



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

26 MARCH 2012

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 26 MARCH 2012**

Meeting Commenced 7.00pm

Public: 46

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 (7.07pm)

Also in attendance

Mr Roger Bailey, General Manager
Miss Rhiannan Pace, Minutes Secretary
Mr Jim Nichols, Acting Group Manager Environment and Development
Mrs Sherilyn Hanrahan, Acting Group Manager Community and Strategy
Mr Iain Stewart, Group Manager Operation Services

APOLOGIES

NIL

PUBLIC APOLOGY

A member from the Public Gallery, Mr Lee Mitchell requested the opportunity to address Council before Council business commenced.

12-84 RESOLVED

THAT Mr Mitchell be given the opportunity to address Council.

MOVED: Councillor G Danaher

SECONDED: Councillor H Fisher

Mr Mitchell apologised to Council for previous comments made and any inconvenience that this may have caused.

The Mayor thanked Mr Mitchell for his comments.

CONFIRMATION OF MINUTES

12-85 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 5 March 2012 were taken as read and confirmed by Councillors G Danaher and W McAndrew.

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 7.02pm Members of public gallery were invited to participate in the Public Forum Session.

1. PF – 26/03/12 - MR BARRY SMYTHE

Mr Smythe made a statement raising his concerns about interjections from the public gallery and that these are rarely audible by the Councillors. Members of the gallery that have something to say should do so through the public forum.

The Mayor thanked Mr Smythe for his comments.

2. PF – 26/03/12 - MR RAY VANDERBERG

Mr Vanderberg asked where is Pipers Flat? He raised concerns in relation to the road name.

Group Manager Operations advised that road name is up for discussion at tonight's meeting.

Mr Vanderberg raised concerns over the hedges located in the front yard of 26 Ordnance Avenue advising that they are obstacles for pedestrians.

The Mayor advised that Council will take this up with the property owners.

3. PF – 26/03/12 – MRS JULIE DOYLES

Mrs Doyles made a statement in regards to the Lake Pillans walkway and the rotting wood that is lying around causing it to be unsafe. She enquired as to whether Council could clean this up.

The Mayor advised that funding had been allocated through the RLCIP for upgrading of this.

Councillor Martin Ticehurst entered the Chamber at 7.07pm

Mrs Doyle stated that Blast Furnace Park is an amazing tourist attraction and asked if any time and effort will be put into improving it.

Group Manager Operations advised that there is current funding available for upgrade of fencing and small improvements, however no major improvements are intended at this stage.

4. PF – 26/03/12 – MR LEE MITCHELL

Can Councillors confirm whether they intend to support outsourcing of Council work?

The Mayor stated that he could not speak for others but he agreed that Council should not outsource work if Council staff were capable of undertaking the duties.

5. PF – 26/03/12 – MR JEFF THURLOW

On behalf of the Guy Street residents Mr Thurlow stated that in May 2010 the residents were under the understanding that the road was being resealed but is yet to be done. It is in need of repair. Can the work be considered in the upcoming budget deliberations?

Group Manager Operations said the funds have not been lost. Council will be starting on Guy street within next 3-4 weeks, following the works currently being completed in Ivatt Street.

6. PF – 26/03/12 – MRS JENNIFER MENCHIN

Mrs Menchin made a statement regarding the workshops associated with the implementation of the Economic Development Strategy. Momentum has died off. Where is Council up to with that and are there are plans to continue to workshops?

General Manager advised that we have recently filled the Economic Development position and expect that work on the implementation will commence again shortly.

7. PF – 26/03/12 – MR PAUL PHILLIPS

Mr Phillips enquired as to the current status of the Adventure Playground and the \$50,000 allocated to that project.

General Manager advised that a report has been drafted and will come back to Council in the next meeting or two.

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POINT OF ORDER – Unfinished Business

Councillor McAndrew called a Point of Order indicating that there is unfinished business from the previous Council meeting to be dealt with, that is that Councillor Ticehurst had not withdrawn and apologised for his remark to the public gallery.

Mayor Castle indicated that Lee Mitchell had made an apology earlier this evening for his previous comments from the public gallery.

The Mayor then asked Councillor Ticehurst if he will withdraw and apologise for his previous remark.

Councillor Ticehurst refused.

The Mayor reminded Councillor Ticehurst that there is an existing resolution on the Council books and if he was not to withdraw and apologise he would be asked to leave.

Councillor Ticehurst raised issue of Code of Conduct complaint against himself and advised he would not be leaving.

PROCEDURAL MOTION

12-86 RESOLVED

THAT Councillor Ticehurst be expelled from the meeting for his failure to withdraw and apologise for his previous disparaging remark.

MOVED: Councillor Fisher

SECONDED: Councillor McAndrew

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

Division -

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

Mayor called adjournment at 7.15pm to call the Police and allow Councillor Ticehurst to leave the meeting.

The Council reassembled at 7.26pm with all of the aforementioned Councillors present with the exception of Councillor Ticehurst.

On resuming the meeting the Mayor asked the Council if it wished to continue business. The Council responded in the affirmative.

ITEM-1 NOTICE OF MOTION - 26/03/12 - ANNUAL REPORTING OF CONTRACTS FOR LITHGOW CITY COUNCIL SENIOR STAFF - COUNCILLOR M F TICEHURST

12-87 RESOLVED

THAT with respect to Section 339 of the Local Government Act, 1993, could the General Manager advise;

1. When he will be annually reporting to this Council and Councillors on the Contractual Conditions of Senior Staff;
2. Why this annual reporting on the Contractual Conditions of Senior Staff has not been provided annually to this Council and Councillors previously?; and
3. Further, that a report be provided to a future meeting of Council on this matter.

MOVED: Councillor R Thompson

SECONDED: Councillor J J McGinnes.

Advice was provided that information on senior staff contracts is provided in the Council's Annual Report and this matter will be reported to a future meeting of Council.

ITEM-2 NOTICE OF MOTION - 26/03/12 - LITHGOW CITY COUNCIL AND THE 2012 LITHGOW SHOW - COUNCILLOR M F TICEHURST

12-88 RESOLVED

THAT the General Manager or responsible Senior Council Officers provide a verbal report to this Ordinary Meeting of the Lithgow City Council on the background of the recent public concerns that occurred between the Lithgow City Council and the Lithgow Show Society involving the Bull Ring / Rodeo held at the 2012 Lithgow Show

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

Advice was provided to the meeting regarding meetings held with various users.

**ITEM-3 GM - 26/03/12 - NSW LONG TERM TRANSPORTMASTER PLAN
DISCUSSION PAPER**

12-89 RESOLVED

THAT

1. Council authorise the Mayor and Deputy Mayor to make a submission in relation to the NSW Long Term Transport Master Plan, Discussion Paper.
2. That Council lobby the local member, relevant Minister and NSW Premier regarding the need to continue the Great Western Highway Upgrade, west of Katoomba.

MOVED: Councillor G Danaher

SECONDED: Councillor W McAndrew.

ITEM-4 GM - 26/03/12 - 2012 COUNCIL ELECTIONS

12-90 RESOLVED

THAT Council authorise the General Manager to arrange information session(s) for prospective candidates for the 2012 Local Government Elections in the Lithgow Local Government Area.

MOVED: Councillor H K Fisher

SECONDED: Councillor R Thompson.

ITEM-5 ENVIRO - 26/03/12 - ICAC REPORT NSW PLANNING SYSTEM

12-91 RESOLVED

THAT the ICAC report “Anti-corruption safeguards and the NSW planning system” be noted.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-6 ENVIRO - 26/03/12 - ROAD RE-NAMING - PROPOSED NAMES FOR CONSIDERATION

12-92 RESOLVED

THAT

1. In accordance with Council's Policy for the naming of roads, Council advertise the road names, Pipers Flat Road, Bellamy Road, Garlands Road, Morten Road, Fulton Road, Brown Close, Tom Lesslie Place and Bruwalin Place in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.
2. If the road names suggested and listed above receive no submissions, then Council is to proceed with Government Gazette and advise the Emergency Services and land owners of these road names.

MOVED: Councillor R Thompson

SECONDED: Councillor C Hunter.

ITEM-7 ENVIRO - 26/03/12 - SMOKE FREE OUTDOOR AREAS

12-93 RESOLVED

THAT the information from the LGSA be noted and Council give further consideration to the proposal for smoke-free outdoor areas when the draft legislation is presented by the NSW Government for public comment.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

ITEM-8 OPER - 26/03/12 - WATER REPORT

12-94 RESOLVED

THAT the water report be noted

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

Councillor Ticehurst re-entered chambers at 7.54pm

Councillor Fisher called a Point of Order in relation to Councillor Ticehurst's presence.

The Mayor asked Councillor Ticehurst whether he was prepared to withdraw and apologise for his previous remark.

Councillor Ticehurst did not respond.

21-95 RESOLVED

THAT Councillor Ticehurst be expelled from the meeting for his failure to withdraw and apologise for his previous disparaging remark.

MOVED: Councillor Fisher **SECONDED:** Councillor Danaher

Mayor called an adjournment at 7.56pm to allow Councillor Ticehurst to leave the meeting and the Police to be called.

The Council reassembled at 8.02pm with all of the aforementioned Councillors present with the exception of Councillor Ticehurst.

On resuming the meeting the Mayor asked the Council if it wished to continue business. The Council responded in the affirmative.

**ITEM-9 OPER - 26/03/12 - LITHGOW CITY COUNCIL CONTRACTOR
MANAGEMENT SYSTEM (CMS)**

12-96 RESOLVED

THAT Council endorse the services offered by the current Contractors inducted into Councils CMS as preferred contractors for works that don't require compliance with tendering procedures;

1. Gracey's Earthmoving & Excavations.
2. R.T & K.M Lund Earthmoving & Excavating Contractor
3. Dukes Civil Pty Limited

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

**ITEM-10 COMM - 26/03/12 - INTEGRATED PLANNING AND REPORTING -
DRAFT COMMUNITY STRATEGIC PLAN - COMMUNITY
ENGAGEMENT STRATEGY**

12-97 RESOLVED

THAT

1. The Community Engagement Report and Community Engagement Report – Community Satisfaction Survey 2011 be received.
2. The Community Engagement Report and Community Engagement Report – Community Satisfaction Survey 2011 be made available to Council officers and the community as a planning tool for the future development of the area.
3. The issues/ideas identified within the Community Engagement Report and Community Engagement Report – Community Satisfaction Survey 2011 be used to educate the community on Council’s role, areas of responsibility and activities
4. The preliminary timeframes and activities identified in Phase 2 – Community Engagement Strategy be noted and approved subject to adoption of the Integrated Planning and Reporting Framework for exhibition by Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

**ITEM-11 FINAN - 26/03/12 - COUNCIL INVESTMENTS HELD 29 FEBRUARY
2012**

12-98 RESOLVED

THAT Investments of \$18,104,466.58 for the period ending 29 February 2012 be noted.

MOVED: Councillor G Danaher

SECONDED: Councillor R Thompson.

**ITEM-12 FINAN - 26/03/12 - ECONOMIC DEVELOPMENT SHOPFRONT
COMMITTEE MINUTES**

12-99 RESOLVED

THAT Council:

1. Note the minutes of the Economic Development Shopfront Committee meeting held on Monday, 12 March 2012;
2. Note no Council premises are vacant
3. Note contact made with all current users of the Hoskins Institute and that Council will relocate artworks and depot supplies prior to 31 May 2012
4. Agree to the Main St Façade subsidy being paid on approved application by property
5. Noted that Council will consider Policy 5.4 ' Footpaths for Restaurant Seating & Display of Goods' at the Council Meeting of 19 March 2012

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

**ITEM-13 COMM - 26/03/12 - YOUTH COUNCIL COMMITTEE MEETING
MINUTES 27/02/12**

12-100 RESOLVED

THAT Council notes the minutes of the Youth Council meeting held 27 February 2012.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

**ITEM-14 COMM - 26/03/12 - SOUTH LITTLETON HALL RENOVATION
SECTION 355 COMMITTEE MEETING 06/03/12**

12-101 RESOLVED

THAT Council:

1. Notes the minutes of the South Littleton Hall Renovation Committee meeting of 6 March 2012.

-
2. Notes that Council officer's will be surveying the South Littleton residents regarding the past and future use of the hall.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

ITEM-15 OPER - 26/03/12 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 1/3/12

12-102 RESOLVED

THAT

1. Council notes the minutes of the Traffic Authority Committee held on 1 March 2012.
2. Council install a Give Way sign at the intersection off Magpie Hollow Road and Sir Thomas Mitchell Drive at South Bowenfels.
3. Council install a disabled parking zone adjacent to the Red Cross Hall in the laneway located next to Queen Elizabeth Park in Lithgow.
4. Council install an oversized speed hump in the vicinity of the traffic island in the left hand when turning off Fullagar Avenue into Chivers Close Lithgow.
5. Council install a disabled parking zone and the appropriate signage in front of 60a Main Street Wallerawang.
6. Council not support a one way street proposal for Crane Road Lithgow.
7. Council relocate the disabled parking zone located between the National Australia Bank (156 Main Street) and LJ Hooker Real Estate (152-154 Main Street) Lithgow to directly west of the existing No Parking zone located adjacent to the Lithgow Medical Centre (136 Main Street).
8. Council
 - Install a "left hand turn watch for pedestrians" sign on the eastern side of Lithgow Street on the approach to Kirkland Link
 - Realign the existing pedestrian kerb ramp with the concrete pedestrian centre median
 - Install yellow pedestrian barriers at the eastern end of the pedestrian kerb ramp
 - Modify the centre median pedestrian refuge to provide additional pedestrian storage
9. Council installs 50km/h built up area signage in Hartley Valley Road Lithgow and 50km/h signage in Mort Street and 50km/h road stencils in both Mort Street and Hartley Valley Road
10. Council installs a 'No Stopping' zone and signage starting from the eastern edge of the Mines Rescue Station driveway (Lithgow Valley Plaza side) to the high visibility pedestrian sign 40 metres along on Lithgow Street
11. Council installs a 'Give Way' sign and Give Way line road markings at the intersection of Crane Road and Sandford Avenue Lithgow

12. Council remove the vegetation on the median strip left of the intersection of the Great Western Highway and James O'Donnell Drive back to the existing 70km/h sign and removes the vegetation to the right of the intersection of First Street and the Great Western Highway Lithgow to the seventh curve road warning sign on the median strip
13. Council extend the current 'No Stopping' zone located on the northern side of Rabaul Street when exiting La Salle Academy to the first driveway
14. Council change the time on the 'No Stopping' sign located to the east of the pedestrian crossing in Mort Street outside Lithgow Public School from 9am to 8.30am
15. Council remove the existing 'No Stopping' signage located adjacent to the Department of Housing residential complex in Barton Street Lithgow
16. Council install a speed hump in Burns Lane on the approach to the Main Street walk way exit to slow vehicles using the Burns Lane exit
17. Council erect a pedestrian fence or barrier as a matter of priority in front of the bus shelter located at 55 Mort Street Lithgow

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM-16 DELEGATES REPORT - 26/03/12 - CENTROC MEETING 23
FEBRUARY 2012**

12-103 RESOLVED

THAT Council note the report on the Centroc Meeting held on 23rd February 2012.

MOVED: Councillor N L Castle

SECONDED: Councillor G Danaher.

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 – 17 MAYORAL MINUTE – 26/03/12 – CONFIDENTIAL REPORT –
PERFORMANCE REVIEW OF THE GENERAL MANAGER**

12-104 RESOLVED

THAT Council consider the report in closed Council pursuant to Section 10(A)(2)(a) of the Local Government Act 1993.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

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.

12-105 RESOLVED

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

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

At 8.12pm the Council moved into Closed Council.

12-106 RESOLVED

THAT all staff be excluded from this section of the meeting.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

All staff left the chambers.

12-107 RESOLVED

THAT:

1. The report on the General Managers Annual Review be noted and;
2. The more than satisfactory performance of the General Manager be noted;
3. Council increase the General Manager's remuneration package by \$9,000 to \$224,000 per annum; and
4. Offer Mr Roger William Bailey a further five (5) year contract

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

12-108 RESOLVED

THAT Council return to open Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

The Mayor announced the recommendations of the Closed Council.

There being no further business the meeting closed at 8.29pm.