



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 25 March 2019

at 7:00 pm

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The Mayor declared the meeting open at 06:59 pm.

1. Acknowledgement of Country

The Mayor acknowledged the traditional custodians of this land we are on here today, and paid respect to their elders both past, present and emerging.

The Mayor acknowledged the efforts of Rev. Matt Trounce in organising the commemoration in Cook Street Plaza on Sunday and requested that a minutes silence to be held to reflect on the tragedy that occurred in Christchurch, New Zealand last week.

A minutes silence was held.

2. Present

Public: 26

His Worship the Mayor Councillor R Thompson
Councillor W McAndrew
Councillor D Goodsell
Councillor D Goodwin
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, Minutes Secretary

3. Apologies

An apology was received from and leave of absence granted to Councillor C Coleman who is unable to attend due to personal business.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

4. Confirmation of Minutes

19-62 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 25 February 2019 were taken as read and confirmed.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew

CARRIED

Divisions

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

AGAINST: Councillor S Lesslie

5. Declaration of Interest

Councillor S Lesslie declared a non-pecuniary interest in Item 8.1 for the reason that he is a member of the Western Joint Regional Planning Panel that will eventually sit to consider and determine these applications and will vacate the Chambers.

Andrew Muir - Director of Economic Development Environment declared a non-pecuniary interest in Item 8.1.1 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.

6. Commemorations and Announcements

Councillor M Statham commemorated the passing of Harold Eaves who passed away recently and was an active member of the community.

Councillor M Statham commemorated the passing of Stan Kawalski who passed away recently and was an active member of the community.

Councillor R Thompson, Councillor W McAndrew, Councillor M Statham acknowledged Rev. Matt Trounce for the service held at the Cook Street Plaza yesterday in commemoration of events in Christchurch and to the staff of Lithgow Council for making the Plaza available.

Councillor D Goodsell acknowledged the Greater Lithgow Schools Community for initiating and implementing the OATH OF KINDNESS which was a collaborative effort from our young leaders of our public schools across the LGA.

7. Public Forum

At 07:09 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Anthony Craig made a statement in relation to Item 4 on the agenda.

Mr Craig stated that the minutes were incorrect in relation to his statement in Public Forum at the meeting on 25 February 2019.

Mr Craig stated that he believed that the minuted times that the Councils "walked out" were incorrect.

The General Manager gave advice on the February meeting minutes and the Code of Meeting Practice.

Mr Craig spoke regarding Refugee Welcome Zone.

Questions on Notice: What is the criteria for meeting and welcoming Refugees?

The Mayor thanked Mr Craig for his statement.

Mr Joe McGinness made a statement in relation to Asbestos removal at 16-18 Donald Street Lithgow on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr McGinness.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

PROCEDURAL MOTION

THAT an extension of time be granted to Mr McGinness.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The Mayor thanked Mr McGinness for his statement.

The Director Economic Development and Environment gave advice on the issue.

Mr Rich Evans made a statement in relation to Item 8.2.7 on the agenda.

Councillor S Ring left the meeting at 07:26 pm.

Councillor S Ring returned to the meeting at 07:26 pm.

The Mayor thanked Mr Evans for his statement.

Mr Martin Ticehurst made a statement in relation to Item 10.2 and Item 8.2.3 on the agenda.

The Mayor thanked Mr Martin Ticehurst for his statement.

8. Staff Reports

8.1. General Manager's Reports

8.1.1. GM - 25/03/19 -DA016/19 Asbestos Disposal Wallerawang Power Station, Wallerawang Ash Repository Site -Additional Information

Councillor S Lesslie left the meeting at 07:33 pm in accordance with his declaration of interest.

Andrew Muir declared an earlier declaration of interest in this item but will remain in the chambers to give advice if required.

MOTION

THAT:

1. The information on the Asbestos Disposal Area for the demolition of the Wallerawang Power Station be noted.
2. Council determine if it wishes to make a submission on the proposal to the Joint Regional Planning Panel.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

AMENDMENT

THAT:

1. The information on the Asbestos Disposal Area for the demolition of the Wallerawang Power Station be noted.
2. Council arrange a site meeting for residents and those who lodged submissions.
3. Administration report back to Council regarding the draft submission.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

AMENDMENT was PUT and became the MOTION

19-63 RESOLVED

THAT:

1. The information on the Asbestos Disposal Area for the demolition of the Wallerawang Power Station be noted.
2. Council arrange a site meeting for residents and those who lodged submissions
3. Administration report back to Council regarding the draft submission.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

Councillor S Lesslie returned to the meeting at 07:39 pm.

8.1.2. GM - 25/03/2019 - Policy 9.5 Councillor Expenses and Facilities

19-64 RESOLVED

THAT Council:

1. Endorse revised Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors for public exhibition and comment for 28 days.
2. Following the exhibition period that Policy 9.5 Payment of Expenses and Provision of Facilities to Councillors be returned to Council for further consideration.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.1.3. GM - 25/03/19 - Review of Policy 9.6 Governance

MOTION

THAT Council delete policy 9.6 Provision of Information to and Interaction Between Councillors and Staff noting that the same Governance requirements are duplicated in the Model Code of Conduct, both existing and proposed for adoption by Council.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

AMENDMENT

THAT Council

1. Delete policy 9.6 Provision of Information to and Interaction Between Councillors and Staff noting that the same Governance requirements are duplicated in the Model Code of Conduct, both existing and proposed for adoption by Council.
 2. Prepare a report on the establishment of a Council Governance Committee inclusive of a draft terms of reference.
-

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

AMENDMENT

THAT Council delete policy 9.6 Provision of Information to and Interaction Between Councillors and Staff noting that the same Governance requirements are duplicated in the Model Code of Conduct, both existing and proposed for adoption by Council.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

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

AGAINST: Councillor S Ring

The Amendment was PUT and became the MOTION

19-65 RESOLVED

THAT Council delete policy 9.6 Provision of Information to and Interaction Between Councillors and Staff noting that the same Governance requirements are duplicated in the Model Code of Conduct, both existing and proposed for adoption by Council.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.1.4. GM - 25/03/19 - National General Assembly 16-19 June 2019

MOTION

THAT Council:

1. Appoint the Mayor, Deputy Mayor and Councillor Statham as attendees to the NGA 2018 Conference.
2. Authorise the General Manager and Chief Financial and Information Officer to attend the Conference.

MOVED: Councillor S Lesslie

SECONDED: Councillor J Smith

AMENDMENT

THAT Council:

1. Appoint the Mayor, Deputy Mayor and Councillor Statham and Councillor Goodsell as attendees to the NGA 2018 Conference.
2. Authorise the General Manager and Chief Financial and Information Officer to attend the Conference.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

Councillor Statham declined her nomination as she will be absent.

Divisions

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

AGAINST: nil

The Amendment was PUT and became the MOTION

19-66 RESOLVED

THAT Council:

1. Appoint the Mayor, Deputy Mayor and Councillor Goodsell as attendees to the NGA 2018 Conference.
2. Authorise the General Manager and Chief Financial and Information Officer to attend the Conference.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.1.5. GM - 25/03/19 - Code of Conduct Procedures

19-67 RESOLVED

THAT Council:

1. Note that the prescribed Procedures for the Administration of the Code of Conduct have been placed on public exhibition together with the prescribed Code of Conduct.
2. Subject to consideration of public comment received, place the matter of adoption of the Code of Conduct and the Procedures for the Administration of the Code of Conduct on the agenda for Council's ordinary meeting in May 2019

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.2. Economic Development and Environment Reports

8.2.1. ECDEV - 25/03/19 - Hy-Tec Quarry Voluntary Planning Contribution 2017-2018

MOTION

THAT

1. Council endorse \$18,986.00 of the Hy-Tec Quarry 2017 contribution to be allocated and distributed to the Portland and District Olympic Pool and the Wallerawang Men's Shed.
2. Council seek further information from the Hartley District Progress Association, relating to safety and insurance; owner's consent; traffic impacts and also a map detailing the exact location of the track.
3. Subject to the information submitted being to the General Manger's satisfaction, the General Manager be authorised to distribute funds to a maximum of \$9,150.00 to the Hartley Progress Association.
4. Council advise Hy-Tec Quarry that they may proceed to advertise for expressions of interest for the 2018 community contribution period and a report be provided to Council when submissions have been received.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

AMENDMENT

THAT this matter be referred to the Economic Development Committee Meeting and if necessary the General Manager call and extra EDC Meeting.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

The Amendment was PUT and LOST

Divisions

FOR: Councillor M Statham, Councillor S Lesslie

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

AMENDMENT

THAT

1. The matter be referred to the Economic Development Committee Meeting and if necessary the General Manager call an extra ordinary EDC Meeting.
2. Submissions be re-opened for the opportunity for other groups in the LGA to apply.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

The Amendment was PUT and LOST

Divisions

FOR: Councillor M Statham, Councillor S Lesslie

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

POINT OF ORDER

Cr Ring raised a point of order in relation to the Councillor Statham's statement not being relevant to the debate.

The Mayor ruled in favour of Councillor Ring.

The MOTION was PUT

19-68 RESOLVED

THAT

1. Council endorse \$18,986.00 of the Hy-Tec Quarry 2017 contribution to be allocated and distributed to the Portland and District Olympic Pool and the Wallerawang Men's Shed.
2. Council seek further information from the Hartley District Progress Association, relating to safety and insurance; owner's consent; traffic impacts and also a map detailing the exact location of the track.
3. Subject to the information submitted being to the General Manger's satisfaction, the General Manager be authorised to distribute funds to a maximum of \$9,150.00 to the Hartley Progress Association.
4. Council advise Hy-Tec Quarry that they may proceed to advertise for expressions of interest for the 2018 community contribution period and a report be provided to Council when submissions have been received.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED:

Divisions

FOR: Councillor D Goodsell, Councillor D Goodwin, Councillor J Smith, Councillor R Thompson, Councillor S Ring, Councillor W McAndrew

AGAINST: Councillor M Statham, Councillor S Lesslie

8.2.2. ECDEV - 25/03/19 - DA300/18 Subdivision 1 Lot into 2 - Lot 42, DP 751636 - Castlereagh Highway Blackmans Flat

19-69 RESOLVED

THAT

1. Development Consent be granted to Development Application (DA300/18), subject to the conditions specified in the attached Section 4.15 Assessment Report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie

8.2.3. ECDEV - 25/03/19 - Proposed Road Naming "QE Park Lane" Lithgow to "Blanchard Lane" Lithgow

19-70 RESOLVED

THAT:

1. Council undertake an expression of interest for a period of twenty-eight (28) days (through advertising in the local newspaper and written notification to residents and authorities) calling for submissions on the proposed renaming of "QE Park Lane" in Lithgow NSW 2790 to "Blanchard Lane".
2. Any submissions (including objections and alternate proposals) be reported back to Council for consideration, prior to commencing the online road naming process.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.2.4. ECDEV - 25/03/19 - DA015/19- Call In of Development Application - Demolition and Deconstruction of Wallerawang Power Station, Main Street Wallerawang

19-71 RESOLVED

THAT the calling in of Development Application DA015/19 be noted

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.2.5. ECDEV - 25/03/19 - EPA Waste Less Recycle More Grant Applications

19-72 RESOLVED

THAT Council:

1. Note the submission of four grant applications under the NSW EPA Waste Less Recycle More Program which have been authorised in accordance with Policy 8.9 External Grant Funding.
2. A further report be provided to Council should it be recommended that the Glen Davis, Capertee and Wallerawang landfill site projects be added to the 2019/20 Operational Plan.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.2.6. ECDEV - 25/03/19 - Policy 7.5 Notification of Development Applications

Councillor D Goodwin left the meeting at 08:21 pm.

19-73 RESOLVED

THAT

1. The revised version of Policy 7.5 - Notification of Development Applications attached to the business paper be adopted by Council.
2. The revised policy come into effect for any development applications lodged on or after 1 April 2019.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.2.7. ECDEV - 25/03/19 - Request for Sponsorship - Ironfest

Report by Director of Economic Development & Environment

Councillor D Goodwin returned to the meeting at 08:22 pm.

19-74 RESOLVED

THAT

1. Council provide Corporate Sponsorship for the 2019 Ironfest event in the amount of \$15,000 subject to a formal agreement between the parties in relation to media coverage and the inclusion of standard non-disparagement/good public image and reputation provisions.
2. The Corporate Sponsorship be funded through reallocation of funds at the Quarter 3 budget review from the following Cost Centres:
 - 700035 – Main Street Facades Program – Reduced by \$5,000
 - 600105 – Implementation of Destination Management Plan – Reduced by \$5,000
 - 600159 – Halloween – Reduced by \$5000
3. The General Manager be authorised to execute the sponsorship agreement on behalf of Council under delegated authority.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.3. Water and Wastewater Reports

8.3.1. WWW - 25/03/19 - Water Report

19-75 RESOLVED

THAT

1. Council note the water report.
2. Council publicly acknowledge the staff for their hard work in rectifying the recent issues with water.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.4. Finance and Assets Reports

8.4.1. FIN - 25/03/19 - Tender Delegations Report March 2019

19-76 RESOLVED

THAT Council note that the exercise of the General Manager's delegation to approve a tender in March 2019.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.4.2. FIN - 25/03/19 - Upper Macquarie County Council - Additional Funding Request

19-77 RESOLVED

THAT Council:

1. Accepts the UMCC additional funding request for a total sum of \$48,441 over three years from 2019/20.
2. Includes an additional UMCC contribution of \$15,750 in the draft 2019/20 Operational Plan.
3. Informs the UMCC General Manager of Council's decision.
4. Mayors and General Managers of the constituent Councils be requested by Lithgow City Council to form a delegation to seek funding for the Upper Macquarie County Council from the State Government.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

8.5. People and Services Reports

8.5.1. PS - 25/03/19 - Progress update on the Mayor's Mental Health Taskforce

MOTION

THAT

1. The administration includes an amount of \$15,000 in the 2019/20 draft budget for the first stage of the preparation of the strategy.
2. Council endorse in principle the allocation of \$15,000 in the 2020/21 draft budget to allow completion of the strategy.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

AMENDMENT

THAT Council note the update and attachments given in the report in relation to the Mayor's Mental Health Taskforce.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

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

AGAINST: Councillor D Goodwin, Councillor S Ring, Councillor M Statham

The Amendment was PUT and became the MOTION

19-78 RESOLVED

THAT Council note the update and attachments given in the report in relation to the Mayor's Mental Health Taskforce.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

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

AGAINST: Councillor D Goodwin, Councillor M Statham, Councillor S Ring

9. Council Committee Reports

9.1. FIN - 25/03/19 - Audit Committee Meeting Minutes 13 December 2018

19-79 RESOLVED

THAT Council endorses the CTA Audit Committee December meeting minutes.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.2. ECDEV- 25/03/19- Lithgow Local Heritage Advisory Committee Minutes 18 February 2019

19-80 RESOLVED

THAT

1. Council receives and notes the minutes of the Lithgow Local Heritage Advisory Committee held on the 18 February 2019.
2. Council write to the local State Member urging the relevant State Government authorities to have a more proactive role in the management and protection of Crown land sites such as Hyde Park and Maiyingu Marragu given their cultural and historical significance.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.3. PS - 25/03/19 - Community Development Committee Minutes 26 February 2019

19-81 RESOLVED

THAT

1. Council notes the minutes of the Community Development Committee held on 26 February 2019.
2. Council provides \$2,255 Round 2 2018/19 Non-Recurrent Financial assistance to Capertee Progress Association for hall improvements and repairs.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.4. ECDEV - 25/03/19 - Economic Development Committee Meeting Minutes - 4 March 2019

19-82 RESOLVED

THAT the recommendations of the Economic Development Committee meetings of 4 March 2019 be adopted.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.5. FIN - 25/03/19 - Finance Committee Meeting Minutes 11 March 2019

19-83 RESOLVED

THAT Council:

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

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10. Notices of Motion

10.1. NOTICE OF MOTION - 25/03/19 - The Lithgow Valley Plaza

Report by Councillor Deanna Goodsell

19-84 RESOLVED

THAT Council Administration liaise with Lithgow Valley Plaza Shopping centre management with a view to making them aware of the community concerns expressed and to request a response to the issues raised if possible.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.2. NOTION OF MOTION - 25/03/19 - Erosion Adjacent to 2 Bells Road, Lithgow

Report by Councillor Cassandra Coleman

MOTION

THAT A full report be prepared and then presented to the next Council meeting detailing the history of and the progress in the rectification of the erosion occurring in Ida Falls Creek adjacent to 2 Bells Road, Lithgow.

MOVED: Councillor S Lesslie

SECONDED:

PROCEDURAL MOTION

THAT item 10.2 be dealt with at the same time as item 12.3 in Closed Council.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.3. NOTICE OF MOTION - 25/3/19 - Interruption to Water Supply

Report by Councillor Darryl Goodwin

19-85 RESOLVED

THAT the Director of Water and Waste Water provide a detailed report to Councillors as a matter of urgency to respond to these questions.

MOVED: Councillor D Goodwin

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor D Goodwin, 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.

Councillor Lesslie raised the issue of the regulations and the impact on the Lithgow Small Arms Factory and Museum.

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

19-86 RESOLVED

THAT

1. The Council formally write to the New Minister of Police and the State Member for Bathurst requesting the regulation be rescinded in relation to firearms displayed in Museums and revert to the pre-2017 Regulation provision of prohibited firearms being "temporarily inoperable"
2. Provide the LSAFM with a letter of support highlighting the Museum's history, its tourism value, its industrial heritage status and its community asset value which are all synonymous with the fabric of Lithgow

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

Councillor McAndrew raised the issue of Asbestos issues which was brought to the Councillor's attention in Public Forum.

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations, however, the matter is being investigated and followed up by Administration.

12. Closed Council

Councillor S Ring left the meeting at 09:26 pm.

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.

19-87 RESOLVED

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the Agenda at 09:27 pm.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED

The Mayor declared a five minute adjournment at 9.27 pm.

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith

CARRIED

Councillor S Ring returned to the meeting at 9:36 pm.

19-88 RESOLVED

THAT the Council re convened and moved into Closed Council at 9:36 pm.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

PROCEDURAL MOTION

THAT the Council move into a committee of the whole.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12.1. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/03/19 - 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

19-89 RESOLVED

THAT Council terminate the Lithgow Landfill Waste Disposal Contract with Henry Plant and Equipment Hire dated 9th August 1994 with termination to take effect on midnight 30th June 2020.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith

AGAINST: Councillor S Lesslie, Councillor M Statham

12.2. CONFIDENTIAL - CLOSED REPORT - ECDEV - 25/03/19 - 21 Proto Avenue Lithgow

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:

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

19-90 RESOLVED

THAT Council note and endorse the actions taken to date.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED

Divisions

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

AGAINST: Councillor S Lesslie

12.3. ECDEV - 25/03/19 - Erosion adjacent to 2 Bells Road Lithgow

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, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,

19-91 RESOLVED

THAT subject to Council having regard to the legal and insurance advice, to be made available at the Council meeting, Council resolve as follows:

1. Council accept Austen & Butta's offer to transfer Area's A and B on the mapping attached to the confidential report on the following terms:
 - Austen & Butta to pay Council a consideration of \$30,000;

- In return for the payment of \$30,000 Council will take ownership of Area A and B and utilise the funds to carry out rectification of soil erosion impacting on land adjoining Area A;
 - Council will release Austen & Butta of any other claims and indemnify Austen & Butta from future liabilities for Area's A and B;
 - Austen & Butta bare all sellers' costs associated with the Land Title Transfer including a retitling survey for Area A & B;
 - Council bear its associated buyers' costs (if any).
2. Upon acquisition that the subject lands, be classified as "Operational" under the provisions of the Local Government Act 1993.
 3. The affixing of the Council seal to any documentation be authorised.
 4. The General Manager be delegated authority to negotiate with Austen and Butta on access to funding and the lands prior to settlement to allow the works to proceed.
 5. Council note that Administrations efforts have been restricted in this matter as it involves an issue between two private parties.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie

PROCEDURAL MOTION

THAT Council move back into full Council.

MOVED: Councillor W McAndrew

SECONDED: {second}

CARRIED: Unanimously

Divisions

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

AGAINST: nil

19-92 RESOLVED

THAT Council resolved to refer to open Council and recommend the resolutions of Closed Council at 10:05pm.

MOVED: Councillor D Goodsell

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The General Manager announced the resolutions of the Closed Council to the Public.

Item 12.1 - ECDEV – Lithgow Landfill Waste

THAT Council terminate the Lithgow Landfill Waste Disposal Contract with Henry Plant and Equipment Hire dated 9th August 1994 with termination to take effect on midnight 30th June 2020.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED:

Divisions

FOR: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith

AGAINST: Councillor S Lesslie, Councillor M Statham

Item 12.2 ECDEV - 21 Proto Avenue Lithgow

THAT Council note and endorse the actions taken to date.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie

Item 12.3 – ECDEV – Erosion adjacent to 2 Bells Road Lithgow

THAT subject to Council having regard to the legal and insurance advice, to be made available at the Council meeting, Council resolve as follows:

THAT subject to Council having regard to the legal and insurance advice, to be made available at the Council meeting, Council resolve as follows:

1. Council accept Austen & Butta's offer to transfer Area's A and B on the mapping attached to the confidential report on the following terms:
 - Austen & Butta to pay Council a consideration of \$30,000;
 - In return for the payment of \$30,000 Council will take ownership of Area A and B and utilise the funds to carry out rectification of soil erosion impacting on land adjoining Area A;
 - Council will release Austen & Butta of any other claims and indemnify Austen & Butta from future liabilities for Area's A and B;
 - Austen & Butta bare all sellers' costs associated with the Land Title Transfer including a retitling survey for Area A & B;
 - Council bear its associated buyers' costs (if any).
2. Upon acquisition that the subject lands, be classified as "Operational" under the provisions of the Local Government Act 1993.
3. The affixing of the Council seal to any documentation be authorised.
4. The General Manager be delegated authority to negotiate with Austen and Butta on access to funding and the lands prior to settlement to allow the works to proceed.
5. Council note that Administrations efforts have been restricted in this matter as it involves an issue between two private parties.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie

There being no further business the Mayor declared the meeting closed at 10:09 pm.