



MINUTES

Ordinary Meeting of Council

held at

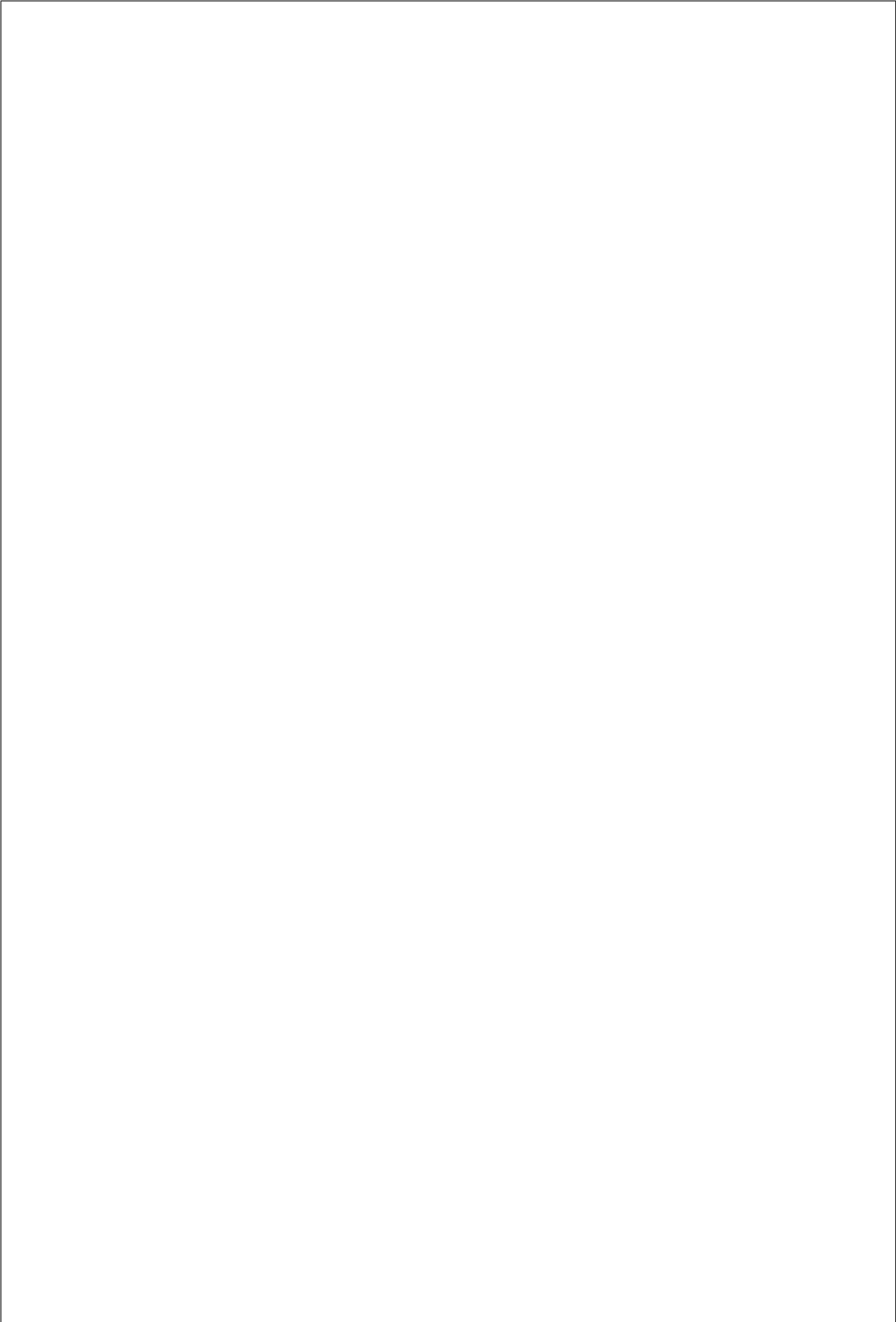
Council Administration Centre

180 Mort Street, Lithgow

on

Monday 28 March 2022

at 7:00 PM



ORDER OF BUSINESS

1. Acknowledgement of Country	3
2. Present	3
3. Apologies	3
4. Declaration of Interest	3
5. Confirmation of Minutes	4
6. Commemorations and Announcements	4
7. Public Forum	4
8. Mayoral Minutes	5
8.1. Mayoral Minute - 28/03/2022 - ANZAC DAY 2022	5
8.2. Mayoral Minute - 28/03/2022 - Lithgow Show 2022	5
8.3. Mayoral Minute - 28/03/2022 - Property Maintenance	6
9. Staff Reports	6
9.1. Economic Development and Environment Reports	6
9.1.1. Building and Development	6
9.1.1.1. ECDEV - 28/03/2022 - DA088/21 - 6 Lot Subdivision - 50 Kirkley Street, South Bowenfels	6
9.1.1.2. ECDEV - 28/03/2022 - Great Western Battery Energy Storage System State Significant Development (SSD 12346552)	7
9.1.1.3. ECDEV - 28/03/2022 - HyTec Quarry Voluntary Planning Contribution 2020	7
9.1.1.4. ECDEV - 28/03/2022 - Section 3.22 Environmental Planning and Assessment Act 1979 - Expedited Amendment of Minimum Lot Size Map LSZ_002 Lithgow LEP 2014	9
9.1.1.5. ECDEV - 28/03/2022 - Environmental Planning and Assessment (Statement of Expectations) Order 2021	9
9.1.2. Economic Development & Environment General Reports	10
9.1.2.1. ECDEV - 28/03/2022 - Support for households in temporary accommodation on bushfire-affected land	10
9.1.2.2. ECDEV - 28/03/2022- Employment Lands Reform - Lithgow translation of the employment zones land use tables	10
9.1.2.3. ECDEV - 28/03/2022 - Draft Standard Instrument LEP Agritourism Amendment Order 2021	11
9.2. Finance and Assets Reports	11
9.2.1. FIN - 28/03/22 - 2022/23 Additional Special Variation	11
9.3. People and Services Reports	12
9.3.1. PS - 28/03/2022 - Community Recovery Officer Quarterly Report	12
9.4. Policies and Governance	12
9.4.1. GM - 28/03/2022 - New Council Designated Person Returns for the period 1 July to 22 December 2021	13
10. Business of Great Urgency	13

The Mayor declared the meeting open at 7:00 pm.

1. Acknowledgement of Country

Acknowledgement of Country

I would like to acknowledge the traditional custodians of this land we are on here today, and pay respect to their elders both past, present and emerging.

Declaration of Webcasting

I 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: 6

Her Worship, Mayor Statham
Councillor A Bryce
Councillor C Coleman
Councillor D Goodsell
Councillor D Goodwin
Councillor S Lesslie
Councillor S McGhie
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
Jonathon Edgecombe, Director Infrastructure Services
Michael McGrath, Director People and Services
Matthew Trapp, Executive Manager Water and Wastewater
Negreeta Nunan, 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 no declarations of interest.

5. Confirmation of Minutes

Councillor A Bryce raised the following administrative errors:

1. Item 11.3.2 within the draft minutes for 2 March 2022 should be modified to reflect accurately Councillor S Lesslie abstaining from voting and therefore record his vote against the motion.
2. Item 9.1 within the draft minutes for 2 March 2022 should be modified to reflect accurately the divisions.

The Mayor stated that the draft minutes for 2 March 2022 will be presented at the next ordinary meeting of Council for confirmation.

MOVED: Councillor C O'Connor
CARRIED: Unanimously

SECONDED: Councillor A Bryce

Divisions

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

AGAINST: Nil

6. Commemorations and Announcements

There were no commemorations or announcements.

7. Public Forum

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

Mr Cameron Churchill made a statement in relation to Item 9.2.1 on the agenda.

Council's General Manager commented on aspects of the ASV, should the Council resolve to apply for such.

The Mayor thanked Mr Churchill for his statement.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Churchill.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

8. Mayoral Minutes

8.1. Mayoral Minute - 28/03/2022 - ANZAC DAY 2022

Report by Mayor – Councillor Maree Statham

22 -51 RESOLVED

THAT Council meet the full cost of providing traffic control services to those organisations responsible for local ANZAC Day commemorative services, including in Lithgow, Portland, Wallerawang and Cullen Bullen.

MOVED: Councillor M Statham

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

8.2. Mayoral Minute - 28/03/2022 - Lithgow Show 2022

22-52 RESOLVED

THAT the committee and sponsors who contribute to the Lithgow Show being a wonderful community event be thanked.

MOVED: Councillor M Statham

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

8.3. Mayoral Minute - 28/03/2022 - Property Maintenance

22.53 RESOLVED

THAT Council's commitment to city pride be re-affirmed and steps be taken to ensure that the government and private landlords are doing their bit to convey a positive impression of Lithgow.

MOVED: Councillor M Statham

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9. Staff Reports

9.1. Economic Development and Environment Reports

9.1.1. Building and Development

9.1.1.1. ECDEV - 28/03/2022 - DA088/21 - 6 Lot Subdivision - 50 Kirkley Street, South Bowenfels

22 -54 RESOLVED

THAT

1. Development Application DA088/21 be APPROVED subject to conditions of consent as shown in the attached planning assessment report.
2. Council endorse the attached Draft Voluntary Planning Agreement proposed for DA088/21.
3. The Draft Voluntary Planning Agreement for DA088/21 be placed on public exhibition for a period of 28 days.
4. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor C O'Connor

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9.1.1.2. ECDEV - 28/03/2022 - Great Western Battery Energy Storage System State Significant Development (SSD 12346552)

22 -55 RESOLVED

THAT Council:

1. Note the information provided in the report for the Great Western Battery Energy Storage System State Significant Development (SSD 12346552).
2. Delegate authority to the General Manager to negotiate a Voluntary Planning Agreement for funds to be secured for community/public facilities and/or infrastructure. The results of any negotiations will be reported to Council.

MOVED: Councillor S McGhie

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9.1.1.3. ECDEV - 28/03/2022 - HyTec Quarry Voluntary Planning Contribution 2020

MOTION

THAT Council:

1. Endorse the remaining \$15,507.00 of the Hy-Tec Quarry 2020 contribution to be allocated and distributed to the following projects/initiatives:
 - a) Hartley Vale Mount Blaxland Reserve Land Manager (Picnic Shelter)
 - b) St John's Anglican Church Hartley (Replacement of Damaged Roof)
 - c) The Hartley Recreation Reserve Land Manager (BBQ Facilities)
2. Advise the Hartley Historic Site Advisory Committee (Display Project) and the Hartley Vale Mount Blaxland Reserve Land Manager (Reconstruction of Driveway and Carparking area) that their applications were unsuccessful in this round, however, will automatically be reconsidered in the next round of the funding.
3. Hy-Tec – Voluntary Planning Agreement to be presented to a Councillor Information Session prior to consideration of reviewing the allocation and report back to Council.

MOVED: Councillor C Coleman

SECONDED: Councillor S McGhie

CARRIED:

Divisions

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

AGAINST: Councillor D Goodwin

Councillor D Goodsell moved an amendment after the Motion was PUT.

AMENDMENT

THAT Council:

1. Endorse the remaining \$15,507.00 of the Hy-Tec Quarry 2020 contribution to be allocated and distributed to the following projects/initiatives:
 - a. Hartley Vale Mount Blaxland Reserve Land Manager (Picnic Shelter \$7,557.00
 - b. St John's Anglican Church Hartley (Replacement of Damaged Roof) \$2,000.00
 - c. The Hartley Recreation Reserve Land Manager (BBQ Facilities) - \$5,950.00
2. Advise the Hartley Historic Site Advisory Committee (Display Project) and the Hartley Vale Mount Blaxland Reserve Land Manager (Reconstruction of Driveway and Carparking area) that their applications were unsuccessful in this round, however, will automatically be reconsidered in the next round of the funding.
3. Hy-Tec Voluntary Planning Agreement to be presented to a Councillor Information Session prior to consideration of reviewing the allocation and report back to Council.

MOVED: Councillor D Goodsell

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

The Amendment was PUT and became the Motion.

22 -56 RESOLVED

THAT Council:

1. Endorse the remaining \$15,507.00 of the Hy-Tec Quarry 2020 contribution to be allocated and distributed to the following projects/initiatives:
 - a) Hartley Vale Mount Blaxland Reserve Land Manager (Picnic Shelter) - \$7,557.00
 - b) St John's Anglican Church Hartley (Replacement of Damaged Roof) - \$2,000.00
 - c) The Hartley Recreation Reserve Land Manager (BBQ Facilities) - \$5,950.00
2. Advise the Hartley Historic Site Advisory Committee (Display Project) and the Hartley Vale Mount Blaxland Reserve Land Manager (Reconstruction of Driveway and Carparking area) that their applications were unsuccessful in this round, however, will automatically be reconsidered in the next round of the funding.
3. Hytec - Voluntary Planning Agreement to be presented to a Councillor Information Session prior to consideration of reviewing the allocation and report back to Council.

MOVED: Councillor D Goodsell

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9.1.1.4. ECDEV - 28/03/2022 - Section 3.22 Environmental Planning and Assessment Act 1979 - Expedited Amendment of Minimum Lot Size Map LSZ_002 Lithgow LEP 2014

22 -57 RESOLVED

THAT

1. Council apply for an expedited amendment of the Lithgow Local Environmental Plan 2014 under Section 3.22 of the EP&A Act, 1979, to rectify the Minimum Lot Size as described in the legend of 4870_COM_LSZ_002_160_20210824 from 2,200 sqm to 2,000 sqm.
2. 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 C O'Connor

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

9.1.1.5. ECDEV - 28/03/2022 - Environmental Planning and Assessment (Statement of Expectations) Order 2021

22 -58 RESOLVED

THAT Council note the information provided on the Minister's Environmental Planning and Assessment (Statement of Expectations) Order 2021.

MOVED: Councillor A Bryce

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9.1.2. Economic Development & Environment General Reports

9.1.2.1. ECDEV - 28/03/2022 - Support for households in temporary accommodation on bushfire-affected land

22 -59 RESOLVED

THAT Council:

1. Note that of the 54 houses lost in the Lithgow LGA in the 2019/20 Summer bushfires, Council has received a total of 14 development applications for dwelling rebuilds and has issued 14 Development Consents; one dwelling has been rebuilt and occupied with Council approval and ten dwellings remain under construction.
2. Note that the Department of Planning, Industry and Environment relaxed occupation of land for bushfire-affected households to allow them to live in temporary accommodation on their bushfire-affected land for up to two years.
3. Acknowledge that a small number of households affected by the 2019/20 Summer bushfires continue to live on their land in temporary accommodation with limited financial, physical, psychological and emotional means to progress redevelopment.
4. Acknowledge the critical shortage of trades and materials and limited affordable alternative accommodation in the Lithgow LGA.
5. Support residents of bushfire-affected households occupying their bushfire-affected property and not progress compliance action in relation to occupation of temporary accommodation on that land for a two-year period from 1 April 2022, providing that:
 - a) their dwelling was destroyed or severely damaged in the 2019/20 Summer bushfires;
 - b) their land has a dwelling entitlement;
 - c) they are temporarily occupying their land under the provisions of the NSW Government's exemption for bushfire-affected people;
 - d) they are not adversely affecting neighbouring properties;
 - e) the occupation of the property does not present a material risk to the environment;
 - f) the occupation of the property does not present a material health and safety risk;
 - g) they have no reasonable prospect of alternative affordable accommodation in the local area; and
 - h) they are actively working with Council to progress permanent occupation under a valid development consent.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

9.1.2.2. ECDEV - 28/03/2022- Employment Lands Reform - Lithgow translation of the employment zones land use tables

22 -60 RESOLVED

THAT:

1. Council endorse the NSW Government Translation of the employment zones land use tables – Lithgow LEP 2014 land use tables (Version 2.0) for public exhibition.
2. A further report be provided to Council following the public exhibition process detailing the submissions received in relation to Lithgow LEP 2014 proposed amendments.
3. A **DIVISION** be called in accordance with the requirements of Section 375A (3) of the Local Government Act, 1993.

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9.1.2.3. ECDEV - 28/03/2022 - Draft Standard Instrument LEP Agritourism Amendment Order 2021

22 -61 RESOLVED

THAT:

1. Council note the report on the Draft Standard Instrument (Local Environmental Plans Amendment (Agritourism) Order 2021.
2. Council endorse the nomination to include the optional clauses Cl5.23 and Cl 5.24 into Lithgow Local Environmental Plan 2014 including the nominated numerical standards outlined (in red) in the Technical Detail paper attached to this report.
3. Council endorse the nomination of the RU1 Primary Production and RU2 Rural landscape zone to permit 'agritourism' land uses.
4. 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 E Mahony

CARRIED: Unanimously

Divisions

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

AGAINST: Nil

9.2. Finance and Assets Reports

9.2.1. FIN - 28/03/22 - 2022/23 Additional Special Variation

22 -62 RESOLVED

THAT Council:

1. Apply to the NSW Independent Regulatory and Independent Pricing Tribunal for a 2.5% one-off (permanent) special variation under section 508 (2) of the NSW Local Government Act – being for the specific purpose of ensuring that Council has sufficient funds to meet its obligations as identified in its LTFP for 2022/23 and future years.
2. Note that the additional income that Council will receive if the special variation is approved is calculated at **\$346,204** increase on the 2021/22 Notional Yield.
3. In adopting the above positions, has considered the impact on ratepayers and the community in 2022-23 and in future years if the special variation is approved and considers that it is reasonable, on the basis that the special variation does not increase rates beyond the CPI.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED:

Divisions

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

AGAINST: Councillor S Lesslie

9.3. People and Services Reports

9.3.1. PS - 28/03/2022 - Community Recovery Officer Quarterly Report

22 -63 RESOLVED

THAT Council note the Community Recovery Officer report for the period November 2021 – February 2022.

MOVED: Councillor E Mahony

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

9.4. Policies and Governance

9.4.1. GM - 28/03/2022 - New Council Designated Person Returns for the period 1 July to 22 December 2021

22 -64 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 2021 to 22 December 2021 from all Councillors – as tabled by the General Manager at this Meeting..

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 Lesslie, Councillor S McGhie, Councillor E Mahony and Councillor C O'Connor

AGAINST: Nil

10. 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 A Bryce raised a matter in regard to LINC requiring short term accommodation for 2-3 weeks whilst undergoing renovations of their Council owned building.

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. Council administration will address this matter.

Councillor D Goodwin left the meeting at 8:00 pm.

Councillor D Goodwin returned to the meeting at 8:03 pm.

Councillor A Bryce left the meeting at 8:03pm.

Councillor A Bryce returned to the meeting at 8:06 pm.

Councillor C Coleman sought advice on the status of local roads in the upcoming Easter period.

Management gave advice on the matter.

There being no further business the Mayor declared the meeting closed at 8:08 pm.

DRAFT