;
  - b. following re-classification, transfer Lot 5 in DP1304125 to EnergyAustralia NSW Pty Ltd;
  - c. following the transfer to EnergyAustralia NSW Pty Ltd, add Lot 5 in DP1304125 to the Lake Lyell lease between Council and EnergyAustralia NSW Pty Ltd.
7. Authorise the General Manager to do all things necessary and sign all documents required to give effect to resolutions 1 to 6 above.
8. If submissions are received during the public exhibition process for re-classification of land regarding resolutions 5 and 6 above, and the General Manager is of the view that the submissions warrant further consideration by Council, those matters must be returned to Council for determination.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C O'Connor

Upon speaking to his Motion Councillor C O'Connor was asked if he would accept Councillor S Ring's changes to the Administration Recommendation as the Secunder. Councillor C O'Connor declined. Councillor S Ring asked for another Secunder.

Councillor S Ring called a Point of Order on Councillor M Statham in relation to his request for another Councillor to have a choice to second the changed Motion.

The Mayor upheld the Point of Order

Councillor C Coleman accepted to be the Secunder for the Motion.

**AMENDMENT**

THAT Council defer this item to a Councillor Information Session.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor D Goodwin

The Amendment was PUT.

**CARRIED**

The Amendment became the Motion.

**24 -112 RESOLVED**

THAT Council defer this item to a Councillor Information Session.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor D Goodwin

**CARRIED**

Councillor S Ring left the meeting at 8:27 pm.

**11.4.4. F&G - 27/05/2024 - Local Government Remuneration Tribunal Determination 2024**

**24 -113 RESOLVED**

THAT Council defer this item to the next Council meeting.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor C Coleman

**CARRIED**

Councillor S Ring returned to the meeting at 8:28 pm.

**PROCEDURAL MOTION**

THAT the Council take a 5-minute adjournment at 8:28pm

**MOVED:** Councillor D Goodwin

**SECONDED:** This Motion was not seconded.

**CARRIED**



**PROCEDURAL MOTION**

THAT Council return to open Council at 8:36pm

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor S McGhie

**CARRIED**

**12.5. I&E - 27/05/2024 - Outcomes of Study Visit - Latrobe Valley****24 -114 RESOLVED**

THAT Council receive the report on the study visit to the Latrobe Valley.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor D Goodwin

**CARRIED**

**PROCEDURAL MOTION**

THAT an extension of time be granted to Councillor S McGhie.

**MOVED:** Councillor D Goodwin

**SECONDED:** This Motion was not seconded.

**CARRIED**

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

**Divisions**

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

**AGAINST:** Councillor S Lesslie

## 12. Council Committee Reports

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### 12.4. FIN - 27/05/2024 - Finance Committee Meeting Minutes

#### 24 -115 RESOLVED

THAT Council note the minutes of the Extra Ordinary Finance Committee meeting held on 21 May 2024.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Lesslie

**CARRIED**

### 12.1. P&P - 27/05/2024 - Environmental Advisory Committee 10 April 2024

#### 24 -116 RESOLVED

THAT Council note the minutes of the Environmental Advisory Committee held on 10 April 2024.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

### 12.2. P&P - 27/05/2024 - Crime Prevention Committee Minutes 6 May 2024

#### 24 -117 RESOLVED

THAT Council note the minutes of the Crime Prevention Committee meeting held on 6 May 2024.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED**

**12.3. P&P - 27/05/2024 - Community Development Minutes - 7 May 2024****24 -118 RESOLVED**

THAT Council note the minutes of the Community Development Committee meeting held 7 May 2024.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED**

**13. Business of Great Urgency**

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

Councillor E Mahony raised his concerns on the matter in public forum about the potential destruction of habitat for the Purple Copper Butterfly.

The Mayor declared the matter to not be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations as the administration is currently actively dealing with this.

There being no further business the Mayor declared the meeting closed at 9:06 pm.