



Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 October 2024

at 6:00 PM

Minutes

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

## 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: 28

Mayor C Coleman  
Councillor T Evangelidis  
Councillor E Fredericks  
Councillor D Goodwin  
Councillor E Mahony  
Councillor S Ring  
Councillor R Smith  
Councillor M Statham  
Councillor M Ticehurst

Also in attendance

Ross Gurney	General Manager
Jonathon Reid	Acting Director Finance and Governance
Jonathon Edgecombe	Director Infrastructure and Economy
Matthew Trapp	Executive Manager Water, Wastewater and Waste
Shaun Elwood	Director People & Places
Sarah Lewis / Karen Hall	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 E Mahony declared a non-significant non-pecuniary conflict of interest in Item 3.6 as he has a septic tank on his property and will not vacate the Chambers when the item is discussed.

**PROCEDURAL MOTION**

THAT Item 3.5 be moved and dealt with after the Notices of Motions in the meeting.

**MOVED:** Councillor S Ring

**SECONDED:** Nil

**CARRIED**

**Confirmation of Minutes**

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**24 -201 RESOLVED**

The Minutes of the Ordinary Meeting of Council held on the 26 August 2024 were taken as read and confirmed.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED**

**24 -202 RESOLVED**

The confirmation of the Minutes for the Ordinary Meeting of Council held on the 8 October 2024 be deferred until the next Council Meeting due to corrections being required.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Ticehurst

**CARRIED**

**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 acknowledged and thanked the staff and volunteers who organised and work during the Halloween Festival on Saturday. There has been a lot of positive feedback.

Councillor Statham requested the Mayor to commemorate the passing of Stan Williams who passed away recently, not long after the passing of his beloved wife Nola. Both Stan and Nola were well known and loved active members of the community for a very long time.

**Public Forum**

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At 6:05 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Chris D'Arcy made a statement in relation to Item 2.8 on the business paper.

The Mayor thanked Mr D'Arcy for his statement.

Ms Matilda Morgan made a statement in relation to Item 2.4 on the business paper.

The Mayor thanked Ms Morgan for her statement.

#### PROCEDURAL MOTION

THAT Items 2.8 & 3.10 is moved to after the Mayoral Minutes 1.1 and 1.2 in the meeting.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor M Statham

**CARRIED**

### 1. **Mayoral Minutes**

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#### 1.1. **Mayoral Minute - 28/10/2024 - Ordinary Meeting of Council Start Time Change**

**Report by** Mayor – Councillor Cassandra Coleman

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#### **MOTION**

THAT Council receive this Mayoral Minute and change the commencement time of Ordinary Meetings to 6:30 pm, effective from the 25 November 2024 meeting.

**MOVED:** Councillor C Coleman

**SECONDED:** Nil

#### **AMENDMENT**

THAT

1. Council receive this Mayoral Minute and change the commencement time of Ordinary Meetings to 6:30 pm, effective from the 25 November 2024 meeting.
2. Council meetings are capped at 3hrs and a decision be made at 3hrs to extend by a further 30min if required.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor M Statham

The Amendment was PUT and LOST.

#### **LOST**

The Original Motion was PUT.

**24 -203 RESOLVED**

THAT Council receive this Mayoral Minute and change the commencement time of Ordinary Meetings to 6:30 pm, effective from the 25 November 2024 meeting.

**MOVED:** Councillor C Coleman

**SECONDED:** N/A

**CARRIED**

**1.2. Mayoral Minute - 28/10/2024 - Lithgow Locomotive Workshop - Petition**

**Report by** Mayor – Councillor Cassandra Coleman

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**MOTION**

THAT Council utilise its community networks and social media platforms to support and promote Dr Zeibots' Legislative Assembly petition to bring the Lithgow Locomotive Workshop back into active use to create 'Jobs for Lithgow'.

**MOVED:** Councillor C Coleman

**SECONDED:** Nil

**AMENDMENT**

THAT defer this item to a Councillor Information Session.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor M Statham

The Amendment was PUT.

**LOST**

**24 -204 RESOLVED**

THAT Council utilise its community networks and social media platforms to support and promote Dr Zeibots' Legislative Assembly petition.

**MOVED:** Councillor C Coleman

**SECONDED:** N/A

**CARRIED**

**PROCEDURAL MOTION**

THAT Item 1.3 is dealt with later in the meeting – after Item 3.19.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor M Statham

**CARRIED**

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**2.8. NOM - 28/10/2024 - Cr E Fredericks - Search Dogs Sydney****Report by** Councillor Elizabeth Fredericks**24 -205 RESOLVED**

THAT

1. Cr Fredericks and any other Councillors interested are to attend the Search dogs Sydney open day and see what is available for us to aid them.
2. Any Councillors who wish to attend can do so at no cost to the Council.
3. A report be brought back to Council by Cr Fredericks and any other Councillors who attend after the open day
4. Search Dogs Sydney be invited to a Councillor Information Session in early 2025.

**MOVED:** Councillor E Fredericks**SECONDED:** Councillor M Ticehurst**CARRIED****3.10. I&E - 28/10/2024 - Naming of the Burton Street Causeway****24 -206 RESOLVED**

THAT Council advertise the proposed naming of the Farmers Creek Causeway (immediately adjacent to Burton Street) as the "George Pearce Memorial Crossing" for a period of 28 days prior to returning the matter to Council for a final determination.

**MOVED:** Councillor M Ticehurst**SECONDED:** Councillor M Statham**CARRIED****1.3. Mayoral Minute - 28/10/2024 - Proposed New Lithgow Fire Station****Report by** Mayor – Councillor Cassandra Coleman

This item was moved and dealt with after Item 3.19 in the meeting.

**2. Notices of Motion****2.1. NOM - 28/10/2024 - Cr T Evangelidis - Energy from Waste Infrastructure Plan 2041****Report by** Councillor Tommy Evangelidis**MOTION**

THAT Lithgow City Council opposes an energy from waste facility within our local government area.

**MOVED:** Councillor T Evangelidis

**SECONDED:** Councillor E Fredericks

### **AMENDMENT**

That the Administration prepare workshops on existing and emerging energy production technologies. That the workshops will provide factual information on the positive and negative aspects of each technology and the potential risks to the broader Lithgow Community.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

Councillor M Ticehurst called a Point of Order on Councillor M Statham in relation to staying on topic.

The Mayor did not rule on the Point of Order.

The Amendment was PUT.

### **LOST**

### **24 -207 RESOLVED**

THAT Lithgow City Council opposes an energy from waste facility within our local government area.

**MOVED:** Councillor T Evangelidis

**SECONDED:** Councillor E Fredericks

### **CARRIED**

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

### **Divisions**

**FOR:** Councillor M Statham, Councillor C Coleman, Councillor M Ticehurst, Councillor E Fredericks, Councillor R Smith and Councillor E Mahony

**AGAINST:** Councillor D Goodwin and Councillor S Ring

### **PROCEDURAL MOTION**

THAT Council suspend standing orders.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

### **CARRIED**

Standing Orders were suspended.

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**MOTION**

That Lithgow City Council oppose any pumped hydro project facilities within our Local Government area.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

Councillor M Ticehurst called a Point of Order on Councillor S Ring in relation to comments made.

The Mayor upheld the Point of Order.

Councillor S Ring called a Point of Order on Councillor E Mahony in relation to the relevance of his argument.

The Mayor upheld the Point of Order

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

The Mayor advised that the Point of Order was already upheld.

**24 -208 RESOLVED**

That Lithgow City Council oppose any pumped hydro project facilities within our Local Government area.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

**CARRIED**

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

**Divisions**

**FOR:** Councillor M Statham, Councillor C Coleman, Councillor M Ticehurst, Councillor T Evangelidis, Councillor E Fredericks, Councillor R Smith, Councillor D Goodwin and Councillor E Mahony

**AGAINST:** Councillor S Ring

<b>2.2.</b>	<b>NOM - 28/10/2024 - Cr M Ticehurst - Monthly Duty Lithgow City Councillors</b>
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<b>Report by</b>	Councillor Martin Ticehurst
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**24 -209 RESOLVED**

THAT:

1. In a Trial from January 2025, this Council begins having all Councillors (excluding the Mayor) acting in the role as a Monthly Duty Lithgow City Councillor.
2. The proposed monthly duties may include:

- Be the monthly Duty Councillor with responsibility for assisting ratepayers, residents and guests attending or participating in the Public Gallery process of the monthly council meeting.
- Be the monthly Duty Councillor with responsibility for assisting the proposed honorary young mayors at the monthly council meeting.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

**CARRIED**

**2.3. NOM - 28/10/2024 - Cr M Ticehurst - Trial of Lithgow City Council Mayoral Ambassadors in 2025**

**Report by** Councillor Martin Ticehurst

**24 -210 RESOLVED**

THAT Council seek a report back from Senior Staff on the process moving forward of this Council calling upon its ratepayers and residents to come forward and nominate their most worthy and deserving community members to formally represent the Mayor at selected Council events on behalf of the Lithgow City Council.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

**CARRIED**

Councillor E Fredericks left the meeting at 7:56 pm.

Councillor E Fredericks returned to the meeting at 7:58 pm.

**2.4. NOM - 28/10/2024 - Cr M Ticehurst - Trial of Honorary Young Mayors at Lithgow City Council Meetings in 2025**

**Report by** Councillor Martin Ticehurst

**MOTION**

THAT the Mayor and Council invite students, selected by their own School, Teachers and Students from 15 years of age up to Year 12; from both the Lithgow High School (4), the La Salle Academy (3) and the Portland Central School (2), to each act in a Trial of the Honorary position of 'Young Mayor' at a Lithgow City Council's Meetings commencing and during 2025.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor M Statham

**AMENDMENT**

THAT the Administration bring back a report on the Young Mayors program offered by the Foundation for the Young Australians to the November meeting.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

The Amendment was PUT.  
**LOST**

The Original Motion was PUT.

## **24 -211 RESOLVED**

THAT the Mayor and Council invite students, selected by their own School, Teachers and Students from 15 years of age up to Year 12; from both the Lithgow High School (4), the La Salle Academy (3) and the Portland Central School (2), to each act in a Trial of the Honorary position of 'Young Mayor' at a Lithgow City Council's Meetings commencing and during 2025.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor M Statham

**CARRIED**

### **2.5. NOM - 28/10/2024 - Cr M Ticehurst - Proposed Lithgow City Council Anzac Day Community Country Celebration**

**Report by** Councillor Martin Ticehurst

Councillor D Goodwin left the meeting at 8:12 pm.

Councillor D Goodwin returned to the meeting at 8:13 pm.

## **MOTION**

THAT Council:

1. Initiate a proposed trial and establishing of an 'Anzac Day - Community Country Celebration' Council Committee, towards holding an afternoon event at the Lithgow Showground, in addition to our current local morning Anzac Day activities and to further recognise Australia's National Day of Anzac Remembrance; and that the Council's Event's Manager provide an initial report back to the Council.
2. Notes and provides the letter received from the RSL Lithgow Sub-Branch dated 24 October 2024 to the Council's Event's Manager for his information.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor M Statham

## **AMENDMENT**

That the Events Manager provide an initial report back to Council on establishing of an 'Anzac Day - Community Country Celebration' Council Committee, towards holding an afternoon event at the Lithgow Showground, in addition to our current local morning Anzac Day activities and to further recognise Australia's National Day of Anzac Remembrance.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

The Amendment was PUT.

**CARRIED**

The Amendment became the Motion.

**MOTION**

That the Events Manager provide an initial report back to Council on establishing of an 'Anzac Day - Community Country Celebration' Council Committee, towards holding an afternoon event at the Lithgow Showground, in addition to our current local morning Anzac Day activities and to further recognise Australia's National Day of Anzac Remembrance.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

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

**Divisions**

**FOR:** Councillor C Coleman, Councillor T Evangelidis, Councillor R Smith, Councillor D Goodwin and Councillor S Ring

**AGAINST:** Councillor M Statham, Councillor M Ticehurst, Councillor E Fredericks and Councillor E Mahony

Councillor M Ticehurst called a Point of Order requesting that the Amendment be PUT again due to confusion on what was being PUT.

The Mayor upheld the Point of Order and PUT the AMENDMENT.

The Amendment became the MOTION.

The Motion was **LOST**.

**2.6. NOM - 28/10/2024 - Cr Ring - Council Resolution Action Register**

**Report by** Councillor Steve Ring

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Councillor T Evangelidis left the meeting at 8:25 pm.

**24 -212 RESOLVED**

THAT the Administration develop a tracking and reporting system for Council Resolutions to be implemented in February 2025 with a commencement date of July 2025.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED****2.7. NOM - 28/10/2024 - Cr Ring - Sodwalls - Tarana Road**

**Report by** Councillor Steve Ring

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Councillor T Evangelidis returned to the meeting at 8:26 pm.

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**MOTION**

THAT the Administration table a report at the November meeting identifying the worst sections of the Sodwalls – Tarana Road and identifying funding sources that can be used to rectify these sections this financial year inclusive of obtaining external loans.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

**AMENDMENT**

That this item be deferred to a future Councillor Information Session for more information.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

The Amendment was PUT.

**CARRIED**

The Amendment became the Motion.

**24 -213 RESOLVED**

That this item be deferred to a future Councillor Information Session for more information.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor E Fredericks

**CARRIED**

<b>2.8.</b>	<b>NOM - 28/10/2024 - Cr E Fredericks - Search Dogs Sydney</b>
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<b>Report by</b>	Councillor Elizabeth Fredericks
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This Item was dealt with earlier in the meeting.

<b>2.9.</b>	<b>NOM-28/10/2024 - Cr E Mahony - Establishment of Portland and Wallerawang Council Meetings - Greater community participation and ease of access to Council Meetings</b>
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<b>Report by</b>	Councillor Eric Mahony
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**24 -214 RESOLVED**

THAT the Council bring back a report relating to the delivery of a percentage of Council meetings in locations such as Portland and Wallerawang and, if possible, other suitable rural settings to encourage greater community participation and ease of access to our meetings.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

## PROCEDURAL MOTION

THAT the Council adjourn for a 10 minute recess at 8:46pm.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED**

## PROCEDURAL MOTION

THAT the Council meeting resume at 9:00pm.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor M Ticehurst

**CARRIED****3.5. EXEC - 28/10/2024 - Returns of Disclosures of Designated Persons 2023-2024**

Due to an earlier Procedural Motion, Item 3.5 was moved to this point in the meeting.

**24 -215 RESOLVED**

THAT Council note the tabling of Disclosures of Pecuniary Interest and Other Matters by designated persons lodged for the 12 months ending 30 June 2024.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

**CARRIED****3. Administration Reports****3.1. GM - 28/10/2024 - Delegations to the Mayor and Deputy Mayor****24 -216 RESOLVED**

THAT Council, in addition to the functions outlined in Section 226 of the New South Wales Local Government Act 1993, delegate the following:

1. To the Mayor of Lithgow City Council:

**a. Donations**

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area and to support the Mayoral Ambassadors Trial.

**b. Mayoral Reception**

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

- c. **General Manager – Leave**  
Authority to approve applications for holidays and leave of absence to the General Manager.
- d. **General Manager’s Performance Review Panel**  
Lead the establishment of the General Manager’s Performance Review Panel. The panel is comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.
2. To the Deputy Mayor of Lithgow City Council:
- a. **Function of the Mayor**  
The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.
- b. **General Manager’s Performance Review Panel**  
Member of the General Manager’s Performance Review Panel. The panel is comprised of the Mayor, the Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.
3. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor S Ring

**CARRIED**

### 3.2. EXEC - 28/10/24 - Establishment of General Manager Performance Review Panel

Councillor Ticehurst moved the recommendation for Item 3.2, nominating himself as the delegated Councillor.

**24 -217 RESOLVED**

THAT Councillor Ticehurst be the delegated Councillor for the General Manager Performance Review Panel.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor M Statham

**CARRIED**

**3.3. EXEC - 28/10/2024 - Councillor Delegate - LGNSW Annual State Conference**

Councillor Ring nominated Councillor Mahony to attend the LGNSW Annual Conference. Cr Mahony accepted the nomination.

**24 -218 RESOLVED**

THAT Council nominate Cr Mahony to attend the LGNSW Annual Conference with the Mayor, Deputy Mayor and General Manager.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor R Smith

**CARRIED**

**3.4. EXEC - 28/10/2024 - Councillor Delegates to Upper Macquarie County Council****24 -219 RESOLVED**

THAT Council use the open method of voting to elect two delegates for the Upper Macquarie County Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Fredericks

**CARRIED**

The Returning Officer called for nominations for a single election of two Councillor members.

Nominations were received and voting carried out:

Cr Ring x3 votes  
Cr Goodwin x1votes  
Cr Statham x3 votes  
Cr Mahony x2votes

Cr Goodwin was the candidate with the fewest votes out of the count and was excluded.

Second round of voting was held:

Cr Ring x3  
Cr Statham x4  
Cr Mahony x2

Cr Mahony was the candidate with the fewest votes out of the count and was excluded.

Cr Statham and Cr Ring were elected as delegates to the Upper Macquarie County Council for the term of Council.

**3.5. EXEC - 28/10/2024 - Returns of Disclosures of Designated Persons 2023-2024**

Due to an earlier Procedural Motion, this item was dealt with earlier in the meeting.

### 3.6. P&P - 28/10/2024 - Onsite Sewage Management Policy

#### 24 -220 RESOLVED

THAT

1. Council adopt draft Compliance Policy 5.9 - Onsite Sewage Management, provided as an attachment.
2. The annual Onsite Sewage Management charge applicable, already adopted for 2024/25 remain. In addition, the fee structure provided in the Draft Policy apply from the 2025/26 financial year, being \$70 annual fee for all domestic systems and \$346 for commercial systems.
3. From 2025/26, a risk-based inspection program be implemented based on Council's resource capabilities.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor S Ring

**CARRIED**

### 3.7. P&P - 28/10/2024 - DA150/23 13 Lot Subdivision- 265 Portland Sunny Corner Road, Portland

#### MOTION

THAT

1. Development application DA150/23 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 M Statham

**SECONDED:** Councillor S Ring

Councillor M Statham did not accept the amendment from Councillor S Ring.

Councillor S Ring withdrew his seconder.

The Mayor called for another seconder occurred.

Councillor S Ring called a Point of Order on Councillor M Statham in relation to not accepting the amendment and withdrawing the seconder.

The Mayor upheld the Point of Order

#### MOTION

THAT

1. Development application DA150/23 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 M Statham

**SECONDED:** Councillor M Ticehurst

### **AMENDMENT**

THAT

1. Development application DA150/23 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.
3. Upon completion of the development a report is brought back to Council on the compliance of Conditions 29, 31, 41, 60 and 68.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

The Amendment was PUT.

### **LOST**

Councillor M Statham called a Point of Order on Councillor S Ring.

The Mayor did not rule on the Point of Order.

### **24 -221 RESOLVED**

THAT

1. Development application DA150/23 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 M Statham

**SECONDED:** Councillor M Ticehurst

### **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 M Ticehurst, Councillor T Evangelidis, Councillor E Fredericks, Councillor R Smith, Councillor D Goodwin, Councillor E Mahony and Councillor S Ring

**AGAINST:** Nil

**3.8. P&P - 28/10/2024 - DA101/24 Eco-tourism - 51 Atkinson Street Morts Estate****24 -222 RESOLVED**

THAT

1. Information on Development Application DA101/24 be noted.
2. A report on the final assessment and recommendation be furnished to a future Council meeting for determination of DA101/24 for an Eco-Tourist Facility at 51 Atkinson Street Morts Estate.
3. The Administration organise an onsite visit for staff, Councillors and residents.

**MOVED:** Councillor M Statham**SECONDED:** Councillor T Evangelidis**CARRIED****3.9. I&E - 28/10/2024 - Hampton Roads Civil Works Tender****24 -223 RESOLVED**

THAT Council:

1. Appoint Gracey's Earthmoving and Excavation Pty Ltd to undertake the rehabilitation of Hampton Road for a cost of \$230,000 ex GST, and
2. Accept the schedule of rates provided by Gracey's Earthmoving and Excavation Pty Ltd for additional works as may be required for the rehabilitation of Hampton Road.

**MOVED:** Councillor M Ticehurst**SECONDED:** Councillor M Statham**CARRIED****3.10. I&E - 28/10/2024 - Naming of the Burton Street Causeway**

This Item was dealt with earlier in the meeting.

**3.11. I&E - 28/10/2024 - Aquatic Centre - New Service - Fees and Charges**

Councillor E Fredericks left the meeting at 9:53 pm.

**24 -224 RESOLVED**

THAT Council:

1. Endorse the proposed additional fees and charges to enable the JM Robson Aquatic Centre to introduce coaching services at the Intermediate and Advanced Squad level, to be placed on public exhibition for 28 days.
2. If no material submissions are received during the public exhibition period, endorse the proposed additional JM Robson Aquatic Centre fees and charges to be added to Council's 2024/25 Fees and Charges Register.
3. Note that any material submissions received during the public exhibition period will be reported to Council for further consideration.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED**

Councillor E Fredericks returned to the meeting at 9:55 pm.

**3.12. I&E - 28/10/2024 - Exeloo - Supply and Install at Queen Elizabeth Park, Lithgow**

**24 -225 RESOLVED**

THAT Council:

1. Approve the purchase of an Exeloo for Queen Elizabeth Park, Lithgow, at a value of \$271,708 (excluding GST), utilising the provisions of Section (3) (i) of the Local Government Act (1993) as a sole provider of Exeloo systems.
2. Approve a budget variation of \$51,708 for the addition of an adult change table, an extra-wide door and other inclusions to account for disability access.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Ring

**CARRIED**

**3.13. WWW - 28/10/2024 - Sewer Mains Relining Tender**

**24 -226 RESOLVED**

THAT Council:

1. In accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2021, accept the tender submission and schedule of rates from Interflow Pty Ltd for a lump sum price of \$ 672,420.60 (Ex GST)
2. Authorise the General Manager to execute the contract on behalf of Council under delegated authority, between Council and Interflow Pty Ltd, in accordance with the tender for Sewer Mains Relining.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

**3.14. F&G - 28/10/2024 - Investment Report August 2024**

**PROCEDURAL MOTION**

THAT in accordance with section 13.1 of the Code of Meeting Practice, Items 3.14 to 3.16 be PUT as a block for adoption together.

**MOVED:** Councillor S Ring  
**CARRIED**

**SECONDED:** Councillor M Statham

**24 -227 RESOLVED**

THAT:

1. Investments of \$79,200,000 and cash of \$3,083,816 (which is mostly restricted for specific purposes) for the period ending 31 August 2024 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 M Statham

**CARRIED**

**3.15. F&G - 28/10/2024 - Investment Report September 2024****24 -228 RESOLVED**

THAT:

1. Investments of \$79,500,000 and cash of \$551,483 (which is mostly restricted for specific purposes) for the period ending 30 September 2024 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 M Statham

**CARRIED**

**3.16. F&G - 28/10/2024 - Signing of 2023/24 Financial Statements****24 -229 RESOLVED**

THAT Council:

1. Authorise the signing of the statement on the 2023/24 General Purpose Financial Reports.
2. Authorise the signing of the statement on the 2023/24 Special Purpose Financial Reports.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Statham

**CARRIED**

**3.17. F&G - 28/10/2024 - Policy 9.21 Councillor & Staff Interaction Policy****24 -230 RESOLVED**

THAT

1. Council adopt new Policy 9.21 Councillor and Staff Interaction for immediate implementation
2. Schedule 1 is amended Schedule to include the Executive Assistant to the General Manager and Mayor

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

**CARRIED**

**3.18. I&E - 28/10/2024 - Targeted Biodiversity Surveys - Wolgan Road Reconstruction****24 -231 RESOLVED**

That this report is deferred to the November meeting and that the Administration provide a briefing prior to the November Council meeting.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Mahony

**CARRIED**

**3.19. I&E - 28/10/2024 Tender Evaluation - TEN17/24 - Main Street CBD Footpath Improvements Stage 2****24 -232 RESOLVED**

THAT Council:

1. Note the tender evaluation for TEN17/24 - Main Street CBD Footpath Improvements Stage 2 and the deficiencies highlighted in the tender response.
2. Resolve to not accept any tenders received and enter into negotiations with the compliant tenderer, Civil Construction Pty Ltd in accordance with Clause 178 (3)(e) of the *Local Government (General) Regulation 2021*.
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority, as long as it is in the approved budget.
4. Note that a further report will be provided to the November 2024 Ordinary Meeting to report on the outcome of negotiations.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor T Evangelidis

**CARRIED**

Due to an earlier Procedural Motion, Item 1.3 was dealt with at this point in the meeting.

**1.3. Mayoral Minute - 28/10/2024 - Proposed New Lithgow Fire Station****Report by** Mayor – Councillor Cassandra Coleman

Councillor S Ring left the meeting at 10:06 pm.

Councillor S Ring returned to the meeting at 10:06 pm.

**24 -233 RESOLVED**

THAT Council:

1. Immediately seek an urgent meeting with the management of Fire and Rescue NSW regarding the proposed construction of a new Fire and Rescue Station at 11 Lithgow Street, Lithgow.
2. Work closely with Fire and Rescue NSW to identify any available alternative sites that meet their requirements.
3. If a positive outcome is not forthcoming as a result of point 1 and 2 above, advocate to relevant Ministers of the NSW Government (including, but not limited to, Minister Jihad Dibb – Minister for Emergency Services) for their direct assistance to resolve this matter.

**MOVED:** Councillor C Coleman**SECONDED:** Nil**CARRIED****4. Council Committee Reports****4.1. FIN - Audit Risk Improvement Committee (ARIC) Minutes - 10 September 2024**

PROCEDURAL MOTION

THAT in accordance with section 13.1 of the Code of Meeting Practice, Items 4.1 to 5.2 be PUT as a block for adoption together.

**MOVED:** Councillor M Ticehurst**SECONDED:** Councillor D Goodwin**CARRIED****24 -234 RESOLVED**

THAT Council:

1. Note the minutes of the 10 September 2024 Audit Risk & Improvement Committee Meeting.
2. Note the Audit Risk & Improvement Committee 2023/24 Annual Report to Council.

**MOVED:** Councillor E Mahony**SECONDED:** Councillor S Ring**CARRIED**

## 5. Delegates Reports

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### 5.1. EXEC - 28/10/2024 - CNSWJO Board Meeting Delegates Report - 22 August 2024

#### 24 -235 RESOLVED

THAT Council note the report from the General Manager on the Central NSW Joint Organisation (CNSWJO) Board meetings held on 21 and 22 August 2024 and

1. Note a welcome to new Councillors session is under development with a tentative date of 28 November 2024.
2. Note the Return on Investment from the CNSWJO for the 2023/2024 year of 8.3:1 for membership fees.
3. Request a presentation from CNSWJO on its programming.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

### 5.2. I&E - 24/06/2024 - Bushfire Management Committee - Meetings - 1 October 2024

#### 24 -236 RESOLVED

THAT Council note the report on the agenda and decisions from the Bushfire Management Committee meeting of 1 October 2024.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor S Ring

**CARRIED**

## 6. Business of Great Urgency

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

Cr Fredericks enquired about the need for line markings on Lithgow Street.

The Mayor did not rule this as an item of urgency.

The Director Infrastructure and Economy provided a verbal response.

Cr Goodwin asked for a report on the levels of PFAS in our water system for community information.

The Mayor did not rule this as an item of urgency.

The Executive Manager Water Wastewater and Waste provided a verbal response.

Councillor S Ring left the meeting at 10:20 pm.

## 7. Closed Council

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The Mayor asked if there were any objections from the public with regards to the listed reports being in a session of the meeting that is closed to the public.

There were Nil objections.

### 24 -237 RESOLVED

THAT Council resolve to move into Closed Council to consider the confidential report as listed in the business paper at 10:21 pm.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor D Goodwin

**CARRIED**

The Mayor informed the Public that the webcasting will be turned off at this point in the meeting and will be reopened at the end of the session of the meeting that is closed to the public.

### 7.1. CONFIDENTIAL - I&E - 28/10/2024 - Variation - Wolgan Road Reconstruction Project Management Engagement

### 24 -238 RESOLVED

THAT Council vary Wassabi Group engagement by \$307,395 excl GST, increasing the total contract value to \$1,697,729, for the purpose of providing expert road design and technical review services to the Wolgan Road Reconstruction project, funded entirely by the disaster recovery prepayment provided by the NSW and Australian Governments.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Statham

**CARRIED**

### 24 -239 RESOLVED

THAT Council resolve to return to open Council and inform the public of the resolutions of the session of the meeting that is closed to the public at 10:26 pm.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor E Fredericks

**CARRIED**

The General Manager informed the public of the resolution of the Closed Council.

There being no further business the Mayor declared the meeting closed at 10:28 pm.