



# MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 August 2019

at 7:00 pm

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The Mayor declared the meeting open at 07:00 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: 9

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

Also in attendance

Mr Andrew Muir, Acting General Manager  
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

## **3. Apologies**

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An apology was received from and leave of absence granted to both Councillor D Goodsell and Councillor W McAndrew who were unable to attend due to personal business.

An apology was received from Graeme Faulkner, General Manager who was unable to attend due to personal business.

## **4. Confirmation of Minutes**

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### **19-213 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 22 July 2019 were taken as read and confirmed.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor J Smith

**CARRIED**

**Divisions**

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

**AGAINST:** nil

Councillor Lesslie noted that the spelling of Mr Leslie in the June Ordinary Meeting minutes is yet to be corrected.

## **5. Declaration of Interest**

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Councillor R Thompson declared a pecuniary interest in Item 8.2.4 for the reason that it is his personal property and he will vacate the Chambers.

## **6. Commemorations and Announcements**

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Councillor J Smith acknowledged the participants in the recent mines rescue competition. He congratulated the Clarence Team for the win and noted Lithgow teams came in first, second and third.

Councillor M Statham acknowledged the Public Interest Disclosures Management Training which Council held recently.

The Mayor complimented the recent Code of Conduct Training held by Council.

Councillor C Coleman acknowledged Workies Wolves for winning their recent semi-final.

Councillor R Thompson acknowledged the Lithgow Panthers Women's Hockey Team in reaching the grand-final.

## **7. Public Forum**

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

Mr Martin Ticehurst made a statement in relation to Overhanging Trees on the Hartley Vale Road – between Hartley Vale Village up to the Blue Mountains Council Boundary.

The Mayor thanked Mr Ticehurst for his statement.

## **8. Staff Reports**

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

#### **8.1.1. GM - 26/08/19 - Order of Business at Ordinary Meetings of Council**

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##### MOTION

That Council Amend the Code of Meeting Practice Schedule 'General Order of Business' to read:

1. Acknowledgment of Country
2. Chairpersons Statement - 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.
3. Apologies
4. Declaration of Interests - Pecuniary and Non-Pecuniary
5. Closed Council
6. Confirmation of Minutes of Previous Meetings
7. Acknowledgements and Commemorations
8. Public Forum
9. Presentations
10. Mayoral Minutes
11. Notices of Motions
12. Notices of Rescission
13. Staff Reports
14. Council Committee Minutes
15. Delegates Reports
16. Questions with Notice (from Councillors)
17. Business of Great Urgency (as identified by Clause 241 of the Local Government (General) Regulations 2005)

**MOVED:** Councillor S Ring

**SECONDED:**

Lapsed Due to a want of a seconder.

##### **19-214 RESOLVED**

That Council Amend the Code of Meeting Practice Schedule 'General Order of Business' to read:

1. Acknowledgment of Country
2. Chairpersons Statement - 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.
3. Apologies
4. Declaration of Interests - Pecuniary and Non-Pecuniary
5. Confirmation of Minutes of Previous Meetings
6. Acknowledgements and Commemorations
7. Public Forum
8. Presentations
9. Mayoral Minutes
10. Notices of Motions
11. Questions with Notice (from Councillors)

12. Notices of Rescission
13. Staff Reports
14. Council Committee Minutes
15. Delegates Reports
16. Business of Great Urgency (as identified by Clause 241 of the Local Government (General) Regulations 2005)
17. Closed Council

**MOVED:** Councillor M Statham

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

#### **Divisions**

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

**AGAINST:** nil

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

### **8.2.1. ECDEV - 26/08/19 - Clarence Colliery MOD 5 - Workforce Increase (DA504-00 MOD 5)**

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#### **19-215 RESOLVED**

THAT the information in the report on the Clarence Colliery Modification 5 to DA504-00, proposal to increase the number of employees, be noted.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

#### **Divisions**

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

**AGAINST:** nil

### **8.2.2. ECDEV - 26/08/19 - Lidsdale Siding Coal Loader Modification 1-infrastructure Upgrades, Development Consent 08-0223**

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#### **19-216 RESOLVED**

THAT the information in the report on the Lidsdale Siding Coal Loader Modification 1 – Infrastructure Upgrades, Development Consent 08\_0223, be noted.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor M Statham

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.2.3. ECDEV - 26/08/19 - Western Coal Services SSD 5579 Modification 3**

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**19-217 RESOLVED**

THAT the information in the report for the Western Coal Services Project (SSD 5579), Modification 3, be noted.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.2.4. ECDEV - 26/08/19 - DA112/19 Proposed Swimming Pool and Fence - 2 Mayview Drive Lithgow**

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The Mayor vacated the Chair due to an earlier declaration of interest at 7:22 pm.

The Acting General Manager advised the Council:

Clause 6.2 of the Code of Meeting Practice provides If the Mayor and the Deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the Councillors present presides at a meeting of the council.

Clause 6.2 of the Code of meeting practice provides a process for the election of a chairperson in the absence of the Mayor and Deputy Mayor. As the person authorised to conduct the election I firstly seek a motion that:

**19-218 RESOLVED**

That nominations for and election of the position of chairperson to preside over 8.2.4 on the agenda this evening be by way of show of hands.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

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The Acting General Manager called for nominations for the position of chairperson to preside over 8.2.4 on the agenda this evening.

Nominees: Councillor Lesslie nominated Councillor Coleman. Councillor Coleman accepted the nomination.

No other Councillors nominated. There being no other nominees, Councillor Coleman was elected Chairperson to preside over Item 8.2.4 on the agenda.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

#### **Divisions**

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

**AGAINST:** nil

#### **19-219 RESOLVED**

THAT

1. Development Application No. DA112/19 be APPROVED subject to Conditions of Consent as shown in the attached Section 4.15 report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act 1993.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

#### **Divisions**

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

**AGAINST:** nil

The Mayor returned to the chambers at 7:25pm

#### **8.2.5. ECDEV - 26/08/19 Proposed Modification to Wallerawang Quarry Modification 3, Great Western Highway Wallerawang**

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#### **19-220 RESOLVED**

THAT

1. The information in the report for the Wallerawang/Walker Quarry Pty Ltd Modification 3 (DA 344-11-2001), be NOTED.
  2. Council advise the Department of Planning, Industry and Environment and the proponent that it wishes to seek developer contributions for the life of the quarry by either a Voluntary Planning Agreement or other appropriate means
-

3. The General Manager be delegated authority to enter into discussions with the proponent seeking developer contributions for the life of the quarry by either a Voluntary Planning Agreement or other appropriate means
4. That Council supply a supplementary submission to the Department of Planning, Industry and Environment requesting that a rehabilitation bond be included in any conditions of consent.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

### **8.3. Infrastructure Services Reports**

#### **8.3.1. IS - 26/08/19 - Public Road Transfer - Port Macquarie Road, Bogee**

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**19-221 RESOLVED**

THAT Council endorse the closure and transfer of 6 kilometres of Port Macquarie Road, Bogee, from the current south-eastern road boundary, to the ownership of National Parks and Wildlife Service.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

#### **8.3.2. IS - 26/08/2019 - Policy 10.6 and Policy 10.7 Review**

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**19-222 RESOLVED**

THAT Council Adopt the following policies as exhibited for immediate implementation:

- Policy 10.6 - Kerb and Gutter Construction – Contributions.
- Policy 10.7 - Public Gates and Grids on Local Roads.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.3.3. IS - 26/08/19 - Public Exhibition of the Draft Lithgow Active Transport Plan**

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**19-223 RESOLVED**

THAT the Draft Lithgow Active Transport Plan as attached to this report to be placed on public exhibition for a period of 28 days with the Lithgow Active Transport Plan being reported back to Council for consideration for final adoption subject to consideration of any submissions received.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.4. Water and Wastewater Reports**

**8.4.1. WWW - 26/08/19 - Water Report**

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**19-224 RESOLVED**

THAT the August 2019 Water Report be noted.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.4.2. WWW - 26/08/2019 - Pressure Sewer Policy**

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**19-225 RESOLVED**

THAT Council:

1. Endorse Draft Policy 3.7 Pressure Sewer for public exhibition and comment for 28 days.
2. Following the exhibition period that Draft Policy 3.7 Pressure Sewer be returned to Council for further consideration.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5. Finance and Assets Reports**

**8.5.1. FIN - 26/08/19 - Policy Review - Policy 1.4 Tendering Policy**

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**19-226 RESOLVED**

THAT amended Policy 1.4 Tendering Policy be adopted and implemented immediately.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5.2. FIN - 26/08/19 - Tender Delegations Report**

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**MOTION**

THAT Council

1. Note the exercise of the General Manager's delegation to approve the Portland Skatepark tender in July 2019.
2. Allocate \$14,000 of the surplus money that is not used on landscaping to be given to Arts OutWest.

**MOVED:** Councillor M Statham

**SECONDED:**

The Amendment lapsed due to a want of a seconder.

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**19-227 RESOLVED**

THAT Council note the exercise of the General Manager's delegation to approve the Portland Skatepark tender in July 2019.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5.3. FIN - 26/08/19 - Gifts and Benefits / Statement of Business Ethics**

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**19-228 RESOLVED**

THAT Council Adopt:

1. New clause 6.16 to address breaches of gifts and benefits provisions in the Code of Conduct.
2. The amended Code of Conduct for immediate implementation.
3. The Statement of Business Ethics as included as an attachment to this report. The adopted Statement of Business Ethics would not be added to Council's Policy Register but would be included as a web page on the Council website.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5.4. FIN - 26/08/19 - Referral of Financial Reports for External Audit - Year Ended 30 June 2019**

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**19-229 RESOLVED**

THAT Council refers the draft 2018/19 General Purpose and Special Purpose Financial Reports for audit in accordance with S413 of the Local Government Act 1993.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5.5. FIN - 26/08/19 - Carryovers / Revotes for Inclusion in the 2019/20 Budget**

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**19-230 RESOLVED**

THAT Council:

1. Revote the amount of \$6,638,282 for 2018/19 capital revotes and carryovers (as detailed in the attachment) for inclusion in the 2019/20 budget.
2. Revote the amount of \$92,716 for 2018/19 operational revotes and carryovers (as detailed in the attachment) for inclusion in the 2019/20 budget.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5.6. FIN - 26/08/19 - Policy Review - Policy 8.7 Investment Policy**

---

**MOTION**

THAT Council:

1. Note the commentary on the expected \$300K budget shortfall for 2019/20 investments income and actions planned to mitigate the loss of income.
2. Note the proposal to hold the \$72K budget saving resulting from the NSW Government's decision to fund the increase in the Emergency Services Levy, to help offset the expected investment income budget shortfall.
3. Endorse draft Policy 8.7 Investment Policy for public exhibition and comment for 28 days.
4. Following the exhibition period, that Policy 8.7 Investment Policy be returned to Council for further consideration.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**AMENDMENT**

THAT Council:

1. Note the commentary on the expected \$300K budget shortfall for 2019/20 investments income and actions planned to mitigate the loss of income.

2. Note the proposal to hold the \$72K budget saving resulting from the NSW Government's decision to fund the increase in the Emergency Services Levy, to help offset the expected investment income budget shortfall.
3. Endorse draft Policy 8.7 Investment Policy for public exhibition and comment for 28 days.
4. Following the exhibition period, that Policy 8.7 Investment Policy be returned to Council for further consideration.
5. Write to the Premier and the Local Member advising them that as the Emergency Services Levy increase was not raised with Councils and the NSW electorate before the State elections held in March that we expect that this emergency services Levy hike will be deferred indefinitely
6. Submit indefinite deferral of the Emergency Services Levy Increase to the LGNSW Conference as a motion.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

### **Divisions**

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

**AGAINST:** nil

The Amendment was PUT and became the MOTION

### **19-231 RESOLVED**

THAT Council:

1. Note the commentary on the expected \$300K budget shortfall for 2019/20 investments income and actions planned to mitigate the loss of income.
2. Note the proposal to hold the \$72K budget saving resulting from the NSW Government's decision to fund the increase in the Emergency Services Levy, to help offset the expected investment income budget shortfall.
3. Endorse draft Policy 8.7 Investment Policy for public exhibition and comment for 28 days.
4. Following the exhibition period, that Policy 8.7 Investment Policy be returned to Council for further consideration.
5. Write to the Premier and the Local Member advising them that as the Emergency Services Levy increase was not raised with Councils and the NSW electorate before the State elections held in March that we expect that this emergency services Levy hike will be deferred indefinitely
6. Submit indefinite deferral of the Emergency Services Levy Increase to the LGNSW Conference as a motion.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

### **Divisions**

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

**AGAINST:** nil

**8.5.7. FIN - 26/08/19 - Review of Policy - 8.6 Hardship Policy**

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**19-232 RESOLVED**

THAT revised Policy 8.6 Hardship Policy be adopted and implemented immediately.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.5.8. PS - 26/08/19 - Arts Outwest**

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**MOTION**

THAT Council:

1. Note the report on Arts Outwest.
2. Provide funding of \$10,000 to Arts Outwest for the 2019/20 financial year.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor M Statham

**AMENDMENT**

THAT Council:

1. Note the report on Arts Outwest.
2. Provide funding of \$14,000 to Arts Outwest for the 2019/20 financial year.
3. Authorise the General Manager to negotiate a new Memorandum of Understanding with Arts Outwest.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Lesslie

**CARRIED:**

**Divisions**

**FOR:** Councillor M Statham, Councillor S Lesslie, Councillor D Goodwin, Councillor S Ring, Councillor C Coleman

**AGAINST:** Councillor R Thompson, Councillor J Smith

The Amendment was PUT and became the MOTION.

**19-233 RESOLVED**

THAT Council:

1. Note the report on Arts Outwest.
2. Provide funding of \$14,000 to Arts Outwest for the 2019/20 financial year.
3. Authorise the General Manager to negotiate a new Memorandum of Understanding with Arts Outwest.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Lesslie

**CARRIED:**

**Divisions**

**FOR:** Councillor C Coleman, Councillor M Statham, Councillor S Ring, Councillor S Lesslie, Councillor D Goodwin

**AGAINST:** Councillor J Smith, Councillor R Thompson

**8.5.9. FIN - 26/08/19 - Update of Policy 9.9 Internal Reporting Policy**

**19-234 RESOLVED**

THAT updated Policy 9.9 Internal Reporting Policy be adopted and implemented immediately.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor M Statham

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**8.6. People and Services Reports**

**8.6.1. PS - 26/08/19 - 2019-20 Fees & Charges Review - Parking Permits, Traffic Control Plan and Cemeteries**

**19-235 RESOLVED**

THAT

1. Council adopt the 2019/20 fees and charges for Parking Permits, Traffic Control Plan and Cemeteries as follows:

<b>Fee Name</b>	<b>2019/20 Fee</b>
<b>Parking</b> Application for parking during construction in residential areas ( <b>per square metre, per week</b> , details to be provided, min. 2 weeks' notice)	\$7
Prepare, Review or Approve Traffic Control Plan	At cost + 20%

<b>Cemeteries</b> Cemetery flower attachment / vase for columbarium (per unit)	\$85.00
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2. The 2019/20 Schedule of fees and charges be updated and placed on Councils website.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

#### **Divisions**

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

**AGAINST:** nil

## **9. Council Committee Reports**

### **9.1. IS - 26/08/2019 - Sports Advisory Committee Meeting - 10th July 2019**

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#### **19-236 RESOLVED**

THAT Council note the minutes of the Sports Advisory Committee held on the 10 July 2019.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

#### **Divisions**

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

**AGAINST:** nil

### **9.2. ECDEV - 26/08/19 - Environmental Advisory Committee 31 July 2019**

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#### **19-237 RESOLVED**

THAT Council

1. Note the minutes of the Environmental Advisory Committee meeting held on the 31 July 2019.
2. Amend the terms of reference of the Environmental Advisory Committee to enable the Chair and Deputy Chair be appointed by the committee at the first sitting of the committee after the annual election of Councillors in September/October and that such a process then occur at the Committee meeting in November 2019.
3. Allow terms of reference to be amended to reflect the change of meeting date from the first Wednesday of the month to the Second Wednesday of the month.

**MOVED:** Councillor C Coleman

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

### Divisions

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

**AGAINST:** nil

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### 9.3. IS - 26/08/2019 - Operations Committee Meeting Minutes - 7th August 2019

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#### MOTION

THAT

1. Council note the minutes of the Operations Committee meeting of the 7 August 2019; and
2. Council reallocate \$30,000.00 from PJ 100466 – Footpath Construction to fund the garden bed improvements at Wolgan Street and Williwa Street, Portland and;
3. The Council approve in principle the use of a low-pressure sewer system at Cullen Bullen and;
4. The Cullen Bullen community be consulted on the possible implementation of a low-pressure sewer system option and;
5. That a Draft Policy be developed for the use of Low-Pressure Sewers and;
6. Subject to approval of the Council and community of Cullen Bullen's acceptance that an application to vary the Project Scope be made to Infrastructure NSW and;
7. Council continue to seek additional funding should the approval to vary the Cullen Bullen Sewer Scheme Project Scope be refused.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor J Smith

#### AMENDMENT

THAT

1. Council note the minutes of the Operations Committee meeting of the 7 August 2019; and
2. The garden bed improvements at Wolgan Street and Williwa Street, Portland be carried out as soon as possible.
3. The Council approve in principle the use of a low-pressure sewer system at Cullen Bullen and;
4. The Cullen Bullen community be consulted on the possible implementation of a low-pressure sewer system option and;
5. That a Draft Policy be developed for the use of Low-Pressure Sewers and;
6. Subject to approval of the Council and community of Cullen Bullen's acceptance that an application to vary the Project Scope be made to Infrastructure NSW and;
7. Council continue to seek additional funding should the approval to vary the Cullen Bullen Sewer Scheme Project Scope be refused.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

Point of Order was called by Cr Ring in relation to the naming of Councillors who voted against an amendment in a previous meeting in 2018.

Cr Lesslie refrained from naming Councillors.

The Amendment was PUT and became the MOTION.

**19-238 RESOLVED**

THAT

1. Council note the minutes of the Operations Committee meeting of the 7 August 2019; and
2. The garden bed improvements at Wolgan Street and Williwa Street, Portland be carried out as soon as possible.
3. The Council approve in principle the use of a low-pressure sewer system at Cullen Bullen and;
4. The Cullen Bullen community be consulted on the possible implementation of a low-pressure sewer system option and;
5. That a Draft Policy be developed for the use of Low-Pressure Sewers and;
6. Subject to approval of the Council and community of Cullen Bullen's acceptance that an application to vary the Project Scope be made to Infrastructure NSW and;
7. Council continue to seek additional funding should the approval to vary the Cullen Bullen Sewer Scheme Project Scope be refused.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Divisions**

**FOR:** nil

**AGAINST:** nil

Foreshadowed Motion

That the Main Street Working Party seek further responses from the community and specifically from the Chamber of Commerce and other Community groups.

**MOVED:** Councillor S Lesslie

**SECONDED:**

Cr Coleman called a Point of Order as there is no seconder.

The Mayor did not accept the foreshadowed Motion.

**9.4. FIN - 26/08/19 - Finance Committee Meeting Minutes - 12 August 2019**

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**19-239 RESOLVED**

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 12 August 2019 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Reports for July 2019.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** Councillor S Lesslie

**9.5. IS - 26/08/2019 - Sports Advisory Committee Meeting Minutes - 14th August 2019**

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**19-240 RESOLVED**

THAT

1. Council note the minutes of the Sports Advisory Committee held on the 14 August 2019; and
2. Council approve financial assistance of \$300.00 from the current allocation for Financial Assistance for Sporting Representations (\$300.00 for Maggie Thompson).

**MOVED:** Councillor J Smith

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

## 10. Notices of Motion

### 10.1. Notice of Motion - Cr Goodsell - 26/08/19 - Dog Free Leash Area

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The Mayor granted leave to Councillor Ring to move the Notice of Motion in Councillor Goodsell's absence.

#### 19-241 RESOLVED

THAT consultation be carried out with residents in the Vale of Clwydd area to determine interest and ascertain any concerns with the potential establishment of a dog free leash area in the vicinity of the Vale Hall.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodwin

**CARRIED:** Unanimously

#### Divisions

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

**AGAINST:** nil

## 11. Questions with Notice

### 11.1. Question with Notice - Cr Coleman - 26/08/19 - Traffic Cones

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#### Question:

How much does Council spend per annum on traffic cones? What is the life span of a traffic cone and how many does the Council hold overall?

#### Answer:

The administration have calculated the amount spent on traffic cones for every financial year from 2000/2001. On average, Council purchases 206 traffic cones per year at a cost of \$1,611.61 (which equates to \$7.84 each). Traffic cones are used by staff working on urban roads, rural roads, water, and wastewater. On average Council generally holds 50 cones within its stores for issue to staff. Based on the average usage rate of 206 per year, the assumed number Council holds overall is 153.

The typical reason for the purchase of 206 cones per year is theft, well before they reach the end of their useable life.

Cr Ring called a Point of order as Questions with Notice are not a debating platform.

**11.2. Question with Notice - Cr Coleman - 26/08/19 - Visitor Posts on Lithgow City Council Facebook**

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**Question:**

Which Department monitors and responds to the direct visitor posts made to the Lithgow City Council official Facebook page?

**Answer:**

The People & Services Department is responsible for monitoring and responding to visitor posts made to the Lithgow City Council's official Facebook page with backup provided by the Finance and Assets Department.

**11.3. Question with Notice - Cr Coleman - 26/08/19 - Hermitage Flat Main Water Pipe**

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**Question:**

What future plans does Council have to replace the ageing pipes so this does not keep occurring?

**Answer:**

The current financial year's budget for mains renewal is fully committed. It is proposed to replace the water main in Coalbrook Street in 2020/21

**11.4. Question with Notice - Cr Lesslie - 26/08/19 - Forestry Corporation Plantations Privatisation**

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**Question:**

The privatisation of Forestry Corporation plantations has been raised in the NSW Parliament and as this would affect employment, roads and biodiversity issues, among other matters, within the Lithgow LGA, could the Council bring down a report on the implications to our area should such privatisation occur?

**Answer:**

To date, there has been no formal proposal or report released by the State government. Only when full details are provided by the State government could a detailed report be prepared on the implications to the Lithgow LGA.

Council could write to the Minister for Agriculture to seek further information. However, any action the Council wishes to take now or in the future should be through a resolution of Council. One way of seeking such as resolution could be by a Notice of Motion.

Cr Ring Called a point of Order as Questions with Notice are not a debatable platform.

The Mayor upheld the Point of Order.

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**11.5. Question with Notice - Cr Lesslie - 26/08/19 - Budget for Conduct Reviewers**

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**Question:**

What is the budget for conduct reviewers and how much has been spent on conduct reviewers this calendar year?

**Answer:**

There is no specific budget for conduct reviewers. Any use of Conduct Reviewers is funded through the legal budget. Under the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, the Complaints Co-ordinator of a council must arrange for the various statistics to be reported to the Council and Office of Local Government within 3 months of the end of September of each year for the year to September known as the reporting period. This includes the total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager during the reporting period.

The statistics for Code of Conduct of complaints for the year to 30 September 2019 will be reported to Council no later than the November 2019 Ordinary meeting.

Cr Ring called a Point of Order as this is not a platform for debate.

The Mayor upheld the Point of Order.

The Mayor sought a joint procedural motion to accept the Administration's answers at the end of the Questions with Notice.

**19-242 RESOLVED**

That Council note the verbal response given by the Administration on all Questions with Notice.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

## 12. Notices of Rescission

### 12.1. Notice of Rescission - Cr Statham - Non Participant Admission to Aquatic Centre Fees Structure

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#### MOTION

That Lithgow City Council

1. Rescind the current fee structure, \$2.50 for pool entry resolved at the June 24<sup>th</sup> 2019 Council Meeting for parents / carers of participants to a nil fee.
2. Parents and carers of participants for all accredited swimming instructors using Lithgow City Council pools for the purpose of swimming lessons be provided free entry to the Lithgow City Council pool.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Lesslie

#### AMENDMENT

#### 19-243 RESOLVED

THAT the matter be deferred.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor S Lesslie

**CARRIED:** Unanimously

#### Divisions

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

**AGAINST:** nil

## 13. Business of Great Urgency

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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 Smith raised the matter that Council approach the Wallerawang Bowling Club for camera footage of a vehicle damaging the pedestrian refuge.

The Mayor declared that this is an urgent matter however the Administration will contact the Wallerawang Bowling Club and request the footage.

Councillor Statham raised the issue of trucks lining up at the waste facility early in the morning.

The Mayor declared that this was not a matter of urgency.

Councillor Coleman raised the issue of the Breast Screen Van being temporarily unavailable for the remainder of the year due to staff shortages. This leaves the Lithgow LGA women having to travel to other areas for breast screenings as there are no other facilities in the area.

The Mayor declared that this is an urgent matter and the Administration will write to Nepean Blue Mountains Area Health with our concerns and seeking advice on the matter.

## **14. Closed Council**

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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.

There were Nil objections.

The Mayor announced that the Live Streaming will cease during Closed Council.

Councillor Ring vacated the Chambers at 9:30 pm.

### **19-244 RESOLVED**

**THAT** Council resolve to move into Closed Council to consider the confidential reports as listed in the Agenda at 9:30 pm.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor J Smith

**CARRIED**

Councillor Ring returned to the Chambers at 9:31 pm.

### **14.1. ECDEV - Confidential Report - 26/08/19 - Newspaper Advertising**

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#### **19-245 RESOLVED**

THAT Council:

1. Notes the evaluation report in relation to the Request for Offer process for the provision of Newspaper Advertising
2. Enters into an agreement with Central West Media trading as The Village Voice for publication of the weekly Council Column and for the provision of advertising at quoted rates
3. Enters into an agreement with Regional Publishers Pty Ltd trading as the Lithgow Mercury for the provision of advertising at quoted rates.
4. Authorise the General Manager to sign the formal contracts and any associated documentation in relation to this matter.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

**19-246 RESOLVED**

THAT Council resolved to refer to open Council and recommend the resolutions of Closed Council at 9:29 pm.

**MOVED:** Councillor J Smith

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

The Acting General Manager announced the resolution of the Closed Council to the Public Forum.

14.1 ECDEV - Confidential Report - 26/08/19 - Newspaper Advertising

THAT Council:

1. Notes the evaluation report in relation to the Request for Offer process for the provision of Newspaper Advertising
2. Enters into an agreement with Central West Media trading as The Village Voice for publication of the weekly Council Column and for the provision of advertising at quoted rates
3. Enters into an agreement with Regional Publishers Pty Ltd trading as the Lithgow Mercury for the provision of advertising at quoted rates.
4. Authorise the General Manager to sign the formal contracts and any associated documentation in relation to this matter.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

**Divisions**

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

**AGAINST:** nil

There being no further business the Mayor declared the meeting closed at 09:37 pm.