



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Wednesday 29 January 2020

at 7:00 pm

ORDER OF BUSINESS

1. Acknowledgement of Country	4
2. Present	4
3. Apologies	4
4. Declaration of Interest	4
5. Confirmation of Minutes.....	5
6. Commemorations and Announcements	5
7. Public Forum.....	5
8. Mayoral Minutes.....	10
8.1. MAYORAL MINUTE - 29/01/2020 - Future Civic Reception for RFS and other	
Agencies and Volunteers	10
12.1.1. GM - 29/01/2020 - Audible Communication of Councillor Discussion during Webcast	11
12.3.1. IS - 29/01/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association.....	11
9. Notices of Motion.....	12
9.1. NOTICE OF MOTION - Councillor Statham - 29/01/2020 - Men's Shed, Recycled	
Goods	12
9.2. NOTICE OF MOTION - Councillor Wayne McAndrew - 29/01/2020 - Council	
Professional Indemnity Insurance	13
9.3. NOTICE OF MOTION - Cr Coleman - 29/01/2020 - Water Distribution Points	14
9.4. NOTICE OF MOTION - Cr Coleman - 29/01/2020 - Bush Fire Expo.....	14
9.5. NOTICE OF MOTION - Councillor Steve Ring - 29/01/2020 - Policy 3.1 Water Service	
and Meter Installation - Amendment.....	15
9.6. NOTICE OF MOTION - Councillor Cassandra Coleman - 29/01/2020 - Clarence	
Community Building	16
9.7. NOTICE OF MOTION - Councillor Deanna Goodsell - 29/01/2020 - Communication to	
Residents.....	17
10. Notices of Rescission.....	17
10.1. NOTICE OF RESCISSION - 29/01/2020 - Zig Zag Railway Co-op Ltd Representations	
.....	17
11. Questions with Notice	18
11.1. QUESTION WITH NOTICE - Councillor Stephen Leslie - 29/01/2020 - Cost of Millmore	
case.....	18
12. Staff Reports	19
12.1. General Manager's Reports.....	19
12.1.1. GM - 29/01/2020 - Audible Communication of Councillor Discussion during Webcast	19
12.2. Economic Development and Environment Reports.....	19
12.2.1. ECDEV - 29/01/2020 - Proposed Waiving of Footpath Trading Fees	19

12.2.2. EDED - 29/01/2020 - Sponsorship Request - Jetblack 24Hr Mountain Biking Event 2020	19
12.2.3. ECDEV - 29/01/2020 - Exemption to S94A Contributions for Pied Piper Preschool 18 Pindari Place Wallerawang	20
12.2.4. ECDEV - 29/01/2020 - Status Update- DA196/18 Proposed 1 Lot into 32 Lot Subdivision and Draft Planning Agreement, 111 Ian Holt Drive Lidsdale	20
12.2.5. ECDEV - 29/01/2020 - Licence to Capertee & District Progress Association Inc	21
12.2.6. ECDEV - 29/01/20 - Lease to Australian Red Cross Society	21
12.2.7. ECDEV - 29/01/2020 - Membership of Western Regional Planning Panel	22
12.3. Infrastructure Services Reports	22
12.3.1. IS - 29/01/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association	22
12.3.2. IS - 29/01/2020 - Policy Review	22
12.4. Water and Wastewater Reports	23
12.4.1. WWW - 29/01/2020 - Water Report	23
12.5. Finance and Assets Reports	23
12.5.1. FIN - 29/01/20 - Cullen Bullen Progress Hall Proposal	23
13. Council Committee Reports	24
13.1. FIN - 29/01/20 - Audit Committee Minutes 3 December 2019	24
13.2. IS - 29/01/2020 - Sports Advisory Committee Meeting Minutes 11th December 2019	24
13.3. FIN - 29/01/20 - Finance Committee Meeting Minutes January 2020	25
13.4. PS - 29/01/2020 - Women's Advisory Committee Minutes	25
13.5. PS - 29/01/2020 - Crime Prevention Committee Minutes	26
14. Business of Great Urgency	27
15. Closed Council	27
15.1. CONFIDENTIAL - ECDEV - 29/01/2020 - Lithgow Landfill Waste Disposal Contract	27

The Mayor declared the meeting open at 06:58 pm.

1. Acknowledgement of Country

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

The Mayor 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

Public: 30

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
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
Mrs Negreeta Nunan, Minutes Secretary

3. Apologies

There were Nil apologies received.

4. Declaration of Interest

There were Nil Declarations of Interest.

5. Confirmation of Minutes

20 -6 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 25 November 2019 and the Extra Ordinary Meeting of Council held on 13 January 2020 were taken as read and confirmed.

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

6. Commemorations and Announcements

There were Nil Commemorations and Announcements.

7. Public Forum

At 07:00 pm members of the public gallery were invited to participate in the Public Forum Session.

Mrs Lyn Richardson made a statement in relation to Council Policy regarding engaging solar power versus mains power.

PROCEDURAL MOTION

THAT an extension of time be granted to Mrs Richardson.

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

The Mayor thanked Mrs Richardson for her statement.

Mr Bruce Richardson made a statement in relation to road maintenance, vegetation on roadsides, dangerous conditions for motorists and damage to vehicles.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Richardson.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The Mayor thanked Mr Richardson for his statement.

Mr Norman Richardson made a statement in relation to Item 9.1 on the agenda.

The Mayor thanked Mr Richardson for his statement.

Mr Mark Wren made a statement in relation to Item 12.3.1 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Wren.

MOVED: Councillor D Goodsell

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 Wren for his statement.

Mr Danny Whitty made a statement in relation to Item 12.3.1 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Whitty.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The Mayor thanked Mr Whitty for his statement.

Mr Ben Sheehan made a statement in relation to Item 12.3.1 on the agenda.

The Mayor thanked Mr Sheehan for his statement.

Mr Martin Ticehurst made a statement in relation to Item 10.1 on the agenda.

The Mayor thanked Mr Ticehurst for his statement.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Ticehurst.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

Mr Mark Langdon made a statement in relation to Item 10.1 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Langdon.

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

The Mayor thanked Mr Langdon for his statement.

Mr Thomas Worley made a statement in relation to Item 10.1 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Worley.

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

The Mayor thanked Mr Worley for his statement.

Mr Rich Evans made a statement in relation to Item 8.1 on the agenda.

The Mayor thanked Mr Evans for his statement.

Ms Susan Horribin made a statement in relation to Item 9.1 on the agenda.

The Mayor thanked Ms Horribin for her statement.

Mr David Millmore made a statement in relation to Item 11.1 on the agenda.

The Mayor thanked Mr Millmore for his statement.

Ms Allyn Jory made a statement in relation to 13.4 on the agenda.

The Mayor thanked Ms Jory for her statement.

Mr Mark Newcombe made a statement in relation Willow Vale Road which is not on the agenda this evening.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Newcombe.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The Mayor thanked Mr Newcombe for his statement.

Jeannie Dare made a statement in relation to Item 9.6 on the agenda.

The Mayor Thanked Ms Dare for her statement.

Mr Eric Mahoney made a statement in relation to Item 12.3.2 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Mahoney.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The Mayor thanked Mr Mahoney for his statement.

PROCEDURAL MOTION

THAT Item 12.1 and item 12.3.1 are moved to immediately after the Mayoral minute in the meeting.

MOVED: 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

8. Mayoral Minutes

8.1. MAYORAL MINUTE - 29/01/2020 - Future Civic Reception for RFS and other Agencies and Volunteers

Report by Mayor – Councillor Ray Thompson

20 -7 RESOLVED

THAT Council-

1. Hold a community event at a date to be determined to allow the Lithgow and surrounding communities show their appreciation to the RFS volunteers and other support agencies/personnel for their efforts in protecting life and property during the recent bushfire emergency.
2. Direct the administration to contact our local RFS brigades with a view to determining an appropriate date and time to hold such an event at the end of the current bushfire season.
3. Administration contact the Foundations representatives to discuss their event on 28 March as possibly being endorsed as a Council supported event.

MOVED: Councillor R Thompson

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

12.1. General Manager's Reports

12.1.1. GM - 29/01/2020 - Audible Communication of Councillor Discussion during Webcast

20 -8 RESOLVED

That Council directs all elected officials to remain seated closer to microphones during Council meetings to ensure that the best possible communication occurs through Council's webcasting infrastructure for the benefit of the Lithgow Community.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodwin

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

12.3.1. IS - 29/01/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association

20 -9 RESOLVED

THAT the item be deferred until a meeting is held to discuss the fees further with representatives of the Lithgow District Cricket Association.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9. Notices of Motion

9.1. NOTICE OF MOTION - Councillor Statham - 29/01/2020 - Men's Shed, Recycled Goods

Report by Councillor Maree Statham

MOTION

THAT Lithgow City Council support the entry of the Wallerawang, Portland, Lithgow Men's Sheds members, also the Lithgow Women's Shed local landfill sites.

CONDITIONS

1. Entry by identification, signed document from President of each individual group.
2. Two hours per week, times determined by council staff
3. No SINGLE entry, at ALL times TWO members together permitted entry
4. Council write to the Contractor requesting permission for two members of the Men's Shed and Women's Shed (with lanyards) to gain access to the tip for two hours per week.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

Councillor Ring Called a Point of order on Councillor Lesslie regarding a comment (inaudible on video recording).

The Mayor ruled in Councillor Ring's favour.

Councillor Ring called a point of order on Councillor Statham when she asked the difference between her motion and the amendment by Councillor Ring.

There was no ruling on the point of order.

AMENDMENT

That Lithgow City Council prepare a report on potential resource recovery at its landfills, with a view to assisting both the Men's and Women's Sheds in the LGA.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

The Amendment was PUT and became the MOTION.

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

20 -10 RESOLVED

That Lithgow City Council prepare a report on potential resource recovery at its landfills, with a view to assisting both the Men's and Women's Sheds in the LGA.

MOVED: Councillor S Ring

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.2. NOTICE OF MOTION - Councillor Wayne McAndrew - 29/01/2020 - Council Professional Indemnity Insurance

Report by Councillor Wayne McAndrew

20 -11 RESOLVED

THAT the General Manager provide a copy of the Council's Professional Indemnity Insurance policy and schedules to all councillors and bring back a report to the next meeting with answers to the following questions:

1. Does the current Professional Indemnity Insurance policy include or exclude defamation actions?
2. Does the current Professional Indemnity Insurance policy include or exclude Councillors?
3. Have any claims been made recently under the Professional Indemnity Insurance policy and if so, are they reported each year in the Council's annual Report?
4. That the Administration organise a briefing session for Councillors with its Insurance Brokers to explain the coverage available to Councillors.

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

AGAINST: Councillor S Lesslie, Councillor M Statham

9.3. NOTICE OF MOTION - Cr Coleman - 29/01/2020 - Water Distribution Points

Report by Councillor Cassandra Coleman

20 -12 RESOLVED

THAT the General Manager provide a report to the Council, considering the costs and benefits of installing a paid water distribution point in both Wallerawang and Portland.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

9.4. NOTICE OF MOTION - Cr Coleman - 29/01/2020 - Bush Fire Expo

Report by Councillor Cassandra Coleman

MOTION

THAT Lithgow City Council further develop their partnerships with key stakeholders such as the NSW Rural Fire Service, SES, Fire and Rescue NSW and various government ministers or representatives to host a Bush Fire Expo to assist the local government area of Lithgow with the recovery and healing process.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

Councillor Lesslie called a point of order against Councillor Ring stating that Councillor Coleman did not suggest that Council work with Blue Mountains City Council.

The Mayor called the Council to order and Councillor Ring read out his amendment.

AMENDMENT

That the Administration liaise with Donald Luscombe, Chair of the Blue Mountains Economic Enterprise with a view to securing their support in running a Bushfire Expo in Lithgow as an extension of their existing program.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

LOST

The Amendment was PUT and LOST

Divisions

FOR: Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor D Goodsell, Councillor S Lesslie

20 -13 RESOLVED

THAT Lithgow City Council further develop their partnerships with key stakeholders such as the NSW Rural Fire Service, SES, Fire and Rescue NSW and various government ministers or representatives to host a Bush Fire Expo to assist the local government area of Lithgow with the recovery and healing process.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

Divisions

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

AGAINST: Councillor D Goodsell, Councillor S Ring, Councillor J Smith, Councillor M Statham

9.5. NOTICE OF MOTION - Councillor Steve Ring - 29/01/2020 - Policy 3.1 Water Service and Meter Installation - Amendment

Report by Councillor Steve Ring

MOTION

THAT Council amend Policy 3.1 Water Service and Meter Installation to permit the establishment of private easements in accordance section 88B of the Conveyancing Act 1919 to permit the provision of water to identified historical anomalies within Lithgow that are located within 225 metres of the council water main.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

AMENDMENT

That the Notice of Motion be received and noted and a report be brought back to Council to provide information on the financial, legal and risk management implications of the proposed change to Policy 3.1.

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodsell

CARRIED:

The Amendment was PUT and became the MOTION.

Divisions

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

AGAINST: Councillor S Ring, Councillor M Statham

20 -14 RESOLVED

That the Notice of Motion be received and noted and a report be brought back to Council to provide information on the financial, legal and risk management implications of the proposed change to Policy 3.1.

MOVED: Councillor S Lesslie

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil.

9.6. NOTICE OF MOTION - Councillor Cassandra Coleman - 29/01/2020 - Clarence Community Building

Report by Councillor Cassandra Coleman

20 -15 RESOLVED

THAT the expression of interest be extended to the end of February 2020 where the below Notice of Motion can be brought back to the following meeting:

1. Given the destruction of the Clarence community building in the recent bushfires, can Council advise of its intended community use in the future, in direct community consultation with Clarence.
2. Council consider assigning funds from the National Bushfire Recovery Fund for its restoration.

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 S Lesslie, Councillor S Ring, Councillor J Smith, Councillor M Statham

AGAINST: nil

**9.7. NOTICE OF MOTION - Councillor Deanna Goodsell - 29/01/2020 -
Communication to Residents**

Report by Councillor Deanna Goodsell

20 -16 RESOLVED

THAT

1. Council review or develop a clear communication policy in regard to the breakdown of essential infrastructure services that impact the health and wellbeing of our residents and ratepayers
2. Communication needs to be timely and appropriately detailed to give the community an understanding of the issue and confidence that the Council has the matter in hand

MOVED: Councillor D Goodsell

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

Councillor Lesslie called a point of order on Councillor Goodwin, indicating that Councillor Goodwin's amendment was beyond the scope of the motion.

Councillor Goodwin withdrew his amendment.

The Mayor did not rule on this as the amendment was withdrawn.

10. Notices of Rescission

**10.1. NOTICE OF RESCISSION - 29/01/2020 - Zig Zag Railway Co-op Ltd
Representations**

Report by Councillor Ray Thompson
Councillor Steve Ring
Councillor Wayne McAndrew

20 -17 RESOLVED

THAT Council rescinds motion 20-5 adopted on 13th January 2020 at Council's extra ordinary meeting, following a request from the Chairman of the Zig Zag Railway who has advised that such motion is not necessary and restoration of the Zig Zag Railway is proceeding as planned with the full support of the NSW State Government.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

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 Lesslie sought a decision in relation to the date on the rescission motion being 14 March 2020.

The Mayor ruled that this is a valid rescission motion as it was a typing error.

Cr McAndrew sought a decision in relation to the matter raised by Cr Lesslie stating that the matter cannot be brought back to council for three months if the Rescission motion is resolved.

The Mayor provided a ruling after advice from the General Manager that the rescission motion did not preclude Councillor McAndrew's request relating to a future Notice of Motion for discussions with Zig Zag Railway Co-op.

11. Questions with Notice

11.1. QUESTION WITH NOTICE - Councillor Stephen Lesslie - 29/01/2020 - Cost of Millmore case.

Report by Councillor Stephen Lesslie

QUESTION

Could a report be brought down on all costs, legal and otherwise, associated with the David Millmore case?

The Administration gave an answer to the question:

Details of all legal proceedings are included in the Annual Report.

PROCEDURAL MOTION

THAT standing orders be suspended for Councillors to able to ask questions in relation to the original question.

MOVED: Councillor S Lesslie

LOST

Divisions

FOR: Councillor S Lesslie, Councillor M Statham, Councillor C Coleman.

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

12. Staff Reports

12.1. General Manager's Reports

12.1.1. GM - 29/01/2020 - Audible Communication of Councillor Discussion during Webcast

This item was dealt with earlier in the meeting.

12.2. Economic Development and Environment Reports

12.2.1. ECDEV - 29/01/2020 - Proposed Waiving of Footpath Trading Fees

20 -18 RESOLVED

THAT the Footpath Trading Application fee and annual renewal fee for 2019/20 and 2020/21 be waived and a refund be made for fees already paid.

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

12.2.2. EDED - 29/01/2020 - Sponsorship Request - Jetblack 24Hr Mountain Biking Event 2020

20 -19 RESOLVED

THAT

1. Council sponsors the Jetblack event in 2020 providing \$4,900 as requested, with funds being available from the Economic Development REDS budget.
2. A sponsorship agreement be entered into between Council and Rocky Trail Entertainment for the Jetblack 24 hour 2020 event and the General Manager be authorised to execute the agreement.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12.2.3. ECDEV - 29/01/2020 - Exemption to S94A Contributions for Pied Piper Preschool 18 Pindari Place Wallerawang

20 -20 RESOLVED

THAT an exemption to the Section 94A Development Contribution Plan 2015 levy be applied to DA176/19 given the development is to be carried out by a not for profit organisation for government funded essential community infrastructure.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12.2.4. ECDEV - 29/01/2020 - Status Update- DA196/18 Proposed 1 Lot into 32 Lot Subdivision and Draft Planning Agreement, 111 Ian Holt Drive Lidsdale

20 -21 RESOLVED

THAT Council notes the status of Development Application DA196/18.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12.2.5. ECDEV - 29/01/2020 - Licence to Capertee & District Progress Association Inc

20 -22 RESOLVED

THAT Council

1. Endorse the 12 month licence to Capertee & District Progress Association Inc.
2. Authorise the General Manager to proceed with execution of the Licence Agreement.

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

12.2.6. ECDEV - 29/01/20 - Lease to Australian Red Cross Society

20 -23 RESOLVED

THAT Council endorse the lease to Australian Red Cross Society and delegate authority to the General Manager to execute the lease.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12.2.7. ECDEV - 29/01/2020 - Membership of Western Regional Planning Panel

20 -24 RESOLVED

THAT

1. Council appoint the Director of Economic Development & Environment Mr Andrew Muir to the Western Regional Planning Panel for the requisite term.
2. Council appoint Councillor Lesslie to the Western Regional Planning Panel and request that the appointment expire at the end of the current council's term.

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

12.3. Infrastructure Services Reports

12.3.1. IS - 29/01/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association

This Item was dealt with earlier in the meeting.

12.3.2. IS - 29/01/2020 - Policy Review

20 -25 RESOLVED

THAT Council

1. Adopt the following policies as exhibited for immediate implementation:
 - Policy 10.12 - Vandalism;
 - Policy 10.20 - Vehicle and Plant GPS Location.
2. Policy 10.13 - Removal of Trees from Public Land be referred to the Environmental Advisory Committee for further review.

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

12.4. Water and Wastewater Reports

12.4.1. WWW - 29/01/2020 - Water Report

20 -26 RESOLVED

THAT the January 2020 Water Report be noted

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

12.5. Finance and Assets Reports

12.5.1. FIN - 29/01/20 - Cullen Bullen Progress Hall Proposal

20 -27 RESOLVED

THAT Council:

1. Authorise the General Manager to continue to progress negotiations with Cullen Bullen Progress Association with regard to Council taking ownership of Cullen Bullen Progress Hall from 1 July 2021.
2. Include financial assistance of \$6,605 (partly applied as a general rates rebate) to Cullen Bullen Progress Association in the draft 2020/21 budget for consideration as part of Council's budget deliberations.
3. Note that a future report will be provided when negotiations to transfer the Cullen Bullen hall site to Council have progressed.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

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

AGAINST: nil

13. Council Committee Reports

13.1. FIN - 29/01/20 - Audit Committee Minutes 3 December 2019

20 -28 RESOLVED

THAT Council:

1. Endorses the CTA Audit Risk & Improvement Committee 3 December 2019 meeting minutes.
2. Appoint Councillor Ring as a voting member of the CTA Audit Risk & Improvement Committee.

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

13.2. IS - 29/01/2020 - Sports Advisory Committee Meeting Minutes 11th December 2019

20 -29 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee Meeting held on the 11th December 2019; and
2. Accept Johnny Farr as the Sports Advisory Committee Representative from Lithgow Bears RLFC.

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

13.3. FIN - 29/01/20 - Finance Committee Meeting Minutes January 2020

20 -30 RESOLVED

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 14 January 2020 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Reports for November 2019 and December 2019.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

13.4. PS - 29/01/2020 - Women's Advisory Committee Minutes

MOTION

THAT Council

1. Note the minutes of the 19 November 2019 Women's Advisory Committee meeting.
2. Note that Council staff will assist the Women's Advisory Committee in gaining use of the UWS building to run workshops built around awareness and mindfulness to achieve empowerment for members.
3. Note that Council will assist with the minor costs of a morning tea to launch "Your Safe Haven".
4. Seek the support of the Member for Bathurst Paul Toole and the NSW Minister for Health in establishing a holistic women's health and wellbeing centre in Lithgow.
5. Note that Council staff will have discussions with Lithgow Information and Neighbourhood Centre regarding possible support for the launch of morning teas to entice people into the Bowenfels Community Hub to increase social inclusion and connectedness.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

Councillor J Smith left the meeting at 10:44 pm.

Councillor J Smith returned to the meeting at 10:45 pm.

AMENDMENT

That Council note the report and all recommendations of the four Working Parties be presented to the Council at an information session.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

CARRIED:

The Amendment was PUT and became the MOTION.

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

20 -31 RESOLVED

That Council note the report and all recommendations of the four Working Parties be presented to the Council at an information session.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodwin

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

13.5. PS - 29/01/2020 - Crime Prevention Committee Minutes

20 -32 RESOLVED

THAT Council note the Minutes of the 16 September and 2 December 2019 Crime Prevention Committee meetings.

MOVED: Councillor W McAndrew

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

14. Business of Great Urgency

In accordance with Clause 241 of the Local Government Act (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency. The Mayor asked if there were any matters to be considered as matters of great urgency.

Councillor Statham raised the issue of water supply at Tarana.

The Mayor did not rule this a matter of great Urgency as Council is aware of it and is addressing the issue.

Councillor Ring has received a request from Rookwood Studio for a letter of support to run children programs (for Clarence and Dargan) with possible funds from Arts Out West and Wentworth Health.

The Mayor determined that this is not a matter of great urgency but agreed that would provide a letter of support.

15. Closed Council

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

No objections were received.

Councillor Lesslie requested that the confidential matter Item 15.1 is dealt with in open Council.

MOTION

THAT Council resolve to deal with the closed report in open council.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

LOST

FOR: Councillor C Coleman, Councillor S Lesslie

AGAINST: Councillor R Thompson, Councillor W McAndrew, Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor J Smith, Councillor M Statham
Councillor S Ring left the meeting at 10:52 pm.

20 -33 RESOLVED

That Council Resolve to move into Closed Council to consider the confidential reports as listed in the Agenda at 10:54 pm.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED:

The Mayor adjourned the meeting for a 5 minute period.

Voting did not occur as Councillors left the chambers.

15.1. CONFIDENTIAL - ECDEV - 29/01/2020 - Lithgow Landfill Waste Disposal Contract

Reason for Confidentiality

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

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

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

MOTION

THAT Council:

1. Terminate the Lithgow Landfill Waste Disposal Contract with Henry Plant and Equipment Hire at midnight 31 December 2020.
2. Issue a public statement of thanks to Henry Plant and Equipment Hire, Bill Henry and Peter Henry, in respect of the long service since 1994 in operating the Lithgow Landfill site.
3. Waive any additional fees charged by Council to Henry Plant and Equipment Hire (including water usage), incurred for the purposes of operating the Lithgow Landfill site.
4. Delegate to the General Manager authority to sign a mutual release under the contract in accordance with the non-binding Heads of Agreement.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

AMENDMENT

That Council:

1. Terminate the contract with Henry's Plant Hire on 31 December 2023
2. That a report be brought down on points 2, 3 and 4 of the original recommendation.

MOVED: Councillor S Lesslie

SECONDED: Councillor M Statham

LOST

The Amendment was PUT and LOST

Divisions

FOR: Councillor C Coleman, Councillor S Lesslie, Councillor M Statham

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

20 - 34 RESOLVED

THAT Council:

1. Terminate the Lithgow Landfill Waste Disposal Contract with Henry Plant and Equipment Hire at midnight 31 December 2020.
2. Issue a public statement of thanks to Henry Plant and Equipment Hire, Bill Henry and Peter Henry, in respect of the long service since 1994 in operating the Lithgow Landfill site.
3. Waive any additional fees charged by Council to Henry Plant and Equipment Hire (including water usage), incurred for the purposes of operating the Lithgow Landfill site.
4. Delegate to the General Manager authority to sign a mutual release under the contract in accordance with the non-binding Heads of Agreement.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

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

AGAINST: Councillor C Coleman, Councillor S Lesslie, Councillor M Statham

20 -35 RESOLVED

THAT Council resolved to refer to open Council and inform the public of the resolutions of Closed Council at 11:22 pm.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED: Unanimously

There were no public present upon resumption of open council.

There being no further business the Mayor declared the meeting closed at 11:24 pm.