



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 March 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.....	5
6. Commemorations and Announcements	5
7. Public Forum.....	5
8. Mayoral Minutes.....	5
8.1. CONFIDENTIAL - Mayoral Minute - 27/03/2023 - Staff Matters	5
9. Notices of Motion.....	6
9.1. Notice of Motion - 27/03/2023 - Cr S. McGhie - Fifteen Minute Parking Zone for Lithgow Mobility Aids	6
10. Staff Reports	7
10.1. General Manager's Reports.....	7
10.1.1. EXEC - 27/03/2023 - National General Assembly (NGA) 2023	7
10.1.2. GM - 27/03/2023 - Update Lithgow Community Private	8
10.2. Infrastructure Services Reports.....	9
10.2.1. IS - 27/03/2023 - Wolgan Road - Review of Slope Risk Assessment.....	9
10.3. Water and Wastewater Reports.....	9
10.3.1. WWW - 27/03/2023 - Tender Evaluation - Detailed Design and Construction of the West Bowenfels Sewerage Pumping Station.....	9
10.4. Finance and Assets Reports	10
10.4.1. FIN - 27/03/2023 - Investment Report February 2023.....	10
10.4.2. FIN - 27/03/2023 - Acquisition of Road Encroachment	10
10.4.3. FIN - 27/03/ 2023 - Proposed Acquisition of Crown Road and Private Land for Road Purposes	10
10.5. Policies and Governance.....	11
10.5.1. FIN - 27/03/2023 - Policy 9.4 Business Continuity Policy.....	11
10.5.2. PS - 27/03/2023 - Seven Valleys Tourism Committee Terms of Reference.....	11
10.5.3. LATE REPORT - FIN - 27/03/2023 - Lithgow City Council's 2018 sale of land in Barton Avenue Wallerawang.....	13
11. Council Committee Reports.....	14
11.1. ENV - 27/03/2023 - Environmental Advisory Committee Minutes - 8 February 2023 .	14
11.2. IS - 27/03/2023 - TALC Committee Meeting Minutes - 2 March 2023.....	15
11.3. FIN - 27/03/2023 - Audit Risk & Improvement Committee (ARIC) Minutes - 14 March 2023.....	16

12. Business of Great Urgency..... 16
13. Closed Council..... 16

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
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
Mark Gervasoni, Acting Executive Manager Water and Wastewater
Sarah Lewis, Minutes Secretary
Trinity Newton, Minutes Secretary

3. Apologies

All being present, there were no apologies.

4. Declaration of Interest

The Mayor called for any declarations of interest.

There were Nil declarations of interest.

5. Confirmation of Minutes

23 -47 RESOLVED

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

MOVED: Councillor D Goodsell

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.

Councillor C Coleman acknowledged the increased attendance at the Lithgow Show. The Mayor endorsed those remarks.

7. Public Forum

Members of the public gallery were invited to participate in the Public Forum Session.

Martin Krogh made a statement in relation to Item 10.2.1 Wolgan Road - Review of Slope Risk Assessment on the business paper.

The Mayor thanked Mr Krogh for his statement.

There were no other speakers.

8. Mayoral Minutes

8.1. CONFIDENTIAL - Mayoral Minute - 27/03/2023 - Staff Matters

23 -48 RESOLVED

THAT this item is moved to the end of the meeting and considered in closed Confidential Council.

MOVED: Councillor S McGhie

SECONDED: Councillor D Goodwin

CARRIED

9. Notices of Motion

9.1. Notice of Motion - 27/03/2023 - Cr S. McGhie - Fifteen Minute Parking Zone for Lithgow Mobility Aids

Report by Councillor Stuart M^cGhie

Motion

THAT a fifteen minute parking zone specific to Lithgow Mobility Aids be made by signs flat against the wall on either side of the rear driveway access of 25 Main Street Lithgow.

MOVED: Councillor S McGhie

SECONDED: Councillor E Mahony

Amendment

THAT:

1. a fifteen minute 'specific parking zone', specifically for the Lithgow Mobility Aids be made by signs flat against the wall on either side of the rear driveway access of 25 Main Street Lithgow.
2. a 40 km/h speed limit be applied to the Main Street Laneway.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

Point of Order called by Cr S Lesslie stated that the amendment is too remote from the original motion and councillors have not been able to consider it on its merits before the meeting.

The Mayor over ruled the Point of Order.

Cr S Lesslie moved a Motion of Dissent against the Mayor's ruling.

The Mayor PUT the Motion.

The Motion was Lost.

PROCEDURAL MOTION

THAT an extension of time be granted to Cr S McGhie.

MOVED: Councillor D Goodwin

SECONDED: Councillor C O'Connor

CARRIED

Amendment

THAT

1. a fifteen minute 'specific parking zone', specifically for the Lithgow Mobility Aids be made by signs flat against the wall on either side of the rear driveway access of 25 Main Street Lithgow.
2. a 40 km/h speed limit be applied to the Main Street Laneway.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

CARRIED

The Amendment was PUT and became the Motion.

The Motion was PUT.

23 -49 RESOLVED

THAT

1. a fifteen minute 'specific parking zone', specifically for the Lithgow Mobility Aids be made by signs flat against the wall on either side of the rear driveway access of 25 Main Street Lithgow.
2. a 40 km/h speed limit be applied to the Main Street Laneway.

MOVED: Councillor S McGhie

SECONDED: Councillor C O'Connor

CARRIED

10. Staff Reports

10.1. General Manager's Reports

10.1.1. EXEC - 27/03/2023 - National General Assembly (NGA) 2023

23 -50 RESOLVED

THAT Council:

1. Appoint the Mayor and Deputy Mayor as attendees to the NGA23 Conference;
2. Authorise the General Manager or a delegate of the General Manager, to also attend the NGA23 Conference.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

10.1.2. GM - 27/03/2023 - Update Lithgow Community Private

Motion

THAT the report on Lithgow Community Private be received.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

Amendment

THAT

1. the Council maintain its current position of advocating for a long term and viable working arrangement between the NBMLHD and LCP that will ensure the continuing operation of LCP, and,
2. direct communication be made with the incoming NSW Health Minister, within 30 days of their appointment, regarding the LCP's request for financial assistance to support LCP returning to pre-covid levels of available working funds.

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

CARRIED:

The Amendment was PUT and became the Motion.

The Motion was PUT.

23 -51 RESOLVED

THAT

1. the Council maintain its current position of advocating for a long term and viable working arrangement between the NBMLHD and LCP that will ensure the continuing operation of LCP, and,
2. direct communication be made with the incoming NSW Health Minister, within 30 days of their appointment, regarding the LCP's request for financial assistance to support LCP returning to pre-covid levels of available working funds.

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

CARRIED

10.2. Infrastructure Services Reports

10.2.1. IS - 27/03/2023 - Wolgan Road - Review of Slope Risk Assessment

23 -52 RESOLVED

THAT Council:

1. Endorse the contents and findings of the Slope Risk Assessment, as attached to this report.
2. Engage with the community on the findings of the Slope Risk Assessment, providing the report to the community (with a summary) for this purpose.
3. Proceed without delay to complete the Alternate Route Analysis, continuing to engage deeply with Government and community throughout this process.
4. Advocate for the three actions identified within the *Project Challenges* section of the report.
5. This matter be reported to Council at three monthly intervals to publicly convey progress and challenges.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED

Councillor D Goodwin left the meeting at 8:01 pm.

Councillor D Goodwin returned to the meeting at 8:02 pm.

10.3. Water and Wastewater Reports

10.3.1. WWW - 27/03/2023 - Tender Evaluation - Detailed Design and Construction of the West Bowenfels Sewerage Pumping Station

23 -53 RESOLVED

THAT Council:

1. Accept the tender from Keane Civil & Construction Pty Ltd for the Detailed Design and Construction of the West Bowenfels Sewerage Pumping Station.
2. Delegate to the General Manager authority to enter a contract with Keane Civil & Construction Pty Ltd in accordance with Tender for the Detailed Design and Construction of the West Bowenfels Sewerage Pumping Station for the contract sum of \$3,856,714 ex. GST.
3. Approve a budget variation for the 2022/23 financial year to utilise \$300,000 (funded from a grant).
4. Approve a \$3,942,385 budget allocation being added to the 2023/24 draft capital works program for the remainder of the cost of the project.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED

Councillor D Goodsell left the meeting at 8:12 pm.

Councillor D Goodsell returned to the meeting at 8:13 pm.

10.4. Finance and Assets Reports

10.4.1. FIN - 27/03/2023 - Investment Report February 2023

23 -54 RESOLVED

THAT:

1. Investments of \$36,382,335 and cash of \$2,238,024 for the period ending 28 February 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 D Goodsell

SECONDED: Councillor A Bryce

CARRIED

10.4.2. FIN - 27/03/2023 - Acquisition of Road Encroachment

23 -55 RESOLVED

THAT Council:

1. Approve the acquisition of 127 m² area of private land as outlined in this report in accordance with the valuation of \$26,000 (funded from operational savings).
2. Authorise the General Manager to do all things and sign all documents necessary to give effect to the acquisition and dedication of the encroached area as public road.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED

10.4.3. FIN - 27/03/ 2023 - Proposed Acquisition of Crown Road and Private Land for Road Purposes

23 -56 RESOLVED

THAT Council:

1. Apply to have a portion of the Crown road running perpendicular to Wirraway Street, South Littleton transferred to Council and dedicated as public road.
2. Acquire a small portion of the privately owned land located at the end of Wirraway Street by agreement with the owner, in accordance with the *Roads Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991* to be dedicated as public road.
3. Upon completion of 1 and 2 above, surface the public road to provide safe and practical access to the Property and to the multiple residences along Munjowee Circle who presently use the Crown road for rear access to their properties.

4. Authorise the General Manager to do all things necessary, and sign all documents required to give effect to resolutions 1 to 3 above.
5. Note that a report will be provided to a future Council meeting to inform Council of the cost and funding source for the acquisition of the portion of private land and surfacing of the public road, as well as the timeframe for surfacing to occur.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED

10.5. Policies and Governance

10.5.1. FIN - 27/03/2023 - Policy 9.4 Business Continuity Policy

23 -57 RESOLVED

THAT Council adopt updated Policy 9.4 Business Continuity for immediate implementation.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

10.5.2. PS - 27/03/2023 - Seven Valleys Tourism Committee Terms of Reference

Motion

THAT Council

1. Adopted the revised Terms of Reference for the Seven Valleys Tourism Committee inclusive of:
 - a. Name change from Seven Valleys Regional Marketing Cooperative,
 - b. New Committee structure as a 355 Committee of Council.
2. Endorse the new members of the committee (Ann Thompson, Daniel Zolfel and Louise Wallace).
3. Determined the role of Chairperson be the Mayor and Deputy Chairperson position be Councillor C Coleman

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

Other Councillors expressed an interest in the role of Deputy Chairperson: (Councillor A Bryce, Councillor C Coleman and Councillor E Mahony).

The Council determined that this be decided by working through the sequence of amended and original motions.

Amendment

THAT Council

1. Adopted the revised Terms of Reference for the Seven Valleys Tourism Committee inclusive of:
 - a. Name change from Seven Valleys Regional Marketing Cooperative,
 - b. New Committee structure as a 355 Committee of Council.
2. Endorse the new members of the committee (Ann Thompson, Daniel Zolfel and Louise Wallace).
3. Determined the role of Chairperson be the Mayor and Deputy Chairperson position be Councillor C Coleman

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

Carried

The Amendment was PUT and CARRIED.

A Foreshowed Amendment was presented.

THAT Council

1. Adopted the revised Terms of Reference for the Seven Valleys Tourism Committee inclusive of:
 - a. Name change from Seven Valleys Regional Marketing Cooperative,
 - b. New Committee structure as a 355 Committee of Council.
2. Endorse the new members of the committee (Ann Thompson, Daniel Zolfel and Louise Wallace)
3. Determine the role of Chairperson be the Mayor and Deputy Chairperson position be Councillor E Mahony.

MOVED: Councillor E Mahony

SECONDED: Councillor S Lesslie

LOST

The Foreshadowed Amendment was PUT and LOST.

The Amended Motion was PUT and CARRIED.

23 -58 RESOLVED

THAT Council

1. Adopted the revised Terms of Reference for the Seven Valleys Tourism Committee inclusive of:
 - a. Name change from Seven Valleys Regional Marketing Cooperative,
 - b. New Committee structure as a 355 Committee of Council.
2. Endorse the new members of the committee (Ann Thompson, Daniel Zolfel and Louise Wallace).
3. Determine the councillors for the positions of Chairperson the Mayor and Deputy Chairperson Cr Bryce.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED

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

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

10.5.3. LATE REPORT - FIN - 27/03/2023 - Lithgow City Council's 2018 sale of land in Barton Avenue Wallerawang

23 -59 RESOLVED

THAT:

1. The report relating to Lithgow City Council's 2018 sale of land in Barton Avenue Wallerawang be received, and,
2. Council take a decision as to the public release of the original report for this matter, recognising that legal advice which featured in that report will be redacted and not released due to it being subject to legal privilege.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

A Point of Order was called by the Mayor, Councillor M Statham on Councillor S Lesslie in relation to his comments mentioning specific people.

The Mayor upheld the Point of Order and asked that Councillor S Lesslie refrain from using names.

A Point of Order was called by Councillor D Goodsell on Councillor S Lesslie to stay on topic with the recommendation.

The Mayor upheld the Point of Order.

PROCEDURAL MOTION

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

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

Councillor D Goodsell left the meeting at 8:37 pm.

Councillor D Goodsell returned to the meeting at 8:38 pm.

Councillor A Bryce left the meeting at 8:38 pm.

A Point of Order was called by Mayor, Councillor M Statham on Councillor S Lesslie to stay on topic with this recommendation.

Councillor A Bryce returned to the meeting at 8:40 pm.

A Point of Order was called by Councillor D Goodsell on Councillor S Lesslie to stay on topic with this recommendation.

The Mayor upheld the Point of Order.

A Point of Order was called by Mayor, Councillor M Statham on Councillor S Lesslie regarding his remarks towards Council.

Councillor S Lesslie left the meeting at 8:41 pm and did not return.

A Point of Order was called by Councillor E Mahony on Councillor S McGhie for his remarks regarding Councillor S Lesslie.

Councillor S McGhie apologised for his remark.

11. Council Committee Reports

11.1. ENV - 27/03/2023 - Environmental Advisory Committee Minutes - 8 February 2023

Motion

THAT Council accept the minutes of the Environmental Advisory Committee held on 8 February 2023.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

Amendment

THAT Council defer the minutes of the Environmental Advisory Committee held on 8 February 2023 to the April Meeting.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED:

The Amendment was PUT and became the Motion.

23 -60 RESOLVED

THAT Council defer the minutes of the Environmental Advisory Committee held on 8 February 2023 to the April Meeting.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED:

11.2. IS - 27/03/2023 - TALC Committee Meeting Minutes - 2 March 2023

23 -61 RESOLVED

THAT Council

1. Note the minutes of the TALC Committee Meeting held on 2 March 2023.
2. **Disabled Parking Request - Wallerawang and Portland -**
 - Install one (1) disabled parking zone adjacent to 50 Main Street, Wallerawang; and
 - Relocate the existing disabled parking zone in Wolgan Street, Portland from the western side adjacent to the Coronation Hotel to the eastern side, adjacent to 1 Wolgan Street, Portland.
3. **Resident Parking Permit Request - Main Street, Lithgow -**
 - Not implement a Resident Parking Scheme for residents within the Central Business District of Main Street, Lithgow due to the restricted nature of parking throughout the CBD precinct and the resulting impact to several businesses; and
 - Remind residents in the Central Business District that free parking is offered via a number of car parks within the Central Business District that provide unlimited parking for residents.
4. **Special Event Parking Restriction Request - Bathurst Street, Rydal -**
 - Approve a temporary road closure for the shoulder areas with reduced speed limit / No Stopping areas for Bathurst Street, Rydal, between Stacks Road and Market Street, on 9, 10, 16 and 17 September 2023, from 9.00am to 5.00pm;
 - Request the temporary road closure for the shoulder areas be made annually if the 2023 implementation is successful;
 - Work with the Rydal Village Association for responsibility for implementing the TGS for the temporary road closure;
 - Undertake a letterbox drop to residents/ business advising them of the approval; and
 - Correspond with the Electoral Commission and advise of the parking concerns, suggesting that an alternative venue with off street parking be sought for future events.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED

11.3. FIN - 27/03/2023 - Audit Risk & Improvement Committee (ARIC) Minutes - 14 March 2023

23 -62 RESOLVED

THAT Council endorse the minutes of the 14 March 2023 Audit Risk & Improvement Committee meeting.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

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 apologised to the Councillors for some of her comments earlier in the meeting.

Councillor D Goodwin raised that a public forum speaker was missed in the minutes of Ordinary Meeting of Council held 27 February 2023 and requested this to be checked.

Councillor E Mahony raised concerns that in the case of the Draft Lithgow Floodplain Risk Management Study and Plan meeting, the venue may not be big enough for the potential public attendance.

The Mayor declared that the matters raised were not urgent business.

13. Closed Council

13.1. CONFIDENTIAL - Mayoral Minute - 27/03/2023 - Staff Matters

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 -63 RESOLVED

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the business paper at 9:05pm.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

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 -65 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 9:19 pm.

MOVED: Councillor S McGhie

SECONDED: Councillor E Mahony

CARRIED:

In the absence of the General Manager, the Director of People & Services read the resolution of the closed session of Council to the public.

23 -64 RESOLVED

THAT

1. Following the General Manager's performance review on 23 March 2023, Councillors note the Performance Review Report prepared by independent consultant Mr Matthew McArthur.
2. Based on the Performance Review Report, the result of a 'Very Satisfactory' performance level for the General Manager's Performance Review be noted.
3. It was further noted that 19 of the 22 criteria from the Councillor's assessment of the General Manager's performance were scored at or above 3.5 out of 5.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED:

There being no further business the Mayor declared the meeting closed at 9:20 pm.