



# MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 27 May 2019

at 7:00 pm

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

## 1. Acknowledgement of Country

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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 announced to the Public Forum that Councillor Wayne McAndrew had today lost a family member in a tragic accident and for this reason Councillors had agreed that only those urgent matters on the agenda would be determined. All other items to be deferred to a Council meeting with a date to be advised.

### PROCEDURAL MOTION

THAT Items **8.2.3, 8.2.4, 8.4.5 and 8.5.1** be dealt with at this meeting of Council with all other items on the agenda be adjourned with the meeting to be re-convened on a date to be advised.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

### Divisions

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

**AGAINST:** nil

## 2. Present

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Public: 21

His Worship the Mayor  
Councillor R Thompson  
Councillor C Coleman  
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**

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An apology was received from and leave of absence granted to Councillor W McAndrew who is unable to attend due to personal reasons.

### **4. Confirmation of Minutes**

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Confirmation of the Minutes of the Ordinary Meeting of Council held on the 29 April 2019 were deferred to the next meeting

### **5. Declaration of Interest**

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There were no Declarations of Interest for items to be dealt with at this meeting.

### **6. Commemorations and Announcements**

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There were no commemorations or announcements.

### **7. Public Forum**

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At 07:02 pm members of the public gallery were invited to participate in the Public Forum Session.

Mrs Rosemary Barber made a statement in relation to Drought Communities Programme & African Love Grass and the Old River Lett Bridge.

#### **PROCEDURAL MOTION**

THAT an extension of time be granted to Mrs Barber.

**MOVED:** Councillor D Goodwin

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

The Mayor thanked Mrs Barber for her statement.

Mr Graeme Pike - Capertee Progress Association made a statement in relation to Item 8.5.1 on the agenda.

The Mayor thanked Mr Pike for his statement.

## **8. Staff Reports**

### **8.1. General Manager's Reports**

#### **8.1.1. GM - 27/05/19 - Code of Conduct and Procedures**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

#### **8.1.2. GM - 27/05/19 - Code of Meeting Practice**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

#### **8.1.3. GM - 27/05/19 - Policy 9.5 Councillor Expenses and Facilities**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

#### **8.1.4. GM - 27/05/19 - Notice of Motion - Ruled Unlawful**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

## **8.2. Economic Development and Environment Reports**

### **8.2.1. ECDEV - 27/05/19 - Airly Mine Extension Project MOD 2 SSD5581**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

### **8.2.2. ECDEV - 27/05/19 - Clarence Colliery Modification 4 to DA504-00, Proposal to Increase Tonnage Limits**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

### **8.2.3. ECDEV - 27/05/19 - Review of Determination DA217/17 Lake Lyell Restaurant - Onsite Effluent Management System**

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## **19-119 RESOLVED**

THAT Section 8.2 Review of Determination under the Environmental Planning and Assessment Act 1979 for DA217/17 Lake Lyell Restaurant be approved subject to amended conditions of consent outlined in the attached report.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodsell

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.2.4. ECDEV - 27/05/19 - DA142/18 (MOD005/19) Modification to Staging to the Original Approval -994 Great Western Highway Bowenfels**

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**19-120 RESOLVED**

THAT

1. The Modification of Consent MOD005/19 of Development Application DA142/18 be **APPROVED** subject to conditions on the consent as shown in the attached Section 4.55 report.
2. 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 Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.2.5. ECDEV - 27/05/19 - Proposed Sale of Council land - Pt Lot 68 DP 813538 adjoining Metromix Quarry Marrangaroo**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.2.6. ECDEV - 27/05/2019 - DA020/19 Subdivision 1 Lot into 4 & 4 Dwellings, 7 Cura Close Lithgow- Call In Report**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

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**8.2.7. ECDEV - 27/05/19 - Proposed Renaming of Anarel Road Sodwalls**

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This item was deferred to a meeting of Council with a date yet to be determined.

**8.2.8. ECDEV - 27/05/19 - Proposed Renaming of Old Western Road Rydal**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.2.9. ECDEV - 27/05/19 - Sponsorship Request Lithgow Art Prize 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.3. Water and Wastewater Reports**

**8.3.1. WWW - 27/05/19 - Water Report**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.4. Finance and Assets Reports**

**8.4.1. FIN - 27/05/19 - Special Rate Variation - IPART Determination**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.4.2. FIN - 27/05/19 - Finance Committee Terms of Reference**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.4.3. FIN - 27/05/19 - Local Government Remuneration Tribunal Determination**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.4.4. FIN - 27/05/19 - 2019/20 Emergency Services Levy Increase**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

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**8.4.5. FIN - 27/05/19 - 2018/19 Quarter Three Budget Review**

**19-121 RESOLVED**

THAT Council:

1. Notes the content of the report and the revised operating result before capital grants of (\$316K) for the 2018/19 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 January 2019 to 31 March 2019.
2. Council adopts the variations to the Council budget as outlined in the attached report.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodsell

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.4.6. FIN - 27/05/19 - Rates & Charges Write Off**

This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.4.7. FIN - 27/05/19 - Write-off - S94A, Bad Debts and Inventory**

This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**8.5. People and Services Reports**

**8.5.1. PS - 27/05/19 - Drought Communities Programme - Extension - Submissions & Recommendations**

**MOTION**

THAT the Administration prepare and submit application(s) to the Department of Industry, Innovation and Science for funding under the Drought Communities Programme for the following projects:

		Estimate
1	Community hall and facility upgrades including accessibility ramps, car parks, toilets and handrails, pathways etc.	\$375,000
2	Playground improvements	\$35,000
3	Youth programmes in general aimed at skill building and resilience	\$25,000

4	Mental Health & Well Being Community Plan	\$50,000
5	Education days to upskill primary producers, particularly in ways to best handle drought conditions. Education aimed at regenerative agriculture and land use, which may lead to positive changes in farming practices	\$40,000
6	Local trials to compare and test the benefits/problems/viability/economic benefits of compost use on pastures.	\$25,000
7	Rydal Toilets	\$120,000
8	Tourism sign posting	\$50,000
9	Portland Golf Club water harvesting from the clubhouse roof for storage and reticulation.	\$30,000
10	Improve water access for firefighting in Capertee at fire brigade sheds	\$25,000
11	Sporting facilities water conserving irrigation systems	\$130,000
12	Eradication of noxious weeds	\$45,000
13	Weed control – African Love Grass	\$50,000
	Total	\$1,000,000

**MOVED:** Councillor J Smith

**SECONDED:** Councillor S Ring

**QUESTION**

Cir Lesslie asked why the Councillor Information Session was not held until the 20<sup>th</sup> May despite the General Managers email of the 17<sup>th</sup> April advising Councillors of the requirements that funds are to be fully expended and programs completed by the 31<sup>st</sup> December 2019.

The General Manager advised the time delay occurred as a result of requests from Councillors for further community consultation which finished on the 10<sup>th</sup> May 2019 (Easter and ANZAC Day in between) with a report on submissions presented to Councillors at the information session held on the 20<sup>th</sup> May 2019.

**AMENDMENT**

		Estimate
1	Community hall and facility upgrades including accessibility ramps, car parks, toilets and handrails, pathways etc.	\$375,000
2	Playground improvements	\$35,000
3	Youth programmes in general aimed at skill building and resilience	\$25,000
4	Mental Health & Well Being Community Plan	\$50,000

5	Swing sets in Main Street Wallerawang Playgrounds, Shade Cloths over play equipment etc.	\$40,000
6	Portland Main Street Garden bed upgrade	\$25,000
7	Rydal Toilets	\$120,000
8	Tourism sign posting	\$50,000
9	Portland Golf Club water harvesting from the clubhouse roof for storage and reticulation.	\$30,000
10	Improve water access for firefighting in Capertee at fire brigade sheds	\$25,000
11	Improvements to Kremer Park	\$130,000
12	Capertee Footpath / Gravel Roads	\$95,000
	Total	\$1,000,000

**MOVED:** Councillor M Statham

**SECONDED:** Councillor C Coleman

The AMENDMENT was PUT and LOST

**Divisions**

**FOR:** Councillor C Coleman, Councillor M Statham

**AGAINST:** Councillor R Thompson, Councillor D Goodsell, Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith

The Original MOTION was PUT

**19-122 RESOLVED**

THAT the Administration prepare and submit application(s) to the Department of Industry, Innovation and Science for funding under the Drought Communities Programme for the following projects:

		Estimate
1	Community hall and facility upgrades including accessibility ramps, car parks, toilets and handrails, pathways etc.	\$375,000
2	Playground improvements	\$35,000
3	Youth programmes in general aimed at skill building and resilience	\$25,000
4	Mental Health & Well Being Community Plan	\$50,000
5	Education days to upskill primary producers, particularly in ways to best handle drought conditions. Education aimed at regenerative agriculture and land use, which may lead to positive changes in farming practices	\$40,000
6	Local trials to compare and test the benefits/problems/viability/economic benefits of compost use on pastures.	\$25,000

7	Rydal Toilets	\$120,000
8	Tourism sign posting	\$50,000
9	Portland Golf Club water harvesting from the clubhouse roof for storage and reticulation.	\$30,000
10	Improve water access for firefighting in Capertee at fire brigade sheds	\$25,000
11	Sporting facilities water conserving irrigation systems	\$130,000
12	Eradication of noxious weeds	\$45,000
13	Weed control – African Love Grass	\$50,000
	Total	\$1,000,000

**MOVED:** Councillor J Smith

**SECONDED:** Councillor S Ring

**CARRIED:**

### Divisions

**FOR:** Councillor R Thompson, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor J Smith, Councillor S Lesslie, Councillor S Ring

**AGAINST:** Councillor M Statham

#### 8.5.2. PS - 27/05/19 - Policy 9.14 - Risk Management

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

#### 8.5.3. PS - 27/05/19 - Nominations to Community Development Committee

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

#### 8.5.4. PS - 27/05/19 - Women's Advisory Committee Terms of Reference

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

#### 8.5.5. PS - 27/05/19 - Policy - Organisational Resilience - Business Continuity Policy 9.4

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

## 9. Council Committee Reports

### 9.1. IS - 27/05/19 - Operation Committee Meeting Minutes 20th March 2019

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**9.2. PS - 27/05/19 - Community Development Committee Minutes 9th April 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**9.3. IS - 27/05/19 - Sports Advisory Committee Meeting Minutes 10th April 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**9.4. ECDEV - 27/05/2019 - Environmental Advisory Committee Meeting 8th May 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**9.5. CFIO - 27/05/19 - Finance Committee Meeting Minutes 13th May 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**9.6. IS - 27/05/19 - Operations Committee Meeting Minutes 14th May 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**9.7. IS - 27/05/19 - Sports Advisory Committee Meeting Minutes 15th May 2019**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**10. Notices of Motion**

**10.1. Notice of Motion - 27/05/19 - Building Committee**

**Report by** Councillor Stephen Lesslie

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**10.2. Notice of Motion - 27/05/19 - Legal Budget Breakdown**

**Report by** Councillor Stephen Lesslie

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

**10.3. Notice of Motion - 27/05/19 - Australian Local Government Women's Association NSW**

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**Report by** Councillor Cassandra Coleman

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

## **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.
- There was no Business of Great Urgency.

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

## **12. Closed Council**

### **12.1. FIN - 27/05/19 - Unreasonable Complainants**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

### **12.2. IS - 27/05/19 - Replacement of Roadside Fencing - Wolgan Road, Wolgan Valley**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

### **12.3. Mayoral Minute - 27/05/19 – Staff Matter – Confidential**

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This item was deferred to a date when this Ordinary meeting of Council is re-convened.

There being no further business the Mayor closed the meeting at 7:41pm and deferred the remaining items to a meeting with the date yet to be determined.