



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

01 AUGUST 2011

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 1ST AUGUST 2011**

Meeting Commenced 7.00pm

Public: 26

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 C Hunter
Councillor M F Ticehurst

APOLOGIES

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

11-299 RESOLVED

Also in attendance

Mr Roger Bailey, General Manager
Miss Casey Clarke, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Ms Suzanne Lollback, Group Manager Community and Strategy
Mr Iain Stewart, Group Manager Operations
Mrs Carol Farnsworth, Finance Manager

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 11th July 2011 were taken as read and confirmed by Councillors H K Fisher and G Danaher

11-300 RESOLVED

QUESTIONS FROM THE PUBLIC FORUM

At 7.01pm Members of public gallery were invited to participate in the Public Forum Session.

NIL

DECLARATION OF INTEREST

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

NIL

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>LATE MAYORAL MINUTE</u>	<u>5</u>
<u>ITEM: 18</u>	<u>LATE MAYORAL MINUTE - 01/08/11 - KIRKCONNELL CORRECTIONAL CENTRE</u>	<u>5</u>
	<u>NOTICES OF MOTION</u>	<u>6</u>
<u>ITEM-1</u>	<u>NOTICE OF MOTION - 01/08/11 - UPDATE ON THE PUBLIC SALE OF LITHGOW CITY COUNCIL OWNED RESIDENTIAL LAND IN CARY GARDENS ESTATE, CARY AVE WALLERAWANG - COUNCILLOR M F TICEHURST</u>	<u>6</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>7</u>
<u>ITEM-2</u>	<u>GM - 01/08/2011 - DIVISION OF LOCAL GOVERNMENT 'DESTINATION 2036'</u>	<u>7</u>
<u>ITEM-3</u>	<u>GM - 01/08/11 - REVIEW OF POLICY 9.9 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS</u>	<u>7</u>
<u>ITEM-4</u>	<u>GM - 01/08/11 - OUTSTANDING NOTICE OF MOTIONS - 2008 TO PRESENT</u>	<u>7</u>
	<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>	<u>8</u>
<u>ITEM-5</u>	<u>ENVIRO - 01/08/11 - DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE 046/11DACC - REDEVELOPMENT OF LITHGOW AQUATIC CENTRE - GEORGE COATES AVENUE, LITHGOW</u>	<u>8</u>
<u>ITEM-6</u>	<u>ENVIRO - 01/08/11 - DEVELOPMENT APPLICATION 065/11DA - DWELLING AND GARAGE - 23 MORT STREET, LITHGOW</u>	<u>9</u>
<u>ITEM-7</u>	<u>ENVIRO - 01/08/11 - LEGAL ACCESS ISSUES - CLARENCE</u>	<u>10</u>
<u>ITEM-8</u>	<u>ENVIRO - 01/08/11 - LOCALITY NAME CHANGE ROUND SWAMP TO RUNNING STREAM</u>	<u>11</u>
<u>ITEM-9</u>	<u>ENVIRO - 01/08/11 - DISCUSSIONS WITH RAILCORP - SOUTH BOWENFELS STATION AND OTHER ISSUES</u>	<u>11</u>
	<u>OPERATION REPORTS</u>	<u>12</u>
<u>ITEM-10</u>	<u>OPER - 01/08/11 - FEASIBILITY STUDY INTO RECOMMISSIONING FARMERS CREEK NO. 1 DAM</u>	<u>12</u>
<u>ITEM-11</u>	<u>OPER - 01/08/11 - CENTROC WATER UTILITIES ALLIANCE</u>	<u>12</u>
<u>ITEM-12</u>	<u>OPER - 01/08/11 - TENDERS FOR CONSTRUCTION OF STAGE 1 -</u>	<u>12</u>

	<u>LITHGOW AQUATIC CENTRE</u>	
<u>ITEM-13</u>	<u>OPER - 01/08/11 - WATER REPORT</u>	<u>13</u>
<u>ITEM-14</u>	<u>OPER - 01/08/11 - STREETScape IMPROVEMENTS IN WOLGAN AND WILLIEWA STREETS PORTLAND</u>	<u>13</u>
	<u>FINANCE REPORTS</u>	<u>14</u>
<u>ITEM-15</u>	<u>FINAN - 01/08/11 - EXPECTED IMPACT ON COUNCILS AND THE LITHGOW LGA BY THE INTRODUCTION OF A CARBON TAX</u>	<u>14</u>
	<u>COMMITTEE MEETINGS</u>	<u>15</u>
<u>ITEM-16</u>	<u>OPER - 01/08/11 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES 7TH JULY 2011</u>	<u>15</u>
<u>ITEM-17</u>	<u>OPER - 01/08/11 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 25TH JULY 2011</u>	<u>16</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>17</u>

11-301 RESOLVED

THAT Council receive the late Mayoral Minute - Kirkconnell Correctional Centre.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

LATE MAYORAL MINUTE

ITEM: 18 LATE MAYORAL MINUTE - 01/08/11 - KIRKCONNELL CORRECTIONAL CENTRE

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

11-302 RESOLVED

THAT Council formally write to Mr Paul Toole, Member for Bathurst and to the Attorney General and Minister for Justice the Hon Greg Smith seeking confirmation that there will be no closure of the Kirkconnell Correctional Centre and that there will be no job losses from this facility or from the Lithgow Gaol in the foreseeable future.

MOVED: Councillor N L Castle

SECONDED: Councillor G Danaher

NOTICES OF MOTION

ITEM-1 NOTICE OF MOTION - 01/08/11 - UPDATE ON THE PUBLIC SALE OF LITHGOW CITY COUNCIL OWNED RESIDENTIAL LAND IN CARY GARDENS ESTATE, CARY AVE WALLERAWANG - COUNCILLOR M F TICEHURST

11-303 RESOLVED

THAT The General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an urgent report on what previous history and actions the Council undertook with respect to the sale of the 10 residential blocks in the Councils Cary Gardens Estate and what future action it now proposed to be undertaken for the sale of the surplus Council land.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

GENERAL MANAGERS REPORTS

ITEM-2 GM - 01/08/2011 - DIVISION OF LOCAL GOVERNMENT 'DESTINATION 2036'

11-304 RESOLVED

THAT:

1. Council note the report on the Division of Local Government 'Destination 2036' workshop; and
2. Council reinforce its position that it is apposed to any forced amalgamations.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

A **DIVISION** was called by Councillors G Danaher and H K Fisher and the Motion was approved **unanimously**.

ITEM-3 GM - 01/08/11 - REVIEW OF POLICY 9.9 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

11-305 RESOLVED

THAT Council adopt the revised Draft Policy 9.9 for the 'Payment of Expenses and Provision of Facilities to Councillors,' Version 4.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-4 GM - 01/08/11 - OUTSTANDING NOTICE OF MOTIONS - 2008 TO PRESENT

11-306 RESOLVED

THAT:

1. Council note the report on Notices of Motion;
2. A report be provided to Council in relation to the Recognition Committee seeking to place heritage plaques on the old Bracey Building in honour of the Bracey Family;
3. Council seek an update on the ACAT positions and seek their future intentions for these; and
4. Council look at formulating a Committee at the September Council Meeting to assist with the water strategy.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-5 ENVIRO - 01/08/11 - DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE 046/11DACC - REDEVELOPMENT OF LITHGOW AQUATIC CENTRE - GEORGE COATES AVENUE, LITHGOW

MOTION

THAT:

1. Development Application 046/11DACC be approved subject to conditions specified in the attached Section 79C assessment; and
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

AMENDMENT

THAT DA 046/11DACC - Lithgow Aquatic Centre be deferred until:

1. The developer, Lithgow City Council firstly public advertise the full development application for up to 28 days; including their proposed plans for the proposed road closure of Barton Street, Lithgow and the proposed removal of mature trees situated along the avenue of George Coates Drive and off Barton Street, Lithgow; and
2. The developer, Lithgow City Council resends new notification letters, clearly indicating that their proposed plans includes a proposed road closure off Barton Street Lithgow and the proposed removal of mature trees situated along the avenue of George Coates Drive and off Barton Street, Lithgow; to the previous 28 property owners who were considered by councils assessing officer as being potentially impacted upon by the proposal.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The **AMENDMENT** was put and declared **LOST**.

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

FOR

Councillor C Hunter
Councillor J J McGinnes
Councillor M F Ticehurst

AGAINST

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

11-307 RESOLVED

THAT:

1. Development Application 046/11DACC be approved subject to conditions specified in the attached Section 79C assessment; and
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor R Thompson

SECONDED: Councillor G Danaher.

FOR

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

AGAINST

Councillor C Hunter
Councillor M F Ticehurst
Councillor J J McGinnes

ITEM-6 ENVIRO - 01/08/11 - DEVELOPMENT APPLICATION 065/11DA - DWELLING AND GARAGE - 23 MORT STREET, LITHGOW

11-308 RESOLVED

THAT:

1. Development Application 065/10DA be deferred until a later Council meeting; and
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

A **DIVISION** was held and DA 065/11DA was deferred **unanimously**.

ITEM-7 ENVIRO - 01/08/11 - LEGAL ACCESS ISSUES - CLARENCE

11-309 RESOLVED

THAT Council:

1. Note the report on legal access issues and the meeting held in relation to the matter on 7 July 2011;
2. Approach the Member for Bathurst, Mr Paul Toole MP requesting that he investigate what possible funding sources may exist to resolve this problem;
3. Formally seek a response from the NSW Department of Lands as to whether they may be able to assist in funding a solution to this matter;
4. Formally seek a response from State Forests to ascertain if they would be willing to fund ongoing maintenance of a public road should one be created over the existing road;
5. Make enquiries to the Rail Safety Regulator to determine the standards and requirements for a level crossing that Council would be required to provide should it accept dedication of a public road over the existing rail crossing;
6. An assessment and report of the costs for the survey, dedication and ongoing maintenance of a public road be investigated prior to Council making a final decision in relation to this matter; and
7. Advise Mr Jeff Turner, property owner in the area, that it has no objection to him obtaining a Right of Carriageway over Council land adjacent to the Clarence/Dargan Bushfire Brigade Shed on the basis that the survey and dedication be entirely at his own cost; the position of the Right of Carriageway be undertaken in consultation with the Clarence/Dargan Bushfire Brigade to ensure that it does not interfere with their operations; approval is obtained from Zig Zag Railway so that the Right of Carriageway traverses through their property onto Mr Turner's property; and all legal and construction costs to be bourn by Mr Turner.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

SUPPLEMENTARY MOTION

11-310 RESOLVED

THAT Council:

1. Take steps to change the title of land owned by Lithgow City Council from freehold to Public land;
2. Negotiate with Zig Zag for land swap to give Lithgow City Council access to RTA connection; and
3. Include in next budget funds for sealing a section from RTA to Zig Zag car park and legal costs for creating a legal road.

MOVED: Councillor C Hunter

SECONDED: Councillor H K Fisher.

**ITEM-8 ENVIRO - 01/08/11 - LOCALITY NAME CHANGE ROUND SWAMP TO
 RUNNING STREAM**

11-311 RESOLVED

THAT:

1. The proposed area as indicated on the attached mapping be renamed Running Stream and Geographical Names Board notified of the proposal for advertisement and gazettal; and
2. The property owners and authorities be notified of the change subsequent to Geographical Names Board approval.

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

**ITEM-9 ENVIRO - 01/08/11 - DISCUSSIONS WITH RAILCORP - SOUTH
 BOWENFELS STATION AND OTHER ISSUES**

11-312 RESOLVED

THAT Council:

1. Note the report on various issues pertaining to Bowenfels Station and Residence, Eskbank Station, Sandford Avenue Bridge, 12 Railway Parade and Newnes Station Walking Track;
2. Indicate, in principle it is willing to part fund the replacement fencing on the Sandford Avenue Bridge, subject to the submission of a detailed quotation and funding being available within Council's current budget;
3. Officers hold discussions with the State Mine Heritage Railway Group and Railcorp to negotiate possible terms for the lease of the Old Eskbank Parcels Office and this be further reported back to Council; and
4. Officers hold discussions with the Eskbank Rail heritage Centre Committee and Railcorp to explore option for a long term solution to the Bowenfels Station Precinct which may see it includes as part of the Eskbank Rail heritage Centre.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

OPERATION REPORTS

ITEM-10 OPER - 01/08/11 - FEASIBILITY STUDY INTO RECOMMISSIONING FARMERS CREEK NO. 1 DAM

11-313 RESOLVED

THAT the matter of the feasibility study into recommissioning Farmers Creek No. 1 Dam be deferred until the September Council Meeting to then be considered by the proposed Water Strategy Committee.

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

ITEM-11 OPER - 01/08/11 - CENTROC WATER UTILITIES ALLIANCE

11-314 RESOLVED

THAT Council note the information on the Centroc Water Utilities Alliance.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

ITEM-12 OPER - 01/08/11 - TENDERS FOR CONSTRUCTION OF STAGE 1 - LITHGOW AQUATIC CENTRE

11-315 RESOLVED

THAT Council:

1. Accept the amended Tender from Hines Construction in the total amount of \$1,803,611 for the construction of Stage 1 of the Lithgow Aquatic Centre;
2. Council allocate \$150,000 from the infrastructure reserve established in the 2011/12 Management Plan;
3. Council allocate \$376,928 from the Section 94 reserve to fund the project; and
4. Authorise the affixing of the Council seal to any necessary documents.

MOVED: Councillor R Thompson

SECONDED: Councillor H K Fisher.

A **DIVISION** was called by Councillors H K Fisher and W McAndrew.

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

ITEM-13 OPER - 01/08/11 - WATER REPORT

11-316 RESOLVED

THAT the information in relation to water management issues be noted.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM-14 OPER - 01/08/11 - STREETScape IMPROVEMENTS IN WOLGAN
AND WILLIEWA STREETS PORTLAND**

11-317 RESOLVED

THAT Council:

1. Request TALC to consider the installation of a disabled parking zone on the eastern side of Wolgan Street; and
2. Complete the upgrade of the plantings in the garden beds on the eastern side of Wolgan Street using the current adopted theme.

MOVED: Councillor W McAndrew

SECONDED: Councillor G Danaher.

FINANCE REPORTS

ITEM-15 FINAN - 01/08/11 - EXPECTED IMPACT ON COUNCILS AND THE LITHGOW LGA BY THE INTRODUCTION OF A CARBON TAX

11-318 RESOLVED

THAT:

1. Council note expected increase in expenses from the introduction of a Federal Government Carbon Tax will be in excess of \$80,000 effective from 1 July 2012; and
2. Council investigate ways to reduce energy and fuel consumption, the disposal of organic waste and effective methods to capture greenhouse gas at landfills.

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

COMMITTEE MEETINGS

ITEM-16 OPER - 01/08/11 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES 7TH JULY 2011

11-319 RESOLVED

THAT:

1. Council notes the minutes of the Traffic Authority Local Committee held on 7 July 2011;
2. Council repaint the pedestrian crossing located in Railway Parade near Eskbank Street and that a pedestrian barrier or fence is erected on the railway side of the crossing to protect pedestrians on the pedestrian crossing;
3. Council remove the overgrown vegetation on the walkway on James O'Donnell Drive at Hillcrest Estate and that the section of pedestrian access is cleared and extended to allow safe pedestrian use;
4. Council write to Mr Paul Toole requesting that the State Government provide further parking for the employees of the State Debt Recovery Office in railway Parade Lithgow;
5. Council approves the use of 23 metre B-Doubles on Forest Ridge Drive (1.4kms);
6. Council does not approve the use of 23 metre B-Doubles on the Sunny Corner Road (4.4kms);
7. Council approves the use of 23 metre B-Doubles on Dark Corner Road- Cupitt's Lane through to Stringybark Road (500 metre distance);
8. Council does not approve the use of 23 metre B-double access on Cupitt's Lane through to Hill Trail (distance of 3.9kms);
9. Council complete minor work on identified crests and sections of the road at Cases Lane, Mount Lambie and that cautionary signage is erected;
10. Council approve –
 - That a left turn only lane for west bound traffic exiting from the Great Western Highway into Hungry Jacks Restaurant
 - A entry/exit access into the restaurant from Stewart Street
 - No Stopping on both sides of Stewart Street
 - A left turn in only access for the entrance to the restaurant in Caroline Avenue
 - That the Give Way sign at the exit to Stewart Street onto Caroline Avenue is changed to a Stop sign
 - That a median strip is placed in Caroline Avenue to stop traffic turning right into the restaurant
 - That two distinct lanes are placed in Caroline Avenue when entering from the Highway, one marked with through arrows, the other with left hand turn arrows
 - No Stopping zones are placed in Caroline Avenue on both sides of the street on the exit from the highway

- That the entry/exit access in Stewart Street is monitored and evaluated
 - That the traffic signals are changed at the intersection of Caroline Avenue when exiting onto the Great Western Highway so that the left hand turn is no longer a through arrow, but is left turn only.
11. Council install a stopping sign 10 metres from the intersection of the La Salle School bus interchange in the direction of the resident's garage in Rabaul Street Lithgow and that No Parking 8:30-9:30am and 2:30-3:30pm signage is installed to include the resident's garage on school days only;
 12. Council refer back the TALC the matter of a possible stop sign / give way sign and median strip at Sir Thomas Mitchell Drive, on the two blind corners that were identified;
 13. Council install ripple strips along Fullagar Avenue and in Chivers Close where the sandbags were previously placed;
 14. Council complete minor works on the corner opposite the entrance to the showground in Barton Street Lithgow to accommodate two way traffic as part of this proposal;
 15. Extend the current 80km/h speed limit from the top of Gould's Hill past the Sir Thomas Mitchell Drive entrance and then the 100km/h speed limit recommences;
 16. That a Concealed Driveway sign is installed on the Lake Lyell side of Gould's Hill to advise motorists of driveways ahead; and
 17. That the double lines on the road are repainted along Magpie Hollow Road- specifically so there is no overtaking along the section of Magpie Hollow Road from the top of Gould' s Hill through to the start of the 100km/h speed zone relocation.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM-17 OPER - 01/08/11 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 25TH JULY 2011**

11-320 RESOLVED

THAT:

1. Council approves financial assistance of \$500 from the current Financial Assistance for Sporting Representatives (approved financial assistance to Megan Embleton); and
2. Council note the minutes of the Sports Advisory Committee meeting held on Monday, 25 July 2011.

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 meeting closed at 9.00pm