



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 26 October 2020

at 7:00 pm

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The Mayor declared the meeting open at 06:59 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: Nil

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 Craig Butler, 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 Michael McGrath, Director People and Services
Mrs Trinity Newton, Minutes Secretary

3. Apologies

All being present there were no apologies.

4. Declaration of Interest

The Mayor called for any declarations of interest.

There were Nil declarations of interest.

5. Confirmation of Minutes

20 -244 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 28 September 2020 were taken as read and confirmed.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodwin

CARRIED

Divisions

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

AGAINST: Councillor S Lesslie

6. Commemorations and Announcements

Councillor C Coleman commemorated the passing of Mr Stan Miscovich who passed away recently and was an active member of the community and involved with Gorrie Ban.

Councillor W McAndrew commemorated the 60th anniversary of the passing of Senior Constable Clarence Roy Pirie.

Councillor W McAndrew acknowledged the work of Mr Daniel Buckens and the staff of Lithgow City Council who worked so hard on the Fish River mains breakage last week.

The Mayor went onto thank the Rapid Response team for their donations of bottled water and their efforts in delivery.

Councillor M Statham commemorated the 60th anniversary of the passing of Clarence Roy Pirie and the unveiling of the signage for Ron Bidwell Quota Park.

Councillor J Smith acknowledged the work of Mr Daniel Buckens and the staff of Lithgow City Council for their works on the Fish River and their continued work over this weekend on further breaks.

7. Public Forum

At 7:06pm the Mayor read out the public forum submission from Mrs Gaye Mason in relation to the regrowth of vegetation after the fires of 2019/2020.

8. Mayoral Minutes

There were no Mayoral Minutes.

9. Notices of Motion

9.1. Notice of Motion - Wallerawang Sewerage Treatment Plant

Report by Councillor Stephen Lesslie

20 -245 RESOLVED

THAT Lithgow Council bring down a comprehensive, written public report on the environmental spill of over 12,000 litres of caustic soda (NaOH) that occurred at the Wallerawang Sewerage Treatment Plant in August/September 2019.

This report is to include, but not be limited to, a timeframe of the spill, procedures put in place to ensure that spills of this nature do not occur again, and a history of previous compliance failures at Wallerawang and other sewerage treatment plants.

The report is also to report on the expenditure involved in the clean-up operation - the amount, who authorised the expenditure and from which budget item the money was drawn, when the expenditure was reported to the Council and what projects have been cancelled or deferred to pay for the clean up and other associated costs incurred.

MOVED: Councillor S Lesslie

SECONDED: Councillor S Ring

CARRIED:

Divisions

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

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

10. Staff Reports

10.1. General Manager's Reports

10.1.1. August 2019 Wallerawang Sewage Treatment Plant Incident

Prepared by Craig Butler – General Manager

Department General Manager

Authorised by General Manager

Motion

THAT the report relating to the August 2019 Wallerawang Sewage Treatment Plant Incident be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

Amendment

THAT

1. The report relating to the August 2019 Wallerawang Sewage Treatment Plant Incident be received.
2. Lithgow Council apologizes to the citizens of Lithgow and particularly to the citizens of Wallerawang for the release of 12,000L of concentrated caustic soda from the Wallerawang Sewage Treatment Plant into the environment and waterways.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

LOST

Divisions

FOR: Councillor C Coleman, Councillor S Lesslie

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

The Amendment was PUT and LOST

The original Motion was PUT and resolved.

20 -246 RESOLVED

THAT the report relating to the August 2019 Wallerawang Sewage Treatment Plant Incident be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.2. Economic Development and Environment Reports

10.2.1. Building and Development

10.2.1. DA114/19 Farm Stay Accommodation, 165 Caloola Halt Road, Megalong Valley

Prepared by Lachlan Sims, Acting Team Leader Development

Authorised by Director of Economic Development & Environment

Councillor Goodsell wished to move a motion that 114/19DA be approved.

Councillor McAndrew called a point of order as, in his opinion, this is in direct conflict of the resolved recommendation of the last council meeting rejecting the application and a rescission motion would be required.

Councillor Goodsell asked for advice from the management which was provided.

The Mayor ruled Councillor Goodsell's proposed motion out of order.

MOTION

THAT

1. Council note the recommendations and proposed conditions in the attached Planning assessment report in relation to Development Application DA 114/19.
2. Council determine development application DA 114/19.
3. A Division be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Ring

Procedural Motion

Councillor Ring moved a motion of dissent based on the advice of management.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

LOST

Divisions

FOR: Councillor S Ring, Councillor D Goodsell

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

20 -247 RESOLVED

That DA 114/19 be refused on the following grounds:

1. The likely impacts of that development including environmental impacts on both the natural and built environments; social and economic impacts in the locality being visual, noise, traffic and amenity.
2. The suitability of the site for the development and the access constraints.
3. Submissions made in accordance with the Act and Regulations.
4. The public interest.
5. The proposal is inconsistent with the following objectives of Zone RU1 - Primary Production within Lithgow Local Environmental Plan 2014 being:
 - To minimise conflict between land uses within this zone and land uses within adjoining zones.
 - To minimise the environmental and visual impact of development on the rural landscape.
6. A Division be called in accordance with the requirements of Section 375A(3) of the *Local Government Act 1993*.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

CARRIED

Divisions

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

AGAINST: Councillor S Ring, Councillor D Goodsell

10.3. Water and Wastewater Reports

10.3.1. Water and Waste Water Report

Prepared by Daniel Buckens - Director of Water & Wastewater

Department Water and Wastewater

Authorised by Director of Water & Wastewater

20 -248 RESOLVED

THAT Council note the October 2020 Water Report as an update on water and wastewater management.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.4. Finance and Assets Reports

10.4.1. 2019/20 Financial Statements

Prepared by Chief Financial & Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

20 -249 RESOLVED

THAT Council:

1. Note that that the audit of the 2019/20 financial statements has been completed.
2. Authorise the signing of the statement on the 2019/20 General Purpose Financial Reports.
3. Authorise the signing of the statement on the 2019/20 Special Purpose Financial Reports.
4. Invite a representative of the Audit Office of NSW, Council's Auditors, to present a report to Council on the 2019/20 Financial Statements at the Ordinary Council meeting scheduled for 23 November 2020 via virtual attendance.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.4.2. Reserve Balances / Cashflow Issue

Prepared by Ross Gurney – Chief Financial & Information Officer

Department Finance & Assets

Authorised by Chief Financial & Information Officer

Council's CFIO made a statement in relation to Council's financial status.

20 -250 RESOLVED

THAT Council:

1. Endorse the following changes to reserves:
 - o removal of the gas works remediation reserve of \$860,052;
 - o reduction in the Employee Leave Entitlements reserve to \$753,606 and;
 - o addition of an internal borrowings reserve of \$2,510,330 to fund the remaining deficit in internal reserves at 30 June 2020, expected to repaid over 3 years.
 2. Endorse the deferral of \$837,172 of 2020/21 capital works projects (to be considered for the 2021/22 year) and to transfer the budget savings to rebuild internally restricted reserves.
 3. Note the information provided in the report on the ongoing cashflow issue.
-

MOVED: Councillor S Ring

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.4.3. Technology One Software Licence Agreement

Prepared by Ross Gurney – Chief Financial and Information Officer

Department Finance and Assets

Authorised by Chief Financial & Information Officer

20 -251 RESOLVED

THAT Council, in accordance with Section 55(3)(i) of the Local Government Act 1993, endorse the plan to consolidate the existing Technology One enterprise solution Annual Support & Maintenance agreement into a 5 year Software as a Service licence agreement with Technology One without calling for tenders, due to the following extenuating circumstances:

- o calling for tenders from other parties would not attract reliable / compatible tenderers.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.5. Policies and Governance

10.5.1. Proposed Date for Ordinary Meetings of Council 2021

Prepared by Trinity Newton – Executive Assistant to the Office of the General Manager and Mayor
Department Executive
Authorised by General Manager

Motion

THAT Council:

1. Note the likely cancellation of the 16 August 2020 Council meeting due to caretaker mode possibly taking effect for the Local Government Elections to be held on 4 September 2021.
2. Hold the Ordinary Meetings of Council for 2021 on the following dates:
 - 18 January
 - 15 February
 - 15 March
 - 19 April
 - 17 May
 - 21 June
 - 19 July
 - 16 August
 - 20 September
 - 18 October
 - 15 November

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

Amendment

THAT:

1. Council note the likely cancellation of the 16 August 2020 Council meeting due to caretaker mode possibly taking effect for the Local Government Elections to be held on 4 September 2021.
2. A report be brought back to the November meeting of Council on proposed dates for the Ordinary Meetings of Council for 2021 on the fourth Monday of each month not including December.
3. This matter be deferred until the November 2020 meeting.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

The Amendment was PUT and became the Motion.

20 -252 RESOLVED

THAT:

1. Council Note the likely cancellation of the 16 August 2020 Council meeting due to caretaker mode possibly taking effect for the Local Government Elections to be held on 4 September 2021.
2. A report be brought back to the November meeting of Council on proposed dates for the Ordinary Meetings of Council for 2021 on the fourth Monday of each month not including December.
3. this matter be deferred until the November 2020 meeting.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.5.2. Declarations of Designated Persons and Councillors

Prepared by Trinity Newton – Executive Assistant to the Office of the General Manager and Mayor

Department Executive

Authorised by General Manager

20 -253 RESOLVED

THAT Council acknowledge the disclosures received under the Model Code of Conduct for Local Councils in NSW (Clause 4.21) for the period 1 July 2019 to 30 June 2020 from designated persons and all Councillors.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED Unanimously

Divisions

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

AGAINST: nil

10.5.3. Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

Prepared by Rhiannan Whiteley – Executive Assistant

Department People & Services

Authorised by Director of People & Services

20 -254 RESOLVED

THAT Council:

1. Adopt the Prescribed Model Code of Conduct for Local Councils in NSW (2020),
2. Maintain the cap for the value of gifts at \$50:00 within the Code, and
3. Adopt the Prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (2020).

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring

CARRIED Unanimously

Divisions

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

AGAINST: nil

10.5.4. Review of Policies 10.11 & 10.16

Prepared by Kaitlin Cibulka – Executive Assistant Infrastructure Services

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

20 -255 RESOLVED

THAT Council adopt and immediately implement revised Policies 10.11 Crown Roads and Private Roads – Maintenance and 10.16 Roadworks – Provision of Unusable Materials to Property Owners.

MOVED: Councillor W McAndrew

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

10.5.5. Policy Review - Policy 9.16 Compliance - Policy 9.15 Privacy Management Plan

Prepared by Rhiannan Whiteley – Executive Assistant

Department Finance & Assets

Authorised by Chief Financial & Information Officer

20 -256 RESOLVED

THAT:

1. Revised Policy 9.15 - Privacy Management Plan be placed on public exhibition for a period of 28 days with the policy then being reported back to Council for consideration for final adoption subject to consideration of any submissions received.
2. Revised Policy 9.16 - Compliance be adopted and implemented immediately due to the minor nature of changes.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: nil

11. Council Committee Reports

11.1. CTA Audit Risk & Improvement Committee Minutes 9 September 2020

Prepared by Rhiannan Whiteley – Executive Assistant

Department Finance & Assets

Authorised by Chief Financial & Information Officer

20 -257 RESOLVED

THAT Council:

1. Endorse the CTA Audit Risk & Improvement Committee Joint Councils September 2020 minutes.
2. Endorse the CTA Audit Risk & Improvement Committee Lithgow Council September 2020 minutes.
3. Note the 2019/20 CTA ARIC Annual Report.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: nil

11.2. Finance Committee Meeting Minutes - 12 October 2020

Prepared by Ross Gurney – Chief Financial & Information Officer

Department Finance

Authorised by Chief Financial & Information Officer

20 -258 RESOLVED

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 12 October 2020 and note the items not requiring a resolution of Council
2. Endorse the recommendations proposed in the Council Investment Report for September 2020.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED: Unanimously

Divisions

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

AGAINST: nil

11.3. Sports Advisory Committee Meeting Minutes - 14 October 2020

Prepared by Kaitlin Cibulka- Executive Assistant Infrastructure Services

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

20 -259 RESOLVED

THAT

1. Council note the minutes of the Sports Advisory Committee held on 14 October 2020; and
2. Council accept Robyn Millar and Virginia Smith as the Sports Advisory Committee representatives from Lithgow Hockey Association.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: nil

12. 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 thanked Mr Gurney the CFIO and Mr Butler the General Manager for their dedication in managing Council's finances during Covid 19.

The Mayor asked if there were any matters to be considered as matters of great urgency.

Councillor Statham raised the matter of Capertee toilet drainage and the matter of the road between the two causeways at Tarana.

The Mayor declared that the matters to be urgent and requested that Director of Infrastructure Services investigate these urgently.

Councillor McAndrew raised that matter of installing barricades to prevent vehicle access to Capertee Park.

The Mayor declared that the matter to be urgent and requested that Director of Infrastructure Services investigate this urgently.

20 -260 RESOLVED

THAT the requests be declared as business of great urgency.

MOVED: Councillor M Statham	SECONDED: Councillor W McAndrew
CARRIED: Unanimously	

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations.

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

Against: nil

Councillor Smith raised the issue of potholes on the roads in the Tarana area and the rail bridge at Sodwalls which is not Council's responsibility.

Councillor Statham raised the further issue of the Curly Dick Road signage being replaced.

Councillor Goodsell raised the issue of the Statemine Gully Road is inaccessible approx. 1.1km up the road. Councillor Goodsell asked that Council send a letter requesting this be addressed.

Councillor Goodwin asked that the Visitors Information Centre Staff be informed that the Statemine Gully Road is currently inaccessible to 2wd vehicles.

The Mayor declared these matter not to be urgent however Council staff will investigate appropriately.

Councillor J Smith left the meeting at 08:31 pm.
Councillor S Ring left the meeting at 08:31 pm.

Councillor J Smith returned to the meeting at 08:32 pm.
Councillor S Ring returned to the meeting at 08:32 pm.

13. 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 -261 RESOLVED

THAT Council Resolve to move into Closed Council to consider the confidential report as listed in the Agenda at 8:32pm.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham

CARRIED

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.

20 -263 RESOLVED

THAT Council resolved to refer to open Council and inform the public of the resolutions of Closed Council at 8:39pm.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

The Mayor read the resolution of the closed Council to the public.

**13.1. Recommendation to Award Lithgow Pump Track Design and Construct
Tender TEN 05/20**

20 -262 RESOLVED

THAT Council

1. Accept the tender submission from Common Ground Trails Pty Ltd for the Design and Construction of the Lithgow Pump Track for \$530,000 (ex GST) (\$583,000 including GST).
2. Authorise the General Manager to approve the purchase order on behalf of Council under delegated authority.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

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

AGAINST: nil

There being no further business the Mayor declared the meeting closed at 08:40 pm.