



MINUTES

Ordinary Meeting of Council

held at

Council Administration Centre

180 Mort Street, Lithgow

on

Monday 23 May 2022

at 7:00 PM

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The Mayor declared the meeting open at 7:00 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: 8

Her Worship the Mayor Councillor M Statham
Councillor A Bryce
Councillor C Coleman
Councillor D Goodsell (arrived 7:07PM)
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 Edgcombe, Director Infrastructure Services
Matthew Trapp, Executive Manager Water and Wastewater
Trinity Newton, Minutes Secretary

3. Apologies

All being present there were no apologies.

The General Manager noted that Councillor D Goodsell will be arriving late.

4. Declaration of Interest

The Mayor advised that Councillors now have the opportunity to declare any interests in items on the agenda and inform the Council and public if they will be leaving the Chambers during the debate, and whether they will be voting on the item.

The Mayor called for any declarations of interest.

There were no declarations of interest.

5. Confirmation of Minutes

Confirmation of the Minutes of the Ordinary Meeting of Council held ### 2022.

22 -91 RESOLVED

The Minutes of the Ordinary Meeting of Council held on the 26 April 2022 were taken as read and confirmed.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

6. Commemorations and Announcements

On behalf of Lithgow City Council the Mayor expressed sincere sympathy and condolences to families who have lost loved ones since the last council meeting.

Councillor C Coleman recognised the passing of past Council worker Mr Norman Ford.

Councillor C Coleman congratulated Minister Andrew Gee on his re-election to the seat of Calare.

Councillor S Lesslie asked if the Mayor would apologise to Mr Peter Watson of 2LT for statements made at the Ordinary Meeting of Council held 26 April 2022.

The Mayor stated that she apologised profusely to Mr Peter Watson.

7. Public Forum

Any person registered to speak during Public Forum on a matters included in the business paper and registered via the Council website prior to 12 Noon on the day of the meeting will have the opportunity to speak. There will be only two speakers for and against, on each matter on the business paper.

Public forum will be allocated half an hour time in total with each speaker having 3 minutes to speak.

Speaker not registered for public forum will have an opportunity to speak on matters on the business paper if time permits.

At 7:04pm members of the public gallery were invited to participate in the Public Forum Session.

Mr Martin Smith made a statement in relation to the Lithgow City Council "Our Place our Future " and specifically the need to address the flooding issues on Main Street Lithgow, near Cupro Street.

Councillor D Goodsell entered the Chambers at 7:07PM.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Martin Smith.

MOVED: Councillor C Coleman

SECONDED: Councillor E Mahony

CARRIED

The Mayor thanked Mr Smith for his statement.

The Administration gave advice on the matter, indicating that Council was actively pursuing the issues and MR Smith's comments would be treated as a submission to Council's exhibition plans.

8. Mayoral Minutes

8.1. Mayoral Minute - 23/05/2022 - Opera Gala Event

Report by Mayor – Councillor Maree Statham

22 -92 RESOLVED

THAT the Mayoral Minute about the Opera Gala event be noted.

MOVED: Councillor M Statham

SECONDED: Councillor D Goodsell

CARRIED

9. Staff Reports

9.1. General Manager's Reports

9.1.1. GM - 23/05/2022 - Western Sydney Regional Organisation of Councils (WSROC) and the Central NSW Joint Organisation (CNSWJO).

The Mayor directed Councillor S McGhie to direct any comments through the Chair.

The Mayor asked Councillor S Lesslie to refrain from making derogatory comments.

Councillor S Lesslie called a Point of Order as he had made no derogatory comments.

The Mayor made no ruling on the Point of Order.

22 -93 RESOLVED

THAT Lithgow City Council:

1. Give six months notice of intention to discontinue membership with WSROC.
 2. Report to be brought back identifying the material benefits to be gained from joining the Central NSW Joint Organisation (CNSWJO) including the cost per annum.
-

MOVED: Councillor D Goodsell

SECONDED: Councillor C Coleman

CARRIED

9.2. Economic Development and Environment Reports

9.2.1. Building and Development

9.2.1.1. ECDEV - 23/05/2022 - DA070/22 - Geotechnical Investigation Works - Call In

Councillor A Bryce called a Point of Order on Councillor E Mahony for the purpose of confining debate to the report and the particular development application, not the broader project.

The Mayor upheld the Point of Order.

22 -94 RESOLVED

THAT the calling in of Development Application DA070/22 for geotechnical investigation works adjacent to Lake Lyell and Mount Walker be noted.

MOVED: Councillor D Goodsell

SECONDED: Councillor A Bryce

CARRIED

9.2.1.2. ECDEV - 23/05/2022 DA045/22 Proposed Exeloo Toilet & Retaining Wall - 'Greg Featherstone PARK', Bathurst Street Rydal

22 -95 RESOLVED

THAT the calling in of Development Application DA045/22 be noted.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

CARRIED

A **DIVISION** was called by Councillor S Lesslie

Divisions

FOR: Councillor M Statham, Councillor D Goodsell, Councillor S Lesslie, Councillor S McGhie and Councillor E Mahony

AGAINST: Councillor A Bryce, Councillor D Goodwin and Councillor C O'Connor

9.2.2. Economic Development & Environment General Reports

9.2.2.1. ECDEV - 23/05/22 - Lithgow Area Women's Shed

22 -96 RESOLVED

THAT Council:

1. Provide in principle support to the proposal by Lithgow Area Women's Shed to use part of Tony Luchetti Showground to construct a multi-purpose facility incorporating a women's shed, subject to consultation with users of the site and fulfilment of the requirements outlined in the report.
2. Adopt the principle that the overall cost of maintaining building assets will not increase by way of realising this proposed building within Council's asset register and financial accounts.
3. Receive a further report at a later stage identifying how the cost of recurrently maintaining this asset will be offset by savings (most likely in the area of building assets maintenance).

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

9.2.2.2. ECDEV - 23/05/2022 - Acquisition by Transport for NSW

22 -97 RESOLVED

THAT Council authorise the General Manger to do all things necessary to give effect to the transfer of 36m2 area to Transport for NSW for the purpose of the Great Western Highway Upgrade at no cost to Council.

MOVED: Councillor A Bryce

SECONDED: Councillor C O'Connor

CARRIED

9.2.2.3. ECDEV - 23/05/2022 - Funding Agreement Streets as Shared Spaces

22 -98 RESOLVED

THAT Council:

1. Approve an exemption from tendering requirements under S55 (3) (i) of the Local Government Act 1993 for Silver Bullet Projects to undertake the 'Made in Lithgow' lighting installation for the following reason:
 - due to the specialised expertise in lighting required to undertake the project, competitive or reliable tenderers would be unavailable and a satisfactory result would not be achieved by inviting tenders.
2. Approve the Silver Bullet Projects proposal submission in the amount of \$319,590 (excluding GST) for the 'Made in Lithgow' lighting installation and authorise the General Manager to execute the contract on behalf of Council under delegated authority.
3. Note that the grant funding agreement with NSW Department of Planning & Environment will be executed by the General Manager and the timeline for the project confirmed upon Council's approval of the tendering exemption.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED

9.3. Infrastructure Services Reports

9.3.1. IS - 23/05/2022 - Road Renaming - Section of Caroline Avenue, Bowenfels

22 -99 RESOLVED

That in accordance with Council's Addressing Policy, Council advertise the road re-naming of the western section of Caroline Avenue as "Farmers Close" in the 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 are submitted, Council proceed with the gazette process of the re-naming and notify all resident and emergency authorities accordingly.
- b. If submissions against the proposal are submitted, a report is furnished to the next available Council meeting.

MOVED: Councillor A Bryce

SECONDED: Councillor S McGhie

CARRIED

9.3.2. IS - 23/05/2022 - Rural Streetscapes - Private Works and Upgrades

22 -100 RESOLVED

That Council:

1. Expand Policy 10.5 - Footpath Reservations – Works Requirements to apply to rural roadsides, allowing the clearing and grassing of reserves adjacent to private property so long as environmental and drainage impacts are neutral or positive, and
2. The amended policy 10.5 be brought back to Council for public exhibition and Council consideration.
3. Planting of trees in areas of 80kms or less, be no more than 7m from the road edge, no less than 10m between each tree.

MOVED: Councillor S McGhie

SECONDED: Councillor E Mahony

CARRIED

Cr Lesslie called a Point of Order stating that with the recent adoption of the Code of Meeting Practice, the names of Councillors who have voted for or against are not required to be identified.

The Mayor noted this and continued the meeting.

9.3.3. IS - 23/05/2022 - Lithgow roads Renewal- Rain Event damage

22 -101 RESOLVED

THAT Council:

1. Formally convey appreciation to the government funding bodies who have supported these critical disaster recovery works.
2. Accept the quoted prices and schedule of rates from Bernipave Road Services for large scale asphalt patching.
3. Accept the schedule of rates submitted by T & L Asphalt for small-scale asphalt patching.

4. Depending on availability and urgency of works, accept the schedule of rates from Bernipave Road Solutions, Downer EDI and T & L Asphalts for use for road repairs as required until 31 December 2022.

MOVED: Councillor E Mahony

SECONDED: Councillor S McGhie

CARRIED

9.4. Finance and Assets Reports

9.4.1. FIN - 23/05/2022 - 2021/22 Quarter Three Budget Review

22 -102 RESOLVED

THAT Council:

1. Note the contents of the report and the projected consolidated operating result (before capital) of \$707K surplus for the 2021/22 Operational Plan as detailed in the Quarterly Budget Review Report for the period 1 January 2022 to 31 March 2022.
2. Note the remedial actions that are continuing to be implemented during Quarter Four 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 Goodsell

SECONDED: Councillor D Goodwin

CARRIED

9.4.2. FIN 23/05/2022 - Investment Report April 2022

22 -103 RESOLVED

THAT

1. Investments of \$33,236,930 and cash of \$513,390 for the period ending 30 April 2022 be noted by Council.
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 O'Connor

SECONDED: Councillor A Bryce

CARRIED

9.4.3. FIN - 23/05/2022 - Sewer Fund Dividend for 2020/21 Year

22 -104 RESOLVED

THAT Council:

1. Note the achievement of substantial compliance with each of the best practice guidelines (NSW Best Practice Management Guidelines for Water Supply and Sewerage) of:
 - (a) Strategic Business Planning
 - (b) Pricing
 - (c) Water Conservation
 - (d) Drought Management
 - (e) Performance Reporting
 - (f) Integrated Water Cycle Management
2. Authorise the application to the NSW Government for approval to pay a dividend of \$134,680 to the General Fund from the surplus in the Sewerage Fund for the 2020/21 financial year.
3. Allocate the surplus to a general fund unrestricted reserve to complete the building of a \$1M working capital fund.

MOVED: Councillor A Bryce

SECONDED: Councillor D Goodsell

CARRIED

9.4.4. FIN 23/05/22 - Lithgow ARIC - Independent Member Appointment

22 -105 RESOLVED

THAT Council appoint Ron Gillard as an independent voting member of the Lithgow Council Audit Risk and Improvement Committee (ARIC) for a four-year term, in accordance with the ARIC Terms of Reference.

MOVED: Councillor C Coleman

SECONDED: Councillor D Goodsell

CARRIED

9.4.5. FIN - 23/05/2022 - Local Government Remuneration Tribunal Determination 2022

22 -106 RESOLVED

THAT Council:

1. Set the remuneration in 2022/23 for Councillors at \$11,567.
2. Set the remuneration in 2022/23 for the Mayor \$24,495.
3. Set the 2022/23 car lease payable by the Mayor at nil.

MOVED: Councillor C O'Connor

SECONDED: Councillor S McGhie

CARRIED

Councillor Lesslie foreshadowed motion

Foreshadowed Motion

That Lithgow Council write to the Minister for Local Government and place this as an agenda item for the next LGNSW Conference requesting that all Councillors and Mayors, throughout the State, be paid the same remuneration and that the remuneration be set by the Local Government Remuneration Tribunal.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

LOST

9.5. Policies and Governance

9.5.2. FIN - 23/05/2022 - Procurement Policies - 1.7 Local Procurement & 1.4 Tendering

22 -107 RESOLVED

THAT Council:

1. Endorse the removal of the “minimum period of twelve (12) months” requirement from the local supplier definition in Policy 1.7 Local Procurement Policy and that the change to the policy be implemented with immediate effect as it is a minor amendment to the policy and thus does not require public exhibition.
2. Adopt updated Policy 1.4 Tendering with immediate effect as there have only been minor changes to the policy.

MOVED: Councillor C O'Connor

SECONDED: Councillor A Bryce

CARRIED

10. Council Committee Reports

10.1. FIN - 23/05/2022 - Finance Committee Meeting Minutes - 20 April 2022

22 -108 RESOLVED

THAT Council:

1. Adopt the minutes of the Finance Committee meeting held on 20 April 2022 and note the items not requiring a resolution of Council.
2. Endorse the recommendations proposed in the Council Investment Report for March 2022.
3. Endorse the amended 2022 Finance Committee Terms of Reference included as an attachment to this report.

MOVED: Councillor D Goodsell

SECONDED: Councillor E Mahony

CARRIED

10.2. IS - 10/05/2022 - Operation Committee Meeting Minutes - 21 April 2022

Motion

THAT Council:

1. Note the Minutes of the Operations Committee held on 21st April 2022; and
2. Maintain the status quo of the Operations committee as per the previous Council.

MOVED: Councillor C Coleman

SECONDED: Councillor S Lesslie

Councillor S McGhie called a Point of Order as Councillor S Lesslie as he believed that the commentary was not related to the current matter.

The Mayor upheld the Point of Order.

Amendment

That Council

1. Note the Minutes of the Operations Committee held on 21st April 2022; and
2. Endorse the updated Terms of Reference for the Operations Committee.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED

The Amendment was PUT and became the Motion

A DIVISION was called by Councillor S Lesslie

Divisions

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

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

22 -109 RESOLVED

That Council

1. Note the Minutes of the Operations Committee held on 21st April 2022; and
2. Endorse the updated Terms of Reference for the Operations Committee.

MOVED: Councillor D Goodsell

SECONDED: Councillor D Goodwin

CARRIED

A DIVISION was called by Councillor S Lesslie

Divisions

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

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

11. Business of Great Urgency

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

Councillor D Goodsell requested an update on the MRI machine at Lithgow District Hospital.

The Mayor ruled that this was not business of great urgency but advised that she had been briefed that the MRI machine would be operating later this year.

Councillor C Coleman requested an update on the matter of diesel noise on Inch Street which was raised by the McCullough's.

The Mayor ruled that this was not business of great urgency.

There being no further business the Mayor declared the meeting closed at 8:50 pm.