



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

01 MARCH 2010

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 1 MARCH 2010**

Meeting Commenced 7.00pm

Public Forum: 62

PRESENT

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

APOLOGIES

An apology was received from and leave of absence granted to Councillor G Danaher who is out of the City on business.

An apology was received from and leave of absence granted to Councillor H K Fisher who is out of the City on personal business.

MOVED Councillor W McAndrew **SECONDED** Councillor R Thompson
CARRIED

Also in attendance

Mr Roger Bailey, General Manager
Mrs Kim Neilson, Minutes Secretary
Mr Andrew Muir, Group Manager Regional Services
Ms Suzanne Lollback, Group Manager Community and Corporate Services
Mr Iain Stewart, Acting Group Manager Operation Services
Mrs Carol Farnsworth, Internal Services Manager

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 8 February 2010 were taken as read and confirmed by Councillors W Marshall and W McAndrew

DECLARATION OF INTEREST

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

Councillor W Marshall declared a Non Pecuniary conflict of interest in items 3, 5 & 7, due to his brother being on the committee of the Lithgow Golf Club. He will not vacate the Chambers and will take part in the debate and will vote.

Councillor W McAndrew declared a Pecuniary conflict of interest in items 3, 5 & 7, due to his wife being an employee of the Lithgow Golf Club. He will vacate the Chambers.

Councillor R Thompson declared a Non Pecuniary conflict of interest in items 3, 5 & 7 due to the close proximity of his residents to the Golf Club. He will not vacate the Chambers and will take part in the debate and will vote.

QUESTIONS FROM THE PUBLIC FORUM

At 7:02pm Members of public gallery were invited to participate in the Public Forum Session.

Peter Watson from 2LT

Mr Watson requested permission to tape the Public Forum Session.

10-48 RESOLVED

THAT the public forum participants be asked if they consented to the taping of the proceedings of the meeting.

MOVED Councillor M Ticehurst

SECONDED Councillor JJ McGinness

Steven Barnes

No objection to being recorded.

Why has works to the carpark at the Lithgow Croquet Club not been started? There is \$2,000 in a budget for this works to be done. The grant was for \$5,000. What else is going to be done with the extra \$3,000. Why did Council mislead the public regarding the Sports Advisory Committee.

The Mayor advised that Council had been advised that Mr Triming was the spokesperson on behalf of the Lithgow Croquet Club and that all dealings had been conducted through him. The additional works spoke of were either subject to Council's RLCIP application or 2010/11 budget deliberations .

Ian Litchfield

No objection to being recorded.

Mr Litchfield's son has prepared a paper with some of the issues that are important in the septic safe debate. A copy of the paper was tabled at the meeting. The points raised in the letter should be considered.

Sally Taylor, President of the Lithgow Business Association

No objection to being recorded.

Item No 20 – Strategic Business Clusters Program, and the recommendations associated with this item.

The LBA executive would be grateful for any assistance offered by Council in applying for the subject grants, and would be only too happy to work in conjunction with the Council in achieving a successful outcome.

The Business network Support Program is available for the following initiatives:

- Researching information on markets and opportunities and other services that help members gain and maintain competitive advantage.
- Promoting new business practices and technology through seminars and workshops.
- Promoting member capability through the use of website and promotional material.

Should the grant applications be successful the LBA encouraged using the money in particular for:

- Developing a series of forums and seminars for businesses that will improve their skills in the areas of:
 - Business development and planning
 - Financial management
 - Marketing and promoting your business
 - Using technology in a rapidly changing business environment
 - The use of websites to promote business
 - Encouraging people to shop locally
 - Changes in legislation
 - Taking advantage of the tourism market to boost local visitor spending
 - Identifying markets that could be serviced by Lithgow businesses
-

The LBA has been actively involved in the economic development advisory committee and has provided input into the draft economic development strategy and business and retail survey. Of particular importance to the LBA are those areas in the draft strategy that support business and industry development and business support services.

The LBA looks forward to working closely with Council and staff on the implementation of the strategy. The LBA have identified many actions to which it can contribute. The forums and seminars identified above being an example of those actions.

We would also like to advise Council that the executive and committee of the LBA have now changed and with this change new ideas have been generated.

The LBA would like to invite Council to present the Draft Economic Development Strategy to all members of the LBA when it has been publically released for consultation.

The LBA congratulated Council on encouraging landlords and businesses to improve the visual appearances of the buildings in Main Street. If more businesses/landlords took responsibility for the appearance for their buildings, it may help to reduce the level of vandalism currently being displayed by members of the public, and may in fact encourage them to take some pride in their town.

The LBA looks forward to an ongoing working relationship with Council.

The Mayor advised that Council would be happy to work with LBA and assist with any applications for grants clusters.

Beverley Morris, Portland Development Association

Has no objection to being recorded.

Beverley Morris is the president of the Portland Development Association. In 2010, it will be 100 years from the original erection of the bandstand in Portland. The Portland Development Association would like to rebuild this structure. The plans have been approved and an engineers report has been submitted to Council regarding snow loading. In three weeks time a meeting will be held regarding budget allocation and they would like to submit an application for monies to assist with the building of this structure.

The Mayor advised that the Councillors will take this on board.

Lynne Nelson-Jones, Lithgow Croquet Club

Has no objection to being recorded.

Mr Triming was bought in as the spokesperson of the Lithgow Croquet Club as they could not get any assistance from Council. They have no carpark particularly for disabled people. Mr Triming resigned from the role of Spokesperson in Mid November. Back on 21st January 2010 I was still the president of the Croquet Club and wrote a three page letter outlining the difficulties they were having and the lack of progress. They still have a feeling that as a club they don't count. They have been brushed off by Council and staff for 6 years. She would like to take to task the Councillors. Not one Councillor returned a reply or showed any interest that things were not right. She did receive a written reply from the Mayor but noted that she was not happy with the response. There was a one paragraph reply from the Group Manager of Regional Services that advised they could not deliver a hot water service as they could not get in. If a phone call was made from Council, they would have assured they were there quickly. Very disappointed in the Councillors.

The Mayor advised that the change of locks by the Lithgow Croquet Club was not approved. Further, the General Manager and Mayor met with Mr Barnes last week and pointed out the actions Council were endeavouring to do and Mr Barnes raised no further questions and advised that this was sufficient.

Shirley Hodges, Inch Street, Lithgow

Has no objection to being recorded.

Shirley Hodges sent an apology for Robyn Da Costa and tabled a document to Council.

Mrs Hodges would like to know if Council will release the results of the meeting with the EPA and the statement from the Department of Defense regarding the mustard gas leak in Inch Street. Mrs Hodges asked if EPA will meet with the residents? If the EPA does not come on board, can a public meeting be held to discuss this issue properly with Council? Which Department is dealing with this from the EPA?

The Mayor advised a late report will be bought back to Council. The Group Manager Regional Services advised that the late report details how the incident occurred and will be made available to the public after the meeting. He further advised that Council would be happy to have the public meeting and that a request has been made to the EPA. The EPA are considering this request. The EPA in Bathurst are managing this issue.

Shirley Hodges, Inch Street, Lithgow

Noted that Council is to investigate further the parking and movement of heavy vehicles in the said area. Will it take a serious accident to occur before something is done?

What of the large Spot/Security lights that shine into residences opposite. Is this an EPA matter?

Perhaps the Sydney Media would like to run an article on this situation.

I look forward to a public meeting with the EPA.

10-49 RESOLVED

THAT an extension of time be granted for the Public Forum.

MOVED Councillor M Ticehurst

SECONDED Councillor W Marshall

Deborah Smith

Has no objection to being recorded.

What is being done to stop the dust pollution and the poor quality of air from Hansons Cement. Why can't she have good air quality. As the industry opposite has no parking for employees or clients they park in front of Ms Smith's house. They leave the vehicles running and this causes poor air quality. When can the matter of trucks laden and cars running be stopped out the front of her house. 71 Inch Street is a bad residential address.

The Group Manager Regional Services advised that there is an allegation of dust instances from Hansons and that the matter will be passed onto the EPA. The parking is addressed in the report to Council and shall be dealt with later at the meeting.

Matt Ryan

Has no objection to being recorded.

The Sydney Beaucrats are sticking their noses into septic safe. The residents are concerned that they will start on the drinking water, dams and stock water supplies next. Residents need someone to stick up for them and believes that Council should do that. It has been noted that 60% of septic systems have failed. He is asking Council and Councillors not to go to sleep at the wheel on this issue.

Mayor advised that a review is underway.

Yvonne Wallace

Has no objection to being recorded.

In 2001 Council advised that the block next door to her had no building permission. She was considering buying this block but after being advised of this did not. A few years later, building permission was sought by someone else. She has a plan of the house that is to be put on the block. She lives on three levels of ground and her house sits only metres from the ecomax that will be installed. The ecomax is one metre from her boundary and this is where the overflow goes down. The overflow will run into her yard and the Council is letting them do this. How can Council allow this to sit virtually on her roof. If this is so safe, why are Council worrying about all of the septic systems around.

The General Manager requested that Yvonne Wallace see them to discuss this matter further after the meeting.

Allan Linklater

Is it safe to say that the sewage treatment system pollutes the water in Lithgow. Lithgow and Wallerawang are in the high risk areas. Why is it taking Council seven years to implement the changes needed. It would be a good idea if Council could cover the sewage system plant and monitor how much is leaking out of it.

The Group Manager of Regional Services advised that Sewage Treatment Plants do have a discharge which is a pollutant and that Council has over a number of years had discussions with Sydney Catchment Authority and the EPA regarding an upgrade. Wallerawang and Lithgow are priorities. There are proposals to have the recycled effluent water used on sporting grounds and fields. If this can happen the discharge will be less.

Jeff Sheather

Has no objection to being recorded.

Has a biocycle. Every few years he has to pay a maintenance fee and have the system checked. Can this sort of system be used for Septic.

The General Manager advised that there is a report to Council and this will also be considered in Councils plan.

Ray Hamment

Has no objection to being recorded.

Provided clarification on Item 3 in tonight's agenda he was not the president of the Lithgow Golf Club as Councillor Ticehurst stated. The sum of \$16,000 was spent on the Golf Club for a heritage front door and replacement of the ramp at the front door. All was paid for by Council and the Golf Club have managed to pay back the money. This Councillor has accused us of misleading information. The Golf Club has always had Public Liability insurance for an amount of \$10M. The Insurance to Golf Club Australia is paid through fees. This Councillor is trying to destroy the good work of the community.

Steven Barnes, Lithgow Croquet Club

Has no objection to being recorded.

Is Council going to start the works on the proper access and carpark to the Lithgow Croquet Club? This is now urgent as the Croquet Club has new members who represent a wider range of disabilities. Can Council find \$2,000 and build the initial project. Is this grant the grant from the Federal Government for Infrastructure.

The Mayor advised that the grant is from the Regional Local Council Infrastructure Program. If any works take place prior to the issue of the grant then the grant will not be forthcoming.

Shirley Hodges, Inch Street, Lithgow

Has no objection to being recorded.

Concerned about the parking in Inch Street. Can Council impose a weight restriction particularly in front of resident's houses? Can a 9 tonne limit be put forward? At the last meeting of Council information was offered and supplied regarding zoning in the area of Inch Street. Number 49 Inch Street is owned by George Pearson who runs his business there. This business is zoned residential. There is an area at the back of 49 Inch Street which is shown as 49 Inch Street. When did Council allow this consolidation of land to happen? Were the residents in Inch Street consulted of this expansion. Very concerned about the whole incident.

The Mayor advised that this information will be taken to the next TALC meeting. The Mayor advised that they would be happy to discuss this matter further after the meeting.

Mr Lim

Has no objection to being recorded.

Is concerned about the situation with Cooke's Metal in Inch Street. He is wondering how Council are we going to fix the problem and how long is it going to take? The people that live there never met with the EPA and have rights to know what is happening there. Residents are suffering from the amount of traffic that goes down this street. Trucks with 50-90 tonne laden on them are using this street. The community have the right to live in good health and a good environmental area. Cannot understand why a factory can be so close to residents. Trucks start from 6:30am to 4:30pm. Can the EPA come up there and advise what the noise limit is and how loud it is.

The Mayor advised that Council will have a meeting. The first Council, Department of Defence and EPA meeting was to establish the facts. They will invite the EPA to attend a public meeting. Further information is in the report and the report will be made available to the public after the meeting.

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ITEM:1 NOTICE OF MOTION - 01/03/10 - COUNCILLOR G DANAHER - SEPTIC SAFE PROGRAM

10-50 RESOLVED

THAT

1. Council immediately review the program and report back to Council.
2. Council identifies in a report the requirements of the “On-Site Sewerage Information Management System” provided by the Department of Local Government into a plan for a new Septic Safe Program (attached).
3. The report from Mr Litchfield Junior, submitted at Council tonight, be considered during this review.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

ITEM:2 NOTICE OF MOTION - 01/03/10 - PUBLIC INFORMATION ON THE PECUNIARY INTEREST TRIBUNAL - COUNCILLOR M F TICEHURST

MOTION

THAT the Council and Councillors receive and note the attached information on The Pecuniary Interest Tribunal.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

A **DIVISION** was called by Councillors M F Ticehurst and J J McGinnes.

FOR

Councillor M F Ticehurst
Councillor C Hunter
Councillor J J McGinnes

AGAINST

Councillor W Marshall
Councillor W McAndrew
Councillor R Thompson
Councillor N Castle

At 8:01pm Councillor McAndrew vacated the chambers.

10-51 RESOLVED

THAT Items 5 & 7 be brought forward to discuss immediately following Item 3.

MOVED: Councillor W Marshall

SECONDED: Councillor R Thompson.

**ITEM:3 NOTICE OF MOTION - 01/03/10 - LITHGOW GOLF COURSE -
QUESTION WITH NOTICE - COUNCILLOR M F TICEHURST**

MOTION

THAT the Councils General Manager and the Group Manager Regional Services provide a written or Minuted response to the above Question with Notice.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

A **DIVISION** was called by Councillors M F Ticehurst and J J McGinnes.

FOR

Councillor M F Ticehurst
Councillor J J McGinnes

AGAINST

Councillor R Thompson
Councillor W Marshall
Councillor C Hunter
Councillor Castle

**ITEM:7 NOTICE OF MOTION - 01/03/10 - LEASES - QUESTION WITH
NOTICE - COUNCILLOR M F TICEHURST**

MOTION

THAT the Councils General Manager provide a written or Minuted response to the above Questions with Notice.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

A **DIVISION** was called by Councillors M F Ticehurst and J J McGinnes.

FOR

Councillor J J McGinnes
Councillor M F Ticehurst

AGAINST

Councillor R Thompson
Councillor W Marshall
Councillor C Hunter
Councillor N Castle

At 8:10pm Councillor McAndrew returned to the Chambers

**ITEM:5 NOTICE OF MOTION - 01/03/10 - SUSTAINABLE WATER SUPPLY -
QUESTION WITH NOTICE - COUNCILLOR M F TICEHURST**

MOTION

THAT the Councils General Manager and the Group Manager Regional Services provide a written or Minuted response to the above Questions with Notice.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

A **DIVISION** was called by Councillors M F Ticehurst and J J McGinnes.

FOR

Councillor M F Ticehurst
Councillor J J McGinnes

AGAINST

Councillor R Thompson
Councillor C Hunter
Councillor W Marshall
Councillor N Castle

**ITEM:4 NOTICE OF MOTION - 01/03/10 - FINANCIAL REPORTS - QUESTION
WITH NOTICE - COUNCILLOR M F TICEHURST**

10-52 RESOLVED

THAT the General Manager advise when Public Submissions made under Section 420 of the Local Government Act with respect to the Lithgow City Councils 2008/2009 Financial Reports audited by the Morse Group will come back before the Council.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor Marshall.

**ITEM:6 NOTICE OF MOTION - 01/03/10 - CLARENCE WATER TRANSFER
WATER SCHEME - COUNCILLOR M F TICEHURST**

MOTION

THAT the Council and Councillors receive and note the attached information on Clarence Transfer Water Scheme.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

**ITEM:8 NOTICE OF MOTION - 01/03/10 - WOLGAN VALLEY - QUESTION
WITH NOTICE - COUNCILLOR M F TICEHURST**

MOTION

THAT the information be noted and that it be forwarded to TALC for their attention and information.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

**ITEM:9 NOTICE OF MOTION - 01/03/10 - MODEL CODE OF CONDUCT -
QUESTION WITH NOTICE - COUNCILLOR M F TICEHURST**

MOTION

THAT the Councils General Manager provide a written or Minuted response to the above Question with Notice.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was **PUT** and **LOST**

A **DIVISION** was called by Councillors M F Ticehurst and J J McGinnes.

FOR

Councillor M F Ticehurst
Councillor J J McGinnes

AGAINST

Councillor R Thompson
Councillor W McAndrew
Councillor C Hunter
Councillor N Castle
Councillor W Marshall

**ITEM:10 NOTICE OF MOTION - 01/03/10 - COUNCILLOR C HUNTER - SEPTIC
SAFE**

10-53 RESOLVED

THAT a report be made to Council regarding Council charges and the servicing of the aerated wastewater treatment systems by a licensed plumber.

MOVED: Councillor C Hunter

SECONDED: Councillor W Marshall.

10-54 RESOLVED

THAT Item 21 be brought forward for consideration.

MOVED Councillor M Ticehurst

SECONDED Councillor J McGinnes

ITEM:21 COMM - 01/03/10 - SEPTIC SAFE PROGRAM

10-55 RESOLVED

THAT the Council note the report in relation to Council's Onsite Sewage Management Strategy.

MOVED: Councillor W Marshall

SECONDED: Councillor R Thompson.

GENERAL MANAGERS REPORTS

ITEM:11 GM - 01/03/10 - EXCLUSION OF NOTICE OF MOTION

10-56 RESOLVED

THAT Council note the report on a Notice of Motion being declared unlawful and excluded from the Business Paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

REGIONAL SERVICES REPORTS

**ITEM:12 REG - 01/03/10 - DEVELOPMENT APPLICATION 002-10 -
 IMPROVEMENTS AND UPGRADES - TONY LUCHETTI
 SPORTSGROUND, LITHGOW**

10-57 RESOLVED

A. THAT development application DA 002/10 be approved in accordance with the conditions highlighted within the attached Section 79(c) report.

B. DIVISION

A division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

MOVED: Councillor W McAndrew

SECONDED: Councillor W Marshall.

A **DIVISION** was called in accordance with the provisions of Section 375(3) of the Local Government Act 1993

The **MOTION** approving DA002-10 was **CARRIED UNANIMOUSLY**

**ITEM:13 REG - 01/03/10 - ADDITIONAL FUNDING FOR SEWERAGE
 TREATMENT PLANT PROJECTS**

10-58 RESOLVED

THAT

1. The report on the additional funding for the Lithgow and Wallerawang Sewage Treatment Plant be received.
2. The Honourable Phillip Costa, Minister for Water and Local Member, Mr Gerard Martin, be thanked for their assistance in this matter.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

MATTER ARISING

10-59 RESOLVED

THAT Council consult with adjoining landowners to the Lithgow Sewage Treatment Plant to seek a solution to the current and future works regarding reducing the undue noise and dust arising from the worksite.

MOVED: Councillor Ticehurst

SECONDED: Councillor J McGinness

ITEM:14 REG - 01/03/10 - DROUGHT MANAGEMENT

10-60 RESOLVED

THAT the information in relation to drought management issues be noted

MOVED: Councillor W Marshall

SECONDED: Councillor R Thompson.

ITEM:15 REG - 01/03/10 - COMPLETION OF \$250 MILLION REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

10-61 RESOLVED

THAT the information in relation to the completion of projects identified under the Australian Government's \$250 million Regional and Local Community Infrastructure Program be noted:

- Crystal Theatre
- Lithgow Skate Park
- Union Theatre
- Civic Ballroom
- Vale of Clwydd Hall
- Lake Wallace community Boatshed
- Wallerawang Boatshed

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

ITEM:16 REG - 01/03/10 - STRUCTURAL RECTIFICATION WORKS - ASHLEY GRANDSTAND, LITHGOW

10-62 RESOLVED

THAT

1. Council seek a funding amendment under the Regional and Local Community Infrastructure Program to reallocate \$200,000 from the program to carry out structural works to the Ashley Grandstand.
2. Council provide an allocation of \$200,000 in the 2010/2011 draft budget to undertake flooring and seating improvements at the Ashley Grandstand, Lithgow.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM:17 REG - 01/03/10 - REPLACEMENT OF SEWER RISING MAIN - PUMP STATION NUMBER 1 TO SEWERAGE TREATMENT PLANT

10-63 RESOLVED

THAT

1. Point number 2 of Minute No 09-447 be rescinded.
2. The purchase of pipes, fixtures and fittings for the Pump Station No 1 to Lithgow Sewage Treatment Plant project be undertaken in accordance with Local Government Procurement contract LGP908 - Pipes, Fittings and Fixtures.

MOVED: Councillor R Thompson

SECONDED: Councillor W Marshall.

OPERATION SERVICES REPORTS

ITEM:18 OPER - 01/03/10 - 2009/2010 NATION BUILDING BLACK SPOT PROGRAM

10-64 RESOLVED

THAT Council notes that works are being carried out on a 3km section of the Sunny Corner Road under the Nation Building Black Spot Program.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:19 COMM - 01/03/10 - SECTION 356 - FINANCIAL ASSISTANCE TO
COMMUNITY ORGANISATIONS**

10-65 RESOLVED

THAT Council provides financial assistance to the following organisations:

1. Australian Air League to the value of \$500
2. Cancer Council to the value of \$900
3. Australian Four Day Enduro 2010 to the value of \$1,000

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.

ITEM:20 COMM - 01/03/10 - STRATEGIC BUSINESS CLUSTERS PROGRAM

10-66 RESOLVED

THAT Council:

1. Partner the Lithgow Business Association in an application with funding of up to \$5,000 to match the grant application under the Business Network Support program.
2. Provide matching in-kind contribution to the value of \$10,000 in terms of staff resources to support the Business Cluster Support program should the application be successful.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

INTERNAL SERVICE REPORTS

**ITEM:22 INTS - 01/03/10 - UPPER MACQUARIE COUNTY COUNCIL
REQUESTED CONTRIBUTION FOR INLCUSION IN THE DRAFT
2010/2011 MANAGEMENT PLAN**

10-67 RESOLVED

THAT Council provide for a contribution of \$150,009 to the Upper Macquarie County Council in the Draft 2010/11 Management Plan.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew.

**ITEM:23 INTS - 01/03/10 - LAND AND PROPERTY MANAGEMENT
AUTHORITY ADVICE WITH REGARD TO REVALUATION OF LAND
WITH RIGHTS OF CARRIAGEWAY**

10-68 RESOLVED

THAT Council note the advice from the District Valuer from the Land and Property Management Authority with regard the revaluation of land containing rights of carriageway.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

**ITEM:24 INTS - 01/03/10 - DISCLOSURE OF PECUNIARY AND NON
PECUNIARY CONFLICT OF INTEREST AT A MEETING BY A
COUNCILLOR OR COMMITTEE MEMBER**

10-69 RESOLVED

THAT the item be held over to a future meeting with a report to include clarification of clause 60 of the Code of Meeting Practice.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

**ITEM:25 INTS - 01/03/10 - FIRST INTERIM AUDIT FOR THE 2009/10
FINANCIAL YEAR**

10-70 RESOLVED

THAT

1. Council note the first interim audit report letter, for the 2009/10 financial year, dated 17 February 2010, from The Morse Group.
2. The audit established that the financial management procedures and systems have been controlled effectively in a manner appropriate for Council's structure and resources and only two minor issues have been addressed.

MOVED: Councillor R Thompson

SECONDED: Councillor W Marshall.

Councillor Ticehurst requested that his name be recorded as **AGAINST** the resolution.

**ITEM:26 INTS - 01/03/10 - LEASE OF RAIL LAND BATHURST STREET RYDAL
 AND SUB LEASE TO THE RYDAL VILLAGE ASSOCIATION**

10-71 RESOLVED

THAT

1. Council enter into a lease with Australian Rail Track Corporation Ltd for railway land at Rydal, including the former dock siding, located adjacent to the Railway Station, fronting Bathurst Road, extending along the downside of the rail corridor from 181.418km to 181.445km with an area of approximately 243m² as indicated in the lease as Plan A of Schedule B.
2. Council agree to sub lease the land to the Rydal Village Association as per the condition stated in the letter of 27 January 2010 from Australian Rail Track Corporation Ltd.
3. Council agree to pay the annual rental of \$500.00 per annum GST exc and legal costs associated with the lease.
4. Council authorise the affixing of the Common Seal of Lithgow City Council to the relevant documentation.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

**ITEM:27 INTS - 01/03/10 - COMPULSORY ACQUISITION OF LOTS 1 & 2
DP1081225, MORRELL ST MEADOW FLAT FROM THE ESTATE OF
LATE THOMAS HOPE KNOX**

10-72 RESOLVED

THAT

1. Council agree to pay to Perpetual Trustee Company Ltd, as Executors of the Will of the Late Thomas Hope Knox, \$104,000 as per the Valuer General's Determination of Compensation payable under the Land Acquisition (Just Terms Compensation) Act 1991 plus statutory interest computed from the date of publication of the Acquisition Notice in the Government Gazette.
2. Council pay its own legal costs in relation to the compulsory acquisition.
3. Include an amount of \$104,000 in the March quarterly review of the 2009/10 Management Plan, \$85,000 of which will be a transfer from reserve.
4. Instruct Solicitors Le Fevre & Co to proceed to serve a Compensation Notice along with the Claim for Compensation Form prepared in accordance with the requirements of the Act and a Deed of Release for Lots 1 & DP 1081225 Morrell St Meadow Flat.
5. Council authorise the affixing of the Common Seal of Lithgow City Council to the relevant documentation in relation to the compulsory acquisition.

MOVED: Councillor C Hunter

SECONDED: Councillor R Thompson.

**ITEM:28 INTS - 01/03/10 - MINISTER APPROVAL FOR A VARIATION OF
GENERAL RATE INCOME FOR 2010/11 OF 2.6%**

10-73 RESOLVED

THAT Council adopt the 2010/11 rate pegging increase of 2.6% in terms of section 506 of the Local Government Act 1993 and apply the increase to the 2010/11 Management Plan commencing 1 July 2010.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

**ITEM:29 COMM - 01/03/10 - TOURISM ADVISORY COMMITTEE MINUTES 2ND
 FEBRUARY 2010**

10-74 RESOLVED

THAT Council:

1. Notes the minutes of the Tourism Advisory Committee meeting held on 2 February 2010.
2. Considers the priorities for works to be undertaken on tourism assets and/or attractions and considers funding in the Management Plan and Budget for 2010/2011 as proposed by the Tourism Advisory Committee for the following:
 - Toilets at Hassans Walls Lookout
 - Lake Pillians Walkway –
 - The Bunyip Trail
 - Directional Signage – Evans Crown
 - Blast Furnace Park – walkway around the ruins
3. Considers in its Management Plan and Budget 2010/2011 a donation to the value of \$10,000 to the Wallerawang Autumn Festival Committee towards Council support for the preparation of venues, and funding for promotions to assist the development of the event.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

**ITEM:30 COMM - 01/03/10 - LITHGOW FLASH GIFT COMMITTEE MINUTES
 10TH FEBRUARY 2010**

10-75 RESOLVED

THAT Council notes the minutes of the Lithgow Flash Gift meeting held on 10 February 2010.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

ITEM:31 COMM - 01/03/10 - LITHGOW CRIME PREVENTION COMMITTEE MEETING MINUTES - 9TH NOVEMBER 09, 8TH DECEMBER 09 AND 8TH FEBRUARY 2010

10-76 RESOLVED

THAT the minutes of the Crime Prevention Committee meetings held on 9 November 2009, 8 December 2009 and 8 February 2010 be adopted.

MOVED: Councillor W McAndrew

SECONDED: Councillor W Marshall.

ITEM:32 OPER - 01/03/10 - INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MEETING MINUTES 18TH FEBRUARY 2010

10-77 RESOLVED

THAT Council notes the minutes of the Indoor Aquatic Centre Advisory Committee meeting held on 18 February 2010.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

ITEM:33 COMM - 01/03/10 - S355 ENVIRONMENTAL ADVISORY COMMITTEE SPECIAL MEETING 11TH NOVEMBER 2009

10-78 RESOLVED

THAT Council:

1. Further develops the concept of the Farmers Creek Track and Trail Network and take ownership of the project by developing a plan that can be implemented over a number of years.
2. Dedicates staff or other resources to developing the concept and plan.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.

**ITEM:34 COMM - 01/03/10 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES OF 14TH OCTOBER 2009**

10-79 RESOLVED

THAT Council:

1. Notes the minutes of the Environmental Advisory Committee meeting held on 14 October 2009.
2. Support the concept of a community garden in Lithgow subject to receipt of a detailed submission and public consultation.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.

**ITEM:35 COMM - 01/03/10 - AGEING STRATEGY ADVISORY GROUP
MINUTES 21ST JANUARY 2010**

10-80 RESOLVED

THAT the minutes of the Ageing Strategy Advisory Group meeting held on 21 January 2010 be adopted.

MOVED: Councillor R Thompson

SECONDED: Councillor W Marshall.

10-81 RESOLVED

THAT the late report regarding the Cooke's Metal Industries Incident be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

Councillor JJ McGinness left the meeting at 9:22pm.

ITEM:38 LATE REPORT - REG – 01/03/10 - COOKE'S METAL INDUSTRIES INCIDENT

10-82 RESOLVED

THAT:

1. The information contained within the report be received.
2. A copy of the report be forwarded to residential property owners in the Inch Street precinct advising of the information obtained on the incident and actions regarding Cooke's Metal Industries.
3. A public meeting be held with residents and Mr Cooke.

MOVED: Councillor W McAndrew

SECONDED: Councillor W Marshall.

Councillor JJ McGinness returned to the meeting at 9:26pm.

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (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 of:

- 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.*

Nil

**ITEM:36 OPER - 01/03/10 - CONFIDENTIAL REPORT - TENDER 02/10
 SUPPLY OF ROAD BASE (RTA INSPECTION - 3501), EX BIN (3
 YEAR CONTRACT)**

10-83 RESOLVED

THAT Item 36 be considered in Closed Council.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

**ITEM:37 OPER - 01/03/10 - CONFIDENTIAL REPORT - TENDER 03/10
 SUPPLY OF BITUMEN SEALING SERVICES (3 YEAR CONTRACT)
 CONFIDENTIAL**

10-84 RESOLVED

THAT Item 37 be considered in Closed Council.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew.

The Mayor asked if there were any objections from the Public with regards to the confidential reports being considered in closed Council.

There were no objections.

10-85 RESOLVED

THAT Council move into Closed Council to consider the confidential reports.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew

Closed Council started at 9:27pm.

CLOSED COUNCIL

**ITEM:36 OPER - 01/03/10 - CONFIDENTIAL REPORT - TENDER 02/10
SUPPLY OF ROAD BASE (RTA INSPECTION - 3501), EX BIN (3
YEAR CONTRACT)**

10-86 RESOLVED

THAT:

1. Council accept tenders of \$12 per ton ex Bin received from Oberon Quarries Pty Ltd and \$15 per ton ex Bin from Unimin Australia Limited at a total estimated cost of \$800,000.00 over three years for the supply of road base (RTA Specification 3051).
2. The source of supply of road base for various projects will be determined on the proximity of the pit to the project and associated transport costs.
3. Council authorise the common seal to be affixed to contract documents as required.

MOVED: Councillor W Marshall

SECONDED: Councillor C Hunter.

**ITEM:37 OPER - 01/03/10 - CONFIDENTIAL REPORT - TENDER 03/10
SUPPLY OF BITUMEN SEALING SERVICES (3 YEAR CONTRACT)
CONFIDENTIAL**

10-87 RESOLVED

THAT:

1. Council accept the tender of \$234,590.10 received from Pioneer Road Services Pty Ltd for the supply of bitumen sealing services for the period 1st March 2010 to 30 June 2012.
2. Council authorise the common seal to be affixed to contract documents as required.

MOVED: Councillor Hunter

SECONDED: Councillor W McAndrew.

At 9:31pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor W Marshall

SECONDED: Councillor W McAndrew

The General Manager announced the recommendations of the Closed Council.

10-88 RESOLVED

THAT Council adopt the recommendations of the closed Council.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

The meeting closed at 9:34pm