



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 22 November 2021

at 7:00 PM

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The Mayor declared the meeting open at 07:01 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: 12

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

Craig Butler, General Manager
Andrew Muir, Director Economic Development and Environment
Ross Gurney, Chief Financial and Information Officer
Jonathon Edgecombe, Director Infrastructure Services
Michael McGrath, Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Trinity Newton, Minutes Secretary
Negreeta Nunan, Minutes Secretary

3. Apologies

No apologies.

4. Declaration of Interest

There were no declarations of interest.

5. Confirmation of Minutes

21 -266 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 25 October were taken with the following amendment to item 12 Business of Great Urgency:

The Mayor and General Manager engage with State MP Paul Toole and Federal MP Andrew Gee as a matter of urgency to find out the detail of the support being offered to the community in relation to the decision being announced by Minister Kean, State Treasurer and the Federal Coalition parties regarding the 2050 net zero emissions target.

MOVED: Councillor D Goodwin

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

6. Commemorations and Announcements

Councillor M Statham commemorated Mrs May Doble of Portland who passed away, May was an iconic lady of Portland and was a dedicated member of the pensioners association and will be sadly missed.

Councillor D Goodwin acknowledged and thanked the outgoing Councillors, Mayor Ray Thompson, Deputy Mayor Councillor Wayne McAndrew, Councillor Joe Smith for their dedication and service to Council and the community.

Councillor J Smith acknowledged Blake McDougall who rode in the recent Melbourne Cup and is a highly regarded young jockey. He was congratulated on his efforts.

Councillor J Smith acknowledged Jeff Fraser who was seriously injured in a coal mining incident at Clarence Colliery recently and extended his well wishes for a speedy recovery on behalf of his fellow councillors and council staff.

Councillor C Coleman commemorated Kay Martin OAM who recently passed away. Kay was the matriarch of the National Party, and a person to respect and admire.

Councillor D Goodsell commemorated Shirley Vernon who passed away this morning. Shirley was a long serving board member of the LINC board and will be sadly missed.

7. Public Forum

At 07:16 pm members of the public gallery were invited to participate in the Public Forum Session.

There were no public wishing to speak.

8. Mayoral Minutes

There were no Mayoral minutes tabled.

PROCEDURAL MOTION

THAT Item 9.4.1 is moved to this point in the meeting.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

The external auditor, Mr Gabriel Faponle, addressed the Council overviewing the key funding from an audit of the Council's financial statement for the year ending 30 June 2021.

9.4.1. FIN - 22/11/21 - Financial Statements for the Year Ended 30 June 2021

Report by Chief Financial & Information Officer

21 -267 RESOLVED

THAT Council:

1. Receive the audited Annual Financial Statements for the year ended 30 June 2021 pursuant to Section 419 of the Local Government Act 1993.
2. Pursuant to Section 420 of the Local Government Act 1993, endorse the Financial Statements to be made available to the public to make submissions for a period of seven days.
3. Note the presentation by a representative of Crowe Australasia on behalf of the Audit Office of New South Wales, the Council's external auditor, to the Council meeting in respect of the Audited Financial Statements.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9. Staff Reports

9.1. General Manager's Reports

9.1.1. FIN - 22/11/21 - 2021/22 Quarter One Budget Review

21 -268 RESOLVED

THAT Council:

1. Note the contents of the report and the projected consolidated operating result before capital grants of (\$16K) deficit for the 2021/22 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 July 2021 to 30 September 2021.
2. Adopt the income, expenditure and capital budget variations to the 2021/22 Council budget as outlined in the attached report.
3. A further report be presented to Council in the second quarter proposing remedial actions that can be taken to ensure that Council's projected position at 30 June 2022 is comparable with the original budget.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9.2. Economic Development and Environment Reports

9.2.1. Building and Development

9.2.1.1. ECDEV - 22/11/2021 - DA190/21 Proposed Telecommunication Works, Lot 1 DP1094395, Lot 249 DP, Lot 1 DP 1192477, Hassans Walls Reserve, Great Western Highway, Lithgow NSW 2790

21 -269 RESOLVED

THAT:

1. Development Application DA155/21 be APPROVED subject to conditions of the consent outlined in the attached planning assessment report.
2. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9.2.1.2. ECDEV - 22/11/2021 - Development Assessment Report DA181/21 – SUBDIVISION 21 LOTS INTO 7 - 909 Jenolan Caves Road Good Forest NSW 2790

21 -270 - RESOLVED

THAT

1. Development Application DA181/21 be deferred
2. A site inspection be undertaken by the new council
3. The matter be reported to council for determination

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9.2.2. Economic Development & Environment General Reports

9.2.2.1. ECDEV - 22/11/2021 - Proposed lease to COC Ltd - State Mine Gully Road, Lithgow - Old Lithgow Power Station site

21 -271 RESOLVED

THAT Council enter into a lease with COC Ltd as outlined in this report, to enable works under DA099/16 to be carried out and authorise the General Manager to do all things and sign all documents necessary to give effect to the lease.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9.2.2.2. ECDEV – 22/11/2021 – Transfer of land to NSW Telco Authority

21 -272 RESOLVED

THAT

1. Council agree to transfer Lot 1 in DP1007126 to the NSW Telco Authority on the basis of the Land Acquisition (Just Terms Compensation) Act 1991.
2. Authorise the General Manager to sign all documents and do all things necessary to give effect to the transfer of Lot 1 in DP1007126 to the NSW Telco Authority, including the RFS assets, on terms to be agreed by the General Manager

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

9.3. Infrastructure Services Reports

9.3.1. IS - 22/11/2021 - Cullenbenbong Causeway Replacement

21 -273 RESOLVED

THAT:

1. Council accept the quotation from a local contractor for the reconstruction of the causeway over Cullenbenbong Creek on Cullenbenbong Road with a \$300,000 grant funded budget for construction to commence as soon as practicably possible, and subject to prior approval from OLG or the Minister.
2. Due to Council's caretaker role, endorsement be sought from the OLG for the Cullenbenbong Causeway Replacement project to proceed immediately due to the urgent nature of the works.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9.4. Finance and Assets Reports

9.4.1. FIN - 22/11/21 - Financial Statements for the Year Ended 30 June 2021

This item was dealt with earlier in the meeting.

9.4.2. FIN - 22/11/2021 - Investment Report October 2021

21 -274 RESOLVED

THAT

1. Investments of \$27,126,457 and cash of \$703,661 for the period ending 31 October 2021 be noted.
2. The enclosed certificate of the Responsible Accounting Officer be noted.
3. The commentary on funding requirements for restricted reserves be noted.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

9.5. People and Services Reports

9.5.1. PS - 22/11/2021 - 2020/21 Annual Report

21 -275 RESOLVED

THAT Council:

1. Endorse the 2020/21 Annual Report – A Year in Review.
2. Endorse the 2017-2021 Disability Action Inclusion Plan Report.
3. Note the 2016-2021 End of Term Report.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

9.5.2. PS - 22/11/2021 - Code of Conduct Statistics 2020-2021

21 -276 RESOLVED

THAT Council note the report on the Code of Conduct complaints statistics for the period 1 September 2020 – 31 August 2021.

MOVED: Councillor D Goodsell

SECONDED: Councillor J Smith

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie and Councillor M Statham

10. Council Committee Reports

10.1. IS - 22/11/2021 - Operations Committee Meeting Minutes - 6 October 2021

Councillor D Goodsell called a Point of Order against Councillor S Lesslie. Councillor S Lesslie rephrased his comments, and so the Mayor did not rule on the Point of Order.

Councillor D Goodsell called a Point of Order against Councillor M Statham, deeming her comments not relevant to the matter being discussed.

The Mayor upheld the Point of Order.

Councillor W McAndrew called a Point of Order against Councillor Statham, deeming her comments not relevant to the matter being discussed.

The Mayor upheld the Point of Order.

Councillor W McAndrew asked the Mayor to address the matter of Councillor M Statham speaking to members of the public gallery.

The Mayor had not heard any comments.

21 -277 - RESOLVED

THAT Council:

1. Notes the minutes of the Operations Committee meeting held on 6 October 2021.
2. Makes representations to the NSW Government that option 2A be accepted for the Sodwalls Tarana Road Bridge Repair.

MOVED: Councillor S Ring

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie and Councillor M Statham

10.2. FIN - 22/11/21 - Central Tablelands Alliance (CTA) Audit & Risk Improvement Committee (ARIC) Minutes - 26 October 2021

21 -278 RESOLVED

THAT Council:

1. Endorse the Lithgow CTA Audit Risk & Improvement Committee meeting 26 October 2021 minutes.
2. Note the 2020/21 Lithgow CTA ARIC Annual Report.

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 Goodwin, Councillor S Lesslie, Councillor J Smith, Councillor D Goodsell and Councillor M Statham

AGAINST: Nil

10.3. IS - 22/11/2021 - Operation Committee Meeting Minutes - 3rd November 2021

21 -279 RESOLVED

THAT Council note the minutes of the Operations Committee held on 3 November 2021.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

10.4. IS - 22/11/2021 - TALC Committee Meeting Minutes - 4th November 2021

21 -280 RESOLVED

THAT Council note the minutes of the TALC Committee meeting held on the 4 November 2021.

MOVED: Councillor D Goodwin

SECONDED: Councillor J Smith

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11. 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.

PROCEDURAL MOTION

THAT the outgoing Councillors be granted the opportunity to deliver a farewell speech.

MOVED: Councillor R Thompson

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

The Mayor asked if there were any matters councillors wished to propose as Business of Great Urgency.

Councillor C Coleman raised an issue on behalf of an Aboriginal Elder that Former Lane adjacent to 261 Hartley Vale Road which was sold by Crown Lands has aboriginal grinding stones on the property. It has been advised that 150 trees are to be removed from the property and the concern is the grinding stones could be damaged.

The Mayor ruled the matter not to be Business of Great Urgency on the basis that Michael McGrath, Director of People and Services undertook to directly pursue this matter. Councillor J Smith suggested Councillor W McAndrew may wish to vacate the chamber as his wife is a member of the Quota Club, which he intended to discuss.

Councillor W McAndrew left the meeting at 08:32 pm.

Councillor J Smith requested the administration meet with the management of the Quota Club to discuss the possible waiver of fees for the hiring of the Civic Ballroom for the upcoming Quota Club Fair on 11 December 2021 as the funds raised go to local charities.

The Mayor ruled the matter not to be Business of Great Urgency and referred the matter to the General Manager.

Councillor W McAndrew returned to the meeting at 08:33 pm.

Councillor J Smith raised the issue of long grass on roadside on the Great Western Highway coming into Lithgow both ways and in particular at Marangaroo estate. Councillor J Smith requested the administration draft a letter to the Minister of Roads to increase the mowing from 4 times a year to every 2nd week.

The Mayor ruled the matter not to be Business of Great Urgency, but the administration can immediately pursue.

Councillor W McAndrew raised a concern about late notice and inconsistent invitations for councillors to attend civic events being hosted by NSW Government. The Mayor ruled this to be Business of Great Urgency.

The Mayor advised he will follow up on this issue with the local member to convey the councillors concerns.

Councillor D Goodwin raised the issue of the dangerous road conditions with large potholes from Portland to Wallerawang on to Barton Street and also the entrance into Lake Wallace.

The Mayor ruled the matter not to be Business of Great Urgency, but nonetheless address the matter.

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