



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

13 FEBRUARY 2012

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 13 FEBRUARY 2012**

Meeting Commenced 7.00pm

Public Forum: 35

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

NIL

Councillor Wayne Marshall

The Mayor recognised the passing away of Councillor Wayne Marshall. A moments silence was observed.

Also in attendance

Mr Roger Bailey, General Manager
Miss Rhiannan Pace, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Ms Ally Shelton, Acting Group Manager Community and Strategy
Mr Iain Stewart, Group Manager Operation Services
Mrs Carol Farnsworth, Finance Manager

CONFIRMATION OF MINUTES

12-35 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 23rd January 2012 were taken as read and confirmed by Councillors G Danaher and W McAndrew

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

Division -

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

DECLARATION OF INTEREST

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

NIL

QUESTIONS FROM THE PUBLIC FORUM

At 7.06pm Members of public gallery were invited to participate in the Public Forum Session.

1. PF - 13/2/12 - MR DARRYL WRIGHT

Advised Council that Asbestos has been dumped on Crown Land near his property. Why when reported to Council are they told he has to get onto Crown Land?

The Mayor advised Mr Wright to provide the details to Council officers and they would investigate the matter further.

2. PF - 13/2/12 - MR SIMON WILLIAMS

Was present to represent Boral in relation to Item 6 of the Agenda. Mr Williams thanked Council staff for being patient with their consideration of the material. Mr Williams stated he would be available to answer any questions on the matter.

The Mayor thanked Mr Williams

3. PF - 13/2/12 - MRS SHIRLEY VERNON

Referred to the recent increase in financial incentives for Shopkeepers in Main Street, Lithgow and asked if a Councillor has a shop in main street is that a 'conflict of interest'? Why should ratepayers supplement shopkeepers?

The General Manager advised that the program is to encourage improvement to the shopfront of the identified area.

Mrs Vernon asked about the conflict of interest.

The Mayor advised that the financial incentive provided by Council was open to all shopkeepers.

4. PF - 13/2/12 - MR JOHN KEARNS

The Portland Heritage Group have intentions to develop memorabilia and heritage in Portland. Will Council consider the intentions of the Heritage group when considering the Development application.

Mayor thanked Mr Kearns and advised that the matter is before Council tonight and that Council will take on board his comments.

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>ITEM-1</u>	<u>NOTICE OF MOTION - 130212 - LOCAL GOVERNMENT AND SHIRES ASSOCIATION CONSTITUTIONAL CAMPAIGN LETTER TO COUNCILS - COUNCILLOR M F TICEHURST</u>	<u>17</u>
<u>ITEM-2</u>	<u>NOTICE OF MOTION - 130212 - ADDITIONAL BOOKINGS FOR THE FUTURE USE OF THE CIVIC BALLROOM AND TONY LUCHETTI SHOWGROUND - COUNCILLOR M F TICEHURST</u>	<u>18</u>
<u>GENERAL MANAGERS REPORTS</u>		<u>6</u>
<u>ITEM-3</u>	<u>GM - 130212 - EXCLUSION OF NOTICE OF MOTION</u>	<u>6</u>
<u>ITEM-4</u>	<u>GM - 130212 - CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT</u>	<u>6</u>
<u>ITEM-5</u>	<u>GM - 13/02/12 QUARTERLY REPORT DECEMBER QUARTER</u>	<u>7</u>
<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>		<u>8</u>
<u>ITEM-6</u>	<u>ENVIRO - 130212 - 039-10DA SUBDIVISION INTO 12 LOTS AND DEMOLITION, WILLIWA STREET, PORTLAND (BORAL LIMITED)</u>	<u>8</u>
<u>ITEM-7</u>	<u>ENVIRO - 130212 - MODIFICATION OF CONSENT 59804DA WESTHOLME SUBDIVISION INTO 42 ALLOTMENTS</u>	<u>8</u>
<u>ITEM-8</u>	<u>ENVIRO - 130212 - NSW PLANNING SYSTEM REVIEW - ISSUES PAPER</u>	<u>9</u>
<u>ITEM-9</u>	<u>ENVIRO - 130212 - GEOGRAPHICAL NAMES BOARD LOCALITY BOUNDARY ADJUSTMENT</u>	<u>10</u>
<u>OPERATION SERVICES REPORTS</u>		<u>11</u>
<u>ITEM-10</u>	<u>OPER - 130212 - WATER REPORT FEB 2012</u>	<u>11</u>
<u>ITEM-11</u>	<u>OPER - 130212 - FISH RIVER SUPPLY SCHEME - REVIEW OF WATER SHARING ARRANGEMENTS</u>	<u>11</u>
<u>COMMUNITY AND STRATEGY REPORTS</u>		<u>12</u>
<u>ITEM-12</u>	<u>COMM - 13/02/12 - AUSTRALIA DAY 2012</u>	<u>12</u>
<u>ITEM-13</u>	<u>COMM - 13/02/12 - DIGITAL TELEVISION TRANSMISSION</u>	<u>12</u>
<u>FINANCIAL SERVICE REPORTS</u>		<u>13</u>
<u>ITEM-14</u>	<u>FINAN - 130212 DRAFT POLICIES FOR ADOPTION</u>	<u>13</u>
<u>ITEM-15</u>	<u>FINAN - 130212 COUNCIL INVESTMENTS HELD 31 JANUARY 2012</u>	<u>13</u>
<u>ITEM-16</u>	<u>FINAN - 130212 - DRAFTPOLICY 8 8 MAIN ST FACADE POLICY 9 7</u>	<u>14</u>

GIFTS BENEFITS

<u>COMMITTEE MEETINGS</u>	<u>15</u>
<u>ITEM-17</u>	<u>15</u>
<u>COMM - 130212 - BLUE MTNS CROSSING COMMITTEE MEETING 25 JANUARY 2012</u>	
<u>ITEM-18</u>	<u>15</u>
<u>COMM - 130212 - CRIME PREVENTION COMMITTEE MINUTES 16 JAN 2012</u>	
<u>ITEM-19</u>	<u>16</u>
<u>COMM - 130212 - YOUTH COUNCIL COMMITTEE MEETING 2 Feb 2012</u>	
<u>ITEM-20</u>	<u>16</u>
<u>OPER - 130212 - SPORTS ADVISORY COMMITTEE MINUTES</u>	
<u>ITEM-21</u>	<u>17</u>
<u>OPER - 13/02/12 - TALC MEETING MINUTES 19/01/12</u>	
<u>ITEM-1</u>	<u>17</u>
<u>NOTICE OF MOTION - 130212 - LOCAL GOVERNMENT AND SHIRES ASSOCIATION CONSTITUTIONAL CAMPAIGN LETTER TO COUNCILS - COUNCILLOR M F TICEHURST</u>	
<u>ITEM-2</u>	<u>18</u>
<u>NOTICE OF MOTION - 130212 - ADDITIONAL BOOKINGS FOR THE FUTURE USE OF THE CIVIC BALLROOM AND TONY LUCHETTI SHOWGROUND - COUNCILLOR M F TICEHURST</u>	
<u>BUSINESS OF GREAT URGENCY</u>	<u>19</u>

PROCEDURAL MOTION

12-36 RESOLVED

THAT Items 1 and 2 be deferred and put after any reports from Delegates and before any Business of Great Urgency

MOVED: Councillor G Danaher

GENERAL MANAGERS REPORTS

ITEM-3 GM - 130212 - EXCLUSION OF NOTICE OF MOTION

12-37 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.

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

Division -

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

ITEM-4 GM - 130212 - CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

12-38 RESOLVED

THAT Council note the report on the Constitutional Recognition of Local Government and that a levy is to be placed on Council of \$17,082.71

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

ITEM-5 GM - 13/02/12 QUARTERLY REPORT DECEMBER QUARTER

REPORT FROM: FINANCE MANAGER C FARNSWORTH

12-39 RESOLVED

THAT

1. The surplus of \$54,255 for the 2011/12 to 2014/15 Management Plan as detailed in the Quarterly Performance Report for the period 1 October 2011 to 31 December 2011 be noted;
2. Council authorise the variations to the Council budget as outlined in the report; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-6 ENVIRO - 130212 - 039-10DA SUBDIVISION INTO 12 LOTS AND DEMOLITION, WILLIWA STREET, PORTLAND (BORAL LIMITED)

12-40 RESOLVED

THAT

1. Development application 039/10DA be approved subject to the conditions as outlined in the late addendum to the report yet retaining the original condition 4 pertaining to 'Community Involvement' of Section 79C Assessment report.
2. Seek representation to the relevant state Minister with regard to the clean up of the overall site.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

Division – (Unanimous)

FOR

Councillor N L Castle
Councillor G Danaher
Councillor H K Fisher
Councillor C Hunter
Councillor W McAndrew
Councillor J J McGinnes
Councillor R Thompson
Councillor M F Ticehurst

ITEM-7 ENVIRO - 130212 - MODIFICATION OF CONSENT 59804DA WESTHOLME SUBDIVISION INTO 42 ALLOTMENTS

12-41 RESOLVED

THAT:

1. The Section 96 1 (A) modification be approved with the Conditions of Consent numbered 1 and 79B changed to reflect the revised plans.

2. Any conditions of consent requested by the Rural Fire Service to be included will be incorporated within the amended conditions of consent.
3. All other conditions of the original consent remain.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

Division – (Unanimous)

FOR

Councillor N L Castle
Councillor G Danaher
Councillor H K Fisher
Councillor C Hunter
Councillor W McAndrew
Councillor J J McGinnes
Councillor R Thompson
Councillor M F Ticehurst

ITEM-8 ENVIRO - 130212 - NSW PLANNING SYSTEM REVIEW - ISSUES PAPER

12-42 RESOLVED

THAT Council note the submission on the NSW Planning System Review Issues Paper.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

**ITEM-9 ENVIRO - 130212 - GEOGRAPHICAL NAMES BOARD LOCALITY
BOUNDARY ADJUSTMENT**

12-43 RESOLVED

THAT Council accept the following changes to locality boundaries and advise the Geographical Names Board accordingly:

- Lot 12 DP848538 and Lot 1 DP 1045135 is to be included into the Lowther locality boundary.
- Lot 921 DP 1164448 is to be included into the Wallerawang locality boundary.
- Lot 5 DP872230 is to be included into the Marrangaroo locality boundary.
- Lot 1 & 2 DP 872187 is to be included into the Cullen Bullen locality boundary.

MOVED: Councillor H K Fisher

SECONDED: Councillor C Hunter.

OPERATION SERVICES REPORTS

ITEM-10 OPER - 130212 - WATER REPORT FEB 2012

12-44 RESOLVED

THAT the Water Report be noted.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-11 OPER - 130212 - FISH RIVER SUPPLY SCHEME - REVIEW OF WATER SHARING ARRANGEMENTS

12-45 RESOLVED

THAT Council accept the proposed changes to recommendation 24 of the Fish River Water Supply Scheme Water Sharing rules as follows;

- 100% of unused weekly allocation to be carried over
- Water restrictions and carryover are calculated on “net” storage volumes, not full allocations i.e. actual dam levels and the available water calculation.
- Access to the carryover is not subject to restrictions.
- There is reduction of water held in the carry over accounts for evaporation rates.
- Carryover volumes are reset when the dam spills.
- Carryover water in accounts is subject to a maximum volume (20%) restriction, calculated continuously. NB – accounting is currently conducted on a weekly basis
- The carryover volume is made available for use in the current and subsequent years subject to evaporation and dam spill rules.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

COMMUNITY AND STRATEGY REPORTS

ITEM-12 COMM - 13/02/12 - AUSTRALIA DAY 2012

12-46 RESOLVED

THAT Council notes the report on Australia Day 2012 events.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

ITEM-13 COMM - 13/02/12 - DIGITAL TELEVISION TRANSMISSION

12-47 RESOLVED

THAT

1. Council notes the report on Digital Television Transmission.
2. Council maintains the Glen Davis self help tower until 31 August 2012 and advise the Digital Switchover taskforce of same.
3. Seek information of contact details for the liaison officer. Speak with Federal Member Mr John Cobb in relation to a meeting with Minister Conroy if problems exist.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

12-48 A MATTER ARISING

THAT a report be provided to the next Council meeting on rural numbering issue and signposting of Daintree Lane.

MOVED: Councillor J J McGinnes

SECONDED: Councillor H K Fisher.

FINANCIAL SERVICE REPORTS

ITEM-14 FINAN - 130212 DRAFT POLICIES FOR ADOPTION

12-49 RESOLVED

THAT

1. Council acknowledge that no submissions were received during the 21 day advertising period and adopt:
 - Draft Policy 9.13 Protected Disclosure Policy
 - Draft Policy 8.3 Hardship
 - Draft Policy 9.3 Business Ethics
 - Draft Policy 8.5 Pension Rebates
 - Draft Policy 8.2 Investment Policy

2. Seek a meeting with the State Member for Bathurst for a change of State Government policy in relation to increasing the pension rebate.

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

ITEM-15 FINAN - 130212 COUNCIL INVESTMENTS HELD 31 JANUARY 2012

12-50 RESOLVED

THAT Investments of \$17,041,022.53 for the period ending 31 January 2012 be noted.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM-16 FINAN - 130212 - DRAFTPOLICY 8.8 MAIN ST FACADE POLICY 9.7
 GIFTS BENEFITS**

12-51 RESOLVED

THAT Council advertise Draft Policy 8.8 Main St Façade Restoration Program and Draft Policy 9.7 Gifts and Benefits - Councillors and Staff for public submissions for a period of 21 days prior to further consideration.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

A **DIVISION** was called by Councillors H K Fisher and J J McGinnes.

Division – (Unanimous)

FOR

Councillor N L Castle
Councillor G Danaher
Councillor H K Fisher
Councillor C Hunter
Councillor W McAndrew
Councillor J J McGinnes
Councillor R Thompson
Councillor M F Ticehurst

COMMITTEE MEETINGS

ITEM-17 **COMM - 130212 - BLUE MOUNTAINS CROSSING COMMITTEE MEETING 25 JANUARY 2012**

12-52 RESOLVED

THAT

Council:

1. Notes the minutes of Blue Mountains Crossing Committee Meeting of 25 January 2012.
2. Amends the Committee Terms of Reference to include membership by Bowenfels (Lithgow) Presbyterian Church and to remove the membership of the Royal Australian Historic Society.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.

ITEM-18 **COMM - 130212 - CRIME PREVENTION COMMITTEE MINUTES 16 JAN 2012**

12-53 RESOLVED

THAT Council:

1. Notes the minutes of the Crime Prevention Committee meeting of 16 January 2012.
2. Notes the successful receipt of a \$50,000 crime prevention grant from the NSW Attorney General's Department.
3. Seek a meeting with Inspector Maddox together and the LBA with regard to the Crime Statistics.
4. Accelerate the installation of another CCTV camera as soon as possible and investigate the installation of another two CCTV cameras into the Lithgow CBD area.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

**ITEM-19 COMM - 130212 - YOUTH COUNCIL COMMITTEE MEETING 2 Feb
2012**

12-54 RESOLVED

THAT Council:

1. Notes the minutes of the Youth Council meeting held 2 February 2012.
2. The provision of recurrent funding to the Matthew Sharpe Scholarship Fund be considered in the 2012-13 budget deliberations.
3. The outcome related to greater male representation on Youth Council be noted.
4. Council staff investigate the installation of a shade cloth and toilet signage at the skate park, and consult with skaters regarding the creation of a mural to coincide with Youth Week.
5. Council staff investigate the feasibility of retrofitting the netball courts with basketball hoops and courts.
6. The 2012 schedule of Youth Council meetings be noted.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-20 OPER - 130212 - SPORTS ADVISORY COMMITTEE MINUTES

12-55 RESOLVED

THAT Council:

1. Approve financial assistance of \$800.00 from the current allocation for Financial Assistance for Sporting Representations (\$400.00 for Misty Walsh and \$400.00 for Roxsanne Van Veen);
2. Provide a donation of \$400.00 from the current allocation for Community Donations to the Western Region Academy of Sport; and
3. Note the minutes of the Sports Advisory Committee meeting held on Monday, 30 January 2012.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-21 OPER - 13/02/12 - TALC MEETING MINUTES 19/01/12

12-56 RESOLVED

THAT

1. The relocation of the current bus zone and installation of a disabled parking zone outside the front entrance to Queen Elizabeth Park in Main Street Lithgow be resubmitted to TALC for further consideration.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor H K Fisher.

12-57 RESOLVED

THAT

1. Council notes the minutes of the Traffic Authority Committee held on 19 January 2012.
2. Council install No Parking signage on both sides of the Padley Street laneway for a distance of 15 metres immediately after the standard no stopping zone.
3. Council approve the extension of the current no stopping sign times in Third Street to 1pm on Saturdays.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

ITEM-1 NOTICE OF MOTION - 130212 - LOCAL GOVERNMENT AND SHIRES ASSOCIATION CONSTITUTIONAL CAMPAIGN LETTER TO COUNCILS - COUNCILLOR M F TICEHURST

12-58 RESOLVED

THAT the motion be withdrawn

MOVED: Councillor M F Ticehurst

SECONDED: Councillor H K Fisher.

**ITEM-2 NOTICE OF MOTION - 130212 - ADDITIONAL BOOKINGS FOR THE
FUTURE USE OF THE CIVIC BALLROOM AND TONY LUCHETTI
SHOWGROUND - COUNCILLOR M F TICEHURST**

12-59 RESOLVED

THAT:

1. The General Manager provide a report to the Council, Councillors, ratepayers and residents on what, **additional** bookings have been made for the future use of the recently completed multi-million dollar upgraded Civic Ballroom and the Tony Luchetti Showground; and
2. Council advertise the improvements and the availability of the facilities for future events.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

A **DIVISION** was called by Councillors W McAndrew and R Thompson.

BUSINESS OF GREAT URGENCY

UB – 13/2/12 - COUNCILLOR H FISHER

Councillor Fisher raised the matter of a petition in regards to Coalpac and the Cullen Valley Consolidation Mine.

12-60 RESOLVED

THAT the matter of the Cullen Valley Consolidation Mine Petition be declared as urgent and dealt with at this meeting.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

The Mayor declared the matter to be of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

12-61 RESOLVED

THAT Council receive the petition in relation to the Coalpac Cullen Valley Consolidation mine.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

The meeting closed at 8.23PM