



LITHGOW CITY COUNCIL

MINUTES

EXTRA ORDINARY

MEETING OF COUNCIL

HELD ON

16 NOVEMBER 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 16TH NOVEMBER 2009**

Meeting Commenced 6.30PM

Public Gallery: NIL

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor M F Ticehurst
Councillor J J McGinnes
Councillor W Marshall
Councillor H K Fisher
Councillor C Hunter
Councillor R Thompson

APOLOGIES

An apology was received and accepted from Councillor W McAndrew and Councillor Danaher

Moved: Councillor H K Fisher **Seconded:** Councillor W Marshall

09-479 RESOLVED

CARRIED

Also in attendance

General Manager, Mr Roger Bailey
Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Suzanne Lollback
Acting Group Manager Operations, Mr Iain Stewart
Acting Finance Manager, Mr James Ovenstone

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

NIL

QUESTIONS FROM THE PUBLIC GALLERY

At 6.31pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

PF - 16/11/09 - ROSIE WARD

1. Speaking as the Vice President of the Portland Development Association and seeking Council support and funding under the RLCIP program for a Rotunda in Portland.

PF - 16/11/09 - ANN WELLS

1. Thanking Council for considering a Liberty Swing for Lithgow and encouraging Council to support it.

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REGIONAL SERVICES REPORTS

ITEM:1 REG - CONFIDENTIAL REPORT - 16/11/09 - WALLERAWANG
 QUARRY CONFIDENTIAL

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

REFERENCE

Min No 09-449 - Ordinary Meeting of 2 November 2009.

SUMMARY

To advise Council on the results of legal advice in relation to the proposed quarry at Wallerawang.

09-480 RESOLVED

THAT Council defer this report to after the RLCIP report has been considered.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor W Marshall

**ITEM:2 REG - 16/11/09 - REGIONAL AND LOCAL COMMUNITY
INFRASTRUCTURE GRANTS - ROUND 2**

REPORT FROM: PROJECT CO-ORDINATOR – LEANNE KEARNEY

REFERENCE

Minute 09-440 - Ordinary Meeting 2 November 2009

SUMMARY

This report provides details on proposed additional projects seeking funding available under the Regional and Local Community Infrastructure Programme (Round 2), and recommends projects to be included in Council's submission which must be completed by 31 December 2010.

COMMENTARY

At Council's Ordinary meeting held on Monday, 2 November 2009, Council resolved to allocate the distribution of funds from the Regional and Local Community Infrastructure Programme Round 2 funding to:

- \$40,000 for upgrading of play equipment at Queen Elizabeth Park, Lithgow;
- \$30,000 for upgrading of play equipment at Kremer Park, Portland;
- \$3,000 for accessibility upgrades at Lithgow Croquet Club, Lithgow;
- \$50,000 for upgrading at Marjorie Jackson Oval, Lithgow; and
- \$15,000 for upgrading at Hermitage Hall, Lithgow.

Further investigations have been undertaken on projects that could be funded from the remaining unallocated \$70,000, including the following:

- Variety Liberty Swing – the Liberty Swing is a revolutionary design in play equipment for people with disabilities, and allows children in wheelchairs the opportunity to enjoy the fun and recreation of swinging. This swing can be provided by the Variety Club; however, installation costs of \$15,000 will need to be met by Council. It appears feasible for this swing to be installed in conjunction with the planned upgrading of play equipment.
- Additional accessibility improvements at the Lithgow Croquet Club, Lithgow, to ensure compliance with the Building Code of Australia for access from the Clubhouse to the playing fields, as well as improvements to the amenity allowing disabled access, costing an additional \$5,000;
- Meadow Flat Hall – An amount of \$10,000 is included in the 2009/2010 budget for the Meadow Flat Hall. An additional \$50,000 could provide a more significant refurbishment that would make the facility useable.
- Gateway Signage – signs welcoming visitors to the Lithgow Local Government Area located on the major vehicular entry and exit routes of the Lithgow Local Government Area, being the Great Western Highway at Little Hartley and Meadow Flat, Bells Line of Road at Dargan, Castlereagh Highway north of Capertee and Jenolan Caves Road at Hampton. A contribution of \$20,000 for this signage has been put forward as a staff suggestion.
- Playground equipment Rydal – basic equipment could be installed for around \$20,000 although at this stage there is still a question of an appropriate location.

Preliminary discussions with representatives from the Department of Infrastructure, Transport, Regional and Local Government have not provided a clear direction as to whether the Gateway Signage proposal will be eligible for funding.

Council officers have been able to undertake costing options for the South Littleton Hall. The details are separately attached to the business paper.

To enable Council to make a submission before the closing date of 20 November, 2009, it is recommended that Council's full submission include the following projects, in order of preference:

- Upgrade play equipment at Queen Elizabeth Park (Including an additional \$15,000 for installation of Variety Liberty Swing) – \$55,000;
- Upgrade play equipment at Kremer Park - \$30,000;
- Marjorie Jackson Oval (seating and shade cover, extension of canteen awning and construction of new amenities on far end of fields) - \$50,000;
- Accessibility upgrade Lithgow Croquet Club - \$8,000 (ie an additional \$5,000);
- Hermitage Hall - \$15,000;
- Meadow Flat Hall Refurbishment - \$50,000.

The following items could be placed on a 'reserve list' in the event that any of the submitted projects are not accepted or cannot proceed for any reason:

- Gateway Signage - \$20,000;
- Watsford Oval Cricket Training Nets - \$70,000;
- Rydal Playground Equipment - \$20,000

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil – the programme does not require a contribution from Council.

LEGAL IMPLICATIONS

Nil.

RECOMMENDATION

THAT

1. In addition to the allocations resolved by Council at its Ordinary Meeting of 2 November 2009 the following additional items be allocated RLCIP Round 2 funding:
 - Installation of Variety Club Liberty Swing at Queen Elizabeth Park – \$15,000;
 - Accessibility upgrade Lithgow Croquet Club – additional \$5,000;
 - Meadow Flat Hall Refurbishment - \$50,000
2. The following items be placed on a 'reserve list' in the event that any of the submitted projects are not accepted or cannot proceed:
 - Gateway Signage - \$20,000;
 - Watsford Oval Cricket Training Nets - \$70,000.
 - Rydal Playground Equipment - \$20,000

09-481 RESOLVED

THAT:

1. In addition to the allocations resolved by Council at its Ordinary Meeting of 2 November 2009 the following additional items be allocated RLCIP Round 2 funding:
 - Installation of Variety Club Liberty Swing at Queen Elizabeth Park – \$15,000;
 - Accessibility upgrade Lithgow Croquet Club – additional \$5,000;
 - Meadow Flat Hall Refurbishment - \$50,000
2. The following items be placed on a 'reserve list' in the event that any of the submitted projects are not accepted or cannot proceed:
 - Gateway Signage - \$20,000;
 - Watsford Oval Cricket Training Nets - \$70,000.
 - Rydal Playground Equipment - \$20,000
3. Council refer to the budget process the consideration of \$10,000 for Rotunda in Portland.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

CARRIED

**ITEM:1 REG - CONFIDENTIAL REPORT - 16/11/09 - WALLERAWANG
 QUARRY CONFIDENTIAL**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

Reason for Confidentiality

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REFERENCE

Min No 09-449 - Ordinary Meeting of 2 November 2009.

SUMMARY

To advise Council on the results of legal advice in relation to the proposed quarry at Wallerawang.

09-482 RESOLVED

THAT Council refer this report to Closed Council.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

The General Manager advised that Council was to consider the Closed Report in accordance with Section 10A(2)(g) of the Local Government Act 1993 and that the opportunity exists for those members, of the public to make submission as to why council should not consider the matter in Closed Council.

NIL submissions were received.

09-483 RESOLVED

THAT at 6.46pm the Council resolved to move into closed Council.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

CLOSED REPORTS

**ITEM:1 REG - CONFIDENTIAL REPORT - 16/11/09 - WALLERAWANG
 QUARRY CONFIDENTIAL**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

Reason for Confidentiality

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09-484 RESOLVED

THAT:

1. The information on legal advice obtained in relation to the proposed quarry at Wallerawang be received.
2. A copy of the legal advice be provided to the NSW Department of Planning.
3. A further report be brought to Council upon receipt of the Department of Planning position in relation to the possible lapsing of consent.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

09-485 RESOLVED

THAT Councillor H K Fisher replace Councillor Moran on the Wallerawang Quarry Community Consultative Committee.

MOVED: Councillor R Thompson
CARRIED

SECONDED: Councillor W Marshall

2. Councillor N L Castle be the alternative member on the Committee.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor R Thompson

09-486 RESOLVED

At 6.56pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor W Marshall

SECONDED: Councillor H K Fisher

CARRIED

**ITEM:3 REG - 16/11/09 - NOMINEE TO WALLERAWANG QUARRY
COMMUNITY CONSULTATIVE COMMITTEE**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Finance and Services Meeting of 3 March 2008

SUMMARY

To seek a Councillor nominee for the Wallerawang Quarry Community Consultative Committee.

COMMENTARY

Council is in receipt of correspondence from Sparke Helmore Lawyers on behalf of Walker Quarries seeking a nomination to the Community Consultative Committee for the Quarry. Some Councillors may recall a resolution of its Finance and Services meeting of 3 March 2008:

“THAT:

1. Councillor B S Moran be elected as the Council representative on the Community Consultative Committee for the Wallerawang Quarry operations.
2. The Mayor, Neville Castle be nominated as the alternative representative.”

With the election of the new Council it will be necessary to nominate a Councillor to the committee.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The Community Consultative Committee and a Council representative are requirements of the Quarry Development Consent.

RECOMMENDATION

THAT a Councillor be nominated to sit on the Wallerawang Quarry Community Consultative Committee.

09-487 RESOLVED

THAT Council adopt the recommendations of the closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W Marshall

CARRIED

Meeting closed at 7.01pm