



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 April 2023

at 7:00 PM

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

1. Acknowledgement of Country

The Mayor acknowledged Wiradjuri Elders past and present of the Wiradjuri nation - the original custodians of the land on which the Lithgow's communities reside and extended respect to our neighbouring nations.

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: 9

Her Worship the Mayor Councillor M Statham
Councillor A Bryce
Councillor C Coleman
Councillor D Goodsell (7:09pm)
Councillor D Goodwin
Councillor S Lesslie
Councillor S McGhie
Councillor E Mahony
Councillor C O' Connor

Also in attendance
Ross Gurney, Acting General Manager / CFIO
Jonathon Edgecombe, Director Infrastructure Services
Michael McGrath, Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Trinity Newton, Minutes Secretary
Sarah Lewis, Minutes Secretary

3. Apologies

An apology was received for the General Manager Craig Butler, who is on leave.

All Councillors were in attendance.

4. Declaration of Interest

The Mayor called for any declarations of interest.

There were Nil declarations of interest.

5. Confirmation of Minutes

23 -66 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 27 March 2023 were taken as read and confirmed.

MOVED: Councillor D Goodwin

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

AGAINST: Councillor S Lesslie and Councillor E Mahony

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.

On behalf of Lithgow City Council the Mayor recognised the passing of former Mayor and Councillor Joe McGinnis, and extended sincere sympathy to his wife and family.

7. Public Forum

Brydie Zorz made a statement in relation to Item 9.1 on the business paper.

The Mayor thanked Brydie Zorz for her statement.

Bridget Cama made a statement in relation to Item 9.1 on the business paper.

Councillor D Goodsell arrived at the meeting at 7:09 pm.

The Mayor thanked Bridget Cama for her statement.

Tom Evangelidis made a statement in relation to the Stage Two of the Lithgow Heritage Grant that was not on the business paper.

The Mayor thanked Mr Evangelidis for his statement.

8. Mayoral Minutes

8.1. Mayoral Minute - 24/04/2023 - Staff Matters

Report by Mayor – Councillor Maree Statham

The Mayor stated that the staff matters have been included in a late staff report to be considered in confidential closed Council.

9. Notices of Motion

9.1. NOM - Cr Darryl Goodwin - 24/04/2023 - Support the Voice to Parliament

Report by Councillor Darryl Goodwin

MOTION

THAT Lithgow City Council

1. Acknowledges the importance of a voice for Aboriginal and Torres Strait Islander peoples in the Australian Parliament;
2. Supports the Uluru Statement from the Heart and its call for a constitutionally enshrined Voice to Parliament;
3. Recognizes the long history of dispossession, discrimination and marginalization experienced by Aboriginal and Torres Strait Islander peoples, and the ongoing effects of this history on their lives and communities;
4. Believes that the establishment of a Voice to Parliament is a necessary step towards achieving meaningful reconciliation and addressing the ongoing issues faced by Aboriginal and Torres Strait Islander peoples;
5. Calls on all Members of Parliament to support the establishment of a Voice to Parliament, and to work towards ensuring that Aboriginal and Torres Strait Islander peoples have a meaningful say in the decisions that affect their lives and communities.
6. Adds a position for a First Nations person to the Environmental Advisory Committee.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

AMENDMENT

THAT Lithgow City Council

1. Acknowledges the importance of a voice for Aboriginal and Torres Strait Islander peoples in the Australian Parliament;
 2. Supports the Uluru Statement from the Heart and its call for a constitutionally enshrined Voice to Parliament;
 3. Recognizes the long history of dispossession, discrimination and marginalization experienced by Aboriginal and Torres Strait Islander peoples, and the ongoing effects of this history on their lives and communities;
 4. Believes that the establishment of a Voice to Parliament is a necessary step towards achieving meaningful reconciliation and addressing the ongoing issues faced by Aboriginal and Torres Strait Islander peoples;
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5. Calls on all Members of Parliament to support the establishment of a Voice to Parliament, and to work towards ensuring that Aboriginal and Torres Strait Islander peoples have a meaningful say in the decisions that affect their lives and communities.
6. Adds a position for a First Nations person to the Environmental Advisory Committee.
7. To congratulate Andrew Gee on his principled stand by resigning from the National Party on this issue.

MOVED: Councillor S Lesslie

SECONDED:

The AMENDMENT lapsed due to the lack of a seconder.

Councillor D Goodwin withdrew his support for point 6 requested by Councillor A Bryce.

23 -67 RESOLVED

THAT Lithgow City Council

1. Acknowledges the importance of a voice for Aboriginal and Torres Strait Islander peoples in the Australian Parliament;
2. Supports the Uluru Statement from the Heart and its call for a constitutionally enshrined Voice to Parliament;
3. Recognizes the long history of dispossession, discrimination and marginalization experienced by Aboriginal and Torres Strait Islander peoples, and the ongoing effects of this history on their lives and communities;
4. Believes that the establishment of a Voice to Parliament is a necessary step towards achieving meaningful reconciliation and addressing the ongoing issues faced by Aboriginal and Torres Strait Islander peoples;
5. Calls on all Members of Parliament to support the establishment of a Voice to Parliament, and to work towards ensuring that Aboriginal and Torres Strait Islander peoples have a meaningful say in the decisions that affect their lives and communities.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

CARRIED

Councillor A Bryce left the meeting at 7:27 pm.

Councillor A Bryce returned to the meeting at 7:29 pm.

10. Staff Reports

10.1. General Manager's Reports

10.1.1. GM - 24/04/2023 - Organisation Structure

23 -68 RESOLVED

THAT Council:

1. Endorse the structure as outlined in the attachment to this report (as required by Section 322 of the Local Government Act), and,

2. Determine to re-appoint the Director of Infrastructure Services upon conclusion of the current Senior Staff contract.

MOVED: Councillor D Goodsell

SECONDED: Councillor C Coleman

CARRIED

10.2. People and Services Reports

10.2.1. Building and Development

10.2.1.1. DEV - 24/04/2023 - Variations to Development Standards

23 -69 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 January to March 2023 quarter.

MOVED: Councillor C O'Connor

SECONDED: Councillor E Mahony

CARRIED

10.3. Infrastructure Services Reports

10.3.1. IS - 24/04/2023 - Lithgow Emerging Economy Project (LEEP) - Public Exhibition

23 -70 RESOLVED

THAT

1. Councillors receive the Lithgow Emerging Economy Plan 2023 (LEEP)
2. The administration move to exhibit the LEEP report for a period of 42 days for the purpose of receiving and considering community submissions. (Note this will include key stakeholder consultations during the exhibition period with business and relevant community associations),
3. Following the consideration of consultations and submissions, a report be prepared for a future Ordinary Council Meeting detailing the results of the community exhibition process and setting out recommendations for the resourcing and governance arrangements reasonably necessary to implement the LEEP.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

Councillor D Goodsell left the meeting at 7:53 pm.

Councillor D Goodsell returned to the meeting at 7:54 pm.

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

Divisions

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

AGAINST: Councillor S Lesslie

10.3.2. IS - 24/04/2023 - Financial Assistance Request - Sporting Representation

23 -71 RESOLVED

THAT Council provide Alexander Evans with financial assistance of \$300.00 from the 2022/23 allocation toward the cost of Alexander's sporting representation in Swimming.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

10.3.3. IS - 24/04/2023 - Wolgan Valley Alternate Alignment Study

Administration gave further advise on this item.

23 -72 RESOLVED

THAT Council:

1. Approve an exemption from tender in accordance with section 55(3)(k) of the Local Government Act 1993 to engage WSP for the investigation and concept design of an alternate alignment of the Wolgan Road.
2. Engage WSP for the provision of services related to the investigation and concept design of an alternate alignment of the Wolgan Road, at a total cost of \$1,045,886 excl. GST.
3. Approve a budget of \$1,045,886 for the investigation and concept design of an alternate alignment of the Wolgan Road.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED

10.4. Water and Wastewater Reports

10.4.1. WWW - 24/04/2023 - Introduction of a kerbside organics (FOGO) collection service

23 -73 RESOLVED

THAT Council:

1. Note the outcome of the community consultation for the rollout of a kerbside organics service and endorse commencement of a kerbside organics (FOGO) service with an expected commencement time of February/March 2024; and
2. Endorse the funding arrangements for roll-out and ongoing operating costs of a FOGO service including the introduction of a \$50 per tonne commercial 'waste levy', \$10 increase

(in addition to CPI) in domestic waste charge and \$130 per service for households requesting additional services. Should the full SRV not be approved, the domestic waste charge will be increased by \$50 (in addition to CPI).

3. Endorse the proposed new fees and charges for 2023/24 (to be placed on public exhibition), being \$519 for the full domestic waste charge, \$639 for any additional full service, \$130 for any additional FOGO service only.
4. Delegate authority to the General Manager to sign the Deed of Agreement with the NSW EPA for the 'Go FOGO' grant;
5. Exercise the '2nd Extension Period' for the Waste Services Contract with JR Richards covering the 12-month period from 4 November 2024 until 3 November 2025 and the General Manager be authorised to execute all necessary contract documentation.
6. Approve an exemption from tender in accordance with section 55(3)(i) of the *Local Government Act 1993* for the variation of the Waste Services Contract with JR Richards to incorporate rollout and servicing of kerbside organics.
7. Approve an exemption from tender in accordance with section 55(3)(i) of the *Local Government Act 1993* for the processing of kerbside organics at the ANL Blayney facility.
8. Delegate to the General Manager authorisation to sign all necessary contract documentation to affect a FOGO service.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

10.5. Finance and Assets Reports

10.5.1. FIN - 24/04/2023 - Delivery Program 2022-2026 and Operational Plan 2023-2024

23 -74 RESOLVED

THAT Council:

1. Endorse the Delivery Program 2022-2026 and Draft Operational Plan 2023/24 to be placed on public exhibition for 28 days. This will include the following documents:
 - a. The Delivery Program 2022-2026 and Draft Operational Plan 2023/24; and
 - b. Draft Fees and Charges 2023/24.
2. Note that the closing date for submissions be Wednesday 24 May 2023.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED

10.5.2. FIN - 24/04/2023 - Investment Report March 2023

23 -75 RESOLVED

THAT

1. Investments of \$36,833,583 and cash of \$448,747 for the period ending 31 March 2023 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on cashflow and funding requirements for restricted reserves be noted.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

10.6. Policies and Governance

10.6.1. PS - 24/04/2023 - Policy 7.6 - Council Conflict of Interest

23 -76 RESOLVED

THAT The Council adopt amended Policy 7.6 (as provided as Attachment 3).

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodsell

CARRIED

11. Council Committee Reports

11.1. IS - 24/04/2023 - Operations Committee Meeting - 4th April 2023

23 -77 RESOLVED

THAT Council:

1. Note the minutes of the Operations Committee Meeting held on 4 April 2023; and
2. Endorse the Expressions of Interest process for the recycling of timber, generated from the replacement of the three bridges along Glen Davis Road.
3. Note the update provided to the Committee on next steps relating to the Wolgan Valley Proposed Alternative Route Selection process.
4. Note the update provided to the Committee regarding Lithgow Council's involvement in the Regional Risk Reduction Program.
5. Actively seek grant funding of \$224,334 (excluding GST) to undertake necessary improvements to the Portland Cemetery service lane to accommodate a formal bus stop area.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

CARRIED

11.2. FIN - 24/04/2023 - Appointment of ARIC Member

23 -78 RESOLVED

THAT Council appoint Kylie McRae as an independent voting member of the Lithgow Council Audit Risk and Improvement Committee (ARIC) for a four-year term, in accordance with the ARIC Terms of Reference.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11.3. PS - 24/04/2023 - Community Development Committee Meeting 11 April 2023

23 -79 RESOLVED

THAT Council note the minutes of the Community Development Committee held on 11 April 2023.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11.4. PS - 24/04/2023 - Crime Prevention Meeting 13 February 2023

23 -80 RESOLVED

THAT Council note the Minutes of the Crime Prevention Committee meeting held on 13 February 2023.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

12. 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 A Bryce sort clarification on the cause of delay for the approval of the hall at Clarence, requesting a report be brought back to Council at a later date.

The Mayor declared the matter to be of great urgency and requested the administration to address the matter.

13. 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.

23 -81 RESOLVED

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the business paper at 8:24 pm.

SECONDED: Councillor A Bryce

MOVED: Councillor D Goodsell

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.

23 -83 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 8:49 pm.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED: Unanimously

23 -82 RESOLVED

THAT

1. The General Manager's employment contract be renewed for four (4) years from 11 May 2023 to 11 May 2027.
2. A total remuneration package (TRP) of \$288,695 per annum (inclusive of compulsory Superannuation) form part of the General Manager's contract renewal.
3. Council authorises the affixing of the Council seal to the employment contract documentation.

MOVED: Councillor S McGhie

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

AGAINST: Councillor S Lesslie

There being no further business the Mayor declared the meeting closed at 8:51 pm.