



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Wednesday 2 March 2022

at 7:00 PM

ORDER OF BUSINESS

1. Acknowledgement of Country	4
2. Present	4
3. Apologies	4
4. Declaration of Interest	5
5. Confirmation of Minutes	5
6. Commemorations and Announcements	5
7. Public Forum	5
8. Mayoral Minutes	6
8.1. MAYORAL MINUTE - 02/03/2022 - Lithgow Correctional Centre engagement with the City	6
8.2. MAYORAL MINUTE - 02/03/2022 - Recent Comments regarding Lithgow High School in the media	7
9. Notices of Motion	7
9.1. NOTICE OF MOTION - 02/03/2022 - Cr S McGhie - School Bus Stop on Sunny Corner Road Portland and Children Crossing Sign	7
10. Question with Notice	8
10.1. Question with Notice - 02/03/2022 - Cr C Coleman - Library Scanning Facilities	8
11. Staff Reports	9
11.1. General Manager's Reports	9
11.1.1. GM - 02/03/2022 - Prescribed Code of Meeting Practice	9
11.1.2. GM - 02/03/2022 - Delegations to General Manager.....	10
11.1.3. GM - 02/03/2022 - Committee Delegations	10
11.1.4. GM - 02/03/2022 - Federal Election Advocacy Canvassing tems	11
11.2. Economic Development and Environment Reports	12
11.2.1. Building and Development.....	12
11.2.1.1. ECDEV - 02/03/2022 - Bell Quarry Waste Management Facility	12
11.2.1.2. ECDEV - 02/03/2022 - Western Coal Services Modification 4 SSD-5579	12
11.2.1.3. ECDEV - 02/03/2022 - Wallerawang Battery Energy Storage System- SSD-14540514.....	13
11.2.2. Economic Development & Environment General Reports.....	14
11.2.2.1. ECDEV - 02/03/2022 - Lidsdale Planning Proposal 2021-4862 - 32 Ian Holt Drive Lidsdale - Post Exhibition Update and Process	14
11.2.2.2. ECDEV - 02/03/2022 - Council Land.....	14
11.2.2.3. ECDEV - 02/03/2022 - DA254/21 - Proposed Alterations and Additions to a Community Facility - Lot 19 Sec 53 DP 9485 and Lot 20 DP 9485, Padley Street, Lithgow.....	15
11.2.2.4. ECDEV- 02/03/2022- Draft Regional Central West and Orana Regional Plan 2041 - Lithgow City Council Submission	15
11.2.2.5. ECDEV - 02/03/2022 - Energy from Waste	15

11.2.2.6. ECDEV - 02/03/2022 - Lake Wallace	17
11.3. Infrastructure Services Reports	18
11.3.1. IS - 02/03/2022 - Lithgow Council/EPA Bushfire Generated Tree Waste Program Tender	18
11.3.2. IS - 02/03/2022 - Road Naming - New Roads DA226/16 - Bowen Vista Estate	18
11.3.3. IS - 02/03/2022 - Great Western Highway review of environmental factors	19
11.3.4. IS - 02/03/2022 - Transport for NSW - Regional Forum	20
11.4. Water and Wastewater Reports	20
11.4.1. WWW - 02/03/2022 - Water and Wastewater Report	20
11.5. Finance and Assets Reports	21
11.5.1. FIN - 02/03/2022 - Superannuation for Councillors	21
11.5.2. FIN - 02/03/2022 - 2021/22 Quarter Two Budget Review	21
11.5.3. FIN - 02/03/2022 - Investment Report January 2022	22
11.6. Policies and Governance	22
11.6.1. IS - 02/03/2022 - Review of Policies 10.8 and 10.9	22
12. Business of Great Urgency.....	22
13. Closed Council.....	23

DRAFT

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: 13

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

Also in attendance
Craig Butler, General Manager
Andrew Muir, Director Economic Development and Environment
Ross Gurney, Chief Financial and Information Officer
David Anderson, Acting Director Infrastructure Services
Michael McGrath, Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Trinity Newton, Minutes Secretary

3. Apologies

An apology was received and leave of absence granted to Councillor D Goodsell who is unable to attend due to personal business.

Procedural Motion

That a leave of absence be granted to Councillor D Goodsell .

MOVED: Councillor D Goodwin

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

4. Declaration of Interest

The Mayor called for any declarations of interest.

There were no declarations of interest.

5. Confirmation of Minutes

22 -20 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 24 January 2022 were taken as read and confirmed.

MOVED: Councillor A Bryce
CARRIED

SECONDED: Councillor C Coleman

Divisions

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

AGAINST: Nil

6. Commemorations and Announcements

On behalf of the Council, the Mayor commemorated certain individuals who have passed away recently and extended condolences to family members and friends.

The Mayor commemorated Ms Lizzy York who was a well known local.

The Mayor also commemorated "Lithgow" legend", Mr George Pearce

The Mayor spoke about the upcoming Lithgow City Council event Taste of the World which will take place in April.

7. Public Forum

At 7:03 members of the public gallery were invited to participate in the Public Forum Session.

Mrs Kaye Whitebread made a statement in relation to Item 11.2.1.1 on the agenda.

The Mayor thanked Mrs Whitebread for her statement.

Mr Brett Hawkins CEO of Greenspot made a statement in relation to Item 11.2.2.5 on the agenda.

Mr Hawkins requested an extension of time as he foreshadowed that he would speak for more than the allocated time.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Hawkins.

MOVED: Councillor D Goodwin

SECONDED: Councillor C O'Connor

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

The Mayor thanked Mr Hawkins for his statement.

Mrs Rosemary Barber made a statement in relation to Item 11.3.3 on the agenda.

The Mayor thanked Rosemary Barber for her statement.

The Mayor asked if anyone in the public gallery wished to speak.

There were no further speakers.

8. Mayoral Minutes

8.1. MAYORAL MINUTE - 02/03/2022 - Lithgow Correctional Centre engagement with the City

Report by Mayor – Councillor Maree Statham

22 -21 RESOLVED

THAT the Mayoral Minute be received.

MOVED: Councillor M Statham

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

8.2. MAYORAL MINUTE - 02/03/2022 - Recent Comments regarding Lithgow High School in the media

Report by Mayor – Councillor Maree Statham

22 -22 RESOLVED

THAT:

1. The Mayoral minute be received, and,
2. Council's support and appreciation for Lithgow High School teachers, school staff and students be widely conveyed.

MOVED: Councillor M Statham

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

9. Notices of Motion

9.1. NOTICE OF MOTION - 02/03/2022 - Cr S McGhie - School Bus Stop on Sunny Corner Road Portland and Children Crossing Sign

Report by Councillor Stuart M^cGhie

Original Motion

THAT Council construct a shelter on the existing slipway outside the Portland Cemetery, thus providing safe access for all concerned including the bus drivers. That signs be erected with the adult holding a child's hand to warn motorists to take extra care in this winding section of road as there will still be children walking to and from the bus stop as well as vehicles. That inspection of and a surety given to the footpath access to the bus stop from the aforementioned roads in the area.

MOVED: Councillor S M^cGhie

SECONDED: Councillor C O'Connor

AMENDMENT

THAT this matter of a school bus stop on Sunny Corner Road Portland and the need for children crossing signs and a bus shelter be referred to the TALC Committee and a report returned to Council detailing the responsibility for funding.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin

The Amendment was PUT.

CARRIED:

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie and Councillor E Mahony

AGAINST: Councillor A Bryce, Councillor S M^cGhie and Councillor C O'Connor

THE AMENDMENT BECAME THE MOTION

22 -23 RESOLVED

THAT this matter of a school bus stop on Sunny Corner Road Portland and the need for children crossing signs and a bus shelter be referred to the TALC Committee and a report returned to Council detailing the responsibility for funding.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodwin

CARRIED:

Divisions

FOR: Councillor M Statham, Councillor C Coleman, Councillor D Goodwin, Councillor S Lesslie, Councillor S M^cGhie and Councillor E Mahony

AGAINST: Councillor A Bryce, Councillor McGhie and Councillor C O'Connor

10. Question with Notice

10.1. Question with Notice - 02/03/2022 - Cr C Coleman - Library Scanning Facilities

Report by Councillor Cassandra Coleman

The question and management comment was read out.

11. Staff Reports

11.1. General Manager's Reports

11.1.1. GM - 02/03/2022 - Prescribed Code of Meeting Practice

22 -24 RESOLVED

That

1. The Council adopt the mandatory provisions of the Office of Local Government's Model Code of Meeting Practice.
2. Continue to hold public forum sessions at the beginning of each Council under the provisions currently in place.
3. Clauses 11.6 to 11.10 be re-instated. And Clause 11.11 be deleted. Clause 20.24 be deleted.
4. Clause 14.20 be included in the code.

Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

5. That Clauses 15.21 and 15.22 be included in the code.
6. That Clause 16.2 be included in the code.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

7. Place the Model Code of Meeting Practice as amended on public exhibition for comment for a period of 28 days after which the matter together with submissions is to be reconsidered by Council.

MOVED: Councillor S Lesslie

SECONDED: Councillor A Bryce

CARRIED:

Divisions

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

AGAINST: Councillor D Goodwin

11.1.2. GM - 02/03/2022 - Delegations to General Manager

22 -25 RESOLVED

THAT Council delegate to the General Manager the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under Section 377 of the Local Government Act, 1993, and also excluding any specific functions which Council has, by resolution, reserved to Council.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.1.3. GM - 02/03/2022 - Committee Delegations

22 -26 RESOLVED

THAT Council's representatives on the following committees be -

Internal Committees (convened by Council)

- Environmental Advisory Committee - Cr E Mahony and Cr A Bryce
- Operations Committee - Cr D Goodsell, Cr S McGhie, Cr S Lesslie, Cr O'Connor
- Traffic Advisory Committee (TALC) - Cr S Lesslie
- Sports Advisory Committee - Cr D Goodwin and Cr A Bryce
- Economic Development Committee - all Councillors
- Community Development - Cr A Bryce and Cr C Coleman
- Lithgow Crime Prevention - Cr C Coleman and Cr M Statham
- Finance Committee - Cr D Goodsell, Cr E Mahony and Cr S McGhie
- Women's Advisory Committee - Cr C Coleman
- Lithgow Floodplain Risk Management Committee - Cr E Mahony

External Committees (convened by external parties)

- WSROC - Mayor, Deputy Mayor as alternate and General Manager
- Central Tablelands Alliance Audit Risk and Improvement Committee (ARIC) Mayor M Statham and Cr C Coleman
- Arts Out West Mayor M Statham, Cr C Coleman (alternate)
- NSW Rural Fire Service Senior Management Team (NSWRFSSM) Mayor M Statham and Cr C O'Connor
- Rural Fire Service Lithgow District Liaison Committee (RFSLDL) Mayor M Statham and Cr E Mahony
- Lithgow Information & Neighbourhood Centre Inc. (LINC) Cr A Bryce and Cr M Statham
- Western Joint Regional Planning Panel - Mayor M Statham and Cr S Lesslie.
- Energy Australia Lithgow Region Community Consultative Committee - Mayor M Statham and Cr C Coleman
- Centennial Coal Western Community Consultative Committee - Mayor M Statham
- Mayor's Mental Health Taskforce - Cr D Goodwin and Cr E Mahony
- Newnes Sand and Kaolin Project Community Consultative Committee - Cr S Lesslie

- Eskbank Rail Heritage Centre/ Wolgan Valley Wilderness Railway Committee - Cr E Mahony
 - Glenn Museum - Cr M Statham
2. Deal with the remaining committees in accordance with the approach outlined in this report.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.1.4. GM - 02/03/2022 - Federal Election Advocacy Canvassing terms

22 -27 RESOLVED

- THAT in the lead up to the 2022 Federal Election the Council advocate in relation to -
The retention of critical infrastructure funding (Roads to Recovery program, Fixing Local Roads Program and the Local Roads and Community Infrastructure Program),
1. Wolgan Gap – Macauley Street – Repair and Resilience Funding,
 2. Real action (programs and funding) to transition the local economy,
 3. Water security, and,
 4. Financial resilience for local government
 5. The per capita component of the Financial Assistance Grants be reduced.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2. Economic Development and Environment Reports

11.2.1. Building and Development

11.2.1.1. ECDEV - 02/03/2022 - Bell Quarry Waste Management Facility

22 -28 RESOLVED

THAT

1. 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.
2. Council note the issues raised in submissions to the notification of the amended proposal and the summarised contentions outlined as reasons why the development application, as amended, and the appeal should not be upheld.
3. Council remain opposed to the amended development application.
4. The appellant be advised that the Council does not accept any of the terms contained in the proposed Voluntary Planning Agreement (VPA).
5. Blue Mountains City Council be formally notified of Lithgow City Council's position.
6. The General Manager be delegated authority to provide 'without prejudice' conditions of consent and seek a monetary contribution for community/public facilities and infrastructure should the Court contemplate issuing development consent.
7. The matters raised by Mrs Whitebread in the public forum be noted by the staff for consideration in our defence of the action.

MOVED: Councillor E Mahony

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.1.2. ECDEV - 02/03/2022 - Western Coal Services Modification 4 SSD-5579

22 -29 RESOLVED

THAT Council note the information provided in the report on the Western Coal Services Project (SSD 5579), Modification 4.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.1.3. ECDEV - 02/03/2022 - Wallerawang Battery Energy Storage System- SSD-14540514

22 -30 RESOLVED

THAT

1. The information in the report for the Wallerawang Battery Energy Storage System State Significant Development (SSD 1450514), be noted.
2. Council provide a submission to the Department of Planning Infrastructure and Environment indicating that should the application be recommended for approval, mitigation measures for the key environmental issues identified within the Environmental Impact Statement be implemented with the additional plans submitted to Council for approval prior to commencement of work. These plans include: Construction and Operational Traffic Management Plan, Construction Noise and Vibration Management Plan, Erosion and Sediment Control Plan, Construction Flora and Fauna Management Plan, Landscape Plan, and Air Quality Management Plan.
3. The General Manager be delegated authority to negotiate a Voluntary Planning Agreement for funds to be secured for community/public facilities and/or infrastructure. The results of any negotiation to be reported back to Council.
4. The following recommended condition is to be also included in the submission to the Department:
Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) *a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and*
 - b) *a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and*
 - c) *Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.*

MOVED: Councillor D Goodwin

SECONDED: Councillor E Mahony

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.2. Economic Development & Environment General Reports

11.2.2.1. ECDEV - 02/03/2022 - Lidsdale Planning Proposal 2021-4862 - 32 Ian Holt Drive Lidsdale - Post Exhibition Update and Process

22 -31 RESOLVED

THAT:

1. Council forward the Lidsdale Planning Proposal (PP 2021-4862) to the Parliamentary Counsel Office (PCO) to request drafting of the legal instrument and the issuing of an opinion that Local Environmental Plan (Amendment 6) can be legally made.
2. Council delegates authority to the General Manager to adopt and finalise the making of the Local Environmental Plan following the receipt of the legal opinion from PCO.
3. A **DIVISION** be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.2.2. ECDEV - 02/03/2022 - Council Land

22 -32 RESOLVED

THAT the report on Council owned properties be noted.

MOVED: Councillor E Mahony

SECONDED: Councillor C O'Connor

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.2.3. ECDEV - 02/03/2022 - DA254/21 - Proposed Alterations and Additions to a Community Facility - Lot 19 Sec 53 DP 9485 and Lot 20 DP 9485, Padley Street, Lithgow

22 -33 RESOLVED

THAT

1. Development Application DA254/21 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 375A(3) of the Local Government Act, 1993.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.2.4. ECDEV- 02/03/2022- Draft Regional Central West and Orana Regional Plan 2041 - Lithgow City Council Submission

22 -34 RESOLVED

THAT Council endorse the Draft Central West and Orana Regional Plan 2041 submission (Attachment 3) for lodgement with NSW Department of Planning and Environment.

MOVED: Councillor E Mahony

SECONDED: Councillor A Bryce

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.2.2.5. ECDEV - 02/03/2022 - Energy from Waste

22 -35

THAT a submission be made on the draft of the *Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021* that includes the following:

- Council retains its concerns in relation to the lack of consultation in selecting a site at Lithgow.
- The NSW Government be requested to deliver an extensive community consultation and engagement program around EfW.
- Council indicate that whilst it removes its blanket opposition to the energy from waste infrastructure plan this is conditional upon the government building in mechanisms to ensure economic benefit flows through to communities.

- Council requests that the NSW Government provide a dedicated mechanism whereby the government provides investment attraction support for enterprises seeking to locate in the vicinity of Energy from Waste Facilities.
- Council requests that the NSW Government provide funding for any required infrastructure to support the establishment of enterprises seeking to locate in the vicinity of Energy from Waste Facilities.
- Council support the inclusion of the site and surrounds of the former Wallerawang power station as a precinct within the energy from waste infrastructure plan, subject to further targeted community consultation occurring.
- A requirement for Energy from Waste Facilities to make ongoing contributions to host Local Government Areas based on tonnages processed at the facility.
- The plan be accompanied by a framework to ensure that the carbon consequences of EfW are dealt with by materially compounding the carbon reduction benefits – going well beyond a landfill vs EfW offset argument
- A specific requirement of Greenspot that Council's non-opposition to inclusion of their site as a precinct is conditional upon further extensive community consultation and agreement of a long term enduring royalty being paid to Council, should any future development proposal proceed, which council may use at its discretion on infrastructure, community facilities, programs or ongoing operations.
- While Council no longer has a blanket opposition to inclusion in the infrastructure plan and draft regulation, it maintains its rights to comment and if necessarily oppose individual developments if it is of the view that environmental, planning, health or any other impact outweighs the benefits of a specific project.
- no less than 80% of the refuse to be transported to Lithgow by rail.

MOVED: Councillor D Goodwin

POINT OF ORDER

Councillor Lesslie considered the proposed motion to be too removed from the report's recommendation to be a valid motion.

The Mayor ruled against the Point of Order

22 -35

THAT a submission be made on the draft of the *Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021 that includes the following:*

- Council retains it's concerns in relation to the lack of consultation in selecting a site at Lithgow.
- The NSW Government be requested to deliver an extensive community consultation and engagement program around EfW.
- Council indicate that whilst it removes its blanket opposition to the energy from waste infrastructure plan this is conditional upon the government building in mechanisms to ensure economic benefit flows through to communities.
- Council requests that the NSW Government provide a dedicated mechanism whereby the government provides investment attraction support for enterprises seeking to locate in the vicinity of Energy from Waste Facilities.
- Council requests that the NSW Government provide funding for any required infrastructure to support the establishment of enterprises seeking to locate in the vicinity of Energy from Waste Facilities.
- Council support the inclusion of the site and surrounds of the former Wallerawang power station as a precinct within the energy from waste infrastructure plan, subject to further targeted community consultation occurring.
- A requirement for Energy from Waste Facilities to make ongoing contributions to host Local Government Areas based on tonnages processed at the facility.

- he plan be accompanied by a framework to ensure that the carbon consequences of EfW are dealt with by materially compounding the carbon reduction benefits – going well beyond a landfill vs EfW offset argument
- A specific requirement of Greenspot that Council's non-opposition to inclusion of their site as a precinct is conditional upon further extensive community consultation and agreement of a long term enduring royalty being paid to Council, should any future development proposal proceed, which council may use at its discretion on infrastructure, community facilities, programs or ongoing operations.
- While Council no longer has a blanket opposition to inclusion in the infrastructure plan and draft regulation, it maintains its rights to comment and if necessarily oppose individual developments if it is of the view that environmental, planning, health or any other impact outweighs the benefits of a specific project.
- no less than 80% of the refuse to be transported to Lithgow by rail.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

CARRIED:

Divisions

FOR: Councillor M Statham, Councillor A Bryce, Councillor D Goodwin, Councillor S M°Ghie and Councillor C O'Connor

AGAINST: Councillor C Coleman, Councillor S Lesslie and Councillor E Mahony

A division was called by Councillor C Coleman

FOR: Councillor M Statham, Councillor A Bryce, Councillor D Goodwin, Councillor S M°Ghie and Councillor C O'Connor

AGAINST: Councillor C Coleman, Councillor S Lesslie and Councillor E Mahony

Councillor S Lesslie had Foreshadowed a Motion -

"That Lithgow City Council reaffirm its opposition to the NSW Government Energy from Waste Plan." The motion did not come forward.

11.2.2.6. ECDEV - 02/03/2022 - Lake Wallace

22 -36 RESOLVED

THAT

1. Council agree to the amendment of Memorandum of Understanding (as attached) for the Lake Wallace lands to provide an extension of time to clause 2 of the MOU extending the life of the MOU to 4 September 2022 and 4 June 2022 for the preparation of the initial masterplan under clause 7.
2. The General Manager be authorised to execute the MOU.

MOVED: Councillor A Bryce

SECONDED: Councillor E Mahony

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.3. Infrastructure Services Reports

11.3.1. IS - 02/03/2022 - Lithgow Council/EPA Bushfire Generated Tree Waste Program Tender

22 -37 RESOLVED

THAT Council:

1. Accepts the tenders submitted by Agile Arbor for areas 1 and 2 for the total price of \$1,234,974.10 and Active Trees for areas 3 and 4 for the price of \$589,374.23 to complete the Lithgow Council/EPA Bushfire generated Tree Waste program.
2. Appoint Arbor Care Consulting to oversee the program from 14 February 2022 until the program is completed as per agreed conditions of contract with Lithgow Council.
3. Accepts the schedule of rates supplied by the 9 applicants to the Lithgow Council/EPA Bushfire Generated Tree Waste Program to be used for arbor works in this program and general arbor works.

MOVED: Councillor A Bryce

SECONDED: Councillor C Coleman

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.3.2. IS - 02/03/2022 - Road Naming - New Roads DA226/16 - Bowen Vista Estate

22 -38 RESOLVED

THAT Council, in accordance with the Addressing Policy, advertise the road names Gunners Close and Trench Place for the new roads off Kirkley Street, South Bowenfels, in a local newspaper and notify emergency authorities and residents in the area, calling for submissions to be made for the statutory period of twenty-eight (28) days after which:

- a. If no submissions against the proposal or alternatives are submitted, Council proceed with the gazettal process of the name and notify all residents and emergency authorities accordingly; or
- b. If submissions against the proposal or alternatives are submitted, a report is furnished to the next available Council meeting for resolution.

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie

ABSTAINED: Councillor S Lesslie

11.3.3. IS - 02/03/2022 - Great Western Highway 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. Endorse the General Manager to make a detailed submission, aligned with the commentary presented in this report and other emphases as determined by the Council, including pollution from the tunnel, heritage, an 80 km/h road not 100 km/h, consultation with aboriginal communities and rest stops also being removed from Hartley Valley and legal access to those with properties on Riverlett Hill.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

AMENDMENT

THAT the State and Federal Governments be advised that Lithgow City Council requests that the upgrade of the Great Western Highway be deferred until the completion of the tunnels under Blackheath and other towns in the Blue Mountains.

MOVED: Councillor S Lesslie

SECONDED:

The Amendment lapsed due to the want of a seconder.

Councillor S McGhie called a Point of Order in relation to comments by Councillor S Lesslie. Councillor McGhie considered that Transport for NSW had committed to local procurement and other such local benefits from the project.

The Mayor upheld the Point of Order.

22 -39 RESOLVED

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. Endorse the General Manager to make a detailed submission, aligned with the commentary presented in this report and other emphases as determined by the Council, including pollution from the tunnel, heritage, an 80 km/h road not 100 km/h, consultation with aboriginal communities and rest stops also being removed from Hartley Valley and legal access to those with properties on Riverlett Hill.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED:

A DIVISION was called by Councillor S Lesslie.

Divisions

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

AGAINST: Councillor S Lesslie

11.3.4. IS - 02/03/2022 - Transport for NSW - Regional Forum

22 -40 RESOLVED

THAT Council:

1. Note the report,
2. Commend Transport for NSW for piloting this new program in Lithgow,

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.4. Water and Wastewater Reports

11.4.1. WWW - 02/03/2022 - Water and Wastewater Report

22 -41 RESOLVED

THAT the report providing an update on various water and wastewater management matters between October 2021 and February 2022 be received.

MOVED: Councillor E Mahony

SECONDED: Councillor S Lesslie

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.5. Finance and Assets Reports

11.5.1. FIN - 02/03/2022 - Superannuation for Councillors

22 -42 RESOLVED

THAT Council make superannuation contribution payments for Councillors from 1 July 2022.

MOVED: Councillor C Coleman

SECONDED: Councillor A Bryce

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.5.2. FIN - 02/03/2022 - 2021/22 Quarter Two Budget Review

22 -43 RESOLVED

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of \$67K surplus for the 2021/22 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 October 2021 to 31 December 2021.
2. Note the remedial actions that are continuing to be implemented during Quarter Three to ensure that Council's projected position at 30 June 2022 is comparable with the original budget.
3. Adopt the income, expenditure and capital budget variations to the 2021/22 Council budget as outlined in the attached report.

MOVED: Councillor D Goodwin

SECONDED: Councillor S M^cGhie

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.5.3. FIN - 02/03/2022 - Investment Report January 2022

22 -44 RESOLVED

THAT

1. Investments of \$29,626,457 and cash of \$405,085 for the period ending 31 January 2022 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 A Bryce

SECONDED: Councillor D Goodwin

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

11.6. Policies and Governance

11.6.1. IS - 02/03/2022 - Review of Policies 10.8 and 10.9

22 -45 RESOLVED

THAT Council adopts and implements policies 10.2 Chain of Responsibility – Roads and 10.8 Sport and Recreation Facilities LGA immediately.

MOVED: Councillor E Mahony

SECONDED: Councillor C O'Connor

CARRIED: Unanimously

Divisions

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

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

Councillor C Coleman raised a matter of the draft Management Plan for the Crown Land Property which the Portland Men's Shed use which is still outstanding.

Management gave advice on the matter.

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

The General Manager assured the Council that a firm timeframe for the plan of management will be established and a letter of comfort to be supplied to the Portland Men's Shed so they can advance their grant.

The Mayor raised the matter of the RSL being subject to a \$400 fee for traffic management for ANZAC Day. The Mayor asked for Council's support for the fee to be waived.

Councillor S Lesslie declared an interest in this matter as he is an associate member of the RSL.

On the basis of the support from the elected Council for this waiver, management gave advice that this will occur.

Councillor S Lesslie requested that:

A report be brought back on the ever increasing dumping of waste at the Hassans Walls Reserve, Dobbs Drift and Newnes Plateau 9the latter two localities added during discussion of the matter.

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

Management will bring back a report.

13. Closed Council

The Mayor asked if there were any objections from the public with regards to the listed reports being in a session of the meeting that is closed to the public.

There were Nil objections.

22 -46 RESOLVED

THAT Council resolve to move into Closed Council to consider the confidential reports as listed in the business paper at 9:28.

MOVED: Councillor S Lesslie
CARRIED

SECONDED: Councillor C Coleman

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 session of the meeting that is closed to the public.

22 -49 RESOLVED

THAT Council resolve to return to open Council and inform the public of the resolutions of the session of the meeting that is closed to the public at 9:45pm.

MOVED: Councillor D Goodwin

SECONDED: Councillor A Bryce

CARRIED: Unanimously

The General Manager read out the resolutions of the Closed Council session of the meeting.

13.1. CONFIDENTIAL REPORT - 02/03/2022 - ECDEV - Gumnut Childcare Centre

22 -47 RESOLVED

THAT

1. Council note the update outlined in this report.
2. Council authorise the General Manager to negotiate and approve the rental and new lease terms, having regard to the matters outlined in this report, if the business is placed on the market for sale.

13.2. CONFIDENTIAL REPORT - IS - 02/03/0222 - Pipers Flat Road / Range Road Intersection Upgrade

22 -48 RESOLVED

THAT Council:

1. In accordance with Clause 178(1) (a) of the Local Government (General) Regulation 2005, accept the tender submission from Dukes Earthmoving Pty Ltd for the Pipers Flat / Range Road, Portland - Intersection Upgrade for the lump sum amount of \$521,425 (ex GST).
2. Note that the project is fully grant funded.
3. Authorise the General Manager to execute the contract on behalf of Council under delegated authority.

There being no further business the Mayor declared the meeting closed at 9:50.