

MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 24 January 2022

at 7:00 PM

ORDER OF BUSINESS

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The Mayor declared the meeting open at 7pm.

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: 15

Her Worship the Mayor - Councillor M Statham Councillor C Coleman Councillor A Bryce - via video Councillor D Goodsell Councillor D Goodwin Councillor S Lesslie Councillor S M^cGhie Councillor E Mahony Councillor C O' Connor

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 Ally Shelton, IT Manager

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 - 22 November 2021 and 22 December 2021

22 -1 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 22 November 2021 were taken as read and confirmed.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED - Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

22 -2 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 22 December 2021 were taken as read and confirmed.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED - Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^oGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

6. Commemorations and Announcements

On behalf of the Council, The Mayor commemorated the passing of those in the community who have passed in the past month and extended condolences to the family members and friends.

Councillor D Goodsell announced and raised awareness for the Dementia Association Lithgow Walk occurring this Saturday at the Watsford Oval between 8am and 5.

7. Public Forum

At 07:04 pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Martin Smith made a statement in relation to Item 8.2 and 9.2 on the agenda, the recent flooding event which occurred 11 January 2022.

The Mayor thanked Mr Smith for his statement.

Mr Brian Giblett made a statement in relation to Item 9.2 on the agenda.

The Mayor thanked Mr Giblett for his statement.

Mr John Lowe made a statement in relation to Item 10.2.1.2 on the agenda.

The Mayor thanked Mr Lowe for his statement.

Mr Charles Lowe made a statement in relation to Item 10.2.1.2 on the agenda.

The Mayor thanked Mr Lowe for his statement.

Mr Chris McEwen made a statement in relation to Item 10.2.1.2 on the agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr McEwen.

MOVED: Councillor M Statham

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S McGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

AGAINST: Nil

The Mayor thanked Mr McEwen for his statement.

Mr Bruce Richardson made a statement in relation to Item 9.3 on the agenda.

Councillor A Bryce left the meeting at 07:31 pm. Councillor A Bryce returned to the meeting at 07:32 pm.

PROCEDURAL MOTION

THAT an extension of time be granted to Bruce Richardson.

MOVED: Councillor S M^cGhie

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

AGAINST: Nil

The Mayor thanked Mr Richardson for his statement.

Mr Jeremy Dawkins made a statement in relation to Item 10.2.2.1 on the agenda.

The Mayor thanked Mr Dawkins for his statement.

8. Mayoral Minutes

8.1. Mayoral Minute - 24/01/2022 - Australia Day 2022

Report by Mayor – Councillor Maree Statham

22 -3 RESOLVED

THAT Council note the range of Australia Day activities to be held in Lithgow, Portland and Wallerawang.

MOVED: Councillor M Statham

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^oGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

8.2. Mayoral Minute - 24/01/2022 - Recent Storm and Flooding Event

Report by Mayor – Councillor Maree Statham

22 -4 RESOLVED

This Mayoral Minute about the recent flood event be received.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^oGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

AGAINST: Nil

9. Notices of Motion

9.1. NOM - 24/01/2022 - Councillor E Mahony - Support for Mental Health Services

22 -5 RESOLVED

THAT the:

- 1. Incoming Council reaffirm its strong support for continuing advocacy on behalf of the community to maintain and improve on existing mental health services, wellbeing outcomes, and social connectivity across our community.
- 2. Mayor provide a public statement to thank our health workers (doctors and nurses and aged care workers) as well as the support staff, cleaners, ward and kitchen staff, our community mental health teams, local GP clinics, pharmacists, and pathology staff for the work they do in providing health services during these very difficult and challenging times.
- 3. Council endorses the Mayor and the General Manager to make representations to the NSW Government Deputy Premier, Local Member for Bathurst, Paul Toole for support to improve key elements of mental health services for the greater Lithgow community, in particular, waiting times for visiting psychiatrists for unwell individuals in our community that currently can range from 5-6 weeks to over three months.

MOVED: Councillor E Mahony

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

AGAINST: Nil

9.2. NOM - 24/01/2022 - Councillor E Mahony - Stormwater and sewerage management

Report by Councillor Eric Mahony

PROCEDURAL MOTION

THAT an extension of time be granted to Cr E Mahony.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

AGAINST: Nil

22 -6 RESOLVED

THAT

- 1. A report be brought back to the Council regarding the extent of infiltration of domestic stormwater and overland flows into sewer mains as part of an integrated approach to managing uncontrolled discharges of sewerage in critical locations across the Lithgow Valley during high-intensity rain events. The report canvas, at least, -
- 2. The timing for the findings and recommendations from the Lithgow Floodplain Risk Management Study & Plan (LFRMS&P) being brought to Council and the community for review and adoption .
- 3. Risk mitigation actions for high-risk locations across the Lithgow Valley, identifying and registering stormwater and sewerage assets (stormwater pits, culverts, sewer mains and pipes) and developing a prioritised renewal program for these high-risk
- 4. The potential for funding partnerships with NSW State Government agencies, such as Water NSW, to put in place works to improve water quality within the Farmers Creek sub-catchment.

MOVED: Councillor E Mahony

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

AGAINST: Nil

9.3. NOM - 24/01/2022 - Councillor S McGhie - Control measure for excessive growth on roadsides.

Report by Councillor Stuart M^cGhie

ORIGINAL MOTION

THAT an opportunity be opened for tender to slash or cut the roadside vegetation.

MOVED: Councillor S M^cGhie SECONDED: Councillor E Mahony

AMENDMENT

THAT a report to be brought back to Council which includes the areas to be specified and a cost analysis.

MOVED: Councillor D Goodsell SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor A Bryce, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie, Councillor C O'Connor and Councillor M Statham

AGAINST: Nil

Councillor Coleman called a Point of Order on Councillor S M^cGhie as there was an amendment before the Council which was required to be dealt with.

The Mayor upheld the Point of Order.

The AMENDMENT was PUT and became the MOTION.

22 -7 RESOLVED

THAT a report to be brought back to Council which includes the areas to be specified and a cost analysis.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor A Bryce, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie, Councillor C O'Connor and Councillor M Statham

AGAINST: Nil

9.4. NOM - 24/01/2022 - Councillor C O'Connor - Council Land

Report by Councillor Col O'Connor

Original Motion

THAT

- 1. No land owned by Lithgow Council is to be negotiated or sold to a third party prior to a Council meeting for debate/discussion.
- 2. If it is decided at a Council meeting that the land should be sold, two valuations must be completed to determine a reserve price and agreed to by Councillors, and the land sold at public auction.
- 3. A full report of any operational and Community land owned by Lithgow Council be made available to Council.
- 4. A report be brought to an information session on the property portfolio.

MOVED: Councillor C O'Connor

SECONDED: Councillor C Coleman

AMENDMENT

That a report be brought to an information session on the property portfolio.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor A Bryce, Councillor C Coleman, Councillor D Goodsell, Councillor D Goodwin, Councillor S M°Ghie, Councillor E Mahony, Councillor S Lesslie, Councillor C O'Connor and Councillor M Statham

AGAINST: Nil

The Amendment was PUT and became the Motion.

22 -8 RESOLVED

That a report be brought to an information session on the property portfolio.

MOVED: Councillor D Goodsell

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M°Ghie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10. Staff Reports

10.1. General Manager's Reports

10.1.1. GM - 22/01/2022 - Local Government NSW Special Conference Delegate

Councillor S Lesslie was nominated to attend the Special LGNSW Conference as the third delegate.

22 -9 RESOLVED

THAT Councillor Lesslie be the third delegate to attend the LGNSW Special Conference 28 February – 2 March 2022 in Sydney.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M°Ghie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.1.2. GM - LATE REPORT - 24/01/2022 - Delegate to Upper Macquarie County Council

The General Manager took the position of Returning Officer.

The Returning Officer informed the Council that three valid nominations were received and the order of the ballot paper was drawn.

The order of the ballot paper was Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor.

With no absolute majority the lowest number of first preference votes was considered. Councillor S Lesslie had the lowest number of such votes.

Councillor S Lesslie's vote were allocated preferentially.

Councillor C O'Connor was elected as a delegate.

With Councillor C O'Connor's preferences subsequently allocated Councillor S Lesslie then had the majority and became the second delegate.

22 -10 RESOLVED

THAT Council appoint Councillor C O'Connor and Councillor S Lesslie as the two delegates representing Lithgow City Council at the Upper Macquarie County Council.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.2. Economic Development and Environment Reports

10.2.1. Building and Development

10.2.1.1. ECDEV - 24/01/2022 - Bell Quarry Waste Management Facility

22 -11 RESOLVED

THAT Council note the update on the appeal to the Land and Environment Court of the refusal of the development application for the Bell Quarry Waste Management Facility.

MOVED: Councillor C Coleman **CARRIED:** Unanimously

SECONDED: Councillor D Goodsell

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.2.1.2. ECDEV - 24/01/2022 - Development Assessment Report DA181/21 – Subdivision 21 Lots into 7 - 909 Jenolan Caves Road Good Forest NSW 2790

22 -12 RESOLVED

THAT

- 1. Development Application DA181/21 be APPROVED subject to conditions of the consent as shown in the attached planning assessment report.
- 2. A DIVISION be called in accordance with the requirements of Section 3 75A(3) of the Local Government Act, 1993.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED:

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^oGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Councillor S Lesslie

Councillor E Mahony foreshadowed a motion but that did not subsequently come forward.

10.2.2. Economic Development & Environment General Reports

10.2.2.1. ECDEV - 24/01/2022 - Lithgow Emerging Economy Project (LEEP) - Award of Contract

22 -13 RESOLVED

THAT Council:

- 1. Note the report on the engagement of NCEconomics to carry out the Lithgow Emerging Economy Project.
- 2. Note the exercise of the General Manager's delegation to approve the Lithgow Emerging Economy Project tender.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

Councillor A Bryce left the meeting at 09:54 pm. Councillor A Bryce returned to the meeting at 09:55 pm.

10.3. Infrastructure Services Reports

10.3.1. IS - 24/01/2022 - Great Western Highway Upgrade - Review of Environmental Factors

MOTION

THAT Council:

- 1. Receive the report on the 'Review of Environmental Factors' for the Transport for NSW Great Western Highway project, Little Hartley to Lithgow.
- 2. Request the NSW Government to indefinitely defer the upgrade of the Great Western Highway project Little Hartley to Lithgow stating the various reason.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

LOST

Divisions

FOR: Councillor C Coleman and Councillor S Lesslie

AGAINST: Councillor M Statham, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony and Councillor C O'Connor

10.3.2. IS - 24/01/2022 - Results of Negotiation Process - Replacement of Glen Davis Road Bridges

22 -14 RESOLVED

THAT Council:

- Note the results of the negotiations with Central Industries and Saunders Civilbuild regarding the design, demolition and construction of the three timber bridges along Glen Davis Road and the subsequent evaluation of the amended proposals.
- 2. Resolve to accept the offer from Central Industries for the Design, Demolition and Construction of three timber bridges along Glen Davis Road, for the lump sum tendered price of \$3,464,540.00 (excluding GST).
- 3. Note that the lump sum tendered price is specifically made up from pricing tendered for the replacement of Airly Creek Bridge, \$1,146,750.00, Coco Creek Bridge, \$1,220,010.00 and Crown Creek Bridge, \$1,097,780.00.
- 4. Authorise the General Manager to sign the contract and related documentation under delegated authority.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED: Unanimously Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.4. Water and Wastewater Reports

10.4.1. WWW - 24/01/2022 - Water Charge Amendment for Remainder of Financial Year 21/22

Councillor D Goodwin left the meeting at 10:24 pm. Councillor D Goodwin returned to the meeting at 10:26 pm.

22 -15 RESOLVED

THAT Council:

- 1. Note the information provided on the recent IPART review of rural bulk water prices.
- 2. Approve an increase in water usage charges of 7.5% for the period 1 January to 30 June 2022 as set out below to partially recover the additional costs resulting from the IPART determination for rural water supply from 1 October 2021.

Water usage tier increases for the billing period from 1 January to 30 June 2022:

- o 0-250 kl residential from \$3.35 to \$3.60,
- \circ 250+ kl residential from \$4.98 to \$5.35,
- 0-500 kl business from \$3.35 to \$3.60, and
- 500+ kl business from \$4.98 to \$5.35.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M°Ghie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.5. Finance and Assets Reports

10.5.1. FIN - 24/01/2022 - Contracts for Provision of Electricity

22 -16 RESOLVED

THAT Council:

- 1. Note the information provided in the report in relation to the new electricity agreements for large sites, small sites and public street lighting.
- 2. Note the information provided in the report in relation to the LED street lighting upgrade project.

MOVED: Councillor C Coleman **CARRIED:** Unanimously

SECONDED: Councillor S McGhie

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^oGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.5.2. FIN - 24/01/2022 - Investment Report November 2021

22 -17 RESOLVED

THAT

- 1. Investments of \$31,376,457 and cash of \$747,099 for the period ending 30 November 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 D Goodsell

SECONDED: Councillor S McGhie

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.5.3. FIN - 24/01/2022 - Investment Report December 2021

22 -18 RESOLVED

THAT

- 1. Investments of \$29,826,457 and cash of \$1,552,585 for the period ending 31 December 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 C Coleman

SECONDED: Councillor S McGhie

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

AGAINST: Nil

10.5.4. FIN - 24/01/22 - Rebate Requests - Excessive Water Accounts

22 -19 RESOLVED

THAT Council.

- 1. Approve a water account rebate of \$28,697.61 for the owner of Property 106581 during the period of the undetected leak due to the extenuating circumstances of the COVID lockdown.
- 2. Approve a water account rebate of \$269.28 for the owner of Property 80600 during the period of the undetected leak due to the extenuating circumstances of the COVID lockdown.

MOVED: Councillor D Goodsell

SECONDED: Councillor S McGhie

CARRIED: Unanimously

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor A Bryce, Councillor D Goodsell, Councillor D Goodwin, Councillor S M^cGhie, Councillor E Mahony, Councillor S Lesslie and Councillor C O'Connor

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.

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

Councillor D Goodsell raised the matter of Lithgow Anzac Day Celebrations - asking that Lithgow City Council reach out to Lithgow RSL Sub Branch to offer help in organising 2022 Anzac Day celebrations.

After advice from the General Manager that Council's administration will, as a matter of course, take this step the Mayor declared the matter not to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations but requested the Administration to commence contacting the Lithgow RSL Sub Branch.

The NSW Government has announced the \$200M Multi Sport Facility Fund which closes 22 February 2022. Councillor C O'Connor proposed that Lithgow City Council look into this with the view to enhance sporting facilities.

The Mayor declared the matter to be of great urgency in accordance with Clause 241 of the Local Government (General) Regulations and asked that the Administration bring a report to the Councillor Information Session in February.

There being no further business the Mayor declared the meeting closed at 10:40 pm.