



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 February 2019

at 7:00 pm

ORDER OF BUSINESS

1. Acknowledgement of Country	5
2. Present	5
3. Apologies	5
4. Confirmation of Minutes.....	5
5. Declaration of Interest	6
6. Commemorations and Announcements	6
7. Public Forum.....	6
8.1.3. GM - 25/02/19 - DA294/18 - Proposed Rehabilitation of Bell Quarry - Off Sandham Road Newnes Junction	9
8.2.7. ECDEV - 25/02/19 - DA324/16 Mount Lambie Service Station, 1940 Great Western Highway, Mount Lambie	9
8. Staff Reports	10
8.1. General Manager's Reports.....	10
8.1.1. GM - 25/02/19 - Prescribed Code of Conduct	10
8.1.2. GM - 25/02/19 - Prescribed Code of Meeting Practice.....	11
8.1.3. GM - 25/02/19 - DA294/18 - Proposed Rehabilitation of Bell Quarry - Off Sandham Road Newnes Junction	11
8.1.4. GM - 25/02/19 -DA016/19 Asbestos Disposal Wallerawang Power Station, Wallerawang Ash Repository site	11
8.2. Economic Development and Environment Reports.....	12
8.2.1. ECDEV - 25/02/19 - DA022/18 - Proposed 79 Lot Subdivision- Planning Agreement, 33 Magpie Hollow Road, South Bowenfels	12
8.2.2. ECDEV - 25/02/19 - DA142/18, 137 Lot Subdivision Planning Agreement, Great Western Highway, Bowenfels	12
8.2.3. ECDEV - 25/02/19 - DA021/18, 87 Lot Subdivision Planning Agreement, 43 Hillcrest Avenue, Bowenfels	13
8.2.4. ECDEV - 25/02/19 - Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang	14
8.2.5. ECDEV - 25/02/19 - Proposed Renaming of Old Western Road Rydal and Wards Road Megalong Valley	14
8.2.6. ECDEV - 25/02/19 - Energy Australia-Pipers Flat Rail Coal Unloader - Modification 1 to Project Approval 06_0271 , 708 Pipers Flat Road Wallerawang.....	15
8.2.7. ECDEV - 25/02/19 - DA324/16 Mount Lambie Service Station, 1940 Great Western Highway, Mount Lambie	15
8.2.8. ECDEV - 25/02/19- Licence to Anglican Parish of Lithgow and Amended Generic Plan of Management.....	15
8.2.9. ECDEV - 25/02/19 - Lithgow Local Environmental Plan 2014 Amendment 3 - 88 Pipers Flat Road Wallerawang	16

8.2.10. ECDEV - 25/02/19 -DA015/19 Demolition and Deconstruction of the Wallerawang Power Station, Main Street Wallerawang	16
8.2.11. ECDEV - 25/02/19 - Economic Development & Environment Policy Review	18
8.2.12. ECDEV - 25/02/19 - Proposed Invitation to Lithgow and District Chamber of Commerce.....	18
8.3. Infrastructure Services Reports	19
8.3.1. IS - 25/02/19 - Tony Luchetti Showground Usage - Ironfest	19
8.3.2. IS - 25/02/19 - Request For Maintenance of Portland Golf Club.....	19
8.3.3. IS - 25/02/19 - Infrastructure Services Policy Review	20
8.3.4. IS - 25/02/19 - Mobile Black Spot Program - Kanimbla Valley	20
8.4. Water and Wastewater Reports.....	20
8.4.1. WWW -25/02/19 - Water Report.....	20
8.4.2. WWW - 25/02/19 - Exemption from Water Supply and Sewerage Special Rates Policy.....	21
8.5. Finance and Assets Reports	21
8.5.1. FIN - 25/02/19 - Policy Review	21
8.5.2. FIN - 25/02/19 - New Policies	22
8.5.3. FIN - 25/02/19 - Access to Information Held Policy Review.....	22
8.5.4. FIN 25/02/19 - Fraud and Corruption Control Policy	22
8.5.5. FIN - 25/02/19 - Request for Consideration - Excessive Water Account - Property 58910	23
8.5.6. FIN - 25/02/19 - Request for Consideration - Excessive Water Account & Hardship Application - Property 48150	24
8.5.7. FIN - 25/02/19 - Drought Assistance Measures	24
8.5.8. FIN - 25/02/19 - 2018-19 Quarter Two Budget Review	25
8.6. People and Services Reports	25
8.6.1. PS - 25/02/19 - Delivery Program - Six Monthly Progress Report	25
8.6.2. PS - 25/02/19 - Drought Assistance - Federal Government Income Supplement & Coordination of Drought Relief Efforts	26
8.6.3. PS - 25/02/19 - Glen Davis Memorial Plaques	26
9. Council Committee Reports.....	27
9.1. ECDEV - 25/02/19 - Lithgow Local Heritage Advisory Committee Meeting Minutes - 12 November 2018.....	27
9.2. IS - 25/02/19 - Sports Advisory Committee Meeting Minutes - 28 November 2018 ...	27
9.3. IS - 25/02/19 - Operations Committee Meeting Minutes - 3 December 2018.....	28
9.4. IS - 25/02/19 - Operations Committee Meeting Minutes - 4 February 2019.....	29
9.5. PS - 25/02/19 - Community Development Committee Minutes - 8 January 2019	29
9.6. ECDEV - 25/02/19 - Environmental Advisory Committee - 6 February 2019.....	30
9.7. FIN - 25/02/19 - Finance Committee Meeting Minutes - 11 February 2019.....	30
9.8. IS - 25/02/19 - Sports Advisory Committee Meeting Minutes 13 February 2019	31
10. Notices of Motion.....	31
10.1. Notice of Motion - 25/02/19 - Water Stations	31
11. Business of Great Urgency	32

12. Closed Council.....	33
12.2. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Uniting Church - Approach to Purchase or Lease Council Land	36
12.3. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Native Title Manager	36
12.4. CONFIDENTIAL - CLOSED REPORT - IS - 25/02/19 – Recreation Capital Budget Reallocation.....	37
12.5. CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Smart Metering Project Proposal	38
12.6. CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Cullen Bullen Sewerage Scheme	38
12.7. CONFIDENTIAL - CLOSED REPORT - FIN - 25/02/19 - Review of Insurance Provider 	39

The Chairperson declared the meeting open at 07:00 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.

2. Present

Public: 56

His Worship the Mayor Councillor R Thompson
Councillor W McAndrew
Councillor C Coleman
Councillor D Goodsell
Councillor S Lesslie
Councillor S Ring
Councillor J Smith
Councillor M Statham

Also in attendance

Mr Graeme Faulkner, General Manager
Mr Andrew Muir, Director Economic Development and Environment
Mr Ross Gurney, Chief Financial and Information Officer
Mr Daniel Buckens, Director Water and Wastewater
Mr Jonathon Edgecombe, Director Infrastructure Services
Mr Michael McGrath, Director People and Services
Mrs Trinity Newton, Minutes Secretary
Ms Kaitlin Cibulka, Assistant Minutes Secretary
Mr Matthew Trapp, Water/Wastewater Works & Project Officer

3. Apologies

An apology was received from and leave of absence granted to Councillor D Goodwin who is unable to attend due to work commitments.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman,
Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith,
Councillor M Statham,

AGAINST: nil

4. Confirmation of Minutes

19-08 RESOLVED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 29th January 2019 were taken as read and confirmed.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: Councillor S Lesslie

5. Declaration of Interest

Andrew Muir - Director of Economic Development Environment declared a non-pecuniary interest in Item 8.1.3 and 8.1.4 for the reason that he has a conflict of duties as he is a member of the Western Joint Regional Planning Panel that will eventually sit to consider and determine these applications. He will not vacate the Chambers so that he is able to be of assistance in relation to any questions of process only that may be raised.

Daniel Buckens - Director of Water and Wastewater declared a non-pecuniary interest in Confidential Item 12.6 for the reason that one of the properties identified as a potential site for the project is owned by a relative. Although he has removed himself from all dealing related to the land acquisition other than to be a reviewer to ensure correct procedure is followed including the review of the Council report and preparation of the Probity Plan he will vacate the Chambers.

Councillor S Lesslie declared a non-pecuniary interest in Item 8.1.3 and 8.1. 4 for the reason that as he is a member of the Western Joint Regional and will vacate the Chambers.

6. Commemorations and Announcements

Councillor C Coleman wished to convey her deepest concerns to Rich Evans and his family and wished him a speedy recovery, he is currently in Orange Hospital after he had a motorcycle accident on Saturday morning in Portland.

Councillor C Coleman offered congratulations to Ironfest committee for holding an amazing photo shoot which was held a couple of weekend ago. The "Ironfest does Lithgow" had 50 volunteers local and non local in costume plus at least 15 professional and non-professional photographers to take some breath taking photos. Cr Coleman acknowledged and thanked Mac Gregor Ross responsible for booking the venues, Rich Evans arranging the luncheon and Vicki Hartley who arranges the main characters, locations, photographers.

Councillor M Statham commemorated the passing of Daphne Bennett (formerly of Lean & Bennett Toyota) who passed away recently and was a prominent business owner in the community.

Councillor R Thompson acknowledged and congratulated the organisers and Staff for the recent Swimming Carnival which was a Regional event.

7. Public Forum

At 07:05 pm members of the public gallery were invited to participate in the Public Forum Session.

PF - MS RAQUEL OLIVOS made a statement in relation to a request for funding for Village Voice to be delivered around Lithgow Region and in relation to getting a water pipe from Lithgow to the Gosford area.

The Mayor thanked Ms Olivos for her statement.

PF - MR SEAN BUTLER made a statement in relation to Item 8.1.3 on the agenda.

The Mayor thanked Mr Butler for his statement.

PF - MRS SUE GRAVES and MRS VAL HENRY from Tidy Towns made statements in relation to security cameras at the Adventure playground and the general state of toilets around the town.

The Mayor thanked Mrs Graves and Mrs Henry for their statement.

PF - MR ANTHONY CRAIG made a statement in relation to West Papuan Refugees.

Mr Craig stated that he was live streaming his statements to Facebook as he speaks. No permission was given to Mr Craig to live stream from the Council meeting.

The Mayor called Mr Craig to order as the matter of the West Papuan Refugees is a matter for the Federal Government and he was disparaging towards Councillors and Council's response to the issues he has raised in the past.

The Deputy Mayor also called Mr Craig to order.

The Mayor asked Mr Craig to take a seat. Mr Craig refused to take a seat.

The Mayor called an adjournment to the meeting at 7:13 pm

The Council meeting re-convened at 7:16 pm.

PF – MRS KAT WHITBREAD made a statement in relation to Item 8.1.3 on the agenda.

The Mayor thanked Ms Whitbread for her statement.

PF – MR MICHAEL DZWINEK made a statement in relation to Item 8.1.3 on the agenda.

The Mayor thanked Mr Dzwinek for his statement.

PF – MR IAN BURRETT made a statement in relation to Item 9.4 on the agenda.

The Mayor thanked Mr Burrett for his statement.

PF – MR MARTIN TICEHURST made a statement in relation to correspondence which he sent to Council regarding the naming of a lane in honour Mr Bill Blanchard.

The Mayor thanked Mr Ticehurst for his statement.

PROCEDURAL MOTION

THAT Item 8.1.3 and 8.2.7 be moved to the first item on the agenda.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

PF - MR RICHARD BEATTIE made a statement in relation to Item 8.1.3 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Beattie.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

The Mayor thanked Mr Beattie for his statement.

PF - MR BRENDAN MAY made a statement in relation to Item 8.1.4 on the agenda.

The Mayor thanked Mr May for his statement.

PF - MS EVA GATTIES made a statement in relation to Item 8.1.3 on the agenda.

The Mayor thanked Ms Gatties for her statement.

PF - MRS LORRAINE ROEBUCK made a statement in relation to Item 8.2.12 on the agenda.

The Mayor thanked Mrs Roebuck for her statement.

PF - MR RAMSAY MOODIE made a statement in relation to Item 8.2.5 on the agenda.

The Mayor thanked Mr Moodie for his statement.

Due to an earlier Procedural Motion Items 8.13 and 8.2.7 were brought forward to be dealt with at this point in the meeting.

8.1.3. GM - 25/02/19 - DA294/18 - Proposed Rehabilitation of Bell Quarry - Off Sandham Road Newnes Junction

Councillor S Lesslie left the meeting at 07:45 after declaring an interest in this matter earlier in the meeting.

19-09 RESOLVED

THAT

1. The information on the Bell Quarry Rehabilitation/Waste Facility be noted.
2. Council lodge a submission to the Joint Regional Planning Panel to reject the application.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

Councillor S Lesslie returned to the meeting at 07:56 pm.

8.2.7. ECDEV - 25/02/19 - DA324/16 Mount Lambie Service Station, 1940 Great Western Highway, Mount Lambie

19-10 RESOLVED

THAT

1. The Development Application DA324/16 be APPROVED subject to conditions of consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
3. The applicant be requested to consider incorporation of an Electric Vehicle Charging Station into the development.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

CARRIED: Unanimously

A **DIVISION** was called in accordance with the requirements of Section 735A (3) of the Local Government Act, 1993.

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8. Staff Reports

8.1. General Manager's Reports

8.1.1. GM - 25/02/19 - Prescribed Code of Conduct

Motion

THAT Council

1. Place the Prescribed Code of Conduct on Public Exhibition for a period of 28 days for public comment.
2. Subject to consideration of public comment received, place the matter s ordinary meeting in April 2019.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

AMENDMENT

THAT Council

1. Place the Prescribed Code of Conduct on Public Exhibition for a period of 28 days for public comment.
2. Subject to consideration of public comment received, place the matter s ordinary meeting in May 2019.

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

The Amendment was PUT became the MOTION

19-11 RESOLVED

THAT Council

1. Place the Prescribed Code of Conduct on Public Exhibition for a period of 28 days for public comment.
2. Subject to consideration of public comment received, place the matter of adoption of the Code of Conduct on the agenda for Council's ordinary meeting in May 2019.

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.1.2. GM - 25/02/19 - Prescribed Code of Meeting Practice

19-12 RESOLVED

THAT Council

1. Adopt the mandatory clauses of the prescribed Code of Meeting Practice.
2. Place the prescribed Code of Meeting Practice as amended on Public Exhibition for a period of 28 days for public comment.
3. Subject to consideration of public comment received, place the matter of adoption of the Code of Meeting Practice on the agenda for Council's Ordinary meeting in May 2019.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

Cr Lesslie addressed Council and criticised the report of the General Manager.

Cr McAndrew called a point of order on Cr Lesslie as all that is highlighted in red in the report is no longer relevant due to the motion put forward by him.

The General Manager gave advice to the Council in relation to the Draft Model Code of Meeting Practice being discussed.

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

CARRIED: Unanimously

AGAINST: nil

8.1.3. GM - 25/02/19 - DA294/18 - Proposed Rehabilitation of Bell Quarry - Off Sandham Road Newnes Junction

This item was dealt with earlier in the meeting.

8.1.4. GM - 25/02/19 -DA016/19 Asbestos Disposal Wallerawang Power Station, Wallerawang Ash Repository site

Councillor S Lesslie left the meeting at 08:20 pm due to a conflict of interest in the matter.

Council noted Mr Muir's advice of a non-pecuniary conflict of interest made earlier.

MOTION

1. The information on the Asbestos Disposal Area be noted.
2. Council makes a submission opposing the proposal to the Joint Regional Planning Panel.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

Councillor Coleman and Councillors McAndrew withdrew the original motion in view of a deferral.

19-13 RESOLVED

That the matter be deferred until further information can be provided.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

Councillor S Lesslie returned at 8:34 pm

8.2. Economic Development and Environment Reports

8.2.1. ECDEV - 25/02/19 - DA022/18 - Proposed 79 Lot Subdivision- Planning Agreement, 33 Magpie Hollow Road, South Bowenfels

19-14 RESOLVED

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA022/18 equating to cash and 'works in kind' to a value of \$6,200 (per residential lot) to go toward community facilities and open space.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.2. ECDEV - 25/02/19 - DA142/18, 137 Lot Subdivision Planning Agreement, Great Western Highway, Bowenfels

19-15 RESOLVED

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA142/18 to a value of \$6,200 (per residential lot) comprising cash and dedication of land for public reserve to go toward community facilities and open space.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.3. ECDEV - 25/02/19 - DA021/18, 87 Lot Subdivision Planning Agreement, 43 Hillcrest Avenue, Bowenfels

19-16 RESOLVED

THAT

1. Council endorse the Draft Voluntary Planning Agreement proposed for DA021/18 to a value of \$6,200 (per residential lot) to go toward community facilities and open space.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.4. ECDEV - 25/02/19 - Walker Quarry Modification 2 (DA344-11-2001), 963 Great Western Highway Wallerawang

19-17 RESOLVED

THAT the information in the report on the Wallerawang/Walker Quarry Pty Ltd Modification 2 (DA 344-11-2001), notice of determination be NOTED.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.5. ECDEV - 25/02/19 - Proposed Renaming of Old Western Road Rydal and Wards Road Megalong Valley

Point of Order called by Cr Ring as Council is not the relevant authority to make a decision on this matter.

The Mayor ruled that Cr Ring point of order stands.

The Mayor than ruled in favour of Cr McAndrew.

19-18 RESOLVED

THAT Council:

1. Notify affected landowners and any relevant authorities of the proposed road name "Bloody Cutting Road" and accept public submissions for a period of twenty-eight (28) days.
2. Provide a second notification to the Local Aboriginal Land Council of the proposed road name "Caloola Halt Road" and accept submissions for a period of twenty-eight (28) days.
3. Any submissions (including objections and other proposed road names) be reported back to Council for consideration, prior to commencing the online road naming process. If no submissions against the proposal are received, Council proceed with the online road naming process and gazette the road name of "Bloody Cutting Road" and "Caloola Halt Road" accordingly and notify appropriate landowners and authorities of the new address changes.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith

AGAINST: Councillor M Statham

8.2.6. ECDEV - 25/02/19 - Energy Australia-Pipers Flat Rail Coal Unloader - Modification 1 to Project Approval 06_0271, 708 Pipers Flat Road Wallerawang

19-19 RESOLVED

THAT the information in the report on the Energy Australia-Pipers Flat Rail Coal Unloader, Modification 1 (Project Approval 06_0271), notice of determination be NOTED.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor M Statham

AGAINST: Councillor J Smith

8.2.7. ECDEV - 25/02/19 - DA324/16 Mount Lambie Service Station, 1940 Great Western Highway, Mount Lambie

This item was dealt with earlier in the meeting.

8.2.8. ECDEV - 25/02/19- Licence to Anglican Parish of Lithgow and Amended Generic Plan of Management

19-20 RESOLVED

THAT

1. Council endorse the Licence to the Anglican Parish of Lithgow for the Wallerawang Memorial Hall with effect as soon as possible.
2. Council authorise Council's General Manager to proceed with execution of the Licence Agreement.
3. Council adopt the amended Generic Plan of Management to include the Wallerawang Memorial Hall and categorise it and adjoining lots as General Community Use effective immediately.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

**8.2.9. ECDEV - 25/02/19 - Lithgow Local Environmental Plan 2014 Amendment 3 - 88
Pipers Flat Road Wallerawang**

19-21 RESOLVED

THAT

1. Council forwards the planning proposal, to Parliamentary Counsel Office (PCO) for drafting of the legal instrument and the issue of an opinion that the Draft Local Environmental Plan can legally be made.
2. Following receipt of the legal opinion from the PCO, Council delegate authority to the General Manager to adopt and finalise the making of the Local Environmental Plan without further resolution.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED: Unanimously

A **DIVISION** was called in accordance with the requirements of Section 735A (3) of the Local Government Act, 1993.

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.10. ECDEV - 25/02/19 -DA015/19 Demolition and Deconstruction of the Wallerawang Power Station, Main Street Wallerawang

Recommendation

THAT the information on the development application for the demolition and deconstruction of the Wallerawang Power Station be noted.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

Councillor S Lesslie proposed an Amendment

AMENDMENT

That Lithgow City Council advise the Minister that the Council is opposed to the demolition and deconstruction of the Wallerawang Power Station and request the Government prepare a report on how the site can generate jobs for the local area.

Councillor S Lesslie

Cr Ring called a Point of Order as the application is not up for debate it is only being noted.

The Mayor ruled on the point of order and allowed Cr Lesslie to continue to propose his amendment.

Cr Lesslie proposed a modification to the proposed amendment.

AMENDMENT

That Lithgow City Council requests the Government to prepare a report on the future options for employment for the Wallerawang site.

MOVED: Councillor S Lesslie

Cr Ring called a point of order. This is hear say as no factual information has been supplied.

The Mayor did not rule in favour of Cr Ring's point of order.

AMENDMENT

THAT

1. The information on the development application for the demolition and deconstruction of the Wallerawang Power Station be noted.
2. Council request the State Government provide a report on what they believe will be the future options for employment for Wallerawang site.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

The Amendment was PUT and became the MOTION.

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor S Lesslie, Councillor J Smith, Councillor M Statham

AGAINST: Councillor D Goodsell, Councillor S Ring

19-22 RESOLVED

THAT

1. The information on the development application for the demolition and deconstruction of the Wallerawang Power Station be noted.
2. Council request the State Government provide a report on what they believe will be the future options for employment on the Wallerawang Power Station site.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor S Lesslie, Councillor J Smith, Councillor M Statham

AGAINST: Councillor D Goodsell, Councillor S Ring

8.2.11. ECDEV - 25/02/19 - Economic Development & Environment Policy Review

19-23 RESOLVED

THAT

1. Policy 7.8 Voluntary Planning Agreements Version 3 as attached to the Council Business paper be adopted.
2. Policy 8.3 Main Street Façade Restoration program proposed Version 3 be placed on public exhibition for a period of 28 days with the Policy being reported back to Council for final adoption following exhibition and consideration of any submissions received.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.2.12. ECDEV - 25/02/19 - Proposed Invitation to Lithgow and District Chamber of Commerce

19-24 RESOLVED

THAT Council invite a representative/representatives of the Lithgow & District Chamber of Commerce and the Portland Progress Association and the Wallerawang Progress Association to the next Economic Development Committee on 4 March 2019 to provide an overview of their relevant strategies and programs.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

8.3. Infrastructure Services Reports

8.3.1. IS - 25/02/19 - Tony Luchetti Showground Usage - Ironfest

19-25 RESOLVED

THAT Council note the report identifying the past and current use of the Tony Luchetti Showground precinct both by Ironfest and other local organisations both on an ad-hoc and permanent basis.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.3.2. IS - 25/02/19 - Request for Maintenance of Portland Golf Club

19-26 RESOLVED

THAT Council:

1. Provide mowing to embankments adjacent to carpark four times per year at a cost of \$2,054.42 this calendar year.
2. Organise an onsite meeting at the Golf Club with board, Councillors and Council staff to look at problems and ways Council may be able to assist.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.3.3. IS - 25/02/19 - Infrastructure Services Policy Review

19-27 RESOLVED

THAT Council

1. Endorse and adopt Policy 10.4 – Bus Shelters / Street Seating in light of no public submissions being received after the mandatory 21-day public exhibition period; and
2. Endorse and adopt Policy 10.5 – Footpath Reservations – Works Requirements in light of no public submissions being received after the mandatory 21-day public exhibition period.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.3.4. IS - 25/02/19 - Mobile Black Spot Program - Kanimbla Valley

19-28 RESOLVED

THAT Council note the correspondence from Senator Hon. Bridget McKenzie regarding the inclusion of both Lowther and Kanimbla Valley for consideration under Round Four of the Mobile Black Spot Program.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.4. Water and Wastewater Reports

8.4.1. WWW -25/02/19 - Water Report

19-29 RESOLVED

THAT Council note the water report.

MOVED: Councillor D Goodsell

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.4.2. WWW - 25/02/19 - Exemption from Water Supply and Sewerage Special Rates Policy

19-30 RESOLVED

THAT Council adopt the Policy No. 8.10 Exemption from Water Supply and Sewerage Special Rates and implement the policies immediately.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5. Finance and Assets Reports

8.5.1. FIN - 25/02/19 - Policy Review

19-31 RESOLVED

THAT Council adopt the following policies as exhibited:

- Policy 8.9 External Grant Funding
- Policy 8.1 Excessive Water Usage Allowance for Breakages

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.2. FIN - 25/02/19 - New Policies

19-32 RESOLVED

THAT Council:

1. Endorse Policy 9.9 Internal Reporting and Policy 9.21 IT Infrastructure Security for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.9 Internal Reporting and Policy 9.21 IT Infrastructure Security be returned to Council for further consideration.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.3. FIN - 25/02/19 - Access to Information Held Policy Review

19-33 RESOLVED

THAT revised Policy 9.11 Access to Information Held be adopted and implemented immediately.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.4. FIN 25/02/19 - Fraud and Corruption Control Policy

19-34 RESOLVED

THAT Council:

1. Endorse Policy 9.2 Fraud and Corruption Control Policy for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.2 Fraud and Corruption Control Policy be returned to Council for further consideration.

MOVED: Councillor M Statham

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.5. FIN - 25/02/19 - Request for Consideration - Excessive Water Account - Property 58910

Motion

THAT Council:

1. Charge the owner of Property 58910 \$6.46 for the water account during the period of the undetected leak and write-off the remaining balance of \$1,830.46.
2. Based on the property owner's estimated water usage of 2KLS for the billing period, allow up to 246 KLS of water usage for the remainder of the 2018/19 year at the tier 1 rate of \$3.23.
3. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

AMENDMENT

THAT the Community be informed of their responsibilities when they have a water leak on their property.

MOVED: Councillor M Statham

The amendment lapsed due to a lack of a seconder.

19-35 RESOLVED

THAT Council:

1. Charge the owner of Property 58910 \$6.46 for the water account during the period of the undetected leak and write-off the remaining balance of \$1,830.46.
2. Based on the property owner's estimated water usage of 2KLS for the billing period, allow up to 246 KLS of water usage for the remainder of the 2018/19 year at the tier 1 rate of \$3.23.
3. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.6. FIN - 25/02/19 - Request for Consideration - Excessive Water Account & Hardship Application - Property 48150

19-36 RESOLVED

THAT Council:

1. Charge the owner of Property 48150 \$55.93 being their average consumption amount for the water account and write-off the remaining balance of \$1,485.00.
2. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.7. FIN - 25/02/19 - Drought Assistance Measures

MOTION

THAT Council:

1. Note the minimal uptake of Council's drought assistance measures to date.
2. Continue the drought assistance measures with a review to be reported to the June 2019 meeting.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

AMENDMENT

THAT Council note the minimal uptake of Council's drought assistance measures to date.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

The Amendment was PUT and became the MOTION

19-37 RESOLVED

THAT Council note the minimal uptake of Council's drought assistance measures to date.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.5.8. FIN - 25/02/19 - 2018-19 Quarter Two Budget Review

19-38 RESOLVED

THAT Council:

1. Notes the content of the report and the revised operating result before capital grants of (\$432K) for the 2018/19 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2018 to 31 December 2018.
2. Council adopts the variations to the Council budget as outlined in the attached report.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.6. People and Services Reports

8.6.1. PS - 25/02/19 - Delivery Program - Six Monthly Progress Report

19-39 RESOLVED

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2018/19 Operational Plan.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.6.2. PS - 25/02/19 - Drought Assistance - Federal Government Income Supplement & Coordination of Drought Relief Efforts

19-40 RESOLVED

THAT Council

1. Notes correspondence from Mr Andrew Gee, Member for Calare and correspondence from the Hon. David Littleproud Federal Minister for Agriculture and Water Resources regarding the various forms of federal grant assistance under the Farm Household Allowance Program (FHA) for drought affected farmers; and promotes the FHA Program on Council's website for the information of drought affected farmers and their families.
2. Notes correspondence from Mr Andrew Gee, Member for Calare and correspondence from the Hon. David Littleproud regarding the establishment of a Coordinator General for Drought, Major General Stephen Day DSC, AM.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

8.6.3. PS - 25/02/19 - Glen Davis Memorial Plaques

19-41 RESOLVED

THAT Council approve the Glen Davis memorial plaque proposal as outlined in this report and thank Mr Mika and the Glen Davis Community Association Incorporated for their input and co-operation.

MOVED: Councillor J Smith

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9. Council Committee Reports

9.1. ECDEV - 25/02/19 - Lithgow Local Heritage Advisory Committee Meeting Minutes - 12 November 2018

19-42 RESOLVED

THAT

1. Council receives and notes the minutes of the Lithgow Local Heritage Advisory Committee held on the 12 November 2018.
2. Council adopts the Committees recommendations in relation to items 4 and 7 as outlined in this report.
3. In relation to item 3, Council adopts the Committees recommendation to the extent that an amount of \$10,000 is included in the draft operational plan for consideration as part of budget/operational plan process.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.2. IS - 25/02/19 - Sports Advisory Committee Meeting Minutes - 28 November 2018

19-43 RESOLVED

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held 28 November 2018; and
2. Accept the representative from Wallerawang Junior Rugby League; and
3. Waive the booking fees for the 2018/19 season games for Western Wildfires Cricket Association; and
4. Waive the booking fee for the Easter Family Festival in April 2019.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.3. IS - 25/02/19 - Operations Committee Meeting Minutes - 3 December 2018

MOTION

THAT Council:

1. Accept the update regarding the Cullen Bullen Sewerage Scheme; and
2. Accept the update regarding the Portland Sewerage Treatment Plant; and
3. Accept the update regarding Stage 2 of the Lithgow CBD Revitalisation Project; and
4. Council accept the update regarding the Drought Management & Integrated Water Cycle Management Strategy; and a. Look to finalise the Memorandum of Understanding with Centennial Coal; and
5. Note the report regarding the ongoing condition and maintenance of the Portland central business district footpaths.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

AMENDMENT

THAT Council:

1. Accept the update regarding the Cullen Bullen Sewerage Scheme; and
2. Accept the update regarding the Portland Sewerage Treatment Plant; and
3. Accept the update regarding Stage 2 of the Lithgow CBD Revitalisation Project; and
4. Council accept the update regarding the Drought Management & Integrated Water Cycle Management Strategy; and a. Look to finalise the Memorandum of Understanding with Centennial Coal;

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

CARRIED

Divisions

FOR: Councillor C Coleman, Councillor S Lesslie

AGAINST: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor S Ring, Councillor J Smith, Councillor M Statham

The Amendment was PUT and LOST

19-44 RESOLVED

THAT Council:

1. Accept the update regarding the Cullen Bullen Sewerage Scheme; and
2. Accept the update regarding the Portland Sewerage Treatment Plant; and
3. Accept the update regarding Stage 2 of the Lithgow CBD Revitalisation Project; and
4. Council accept the update regarding the Drought Management & Integrated Water Cycle Management Strategy; and a. Look to finalise the Memorandum of Understanding with Centennial Coal; and
5. Note the report regarding the ongoing condition and maintenance of the Portland central business district footpaths.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.4. IS - 25/02/19 - Operations Committee Meeting Minutes - 4 February 2019

19-45 RESOLVED

THAT Council:

1. Note the report regarding proposed upgrades to electricity supply infrastructure by Endeavour Energy in the vicinity of Main Street, Lithgow and Read Avenue, Lithgow; and
2. Note the report on the Lone Pine Tree – Queen Elizabeth Park and inform the resident of the considerable backlog of asset renewals and maintenance required within the Recreation function and deny the request for additional Council funding for works in this area; and
3. Note the report detailing amendments to the Operations (Works) Committee Terms of Reference; and
 - a. Recommend the appointment of Councillor D. Goodsell as the third voting member and Councillor J. Smith as the fourth voting member of the Operations Committee in line with the amended Terms of Reference.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.5. PS - 25/02/19 - Community Development Committee Minutes - 8 January 2019

19-46 RESOLVED

THAT Council

1. Notes the Minutes of the Community Development Committee held on 8 January 2019.
2. Endorse the official naming of the new adventure playground as Lithgow Adventure Playground and advise the Geographical Names Board of NSW of such.
3. Further request that the Geographical Names Board of NSW gazette the official naming of Endeavour Park.

MOVED: Councillor C Coleman

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.6. ECDEV - 25/02/19 - Environmental Advisory Committee - 6 February 2019

19-47 RESOLVED

THAT

1. Council note the minutes of the Environmental Advisory Committee held on 6 February 2019.
2. The Environmental Advisory Committee be advised that the potential reinvestment of savings from solar projects into further solar projects/programs will be a future consideration.
3. Council note the Environmental Advisory Committee's intention to form a sub-committee for the formulation of a Street Tree Plan.
4. The Environmental Advisory Committee be advised that the budget bid for the position of Bushland Management Officer in the 2019/2020 financial year will be considered as part of the draft Operational Plan/Budget process.
5. The Environmental Advisory Committee be advised that continuation of the position of Landcare Coordinator beyond the end of the financial year will be dependent on external funding.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.7. FIN - 25/02/19 - Finance Committee Meeting Minutes - 11 February 2019

19-48 RESOLVED

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 11 February 2019 and note the items not requiring a resolution of Council;
2. Endorse the recommendations proposed in the Council Investments Reports for November 2018, December 2018 and January 2019.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

9.8. IS - 25/02/19 - Sports Advisory Committee Meeting Minutes 13 February 2019

19-49 RESOLVED

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held 13 February 2019; and
2. Accept the representatives from Lithgow Workmen's RLFC.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

10. Notices of Motion

10.1. Notice of Motion - 25/02/19 - Water Stations

Report by Councillor Cassandra Coleman

19-50 RESOLVED

THAT Lithgow City Council management investigate the cost and benefits to the community and environment of installing Hydration Stations which incorporate a bubbler, tap and animal bowl, in high use areas across the LGA.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

11. 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.

Cr McAndrew raised the issue of the Adventure Playground CCTV.

The Mayor ruled this to be a matter of Great Urgency.

The Administration gave advice on the issue.

Cr McAndrew raised that Baal Bone is moving into a state of closure.

The Mayor declared the matter to be a matter of Great Urgency.

19-51 RESOLVED

That Lithgow City Council engage with the Local Member to approach the Mines Minister for NSW and the Opposition Leader to explore the possibility of retrieving the site and keeping it open.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Division:

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

The General Manager advised that he would write to Manildra to ascertain the reasons for their proposal for the site not proceeding.

Cr Smith raised the issue of the fence at the Playground at Lake Wallace as he believes it is dangerous.

The Mayor declared the item to be a matter of urgency.

19-52 RESOLVED

THAT the administration bring a report to Council in relation to the Playground fence at Lake Wallace.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Division:

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

Cr Coleman raised the issue of the surface in front of the Portland Tip due to the accident which occurred there on the weekend.

Administration gave advice that the site was inspected and has been scheduled for clearing.

12. Closed Council

12.1 CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Landfill Waste Disposal Contract

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

12.2 CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Uniting Church - Approach to Purchase or Lease Council Land

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

12.3 CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Native Title Manager

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)

12.4 CONFIDENTIAL - CLOSED REPORT - IS - 25/02/19 – Recreation Capital Budget Reallocation

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

12.5 CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Smart Metering Project Proposal

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

12.6 CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Cullen Bullen Sewerage Scheme

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

12.7 CONFIDENTIAL - CLOSED REPORT - FIN - 25/02/19 - Review of Insurance Provider

This report is **CONFIDENTIAL** in accordance with Section 10A (2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

The Mayor asked if there were any objections from the Public with regards to the confidential reports being in closed Council.

There were Nil objections.

19-53 RESOLVED

That Council resolve to move into Closed Council to consider the confidential reports as listed in the Agenda at 10:41 pm.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED - Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

The meeting was adjourned for a five minute period at 10:41 pm.

12.1. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Landfill Waste Disposal Contract

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

PROCEDURAL MOTION

That the Council move into a committee of the Whole.

MOVED: Councillor R Thompson

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

The General Manager drew Council's attention to page 6 of the report and specifically "other risks to Council of ongoing contract" where it referred to implications for Council regarding the Protection of the Environment Operations Act 1997.

19-54 RESOLVED

THAT the matter is deferred until a full information session can be held to gain more information to make an informed decision as soon as possible.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

CARRIED

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: Councillor S Lesslie

12.2. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Lithgow Uniting Church - Approach to Purchase or Lease Council Land

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or

19-55 RESOLVED

THAT Council advise the Lithgow Uniting Church Joint Church Council that it is not in a position to enter into any dealings in relation to Lot 60 DP 233567 at this time.

MOVED: Councillor D Goodsell

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

12.3. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/02/19 - Native Title Manager

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personnel matters concerning particular individuals (other than councillors)
-

19-56 RESOLVED

THAT

1. Council engage Sandra Politi, Land Use and Property Officer, as Lithgow City Council's Native Title Manager.
2. Authorise the General Manager to finalise and give written notice to the Minister for Lands and Forestry of the name and contact details of Council's Native Title Manager, in accordance with section 8.8 CLMA.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

12.4. CONFIDENTIAL - CLOSED REPORT - IS - 25/02/19 – Recreation Capital Budget Reallocation

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

19-57 RESOLVED

THAT Council

1. Note the report; and
2. Approve the reallocation of \$13,000 from PJ100386 and \$1,500 from PJ100262 to fund the installation of bird netting at the Tony Luchetti Showground Grandstand to a value of \$13,915 including GST.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

12.5. CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Smart Metering Project Proposal

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

19-58 RESOLVED

THAT Council:

1. Amend the 2018/19 Operational Plan Capital Works Program to add the Smart Metering project.
2. Vote the allocation of \$2,886,000 over 2 financial years to implement the Smart Metering project, funded from the water reserve.
3. Authorise the General Manager to execute the contract with Taggle Systems Pty Ltd and any related documentation under delegated authority.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

12.6. CONFIDENTIAL - CLOSED REPORT - WWW - 25/02/19 - Cullen Bullen Sewerage Scheme

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

The Director of Water and Wastewater left the chambers at 11:32pm.

The Director of Water and Wastewater returned to the chambers at 11:34pm.

19-59 RESOLVED

THAT:

1. Negotiations be undertaken with the owners of the preferred site (Property 104327) for the Sewage Treatment Plant.
2. The General Manager be given delegated authority to conduct negotiations and agree upon the purchase price.
3. A further report be provided to Council upon the conclusion of negotiations with the property owner (to either recommend purchase of the preferred site or commence negotiations with other interested parties).
4. Upon successful acquisition the land be classified "operational".
5. Council accept the property acquisition Probity Plan.
6. Council resolves to service the properties on Windy Gully Road using option 3 as detailed in the report.
7. Council resolves to service the 4 properties on the Castlereagh Highway north of the proposed service area.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

12.7. CONFIDENTIAL - CLOSED REPORT - FIN - 25/02/19 - Review of Insurance Provider

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

19-60 RESOLVED

THAT:

1. Subject to StateWide Board approval, Council accept the offer of a premium subsidy from the StateWide Mutual Scheme over three years from 2019/20.
2. Council rescind its notice of intention to retire from the StateWide Mutual Scheme effective from 1 July 2019.
3. Council conduct a further review of insurance providers in the 2021/22 year.
4. The General Manager inform the Executive of Civic Risk Mutual of Council's decision to remain with StateWide for a further three years, to thank Civic Risk Mutual for their assistance with Council's review and to invite Civic Risk Mutual to participate in the next review of insurance providers in the 2021/22 year.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

PROCEDURAL MOTION

THAT the Council move back into Full Council.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

19-61 RESOLVED

THAT Council resolved to refer to open Council and recommend the resolutions of Closed Council at 11:42 pm.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham,

AGAINST: nil

Councillor M Statham left the meeting at 11:42 pm.

Councillor S Ring left the meeting at 11:42 pm.

The General Manger read the Resolutions of the Closed Council to the Public Forum.

12.1 Lithgow Landfill Waste Disposal Contract

THAT the matter is deferred until a full information session can be held to gain more information to make an informed decision as soon as possible.

MOVED: Councillor W McAndrew **SECONDED:** Councillor C Coleman

12.2 Lithgow Uniting Church Approach to Purchase or Lease Council Land

THAT Council advise the Lithgow Uniting Church Joint Church Council that it is not in a position to enter into any dealings in relation to Lot 60 DP 233567 at this time.

MOVED: Councillor D Goodsell **SECONDED:** Councillor J Smith

CARRIED – Unanimously

12.3 Native Title Manager

THAT

1. Council engage Sandra Politi, Land Use and Property Officer, as Lithgow City Council's Native Title Manager.
2. Authorise the General Manager to finalise and give written notice to the Minister for Lands and Forestry of the name and contact details of Council's Native Title Manager, in accordance with section 8.8 CLMA.

MOVED: Councillor J Smith **SECONDED:** Councillor W McAndrew

CARRIED – Unanimously

12.4 Recreation Capital Budget Reallocation

THAT Council

1. Note the report; and
2. Approve the reallocation of \$13,000 from PJ100386 and \$1,500 from PJ100262 to fund the installation of bird netting at the Tony Luchetti Showground Grandstand to a value of \$13,915 including GST.

MOVED: Councillor J Smith **SECONDED:** Councillor W McAndrew

CARRIED – Unanimously

12.5 Smart Metering Project Proposal

THAT Council:

1. Amend the 2018/19 Operational Plan Capital Works Program to add the Smart Metering project.
2. Vote the allocation of \$2,886,000 over 2 financial years to implement the Smart Metering project, funded from the water reserve.
3. Authorise the General Manager to execute the contract with Taggle Systems Pty Ltd and any related documentation under delegated authority.

MOVED: Councillor C Coleman **SECONDED:** Councillor S Lesslie

CARRIED – Unanimously

12.6 Cullen Bullen Sewerage Scheme

THAT

1. Negotiations be undertaken with the owners of the preferred site (Property 104327) for the Sewage Treatment Plant.
2. The General Manager be given delegated authority to conduct negotiations and agree upon the purchase price.
3. A further report be provided to Council upon the conclusion of negotiations with the property owner (to either recommend purchase of the preferred site or commence negotiations with other interested parties).
4. Upon successful acquisition the land be classified "operational".
5. Council accept the property acquisition Probity Plan.
6. Council resolves to service the properties on Windy Gully Road using option 3 as detailed in the report.
7. Council resolves to service the 4 properties on the Castlereagh Highway north of the proposed service area.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED – Unanimously

12.7 Review of Insurance Provider

THAT:

1. Subject to StateWide Board approval, Council accept the offer of a premium subsidy from the StateWide Mutual Scheme over three years from 2019/20.
2. Council rescind its notice of intention to retire from the StateWide Mutual Scheme effective from 1 July 2019.
3. Council conduct a further review of insurance providers in the 2021/22 year.
4. The General Manager inform the Executive of Civic Risk Mutual of Council's decision to remain with StateWide for a further three years, to thank Civic Risk Mutual for their assistance with Council's review and to invite Civic Risk Mutual to participate in the next review of insurance providers in the 2021/22 year.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson

CARRIED – Unanimously

Councillor S Ring returned to the meeting at 11:44 pm.

There being no further business the Mayor declared the meeting closed at 11:47 pm.