



# MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 August 2022

at 7:00 PM

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

## 1. Acknowledgement of Country

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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

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Public: 10

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

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All being present there were no apologies.

## 4. Declaration of Interest

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Councillor D Goodsell declared a pecuniary, non significant conflict of interest in Item 11.3.2 for the reason that she is employed by Services NSW and will vacate the Chambers.

## 5. Confirmation of Minutes

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### 22 -156 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 25 July 2022 were taken as read and confirmed.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

**CARRIED**

## MOTION

The Minutes of the Extra Ordinary Meeting of Council held on the 1 August 2022 were taken as read and confirmed.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C O'Connor

## AMENDMENT

### 22 -157 RESOLVED

That the Minutes of the Extra Ordinary Meeting of Council held on the 1 August 2022 record that the rescission motion 7.1 was submitted by Councillor Lesslie, Councillor Mahony and Councillor Coleman.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor D Goodsell

## CARRIED

## FURTHER AMENDMENT

That the Minutes of the Extra Ordinary Meeting held on 1 August 2022 record that the commentary included in the business paper as part of Notice of Motion -01/08/2022 - DA070/22 - The Geotechnical Investigations Works, Lake Lyell, was not written by the Councillors who submitted the rescission motion but by Lithgow City Council's General Manager and does not reflect the views of those Councillors.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor E Mahony

## LOST

The Amendment was PUT and LOST.

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

## Divisions

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

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

## 6. Commemorations and Announcements

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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

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At 7:04pm members of the public gallery were invited to participate in the Public Forum Session.

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Mr White made a statement in relation to Item 10.1 on the business paper.

The Mayor thanked Mr White for his statement.

Mr Anthony Craig requested his statement in relation to the Special Rate Variation be read to the public and this occurred.

The Mayor thanked Mr Craig for his statement.

Mr Ray Smith made a statement in relation new energy projects and prospects for Lithgow Community.

#### PROCEDURAL MOTION

THAT an extension of time be granted to Mr Smith.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor E Mahony

**CARRIED**

The Mayor thanked Mr Smith for his statement.

## 8. Mayoral Minutes

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No Mayoral minutes were tabled on the night.

## 9. Notices of Motion

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### 9.1. Notice of Motion - 22/08/2022 - Cr S Lesslie - Code of Meeting Practice

**Report by** Councillor Stephen Lesslie

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#### MOTION

THAT Clause 3.10 of Lithgow City Council's Code of Meeting Practice be amended to read: -  
3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by Friday 9 am, 6 business days before the meeting is to be held.

The agenda of the meeting of the council must include, along with the motion itself, the name of the councillor who submitted the notice of motion. Should the notice of motion be a rescission motion the names of the three councillors who submitted the rescission must be included in the agenda of the meeting.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor D Goodsell

**LOST**

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

**Divisions**

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

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

## **10. Questions with Notice**

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### **10.1. Question with Notice - 22/08/2022 - Councillor D Goodwin - Land and environment Court - Bore Holes**

**Report by** Councillor Darryl Goodwin

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PROCEDURAL MOTION

That the Question with Notice be open for debate.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor C Coleman

**CARRIED**

The Question with Notice and the Management Comment were read out for the information of the community.

Councillor S Lesslie called a Point of Order stating that the responses as they refer to the Code of Conduct are not answering the questions within the Question with Notice.

The Mayor overruled the Point of Order.

Councillor S McGhie called a Point of Order stating that the matters Councillor E Mahony was raising were not in relation to the matter at hand.

The Mayor upheld the Point of Order and invited Councillor E Mahony to proceed.

## 11. Staff Reports

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### 11.1. General Manager's Reports

#### 11.1.1. GM - 22/08/2022 - LGNSW Conference 2022 Council Delegates & Proposed Motions

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##### MOTION

THAT the Mayor, Deputy Mayor and a third Councillor be delegated to attend the LGNSW Annual Conference 2022 as voting delegates and the four motions tabled in the report be taken to the conference.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor E Mahony

##### Amendment

That the Mayor and Deputy Mayor attend the LGNSW Conference only and not attend the \$250 dinner.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

##### **CARRIED**

The Amendment was Put and became the Motion.

#### **22 -158 RESOLVED**

That the Mayor and Deputy Mayor attend the LGNSW Conference only and not attend the \$250 dinner.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

##### **CARRIED**

### 11.2. People and Services Reports

#### 11.2.1. People and Services General Reports

##### 11.2.1.1. PS - 22/08/2022 - Second Councillor Delegate to Women's Advisory Committee

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#### **22 -159 RESOLVED**

THAT Council nominate Councillor A Bryce as a second councillor representative for the Women's Advisory Committee.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor C O'Connor

##### **CARRIED**

**11.2.1.2. PS - 22/08/2022 - PS - Draft Aboriginal & Torres Strait Islander Protocols**

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**22 -160 RESOLVED**

THAT Council endorse the draft Lithgow Aboriginal and Torres Strait Islander Community Protocols document, and it be exhibited for community consultation and comment for 60 days.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor D Goodsell

**CARRIED**

**11.2.1.3. P&S - 22/08/2022 - Model Code of Conduct and Procedures**

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**MOTION**

THAT Council:

1. Adopt the Prescribed Model Code of Conduct for Local Councils in NSW (2020),
2. Maintain the cap for the value of gifts at \$50.00 within the Code, and
3. Adopt the Prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2020).

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodwin

**AMENDMENT**

THAT Council:

1. Adopt the Prescribed Model Code of Conduct for Local Councils in NSW (2020),
2. Maintain the cap for the value of gifts at \$50.00 within the Code, and
3. Adopt the Prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2020).
4. to ensure genuine independence from and for Code of Conduct Reviewers that no reviewer be appointed for consecutive investigations.
5. if the General Manager, or a person acting on his/her behalf, makes a Code of Conduct complaint against a Councillor then the Councillor be informed of the complainant.
6. Should a "Complaint about conduct reviewers" be made to the General Manager then the General Manager be required to inform the complainant about actions taken and outcomes determined.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**LOST**

The Mayor called a Point of Order to allow to allow the General Manager to advise the Council about the limitations on open discussion of Code of Conduct complaints.

The Amendment was PUT and LOST.

The Original MOTION was PUT.

**22 -161 RESOLVED**

THAT Council:

1. Adopt the Prescribed Model Code of Conduct for Local Councils in NSW (2020),
2. Maintain the cap for the value of gifts at \$50.00 within the Code, and
3. Adopt the Prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2020).

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor D Goodwin

**CARRIED**

**11.3. Infrastructure Services Reports**

**11.3.1. IS - 22/08/2022 -Proposed Road Naming - DA162/18 - Martindale Place, Portland**

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**22 -162 RESOLVED**

THAT Council in accordance with Council's Addressing Policy, advertise the road naming of the new road created as part of DA162/18, off Portland / Cullen Bullen Road, Portland as "Martindale Place" in the local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal are submitted, Council proceed with the gazettal process of the re-naming and notify all resident and emergency authorities accordingly; and
- b. If submissions against the proposal are submitted, a report be furnished to the next available Council meeting.

**MOVED:** Councillor S McGhie

**SECONDED:** Councillor C O'Connor

**CARRIED**

**11.3.2. IS - 22/08/2022 - Service NSW Agreement - Business Support Partnership**

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Due to an earlier declaration of interest, Councillor D Goodsell left the meeting at 8:15 pm.

**22 -163 RESOLVED**

THAT Council delegate authority to the General Manager to enter into a partnership agreement with Service NSW, providing bespoke support to new and existing businesses within the Lithgow LGA.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C O'Connor

**CARRIED**

Councillor D Goodsell returned to the meeting at 8:17 pm.

## 11.4. Water and Wastewater Reports

### 11.4.1. WWW - 22/08/2022 - Energy from Waste - West Lithgow Precinct

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Councillor D Goodsell called a Point of Order on Councillor S Lesslie as the questions he was asking were in relation to the expansion of area, it has been confirmed that there is no expansion of area therefore the four questions are irrelevant.

The Mayor upheld the Point of Order.

Councillor Lesslie continued to discuss the matter.

The Mayor asked him to refrain from further discussion on the matter.

Councillor A Bryce called a Point of Order on Councillor Lesslie.

The Mayor dismissed the Point of Order.

### 22 -164 RESOLVED

THAT Council note the report in response to the Business of Great Urgency item regarding NSW Government Expansion of the West Lithgow Precinct.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor A Bryce

**CARRIED**

## 11.5. Finance and Assets Reports

### 11.5.1. FIN - 22/08/2022 - Investment Report July 2022

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### 22 -165 RESOLVED

THAT

1. Investments of \$31,690,103 and cash of \$451,121 for the period ending 31 July 2022 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on funding requirements for restricted reserves be noted.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodwin

**CARRIED**

## 11.6. Policies and Governance

### 11.6.1. FIN - 22/08/2022 - Encroachment Management Policy

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#### 22 -166 RESOLVED

THAT:

1. Draft Policy 10.22 'Encroachment Management Policy' be placed on public exhibition for a period of 28 days.
2. Following the exhibition period, draft Policy 10.22 be returned to Council for adoption, with details of any submissions made during the exhibition period and any recommendations or amendments that may arise from the submissions.

**MOVED:** Councillor E Mahony

**SECONDED:** Councillor D Goodsell

**CARRIED**

## 12. Council Committee Reports

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### 12.1. PS - 22/08/2022 - Crime Prevention Committee Minutes

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Councillor D Goodwin declared a non-significant, non-pecuniary interest in item 12.1 on the agenda as he attended the meeting as a Police Officer, not a Councillor, but will not leave the chamber.

#### 22 -167 RESOLVED

THAT Council note the minutes of the Crime Prevention Committee meeting held on 18 July 2022.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor D Goodsell

**CARRIED**

### 12.2. PS - 22/08/2022 - Community Development Committee Minutes 12 July 2022

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#### 22 -168 RESOLVED

THAT Council note the Minutes of the Community Development Committee meeting held 12 July 2022.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor C Coleman

**CARRIED**

**12.3. FIN - 22/08/2022 - Finance Committee Meeting Minutes - 20 July 2022**

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**22 -169 RESOLVED**

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 20 July 2022 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investment Report for June 2022.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor A Bryce

**CARRIED**

**12.4. IS - 22/08/2022 - TALC Committee Meeting Minutes 11 August 2022**

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**22 -170 RESOLVED**

THAT Council:

1. Notes the minutes of the TALC Committee meeting held on Thursday 11 August 2022; and
2. Approves the Traffic Management Plan for the 2022 Lithgow Halloween event, including the following temporary road closures between 10.00am Saturday, 29 October 2022 until 1.00am Sunday, 30 October 2022:
  - Main Street, Lithgow between Gray Street and Bridge Street
  - Sandford Avenue, Lithgow between Main Street and Gray Street
  - Naomi Street, Lithgow between Main Street and Naomi Street Carpark
  - Station Street, between Main Street and Station Street Carpark
  - Burns Lane between Main Street and Main Street Lane
  - Eskbank Street, between Main Street Lane and Railway Parade; and
3. Decline the request for a new Loading Zone to be implemented in Naomi Street, Lithgow; and
4. Approve the relocation of the bus stop located in Church Street, Lithgow to Maple Crescent, Lithgow to cater for residents and visitors to Respect Aged Care, Lithgow; and
5. Approve a 20m bus zone to be installed to cater for the bus stop; and
6. Install a bus shelter catering for users of the relocated bus stop in conjunction with future footpath construction works; and
7. Install the Give Way direction for motorists exiting Road 2 and provide right of way to motorists utilising Road 1 for the new roads created as part of DA196/18; and
8. Approve No Parking zones for cul de sacs on Road 1, Road 2 and Maddox Lane, Lidsdale; and
9. Approve centre line marking to be put on both roads to assist with the giveaway.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED**

**12.5. ENV - 22/08/2022 - Environmental Advisory Committee Meeting Minutes 13 July 2022**

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**22 -171 RESOLVED**

THAT Council note the minutes of the Environmental Advisory Committee held on 13 July 2022.

**MOVED:** Councillor A Bryce

**SECONDED:** Councillor E Mahony

**CARRIED**

**13. Business of Great Urgency**

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

Councillor C Coleman raised the matter of the repairs to the clubhouse of the Lithgow Hockey Association.

The Mayor did not rule this to be an urgent matter and advised that these repairs were well in hand and are being addressed as a priority.

Councillor S Lesslie requested that Lithgow Council urgently contact Upper Macquarie County Council to investigate complaints that African love grass is spreading along council roads into Oberon as he raised this matter in March but has not yet

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

**22 -172 RESOLVED**

THAT Lithgow Council urgently contact Upper Macquarie County Council to investigate complaints that African love grass is spreading along council roads into Oberon.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor E Mahony

**CARRIED**

There being no further business the Mayor declared the meeting closed at 8:46 pm.