



# MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 February 2020

at 7:00 pm

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

## **1. Acknowledgement of Country**

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

The Mayor 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.

Councillor Lesslie asked for a public apology in regards to comments he believes were made about him by the Mayor, General Manager and the Director of Economic Development and Environment during the adjournment in the previous Council meeting.

The Mayor replied in the negative, and that no further apology was necessary.

## **2. Present**

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Public: 27

His Worship the Mayor  
Councillor R Thompson  
Councillor W McAndrew  
Councillor C Coleman  
Councillor D Goodsell  
Councillor D Goodwin (7:07 pm)  
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**

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Councillor Ring advised that Councillor Goodwin would be ten minutes late.

## 4. Declaration of Interest

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Councillor S Ring declared a non-pecuniary conflict of interest in Item 11.3.3 for the reason that he is a member of the board of directors of the Lithgow Aged Care and will vacate the Chambers during the debate on the item.

## 5. Confirmation of Minutes

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### 20 -36 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 29 January 2020 were taken as read and confirmed.

**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 Ring, Councillor J Smith, Councillor M Statham

**AGAINST:** Councillor S Lesslie

## 6. Commemorations and Announcements

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Councillor Statham commemorated the passing of Mr Ray Young who was a long-time supporter of Council and the Lithgow LGA.

Councillor Statham commemorated the passing of Ruby Goldsmith of Portland.

Councillor Statham commemorated the passing of Julie Grant.

Councillor C Coleman acknowledged the photo shoot on the weekend to promote Ironfest.

Councillor J Smith acknowledged the fast work of Council, the local member and the Mayor in achieving a positive outcome concerning the restructure of Lithgow and Portland Hospital.

## 7. Public Forum

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At 07:06 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Eric Mahony made a statement in relation to Item 11.5.3 on the agenda.

Councillor D Goodwin entered to the meeting at 07:08 pm.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Mahony.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**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 Mahony for his statement.

Mr Martin Ticehurst made a statement in relation to Item 9.2 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Ticehurst.

**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

The Mayor thanked Mr Ticehurst for his statement.

Mr Paul Traish made a statement in relation to Post Bushfire Flooding in the Vale of Clwydd.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Traish.

**MOVED:** Councillor D Goodsell

**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 Mr Traish for his statement.

Mr Rich Evans made a statement in relation to funding suggestions from Minister Paul Toole / State Government.

The Mayor thanked Evans for his statement.

Mr Richard Matthews made a statement in relation to Item 9.2 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Matthews.

**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

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Matthews.

**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

The Mayor thanked Mr Matthews for his statements.

Mr David Millmore made a statement in relation to Item 9.2 on the agenda.

**PROCEDURAL MOTION**

THAT an extension of time be granted to Mr Millmore.

**MOVED:** Councillor M Statham

**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 Millmore for his statement.

Mr Geoff Kemp from Lithgow District Soccer Association made a statement in relation to Item 9.3 on the agenda.

The Mayor thanked Mr Kemp for his statement.

Mr Ben Seymour made a statement in relation to Item 9.2 on the agenda.

The Mayor thanked Mr Seymour for his statement.

Mr David Seymour made a statement in relation to Item 9.2 on the agenda.

**PROCEDURAL MOTION**

THAT an extension of time be granted to Mr Seymour.

**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

The Mayor thanked Mr Seymour for his statement.



## 8. Mayoral Minutes

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There was no Mayoral Minute tabled at the meeting.

## 9. Notices of Motion

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### 9.1. Notice of Motion - Cr Coleman - 24/02/2020 - Nepean / Blue Mountains MRI Services

**Report by** Councillor Cassandra Coleman

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#### 20 -37 RESOLVED

THAT Lithgow City Council write to Nepean/Blue Mountain Health Service for an update on the MRI service. I have been made aware that Lithgow residents are still travelling out of town for this service.

**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

The Administration gave advice on the matter.

### 9.2. Notice of Motion - Cr Lesslie - 24/02/2020 - Legal Cost Associated with NewEra Defendo Pty Ltd Case

**Report by** Councillor Stephen Lesslie

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#### 20 -38 RESOLVED

THAT

1. Could a report be brought down on all costs legal and otherwise associated with the NewEra Defendo PTY LTD (David Millmore) case?
2. Lithgow City Council engage an independent adviser to review all documentation associated with this case and to provide Council with a recommendation on appropriate costs.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**CARRIED:**

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**Divisions**

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

**AGAINST:** Councillor R Thompson, Councillor S Ring

Cr Lesslie called a Point of Order – on the grounds that it was offensive that the General Manger interrupted the debate.

The Mayor dismissed the Point of Order as he requested the General Manager's advice.

Councillor Statham questioned the Mayor's right to vote on this item as in her view he may have a conflict of interest in this matter.

The Mayor advised that he had no conflict of interest in this matter.

**9.3. Notice of Motion - Cr Coleman - 24/02/2020 - Fencing Around Field 1 at Marjorie Jackson Oval**

**Report by** Councillor Cassandra Coleman

**20 -39 RESOLVED**

THAT Lithgow City Council works collaboratively with Lithgow District Football Club to find a solution repairing the fencing around Field 1 at Marjorie Jackson Oval as soon as practical.

**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

**10. Notices of Rescission**

**10.1. CONFIDENTIAL - Notice of Rescission - 24/02/2020 - Lithgow Landfill Waste Disposal Contract**

<b>Report by</b>	Councillor Cassandra Coleman Councillor Maree Statham Councillor Stephen Lesslie
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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: -

(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.

## **20 -40 RESOLVED**

That ITEM 10.1 be considered in Closed Council.

**MOVED:** Councillor W McAndrew

**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

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

The Mayor asked if there were any objections from the Public gallery.

### **NOTICE OF RESCISSION RECOMMENDATION**

We the undersigned hereby move to rescind Motion 20-34 adopted on 29 January 2020 at Council's Ordinary Meeting.

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.

Should this rescission motion be carried we will then move:

That Council Terminate the Lithgow Landfill Waste Disposal Contract with Henry Plan and Equipment Hire at midnight 31 December 2023.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**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

Cr Ring called a point of order on Cr Statham as her discussion on other contracts was not relevant to the current debate.

The Mayor upheld the point of order.

## 11. Staff Reports

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### 11.1. General Manager's Reports

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#### 11.1.1. GM - 24/02/2020 - LGNSW Tourism Conference

**Report by** General Manager

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#### 20 -42 RESOLVED

That Council nominate Councillor Ring as delegate to the 2020 LGNSW Tourism Conference.

**MOVED:** Councillor R Thompson

**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

## 11.2. Economic Development and Environment Reports

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### 11.2.1. ECDEV - 24/02/2020 - Springvale Water Treatment Project Modification 5

**Report by** Director of Economic Development & Environment

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#### 20-43 RESOLVED

**THAT** the information in the report on the Springvale Water Treatment Project (SSD-7592) Modification 5, be NOTED.

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**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

**11.2.2. ECDEV - 24/02/2020 - DA 105/19, Two Storey Dwelling, 37 Inch Street, Lithgow**

**Report by** Director of Economic Development & Environment

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**20 -44 RESOLVED**

THAT

1. Development Application DA 105/19 be APPROVED subject to the proposed conditions of consent 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.
3. To modify condition 4 point 1 of the Administrations recommendation to read: "A water main extension (100mm diameter) along Inch Lane, commencing at the rear of 37 Inch Street, Lithgow (Lot 1 DP 1063404 and Lot 1 DP 176505) and connects to Councils existing water reticulation system; and"

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodsell

**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

**11.2.3. ECDEV - 24/02/2020 - Mount Piper Energy Recovery Project**

**Report by** Director of Economic Development & Environment

**MOTION**

**THAT**

1. The information in the report on the Mount Piper Energy Recovery Project. be noted.
2. A submission be made to the application on behalf of Council.
3. The General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to the project.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor D Goodsell

**AMENDMENT**

**THAT**

1. The information in the report on the Mount Piper Energy Recovery Project. be noted.
2. A submission be made opposing the application on behalf of Council.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor C Coleman

**LOST**

**Divisions**

**FOR:** Councillor W McAndrew, Councillor C Coleman, Councillor S Lesslie, Councillor M Statham

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

The Amendment was PUT and LOST.

The Original Motion was PUT.

**MOTION**

**THAT**

1. The information in the report on the Mount Piper Energy Recovery Project. be noted.
2. A submission be made to the application on behalf of Council.
3. The General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to the project.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor D Goodsell

**LOST**

**Divisions**

**FOR:** Councillor D Goodsell, Councillor D Goodwin, Councillor S Ring, Councillor M Statham

**AGAINST:** Councillor R Thompson, Councillor W McAndrew, Councillor C Coleman, Councillor S Lesslie, Councillor J Smith.

**11.2.4. ECDEV - 24/02/2020 - Draft Lithgow 2040 Local Strategic Planning Statement - Proposed Public Exhibition**

**Report by** Director of Economic Development & Environment

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**MOTION**

THAT

1. Council endorse the Draft Lithgow 2040 Local Strategic Planning Statement for public exhibition
2. The Draft Lithgow 2040 Local Strategic Planning Statement be publicly exhibited for 28 days in accordance with the provisions of Council's Community Participation Plan.
3. Following the public exhibition phase, a further report be submitted to Council outlining the results of the consultation and to seek endorsement of the final Local Strategic Planning Statement.

**MOVED:** Councillor S Lesslie

**SECONDED:** Councillor C Coleman

**AMENDMENT**

THAT

1. Council endorse the Draft Lithgow 2040 Local Strategic Planning Statement for public exhibition
2. The Draft Lithgow 2040 Local Strategic Planning Statement be publicly exhibited for 28 days in accordance with the provisions of Council's Community Participation Plan.
3. Following the public exhibition phase, a further report be submitted to Council outlining the results of the consultation and to seek endorsement of the final Local Strategic Planning Statement
4. That a briefing session is held for Councillors prior to the next council meeting.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor D Goodsell

**LOST**

**Divisions**

**FOR:** Councillor S Ring

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

The Amendment was PUT and LOST.

The Motion was PUT.

**20 -45 RESOLVED**

THAT

1. Council endorse the Draft Lithgow 2040 Local Strategic Planning Statement for public exhibition
2. The Draft Lithgow 2040 Local Strategic Planning Statement be publicly exhibited for 28 days in accordance with the provisions of Council's Community Participation Plan.
3. Following the public exhibition phase, a further report be submitted to Council outlining the results of the consultation and to seek endorsement of the final Local Strategic Planning Statement

**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

**11.2.5. ECDEV - 24/02/2020 - Lithgow Solid Waste Facility Operation**

**Report by** Director of Economic Development & Environment

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**20 -46 RESOLVED**

THAT Council note the proposed in-house operation of the Lithgow Solid Waste Facility at the completion of the existing contract with Henry Plant and Equipment Hire Pty Ltd.

**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



## 11.3. Infrastructure Services Reports

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### 11.3.1. IS - 25/11/19 - Revised Policy - 2.1 - Cemetery Operations

**Report by** Director of Infrastructure & Services

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#### Recommendation

THAT Revised Policy 2.1 – Cemetery Operations be placed on public exhibition for a period of 28 days with the policy being returned to Council for consideration for final adoption subject to consideration of any submissions received. That point 6 and 9 be removed from the policy.

**MOVED:** Councillor M Statham

**SECONDED:** {seconder}

Councillor McAndrew called a Point of Order objecting to critical comments towards Councillors made by Councillor Statham.

The Mayor ruled Councillor Statham out of order.

The Motion was LOST due to the want of a seconder.

The Original Motion was PUT.

#### 20 -47 RESOLVED

THAT Revised Policy 2.1 – Cemetery Operations be placed on public exhibition for a period of 28 days with the policy being returned to Council for consideration for final adoption subject to consideration of any submissions received.

**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

**11.3.2. IS - 24/02/2020 - 2019/2020 Season Fees for Lithgow District Cricket Association**

**Report by** Director of Infrastructure & Services

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**20 -48 RESOLVED**

THAT Council:

1. Grant a fee waiver to the Lithgow District Cricket Association to only pay the Bond & Hire Fees of the Tony Luchetti Sportsground equal (as per adopted fees and charges – Senior Cricket – Training / Competition) for the next 3 years (until 2023/2024 Season);
2. Endorse this arrangement remaining in place for the next three years, with renewed oversight every 12 months (until 2023/2024 Season), at which time the arrangement will be reconsidered by Council; and
3. Request the Lithgow District Cricket Association to continue to identify their draw and training schedule as far in advance as possible to ensure efficiency and effectiveness of the ground booking process.

**MOVED:** Councillor J Smith

**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

**11.3.3. IS - 24/02/2020 - Lithgow Aged Care Footpath Request**

**Report by** Director of Infrastructure & Services

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Councillor S Ring left the meeting at 10:06 pm due to a non pecuniary conflict of interest declared earlier in the meeting.

**20 -49 RESOLVED**

THAT Council consider the request for additional footpath construction outside Lithgow Aged Care, at an estimated cost of \$35,000, as part of the 2020/21 Operational Plan.

**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 J Smith, Councillor M Statham

**AGAINST:** nil

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

## 11.4. Water and Wastewater Reports

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### 11.4.1. WWW - 24/02/2020 - Water Report

**Report by** Director of Water & Wastewater

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#### 20 -50 RESOLVED

THAT Council accept the information provided in the report.

**MOVED:** Councillor W McAndrew

**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

### 11.4.2. WWW - 24/02/2020 - Review of Fees and Charges - Meter Read - Change of Owner

**Report by** Director of Water & Wastewater

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#### 20 -51 RESOLVED

THAT Council immediately remove the charge for Meter Read – Change of Owner from the 2019/20 Fees and Charges.

**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

## 11.5. Finance and Assets Reports

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### 11.5.1. FIN - 24/02/20 - Policy 8.7 Investment Policy

**Report by** Chief Financial & Information Officer

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#### 20 -52 RESOLVED

THAT Council adopt and implement revised Policy 8.7 Investment Policy immediately.

**MOVED:** Councillor C Coleman

**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

### 11.5.2. FIN - 24/02/2020 - Review of Rating Structure

**Report by** Chief Financial & Information Officer

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#### MOTION

THAT Council:

1. Endorse in principle the introduction of a power generation business rating sub-category with a two-year staged introduction period.
2. Commence consultation with the sole power generating organisation, Energy Australia and place the proposal on public exhibition for 28 days with any feedback to be reported to Council.
3. Should Council resolve on point 1 to endorse in principle a power generation business rating sub-category and subject to the outcomes of consultation, that the sub-category be included in Council's Revenue Policy for adoption as part of the 2020/21 Operational Plan.
4. Direct additional rating income from the power generators sub-category towards reducing business rates for the other business sub-categories.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor J Smith

#### AMENDMENT

THAT Council:

1. Endorse in principle the introduction of a power generation business rating sub-category with a two-year staged introduction period.
2. Commence consultation with the sole power generating organisation, Energy Australia and place the proposal on public exhibition for 28 days with any feedback to be reported to Council.

3. Should Council resolve on point 1 to endorse in principle a power generation business rating sub-category and subject to the outcomes of consultation, that the sub-category be included in Council's Revenue Policy for adoption as part of the 2020/21 Operational Plan.
4. Direct additional rating income from the power generators sub-category towards reducing business rates for the other business sub-categories.
5. Lidsdale is deleted from the subcategory and be treated in the same rural category as Glen Alice, Sodwalls and other areas.

**MOVED:** Councillor S Lesslie

**SECONDED:** {seconder}

Management gave advice on point 5 of the amendment.

Councillor Lesslie withdrew the amendment.

## **20 -53 RESOLVED**

THAT Council:

1. Endorse in principle the introduction of a power generation business rating sub-category with a two-year staged introduction period.
2. Commence consultation with the sole power generating organisation, Energy Australia and place the proposal on public exhibition for 28 days with any feedback to be reported to Council.
3. Should Council resolve on point 1 to endorse in principle a power generation business rating sub-category and subject to the outcomes of consultation, that the sub-category be included in Council's Revenue Policy for adoption as part of the 2020/21 Operational Plan.
4. Direct additional rating income from the power generators sub-category towards reducing business rates for the other business sub-categories.

**MOVED:** Councillor S Ring

**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

## **11.5.3. FIN - 24/02/20 - 2019/20 Quarter Two Budget Review**

**Report by** Chief Financial & Information Officer

## **20 -54 RESOLVED**

THAT Council:

1. Notes the content of the report and the revised consolidated operating result before capital grants of \$2.202M for the 2019/20 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2019 to 31 December 2019.

2. Adopts the variations to the Council budget as outlined in the attached report, which includes eligible grant funded bushfire recovery projects and activities.

**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

#### **11.5.4. FIN - 24/02/2020 - Delegation for Acceptance of Tenders**

**Report by** Chief Financial and Information Officer

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#### **20 -55 RESOLVED**

THAT Council note that the General Manager has delegated his authority to accept tenders with a contract value of up to \$500,000 for the period leading up to his retirement. The delegation will revert to the General Manager's role upon the commencement of the next General Manager or an Acting General Manager.

**MOVED:** Councillor D Goodsell

**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

#### **11.6. People and Services Reports**

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##### **11.6.1. PS - 24/02/2020 - Delivery Program - Six Monthly Progress Report**

**Report by** Director of People & Services

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#### **20 -56 RESOLVED**

THAT Council note the July – December Progress Report against the combined 2017-21 Delivery Program and 2019/20 Operational Plan.

**MOVED:** Councillor S Ring

**SECONDED:** Councillor J Smith

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**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

**11.6.2. PS - 24/02/2020 - Financial Assistance**

**Report by** Director of People & Services

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**20 -57 RESOLVED**

THAT Council

1. Note the fee waivers approved by the General Manager under delegation for the period 1 July 2019 to 14 February 2020.
2. Provide an additional \$1,000 for fee waivers in the remainder of 2019/20 funded from the existing unused \$5,000 allocation for Tony Luchetti Showground/ Civic Ballroom fee waivers.

**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

**12. Council Committee Reports**

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**12.1. FIN - 24/02/20 - Finance Committee Meeting Minutes February 2020**

**Report by** Chief Financial & Information Officer

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**20 -58 RESOLVED**

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 10 February 2020 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investments Report for January 2020.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor S Ring

**CARRIED:** Unanimously

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## 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. IS - 24/02/2020 - Minutes of the Operations Committee Meeting - 5th February 2020

**Report by** Director of Infrastructure & Services

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#### 20 -59 RESOLVED

THAT Council

1. Note the minutes of the Operations Committee Meeting held on 5 February 2020; and
2. Inform the resident of the considerable backlog of Council's roads renewals program and not consider the widening of Hartley Valley Road, Lithgow until such time that existing sealed road asset conditions have become satisfactory overall.
3. Note with disappointment the letter received from Minister Paul Toole's of the decision of the Department of Education not to be involved with car park facilities at Wallerawang School.

**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

Councillor Coleman Called a point of Order, requesting some decorum in the Chamber.

The Mayor upheld the point of order.

### 12.3. IS - 24/02/2020 - Minutes of the Traffic Advisory Local Committee (TALC) - 6th February 2020

**Report by** Director of Infrastructure & Services

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#### 20 -60 RESOLVED

THAT Council:

1. Note the minutes of the TALC Committee meeting held on 6 February 2020; and
2. Administration investigate the area in relation to reducing the no stopping zone on Stewart street with a common sense approach and report back to TALC to endorse a recommendation to Council.



3. Investigate and install Advance sign & Finger board signage for the area of the intersection Sodwalls Rd & Jerry's Meadow Road) as a better option than a mirror installation.
4. Lodge a request to RMS to review the speed zone along the Sodwalls Road.
5. Approve the Tour De Cure bike riding event on the Lithgow Council managed roads as per the attached Traffic Management Plan.
6. Install vehicle length limiting signage, restricting access to general access vehicles 12.5m and under, once the refurbishment of the McKanes Bridge on McKanes Falls Road is complete.

**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

**12.4. IS - 24/02/2020 - Sports Advisory Committee Meeting - 12th February 2020**

**Report by** Director of Infrastructure & Services

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**20 -61 RESOLVED**

THAT Council:

1. Note the Minutes of the Sports Advisory Committee Meeting held on 12<sup>th</sup> February 2020; and
2. Provide Kade Anderson with \$300.00 toward the cost of participating in the NSW under 13 Boys Indoor Hockey Team.

**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. 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 McAndrew raised the matter of issues of Farmers Creek shared path.

The Mayor informed the Council of the call of an Extra Ordinary Meeting of Council to be held on 9 March 2020 to discuss urgent items.

The Mayor declared that the matter of the Farmers Creek shared path is a matter of urgent business and can be considered in the Extra Ordinary Meeting of Council. No vote was taken.

Councillor Coleman raised the issue that there are Telstra communication issues occurring in the Extension Estate area.

The Administration gave advice on this issue as there had been discussions with Telstra during the week.

The Mayor informed Councillor Coleman that the matter is being followed up.

Councillor Ring raised the issue of the no communications in the Wolgan Valley since the bushfire.

Councillor Statham also discussed the telecommunication issue in Wolgan Valley. Councillor Statham requested that the Mayor and General Manager get Wolgan Valley on the priority list by sending a letter of request to Minister Andrew Gee.

The Mayor declared the business to be urgent however Minister Andrew Gee has already taken it on board.

## 14. Closed Council

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.

### 20 -62 RESOLVED

**THAT** Council resolve to move into Closed Council to consider the confidential report: Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement as listed in the Agenda.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor J Smith

**CARRIED:** Unanimously

### Division

**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 informed the Public that the webcasting will be turned off at this point in the meeting and will be reopened at the end of the confidential Council.

The Meeting adjourned for a short recess at 11:17pm.

Councillor Statham left the Chambers and the meeting at 11:17pm and did not return.

### 14.1. CONFIDENTIAL - Notice of Rescission - 24/02/2020 - Lithgow Landfill Waste Disposal Contract

<b>Report by</b>	Councillor Stephen Lesslie Councillor Cassandra Coleman Councillor Maree Statham
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This Item was dealt with earlier in the meeting.

**14.2. CONFIDENTIAL - 24/02/2020 - ECDEV - Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement**

**Report By** Director of Economic Development and Environment

**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,

**20 -63 RESOLVED**

THAT

1. Council agree to vary the Waste Services Contract between JR & EG Richards (NSW) Pty Ltd (JR Richards) and Lithgow Council to include a recyclables Supply Agreement with Visy Recycling commencing 1 March 2020 and ending 30 June 2020, and
2. An addendum be added to the Waste Services Contract between JR Richards and Lithgow Council referencing the Supply Agreement with Visy Recycling.

**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

**AGAINST:** nil

**20 -64 RESOLVED**

THAT Council resolved to refer to open Council and inform the public of the resolutions of Closed Council.

**MOVED:** Councillor D Goodsell

**SECONDED:** Councillor C Coleman

**CARRIED:** Unanimously

**Division:**

**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 advised the Public of the resolution of the closed council.

ITEM 14.2. Waste Services Contract - Variation of Kerbside Recyclables Processing Agreement

THAT

1. Council agree to vary the Waste Services Contract between JR & EG Richards (NSW) Pty Ltd (JR Richards) and Lithgow Council to include a recyclables Supply Agreement with Visy Recycling commencing 1 March 2020 and ending 30 June 2020, and
2. An addendum be added to the Waste Services Contract between JR Richards and Lithgow Council referencing the Supply Agreement with Visy Recycling.

**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

**AGAINST:** nil

There being no further business the Mayor declared the meeting closed at 11:27 pm.