



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

12 APRIL 2010

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 12TH APRIL 2010**

Meeting Commenced at 7.00pm

Public Forum: 18

PRESENT

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

APOLOGIES

General Manager Roger Bailey is out of the City on personal business.

Also in attendance

Ms Suzanne Lollback, Acting General Manager and Group Manager Community and Corporate Services
Mr Andrew Muir, Group Manager Regional Services
Mr Iain Stewart, Acting Group Manager Operation Services
Miss Casey Clarke, Minutes Secretary
Mrs Kim Neilson, Executive Assistant
Mrs Ally Shelton, IT Manager
Ms Leanne Kearney, RLCIP Project Officer

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 22nd March 2010 were taken as read and confirmed by Councillors G Danaher and W Marshall

10-123 RESOLVED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 29th March 2010 were taken as read and confirmed by Councillors W McAndrew and G Danaher

10-124 RESOLVED

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 Interest in item 11, due to his brother being involved in the Lithgow Golf Club. He will not vacate the Chambers and will take part in the debate.

Andrew Muir, Group Manager Regional Services declared a Non Pecuniary Conflict of Interest in item 19, due to the fact that one of the tenderer is currently undertaking building works on his home. He will not vacate the Chambers.

QUESTIONS FROM THE PUBLIC FORUM

At 7.00pm Members of public gallery were invited to participate in the Public Forum Session.

PF - 12/04/10 - TOM MILLER

Mr Mayor previously Council made a statement that they would grade the Wattle Mount Road and to date this has not happened. I do not believe that the road needs re-sheeting. Can Council consider grading the road once every 12-18 months?

The Mayor advised that this matter will be considered within Item 7 of tonight's agenda.

PF - 12/04/10 - MR BIRD

Mr Mayor I refer to the RTA doing a safety review of roads in Central West relating to accidents on the roads and ask Council to contact the RTA and have the review undertaken as soon as possible. Will Council be attending the RTA briefing?

The Mayor advised that the review is not being done by Council and that a Council representative will attend the Briefing. The Acting Group Manager Operations advised that there are a number of options being looked into by the RTA and to date no options have been adopted by them. There will be a major upgrade of the Great Western Highway between Lithgow and Mount Victoria.

PF - 12/04/10 - BRUCE UPTON

1. Mr Mayor in Councils further deliberations to the Draft Management Plan 2010/11 to 13/14 could Council consider the following documents?
 - Notes of meeting dates 3rd March 2010 between Capertee Valley Alliance Inc (CVA) and Acting Operations Manager, Iain Stewart.
 - Summary of Council Minutes dated 3rd March 2010 by the CVA Inc on road funding in the Capertee Valley for Glen Davis and Glen Alice Roads that have been either Recommended, Resolved or deferred in the 2008, 2009 and 2010 Minutes pending further reports.
 - Letter to General Manager dated 6th April 2010, LCC attention, Mr Iain Stewart on submission of prioritisation of the Glen Davis and Glen Alice roads in the Capertee Valley at his request.
 - Map of the 3 priority areas attached to the letter
 - Letter from Bob Debus MP attaching a letter from Minister Albanese, a copy forwarded to LCC Allocation of Roads to Recovery 2009/10 to 2013-14 of \$2,801,687.00 and \$3,999,465.00 under the Local Government Financial Assistance Grants in 2009/10 to be used for any construction and maintenance of roads at the discretion of the Council.

2. Mr Mayor I understand that Council is in receipt of correspondence from Minister Campbell and Gerard Martin in relation to Glen Davis and Glen Alice Roads and ask why this information was not placed on the Council Website as an attachment to the Agenda for the Council meeting? Could the Capertee Valley Alliance Inc obtain a copy of the letter?

The Mayor advised that the agenda noted no attachments for this report but the letters can be placed on the website.

PF - 12/04/10 - SHIRLEY HODGES

1. Mr Mayor there was a public meeting with the EPA, Council Officers and the residents of Inch Street on the 18th March, in which the EPA advised that their decisions would be given to Council. Has Council received any correspondence from the EPA?

The Group Manager Regional Services advised that no information had been received to date.

2. Mr Mayor this meeting was over a month ago now, does Council know when the information will be forthcoming? Also the parking issues raised were to be raised at the next TALC meeting, can you please advise if this meeting has taken place and if not when will it be held and will the residents be advised of the outcome?

The Acting Group Manager of Operations advised that a Resident Parking Scheme will be reported to the next TALC meeting within the next four weeks and residents will be invited to address the Committee.

PF - 12/04/10 - DEBORAH SMITH

Mr Mayor can Council please get Hansen's Metal Supplies to commence work at the correct start time of 7am and not 6.00am? Also can Council ask them to use their sprinklers on a daily basis?

The Mayor advised that the EPA had provided correspondence that they are taking various matters up with Hansen's Metal Supplies.

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>ITEM:1</u>	<u>NOTICE OF MOTION - 12/04/10 - COUNCILLOR G DANAHER - WATER STRATEGY</u>	<u>7</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>8</u>
<u>ITEM:2</u>	<u>GM - 12/04/10 - EXTRA ORDINARY MEETING OF COUNCIL</u>	<u>8</u>
<u>ITEM:3</u>	<u>GM - 12/04/10 - HOWARD AND SONS PYROTECHNICS, WALLERAWANG</u>	<u>8</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>9</u>
<u>ITEM:4</u>	<u>REG - 12/04/10 - DEVELOPMENT APPLICATION 007/10DACC - ROTUNDA / BANDSTAND SAVILLE PARK PORTLAND</u>	<u>9</u>
<u>ITEM:5</u>	<u>REG - 12/04/10 - DROUGHT MANAGEMENT</u>	<u>9</u>
	<u>OPERATION SERVICES REPORTS</u>	<u>10</u>
<u>ITEM:6</u>	<u>OPER - 12/04/10 - GLEN DAVIS AND GLEN ALICE ROADS FUNDING FOR WORKS</u>	<u>10</u>
<u>ITEM:7</u>	<u>OPER - 12/04/10 - ONGOING MAINTENANCE OF WATTLE MOUNT ROAD, PORTLAND</u>	<u>10</u>
<u>ITEM:8</u>	<u>OPER - 12/04/10 - ROADS AND TRAFFIC AUTHORITY SAFETY REVIEW OF ROADS IN THE CENTRAL WEST</u>	<u>11</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>12</u>
<u>ITEM:9</u>	<u>COMM - 12/04/10 - TERMS OF REFERENCE - ENVIRONMENTAL ADVISORY COMMITTEE MEETING</u>	<u>12</u>
<u>ITEM:10</u>	<u>COMM - 12/04/10 - REVISED PROJECT TIMELINE FOR DEVELOPMENT OF LAND USE STRATEGY AND COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN</u>	<u>12</u>
<u>ITEM:11</u>	<u>COMM - 12/04/10 - AFFIXING OF THE COMMON SEAL</u>	<u>12</u>
	<u>INTERNAL SERVICE REPORTS</u>	<u>13</u>
<u>ITEM:12</u>	<u>INTS - 12/04/10 - COUNCIL INVESTMENTS HELD TO 31 MARCH 2010</u>	<u>13</u>
<u>ITEM:13</u>	<u>COMM - 12/04/10 - COMPANION ANIMAL POLICY AND COMMITTEE</u>	<u>14</u>
<u>ITEM:14</u>	<u>COMM - 12/04/10 - AGEING AND STRATEGY ADVISORY GROUP MINUTES 18/02/10 AND 18/03/10</u>	<u>14</u>
<u>ITEM:15</u>	<u>COMM - 12/04/10 - LITHGOW CRIME PREVENTION COMMITTEE</u>	<u>15</u>

MINUTES 8TH MARCH 2010

<u>ITEM:16</u>	<u>COMM - 12/04/10 - LITHGOW FLASH GIFT MINUTES 3RD MARCH 2010</u>	<u>15</u>
<u>ITEM:17</u>	<u>COMM - 12/04/10 - LITHGOW FLASH GIFT MINUTES 24TH MARCH 2010</u>	<u>15</u>
<u>ITEM:18</u>	<u>OPER - 12/04/10 - SPORTS ADVISORY COMMITTEE MEETING MINUTES 29TH MARCH 2010</u>	<u>16</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>16</u>
<u>ITEM:19</u>	<u>REG - 12/04/10 - CONFIDENTIAL REPORT - TENDER 05/10 STRUCTURAL RECTIFICATION WORKS - ASHLEY GRANDSTAND, LITHGOW CONFIDENTIAL</u>	<u>17</u>
<u>ITEM:20</u>	<u>COMM - 12/04/10 - CONFIDENTIAL REPORT - CONTRACTUAL ISSUES - LITHGOW LAND USE STRATEGY AND LOCAL ENVIRONMENTAL PLAN PROJECT CONFIDENTIAL</u>	<u>18</u>

LATE REPORTS

LATE REPORT - MAYORAL MINUTE - 12/04/10 - 200TH ANNIVERSARY OF THE CROSSING OF THE BLUE MOUNTAINS

REPORT FROM: MAYOR, COUNCILLOR NEVILLE CASTLE

10-125 RESOLVED

THAT Council arrange a public meeting to gauge community interest in the celebration of the 200th anniversary of the crossing of the Blue Mountains, with the two State Members and the Mayor of the Blue Mountains City Council to be invited to the meeting.

MOVED: Councillor N L Castle

SECONDED: Councillor G Danaher.

NOTICES OF MOTION

ITEM:1 **NOTICE OF MOTION - 12/04/10 - COUNCILLOR G DANAHER - WATER STRATEGY**

10-126 RESOLVED

THAT a water strategy to be produced for our long term water security and to allow us to use this document to secure the confidence of relevant State Government ministers as soon as possible for our upcoming negotiations with those ministers to illustrate our capacity to price and provide infrastructure to secure our water and be responsible to our neighbours (Oberon council) and the State Government Water Management Policies.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

GENERAL MANAGERS REPORTS

ITEM:2 GM - 12/04/10 - EXTRA ORDINARY MEETING OF COUNCIL

10-127 RESOLVED

THAT Council note that an Extra Ordinary Council is to be held on Tuesday 27 April 2010 at 7.30pm.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor R Thompson.

ITEM:3 GM - 12/04/10 - HOWARD AND SONS PYROTECHNICS, WALLERAWANG

10-128 RESOLVED

THAT it be noted that the Western Joint Regional Planning Panel will be meeting in Lithgow on 16/4/10 to determine Development Application 190/09 for the Howard & Sons Pyrotechnics facility.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

Councillors N L Castle, Mayor and G Danaher declared an interest and vacated the Chambers at 7.26pm

Councillor R Thompson, Deputy Mayor assumed the role of Chairperson at 7.26pm

Andrew Muir, Group Manager Regional Services declared a possible conflict of public duties but did not vacate the Chambers.

A MATTER ARISING

10-129 RESOLVED THAT Council:

1. Strongly condemns the Western Joint Regional Planning Panel regarding the lack of notice to the public of the upcoming meeting to determine Development Application 190/09.
2. To be advised as to when and where this meeting will be held and of the decisions made.

MOVED: Councillor H K Fisher

SECONDED: Councillor W Marshall.

The Mayor resumed the role of chair at 7.29pm

REGIONAL SERVICES REPORTS

**ITEM:4 REG - 12/04/10 - DEVELOPMENT APPLICATION 007/10DACC -
 ROTUNDA / BANDSTAND SAVILLE PARK PORTLAND**

10-130 RESOLVED

A. THAT Development Application Construction Certificate No.007/10 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 G Danaher **SECONDED:** Councillor W McAndrew.

A **DIVISION** was called by Councillors H K Fisher and G Danaher.
The Division was **CARRIED UNANIMOUS**

ITEM:5 REG - 12/04/10 - DROUGHT MANAGEMENT

10-131 RESOLVED

THAT:

1. The information in relation to drought management issues be noted.
2. A further report to come back to Council on what the Council pays for the Maximum Annual Quantity to the Fish River Water Supply

MOVED: Councillor W McAndrew **SECONDED:** Councillor R Thompson.

OPERATION SERVICES REPORTS

ITEM:6 OPER - 12/04/10 - GLEN DAVIS AND GLEN ALICE ROADS FUNDING FOR WORKS

10-132 RESOLVED

THAT Council receive the information and advise the Capertee Valley Alliance Group of the Minister of Roads decision.

MOVED: Councillor W McAndrew

SECONDED: Councillor W Marshall.

ITEM:7 OPER - 12/04/10 - ONGOING MAINTENANCE OF WATTLE MOUNT ROAD, PORTLAND

MOTION

THAT Council continue to maintain and grade the road at least once a year

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

AMENDMENT

10-133 RESOLVED THAT a report be brought back to Council outlining the costs in relation to maintaining Wattle Mount Road and what other crown roads and rights of carriageway may need to be considered.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

**ITEM:8 OPER - 12/04/10 - ROADS AND TRAFFIC AUTHORITY SAFETY
REVIEW OF ROADS IN THE CENTRAL WEST**

10-134 RESOLVED

THAT Council appoint a Councillor Representative to attend the RTA Safety Review of roads Meeting to be held in Bathurst on 20th April 2010.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

10-135 RESOLVED

THAT Councillor Hunter be the Council representative for the RTA Safety Review of Roads Meeting on 20th April 2010.

MOVED: Councillor N L Castle

SECONDED: Councillor W McAndrew.

MATTER ARISING

10-136 RESOLVED THAT the issue of sight distance at the intersection of Curly Dick Road and the Great Western Highway be investigated following the installation of speed camera devices.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor W McAndrew.

COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:9 COMM - 12/04/10 - TERMS OF REFERENCE - ENVIRONMENTAL
ADVISORY COMMITTEE MEETING**

10-137 RESOLVED

THAT Council adopts the Terms of Reference to the Environmental Advisory Committee

MOVED: Councillor R Thompson

SECONDED: Councillor C Hunter.

**ITEM:10 COMM - 12/04/10 - REVISED PROJECT TIMELINE FOR
DEVELOPMENT OF LAND USE STRATEGY AND COMPREHENSIVE
LOCAL ENVIRONMENTAL PLAN**

10-138 RESOLVED

THAT Council notes the revised timeline for the development of the Lithgow Local Environmental Plan.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

MATTER ARISING

10-139 RESOLVED THAT Council be advised as to what the change of use may be for the old church located at 210 Mort Street Lithgow .

MOVED: Councillor M F Ticehurst

SECONDED: Councillor R Thompson.

ITEM:11 COMM - 12/04/10 - AFFIXING OF THE COMMON SEAL

10-140 RESOLVED

THAT the Common Seal be affixed to the Lease between Lithgow City Council and Lithgow Golf Club Limited being the whole of the land described as Lot 1 DP 840412 (folio identifier 1/840412), commonly known as the Lithgow Golf Course.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

INTERNAL SERVICE REPORTS

**ITEM:12 INTS - 12/04/10 - COUNCIL INVESTMENTS HELD TO 31 MARCH
2010**

10-141 RESOLVED

THAT:

1. Investments of \$14,415,989.24 for the period ending 31 March 2010 be noted.
2. Council be provided with a budget projection for investments that aligns with cash flow projections for the financial year.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

COMMITTEE MEETINGS

ITEM:13 **COMM - 12/04/10 - COMPANION ANIMAL POLICY AND COMMITTEE**

10-142 RESOLVED

THAT:

1. With the expiry of the 28 day public exhibition period on 18 March 2010 and with no public comments being received, the Draft Companion Animals Policy be adopted by Council.
2. Council reinstate the Companion Animals Committee.

MOVED: Councillor H K Fisher

SECONDED: Councillor W Marshall.

MATTER ARISING

10-143 RESOLVED THAT:

1. A memo be provided to Councillors advising what the procedures are for having an animal declared as dangerous under the Companion Animals Act.
2. An inspection of the pound be organised for Councillors
3. The Terms of Reference be developed for the Companion Animals Committee and presented to Council.

MOVED: Councillor J J McGinnes

SECONDED: Councillor H K Fisher.

ITEM:14 **COMM - 12/04/10 - AGEING AND STRATEGY ADVISORY GROUP MINUTES 18/02/10 AND 18/03/10**

10-144 RESOLVED

THAT Council notes:

1. The minutes of the Ageing Strategy Advisory Group meetings held 18 February 2010 and 18 March 2010.
2. That the need for the employment of an Aged Services Officer by Council will be explored during development of the Ageing Strategy.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

**ITEM:15 COMM - 12/04/10 - LITHGOW CRIME PREVENTION COMMITTEE
MINUTES 8TH MARCH 2010**

10-145 RESOLVED

THAT Council notes the minutes of the Lithgow Crime Prevention Committee meeting held 8 March 2010 with the following change that Councillor Danaher be noted as attending the meeting.

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

**ITEM:16 COMM - 12/04/10 - LITHGOW FLASH GIFT MINUTES 3RD MARCH
2010**

10-146 RESOLVED

THAT Council notes the minutes of the Lithgow Flash Gift meeting held on 3 March 2010.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

**ITEM:17 COMM - 12/04/10 - LITHGOW FLASH GIFT MINUTES 24TH MARCH
2010**

10-147 RESOLVED

THAT Council notes the minutes of the Lithgow Flash Gift meeting held on 24 March 2010.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

**ITEM:18 OPER - 12/04/10 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES 29TH MARCH 2010**

10-148 RESOLVED

THAT Council note the minutes of the Sports Advisory Committee meeting held on Monday, 29 March 2010.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

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

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

There were **NIL** objections.

10-149 RESOLVED

At 8.22pm the Council resolved to move into Closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

Closed Council started at 8.23pm.

CLOSED REPORTS

**ITEM:19 REG - 12/04/10 - CONFIDENTIAL REPORT - TENDER 05/10
STRUCTURAL RECTIFICATION WORKS - ASHLEY GRANDSTAND,
LITHGOW CONFIDENTIAL**

10-150 RESOLVED

THAT:

1. Council decline to accept any of the tenders submitted for the Ashley Grandstand Structural Rectification Works, Lithgow, Tender No. 05/10
2. Council not invite fresh tenders because of time restraints with tendering and funding allocations
3. The General Manager be authorised to negotiate with the lowest tenderer, CBS Refurbishment PTY LTD, pursuant to the provisions of Local Government (General) Regulation Clause 178(3)(e) & (4), the reason being to achieve savings on the submitted tenders to meet councils budget requirements or a more practical means of achieving the structural improvements

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

A **DIVISION** was called by Councillors M F Ticehurst and W Marshall.

FOR

Councillor R Thompson
Councillor H K Fisher
Councillor W McAndrew
Councillor G Danaher
Councillor W Marshall
Councillor N L Castle

AGAINST

Councillor J J McGinnes
Councillor M F Ticehurst
Councillor C Hunter

**ITEM:20 COMM - 12/04/10 - CONFIDENTIAL REPORT - CONTRACTUAL
ISSUES - LITHGOW LAND USE STRATEGY AND LOCAL
ENVIRONMENTAL PLAN PROJECT CONFIDENTIAL**

MOTION

THAT

1. Council pursue the termination of the formal contract between Council and Insite Planning
2. Council to not pay any more than the 23% of the total amount agreed to in the Contracts to Insite Planning.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

The **MOTION** was put and declared **LOST**

AMENDMENT

10-151 RESOLVED THAT this matter be deferred to the Extra Ordinary Meeting to be held on 27th April 2010.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor W Marshall.

10-152 RESOLVED

At 8.57pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

The Mayor announced the recommendations of the Closed Council.

10-153 RESOLVED

THAT Council adopt the recommendations of the closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

The meeting closed at 9.00pm