



MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

29 OCTOBER 2018

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 29 OCTOBER 2018**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 28

PRESENT

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

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 Daniel Buckens, Acting Director Water and Wastewater
Mr Jonathon Edgecombe, Acting Director Infrastructure Services
Mr Michael McGrath, Director People and Services
Mrs Trinity Newton, Minutes Secretary

CONFIRMATION OF MINUTES

18 – 277 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 24 September 2018 were taken as read and confirmed by Councillors S Ring and W McAndrew

Cr Lesslie sought clarification on Item 1 in relation to points of order being recorded and asked that they be recorded consistently.

The General Manager took the issue on notice and advised that the administration does endeavour to be consistent. The draft minutes are distributed to all Councillors for review prior to be finalised.

CARRIED

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

DECLARATION OF INTEREST

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

Councillor W McAndrew declared a Non Pecuniary in item 12, due to living in the locality of the item. He will remain in the Chambers.

DECLARATION OF INTEREST BY STAFF

Graeme Faulkner - General Manager declared a Non-pecuniary interest in item 41 relating to the appointment of Real Estate agents listed on the Council agenda. He has previously disclosed this interest to senior management and has not taken part in any discussions regarding this matter and associated applicants during any stage of management's consideration of the issue. The nature of my interest is that one of the applicants was the rental agent engaged by his wife and himself upon moving to Lithgow and has continued to act on their behalf regarding property transactions in Lithgow. He will leave the Chamber during discussion of this item.

Jonathon Edgecombe - Acting Director Infrastructure Services declared a Pecuniary Interest in Item 10 of the Council, While all internal aspects and actions relating to this Development Application have been handled by Council's Project Engineer not Mr Edgecombe, he has been in discussion privately with the applicant for this development approximately 6 months ago. Should this development be approved and go forward, he would be interested in pursuing purchase of one of the aforementioned blocks of land. He will leave the Chamber for the period of discussion of this Item.

Andrew Muir, Director Economic Development & Environment declared a Non-Pecuniary Interest in relation to Item 12 on tonight's business paper due to:

1. His brother and his wife own a property at Marrangaroo Fields.
2. One of the property owners who lodged the subject development application was an employee at Lithgow City Council for a number of years and is well known to me.

Whilst he will be remaining in the chamber to assist in answering any questions, one of the reasons he felt it important that the matter was determined by the elected Council was so there could be no perception of bias.

Councillor R Thompson declared a Non Pecuniary interest in item 12, due to the applicant being a close family friend. He will vacate the Chambers.

COMMEMORATIONS AND ANNOUNCEMENTS

Cr Smith commemorated the passing of Mr Cec McAndrew who is Councillor Wayne McAndrew's father. Mr Cec McAndrew was a regular attendee of Council meetings.

Cr Statham commemorated the passing of Mrs Sue Miles and Mrs Carol Banks who both recently passed away.

Cr Ring Acknowledged the efforts of Mr Rich Evans and the The Foundations for The Black Night Dinner held on Friday night.

Cr Ring congratulated Staff and Businesses of Lithgow for their efforts for the Lithgow Halloween Event.

Cr Coleman acknowledged the Back to Hartley event held on Sunday and the work of the staff and volunteers who organised it.

PUBLIC FORUM

At 7:08 pm Members of public gallery were invited to participate in the Public Forum Session.

PF – MR COL HUNTER

Mr Hunter sought advice on the status of the Rural Fire Service Training Centre facility project.

Council Management gave advice on the status of the project.

The Mayor thanked Mr Hunter for his comments.

PF – MR RICH EVANS

Mr Evans gave praised to the vision and design of Cook Street Plaza and the use for the Halloween event.

The Mayor thanked Mr Evans for his comments.

PF – MR STEVE O'REILLY

Mr O'Reilly made a statement in relation to Item 24 of the agenda.

The Mayor thanked Mr O'Reilly for his statement.

PF – MR JASON GREEN

Mr Green made a statement in relation to Item 36 of the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Green.

MOVED: Cr Smith

SECONDED: Cr Ring

CARRIED

The Mayor thanked Mr Green for his statement.

PF – MR COL HOWARTH

Mr Howarth made a statement in relation to Item 34 of the Agenda.

The Mayor thanked Mr Howarth for his statement.

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MAYORAL MINUTE

ITEM-1 MAYORAL MINUTE - 29/10/18 - WALLERAWANG POWER STATION

REPORT BY: MAYOR – COUNCILLOR RAY THOMPSON

MOTION

THAT Council write to our Federal Local Member the Hon Andrew Gee with a view to engaging the Federal Government in a dialogue concerning the retention and replacement of coal fired power stations with specific reference to Wallerawang and Mt Piper and possible financial assistance for the purchase of the Wallerawang site in the absence of any potential for a replacement coal fired power station on that site.

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham

AMENDMENT

THAT Council write to the Federal member seeking financial assistance in purchasing the site.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

AMENDMENT

THAT Council write to our Federal Local Member the Hon Andrew Gee with a view to engaging the Federal Government in a dialogue concerning the retention and replacement of coal fired power stations with specific reference to Wallerawang and Mt Piper and financial assistance for the purchase of the Wallerawang site in the absence of any potential for a replacement coal fired power station on that site.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

Councillor Coleman withdrew her original Amendment.

The Amendment was PUT and became the MOTION.

18 – 278 RESOLVED

THAT Council write to our Federal Local Member the Hon Andrew Gee with a view to engaging the Federal Government in a dialogue concerning the retention and replacement of coal fired power stations with specific reference to Wallerawang and Mt Piper and financial assistance for the purchase of the Wallerawang site in the absence of any potential for a replacement coal fired power station on that site.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

PROCEDURAL MOTION

THAT Items 9, 11, 10 be brought forward to this point in the meeting and dealt with in this order.

MOVED: Councillor J Smith

CARRIED – Unanimously

**ITEM-9 ECDEV - 29/10/18 - DA021/18 - PROPOSED 86 LOT SUBDIVISION &
DRAFT PLANNING AGREEMENT, 43 HILLCREST AVENUE**

18 – 279 RESOLVED

THAT

1. The Development Application DA021/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.15 report.
2. Council endorse the Draft Voluntary Planning Agreement for DA021/18 being \$6,200 (per residential lot) to go toward community facilities and open space.
3. The Draft Voluntary Planning Agreement for DA021/18 be placed on public exhibition for a period of 28 days.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED – Unanimously

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

Divisions

FOR

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

AGAINST

Nil

ITEM-11 ECDEV - 29/10/18 - DA142/18 - PROPOSED 137 LOT SUBDIVISION & DRAFT PLANNING AGREEMENT, GREAT WESTERN HIGHWAY

18 – 280 RESOLVED

THAT

1. The Development Application DA142/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.15 report.
2. Council endorse the Draft Voluntary Planning Agreement for DA142/18 being for \$6,200 per residential allotment (Cash and dedication of land) to go toward community facilities and open space.
3. The Draft Voluntary Planning Agreement for DA142/18 be placed on public exhibition for a period of 28 days.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED - Unanimously

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

Divisions

FOR

Councillor R Thompson
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie

Councillor S Ring
Councillor J Smith
Councillor M Statham

AGAINST

Nil

**ITEM-10 ECDEV - 29/10/18 - DA022/18 - PROPOSED 79 LOT SUBDIVISION &
DRAFT PLANNING AGREEMENT, 33 MAGPIE HOLLOW**

Due to a previous declaration of interest Mr Edgecombe vacated the chambers at 7:48 pm.

18 – 281 RESOLVED

THAT

1. The Development Application DA022/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.15 report.
2. Council endorse the Draft Voluntary Planning Agreement proposed for DA022/18 equating to cash and 'works in kind' to a value of \$6,200 (per residential lot) to go toward community facilities and open space.
3. The Draft Voluntary Planning Agreement for DA022/18 be placed on public exhibition for a period of 28 days.
4. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED – Unanimously

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

Divisions

FOR

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

AGAINST

Nil

Mr Edgecombe returned to the chambers at 7:51

GENERAL MANAGERS REPORTS

ITEM-2 GM - 29/10/18 - COMMITTEES

18 – 282 RESOLVED

THAT Council:

1. (a) Delete the Mining Taskforce Committee.
- (b) Delete the Bells Line of Road Group.
- (c) Delete Lithgow Correctional Centre Committee
- (d) Amend “Centroc” to WSROC”.
- (e) Replace the Pine Dale Coal Mine Community Committee with “Energy Australia Lithgow Region Community Consultative Committee”. Councillor Smith to be appointed as delegate with Councillor Statham to be the alternate delegate.
- (f) Delete the Association of Mining Related Councils.
- (g) Include the Central Tablelands Alliance Councils Audit Committee. The Mayor being the appointed representative.
- (h) Include the Mayor’s Mental Health Taskforce with the Mayor and Councillor McAndrew to be the representatives.
- (i) Combine Eskbank Rail Heritage Centre Committee and Wolgan Valley Wilderness Railway Committee and Councillor Ring to remain as the representative.
- (j) Strategic Land Use Planning Projects Steering Committee be deleted in favour of an information session and then to Council.
2. Reconfirms the councillor appointments made to the s355 Committees of Council and External Committees and Organisations.

Internal Committees	2018/19 Representative
Environmental Advisory	Councillor Ring Councillor Coleman
Operations Committee	Councillor Goodsell Councillor Smith Councillor Ring Councillor McAndrew
Traffic Advisory Local (TALC)	Councillor Goodwin Councillor Lesslie
Sports Advisory Committee	Councillor Smith Councillor Goodwin
Economic Development	All Councillors
Community Development	Councillor Coleman Councillor Statham
Youth Advisory Committee	No Councillor Delegates due to new TOR
Lithgow Crime Prevention	Cr Coleman Cr Goodwin
General Manager Performance Review	All Councillors
Heritage Committee	Councillor Lesslie

	Councillor Ring
Finance Committee	Councillor McAndrew Councillor Ring Councillor Thompson
External Committees	
Arts Out West Committee	Councillor Ring Councillor Coleman (alternate)
NSW Rural Fire Service Senior Management Team	Mayor Councillor Statham (alternate)
Lithgow Information & Neighbourhood Centre Inc. (LINC)	Councillor Goodsell Councillor Goodwin (alternate)
Upper Macquarie County Council	Councillor Ring Councillor Lesslie Councillor Coleman (alternate)
WSROC	Mayor Deputy Mayor (alternate) General Manager
Energy Australia Lithgow Region Community Consultative Committee	Councillor Smith Councillor Statham (alternate)
Cullen Valley Coal Mine Community Committee	Mayor Delegate
Invincible Coal Mine Community Committee	Mayor Councillor Statham (alternate)
Clarence Coal Mine Community Committee	Councillor Thompson Councillor Coleman
Centennial Coal Western Community Consultative Committee	Councillor Statham Councillor Smith (alternate)
Airly Mine Community Consultative Committee	Councillor McAndrew
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Lesslie
Inglenook Exploration & Charbon Colliery Community Consultative Committee	Councillor Ring Councillor Thompson (alternate)
Eskbank Rail Heritage Centre/ Wolgan Valley Wilderness Railway Committee	Councillor Ring
Rural Fire Service Lithgow District Liaison Committee	Mayor Councillor Statham
Wallerawang Quarry Consultative Committee	Councillor Coleman
Skillset	Councillor Statham Councillor Goodsell (alternate)
Central Tablelands Alliance Councils Audit Committee	Mayor
Glenn Museum at Portland	Councillor Ring Councillor Coleman (alternate) Councillor Statham (alternate)
The Mayor's Mental Health Taskforce	Mayor Councillor McAndrew

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew

CARRIED

FOR

Councillor R Thompson
Councillor W McAndrew

Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Ring
Councillor J Smith
Councillor M Statham

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

**ITEM-3 GM - 29/10/18 - QUARTERLY MEETINGS WITH FEDERAL AND STATE
LOCAL MEMBERS**

18 - 283 RESOLVED

THAT the Mayor on behalf of Council extend an invitation to both State and Federal local members to meet with Council informally on a quarterly basis in each year to discuss local issues of relevance and to further develop a positive ongoing relationship.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

ITEM-4 GM - 29/10/18 - EMERGENCY DROUGHT RELIEF PACKAGE

18 – 284 RESOLVED

THAT Council notes the correspondence received from Paul Toole and extends its appreciation for the information received.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

**ITEM-5 GM - 29/10/18 - RETURNS UNDER SEC 449 - LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED**

18 – 285 RESOLVED

THAT

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2017 to 30 June 2018 from all designated persons and all Councillors
2. Reaffirm the following positions as 'designated persons' for the period 1 July 2018 to 30 June 2019:
 - General Manager
 - Director Economic Development and Environment
 - Director Infrastructure Services
 - Director Water and Waste Water
 - Director People and Services
 - Chief Finance and Information Officer
 - Development Manager

- Information Technology Manager
- Community & Culture Manager
- Economic Development Manager
- Tourism Manager
- Team Leader Building
- Team Leader Planning
- Team Leader Environment
- Strategic Land Use Planner
- Property Officer
- Building & Development Officers
- Finance Manager

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED

FOR

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

AGAINST

Councillor S Lesslie
Councillor D Goodwin

Cr Lesslie and Cr Goodwin failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

ITEM-6 GM - 29/10/18 - VOTING AT COUNCIL MEETINGS

18 - 286 RESOLVED

THAT Council record in the meeting minutes the names of all Councillors who vote for or against all motions. Where a vote on a motion is unanimous and a division has not been called, the unanimous vote will be recorded in the minutes without the inclusion of the names of Councillors. The voting record-keeping requirements will only apply to Council meetings and not to meetings of committees of Council.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED

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

Divisions -

FOR

Councillor R Thompson
Councillor D Goodsell
Councillor D Goodwin
Councillor W McAndrew
Councillor J Smith
Councillor M Statham

AGAINST

Councillor S Lesslie
Councillor S Ring
Councillor C Coleman

ECONOMIC DEVELOPMENT AND ENVIRONMENT REPORTS

**ITEM-7 ECDEV - 29/10/18 - DA218/18 - CHANGE OF USE FROM OFFICE TO
MEDICAL CENTRE (CHIROPRACTIC, CHINESE HERBAL**

18 – 287 RESOLVED

THAT

1. Development Consent be granted to Development Application (DA218/18), subject to the conditions specified in the attached Section 4.15 Development 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 D Goodsell

CARRIED

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

Divisions – Unanimously

FOR

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

AGAINST

Nil

**ITEM-8 ECDEV - 29/10/18 - COMMUNITY FEEDBACK ON THE PLANNED
 CLOSURE OF CULLEN BULLEN LANDFILL**

18 – 288 RESOLVED

THAT Closure and rehabilitation of the Cullen Bullen landfill continue as scheduled in early 2019/20 financial year, and Council confirm that a waste transfer station not be constructed.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

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

Divisions -

FOR

Councillor R Thompson
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie
Councillor S Ring

AGAINST

Councillor M Statham
Councillor J Smith

**ITEM-9 ECDEV - 29/10/18 - DA021/18 - PROPOSED 86 LOT SUBDIVISION &
 DRAFT PLANNING AGREEMENT, 43 HILLCREST AVENUE**

This Item was dealt with earlier in the meeting.

**ITEM-10 ECDEV - 29/10/18 - DA022/18 - PROPOSED 79 LOT SUBDIVISION &
 DRAFT PLANNING AGREEMENT, 33 MAGPIE HOLLOW**

This item was dealt with earlier in the meeting.

**ITEM-11 ECDEV - 29/10/18 - DA142/18 - PROPOSED 137 LOT SUBDIVISION &
DRAFT PLANNING AGREEMENT, GREAT WESTERN HIGHWAY**

This item was dealt with earlier in the meeting.

**ITEM-12 ECDEV - 29/10/18 - DA170/18 - PROPOSED 2 LOT SUBDIVISION AND
DEMOLITION, 27 PIMPALA STREET MARRANGAROO**

Mayor Thompson vacated the chair and the Chambers due to an earlier declaration.
The Deputy Mayor assumed the chair at 8:29 pm

18 – 289 RESOLVED

THAT

1. The Development Application DA170/18 be refused for the following reasons:
 - a) The application has been assessed pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and it is considered that the development is likely to have detrimental impacts on the character of the locality and the site is not considered suitable for the development,
 - b) The proposed subdivision is inconsistent with the R2 Low Density Residential Zone objectives in *Lithgow Local Environmental Plan 2014*,
 - c) The proposed subdivision is inconsistent with the objectives of clause 4.1 Minimum Subdivision Lot Size in *Lithgow Local Environmental Plan 2014*,
 - d) The proposed subdivision is inconsistent with the existing subdivision pattern in the locality,
 - e) The proposed subdivision results in the potential for significant additional development on the lot that would not be in keeping with the character of the locality.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED – Unanimously

A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

Divisions

FOR

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

AGAINST

Nil

Mayor Thompson returned to the Chambers and Deputy Mayor Vacated the Chair 8:35 pm

ITEM-13 ECDEV - 29/10/18 - ENERGY AUSTRALIA PIPERS FLAT RAIL COAL UNLOADER MOD 1, PIPERS FLAT ROAD WALLERAWANG

18 – 290 RESOLVED

THAT the information in the report on the Energy Australia-Pipers Flat Rail Coal Unloader, Modification Project Approval 06_0271, be NOTED.

MOVED: Councillor J Smith

SECONDED: Councillor M Statham

CARRIED - Unanimously

ITEM-14 ECDEV - 29/10/18 - LAND ACQUISITION AND DISPOSAL POLICY

18 – 291 RESOLVED

THAT Council resolve to adopt Policy 1.6 'Land Acquisition and Disposal Policy'.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

**ITEM-15 ECDEV - 29/10/18 - ECONOMIC DEVELOPMENT & ENVIRONMENT
POLICY REVIEW**

18 – 292 RESOLVED

THAT

1. Revised Policy 7.5 – Notification of Development Application be placed on public exhibition for a period of 21 days with the policy being reported back to Council for final adoption following exhibition and consideration of any submissions received.
2. Policy 7.8 – Sex Services Premises and Home Occupation (Sex Services) Premises requirements be repealed.
3. Policy 7.9 – Requirements for Restricted Premises be repealed.
4. Council's policy register be adjusted due to the repeal of two policies with Policy 7.10 – Planning Agreements to be renumbered Policy 7.8 and Policy 7.11 Asbestos Management to be renumbered Policy 7.9.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

WATER AND WASTEWATER REPORTS

ITEM-16 WWW - 29/10/18 – WATER & WASTEWATER POLICY REVIEW

18 – 293 RESOLVED

THAT Council adopt Policy No. 3.5 Sewer Connections and Policy No. 3.6 Fire Service Connection and implement the policies immediately.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED - Unanimously

FOR

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

AGAINST

Nil

ITEM-17 WWW - 29/10/18 - WATER REPORT

18 – 294 RESOLVED

THAT Council accept the information provided in the Water Report.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED - Unanimously

FOR

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

AGAINST

Nil

ITEM-18 WWW - 29/10/18 - REMOVAL OF WATER RESTRICTIONS

18 – 295 RESOLVED

THAT Council remove water restrictions.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED – Unanimously

FOR

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

AGAINST

Nil

FINANCE AND ASSETS REPORTS

**ITEM-19 FIN - 29/10/18 - CESSATION OF WATER SAVING INCENTIVE
SCHEMES**

18 – 296 RESOLVED

THAT Council cease offering the water saving schemes with immediate effect, with any rebate applications on hand at 29 October 2018 to be processed in accordance with the scheme guidelines.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED

FOR

Councillor R Thompson
Councillor W McAndrew
Councillor D Goodsell
Councillor D Goodwin
Councillor S Ring
Councillor J Smith
Councillor S Lesslie

AGAINST

Councillor M Statham
Councillor C Coleman

**ITEM-20 FIN - 29/10/18 - REQUEST FOR CONSIDERATION - EXCESSIVE
WATER ACCOUNT - PROPERTY 3360**

18 – 297 RESOLVED

THAT Council:

1. Charge the owner of Property 3360 \$35.53 for the water account during the period of the undetected leak and write-off the remaining balance of \$4,491.92.
2. Based on the property owner's estimated water usage of 11KLS for the billing period, allow up to 239 KLS of water usage for the remainder of the 2018/19 year at the tier 1 rate of \$3.23.
3. Advise the property owner in writing of Council's resolution.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED - Unanimously

FOR

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

AGAINST

Nil

ITEM-21 FIN - 29/10/18 - ACCESS TO INFORMATION HELD POLICY REVIEW

18 - 298 RESOLVED

THAT the revised Policy 9.11 Access to Information Held be adopted and implemented immediately.

MOVED: Councillor S Ring **SECONDED:** Councillor D Goodwin

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

ITEM-22 FIN - 29/10/18 - EXTERNAL GRANT FUNDING POLICY

18 – 299 RESOLVED

THAT Council:

1. Endorse draft Policy 8.9 External Grant Funding for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 8.9 External Grant Funding be returned to Council for consideration.

MOVED: Councillor C Coleman

SECONDED: Councillor M Statham

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

**ITEM-23 FIN - 29/10/18 - POLICY 8.1 EXCESS WATER USAGE ALLOWANCE
FOR BREAKAGES**

18 – 300 RESOLVED

THAT

1. Council endorse Policy 8.1 Excessive Water Usage Allowance for Breakages for public exhibition and comment for 28 days.
2. Following the exhibition period, the policy be returned to Council for consideration.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

CARRIED – Unanimously

FOR

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

AGAINST

Nil

PEOPLE AND SERVICES REPORTS

**ITEM-24 PS - 29/10/18 - RON BIDWELL OAM ROTARY PARK RENAMING
PROPOSAL**

Cr Ring called a Point of Order regarding the relevance of the information concerning two awards for the Late Mr Ron Bidwell.

The Mayor requested that Cr Statham resume her seat.

Cr Coleman called a Point of Order regarding the second point in the motion and sought clarification from Cr Statham as to whether the second point was an amendment or part of the original motion.

The Mayor ruled that it was part of the original motion.

18 - 301 RESOLVED

THAT Council:

1. Advise the Geographical Names Board that it endorses the proposal to rename Rotary Park Portland to the Ron Bidwell Rotary Park.
2. The administration work with members of The Wallnuts to facilitate signage for the Park.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED – Unanimously

FOR

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

AGAINST

Nil

ITEM-25 PS - 29/10/18 - MENTAL HEALTH AND WELLBEING POLICY

18 – 302 RESOLVED

THAT

1. Council place Draft 9.20 Mental Health and Wellbeing Policy on public exhibition for a period of 28 days.
2. Following the exhibition period, draft Policy 9.20 is returned to Council for consideration, with details of any submissions made during the exhibition period and any recommendations or amendments that may come from the submissions.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED – Unanimously

FOR

Councillor R Thompson
Councillor W McAndrew
Councillor D Goodsell
Councillor D Goodwin
Councillor S Ring
Councillor J Smith
Councillor S Lesslie

Councillor M Statham
Councillor C Coleman

AGAINST

Nil

ITEM-26 PS - 29/10/18 - JM ROBSON AQUATIC CENTRE MANAGMENT PLAN

Cr Goodwin vacated the chambers at 9:11 pm

18 – 303 RESOLVED

THAT

1. Council endorse JM Robson Aquatic Centre Management Plan for Public exhibition 28 days.
2. Following exhibition period JM Robson Aquatic Centre Management Plan be returned to Council for consideration.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED

FOR

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

AGAINST

Nil

Cr Goodwin returned to the Chambers at 9:12pm.

COUNCIL COMMITTEE MINUTES

ITEM-27 PS - 29/10/18 - YOUTH COUNCIL MINUTES 18 SEPTEMBER 2018

18 – 304 RESOLVED

THAT Council Notes the minutes of the Youth Council meeting held on 18 September 2018.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

**ITEM-28 IS - 29/10/18 - OPERATIONS COMMITTEE MEETING MINUTES - 2
OCTOBER 2018**

MOTION

THAT Council:

1. Accept the update regarding the Cullen Bullen Sewerage Scheme; and
2. Accept the update regarding the Portland Sewerage Treatment Plant; and
3. Accept the report on variations effected to date and the current state of the budget for the Lithgow CBD Revitalisation Project; and
4. Subject to not compromising criteria for grant funding for Stage 2 of the Lithgow CBD Revitalisation Project;
 - a. Utilise budgeted funds to begin the detailed design and costing process for the full Stage 2 Scope of works; and
 - b. Continue applying for State and Federal grant funding to assist in the implementation of the Action Plan; and
 - c. That the Items in Recommendation 4 herewith be deferred until further report is prepared and gained by the General Manager.
5. Accept the update regarding the Drought Management & Integrated Water Cycle Management Strategy; and
6. In regard to the Clarence Environmental Protection Licence Variation:
 - a. Engage WaterNSW / EPA and clarify licence limits on water drawn from Clarence noting the limit has not increased since early 1980, and that the current limit may impact on the current proposal being considered by Centennial in their response to the PRP issued by the EPA; and
 - b. Look to finalise the Memorandum of Understanding with Centennial Coal; and
 - c. Seek further information from Centennial Coal on proposed options to meet the Pollution Reduction Program (PRP); and
 - d. Confirm Council's view that safety is paramount and administration seek immediate guidance from WaterNSW / EPA as to why the 'Dam Spilling' clause is no longer contained in the licence conditions; and
7. Make the Portland CBD Works Project a consideration for the 2019/20 Draft Operational Plan; and

8. Accept the report concerning compliance with regard to Lithgow's Main Street Footpaths and Disability Standards; and
 - a. Include works to improve disability access in its Stage 2 of the Revitalisation Project; and
 - b. Administration develop a Risk Management Strategy for disabled access; and
 - c. Confirm its Risk Management Strategy with Council's Legal Advisor; and
9. Reallocate \$8,000.00 from savings obtained during the capital improvements to Burnett Street, Wallerawang to the reconstruction of the 30m section of Piper Street Lane adjacent to 19 Piper Street, Portland; and
10. Accept the report on the Hartley Valley Road Widening; and
 - a. Consider the allocation of \$40,000.00 to the widening of Hartley Valley Road, Lithgow in the 2019/20 Draft Operational Plan; and
11. Accept the report on the Recreation Capital Budget Reallocation; and
 - a. Approve the reallocation of \$20,000.00 from PJ100256 (Lithgow Cemetery Footpaths 2018/19) to fund the continuation of incomplete stormwater infrastructure associated with access roads at the Lithgow Cemetery; and
12. Reallocate funds from the Burnett Street, Wallerawang Project to purchase two bins for installation at Cook Street Plaza.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

AMENDMENT

Point 4 of the recommendation:

THAT stage 2 of the CBD revitalisation be deferred for 12 months or until Council be informed all work undertaken by NBN Co. is completed or whichever is longer.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

Cr Coleman called a Point of Order as she was concerned that Cr Statham had not had an opportunity to speak on the amendment.

The Mayor ruled that Cr Statham should have the opportunity to speak on the amendment.

The Amendment was PUT and **LOST**

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

Divisions -

FOR

Councillor S Lesslie

AGAINST

Councillor C Coleman

Councillor D Goodsell

Councillor D Goodwin

Councillor W McAndrew

Councillor S Ring

Councillor J Smith

Councillor M Statham

Councillor R Thompson

AMENDMENT

On Item 7 of the recommendation:

THAT the Lithgow City Council make the Revitalisation of the Portland CBD a high priority by scheduling the works as outlined in item 10 in the Operations Committee Agenda and carried out as soon as practicable.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

The Amendment was PUT and was LOST

FOR

Councillor S Lesslie
Councillor C Coleman

AGAINST

Councillor D Goodsell
Councillor D Goodwin
Councillor W McAndrew
Councillor S Ring
Councillor J Smith
Councillor M Statham
Councillor R Thompson

AMENDMENT

On item 12 of the Operations Committee Agenda

THAT:

1. Any funds from the Burnett Street Wallerawang Project be transferred to Council's General Funds
2. Council purchase two bins to be installed at Cook Street Plaza at the cost of up to \$3,000.

MOVED: Councillor S Lesslie

SECONDED:

The Amendment lapsed due to a want of a seconder.

AMENDMENT

THAT Council: resolve to accept points 1 to 3 and 5 to 12 of the Management recommendation and defer point 4 pending a full report from administration to the next council meeting concerning:

1. The cost of any issues of the NBN installation
2. Any potential compromise of funding as a result of deferring stage 2 of the Main Street CBD revitalisation.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

The Amendment was PUT and became the MOTION

18 – 305 RESOLVED

THAT Council: resolve to accept points 1 to 3 and 5 to 12 of the Management recommendation and defer point 4 pending a full report from administration to the next council meeting concerning:

1. The cost of any issues of the NBN installation
2. Any potential compromise of funding as a result of deferring stage 2 of the Main Street CBD revitalisation.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

ITEM-29 ECDEV - 29/10/18 - ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES 3 OCTOBER 2018

Cr Lesslie called a Point of Order at the end of Cr Ring's right of reply – The Mayor informed Cr Lesslie that this was Cr Ring's right of reply.

Cr Ring called a Point of Order due to Cr Lesslie calling a Point of Order after his right of reply.

Cr Lesslie stated that he did not hear the Mayor call for other speakers on the matter.

The Mayor stated that he had called for any further discussion and asked Cr Lesslie what his point of order was.

Cr Lesslie's point of order was that he arrived the committee meeting at 5:01 pm and when he arrived that the discussion that Cr Ring referred to in his closing comments had concluded therefore there must have been minimal discussion.

The Mayor ruled that there was no point of order and that Cr Lesslie was incorrect.

18 – 306 RESOLVED

THAT the recommendations of the Economic Development Committee meetings of 3 October 2018 be adopted.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

**ITEM-30 FIN - 29/10/18 - FINANCE COMMITTEE MEETING MINUTES 8
 OCTOBER 2018**

18 – 307 RESOLVED

THAT Council:

1. Adopt the minutes of the Finance Committee held on 8 October 2018 and the items not requiring a resolution of Council;
2. Adopt the Committee's endorsement of recommendations proposed in the Finance and Assets business papers to be put to the October Council meeting.
3. Endorse the recommendations proposed in the Council Investments Report September 2018 and the 2017/18 Financial Statements report.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED

FOR

Councillor R Thompson
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin

Councillor J Smith
Councillor M Statham
Councillor S Ring

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

**ITEM-31 IS - 29/10/18 - SPORTS ADVISORY COMMITTEE MEETING MINUTES -
10 OCTOBER 2018**

18 – 308 RESOLVED

THAT Council:

1. Note the Minutes of the Sports Advisory Committee held 10 October 2018; and
2. Provide Brenna Croker with \$500.00 toward the cost of participating in the Tri Nations Tournament.

MOVED: Councillor D Goodwin

SECONDED: Councillor S Ring

CARRIED

FOR

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

AGAINST

Councillor S Lesslie
Councillor D Goodwin

Cr Goodwin and Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

FORESHADOWED MOTION

THAT Council provide the necessary administrative support to the Sports Advisory Committee to host a meeting as soon as practicable with representatives of all sporting groups within the LGA to discuss options and support for the development of a strategic plan that would address (but not restricted to) the following issues:

1. LGA wide priorities for seeking external funding (for both council and non-council assets)
2. Sharing of resources inclusive of playing fields
3. Priorities for maintenance and capital works to Council owned assets.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

18 – 309 RESOLVED

THAT Council provide the necessary administrative support to the Sports Advisory Committee to host a meeting as soon as practicable with representatives of all sporting groups within the LGA to discuss options and support for the development of a strategic plan that would address (but not restricted to) the following issues:

1. LGA wide priorities for seeking external funding (for both council and non-council assets)
2. Sharing of resources inclusive of playing fields
3. Priorities for maintenance and capital works to Council owned assets.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED – Unanimously

FOR

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

AGAINST

Nil

NOTICE OF MOTION

ITEM-32 NOTICE OF MOTION - 29/10/18 - WOMEN'S ADVISORY COMMITTEE

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

18 – 310 RESOLVED

THAT the General Manager provides a report to Council, taking costs into consideration, on the benefits of establishing a Lithgow City Council Women's Advisory Committee.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED – Unanimously

FOR

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

AGAINST

Nil

FORESHADOWED MOTION

THAT the administration provides a report to Council on the establishment of a Men's Health Advisory Committee under s355 of the Local Government Act and that the Administration organises a public meeting to discuss the scope of the terms of reference prior to the conclusion of 2018.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

Cr McAndrew raised a Point of Order – Cr McAndrew questioned whether this was an Amendment or a Foreshadowed Motion.

The Mayor ruled that it was a foreshadowed motion and that it will be allowed.

18 – 311 RESOLVED

THAT the administration provides a report to Council on the establishment of a Men's Health Advisory Committee under s355 of the Local Government Act and that the Administration organises a public meeting to discuss the scope of the terms of reference prior to the conclusion of 2018 and to include.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED – Unanimously

FOR

Councillor R Thompson
Councillor W McAndrew
Councillor D Goodsell
Councillor D Goodwin
Councillor S Ring
Councillor J Smith

Councillor S Lesslie
Councillor M Statham
Councillor C Coleman

AGAINST

Nil

ITEM-33 NOTICE OF MOTION - 29/10/18 - ALGWA LITHGOW VISIT

REPORT BY: COUNCILLOR CASSANDRA COLEMAN

18 – 312 RESOLVED

THAT Lithgow City Council welcome and sponsor the ALGWA Executive meeting on 16 and 17 November 2018 in the manner suggested.

MOVED: Councillor C Coleman

SECONDED: Councillor R Thompson

CARRIED – Unanimously

FOR

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

AGAINST

Nil

ITEM-34 NOTICE OF MOTION - 29/10/18 - 32 IAN HOLT DRIVE LIDSDALE

REPORT BY: COUNCILLOR WAYNE MCANDREW

MOTION

THAT the zone mapping be corrected and Lot 1, DP 914028 and Lot 1, DP 914029 be returned to their original residential zoning or the appropriate residential zoning applicable to that area.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

AMENDMENT

THAT the matter be deferred to the next Operations Committee Meeting.

MOVED: Councillor S Lesslie

SECONDED:

The Amendment Lapsed due to a lack of a seconder.

AMENDMENT

THAT Council undertake a spot rezoning for Lot 1, DP 914028 and Lot 1, DP 914029 and waiver the fee.

MOVED: Councillor S Ring

SECONDED:

The Amendment Lapsed due to a lack of a seconder.

AMENDMENT

THAT the General Manager seeks urgent legal advice regarding the circumstances applying in this issue in a context where Councillors believed they were not fully informed at the time and management are of the view that no error has occurred in the re-zoning process.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

The Amendment was PUT and became the MOTION

18 – 313 RESOLVED

THAT the General Manager seeks urgent legal advice regarding the circumstances applying in this issue in a context where Councillors believed they were not fully informed at the time and management are of the view that no error has occurred in the re-zoning process.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED

FOR

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

AGAINST

Councillor S Lesslie

Cr Lesslie failed to vote on this matter and by virtue of Clause 251(1) of the Local Government (General) Regulation 2005 is taken to have voted against the motion.

ITEM-35 NOTICE OF MOTION - 29/10/18 - BANKING SERVICES TO COUNCIL

REPORT BY: COUNCILLOR WAYNE MCANDREW

18 – 314 RESOLVED

THAT the Council General Manager prepares a report for Council concerning the provisions of banking services for Council and the tender criteria that would be applied.

The criteria in my view should include but not be limited to:

- Cost effectiveness and investment returns
- Banking Royal Commission outcomes relevant to each tenderer
- Community commitments and engagement
- Each tenderer's policies in relation to investment in coal mining and alternative energy
- Effective service provision to Lithgow Council

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED – Unanimously

FOR

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

AGAINST

Nil

**ITEM-36 NOTICE OF MOTION - 29/10/18 - KANIMBLA VALLEY MOBILE PHONE
BLACK SPOT ACTION GROUP**

18 – 315 RESOLVED

THAT Lithgow City Council write to both the Local Member Mr Andrew Gee and the Minister for Regional Communications about the lack of adequate mobile coverage in this area and seek the Minister's support to address the issue.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED – Unanimously

FOR

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

AGAINST

Nil

**ITEM-37 NOTICE OF MOTION - 29/10/18 - EXCESS WATER INCH STREET
LITHGOW**

REPORT BY: COUNCILLOR STEVE RING

18 – 316 RESOLVED

THAT Council:

1. Investigate the cost of undertaking appropriate hydrological or geotechnical analysis of the excess water problem in Inch Street.
2. Assess its financial capacity to undertake the studies in the current financial year and if not possible, include the cost of the studies in the 2019/20 budget papers for consideration.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED – Unanimously

FOR

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

AGAINST

Nil

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.*

Cr Ring left the chambers at 11:01 pm and returned at 11:03 pm.

Cr Lesslie requested that Lithgow City Council issue a press release apologising to the ratepayers of Lithgow City Council for the disrespect shown to them in the press release **“Media Release – Thank you to Paul Toole – Contribution to Wallerawang & Portland Skate parks”** for failing to mention the significant contribution of \$189,000 made by them, through their rates, for the construction of each of the two skate parks. The Press release should also point out that the State budget is in the billions whilst Lithgow City’s budget is approximately \$60 million.

Cr McAndrew called a Point of Order.

The Mayor declared the matter not to be Business of great urgency.

Cr Smith raised the issue of the grandstands being cleaned.

The Mayor declared the matter not to be of great urgency.

18 – 317 RESOLVED

THAT for Items 38 to 43 in Closed Council in accordance with Section 10A (2) of the Local Government Act 1993 for the specific reason stated within the individual Closed Council reports for each individual item.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED

CLOSED COUNCIL

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

There were Nil objections.

The Mayor called a five-minute adjournment at 11:06 pm.

Michael McGrath – Director People and Services left the meeting at 11:06 pm.

The Council Resumed at 11:12 pm.

18 – 318 RESOLVED

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

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED

At 11:12 pm the Council resolved to move into Closed Council.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED

PROCEDURAL MOTION

THAT Council move into a Committee of the whole.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

CARRIED

Closed Council commenced at 11:12 pm.

CONFIDENTIAL REPORTS

ITEM-38 **CONFIDENTIAL - CLOSED REPORT - FIN - 29/10/18 - SELECTIVE TENDER EVALUATION CULLEN BULLEN SEWER SCHEME**

18 – 319 RESOLVED

THAT

1. Council, in accordance with Clause 178 (1) (a) of the *Local Government (General) Regulation 2005*, accept the offer tendered for the Concept Design of the Cullen Bullen Sewerage Scheme from GHD Pty Ltd for the amount of \$205,201 (plus GST).
2. The General Manager be authorised to execute the contract on behalf of Council under delegated authority.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED – Unanimously

FOR

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

AGAINST

Nil

ITEM-39 **CONFIDENTIAL - CLOSED REPORT - FIN - 29/10/18 - UNREASONABLE COMPLAINANTS**

18 – 320 RESOLVED

THAT Council note the information regarding unreasonable complainants included in the report and strongly endorse the action of the General Manager.

MOVED: Councillor J Smith **SECONDED:** Councillor M Statham

CARRIED – Unanimously

FOR

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

AGAINST

Nil

**ITEM-40 CONFIDENTIAL - CLOSED REPORT - IS - 29/10/18 - ASPHALT
CONTRACTS FOR 2018/19 CAPITAL WORKS**

18 – 321 RESOLVED

THAT

Council:

1. Accept the tender from Downer EDI Works Pty Ltd at a lump sum price of \$940,437.88 (inc. GST) for asphalt sealing services in line with Council's approved Operational Plan 2018/19;
2. Approve the subtraction of \$33,600.00 from 100348 – Lett Street, Lithgow, \$38,000.00 from 100349 – Clarice Street, Lithgow, \$19,000.00 from 100350 – John Street, Lithgow, \$16,000.00 from 100351 – Tank / Clarice Lane, Lithgow and \$93,000.00 from 100366 – Blackberry Lane, Lithgow; and
3. Approve the addition of \$74,000.00 to 100166 – Bridge Street, Lithgow, \$50,000.00 to 100376 – Enfield Avenue, Lithgow.
4. Approve the allocation of \$75,000.00 to a new project for the purpose of urgent pavement stabilisation and surface repairs at Range Road, Pipers Flat Road and Wolgan Road, Lidsdale.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED – Unanimously

FOR

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

AGAINST

Nil

**ITEM-41 ECDEV - 29/10/18 - CLOSED REPORT - CONFIDENTIAL -
 EXPRESSION OF INTEREST REAL ESTATE AGENT**

Due to a previous declaration of interest the General Manager vacated the chambers at 11:17 pm.

18 – 322 RESOLVED

THAT

1. LJ Hooker Lithgow is offered the provision of real estate services in relation to property acquisitions and disposals, on behalf of Council, for a period of three (3) years.
2. Council delegate authority to the General Manager to enter into the Real Estate Services Agreement with LJ Hooker Lithgow.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED – Unanimously

FOR

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

AGAINST

Nil

The General Manager returned to the chambers at 11:18 pm.

ITEM-42 CONFIDENTIAL - GM - 29/10/18 - APPOINTMENT OF PERSONNEL 1

Acting Director of Water and Wastewater and the Acting Director of Infrastructure Services vacated the chambers at 11:19 pm.

18 – 323 RESOLVED

THAT Councillors note and agree the General Managers decision to appoint Mr Daniel Buckens as Director Water and Waste Water on a standard five year designated Senior Staff performance based contract.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED - Unanimously

FOR

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

AGAINST

Nil

ITEM-43 CONFIDENTIAL - GM - 29/10/18 - APPOINTMENT OF PERSONNEL 2

18 – 324 RESOLVED

THAT Councillors note and agree the General Managers decision to appoint Mr Jonathon Edgecombe as Director Infrastructure Services on a standard five year designated Senior Staff performance based contract.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

CARRIED – Unanimously

FOR

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

AGAINST

Nil

The staff returned to the Chambers at 11:25 pm.

PROCEDURAL MOTION

THAT Council move back into full council.

MOVED: Councillor R Thompson

At 11:26 pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

CARRIED

The General Manager announced the recommendations of the Closed Council.

Item 38

CONFIDENTIAL - CLOSED REPORT - 29/10/2018 SELECTIVE TENDER EVALUATION CULLEN BULLEN SEWER SCHEME

RESOLVED

THAT

1. Council, in accordance with Clause 178 (1) (a) of the *Local Government (General) Regulation 2005*, accept the offer tendered for the Concept Design of the Cullen Bullen Sewerage Scheme from GHD Pty Ltd for the amount of \$205,201 (plus GST).
2. The General Manager be authorised to execute the contract on behalf of Council under delegated authority.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED – Unanimously

Item 39

CONFIDENTIAL - CLOSED REPORT - 29/10/2018 - UNREASONABLE COMPLAINANTS

RESOLVED

THAT Council note the information regarding unreasonable complainants included in the report and strongly endorse the action of the General Manager.

MOVED: Councillor J Smith

SECONDED: Councillor M Statham

CARRIED – Unanimously

Item 40

CONFIDENTIAL - CLOSED REPORT - 29/10/2018 - ASPHALT CONTRACTS FOR 2018/19 CAPITAL WORKS

RESOLVED

THAT

Council:

1. Accept the tender from Downer EDI Works Pty Ltd at a lump sum price of \$940,437.88 (inc. GST) for asphalt sealing services in line with Council's approved Operational Plan 2018/19;
2. Approve the subtraction of \$33,600.00 from 100348 – Lett Street, Lithgow, \$38,000.00 from 100349 – Clarice Street, Lithgow, \$19,000.00 from 100350 – John Street, Lithgow, \$16,000.00 from 100351 – Tank / Clarice Lane, Lithgow and \$93,000.00 from 100366 – Blackberry Lane, Lithgow; and
3. Approve the addition of \$74,000.00 to 100166 – Bridge Street, Lithgow, \$50,000.00 to 100376 – Enfield Avenue, Lithgow.
4. Approve the allocation of \$75,000.00 to a new project for the purpose of urgent pavement stabilisation and surface repairs at Range Road, Pipers Flat Road and Wolgan Road, Lidsdale.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED – Unanimously

Item 41

CONFIDENTIAL - CLOSED REPORT - 29/10/2018 - EXPRESSION OF INTEREST REAL ESTATE AGENT

RESOLVED

THAT

1. LJ Hooker Lithgow is offered the provision of real estate services in relation to property acquisitions and disposals, on behalf of Council, for a period of three (3) years.
2. Council delegate authority to the General Manager to enter into the Real Estate Services Agreement with LJ Hooker Lithgow.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED – Unanimously

Item 42

CONFIDENTIAL - CLOSED REPORT - 29/10/2018 - APPOINTMENT OF PERSONNEL 1

RESOLVED

THAT Councillors note and agree the General Managers decision to appoint Mr Daniel Buckens as Director Water and Waste Water on a standard five year designated Senior Staff performance based contract.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED - Unanimously

Item 43

CONFIDENTIAL - CLOSED REPORT - 29/10/2018 - APPOINTMENT OF PERSONNEL 2

RESOLVED

THAT Councillors note and agree the General Managers decision to appoint Mr Jonathon Edgecombe as Director Infrastructure Services on a standard five year designated Senior Staff performance based contract.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

CARRIED – Unanimously

There being no further business the Mayor declared the meeting closed at 11:29 pm.