



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 July 2022

at 7:00 PM

ORDER OF BUSINESS

1. Acknowledgement of Country	4
2. Present	4
3. Apologies	4
4. Declaration of Interest	4
5. Confirmation of Minutes.....	5
6. Commemorations and Announcements	5
7. Public Forum.....	5
8. Mayoral Minutes.....	6
9. Notices of Motion.....	6
9.1. Notice of Motion - 25/07/2022 - Cr C Coleman - Companion Animals	6
9.2. Notice of Motion - 25/07/2022 - Cr E Mahony - Greater community participation and ease of access to Council meetings	6
10. Staff Reports	7
10.1. People and Services Reports.....	7
10.1.1. Building and Development.....	7
10.1.1.1. ECDEV - 25/07/2022 Variations to Development Standards under Clause 4.6 of the Standard Instrument.....	7
10.1.1.2. ECDEV - 25/07/2022 - DA070/22 - Geotechnical Investigation Works, Lake Lyell	7
10.1.1.3. ECDEV - 25/07/2022 - HyTec Quarry Voluntary Planning Contribution and Community Grant.....	8
10.1.2. People and Services General Reports	9
10.1.2.1. PS - 25/07/2022 - Reconnecting Regional NSW Community Events Program	9
10.1.2.2. PS - 25/07/2022 Community Recovery Officer Quarterly Report	9
10.1.2.3. PS - 25/07/2022 - Appointment of Additional Community Representatives to Council Committees	9
10.1.2.4. PS - 25/07/2022 -Financial Assistance Recommendations	10
10.2. Infrastructure Services Reports.....	11
10.2.1. IS - 25/07/2022 - Financial Assistance Request - Sporting Achievement.....	11
10.2.2. IS - 25/07/2022 - Gardens of Stone Draft Master Plan – Council’s Response	11
10.2.3. IS - 25/07/2022 - Proposed Amendment to J M Robson Aquatic Centre Fees and Charges....	12
10.2.4. IS - 25/07/2022 - Natural Disaster Recovery Process.....	12
10.3. Finance and Assets Reports	12
10.3.1. FIN - 25/07/2022 - Contracts for the Supply and Delivery of Bulk Fuel	12
10.3.2. FIN - 25/07/2022 - Financial Assistance Grant Allocation.....	13
10.3.3. PS - 25/07/2022 - Community Engagement - Options for a Sustainable Lithgow	13
10.3.4. FIN - 25/07/2022 - Accounting Treatment of RFS (Red Fleet) Assets.....	13

10.3.5. FIN - 25/07/2022 - Referral of Financial Reports for External Audit - Year Ended 30 June 2022	14
10.3.6. FIN - 25/07/22 - Proposed Leases	14
10.4. Policies and Governance	14
10.4.1. IS - 25/07/2022 - Review of Policy 10.5: Footpath Reservations – Works Requirements	14
11. Council Committee Reports	15
11.1. IS - 27/06/2022 - Sports Advisory Committee Minutes - 8 June 2022	15
11.2. FIN - 25/07/2022 - Audit & Risk Improvement Committee (ARIC) Minutes - 6 July 2022	15
11.3. LATE REPORT - IS - 25/07/2022 - Operation Committee Meeting Minutes 14/07/2022	15
12. Business of Great Urgency	16

DRAFT

The Mayor declared the meeting open at 7:00 pm.

1. Acknowledgement of Country

The Mayor acknowledged the traditional custodians of this land we are on here today, and paid respect to their elders both past, present and emerging.

The Mayor went on to inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

2. Present

Public: 73

Her Worship the Mayor Councillor M Statham
Councillor A Bryce
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie
Councillor S McGhie
Councillor E Mahony
Councillor C O' Connor

Also in attendance
Craig Butler, General Manager
Ross Gurney, Chief Financial and Information Officer
Jonathon Edgecombe, Director Infrastructure Services
Michael McGrath, Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Trinity Newton, Minutes Secretary

3. Apologies

All being present there were no apologies.

4. Declaration of Interest

Councillor E Mahony declared a less than significant, non pecuniary interest in relation to Item 10.1.2.4 - Financial Assistance Recommendations for the reason that he is has been involved in the Oakey Park Community. Councillor E Mahony advised that he did not intend to vacate the Chambers.

Councillor M Statham declared a less than significant, non pecuniary interest in relation to item 10.1.2.4 - Financial Assistance Recommendations as she is a member of a the Portland Tidy Towns. Councillor M Statham advised that she did not intend to vacate the Chambers.

Councillor A Bryce declared a less than significant, non pecuniary conflict of interest in Item 10.3.3 for the reason that she is employed by a stakeholder, Councillor Bryce advised that she will vacate the Chambers when the matter is dealt with.

5. Confirmation of Minutes

22 -133 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 27 June 2022 were taken as read and confirmed.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

6. Commemorations and Announcements

On behalf of Lithgow City Council the Mayor expresses sincere sympathy and condolences to families who have lost loved ones since the last council meeting.

7. Public Forum

At 7:02 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Martin Sheehan made a statement in relation to Item 10.1.1.2 on the business paper. The Mayor thanked Mr Sheehan for his statement.

Mr Rob White made a statement in relation to Item 10.1.1.2 on the business paper .

PROCEDURAL MOTION

THAT an extension of time be granted to Mr White.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

The Mayor thanked Mr White for his statement.

Mr Ray Smith made a statement in relation to Item 10.1.1.2 on the business paper .

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Smith.

MOVED: Councillor D Goodsell

SECONDED: Councillor E Mahony

CARRIED

The Mayor thanked Mr Smith for his statement.

Mr Ben Lane made a statement in relation to Item 10.1.1.2 on the business paper.
The Mayor thanked Mr Lane for his statement.

Ben Eastwood on behalf of EnergyAustralia made a statement in relation to Item 10.1.1.2 on the business paper.
The Mayor thanked Mr Eastwood for his statement.

Mrs Pamela Fitzgerald made a statement in relation to Item 10.3.6 on the business paper.
The Mayor thanked Mrs Fitzgerald for her statement.

Mr Henry Herron made a statement in relation to Item 10.1.1.2 on the business paper.
The Mayor thanked Mr Herron for his statement.

8. Mayoral Minutes

There were no Mayoral minutes tabled.

9. Notices of Motion

9.1. Notice of Motion - 25/07/2022 - Cr C Coleman - Companion Animals

Report by Councillor Cassandra Coleman

MOTION

THAT the General Manager provides a report to Council, taking into account the possible costs involved, on the benefits of establishing a Companion Animal Advisory Committee.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

LOST

9.2. Notice of Motion - 25/07/2022 - Cr E Mahony - Greater community participation and ease of access to Council meetings

Report by Councillor Eric Mahony

MOTION

THAT the Council bring back a report on the feasibility of running 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 C Coleman

LOST

Councillor S Lesslie called a Point of Order seeking clarification on the motion's outcome.

The Mayor declared the Motion LOST.

10. Staff Reports

10.1. People and Services Reports

10.1.1. Building and Development

10.1.1.1. ECDEV - 25/07/2022 Variations to Development Standards under Clause 4.6 of the Standard Instrument

22 -134 RESOLVED

THAT Council note the information provided in the report relating to variations to Development Standards under Clause 4.6 of the Standard Instrument for the April to June 2022 quarter.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

10.1.1.2. ECDEV - 25/07/2022 - DA070/22 - Geotechnical Investigation Works, Lake Lyell

The Mayor called a Point of Order on Councillor S Lesslie and requested him to stop discussing items that were not on the business paper.

Councillor S M^cGhie called a Point of Order on Councillor S Lesslie correcting Councillor Lesslie on information in the comments Councillor S Lesslie was making.

Councillor A Bryce called on Point of Order on Councillor S Lesslie reasoning that the statements were disrespectful to another Councillor.

The Mayor upheld the Point of Order and gave Councillor S Lesslie a warning.

The Mayor asked the Public Gallery to refrain from commenting on the proceedings.

The Mayor called a Point of Order on Councillor S Lesslie asking him to speak on items on the business paper.

PROCEDURAL MOTION

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

MOVED: Councillor D Goodsell

SECONDED: Councillor C Coleman

LOST

Councillor S McGhie called a Point of Order on Councillor E Mahony asking him to please address the Chair.

The Mayor upheld the Point of Order.

22 -135 RESOLVED

THAT:

1. Development Application DA070/22 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 C O'Connor

SECONDED: Councillor S McGhie

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 735A (3) of the Local Government Act, 1993.

Divisions

FOR: Councillor M Statham, Councillor A Bryce, Councillor D Goodwin, Councillor S McGhie and Councillor C O'Connor

AGAINST: Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie and Councillor E Mahony

10.1.1.3. ECDEV - 25/07/2022 - HyTec Quarry Voluntary Planning Contribution and Community Grant

22 -136 RESOLVED

THAT

1. The annual distribution of the Hytec funding, as per the VPA, be incorporated into Council's Capital Works Program each year.
2. A portion (50%) of the VPA for the Quarry is allocated to capital work projects within the Hartley precinct.
3. The remainder (50%) of the VPA for the Quarry is allocated to capital work projects within the Lithgow ad surrounding communities.
4. The 2021 VPA funding is allocated to the Capital Works Program for the upgrade of Baaners Lane.
5. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
6. The distribution of the Hytec funding be brought back to Council in twelve months time.

MOVED: Councillor D Goodsell

SECONDED: Councillor C Coleman

CARRIED

A **DIVISION** was called in accordance with the requirements of Section 735A (3) of the Local Government Act, 1993.

Divisions

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

AGAINST: Nil

10.1.2. People and Services General Reports

10.1.2.1. PS - 25/07/2022 - Reconnecting Regional NSW Community Events Program

22 -137 RESOLVED

THAT Council:

1. Note that fourteen applications to the value of \$239,651 have been submitted for funding under the Reconnecting Regional NSW – Community Events Program.
2. Endorse a variation to 2022/23 operational budgets to add income and expenditure budgets of \$239,651 to the Operational Plan.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED

10.1.2.2. PS - 25/07/2022 Community Recovery Officer Quarterly Report

22 -138 RESOLVED

THAT Council note the Community Recovery Officer report for the period March 2022 – June 2022.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

Councillor D Goodwin left the meeting at 8:17 pm.

Councillor D Goodwin returned to the meeting at 8:19 pm.

10.1.2.3. PS - 25/07/2022 - Appointment of Additional Community Representatives to Council Committees

22 -139 RESOLVED

THAT Council appoint Glenda Anthes to the Women's Advisory Committee and Bryan Williamson to the Community Development Committee.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

10.1.2.4. PS - 25/07/2022 - Financial Assistance Recommendations

Due to a declaration of interest Councillor E Mahony will abstain from voting on the item but will remain in the Chambers.

22 -140 RESOLVED

THAT Council

1. Approve \$21,408 in financial assistance to the following twelve projects -

Organisation	Project	Request Amount	Recommended amount
Rydal Village Association	Daffodils at Rydal 2022	\$1,500	\$1,500
Tarana Tanker Trailers	Registration of 12 fire fighting tanker trailers	\$1,350	\$1,350
Lithgow City Band	Cost of Business Pack Insurance including Public Liability insurance	\$3,000	\$2,000
Association of Bell, Dargan and Clarence	Employ community empowerment coordinator 5 hours pw for 16 weeks to oversee project management of community hall construction	\$3,000	\$3,000
Lithgow Environment Group	Engage young people in conservation work	\$3,000	\$1,500
Lithgow Community Projects	Trauma Informed Care Conference	\$3,000	\$1,500
Lithgow District Car Club	Rate reimbursement for Yvonne Martin Motor Sport Club circuit Portland	\$1,147	\$1,000
Mingaan	NAIDOC 2022 event	\$3,000	\$3,000
Rydal A H & P Society	Sponsorship of Heavy Horse and Dog Yard sections of 2022 Rydal Show	\$1,000	\$1,000
Oaky Park Residents Association	Enhancement works Zig Zag Park	\$3,000	\$2,500
First Australian Muzzle Gun Club / Lithgow Valley Archers	Rate Reimbursement for premises in Doctors Gap Rd Lithgow	\$1,058	\$1,058

Portland Towns	Tidy	Install children's playground in Saville Park	\$10,000 request – plus \$40,000 contribution by Tidy Towns and further grant funding.	\$2,000 The total cost of the project is between \$100K - \$120K. Council will continue to liaise with the group. In the event that other funding is sourced, there may be a case for increased funding by Council.
Total				\$21,408

2. Approve the following allocations:

Portland Pool	\$41,200
Fee waivers/ reductions of Council fees and charges	\$2,000
Schools end of year academic prizes	\$800
Showground/Civic Ballroom fee waivers	\$5,000
Sporting assistance	\$2,500
Lithgow Show	\$11,500

3. Note that a further round of Financial Assistance will be held in October 2022 for the allocation of the remaining funds.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

10.2. Infrastructure Services Reports

10.2.1. IS - 25/07/2022 - Financial Assistance Request - Sporting Achievement

22 -141 RESOLVED

THAT Council approves financial assistance to Alexis Reid in the amount of \$500 from the 2022/23 allocation for financial assistance for Alexis' sporting representation in Taekwondo.

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED

10.2.2. IS - 25/07/2022 - Gardens of Stone Draft Master Plan – Council's Response

22 -142 RESOLVED

THAT Lithgow City Council endorse the response to the Gardens of Stone State Conservation area draft Master Plan and Plan of Management, submitted on Friday 8 July 2022.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

Councillor Lesslie requested that it be noted that he voted against the recommendation.

10.2.3. IS - 25/07/2022 - Proposed Amendment to J M Robson Aquatic Centre Fees and Charges

22 -143 RESOLVED

THAT Council add provision within the adopted Fees and Charges for a “weekly concession pass” for visitors with a valid Pensioner Concession Card, at a cost of \$7.80 per week.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED

10.2.4. IS - 25/07/2022 - Natural Disaster Recovery Process

22 -144 RESOLVED

THAT Council again recognise the State and Federal Governments for the opportunities delivered under the *Natural Disaster Relief and Recovery Arrangements* but also advocate for the four key actions discussed in the body of the report.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED

10.3. Finance and Assets Reports

10.3.1. FIN - 25/07/2022 - Contracts for the Supply and Delivery of Bulk Fuel

22 -145 RESOLVED

THAT Council:

1. Accept tenders from the following organisations for the supply and delivery of bulk fuel:
 - Lowes Petroleum
 - Oilsplus Holdings Australia (pending resolution of insurances)
 - Onsite Fuel Rural – Xpress Group, and
 - Park (pending resolution of insurances).
2. Advise the Central NSW Joint Organisation of its decision.
3. Delegate authority to the General Manager to execute all necessary contract documentation.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

10.3.2. FIN - 25/07/2022 - Financial Assistance Grant Allocation

22 -146 RESOLVED

THAT Council note the information provided on the Financial Assistance Grant allocation and maintain ongoing advocacy for increased levels of funding and a better allocation model based upon principles of horizontal equalization and a recognition of the particular economic challenges facing regional and rural councils.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

10.3.3. PS - 25/07/2022 - Community Engagement - Options for a Sustainable Lithgow

Due to an earlier declaration of interest Councillor A Bryce elected not to participate in this item and left the chamber at 8:48 pm

22 -147 RESOLVED

THAT Council:

1. Receive the report on Our Place Our Future.
2. Endorse the findings related to considering a special rate variation included in the Rating Review Technical Paper.
3. Resolve to commence community engagement on the two options outlined in this report, in accordance with the Communications Strategy.

MOVED: Councillor S McGhie

SECONDED: Councillor D Goodsell

CARRIED

Councillor A Bryce returned to the meeting at 8:58 pm.

10.3.4. FIN - 25/07/2022 - Accounting Treatment of RFS (Red Fleet) Assets

22 -148 RESOLVED

THAT Council:

1. Continue with its current complete support of and commitment to local RFS brigades noting that Council's action on this matter is entirely directed towards the NSW Government's position that RFS assets are controlled by councils - which has the effect of cost-shifting the NSW Government's responsibilities onto local communities.
2. Affirm its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to the State Government about the accounting treatment of RFS assets.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED

10.3.5. FIN - 25/07/2022 - Referral of Financial Reports for External Audit - Year Ended 30 June 2022

22 -149 RESOLVED

THAT Council refer the 2021/22 financial statements for audit (in accordance with S413 of the Local Government Act 1993) and note the proposed process for the audit of the financial statements.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED

10.3.6. FIN - 25/07/22 - Proposed Leases

22 -150 RESOLVED

THAT

1. Council give preliminary approval to grant leases to Lithgow Chapter No. 39 Order of the Eastern Star, Australian Red Cross Society, Wallerawang Memorial Men's Shed Inc. and Lithgow District Men's Shed Association Inc. as set out in this report.
2. Council give public notice and place the proposed leases on public exhibition for at least 28 days.
3. If no submissions are received during the public exhibition period, Council proceed with the leases and for this purpose authorise the General Manager to sign all documents and attend to all things necessary to give effect to the leases.
4. If in the opinion of the General Manager any submissions received during the public exhibition period warrant consideration by Council, the matter be returned to Council with details of relevant submissions and any proposed recommendations in respect of the matter.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

10.4. Policies and Governance

10.4.1. IS - 25/07/2022 - Review of Policy 10.5: Footpath Reservations – Works Requirements

22 -151 RESOLVED

THAT Policy 10.5 - Footpath Reservations – Works Requirements be placed on public exhibition for 28 days prior to being returned to Council for final consideration.

MOVED: Councillor S McGhie

SECONDED: Councillor A Bryce

CARRIED

11. Council Committee Reports

11.1. IS - 27/06/2022 - Sports Advisory Committee Minutes - 8 June 2022

22 -152 RESOLVED

THAT Council:

1. Notes the minutes of the Sports Advisory Committee Meeting held on 18th May 2022.
2. Accepts the Terms of Reference of the Sports Advisory Committee.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

Councillor D Goodsell left the meeting at 9:13 pm.

Councillor D Goodsell returned to the meeting at 9:15 pm.

11.2. FIN - 25/07/2022 - Audit & Risk Improvement Committee (ARIC) Minutes - 6 July 2022

22 -153 RESOLVED

THAT Council:

1. Endorse the Audit Risk & Improvement Committee meeting 6 July 2022 minutes.
2. In accordance with the ARIC Terms of Reference, appoint Neil Maltby to be Chair of the Committee, with the Committee to review the appointment in 12 months' time.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

11.3. LATE REPORT - IS - 25/07/2022 - Operation Committee Meeting Minutes 14/07/2022

22 -154 RESOLVED

THAT Council

1. Notes the minutes of the Operations Committee meeting held on 14th July 2022; and
2. Writes a letter of thanks to the property owners that have assisted with the detour routes; and
3. Write to Paul Toole MP with relation to maintenance services of the Department of Housing Recreation areas in the Lithgow LGA.

MOVED: Councillor S McGhie

SECONDED: Councillor D Goodsell

CARRIED

12. Business of Great Urgency

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

Councillor S Lesslie raised the matter of the NSW Government's expansion of the West Lithgow Precinct requesting:

That a report be brought down to the next meeting of Lithgow Council on the NSW Government's expansion of the West Lithgow Precinct with the report to include:

- The notice advising Lithgow Council
- What public consultation was undertaken by the Government, if any.
- Council's response to the Government.
- Council's action in advising the citizens of Lithgow and particularly those citizens and businesses in the new expanded area.

22 -155 RESOLVED

THAT

1. The request of NSW Government expansion of the West Lithgow Precinct be declared as business of great urgency.
2. A report be brought down to the next meeting of Lithgow Council on the NSW Government's expansion of the West Lithgow Precinct with the report to include:
 - The notice advising Lithgow Council
 - What public consultation was undertaken by the Government, if any.
 - Council's response to the Government.
 - Council's action in advising the citizens of Lithgow and particularly those citizens and businesses in the new expanded area.

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodsell

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

CARRIED

There being no further business the Mayor declared the meeting closed at 9:27 pm.