



# MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 July 2019

at 7:00 pm

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The Mayor declared the meeting open at 7:00 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 went on to inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

## **2. Present**

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Public: 21

His Worship the Mayor Councillor R Thompson  
Councillor W McAndrew  
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 (7:29 pm)  
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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There were Nil Apologies.

## **4. Confirmation of Minutes**

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Councillor Lesslie requested that the spelling of Bill Leslie be corrected in the minutes of the Council Meeting held 24 June 2019.

## 19-182 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 24 June 2019 were taken as read and confirmed with the correction of the spelling.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor W McAndrew

## CARRIED

### Divisions

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

**AGAINST:** nil

## 5. Declaration of Interest

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There were Nil Declarations.

## 6. Commemorations and Announcements

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## 7. Public Forum

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At 7:04 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Ray Garrett made a statement in relation to Item Drought Subsidy and State of the Road.

### PROCEDURAL MOTION

THAT an extension of time be granted to Mr Ray Garrett.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

### Divisions

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

**AGAINST:** nil

The Mayor thanked Mr Garrett for his statement.

Mr Thomas Ebersoll made a statement in relation to Item 9.2.7 on the agenda.

The Mayor thanked Mr Ebersoll for his statement.

Mr Rich Evans made a statement in relation to the Soup Group Initiative.

The Mayor thanked Mr Evans for his statement.

Margaret Joyce made a statement in relation to Gumnut Childcare Centre.

The Mayor thanked Ms Joyce for her statement.

Mr Ian Rufus and George Epinian (Owner of the Property) made a statement in relation to Item 9.21 on the agenda.

**PROCEDURAL MOTION**

THAT an extension of time be granted to Mr Ian Rufus.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

The Mayor thanked Mr Rufus for his statement.

**PROCEDURAL MOTION**

THAT Item 9.2.7 and 9.2.1 be moved to be dealt with after item 8 on the agenda.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

The Mayor reconvened and called for any further Public Forum speakers wishing to speak to items on the agenda.

There were Nil speakers.

## **8. Mayoral Minutes**

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### **8.1. Mayoral Minute – 22/07/19 – General Manager’s contract of employment (Reappointment)**

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#### **19-183 RESOLVED**

THAT Council authorise the affixing of the Council Seal to the General Manager’s three (3) year contract of employment (reappointment) to take effect from 29 May 2020 to 29 May 2023 under the same terms and conditions as Mr Faulkner’s current contract of employment.

**MOVED:** Councillor R Thompson

**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 C Coleman, Councillor S Lesslie

### **9.2.7. ECDEV - 22/07/19 - Destination Pagoda**

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The General Manager entered the Chambers at 7:29 pm

#### **MOTION**

THAT

1. Council note the report on the initiative by the Garden of Stones Alliance known as Destination Pagoda.
2. Council encourage the Gardens of Stone Alliance to engage with all relevant government authorities and industry representatives in relation to the plan.
3. The Gardens of Stone Alliance be thanked for their recent presentation to Council on Destination Pagoda.
4. That Council support in principle the Destination Pagoda proposal by the Gardens of Stone Alliance but with reservations.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodsell

#### **AMENDMENT**

THAT

1. Council note the report on the initiative by the Garden of Stones Alliance known as Destination Pagoda.
2. Council encourage the Gardens of Stone Alliance to engage with all relevant government authorities and industry representatives in relation to the plan.
3. The Gardens of Stone Alliance be thanked for their recent presentation to Council on Destination Pagoda.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor C Coleman

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**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor D Goodwin, Councillor S Lesslie, Councillor S Ring

The AMENDMENT was PUT and became the MOTION

**19-184 RESOLVED**

THAT

1. Council note the report on the initiative by the Garden of Stones Alliance known as Destination Pagoda.
2. Council encourage the Gardens of Stone Alliance to engage with all relevant government authorities and industry representatives in relation to the plan.
3. The Gardens of Stone Alliance be thanked for their recent presentation to Council on Destination Pagoda.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor C Coleman

**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor S Lesslie

**9.2.1. ECDEV - 22/07/19 - DA020/19 Subdivision of 1 lot into 4 and Four Dwellings, 7 Cura Close Lithgow**

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**19-185 RESOLVED**

THAT

1. That the determination of development application be deferred pending the submission and assessment of plans prepared by a Structural Engineer for the required retaining wall situated on the North, North Eastern and North Western Boundaries to demonstrate that such wall will not impact upon Councils infrastructure that are located within the easement.
2. The Plan shall also include a construction methodology to demonstrate that the retaining wall and associated footings be located wholly within the subject property. An updated site plan with proposed finished ground levels shall be provided and it should be noted that any fill required for the retaining wall must satisfy contamination requirements for a residential property.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Statham

**CARRIED:** Unanimously

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## Divisions

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

**AGAINST:** nil

## 9. Staff Reports

### 9.1. General Manager's Reports

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#### 9.1.1. GM - 22/07/19 - National General Assembly (NGA19) Conference

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##### 19-186 RESOLVED

That Council note the report.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

#### 9.1.2. GM - 22/07/19 - Local Government NSW Conference 2019

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##### 19-187 RESOLVED

That Council:

1. Appoint the Mayor, Deputy Mayor, Councillor Coleman as voting delegates and Councillor Goodwin as an observer to the Conference.
2. Authorise the General Manager or his delegate to attend the Conference as an observer.
3. Authorise the Mayor to appoint alternate delegates or additional observers if required.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

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**9.1.3. GM - 22/07/19 - Western Region Community Consultative Committee  
Second/Alternate Councillor Delegate**

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**19-188 RESOLVED**

That Council nominate the alternate delegate as Cr Smith to the Western Region Community Consultative Committee to represent Lithgow City Council in conjunction with Councillor Statham.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

**9.1.4. GM - 22/07/19 - Code of Meeting Practice - Non-Mandatory Clauses**

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**19-189 RESOLVED**

That Council:

1. Amend Clause 8.1 of the Code of Meeting Practice to state "*at a meeting of the council, the general order of business is as fixed by resolution of the council (refer to Appendix A "Order of Business" adopted 24 June 2019 (Min. No. 19-162)).*"
2. On the matter of voting at Council meetings, include mandatory clauses 11.6 to 11.9 and Clause 11.13 and omit non-mandatory Clause 11.11 from the Code of Meeting Practice.
3. Include Clause 15.14 on the matter of expulsion from meetings and to omit Clause 15.16. Clause 15.14 states "*all chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.*"
4. Adopt the Code of Meeting Practice with the above amendments which reflect only the mandatory clauses of the prescribed Code with Council determining the clauses which include options.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor J Smith

**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor S Lesslie

**9.2. Economic Development and Environment Reports**

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**9.2.1. ECDEV - 22/07/19 - DA020/19 Subdivision of 1 lot into 4 and Four Dwellings, 7 Cura Close Lithgow**

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This Item was dealt with earlier in the meeting.

**9.2.2. ECDEV - 22/7/19 - Review of Policy 7.7 - Calling In Development Applications**

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**MOTION**

That the revised Council Policy 7.7 - Calling in Development Applications (Version 4) as attached to the business paper be adopted and implemented immediately.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Ring

The MOTION was PUT and LOST.

**Divisions**

**FOR:** Councillor R Thompson, Councillor D Goodsell, Councillor S Ring, Councillor M Statham

**AGAINST:** Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor J Smith

**MOTION**

That all reference to Clause 2.41 of the Local Government (General) Regulation 2005 be deleted from the current version of Policy 7.7 Calling in of Development Application .

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

The MOTION was PUT and Resolved.

**19-190 RESOLVED**

That all reference to Clause 2.41 of the Local Government (General) Regulation 2005 be deleted from the current version of Policy 7.7 Calling in of Development Application .

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**9.2.3. ECDEV 22/7/2019 Austen Quarry MOD 2 (SSD 6084) - Overburden Emplacement Area, Jenolan Caves Road Little Hartley**

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**19-191 RESOLVED**

That the information in the report for the Austen Quarry MOD 2 (SSD 6084), proposal to amend the design of the overburden emplacement area, be NOTED.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**9.2.4. ECDEV - 22/07/19 - Proposed licence to Lithgow Croquet Club Inc.**

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**19-192 RESOLVED**

That

1. Council grant preliminary approval to the proposed Licence Agreement to Lithgow Croquet Club Inc.
2. Council give public notice of the proposed Licence Agreement and place the Licence Agreement on public exhibition for at least 28 days.
3. Following notice and exhibition, the matter be returned to Council for endorsement of the Licence Agreement to Lithgow Croquet Club Inc. with details of any submissions made during the exhibition period and any consequent recommendations or amendments.
4. Council charge a licence fee of \$400.00 inclusive of GST per annum.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

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**9.2.5. ECDEV - 22/0/19 Springvale Water Treatment Project – Modification 3 (SSD 7592 MOD 3)**

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**19-193 RESOLVED**

That the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 3, notice of determination be NOTED.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor W McAndrew

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**9.2.6. ECDEV - 22/07/19 - Sponsorship Request Lithgow Zig Zag Steam Art Prize**

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**19-194 RESOLVED**

That Council provide sponsorship to the 2019 Lithgow Zig Zag Steam Art Prize to the amount of \$1,500 for the “Open” category.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**9.2.7. ECDEV - 22/07/19 - Destination Pagoda**

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This Item was dealt with earlier in the meeting.

**9.2.8. ECDEV - 22/07/19 - Economic Development Committee - Terms of Reference**

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MOTION

That

1. Council adopt the amended Terms of Reference for its Economic Development Committee as attached to the business paper.
2. Four Councillors nominate to the Economic Development Committee noting that the Mayor will be a member ex-officio.
3. Council appoint the Chair and Deputy Chair of the Economic Development Committee.
4. Council note that the appointments to the Committee, Chair and Deputy Chair will be reviewed when Council considers membership of its committees on an annual basis.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Statham

AMENDMENT

That the following changes to the proposed draft of the Economic Development Committee draft terms of reference be adopted.

1. Councillor membership read:

**Councillor Membership**

**Voting Members**

- All elected members of Council

The Mayor by virtue of holding the office of the Mayor, is appointed as a member of all committees established by Council. The appointment of the Mayor as a member of any committee established by the Council need not be taken into account when determining a Quorum for a meeting of the Committee. (Council policy 9.2)

The General Manager and staff in attendance will provide administrative support to the Council, but no staff member will have the right to vote.

The General Manager or his delegate shall:

- provide executive support to the Committee
- be responsible for preparing the agenda and minutes of Committee meetings
- be responsible for preparing a report to the Council containing the minutes and, providing staff comment on the recommendations made by the Committee to the Council.
- provide the Committee the outcome and the resolution of the council regarding each recommendation.

**Code of Meeting Practice to read:**

The meeting procedures outlined in Council's Code of Meeting Practice shall guide the meeting procedures of the Committee, where applicable, unless otherwise outlined below.

**Meeting Protocol to Read:**

- An agenda will be prepared and distributed at least 3 working days before each meeting, together with the minutes of the previous meeting.

- Four Councillors shall constitute a quorum.

Presentations may be made at Committee meeting either in addition to agenda items or supplementing agenda items.

2. That all changes in the new draft Terms of Reference, dealing with voting rights, that are inconsistent with the above be deleted.
3. Council appoint the Chair and Deputy Chair of the Economic Development Committee.
4. Council note that the appointments to the Committee, Chair and Deputy Chair will be reviewed when Council considers membership of its committees on an annual basis.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor W McAndrew

**CARRIED:** Unanimously

### **Divisions**

**FOR:** Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, 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

### **19-195 RESOLVED**

That the following changes to the proposed draft of the Economic Development Committee draft terms of reference be adopted.

1. Councillor membership read:

#### **Councillor Membership**

##### **Voting Members**

- All elected members of Council

The Mayor by virtue of holding the office of the Mayor, is appointed as a member of all committees established by Council. The appointment of the Mayor as a member of any committee established by the Council need not be taken into account when determining a Quorum for a meeting of the Committee. (Council policy 9.2)

The General Manager and staff in attendance will provide administrative support to the Council, but no staff member will have the right to vote.

The General Manager or his delegate shall:

- provide executive support to the Committee
- be responsible for preparing the agenda and minutes of Committee meetings
- be responsible for preparing a report to the Council containing the minutes and, providing staff comment on the recommendations made by the Committee to the Council.
- provide the Committee the outcome and the resolution of the council regarding each recommendation.

**Code of Meeting Practice to read:**

The meeting procedures outlined in Council's Code of Meeting Practice shall guide the meeting procedures of the Committee, where applicable, unless otherwise outlined below.

**Meeting Protocol to Read:**

- An agenda will be prepared and distributed at least 3 working days before each meeting, together with the minutes of the previous meeting.
- Four Councillors shall constitute a quorum.

Presentations may be made at Committee meeting either in addition to agenda items or supplementing agenda items.

2. That all changes in the new draft Terms of Reference, dealing with voting rights, that are inconsistent with the above be deleted.
3. Council appoint the Chair and Deputy Chair of the Economic Development Committee.
4. Council note that the appointments to the Committee, Chair and Deputy Chair will be reviewed when Council considers membership of its committees on an annual basis.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor W McAndrew

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**9.3. Water and Wastewater Reports**

**9.3.1. WWW – 22/07/19 – Water Report**

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**19-196 RESOLVED**

That the June 2019 Water Report be noted.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

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## **9.4. Finance and Assets Reports**

### **9.4.1. FIN - 22/07/19 - Investment Report June 2019**

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#### **19-197 RESOLVED**

That

1. Investments of \$29,820,000 and cash of \$259,103.48 for the period ending 30 June 2019 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

### **9.4.2. FIN - 22/07/19 - Policy Review - Policy 8.6 Hardship Policy**

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#### **19-198 RESOLVED**

That the item be deferred to the next meeting.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

## **9.5. People and Services Reports**

### **9.5.1. PS - 22/07/19 - Petition to Permanently Fly the Aboriginal Flag on the Sydney Harbour Bridge**

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#### **19-199 RESOLVED**

That Council host a petition at the administration centre and libraries asking the NSW Legislative Assembly to permanently fly the Aboriginal flag alongside the Australian and NSW flags on the Sydney Harbour Bridge.

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**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

### 9.5.2. PS - 22/07/19 - Arts Outwest

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#### Motion

That Council:

1. Note the report on Arts Outwest.
2. Enter a new Memorandum of Understanding (MOU) with Arts Outwest (on similar terms to previous MOUs) with the implication that financial assistance will be provided to Arts Outwest.
3. Provide the amount of financial assistance be set at \$10,000 p.a. The Administration would need to identify services / program to be reduced at the Quarter 1 2019/20 budget review to enable funding to be granted to Arts Outwest.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Statham

#### AMENDMENT

That Council defer the item to a future meeting

**MOVED:** Councillor J Smith

**SECONDED:** Councillor W McAndrew

**CARRIED:**

### Divisions

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

**AGAINST:** Councillor M Statham

The Amendment was PUT and became the Motion

### 19-200 RESOLVED

THAT Council defer the item to a future meeting

**MOVED:** Councillor J Smith

**SECONDED:** Councillor W McAndrew

**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor S Lesslie

**9.5.3. PS - 22/07/19 - Men's Health Advisory Committee - Terms of Reference**

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**19-201 RESOLVED**

That Council endorse the draft Terms of Reference for a Men's Health Advisory Committee.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**9.5.4. PS - 22/07/19 - Drought Communities Programme - Application Status Report**

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**19-202 RESOLVED**

That Council

1. Notes the Drought Communities Programme Application status report.
2. Due to the failure of the government to adequately respond to Lithgow City Councils inquiries about the Drought Communities Program ,we write to the relevant The Hon. Senator David Littleproud and Mr Andrew Gee MP. seeking an extension on the project completion date to the 30th June 2020.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor J Smith

**CARRIED:**

**Divisions**

**FOR:** Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor J Smith

**AGAINST:** Councillor D Goodsell, Councillor S Ring, Councillor M Statham

## 10. Council Committee Reports

### 10.1. IS - 22/07/2019 - Minutes of the Sports Advisory Committee Meeting 19th June 2019

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#### 19-203 RESOLVED

That Council note the minutes of the Sports Advisory Committee Meeting held on the 19 June 2019.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

#### Divisions

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

**AGAINST:** nil

### 10.2. IS - 22/07/2019 - Operations Committee Meeting Minutes 3rd July 2019

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Councillor McAndrew left the meeting at 09:29 pm.

#### 19-204 RESOLVED

That Council:

1. Notes the Minutes of the Operation Committee Meeting of 3 July 2019
2. Council notes the report on the benefits to Lithgow City Council of membership to the Streets Opening Coordination Council; and
3. Council reallocate \$5,000.00 from the Main Street Stormwater Improvements project to fund membership to the Streets Opening Coordination Council.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

#### Divisions

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

**AGAINST:** nil

### 10.3. FIN - 22/07/19 - Audit Committee Meeting Minutes 13 June 2019

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Councillor McAndrew returned to the meeting at 09:30 pm.

#### 19-205 RESOLVED

That Council endorses the CTA Audit Committee 13 June 2019 meeting minutes.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

#### Divisions

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

**AGAINST:** nil

## 11. Notices of Motion

### 11.0. Notice of Motion - 22/07/19 - Small Business Friendly Council Conference 16 & 17 May

**Report by** Councillor Steve Ring

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#### 19-206 RESOLVED

THAT Lithgow City Council:

1. Join the Small Business Friendly Initiative
2. Join the Easy to do Business Initiative.
3. Council delegates authority to the General Manager to enter into an agreement or agreements with Service NSW as necessary; and
4. The affixing of the common seal to any documentation be authorised if necessary.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED:**

#### Divisions

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

**AGAINST:** Councillor S Lesslie

## 12. Questions with Notice

### 12.1. Question with Notice - Cr Coleman - Customer Service Charter

**Report by** Councillor Cassandra Coleman

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Question with Notice

What is the response time from the relevant department once they have received the correct phone messages from the Customer Service desk?

Answer Given by Administration

Council's general service commitment is included in Policy 4.6 Customer Service and Unreasonable Complainants Policy and the Customer Service Charter:

- Council staff will strive to respond to all correspondence received from customers within fourteen (14) days.
- Voice mail messages will receive a response within 24 hours.

Individual departments do not have specific response time guidelines with the exception of Water & Wastewater.

Water & Wastewater have adopted Levels of Service included in their Strategic Business Plan. In addition, there is a Staff Agreement for on-call workers specifying a response time from receipt of an alarm to attendance at the work site of 60 minutes for responses to urban areas of Lithgow, Portland, Wallerawang and Lidsdale.

Procedural Motion

That Council note Administration's response.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

#### Divisions

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

**AGAINST:** nil

Councillor D Goodwin left the meeting at 09:46 pm.

Councillor S Ring left the meeting at 09:46 pm.

Councillor S Ring returned to the meeting at 09:47 pm.

Councillor D Goodwin returned to the meeting at 09:48 pm.

## 12.2. Questions with Notice - Cr Coleman - Over Payment of Rates Policy

**Report by** Councillor Cassandra Coleman

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Question with Notice

What is Council's policy regarding over payment of Council rates by local residents? How are refunds actioned and the time frame for said refund?

Answer Given by Administration

- Council does not currently have a policy which covers overpayment of Council rates.
- Finance will commence work in Q1 2019/20 to develop a Debtors Policy which will include policy guidance for overpayment of Council rates.
- The policy will take into account the OLG's November 2018 Debt Management and Hardship Guidelines
- The policy will also address the responsibility of Finance staff to monitor rates accounts balances and to inform a ratepayer if their account has a credit value of more than 12 months of rates.
- The current process for actioning refunds of overpaid Council rates is –
  - The ratepayer must provide a refund request in writing;
  - The overpayment amount is confirmed by the rates team;
  - The refund payment is approved by an officer with a financial delegation; and
  - The timeframe for the refund is 1-2 weeks (Council has a weekly payment run).

Procedural Motion

That Council note Administration's response.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**12.3. Question with Notice - Cr Lesslie - 22/07/19 - Energy Australia Project Clarification**

**Report by** Councillor Stephen Lesslie

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Question with Notice

Could the Council ascertain if this is the project announced by NSW Energy Minister Matt Kean and Energy Australia?

Answer given by Administration

Clarification was sought from Energy Australia who have advised that these are 2 entirely separate projects and have no relationship to each other. The Turbine Upgrade is independent of anything else they are doing on site and relates specifically to the existing capacity and capability.

Procedural Motion

That Council note Administration's response.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

POINT OF ORDER

Clr Goodsell called a point of order regarding the procedures for questions with notice and responses and the need for debate.

The General Manager, through the Mayor gave advice to Council.

**12.4. Questions with Notice - Cr Lesslie - 22/07/19 - Grandstand Cleanliness**

**Report by** Councillor Stephen Lesslie

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Question with Notice

Could this be investigated and rectified?

Answer given by Administration

While holes in the roof were rectified prior to the netting installation, this matter has been investigated and the Grandstand was professionally cleaned on Friday 12<sup>th</sup> July. Since this

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date, the asset has been periodically inspected. The latest inspection occurred today (Monday 22 July) and showed that no additional bird mess has accumulated. From this, the Administration is of the opinion that the bird netting has solved the problem of mess accumulating in the Grandstand. Staff will continue to monitor the situation however and if at any time further work is required, the matter will be prioritised.

Procedural Motion

That Council note Administration's response.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

### Divisions

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

**AGAINST:** nil

## 13. 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.

Clr McAndrew raised concerns in relation to the Chifley Rural Fire Service Office being closed and moving to Bathurst leaving no close RFS command in the area and in the event that emergency Bathurst would be coordination point. 1300 numbers would go directly to Bathurst RFS Service centre.

In accordance with Clause 241 the Mayor declared the matter urgent.

### 19-207 RESOLVED

That Council write to the RFS Commissioner and the appropriate NSW State Government Minister seeking advice if any changes to the local office are proposed.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor S Lesslie

**CARRIED:** Unanimously

## **Divisions**

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

**AGAINST:** nil

Clr McAndrew raised resident's concern in relation to the delayed service in some areas of Lithgow of the NBN until 2020 and Telstra mobile coverage.

In accordance with Clause 241 the Mayor declared the matter urgent.

## **19-208 RESOLVED**

THAT Council ask for presentations to the Council by NBN and Telstra to be organised in relation to the NBN and mobile phone service.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** nil

Clr Coleman raised the issue at Gumnut House Centre.

General Manager alerted Council to the need to be circumspect in relation to any comments in open Council regarding the financial standing of any firm given that the discussion is webcast.

The General Manager stated that Council will liaise with ECEC.

Clr Statham raised concerns of falling trees on local roads and causing potential accidents. Sunny Corner Road Meadow Flat in particular Portland T junction section of the road.

Clr Statham also raised the concerns of the issues of the Gumnut House Centre.

The General Manager stated that Council will liaise with ECEC.

## 14. Closed Council

### 14.1. Confidential Report - FIN - 22/07/19 - Request for Financial Assistance

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

Clr Lesslie raised an objection asking that the confidential item 14.2 be raised in open Council stating that the reasons were not applicable to this item.

Lapsed due to the lack of a Secunder.

#### 19-209 RESOLVED

That Council Resolve to move into Closed Council to consider the confidential reports as listed in the Agenda at 10.21pm.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor M Statham

**CARRIED**

### 14.1. Confidential Report - FIN - 22/07/19 - Request for Financial Assistance

---

#### 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,

#### 19-210 RESOLVED

That Council:

1. Note the request from the applicant for financial assistance and that a similar request was received in 2018.
2. Inform the CEO of applicant organisation that there is no funding available to assist Access Industries within Council's current policy framework and budgetary constraints.
3. Request the General Manager to write to The Hon. Paul Toole MP and Mr Andrew Gee MP to seek payment of a grant to the applicant to assist with covering their operating costs.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor D Goodsell

**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor M Statham

**14.2. Confidential Report - GM - 22/07/19 - Superseding Council Resolutions - Recording of Votes of Councillors**

**Report by**            General Manager

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**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
- 

**19-211 RESOLVED**

That Council

1. Note the legal advice from Pikes & Verekers Lawyers dated 1 July 2019 indicating that Council resolution 18-286 requiring the recording of votes at Council meetings stands as an endorsed resolution; and
2. Note that the ruling of the Deputy Mayor (Chairperson) at the Ordinary Meeting of Council on 24 June 2019 regarding resolution 18-286 following a motion of dissent is correct and is supported by the legal advice received from Pikes & Verekers Lawyers.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor S Ring

**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor S Lesslie

Councillor S Ring left the meeting at 10:32 pm.

Councillor S Ring returned to the meeting at 10:34 pm.

**19-212 RESOLVED**

That Council resolved to refer to open Council and recommend the resolutions of Closed Council at 10:35.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

**CARRIED:** Unanimously

The General Manager read the resolutions of the Closed Council to the Public Forum.

14.1 Confidential Report - FIN - 22/07/19 - Request for Financial Assistance

That Council:

1. Note the request from the applicant for financial assistance and that a similar request was received in 2018.
2. Inform the CEO of applicant organisation that there is no funding available to assist Access Industries within Council's current policy framework and budgetary constraints.
3. Request the General Manager to write to The Hon. Paul Toole MP and Mr Andrew Gee MP to seek payment of a grant to the applicant to assist with covering their operating costs.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor D Goodsell

**CARRIED:**

**Divisions**

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

**AGAINST:** Councillor M Statham

14.2 Confidential Report - GM - 22/07/19 - Superseding Council Resolutions - Recording of Votes of Councillors

That Council

1. Note the legal advice from Pikes & Verekers Lawyers dated 1 July 2019 indicating that Council resolution 18-286 requiring the recording of votes at Council meetings stands as an endorsed resolution; and
2. Note that the ruling of the Deputy Mayor (Chairperson) at the Ordinary Meeting of Council on 24 June 2019 regarding resolution 18-286 following a motion of dissent is correct and is supported by the legal advice received from Pikes & Verekers Lawyers.

**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 D Goodwin, Councillor S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** Nil

There being no further business the Mayor declared the meeting closed at 10:39 pm.