



MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

23 APRIL 2018

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 23 APRIL 2018**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 20

PRESENT

His Worship the Mayor
Councillor S Lesslie
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Ring
Councillor J Smith
Councillor M Statham
Councillor R Thompson

APOLOGIES

NIL

Also in attendance

Mr Graeme Faulkner, General Manager
Mr Andrew Muir, Director Economic Development and Environment
Mr Ross Gurney, Chief Financial and Information Officer
Mr Iain Stewart, Director Water and Wastewater
Mr Jonathon Edgecombe, Executive Manager Operations
Mr Michael McGrath, Executive Manager People and Services
Mrs Melanie Jones, Minutes Secretary

CONFIRMATION OF MINUTES

18-82 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 26 March 2018 were taken as read and confirmed by Councillors S Ring and R Thompson

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Councillor R Thompson declared a Pecuniary in item 6, due to him being the applicant. He will vacate the Chambers.

Councillor M Statham declared a Non Pecuniary in item 7, due to her being the applicant. She will vacate the Chambers.

Councillor S Ring declared a Non Pecuniary in item 5, due to the applicant being a sponsor to the back to Hartley Event and his involvement with this event. He will vacate the Chambers.

COMMEMORATIONS AND ANNOUNCEMENTS

Councillor M Statham congratulated Rich Evans and Ironfest Team for a successful event.

Councillor W McAndrew congratulated Ironfest for a successful event.

Councillor W McAndrew congratulated David Palmer for his success as a gold medallist recipient in Squash in the recent Commonwealth Games.

Councillor W McAndrew congratulated Lachi Sharp for his success as a gold medallist recipient in Hockey at the recent Commonwealth Games.

Councillor W McAndrew congratulated Wayde Egan for his first grade NRL debut with the Penrith Panthers.

Councillor C Coleman commemorated the passing of Mr Ron Bidwell.

PUBLIC FORUM

At 7.04pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 23/04/18 – RICH EVANS

Mr Evans made comments in relation to Ironfest 2018. He thanked all Councillors in particular Councillors Goodsell, Coleman and Statham for their involvement. Mr Evans also thanked Lithgow Council and staff.

Councillor Lesslie thanked Mr Evans for his comments

PF – 23/04/18 – MRS ROSEMARY BARBER

Mrs Barber made comments in relation to Item 5.

PROCEDURAL MOTION

THAT an extension of time be granted

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

Councillor Lesslie thanked Mrs Barber for her comments.

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**ITEM-1 GM - 23/04/18 - NATIONAL GENERAL ASSEMBLY OF LOCAL
GOVERNMENT CONFERENCE 2018 DELEGATES**

18-83 RESOLVED

THAT Council:

1. Appoint the Mayor, Deputy Mayor and Councillors Thompson and Goodwin as attendees to the NGA 2018 Conference.
2. Authorise the General Manager or his delegate to attend the Conference

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED UNANIMOUSLY

ITEM-2 GM- 23/04/18 - MINIMUM GRANT- GRANTS COMMISSION RESPONSE

18-84 RESOLVED

THAT Council:

1. Note the correspondence from the NSW Local Government Grants Commission.
2. Request Local Government NSW advocate to the Federal Government for the position reflected in the resolution adopted at the NSW local Government conference.
3. Write to Mr Andrew Gee Member for Calare requesting his support in having this change in policy of the NSW Local Government Association implemented.
4. Correspond with CENTROC and the Country Mayor's Association requesting they also make representations to the Federal Government both directly and through their respective Local Federal Members.

MOVED: Councillor S Lesslie

SECONDED: Councillor R Thompson.

CARRIED UNANIMOUSLY

**ITEM-3 GM - 23/04/18 - CONTINUATION OF REVIEW OF ORGANISATION
STRUCTURE**

18-85 RESOLVED

THAT Council:

1. Adopt the revised Organisation Structure as recommended by Management in this paper.
2. Finalise the Operations Division Review (Blackadder) Report in early May 2018.
3. Establish a designated "Senior Staff" position of "Director Economic Development and Environment" on a fixed term five year contract funded predominantly by the budgeted position of Director Economic Development and Environment and proceed to advertise externally as per the Local Government Act.
4. Establish the "People and Services" Department to incorporate: Human Resources, Payroll, Injury Management, Work Health & Safety, Risk, Community Services, Integrated Planning & Reporting (IP&R), Corporate & Community Engagement, and Aquatic/Leisure Centre (not-for-profit services).
5. Establish a "Senior Staff" position "Director People and Services" on a fixed five year contract funded predominantly by the budgeted position of Organisational Development Manager and proceed to advertise externally as per the Local Government Act.
6. An Information Session for Councillors be held before the May Council Meeting to discuss the Operations Review Report and full Council staffing numbers circulated during the budget review process.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

CARRIED UNANIMOUSLY

**ITEM-4 GM - 23/04/18 - ELECTION OF COUNCILLOR COLEMAN AS
EXECUTIVE MEMBER OF THE AUSTRALIAN LOCAL GOVERNMENT
WOMEN'S ASSOCIATION NSW BRANCH**

18-86 RESOLVED

THAT Council:

1. Note the election of Clr Coleman as an Executive Member of the NSW Branch of ALGWA for a period of 12 months.
2. Approve Clr Coleman attending the 'Springboard' Women's Development Program in September 2018 at a cost of \$1,190 plus GST.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring.

CARRIED UNANIMOUSLY

**ITEM-5 ECDEV - 23/04/18 - AUSTEN QUARRY EXTENSION PROJECT -
 MODIFICATION 1 (SSD 6084 MOD 1)**

Councillor S Ring vacated the chambers at 7.29pm due to an earlier declaration of interest.

18-87 RESOLVED

THAT:

1. Council support the staff submission made to the Department of Planning and Environment in relation to the proposed extension to the Austin quarry specifically voicing its concern regarding the increase in operating hours; heavy vehicle haulage; and the impact on the acoustic amenity of the area, particularly the nearby residents.
2. A supplementary submission be made to the Department of Planning and Environment in relation to these specific issues.
3. Council make representations to the State Member, Paul Toole seeking his support on Council's position.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED UNANIMOUSLY

Councillor S Ring returned to Chambers at 7.34pm.

**ITEM-6 ECDEV - 23/04/18 - DA041/18 - PROPOSED DWELLING - LOT 10 DP
 1223585 - 2 MAYVIEW DRIVE LITHGOW NSW 2790**

Councillor R Thompson vacated the Chambers 7.34pm due to a previous declaration of interest.

18-88 RESOLVED

THAT:

1. Development Application DA041/18 be approved with conditions of consent as detailed in the Section 4.15 report.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith.

CARRIED UNANIMOUSLY

A **DIVISION** was called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

DIVISION – UNANIMOUS

Councillor R Thompson returned to the chambers at 7.35pm.

**ITEM-7 ECDEV - 23/04/18 - DA05818 - PROPOSED PATIO - LOT 2 DP 634789 -
445 SUNNY CORNER ROAD PORTLAND**

Councillor M Statham vacated the chambers at 7.35pm due to a previous declaration of interest.

18-89 RESOLVED

THAT

1. Development Application DA058/18 be approved with conditions of consent as detailed in the Section 4.15 report.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell.

CARRIED UNANIMOUSLY

A **DIVISION** was called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

DIVISION – UNANIMOUS

Councillor M Statham returned to the chambers at 7.36pm.

**ITEM-8 ECDEV - 23/04/18 - WALLERAWANG ASH REPOSITORY
MODIFICATION 1 - WALLERAWANG POWER STATION**

18-90 RESOLVED

THAT the information in the report on the Wallerawang Ash Repository Mod 1, be noted and Council reaffirm its submission of opposition previously sent.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

CARRIED UNANIMOUSLY

**ITEM-9 ECDEV - 23/04/18 - EXPRESSIONS OF INTEREST - REAL ESTATE
AGENTS - PROPERTY DISPOSALS AND ACQUISITIONS**

18-91 RESOLVED

THAT Council call for Expressions of Interest from local Real Estate Agents to act on its behalf for a period of 3 years in property acquisitions and disposals.

MOVED: Councillor C Coleman

SECONDED: Councillor M Statham.

CARRIED UNANIMOUSLY

ITEM-10 WWW - 23/04/18 - WATER REPORT

18-92 RESOLVED

THAT Council note the water report.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

CARRIED UNANIMOUSLY

Note Council requested a media release to explain the background to water restrictions and current policy after an information session.

**ITEM-11 WWW - 23/04/18 - CLARENCE TREATED WATER TRANSFER
OPTIONS**

18-93 RESOLVED

THAT Council:

1. Provide in principle support for the transfer of treated water from Clarence Colliery to Lithgow No 2 Dam.
2. Delegate the General Manager to negotiate an agreement for the transfer of Treated Water from Clarence Colliery to Lithgow No 2 Dam.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

CARRIED UNANIMOUSLY

ITEM-12 FIN - 23/04/18 - CORPORATE IMAGE & COMMUNICATIONS POLICY SUITE

18-94 RESOLVED

THAT Council:

1. Endorse the following draft policies for public exhibition and comment for 28 days:
 - a. Draft Policy 4.6 Customer Service & Unreasonable Complainants Version 4
 - b. Draft Policy 4.10 Community Engagement and Communications Policy Version 1
 - c. Draft Policy 9.10 Council Workshops and Briefing Sessions Version 3
 - d. Draft Policy 9.12 Media and Social Media Policy Version 3
 - e. Draft Policy 9.16 Corporate Image Policy Version 1
2. Following the exhibition period that Policies be returned to Council for adoption.

MOVED: Councillor R Thompson

SECONDED: Councillor S Ring.

CARRIED UNANIMOUSLY

ITEM-13 P&S - 23/04/18 - PROPOSAL TO TRIAL A NEW WAY OF WORKING WITH YOUTH COUNCIL

18-95 RESOLVED

THAT Council amend the Youth Council Terms of Reference as follows:

1. The positions of Chairperson and Deputy Chairperson to be filled by young people.
2. Membership of Youth Council to not require Council endorsement.
3. Councillors to attend Youth Council meetings on a bi-annual basis
4. Organisational representatives to attend by invitation.
5. The quorum for meetings to be reduced from six (6) to four (4) members.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin.

CARRIED UNANIMOUSLY

ITEM-14 P&S - 23/04/18 - COMBINED DELIVERY PROGRAM 2017-21 AND DRAFT OPERATIONAL PLAN 2018-19

18-96 RESOLVED

THAT:

1. The combined Delivery Program 2017-2021 and Draft Operational Plan 2018/19 be placed on public exhibition for a minimum of 28 days. This will include the following documents:
 - a. The combined Delivery Program 2017– 2021 and Draft Operational Plan 2018/19.
 - b. Draft Fees and Charges 2018/19.
2. The closing date for submissions is Monday 21 May 2018.
3. Council confirm Long Term Financial Plan Scenario 3 as its preferred option for financial sustainability and notify the Independent Pricing and Regulatory Authority (IPART) of its intention to prepare an Application for a Special Variation based on the table below:

SRV Information	Proposed Application
Type of Special Rate Variation	Application under Section 508(2) of the NSW Local Government Act – being an increase in a single year.
Percentage increase	9% in 2019/20 (to replace the expiring 4.77% SRV in 2019/20).
Permanent or temporary increase	A permanent increase which is retained within the rate base.
Purpose of the Special Rate Variation	Primary purposes (based on IPART categories): <ul style="list-style-type: none">• Improvements in financial sustainability; and• Reductions in backlogs for asset maintenance and renewal.

4. Council staff prepare an Application for a Special Rate Variation and submit the draft application for endorsement prior to the 2018/19 SRV deadline.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

CARRIED UNANIMOUSLY

ITEM-15 P&S - 23/04/18 - COUNCILLOR REPRESENTATIVE TO NSW PUBLIC LIBRARIES ASSOCIATE

18-97 RESOLVED

THAT Council Nominate Councillor Coleman as Lithgow City Council's representative to the NSW Public Libraries Association.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew.

CARRIED UNANIMOUSLY

ITEM-16 P&S - 23/04/18 - POLICY 4.2 FINANCIAL ASSISTANCE

18-98 RESOLVED

THAT Council:

1. Amend Policy 4.2 Financial Assistance by removing the Recurrent Financial Assistance category and requiring current Recurrent Financial Assistance recipients to apply for Non-Recurrent Financial Assistance each year.
2. Note that a review of Policy 4.2 Financial Assistance has commenced and that the draft revised policy will be presented to the May Council meeting to be endorsed for public exhibition and comment for 28 days.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew.

CARRIED UNANIMOUSLY

ITEM-17 P&S - 23/04/18 - RURAL SUICIDE PREVENTION FORUM

18-99 RESOLVED

THAT Council Note the report on the recent Rural Suicide Prevention Forum convened by the Centre for Rural and Remote Mental Health.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Lesslie.

CARRIED UNANIMOUSLY

ITEM-18 OPER - 23/04/18 - OPERATIONS COMMITTEE MEETING MINUTES 9 APRIL 2018

18-100 RESOLVED

THAT Council note the Operations Committee Meeting Minutes; and

1. Request the consultant appointed to undertake the South Bowenfels Infrastructure study to nominate a specific result date and provide a timeline; and Council staff notify all prospective developers of progress; and
2. Council staff draft a media release for INSW approval to update Portland residents; and
3. Council staff advise concerned residents of the options to deter vandals at Blast Furnace Park; and
4. Council staff draft an informative media release on the process of removal and replacement of problem trees at Lake Wallace, Wallerawang.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED UNANIMOUSLY

ITEM-19 FIN - 23/04/18 - FINANCE COMMITTEE MEETING 10 APRIL 2018

18-101 RESOLVED

THAT Council:

1. Note the minutes of the Finance Committee held on 10 April 2018 and the items not requiring a resolution of Council;
2. Note the Committee's endorsement of recommendations proposed in the Finance and Assets business papers to be put to the April Council meeting.
3. Endorse the recommendations proposed in the March 2018 Investment Report, Boundary Adjustment Between Lithgow City Council And Blue Mountains City Council report, Request For Adjustment To Water Account - Property 57050 report, Policy Reviews Report and Portland STP Loan Report.
4. Write off \$3,822.73 for water usage charges on property 57050 due to hardship and notify the property owner in writing of Council's resolution.
5. Council approve the sourcing of a \$3.8m loan

MOVED: Councillor R Thompson

SECONDED: Councillor S Ring.

CARRIED UNANIMOUSLY

**ITEM-20 OPER - 23/04/18 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES 11 APRIL 2018**

18-102 RESOLVED

THAT Council note the Minutes of the Sports Advisory Committee Meeting held 11 April 2018.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodwin.

CARRIED UNANIMOUSLY

**ITEM-21 ECDEV - 23/04/18 - ECONOMIC DEVELOPMENT COMMITTEE
MINUTES OF 6 MARCH 2018 and 12 APRIL 2018**

18-103 RESOLVED

THAT the recommendations of the Economic Development Committee meetings of 6 March 2018 and 12 April 2018 be adopted.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman.

CARRIED UNANIMOUSLY

ITEM-22 NOTICE OF MOTION - 23/04/18 - PORTLAND POOL

18-104 RESOLVED

THAT Council:

1. Agree to waive the fee of \$5,280.36 for this financial year and
2. Increase its recurring annual contribution by \$6,000 to accommodate future water and sewer charges so that this cost no longer remains a recurring impost.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

A **DIVISION** was called by Councillor W McAndrew

Division -

FOR

Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie
Councillor W McAndrew
Councillor J Smith
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor S Ring

ITEM-23 NOTICE OF MOTION - 23/04/18 - ENERGY AUSTRALIA

18-105 RESOLVED

THAT:

1. Council seek an urgent full and detailed presentation and explanation by Energy Australia on the ash dam capping and the burning of Sydney garbage proposals and an update on any progress regarding the repurposing of the Wallerawang site.
2. Further, that Council advise Energy Australia that it would be in their best interest to agree to give a full and detailed explanation and presentation to residents and ratepayers regarding their proposals to cap their ash dams and burn waste at Mt Piper Power Station and that this presentation be conducted by way of an open and public meeting. Council will provide the venue, help advertise the event and offer to facilitate identifying an independent chairperson for the public meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED UNANIMOUSLY

**ITEM-24 NOTICE OF MOTION - 23/04/18 - COAL FIRED POWER GENERATION
OPPORTUNITIES FOR OUR LGA**

18-106 RESOLVED

THAT Council immediately lobby all political parties both State and Federal, brief media outlets and call for meetings with whomever we can to ensure that the Lithgow LGA is seen as a viable and real solution to our country's future base load power requirements.

MOVED: Councillor R Thompson

SECONDED: Councillor C Coleman.

CARRIED UNANIMOUSLY

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) *A motion is passed to have the business transacted at the meeting; and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

NIL

**ITEM-25 CONFIDENTIAL REPORT - FIN - 23/04/18 - CENTROC TENDER
EVALUATION BITUMEN EMULSION**

**ITEM-26 CONFIDENTIAL REPORT - FIN - 23/04/18 - TENDER EVALUATION
SHAFT STREET RESERVOIRS**

**ITEM-27 CONFIDENTIAL REPORT - GM - 23/04/18 - CENTRAL TABLELANDS
ALLIANCE AUDIT COMMITTEE APPOINTMENT OF CHAIR AND
MEMBERS**

The Mayor asked if there were any objections from the Public with regards to the confidential reports being in closed Council.

There were no objections.

18-107 RESOLVED

THAT Council move into Closed Council to consider the confidential report.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith

CARRIED

The meeting was adjourned at 8.53pm.
The meeting reconvened at 8.58pm.

Closed Council commenced at 8.59pm.

**ITEM-25 CONFIDENTIAL REPORT - FIN - 23/04/18 - CENTROC TENDER
EVALUATION BITUMEN EMULSION**

18-108 RESOLVED

THAT Council:

1. In accordance with Clause 178(1) (a) of the *Local Government (General) Regulation 2005*, accept the tender submission from Boral Asphalt for the provision of bitumen emulsion to Lithgow City Council for the period of 1 April 2018 through 31 March 2020.
2. Allow a provision for one (1) twelve (12) month extension to the agreement based on satisfactory performance.
3. Authorise the General Manager to execute the supply agreement on behalf of Council under delegated authority.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

CARRIED UNANIMOUSLY

**ITEM-26 CONFIDENTIAL REPORT - FIN - 23/04/18 - TENDER EVALUATION
SHAFT STREET RESERVOIRS**

18-109 RESOLVED

THAT Council:

1. In accordance with Clause 178(1) (a) of the *Local Government (General) Regulation 2005*, accept the tender submission from Geelong Abrasive Blasting for Upgrade of the Shaft Street Reservoirs for the amount of \$2,030,528.00 (plus GST).
2. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodwin.

CARRIED UNANIMOUSLY

**ITEM-27 CONFIDENTIAL REPORT - GM - 23/04/18 - CENTRAL TABLELANDS
ALLIANCE AUDIT COMMITTEE APPOINTMENT OF CHAIR AND
MEMBERS**

18-110 RESOLVED

THAT Council:

1. Endorse Mr Robert Campbell as the Chair of the Central Tablelands Alliance for a period of twelve months.
2. Endorse Mr Phillip Burgett & Mr Neil Maltby as Independent Committee persons of the Central Tablelands Alliance for a period of twelve months.
3. Cr Lesslie be appointed Councillor representative.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman.

CARRIED UNANIMOUSLY

18-111 RESOLVED

At 9.02pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor C Coleman

SECONDED: Councillor M Statham

The Mayor announced the recommendations of the Closed Council.

18-112 RESOLVED

THAT Council adopt the recommendations of the closed Council.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED UNANIMOUSLY

There being no further business the meeting closed at 9.05pm.