



Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 August 2024

at 6:00 PM

Minutes

# ORDER OF BUSINESS

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

## 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.

## Present

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Public: 18

Her Worship the Mayor Councillor M Statham  
Councillor D Goodwin  
Councillor A Bryce  
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

Ross Gurney	General Manager
Jonathon Edgecombe	Director Infrastructure and Economy
Matthew Trapp	Executive Manager Water, Wastewater and Waste
Shaun Elwood	Director People & Places
Sarah Lewis	Minutes Secretary

## Apologies

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All being present there were no apologies.

## Declaration of Interest

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The Mayor called for any declarations of interest.

Councillor S Ring declared a non-significant pecuniary conflict of interest in Item 2.2 in the Subsequent Business Paper (Item 3.13) for the reason that he is currently contracted by the Foundations to provide Heritage Consultative Services and undertook to vacate the Chambers when the item is discussed.

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## Confirmation of Minutes

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### 24 -176 RESOLVED

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

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodwin

**CARRIED**

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## 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 expressed her sincere sympathy and condolences to the family of Korbin Reid who was lost too soon.

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## Public Forum

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At 6:03 pm members of the public gallery were invited to participate in the Public Forum Session.

No members of the public gallery spoke at Public Forum.

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### 1. Mayoral Minutes

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#### 1.2. Mayoral Minute - Halloween 2024

**Report by** Mayor – Councillor Maree Statham

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#### MOTION

THAT Council confirm the Halloween Festival will be delivered on Main Street in October 2024, and that an additional \$110,000 be allocated to the 2024/25 events budget to enable the delivery of the Halloween Street Festival.

**MOVED:** Councillor M Statham

**AMENDMENT****THAT**

1. Council confirm the Halloween Festival will be delivered on Main Street in October 2024, and that an additional \$110,000 be allocated to the 2024/25 events budget from the SRV Economic Development Fund to enable the delivery of the Halloween Street Festival.
2. The administration undertakes appropriate surveys and assessments of the Halloween event and report back to the next council.

**MOVED:** Councillor S Ring**SECONDED:** Councillor C Coleman

The Amendment was PUT.

**CARRIED**

The Amendment became the Motion.

A **DIVISION** was called by Councillor M Statham**Divisions****FOR:** Councillor C Coleman, Councillor A Bryce, Councillor D Goodwin, Councillor S Lesslie, Councillor E Mahony, Councillor C O'Connor and Councillor S Ring**AGAINST:** Councillor M Statham and Councillor S McGhie**24 -177 RESOLVED****THAT**

1. Council confirm the Halloween Festival will be delivered on Main Street in October 2024, and that an additional \$110,000 be allocated to the 2024/25 events budget from the SRV Economic Development Fund to enable the delivery of the Halloween Street Festival.
2. The administration undertakes appropriate surveys and assessments of the Halloween event and report back to the next council.

**MOVED:** Councillor S Ring**SECONDED:** Councillor C Coleman**CARRIED**A **DIVISION** was called by Councillor M Statham**Divisions****FOR:** Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodwin, Councillor S McGhie, Councillor E Mahony, Councillor C O'Connor and Councillor S Ring**AGAINST:** Councillor S Lesslie

## 2. Notices of Motion

### 2.1. Notice of Motion - 26/08/2024 - Cr S McGhie - Police Check and working with Children Check for Councillors

**Report by** Councillor Almudena Bryce  
Councillor Stuart M<sup>c</sup>Ghie  
Councillor Col O'Connor

#### MOTION

THAT, due to public outcry, Councillors be subject to a Police Check and Working with Children check like everyone else in a situation of authority.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor A Bryce

Councillor A Bryce called a Point of Order on Councillor S Ring in relation to comments made about a 'witch hunt'.

Councillor S Ring called a Point of Order on Councillor A Bryce in relation to comments made.

Both Councillor A Bryce and Councillor S Ring apologised for their comments.

Councillor E Mahony called a Point of Order on Councillor A Bryce in relation to comments made about putting Councillor E Mahony into the same group of Councillors who have made similar comments when his are different.

The Mayor upheld the Point of Order

Councillor S Ring called a Point of Order on Councillor S McGhie in relation to wanting to make an Amendment when he is in right of reply.

The Mayor upheld the Point of Order

#### 24 -178 RESOLVED

THAT, due to public outcry, Councillors be subject to a Police Check and Working with Children check like everyone else in a situation of authority.

**MOVED:** Councillor S McGhie

**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 and Councillor C O'Connor

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

**PROCEDURAL MOTION**

THAT Item 3.11 is moved to this point in the meeting.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED**

Councillor C Coleman called a Point of Order on Councillor M Statham in relation to a division being called.

The Mayor upheld the Point of Order

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

**Divisions**

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

**AGAINST:** Councillor S McGhie

**3.11. I&E - 26/08/24 - Main Street CBD Stage 2 Footpath Revitalisation Program - Funding Advocacy**

Jonathon Edgecombe spoke to the item before the Council discussed the item.

**MOTION**

THAT Council write to responsible Ministers, on behalf of the Lithgow community, for the following:

- A. The Commonwealth government to reinstate \$1,938,911 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program; and
- B. The State Government to ensure their commitment of \$1,500,000 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program is secure.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor A Bryce

Councillor S McGhie called a Point of Order on Councillor S Lesslie in relation to comments made on an operational matter.

The Mayor upheld the Point of Order

Councillor S Ring called a Point of Order on Councillor M Statham in relation to comments made on the matter being operational and that Councillor S McGhie's Point of Order is not valid.

The Mayor did not rule on the Point of Order.

Councillor S Ring called a Point of Order on Councillor S McGhie in relation to the validity of his Point of Order on operational matters.

The Mayor did not rule on the Point of Order.

Councillor D Goodwin called a Point of Order on Councillor S Lesslie in relation to correcting his dollar figures that were stated.

The Mayor did not rule on the Point of Order.

Councillor E Mahony called a Point of Order on Councillor A Bryce in relation to turning the camera away from Councillor S Lesslie when he is speaking.

The Mayor upheld the Point of Order.

Councillor C Coleman called a Point of Order on Councillor M Statham in relation to having some decorum in the chamber.

The Mayor upheld the Point of Order.

**AMENDMENT**

THAT Council write to responsible Ministers, on behalf of the Lithgow community, for the following:

1. The Commonwealth government to reinstate \$1,938,911 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program; and
2. The State Government to ensure their commitment of \$1,500,000 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program is secure.
3. That the General Manager writes to the Office of Local Government, with a copy to the Minister for Local Government, to ask them to appoint an Independent Investigator to inquire into the operations, procedures and culture of Lithgow City Council's Administration. This investigator to have wide scale powers to speak to staff, to request documentation and correspondence and to call for submissions from staff, Councillors and the wider community.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

The AMENDMENT was PUT.

**LOST**

The AMENDMENT was lost

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

**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**

THAT Council write to responsible Ministers, on behalf of the Lithgow community, for the following:

- A. The Commonwealth government to reinstate \$1,938,911 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program; and
- B. The State Government to ensure their commitment of \$1,500,000 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program is secure.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor A Bryce

**AMENDMENT**

THAT Council write to responsible Ministers, on behalf of the Lithgow community, for the following:

- A. The Commonwealth government to reinstate \$1,938,911 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program; and
- B. The State Government to ensure their commitment of \$1,500,000 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program is secure.
- C. That item 3.11 is referred to the ARIC Committee to review the management of this project and to report back to the next Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

The AMENDMENT was PUT.

**CARRIED**

The AMENDMENT became the MOTION.

**24 -179 RESOLVED**

THAT Council write to responsible Ministers, on behalf of the Lithgow community, for the following:

- A. The Commonwealth government to reinstate \$1,938,911 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program; and
- B. The State Government to ensure their commitment of \$1,500,000 funding to enable the completion of the Main Street CBD Stage 2 Footpath Revitalisation program is secure.
- C. That item 3.11 is referred to the ARIC Committee to review the management of this project and to report back to the next Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

**CARRIED**

### 3. Administration Reports

#### 3.1. WWW - 26/08/2024 - Response to Notice of Motion - 22 July 2024 - Rural Waste Management

##### 24 -180 RESOLVED

THAT Administration provide a report to the next Council meeting addressing the following:

- a) Design guidelines for all waste transfer stations to ensure that residents can safely dispose of their waste at the transfer station inclusive of a risk assessment for unloading rubbish.
- b) Table the review undertaken by the Administration's bulky waste services referenced on pg 8 of 48
- c) Options to provide enhance resource recovery options for residents in rural areas at Waste transfer stations.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor A Bryce

**CARRIED**

#### 3.2. P&P - 26/08/2024 - Town Entry Signage - Concept Designs

##### MOTION

THAT

1. The respondents be thanked for their submissions and acknowledged for their time, effort and creativity in proposing new town entry signage.
2. The submissions and options to further develop the town entry signage be considered by Council following the completion of the tourism and corporate branding reviews in November 2024.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C Coleman

##### AMENDMENT

THAT

1. The respondents be thanked for their submissions and acknowledged for their time, effort and creativity in proposing new town entry signage.
2. The submissions and options to further develop the town entry signage be considered by Council following the completion of the tourism and corporate branding reviews in November 2024.
3. The Council implement the recommendation from the Operations Committee to place sleeves over the existing signs in the short term, and to use a local supplier as the first preference.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor S Ring

The AMENDMENT was PUT

**CARRIED**

The AMENDMENT became the MOTION

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

The Mayor upheld the Point of Order.

Councillor A Bryce left the meeting at 8:01 pm.

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

Councillor A Bryce was not in the chamber for the vote and division.

Councillor A Bryce returned to the meeting at 8:02 pm.

**24 -181 RESOLVED**

THAT

1. The respondents be thanked for their submissions and acknowledged for their time, effort and creativity in proposing new town entry signage.
2. The submissions and options to further develop the town entry signage be considered by Council following the completion of the tourism and corporate branding reviews in November 2024.
3. The Council implement the recommendation from the Operations Committee to place sleeves over the existing signs in the short term, and to use a local supplier as the first preference.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor S Ring

**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, Councillor C O'Connor and Councillor S Ring

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

**3.3. F&G - 26/08/2024 - Policy 8.4 - Debt Management and Hardship Policy****24 -182 RESOLVED**

THAT Council:

1. Adopt Policy 8.4 - Debt Management and Hardship Policy for immediate implementation.
2. Rescind Policy 8.6 - Hardship Policy.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

**3.4. WWW - 26/08/2024 - Lithgow Solid Waste Facility Landfill Gas Extraction****24 -183 RESOLVED**

1. THAT item 3.4 be deferred to a Councillor Information Session and be brought back to the new Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor A Bryce

**CARRIED**

**3.5. I&E - 26/08/2024 - CTWA (UMCC) Roadside Weed Control Services Agreement****MOTION**

THAT item 3.5 be deferred to a Councillor Information Session and the new Council.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

Councillor C Coleman called a Point of Order on Councillor M Statham in relation to the recommendation being debated is not the current one and that an amendment needs to be moved and seconded.

The Mayor upheld the Point of Order

**AMENDMENT**

THAT Council approve the allocation of funding from the 2023/24 Unspent Special Rate Variation reserve to an upper limit of \$150,000 excl. GST, to fund an increased focus on weed spraying and risk mitigation throughout the Lithgow LGA.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

The Amendment was PUT.

**CARRIED**

The Amendment became the Motion.

**24 -184 RESOLVED**

THAT Council approve the allocation of funding from the 2023/24 Unspent Special Rate Variation reserve to an upper limit of \$150,000 excl. GST, to fund an increased focus on weed spraying and risk mitigation throughout the Lithgow LGA.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED**

**Note:** S393B of the Local Government (General) Regulation 2021 states that a function of a Council that must not be exercised during a caretaker period includes - (a) *entering a contract or undertaking involving the expenditure or receipt by the council of an amount **equal to or greater than \$150,000** or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).*

To ensure compliance with the Regulation, a Purchase Order will be raised to an upper limit of \$149,000 excl. GST

**PROCEDURAL MOTION**

THAT Council take a 5 min adjournment at 8:38pm.

**MOVED:** Councillor S Ring

**SECONDED:**

**CARRIED****PROCEDURAL MOTION**

THAT Council return to open Council at 8:46pm.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C O'Connor

**CARRIED**

**3.6. F&G - 26/08/2024 - 2023/24 SRV Program - Expenditure Report & Outcomes Achieved****24 -185 RESOLVED**

THAT Council note the final report on the outcomes achieved from the 2023/24 Special Rate Variation (SRV) expenditure program.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor S McGhie

**CARRIED**

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

**Divisions**

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

**AGAINST:** Councillor S Lesslie

**3.7. F&G - 26/08/2024 - Referral of Financial Reports for External Audit Year Ended 2024****24 -186 RESOLVED**

THAT Council:

1. Refer the 2023/24 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.
2. Authorise the signing of the statement on the 2023/24 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2023/24 Special Purpose Financial Reports.
4. Note that a representative of the Audit Office of NSW will be invited to present a report to Council on the 2023/24 Financial Statements at a Council meeting within one month of the receipt of the Auditor's reports.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor A Bryce

**CARRIED**

**3.8. I&E - 26/08/2024 - Proposed Membership - NSW Association of Mining and Energy Related Councils****MOTION**

THAT Lithgow City Council join the association of Mining and Energy Related Councils NSW for a period of 12 months, at a cost of \$8,800. At the time of membership renewal, a report will be presented to Council detailing the achievements of the past 12 months, for Council's consideration prior to renewing this membership.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor A Bryce

**AMENDMENT**

THAT the decision to join the association of Mining and Energy Related Councils NSW is referred to an information session of the new Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S McGhie

The Amendment was PUT.

**CARRIED**

The Amendment became the Motion.

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

**Divisions**

**FOR:** Councillor M Statham, Councillor S Lesslie, Councillor S McGhie, Councillor C O'Connor and Councillor S Ring

**AGAINST:** Councillor C Coleman, Councillor A Bryce, Councillor D Goodwin and Councillor E Mahony

**24 -187 RESOLVED**

THAT the decision to join the association of Mining and Energy Related Councils NSW is referred to an information session of the new Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S McGhie

**CARRIED**

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

### Divisions

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

**AGAINST:** Councillor S Lesslie

### 3.9. I&E - 26/08/2024 - Continuation of the Wolgan Road Reconstruction - Interim budget allocation

### MOTION

THAT:

1. Council note the use of the Mayor's delegation afforded by section 226(d) of the Local Government Act, 1993, to allocate an additional budget of \$2,200,000 to the Wolgan Road Reconstruction project.
2. The item is referred to the ARIC Committee for review and advice to the next Council on developing an effective policy on Section 226 (d) of the Local Government Act

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S Lesslie

Councillor S Ring called a Point of Order on Mr Edgecombe in relation to a comment made on his opinion.

The Mayor upheld the Point of Order

Councillor S McGhie FORESHADOWED a MOTION.

### MOTION

THAT:

1. Council note the use of the Mayor's delegation afforded by section 226(d) of the Local Government Act, 1993, to allocate an additional budget of \$2,200,000 to the Wolgan Road Reconstruction project.
2. The item is referred to the ARIC Committee for review and advice to the next Council on developing an effective policy on Section 226 (d) of the Local Government Act

**MOVED:** Councillor S Ring

**SECONDED:** Councillor S Lesslie

**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

**FORESHADOWED MOTION**

**24 -188 RESOLVED**

THAT Council note the use of the Mayor's delegation afforded by section 226(d) of the Local Government Act, 1993, to allocate an additional budget of \$2,200,000 to the Wolgan Road Reconstruction project.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor S Lesslie

**CARRIED**

**3.10. I&E - 26/08/2024 - Financial Assistance - Sporting Representative**

**24 -189 RESOLVED**

THAT Council provides Rylee Millar with financial assistance of \$300.00 from the 2024/25 allocation toward the cost of Rylee's sporting representation in Hockey.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodwin

**CARRIED**

**3.11. I&E - 26/08/24 - Main Street CBD Stage 2 Footpath Revitalisation Program - Funding Advocacy**

This item was dealt with earlier in the meeting.

**3.13. P&P - 26/08/2024 - January - June 2024 Progress Report****24 -190 RESOLVED**

THAT Council receive and endorse the January to June 2024 Progress Report for the combined 2022-2026 Delivery Program and 2023/24 Operational Plan.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor A Bryce

**CARRIED**

**3.12. P&P - 26/08/2024 - Regional Precincts and Partnership Program Grant Application – The Foundations**

Councillor S Ring left the meeting at 9:08 pm because of his declaration of a non-significant pecuniary conflict of interest in the item.

**24 -191 RESOLVED**

THAT Council approve an application to be prepared and submitted for the regional Precinct and Partnerships Program *Stream Two: Precinct delivery* for The Foundations Portland open space precincts development proposal, noting that no funding contribution is required from Council for the proposal.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor D Goodwin

**CARRIED**

Councillor S Ring returned to the meeting at 9:12 pm.

**4. Council Committee Reports****4.1. FIN - Finance Committee Meeting Minutes - 13 August 2024****24 -192 RESOLVED**

THAT Council note the minutes of the Finance Committee meeting held on 13 August 2024.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor S Ring

**CARRIED**

**4.2. I&E - 26/08/2024 - Future Jobs and Investment Committee - August 2024 Meeting Agenda and Minutes****24 -193 RESOLVED**

THAT Council note the agenda and minutes of the first Future Jobs and Investment Committee held 12 August 2024.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodwin

**CARRIED**

**5. 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 S Lesslie raised the issue of the manholes on Coalbrook Street not being raised after the road being resealed in May 2024 and believe that it is dangerous with how people drive around them.

Mr Edgecombe provided the Council information regarding the manholes on Coalbrook Street and that until the contractors can get back to raise them, steel plates will be placed over the manholes.

There being no further business the Mayor declared the meeting closed at 9:16 pm.