



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 23 January 2023

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	4
6. Commemorations and Announcements	5
7. Public Forum.....	5
11.3.2. IS - 23/01/2023 - Wolgan Road Recovery and Alternate Route Construction	5
8. Mayoral Minutes.....	7
9. Notices of Motion.....	7
9.1. NOTICE OF MOTION - Cr Lesslie & Cr Coleman - 23/01/2023 - Great Western Highway Upgrade Hartley Valley.....	7
10. Questions with Notice	8
10.1. QUESTION WITH NOTICE - Cr Mahony - 23/01/2023 - Access to Contaminated Lands Registers	8
11. Staff Reports	9
11.1. General Manager's Reports	9
11.1.1. GM - 23/01/2023 - Central NSW Joint Organisation Membership	9
11.1.2. GM - 23/01/2023 - Lithgow Community Private Update	9
11.2. People and Services Reports	9
11.2.1. Building and Development.....	9
11.2.1.1. DEV - 23/01/2023 - Modification to Stormwater Design MODDA049/22 to DA021/18 Subdivision 1 into 86 Lots at Hillcrest Avenue South Bowenfels	9
11.2.1.2. DEV - 23/01/2023 - Voluntary Planning Agreement- Nu-Rock Technology Pty Ltd - DA292/14.....	10
11.2.1.3. DEV - 23/01/2023 - Variations to Development Standards under Clause 4.6 of the Standard Instrument.....	10
11.2.2. People and Services General Reports	11
11.2.2.1. PS - 23/01/2023 - Lithgow Community Cultural Protocols	11
11.3. Infrastructure Services Reports	11
11.3.1. IS - 23/01/2023 - Road Naming Proposal - DA196/18, Woodlands Estate, Lidsdale	11
11.3.2. IS - 23/01/2023 - Wolgan Road Recovery and Alternate Route Construction	11
11.3.3. IS - 23/01/2023 - Replacement of Street Sweeper.....	12
11.4. Water and Wastewater Reports.....	12
11.4.1. WWW - 23/01/2023 - Waste Management & Resource Recovery Strategy 2022-2026.....	12
11.5. Finance and Assets Reports	12
11.5.1. FIN - 23/01/2023 - Application for a Special Rate Variation.....	12

11.5.2. FIN - 23/01/2023 - Investment Report November 2022	13
11.5.3. FIN - 23/01/2023 - Investment Report December 2022	13
11.6. Policies and Governance.....	14
11.6.1. GM - 23/01/2023 - September 2024 Council Election	14
11.6.2. WWW - 23/01/2023 - Policy 8.1 Excessive Water Usage Allowance for Breakages	14
12. Council Committee Reports.....	14
12.1. FIN - 23/01/2023 - Finance Committee Meeting Minutes - 23 November 2022.....	14
12.2. FIN - 23/01/2023 - Audit Risk & Improvement Committee (ARIC) Minutes - 13	
December 2022.....	15
13. Business of Great Urgency	15

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: 13

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 C O'Connor declared a pecuniary conflict of interest in the Item 9.1 and undertook to vacate the Chambers when the matter was being dealt with. Councillor C O'Connor did not outline the basis for the conflict.

5. Confirmation of Minutes

23 - 4 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 28 November 2022 were taken as read and confirmed.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED
23 - 5 RESOLVED

The Minutes of the Extra Ordinary Meeting of Council held on the 16 January 2023 were taken as read and confirmed.

MOVED: Councillor C O'Connor

SECONDED: Councillor D Goodwin

CARRIED

6. Commemorations and Announcements

On behalf of Lithgow City Council, the Mayor expressed 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.

Mrs Kristy Kearney made a statement in relation to Item 11.3.2 on the business paper.

The Mayor thanked Mrs Kearney for her statement.

Ms Sarah Denmead made a statement in relation to Item 11.3.2 on the business paper.

PROCEDURAL MOTION

THAT an extension of time be granted to Ms Denmead.

MOVED: Councillor D Goodsell

SECONDED: Councillor C Coleman

CARRIED

The Mayor thanked Ms Denmead for her statement.

PROCEDURAL MOTION

THAT Item 11.3.2 be moved to this point in the meeting.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Lesslie

CARRIED

11.3.2. IS - 23/01/2023 - Wolgan Road Recovery and Alternate Route Construction

MOTION

THAT Council:

1. Confirm its commitment to examining and if possible providing two wheel drive access to the Valley as a matter of urgency and to achieve this representations to be made for government funding (eg. NSW \$500M Regional and Local Roads Repair Program) and the resources to manage and deliver this additional level of access.
2. Note the appointment (and input to Council's 2022/23 works program and budget) of the Wolgan Valley access works via :
 - a. Public Works Advisory at an initial cost of \$1,580,531, and
 - b. WSP Golder at an initial cost of \$600,000.
3. Approve a single \$300 subsidy per vehicle to contribute to the costs of 2WD vehicle recovery from the Wolgan Valley.
4. Identify the re-instatement of a permanent resilient access into the Wolgan Valley as a key project within its IP&R documents.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

AMENDMENT

THAT Council:

1. Confirm its commitment to examining and if possible providing two wheel drive access to the Valley as a matter of urgency and to achieve this representations to be made for government funding (eg. NSW \$500M Regional and Local Roads Repair Program) and the resources to manage and deliver this additional level of access.
2. Note the appointment (and input to Council's 2022/23 works program and budget) of the Wolgan Valley access works via:
 - a. Public Works Advisory at an initial cost of \$1,580,531, and
 - b. WSP Golder at an initial cost of \$600,000.
3. That the application be amended to include the cost of recovery of vehicles in the Wolgan Valley in any funding agreements reached. If the Council is unable to convince the State Government of the equity in this, then the cost of the recovery of these vehicles be borne by the Council.
4. Identify the re-instatement of a permanent resilient access into the Wolgan Valley as a key project within its IP&R documents.

MOVED: Councillor S Lesslie

SECONDED: Councillor E Mahony

CARRIED

The Amendment was PUT and became the MOTION.

23 -6 RESOLVED

THAT Council:

1. Confirm its commitment to examining and if possible providing two wheel drive access to the Valley as a matter of urgency and to achieve this representations to be made for government funding (eg. NSW \$500M Regional and Local Roads Repair Program) and the resources to manage and deliver this additional level of access.
2. Note the appointment (and input to Council's 2022/23 works program and budget) of the Wolgan Valley access works via:
 - a. Public Works Advisory at an initial cost of \$1,580,531, and
 - b. WSP Golder at an initial cost of \$600,000.
3. That the application be amended to include the cost of recovery of vehicles in the Wolgan Valley in any funding agreements reached. If the Council is unable to convince the State Government of the equity in this, then the cost of the recovery of these vehicles be borne by the Council.
4. Identify the re-instatement of a permanent resilient access into the Wolgan Valley as a key project within its IP&R documents.

MOVED: Councillor S Lesslie

SECONDED: Councillor E Mahony

CARRIED

8. Mayoral Minutes

There was no Mayoral minute tabled.

9. Notices of Motion

9.1. NOTICE OF MOTION - Cr Lesslie & Cr Coleman - 23/01/2023 - Great Western Highway Upgrade Hartley Valley

Report by Councillor Stephen Lesslie
Councillor Cassandra Coleman

Due to an earlier declaration of pecuniary interest Councillor C O'Connor left the meeting at 7:51 pm and will not be voting on the item.

MOTION

THAT Lithgow City Council calls on the NSW State Government and our local State Member Deputy Premier Paul Toole to abandon the proposed upgrade of the Great Western Highway through the Hartley Valley and to allocate the money to saved, estimated at \$2,500 million, for flood relief in the Central West.

The money to be allocated, on a needs basis, to Councils in the Central West, including Lithgow City Council, for flood damaged repair to roads, drains, levy banks and Council owned buildings and assets.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

AMENDMENT

That Council write to the State and Federal governments to reinforce Council's existing position on the GWH upgrade, re-iterate the issues raised in the submission and thank them for assistance with disaster recovery works like for the Wolgan valley.

MOVED: Councillor S McGhie

Councillor S Lesslie called a Point of Order on Councillor S McGhie as the motion is in direct conflict with the motion.

The Mayor upheld the Point of Order and asked Councillor McGhie to withdraw his amendment.

Councillor S McGhie withdrew the amendment.

MOTION

THAT Lithgow City Council calls on the NSW State Government and our local State Member Deputy Premier Paul Toole to abandon the proposed upgrade of the Great Western Highway through the Hartley Valley and to allocate the money to saved, estimated at \$2,500 million, for flood relief in the Central West.

The money to be allocated, on a needs basis, to Councils in the Central West, including Lithgow City Council, for flood damaged repair to roads, drains, levy banks and Council owned buildings and assets.

MOVED: Councillor S Lesslie

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 Goodsell, Councillor D Goodwin and Councillor S McGhie

Councillor C O'Connor returned to the meeting at 8:11 pm.

Councillor A Bryce left the meeting at 8:11 pm and did not return as she was feeling unwell.

10. Questions with Notice

10.1. QUESTION WITH NOTICE - Cr Mahony - 23/01/2023 - Access to Contaminated Lands Registers

Report by Councillor E Mahony

The administration gave advice on the question with notice.

11. Staff Reports

11.1. General Manager's Reports

11.1.1. GM - 23/01/2023 - Central NSW Joint Organisation Membership

23 -7 RESOLVED

THAT Council

1. Resolve to join the CNSWJO, and,
2. Note that regular reports and briefings will be provided to the Council in relation to the activities and outcomes of the CNSWJO.

MOVED: Councillor D Goodsell

SECONDED: Councillor C O'Connor

CARRIED

11.1.2. GM - 23/01/2023 - Lithgow Community Private Update

23 -8 RESOLVED

THAT

1. Council continue to advocate to the NSW Government for a secure, long term and viable working arrangement for Lithgow Community Private with the Nepean Blue Mts Local Health District.
2. A report come back to every second council meeting regarding negotiations between stakeholders, outlining representations taken by Council.
3. The community be updated bi-monthly by way of a media release.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

11.2. People and Services Reports

11.2.1. Building and Development

11.2.1.1. DEV - 23/01/2023 - Modification to Stormwater Design MODDA049/22 to DA021/18 Subdivision 1 into 86 Lots at Hillcrest Avenue South Bowenfels

23 -9 RESOLVED

THAT

1. The Modification Application MODDA049/22 for DA021/18 be approved in accordance with 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 C Coleman

SECONDED: Councillor D Goodsell

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 D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

11.2.1.2. DEV - 23/01/2023 - Voluntary Planning Agreement- Nu-Rock Technology Pty Ltd - DA292/14

23 -10 RESOLVED

THAT:

1. Council endorse the Voluntary Planning Agreement for DA292/14 involving the contribution by the developer of \$60,000 prior to Occupation Certificate and \$30,000 annually thereafter for community facilities and or activities.
2. Council authorise the General Manager to execute the Voluntary Planning Agreement on behalf of Council.
3. The Voluntary Planning Agreement, upon execution by both parties, be forwarded to the NSW Department of Planning and Environment.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

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 D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

11.2.1.3. DEV - 23/01/2023 - Variations to Development Standards under Clause 4.6 of the Standard Instrument

23 -11 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 October to December 2022 quarter.

MOVED: Councillor C O'Connor

SECONDED: Councillor E Mahony

CARRIED

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

Divisions

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

AGAINST: Nil

11.2.2. People and Services General Reports

11.2.2.1. PS - 23/01/2023 - Lithgow Community Cultural Protocols

23 -12 RESOLVED

THAT Council adopt the Lithgow Community Cultural Protocol.

MOVED: Councillor E Mahony

SECONDED: Councillor D Goodsell

CARRIED

11.3. Infrastructure Services Reports

11.3.1. IS - 23/01/2023 - Road Naming Proposal - DA196/18, Woodlands Estate, Lidsdale

23 -13 RESOLVED

THAT Council:

In accordance with Council's Addressing Policy, advertise the road naming of the new roads created as part of DA196/18, off Ian Holt Drive, Lidsdale as "Carriers Arms Close" and "Ostler 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 Lesslie

SECONDED: Councillor E Mahony

CARRIED

11.3.2. IS - 23/01/2023 - Wolgan Road Recovery and Alternate Route Construction

This item was dealt with earlier in the meeting.

11.3.3. IS - 23/01/2023 - Replacement of Street Sweeper

23 -14 RESOLVED

THAT Council approve the purchase of the Rosmech-Scarab Mistral street sweeper at a cost of \$426,339 incl. GST.

MOVED: Councillor C O'Connor

SECONDED: Councillor E Mahony

CARRIED

11.4. Water and Wastewater Reports

11.4.1. WWW - 23/01/2023 - Waste Management & Resource Recovery Strategy 2022-2026

23 -15 RESOLVED

THAT Council adopt the *Waste Management & Resource Recovery Strategy 2022-2026* as exhibited and included as an attachment to this report.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED

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

Divisions

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

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

11.5. Finance and Assets Reports

11.5.1. FIN - 23/01/2023 - Application for a Special Rate Variation

23 -16 RESOLVED

THAT Council:

1. Submit a Special Rate Variation application (by 3 February) under Section 508(2) of the NSW Local Government Act for a permanent Special Rate Variation (SRV) 45.7% increase (including 3.7% rate peg) in 2023/24 for the primary purposes (based on IPART categories) of:
 - a. Improving financial sustainability;
 - b. Maintaining existing services; and
 - c. Reducing infrastructure backlogs for asset maintenance and renewals.
2. Reaffirm its commitment to limiting any increase in the residential, farming and business (general) rating categories to 27.7% (including the 3.7% rate peg) with the balance of the SRV funds required to be levied against the business power generation sub-category, mining category and a new quarrying business sub-category or sub-categories.
3. Adopt the updated Integrated Planning & Reporting documents. This includes the following plans:
 - a. Supplementary Community Strategic Plan 2035.

- b. Supplementary Combined Delivery Program 2022– 2026 and Operational Plan 2022/23.
- c. Updated 2022-2032 Long Term Financial Plan.
- d. Updated 2022-2026 Workforce Plan.
- e. Updated 2022-2032 Strategic Asset Management Plan.

MOVED: Councillor D Goodwin

SECONDED: Councillor D Goodsell

CARRIED

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

Divisions

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

AGAINST: Councillor C Coleman and Councillor S Lesslie

11.5.2. FIN - 23/01/2023 - Investment Report November 2022

23 -17 RESOLVED

THAT

1. Investments of \$31,975,905 and cash of \$2,227,530 for the period ending 30 November 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 D Goodsell

SECONDED: Councillor C O'Connor

CARRIED

11.5.3. FIN - 23/01/2023 - Investment Report December 2022

23 -18 RESOLVED

THAT

1. Investments of \$34,980,093 and cash of \$320,080 for the period ending 31 December 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 D Goodsell

SECONDED: Councillor C O'Connor

CARRIED

11.6. Policies and Governance

11.6.1. GM - 23/01/2023 - September 2024 Council Election

23 -19 RESOLVED

THAT Council resolves:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

11.6.2. WWW - 23/01/2023 - Policy 8.1 Excessive Water Usage Allowance for Breakages

23 -20 RESOLVED

THAT

1. Council endorse revised Policy 8.1 Excessive Water Usage Allowance for Breakages to be placed on public exhibition for 28 days.
 - a. Following the exhibition period, the policy be returned to Council to consider adoption.

MOVED: Councillor E Mahony

SECONDED: Councillor D Goodsell

CARRIED

12. Council Committee Reports

12.1. FIN - 23/01/2023 - Finance Committee Meeting Minutes - 23 November 2022

23 -21 RESOLVED

THAT Council endorse the minutes of the Finance Committee meeting held on 23 November 2022.

MOVED: Councillor E Mahony

SECONDED: Councillor D Goodsell

CARRIED

12.2. FIN - 23/01/2023 - Audit Risk & Improvement Committee (ARIC) Minutes - 13 December 2022

23 -22 RESOLVED

THAT Council:

1. Endorse the Audit Risk & Improvement Committee meeting 13 December 2022 minutes.
2. Dissolve the Central Tablelands Alliance Audit Committee arrangements with Oberon Council and formally establish the Lithgow Council ARIC as an external Committee of Council.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

13. Business of Great Urgency

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

Councillor S McGhie called to have the Operations Committee meeting to be held on a monthly basis due to the number of operational matters being brought up.

The Mayor declared the matter not to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

Councillor C O'Connor made a statement on the matter of fuel prices in Lithgow in comparison to other neighbouring towns.

The Mayor declared the matter not to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulation.

There being no further business the Mayor declared the meeting closed at 9:25 pm.