



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 31 October 2022

at 7:00 PM

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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: 21

Her Worship the Mayor Councillor M Statham
Councillor A Bryce
Councillor C Coleman
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
Matthew Johnson, Acting Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Trinity Newton, Minutes Secretary

3. Apologies

An apology was received and leave of absence granted to Councillor D Goodsell who was unable to attend due to personal reasons.

Procedural Motion

That a leave of absence be granted to Councillor D Goodsell.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

4. Declaration of Interest

Councillor C O'Connor declared a significant pecuniary interest in Item 11.3.1, for the reason that he is related to the owner of the property, and he undertook to vacate the Chambers when the item was to be considered.

5. Confirmation of Minutes

22 -199 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 26 September 2022 were taken as read and confirmed.

MOVED: Councillor E Mahony

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.

The Mayor commemorated the recent passing of Mr. Bill Henry who was a well-known local businessman.

Councillor S Lesslie acknowledged and thanked Rev Matt Trounce and Mrs. Belinda Trounce for their services to the Uniting Church and the wider community. Councillor Lesslie wished them luck in their new endeavours.

Councillor C Coleman acknowledgement and congratulated Councillor Mahony on his recent election as president to Wolves Football Club.

7. Public Forum

At 7:11 pm members of the public gallery were invited to participate in the Public Forum Session.

Ken Newton from the Australian Caravan Club spoke in relation to item 8.1 on the Business Paper.

The Mayor thanked Mr. Newton for his statements.

Mrs. Frances Chung spoke in relation to item 9.2 on the Business Paper.

The Mayor thanked Mrs. Chung for her statements.

Mr. Dario Tascini spoke in relation to road safety at the corner of Wrights Road and Methven Street.

The Mayor thanked Mr. Tascini for his statements.

Ms. Angela O'Connor spoke in relation to Item 11.3.1 on the Business Paper.

The Mayor thanked Ms. O'Connor for her statements.

8. Mayoral Minutes

8.1. MAYORAL MINUTE - 31/10/2022 - The Australian Caravan Club weeklong event

Report by Mayor – Councillor Maree Statham

22 -200 RESOLVED

THAT Council:

1. note the Mayoral Minute the Australian Caravan Club week-long event.
2. acknowledge the efforts of Mr Ken Newton and Mr Neil Cochrane for organising the event over a two-year period.

MOVED: Councillor M Statham

Councillor C Coleman called a Point of Order as the Mayor had not yet put the Motion.

The Mayor put the Motion.

CARRIED

8.2. MAYORAL MINUTE - 31/10/2022 - Halloween 2022

Report by Mayor – Councillor Maree Statham

22 -201 RESOLVED

THAT Council note the Mayoral Minute Halloween 2022.

MOVED: Councillor M Statham

CARRIED

9. Notices of Motion

9.1. NOTICE OF MOTION - Cr C Coleman - 31/10/2022 - Ironfest

Report by Councillor Cassandra Coleman

22 -202 RESOLVED

THAT Lithgow City Council Administration meet and work with the current Executive of Ironfest to ensure a successful event in 2023.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

9.2. NOTICE OF MOTION - Cr E Mahony - 31/10/22 - - Removal of the West Lithgow Precinct from the NSW Government's Energy from Waste Infrastructure Plan

Report by Councillor Eric Mahony

MOTION

THAT a formal written communication on behalf of the Council is sent to the Honourable Paul Toole, Member for Bathurst and Deputy Premier and the NSW Premier, the Honourable Dominic Perrottet, advising them of the Council's position in not supporting the inclusion of the West Lithgow precinct within the NSW State Government's Waste to Energy Plan; and that the West Lithgow Precinct be removed entirely from the plan

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

LOST

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

Divisions

FOR: Councillor C Coleman, 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

10.1. QUESTION WITH NOTICE - Cr S Lesslie - 31/10/2022 - Social Media Policy

Report by Councillor Stephen Lesslie

Council was informed that the administration is in the process of informing Councillors, Staff and Committee members of the Social Media Policy and training is being arranged.

11. Staff Reports

11.1. People and Services Reports

11.1.1. Building and Development

11.1.1.1. ECDEV - 31/10/2022 - Variations to Development Standards under Clause 4 6 of the Standard Instrument

22 -203 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 July to September 2022 quarter.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

CARRIED

11.1.1.2. ECDEV - 31/10/2022 - Voluntary Planning Agreement Nu-Rock Technology Pty Ltd - DA292/14

22 -204 RESOLVED

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA292/14 being for \$60,000 prior to Occupation Certificate and \$30,000 annually (plus CPI adjustment) thereafter for community facilities and/or activities.
2. The Draft Voluntary Planning Agreement for DA292/14 be placed on public exhibition for a period of 28 days.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11.1.1.3. ECDEV - 31/10/2022 - DA256/21 - Three Tree Lodge Alterations & Additions - 2A Col Drewe Drive Bowenfels

MOTION

THAT

1. Development Application DA256/22 be APPROVED subject to conditions of consent outlined in the attached planning assessment report.
2. The Council apply S7.12 developer contributions of \$20,044.71 in accordance with Council's Section 7.12 (94A) Levy Plan.
3. A DIVISION be called in accordance with the requirements of Section 735A(3) of the Local Government Act, 1993

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

AMENDMENT

THAT

1. Development Application DA256/22 be APPROVED subject to conditions of consent outlined in the attached planning assessment report.
2. Council consider the applicant's request to waive the S7.12 developer contributions of \$20,044.71.
3. A DIVISION be called in accordance with the requirements of Section 735A(3) of the Local Government Act, 1993

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

The Mayor called a Point of Order on Councillor S McGhie and Councillor S Lesslie requesting them to stop talking whilst a councillor was speaking to the item.

Councillor Coleman withdrew her Amendment.

AMENDMENT

THAT the Item be deferred until the next Ordinary Meeting of Council.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

CARRIED

The Amendment was PUT and became the Motion

22 -205 RESOLVED

THAT the Item be deferred until the next Ordinary Meeting of Council.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

CARRIED

11.1.2. People and Services General Reports

11.1.2.1. PS - 31/10/2022 - Bell Quarry

MOTION

THAT:

1. Council notes this report.
2. The Mayor correspond with the Mayor of Blue Mountains City Council to express appreciation for their support and assistance with this matter.
3. A further report be presented on potential policy positions that Council may take in relation to the potential for future waste landfill proposals to come forward.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

The Mayor requested Councillor S Lesslie to keep on topic.

The Mayor requested Councillor S Lesslie to stay on topic or he will receive a warning.

The Mayor gave Councillor S Lesslie a second warning as he continued to speak off topic.

The Mayor asked Councillor S Lesslie to remain on topic. The Mayor gave Councillor S Lesslie a final warning.

Councillor S Lesslie sought clarification on the Mayor's ruling.

The Mayor stated that the topic was Bell Quarry.

Councillor S Lesslie stated that he thought the topic was the Land and Environment Court's decision to uphold the decision of the Western District's Planning Panel which rejected the Bell Quarry proposal.

The Mayor agreed this was correct.

The Mayor stated that Councillor S Lesslie is drifting off the topic and if he continued to speak on matters of politics he will be asked to leave the meeting.

Councillor Lesslie moved a Motion of Dissent on Mayor Statham

MOTION OF DISSENT

Councillor Lesslie called a Motion of Dissent against Mayor Statham on the ruling about his comments to the meeting.

MOVED: Councillor S Lesslie

LOST

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

Divisions

FOR: Councillor S Lesslie and Councillor E Mahony

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

22 -206 RESOLVED

THAT:

1. Council note this report.
2. The Mayor correspond with the Mayor of Blue Mountains City Council to express appreciation for their support and assistance with this matter.
3. A further report be presented on potential policy positions that Council may take in relation to the potential for future waste landfill proposals to come forward.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

11.2. Infrastructure Services Reports

11.2.1. IS - 31/10/2022 - Natural Disaster Recovery - 2022/23 Budget and Progress

22 -207 RESOLVED

THAT Council:

1. Approve the budget allocations proposed, with the total 2022/23 budget for natural disaster recovery works increasing from \$6,804,163 to \$13,600,353.
2. Note that each natural disaster project is funded by the Australian Government's Natural Disaster Relief and Recovery Arrangements.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

11.2.2. IS - 31/10/2022 - Lithgow Electric Vehicle Strategy

22 -208 RESOLVED

THAT the Council adopt the Lithgow EV Charging Strategy as presented.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11.3. Finance and Assets Reports

11.3.1. FIN - 31/10/2022 - Rebate Request - Excessive Water Account

Due to an earlier significant declaration of interest Councillor C O'Connor left the meeting at 8:41 pm.

22 -209 RESOLVED

THAT

1. Council charge the owner of the property pay \$234.50 being the average consumption for the two periods.
2. The balance of the account for the two periods be rebated.
3. No interest be charged on the outstanding amount.

MOVED: Councillor D Goodwin

SECONDED: Councillor E Mahony

CARRIED

Councillor C O'Connor returned to the meeting at 8:51 pm.

11.3.2. FIN - 31/10/2022 - 2021/22 Financial Statements

Councillor D Goodwin left the meeting at 8:51 pm.

Councillor D Goodwin returned to the meeting at 8:53 pm.

22 -210 RESOLVED

THAT Council:

1. Note that that the audit of the 2021/22 financial statements has been completed.
2. Authorise the signing of the statement on the 2021/22 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2021/22 Special Purpose Financial Reports.
4. Invite a representative of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2021/22 Financial Statements at a Council meeting within one month of the receipt of the Auditor's reports.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

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

Divisions

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

AGAINST: Nil

11.3.3. FIN - 31/10/2022 - Proposed lease of Council land adjoining the Tin Shed Cafe

The Mayor requested Councillor E Mahony to remain on topic.

22 -211 RESOLVED

THAT Council:

1. Grant preliminary approval to the proposed lease to Kenwood Industries Pty Ltd.
2. Give public notice of the proposed lease and place the lease on public exhibition for 28 days.
3. Authorise the General Manager to sign all documents and do all things necessary to give effect to the lease, if no submissions are received during the public exhibition period.
4. Note that this matter will be returned to Council for further consideration, if any submissions are received during the public exhibition period.

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED

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

Divisions

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

AGAINST: Nil

11.4. Policies and Governance

11.4.1. GM - 31/10/2022 - Designated Person Returns for the period 1 July 2021 to 30 June 2022

22 -212 RESOLVED

THAT Council acknowledge and note the disclosures received under the Model Code of Conduct for Local Councils in NSW (Clause 4.21) for the period 1 July 2021 to 30 June 2022 from designated persons all Councillors.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

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

Divisions

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

AGAINST: Nil

11.4.2. FIN - 31/10/2022 - Encroachment Management Policy

22 -213 RESOLVED

THAT Council adopt Policy 10.22 Encroachment Management for immediate implementation.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

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

Divisions

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

AGAINST: Nil

12. Council Committee Reports

12.1. IS - 31/10/2022 - TALC Committee Meeting Minutes - 6th October 2022

22 -214 RESOLVED

THAT Council:

1. Note the minutes of the TALC Committee Meeting held on 6th October 2022; and
2. Liaise with Lithgow Buslines and other private school bus companies to determine if the use of Portland Cemetery Access Road is feasible as a bus stop with a shelter, and report back to the next TALC meeting; and
3. Liaise with Lithgow Buslines and other private bus companies to determine an appropriate location for a bus shelter to be installed in Lime Street, and report back to the next TALC meeting; and
4. Install a Give Way sign and linemarking defining priority in favour of vehicles on Eucalypt Place at the intersection of Sandalwood Drive and Eucalypt Place, South Bowenfels; and
5. Inform event organisers of adverse and unexpected deteriorating road conditions prior to utilising the proposed roads and take any precautions necessary to minimise incidents and risks to participants; and
6. Undertake consultation with all residents of First Street, Second Street, Third Street, Fourth Street, East Street and West Street in relation to the proposal to:
 - o Close the western section of West Street to vehicular traffic;
 - o Formalise the eastern intersection of First Street and West Street with linemarking to resemble a T intersection; and
 - o Liaise with impacted residents to determine the most appropriate solution and treatment options for the intersection of Thirst Street and West Street, Lithgow.
7. Install signage, line marking and connecting footpath infrastructure for the installation of disabled parking spaces adjacent to St Paul's Anglican Churches in Lithgow (Roy Street) and Portland (Williwa Street); and
8. Establish a "No Stopping" zone on the shoulder of the west bound lane of the Great Western Highway, Lithgow between Tweed Road and Caroline Avenue, for the entire length of the service lane; and
9. Make an application to TfNSW for financial assistance for the cost of installing the No Stopping signage at this location; and
10. Grant permission to Classic Rally Car Inc to conduct the 2022 Alpine Classic Road event on local roads in the Lithgow Local Government on 19th November 2022; and
 - o The organisers be made aware of adverse and unexpected deteriorating road conditions prior to utilising the proposed roads and take any precautions necessary to minimise incidents and risks to participants.

MOVED: Councillor S Lesslie

SECONDED: Councillor A Bryce

CARRIED

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

Divisions

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

AGAINST: Nil

12.2. IS - 31/10/2022 - Operations Committee Meeting Minutes - 6th October 2022

22 -215 RESOLVED

THAT Council notes the minutes of the Operations Committee Meeting held on 6th October 2022.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

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

Divisions

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

AGAINST: Nil

12.3. FIN - 31/10/2022 - Finance Committee Meeting Minutes - 12 October 2022

22 -216 RESOLVED

THAT Council endorse the minutes of the Finance Committee meeting held on 12 October 2022.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

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

Divisions

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

AGAINST: Nil

12.4. IS - 31/10/2022 - Sports Advisory Committee Meeting Minutes - 12th October 2022

22 -217 RESOLVED

THAT Council notes the minutes of the Sports Advisory Committee held on 12th October 2022.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

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

Divisions

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

AGAINST: Nil

11.5. Water and Wastewater Reports – this late item on the Business Paper was dealt with at this point in the meeting

11.5. LATE REPORT - WWW - 31/10/2022 - Introduction of a kerbside organics (FOGO) collection service

22 -218 RESOLVED

THAT Council:

1. Endorse the commencement of community consultation on the rollout of a kerbside organics (FOGO) service proposed to commence in October 2023.
2. Note the proposal to apply for grant funding for the commencement of a FOGO service.
3. Receive a further report following community consultation on the implementation of a FOGO service.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

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

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

AGAINST: Nil

13. Business of Great Urgency

In accordance with Clause 241 of the Local Government Act (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 if:

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

Councillor E Mahony raised the matter of speculation regarding moving local RFS base services to Bathurst.

The Mayor ruled this as a matter of great urgency.

22 -219 RESOLVED

THAT the request for a briefing for Councillors and a report to the next council meeting on current operational procedures for the local Rural Fire Services be declared as Business of Great Urgency.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED

14. Closed Council

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

There were Nil objections.

22 -220 RESOLVED

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the business paper at 9:24pm.

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodwin

CARRIED

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

Councillor E Mahony left the meeting at 9:24 pm.

Councillor S Lesslie left the meeting at 9:24 pm.

Councillor S Lesslie returned to the meeting at 9:26 pm.

Councillor E Mahony returned to the meeting at 9:26 pm.

14.1. CONFIDENTIAL REPORT - FIN - 31/10/2022 - Proposed Access Licence Deed and Pipeline Licence Deed

22 -221 RESOLVED

THAT Council:

1. Enter the Access Licence Deed and the Pipeline Licence Deed in the form attached to this report.
2. Delegate authority to the General Manager to sign all documents and do all things necessary to give effect to the Access Licence Deed and the Pipeline Licence Deed.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

22 -222 RESOLVED

THAT Council resolve to return to open Council and inform the public of the resolutions of the session of the meeting that is closed to the public at 9:28 pm.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED: Unanimously

The General Manager read the resolution of the Closed Council to the public.

There being no further business the Mayor declared the meeting closed at 9:29 pm.

DRAFT