



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

15 OCTOBER 2012

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 15 OCTOBER 2012**

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Meeting Commenced 7.00pm

Public: 62

**PRESENT**

Her Worship the Mayor  
Councillor M Statham  
Councillor F Inzitari  
Councillor R Thompson  
Councillor W McAndrew  
Councillor P Pilbeam  
Councillor J J McGinnes  
Councillor C Hunter  
Councillor M F Ticehurst  
Councillor R Higlett

**APOLOGIES**

NIL

**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 Operations  
Mrs Carol Farnsworth, Finance Manager

**CONFIRMATION OF MINUTES**

**MOTION**

**THAT** the Confirmation of minutes of the Ordinary Meeting of Council held on the 3 September 2012 were taken as read and confirmed with the exception of Item 1 by Councillors M Ticehurst and McGinnes.

**WITHDRAWN**

**12-340 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 3 September 2012 were taken as read and confirmed by Councillors W McAndrew and R Thompson.

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

**Division-**

**FOR**

Councillor R Higlett

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Councillor C Hunter  
Councillor F Inzitari  
Councillor W McAndrew  
Councillor P Pilbeam  
Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor J J McGinnes  
Councillor M F Ticehurst

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 24 September 2012 were taken as read and confirmed by Councillors R Thompson and W McAndrew

**DECLARATION OF INTEREST**

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

Councillor J J McGinnes declared a Significant Personal Conflict of Interest in relation to item 5, due to him being a business owner in the Lithgow area. He will vacate the Chambers.

**QUESTIONS FROM THE PUBLIC**

At 7.08pm Members of public gallery were invited to participate in the Public Forum Session.

**PF - 15/10/12 - MR MARK LILLEY**

Mr Lilley thanked Councillors Statham and Ticehurst for their assistance with his Development Application for the Capertee Valley Helicopters.

*The Mayor thanked Mr Lilley for his comments.*

**PF - 15/10/12 - MR ANDRE VANDEMBURG**

Mr Vanbemburg made a statement in relation to recycling and his dissatisfaction with the current recycling systems.

*The Mayor advised that Council is addressing the issue and calling for tenders in the near future.*

*The Group Manager Environment advised that the tenders were hopefully going out next week and that the current recycling crates will be done away with.*

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**PF - 15/10/12 - MRS KAREN LUKA**

Mrs Luka as president of the Swimming Club made a statement with relation to item 1 of the agenda stating that the Department of Sport and Recreation have no issues with using the 50m pool as it currently exists for learn to swim programs. Mrs Luka added that there are various schools within the Lithgow LGA that are utilising this facility as it is for the 2012/13 season.

*The Mayor thanked Mrs Luka for her comments*

**PF - 15/10/12 - MRS SALLY TAYLOR**

Mrs Taylor as president of the Lithgow Business Association requested that Council consider waiving fees for the upcoming Celebrate Lithgow events.

*The General Manager advised that Council has allocated funds to this event for 2012 on a similar basis to previous years. Councillor Inzitari has made representations on this same issue.*

Mrs Taylor requested that this be reviewed for the next financial year.

*The Mayor advised Council would be happy to review in the next financial year.*

**PF - 15/10/12 - MR TERRY TONKIN**

Mr Tonkin enquired as to whether there were funds allocated in previous years to reseal Pimpala street, Marrangaroo?

*The Group Manager advised that works could not previously be conducted due to wet weather conditions. Funds are still available and that the works are expected to be completed within the next 4-6 weeks.*

**PF - 15/10/12 - MRS SUE GRAVES**

Mrs Graves made a statement in relation to the two Code of Conduct reports on the agenda. Lithgow Tidy Towns were responsible for the submission to the Tidy Towns awards. Mrs Graves provided information to the Councillors on what was involved in the tidy Towns submission.

*Councillor Thompson and McAndrew moved an extension of time for Mrs Graves to continue and an extension was granted.*

Mrs Graves highlighted 3 main issues;

1. Councillors Ticehurst and McGinnes have embarrassed the Lithgow people
  2. Both Councillors continue to run the Tidy Towns issues on their websites
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3. On the election day (8.9.12) Councillor McGinnes ran a paid advertisement in the Lithgow Mercury on the Tidy Towns issue.

*The Mayor thanked Mrs Graves for her comments.*

**PF - 15/10/12 - MRS BARBARA MILNE**

Mrs Milne asked whether the Cullen Bullen tip still closing next month?

*The Group Manager Environment and Development advised that there is a minimum 12 month extension possibly longer.*

**PF - 15/10/12 - MRS RENEE DEFRANCO**

Mrs Defranco asked whether there were plans for improvement of the top end of Main Street of Lithgow?

*The Mayor advised there have been discussions on a new CCTV in the CBD and is seeking feedback.*

*The Group Manager Operations advised that Council is looking at improving the appearance of Main Street with potted plants and also work in Pioneer Park is planned.*

Mrs Defranco asked if there were any requirements of business owners to maintain the appearance of their businesses?

*The Group Manager Environment and Development advised that Council has no power to make property owners upgrade their properties except, for example when a building is so dilapidated that it may be dangerous. Council, does offer rebates to property owners under its façade restoration program.*

*The Mayor advised if she had ideas on how improvements can be made Mrs Defranco should contact Council to make an appointment with her.*

**PF - 15/10/12 - MR JEFFREY LANGLANDS**

Mr Langlands asked whether the seating in the public gallery could be looked at.

*The Mayor advised that there were plans for improving the appearance of the chambers including the addition of more seating. These improvements would be considered in next years budget.*

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# TABLE OF CONTENTS

---

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>NOTICE OF MOTIONS</u>	<u>9</u>
<u>ITEM-1</u>	<u>NOTICE OF MOTION - 15/10/12 - LEARNERS POOL AT THE LITHGOW AQUATIC CENTRE - COUNCILLOR M TICEHURST</u>	<u>8</u>
<u>ITEM-2</u>	<u>NOTICE OF MOTION - 15/10/12 - HOLDING OF ORDINARY COUNCIL MEETINGS IN PORTLAND, WALLERAWANG TOWNS AND VILLAGES - COUNCILLOR M TICEHURST</u>	<u>8</u>
<u>ITEM-3</u>	<u>NOTICE OF MOTION - 15/10/12 - RELOCATION OF THE SENIOR CITIZENS IN LITHGOW - COUNCILLOR M TICEHURST</u>	<u>9</u>
<u>ITEM-4</u>	<u>NOTICE OF MOTION - 15/10/12 - SHELTER AND WATER BUBBLER FOR SKATE PARK - COUNCILLOR F INZITARI</u>	<u>9</u>
<u>ITEM-5</u>	<u>NOTICE OF MOTION - 15/10/12 - TRAFFIC MANAGEMENT OF THE SUPERCHEAP AUTO AND BWS DEVELOPMENT IN LITHGOW - COUNCILLOR M TICEHURST</u>	<u>10</u>
<u>ITEM-6</u>	<u>NOTICE OF MOTION - 15/10/12 - UPDATE ON THE ZIG ZAG RAILWAY AT CLARENCE - COUNCILLOR M TICEHURST</u>	<u>10</u>
<u>ITEM-7</u>	<u>NOTICE OF MOTION - 15/10/12 - WATER CHARGES FOR RURAL RESIDENTS - COUNCILLOR F INZITARI</u>	<u>11</u>
<u>ITEM-8</u>	<u>NOTICE OF MOTION - 15/10/12 - WATER PRICING AT TREEVIEW ESTATE - COUNCILLOR C HUNTER</u>	<u>11</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>13</u>
<u>ITEM-9</u>	<u>GM - 15/10/12 - CODE OF CONDUCT REPORT - COUNCILLOR MARTIN TICEHURST</u>	<u>12</u>
<u>ITEM-10</u>	<u>GM - 15/10/12 - CODE OF CONDUCT REPORT - COUNCILLOR JOE MCGINNES</u>	<u>15</u>
<u>ITEM-11</u>	<u>GM - 15/10/12 - CHRISTMAS AND NEW YEAR CLOSURE</u>	<u>16</u>
<u>ITEM-12</u>	<u>GM - 15/10/12 - COUNCIL MEETING SCHEDULE FOR 2013</u>	<u>15</u>
<u>ITEM-13</u>	<u>GM - 15/10/12 - 2012 COUNCILLOR WORKSHOPS</u>	<u>16</u>
<u>ITEM-14</u>	<u>GM - 15/10/12 - CENTROC SUMMIT 2012 CENTRAL NSW - BATHURST</u>	<u>16</u>
<u>ITEM-15</u>	<u>GM - 15/10/12 - COUNCIL COMMITTEES AND EXTERNAL BODIES</u>	<u>16</u>
<u>ITEM-16</u>	<u>GM - 15/10/12 - REVIEW OF POLICY 9.9 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS</u>	<u>19</u>

---

<u>ITEM-17</u>	<u>GM - 15/10/12 - FUNDING OF FIRE AND EMERGENCY SERVICES IN NSW</u>	<u>19</u>
<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>		<u>19</u>
<u>ITEM-18</u>	<u>ENVIRO - 15/10/12 - WITHDRAWAL OF 'CALL IN' OF DEVELOPMENT APPLICATION - MODIFICATION APPLICATION 319/06DA</u>	<u>19</u>
<u>ITEM-19</u>	<u>ENVIRO - 15/10/12 - CENTENNIAL COAL - LIDSDALE SIDING UPGRDE PROJECT</u>	<u>20</u>
<u>ITEM-20</u>	<u>ENVIRO - 15/10/12 - DA 074/12 - CONVERSION OF SHED TO DWELLING - LOT 5 IN DP 867648 TARANA ROAD TARANA</u>	<u>20</u>
<u>ITEM-21</u>	<u>ENVIRO - 15/10/12 - DEVELOPMENT APPLICATION DA125/12 CONSTRUCTION CERTIFICATE CC111/12 - SHED - CALLING IN OF APPLICATION</u>	<u>21</u>
<u>ITEM-22</u>	<u>ENVIRO - 15/10/12 - PROPOSED ROAD RE-NAMING- WESTERN SECTION OF GUY STREET</u>	<u>21</u>
<u>ITEM-23</u>	<u>ENVIRO - 15/10/12 - DA076/12 - REFURBISHMENT OF EDUCATION FACILITY LOT 3 DP 1077295 AND LOT 1 DP 379892 BRIDGE STREET LITHGOW NSW 2790</u>	<u>22</u>
<u>OPERATION REPORTS</u>		<u>23</u>
<u>ITEM-24</u>	<u>OPER - 15/10/12 - LITHGOW MEMORIAL POOL KIOSK MANAGEMENT 2012/13</u>	<u>23</u>
<u>ITEM-25</u>	<u>OPER - 15/10/12 - PURCHASE OF A 12 TONNE TRUCK</u>	<u>24</u>
<u>ITEM-26</u>	<u>OPER - 15/10/12 - WATER REPORT SEPTEMBER 2012</u>	<u>24</u>
<u>ITEM-27</u>	<u>OPER - 15/10/12 - CLARENCE COLLIERY WATER TRANSFER SCHEME</u>	<u>24</u>
<u>ITEM-28</u>	<u>OPER - 15/10/12 - FLOURIDATION COMMUNICATION PLAN</u>	<u>25</u>
<u>ITEM-29</u>	<u>OPER - 15/10/12 - FUNDING AGREEMENT FOR FINANCIAL ASSISTANCE UNDER THE 2012/13 NSW FLOODPLAIN MANAGEMENT PROGRAM</u>	<u>25</u>
<u>COMMUNITY AND STRATEGY REPORTS</u>		<u>26</u>
<u>ITEM-30</u>	<u>COMM - 15/10/12 - DIGITAL SWITCHOVER MEGALONG VALLEY</u>	<u>25</u>
<u>ITEM-31</u>	<u>COMM - 15/10/12 - PROPOSED RENAMING OF COOK STREET PLAZA</u>	<u>26</u>
<u>FINANCE REPORTS</u>		<u>27</u>
<u>ITEM-32</u>	<u>FINAN - 15/10/12 - RETURNS UNDER SEC 449 LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS</u>	<u>26</u>

---

<b><u>ITEM-33</u></b>	<b><u>FINAN - 15/10/12 - DRAFT 2011/12 GENERAL PURPOSE FINANCIAL REPORTS</u></b>	<b><u>27</u></b>
<b><u>ITEM-34</u></b>	<b><u>FINAN - 15/10/12 - COUNCIL INVESTMENTS HELD TO 30 SEPTEMBER 2012</u></b>	<b><u>29</u></b>
<b><u>ITEM-35</u></b>	<b><u>FINAN - 15/10/12 - NSW GOVT GRANTS COMMISSION ADVICE OF THE ESTIMATED 2012/13 FINANCIAL ASSISTANCE GRANT</u></b>	<b><u>29</u></b>
<b><u>ITEM-36</u></b>	<b><u>FINAN - 15/10/12 - REQUEST FOR EXEMPTION FROM RATES - NATURE CONSERVATION TRUST - CONSERVATION AGREEMENTS</u></b>	<b><u>29</u></b>
<b><u>ITEM-37</u></b>	<b><u>FINAN - 15/10/12 - ADVICE OF INELIGIBILITY OF DVA PENSIONERS TO CLAIM A REBATE FOR 2012/13 RATING YEAR</u></b>	<b><u>30</u></b>
	<b><u>COMMITTEE MEETINGS</u></b>	<b><u>31</u></b>
<b><u>ITEM-38</u></b>	<b><u>COMM - 15/10/12 - YOUTH COUNCIL MINUTES - 28 AUGUST 2012</u></b>	<b><u>30</u></b>
<b><u>ITEM-39</u></b>	<b><u>OPER - 15/10/12 - TRAFFIC AUTHORITY LOCAL COMMITTEE MINUTES - 6 SEPTEMBER 2012</u></b>	<b><u>30</u></b>
<b><u>ITEM-40</u></b>	<b><u>OPER - 15/10/12 - SPORTS ADVISORY COMMITTEE MINUTES - 28 AUGUST 2012</u></b>	<b><u>31</u></b>
<b><u>ITEM-41</u></b>	<b><u>OPER - 15/10/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MINUTES - 23 AUGUST 2012</u></b>	<b><u>31</u></b>
<b><u>ITEM-42</u></b>	<b><u>ENVIRO - 15/10/12 - ENVIRONMENTAL ADVISORY COMMITTEE MINUTES - 15 AUGUST 2012</u></b>	<b><u>32</u></b>
	<b><u>BUSINESS OF GREAT URGENCY</u></b>	<b><u>33</u></b>

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**ITEM-1 NOTICE OF MOTION - 15/10/12 - LEARNERS POOL AT THE LITHGOW AQUATIC CENTRE - COUNCILLOR M TICEHURST**

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**MOTION**

**THAT** the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an urgent report at this Council Meeting on what urgent arrangements can be made that will enable this new additional financial contribution of \$20,000 by Delta Electricity for the recently upgraded Lithgow Aquatic Centre, to be urgently expended on providing a new large above ground stand alone pool and fencing that will enable the Department of Sport and Recreation and local Learn to Swim Teachers to continue to hold their Primary School and Learn to Swim Programs during this current Swimming Season?

**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.

**Division -**

**FOR**

Councillor J J McGinnes  
Councillor M F Ticehurst

**AGAINST**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor W McAndrew  
Councillor M Statham  
Councillor P Pilbeam  
Councillor R Thompson

**ITEM-2 NOTICE OF MOTION - 15/10/12 - HOLDING OF ORDINARY COUNCIL MEETINGS IN PORTLAND, WALLERAWANG TOWNS AND VILLAGES - COUNCILLOR M TICEHURST**

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**12-341 RESOLVED**

**THAT** the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on arrangements that will enable the Lithgow City Council to hold one of their tri-weekly Ordinary Meetings annually in Portland and Wallerawang and once in

each of all of the other Towns and Villages in the next four years of this term of Lithgow City Council.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

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**ITEM-3 NOTICE OF MOTION - 15/10/12 - RELOCATION OF THE SENIOR CITIZENS IN LITHGOW - COUNCILLOR M TICEHURST**

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**12-342 RESOLVED**

**THAT**

1. The General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the Council Meeting on the recent relocation of the Senior Citizens Rooms from the Hoskins Building in Lithgow to the Masonic Building in Lithgow.
2. The Council urgently investigate the recently advertised Public Tender Sale of the former Masonic Building at 206-208 Mort Street Lithgow by Councils Property Agents, LJ Hooker Lithgow to see why it would not be suitable for future use as both a new Council public hall and a current facility for both our current Senior Citizens Group and other local community groups and organisations.
3. Council hold an urgent on site meeting at the former Masonic Building in Mort Street Lithgow with both the Senior Citizens Group and other interested local community groups and organisations.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

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**ITEM-4 NOTICE OF MOTION - 15/10/12 - SHELTER AND WATER BUBBLER FOR SKATE PARK - COUNCILLOR F INZITARI**

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**12-343 RESOLVED**

**THAT** a picnic table shelter be built near or at the skate park as the children need to be able to find shade on hot days and a bubbler be placed near this shelter to provide the children with a regular supply of drinking water. This work is to be done in conjunction with the Youth Council Committee.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

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**ITEM-5 NOTICE OF MOTION - 15/10/12 - TRAFFIC MANAGEMENT OF THE SUPERCHEAP AUTO AND BWS DEVELOPMENT IN LITHGOW - COUNCILLOR M TICEHURST**

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Councillor McGinnes left the chambers at 8.12pm

**MOVED**

**THAT** the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at this Council Meeting on a recent news report concerning lengthy delays to the employment opportunities and the opening of the new Supercheap Auto / BWS development on the corner of Main Street and Lithgow Streets, Lithgow and if it is correct that the pending delays have been caused by Council, Developer and public concerns over the already consented traffic, pedestrian and parking issues involved in the development.

**MOVED:** Councillor M F Ticehurst

With no seconder the Motion LAPSED.

Councillor McGinnes returned to the chambers at 8.13pm

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**ITEM-6 NOTICE OF MOTION - 15/10/12 - UPDATE ON THE ZIG ZAG RAILWAY AT CLARENCE - COUNCILLOR M TICEHURST**

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**12-344 RESOLVED**

**THAT** the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an updated report at the next Council Meeting on the current and proposed future status of the historic and iconic tourist attraction Zig Zag Railway at Clarence. The report is to include the following;

1. Will the board of the Zig Zag railway make the full report that was handed down by the Minister for Transport recently into the reasons by ISSR closed the railway down?
2. Why didn't Zig Zag railway apply for funding to rectify problems already highlighted associated with the viaducts and tunnels on the existing infrastructure and also allow funding to seal and landscape the car park which is 20 years overdue
3. In a recent story aired on Prime News (Last Wednesday) Zig Zag Railway claimed that if they didn't get \$50,000 from either the government or member's to assist complete the accreditation documentation required by ITTSSR the railway may never open. If they are short of dollars:
  - Why is ZZR buying road/trail track vehicles from New Zealand and transporting them to Australia
  - Why is ZZR leasing from Queensland Railways two carriage and paying to transport them to Lithgow by road transport when they have carriages they own which could be worked on?

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

**ITEM-7 NOTICE OF MOTION - 15/10/12 - WATER CHARGES FOR RURAL RESIDENTS - COUNCILLOR F INZITARI**

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**MOTION**

**THAT** Council consider, in its 2013/14 Revenue Policy, amending the water standpipe charge to be the equivalent charge of step 1 of the residential water charge.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett

**AMENDMENT**

**THAT** the Council Standpipe water be supplied to residents at the lower rate and that on a monthly basis the water carter provide statements to Council so the monies paid be refunded to the water carter.

**MOVED:** Councillor J McGinnes

**SECONDED:** Councillor M F Ticehurst

**The amendment was PUT and LOST**

**12-345 RESOLVED**

**THAT** Council consider, in its 2013/14 Revenue Policy, amending the water standpipe charge to be the equivalent charge of step 1 of the residential water charge.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett

**ITEM-8 NOTICE OF MOTION - 15/10/12 - WATER PRICING AT TREEVIEW ESTATE - COUNCILLOR C HUNTER**

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**12-346 RESOLVED**

**THAT** a report be provided to Council on Single title deed, multiple units fitted with individual water meters be charged at the residential rate of \$2.70 per kl.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor W McAndrew.

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**ITEM-9            GM - 15/10/12 - CODE OF CONDUCT REPORT - COUNCILLOR  
                         MARTIN TICEHURST**

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The Mayor made the following statement:

"Councillors and the General Public before any motions on the following matter, I would just like to say that the new Council have inherited this situation and unfortunately now have to resolve it.

The last three weeks I have had complete cooperation from all Councillors including those involved in item 9 and 10 of tonight's agenda. It is therefore very unfortunate the current Council is now placed in this predicament.

My aim as Mayor is to have nine like minded councillors with one vision and that its to restore the pride and work together to deliver a better community".

**12-347 RESOLVED**

**THAT** Council adopt the following recommendations of the Conduct Reviewer:

- 1A. That Councillor Martin Ticehurst be censured for his conduct.
- 2A. That Lithgow City Council make public the findings of this Code of Conduct review.
- 3A. That the Lithgow City Council arrange a Code of Conduct training workshop within 3 months of this recommendation being accepted by the Council at a time and place convenient to all Councillors and facilitated by an external person experienced in governance. Should any Councillor fail to attend, a private session be arranged for that Councillor.
- 3B. That the workshop be educative and also utilised as the opportunity for all Councillors to understand the State standards, review and revise, as appropriate, the Lithgow City Council Code of Conduct and subsequently adopt it as the agreed convention.
- 3C. That the Lithgow City Council consider including in its Councillor training policy a requirement that Code of Conduct training be provided to all Councillors at the commencement of the council term, and at least on one other occasion during the term.
4. That the Lithgow City Council review its Policy 9.10 "*Provision of Information to and Interaction between Councillors and Staff*" Version 2 to incorporate the requirements of the Government Information (Public Access) Act (GIPA) Act as well as clarifying issues such as what is information, what is advice and ensuring councillors have as easy an access to information and advice as a member of the public.
5. That the Lithgow City Council adopt an agreed understanding of roles and relationships between Councillors and between Councillors and employees.
6. In the interest of the new Councillors and a show of good faith, Council not pursue the suspension of Councillor Ticehurst on this occasion.
7. Councillor Ticehurst apologise to the Tidy Towns Committee and the people of the Lithgow Community for bringing the town into disrepute.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

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

**Division -**

**FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor W McAndrew  
Councillor P Pilbeam  
Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

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**ITEM-10            GM - 15/10/12 - CODE OF CONDUCT REPORT - COUNCILLOR JOE MCGINNES**

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**MOTION**

**THAT** this item be deferred to a Extra-Ordinary Council meeting.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor M F Ticehurst.

**AMENDMENT**

**THAT** Council adopt the following recommendations of the Conduct Reviewer:

- 1A. That Councillor McGinnes be censured for his conduct.
- 2A. That Lithgow City Council make public the findings of this Code of Conduct review.
- 3A. That the Lithgow City Council arrange a Code of Conduct training workshop within 3 months of this recommendation being accepted by the Council at a time and place convenient to all Councillors and facilitated by an external person experienced in governance. Should any Councillor fail to attend, a private session be arranged for that Councillor.
- 3B. That the workshop be educative and also utilised as the opportunity for all Councillors to understand the State standards, to identify opportunities to review and revise the Code so that a report can be submitted to the Council to adopt the revised Code. 3C. That the Lithgow City Council consider including in its Councillor training policy a requirement for Code of Conduct training to be provided to all Councillors at the commencement of the council term and at least on one other occasion during the term.

4. That the Lithgow City Council adopt an agreed understanding of roles and relationships between Councillors and between Councillors and employees.
5. In the interest of New Councillors and a show of good faith. Council does not pursue the suspension of Councillor McGinnes on this occasion
6. That Councillor McGinnes apologise to the Tidy Towns Committee and the people of Lithgow for bringing the town into disrepute.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew.

The amendment became the MOTION

## 12-348 RESOLVED

**THAT** Council adopt the following recommendations of the Conduct Reviewer:

- 1A. That Councillor McGinnes be censured for his conduct.
- 2A. That Lithgow City Council make public the findings of this Code of Conduct review.
- 3A. That the Lithgow City Council arrange a Code of Conduct training workshop within 3 months of this recommendation being accepted by the Council at a time and place convenient to all Councillors and facilitated by an external person experienced in governance. Should any Councillor fail to attend, a private session be arranged for that Councillor.
- 3B. That the workshop be educative and also utilised as the opportunity for all Councillors to understand the State standards, to identify opportunities to review and revise the Code so that a report can be submitted to the Council to adopt the revised Code. 3C. That the Lithgow City Council consider including in its Councillor training policy a requirement for Code of Conduct training to be provided to all Councillors at the commencement of the council term and at least on one other occasion during the term.
4. That the Lithgow City Council adopt an agreed understanding of roles and relationships between Councillors and between Councillors and employees.
5. In the interest of New Councillors and a show of good faith. Council does not pursue the suspension of Councillor McGinnes on this occasion
6. That Councillor McGinnes apologise to the Tidy Towns Committee and the people of Lithgow for bringing the town into disrepute.

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

**Division -**

### **FOR**

Councillor R Higlett  
 Councillor C Hunter  
 Councillor F Inzitari  
 Councillor W McAndrew  
 Councillor P Pilbeam  
 Councillor M Statham  
 Councillor R Thompson

### **AGAINST**

Councillor M F Ticehurst

Councillor J J McGinnes

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**ITEM-11          GM - 15/10/12 - CHRISTMAS AND NEW YEAR CLOSURE**

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**12-349 RESOLVED**

**THAT** Council note the report on the Christmas and New Year Closure.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

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**ITEM-12          GM - 15/10/12 - COUNCIL MEETING SCHEDULE FOR 2013**

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**12-350 RESOLVED**

**THAT** Council hold the Ordinary Council meetings during 2013 generally on a three weekly basis on the following Monday dates:

- 4 February
- 25 February
- 18 March
- 15 April
- 6 May
- 27 May
- 17 June
- 8 July
- 29 July
- 19 August
- 9 September
- 30 September
- 28 October
- 25 November
- 16 December

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.



**ITEM-13 GM - 15/10/12 - 2012 COUNCILLOR WORKSHOPS**

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**12-351 RESOLVED**

**THAT** Council note that the Division of Local Government is holding a Councillor Workshop at the Lithgow Workmen's Club on Wednesday 24<sup>th</sup> October 2012.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-14 GM - 15/10/12 - CENTROC SUMMIT 2012 CENTRAL NSW - BATHURST**

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**12-352 RESOLVED**

**THAT** Council note the report on the Centroc Summit and authorise Councillors to attend.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-15 GM - 15/10/12 - COUNCIL COMMITTEES AND EXTERNAL BODIES**

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**12-353 RESOLVED**

**THAT**

1. Council forms the following committees and appoints the councillor and staff to the s355 Committees of Council and External Committees and Organisations.

<b>Committees</b>	<b>2012/13 Representative</b>
Environmental Advisory	Councillor Ticehurst Councillor Hunter
Operations (Works)	Councillor Pilbeam Councillor Hunter Councillor Higlett General Manager
Traffic Advisory Local (TALC)	Councillor Pilbeam Councillor Ticehurst (Alternate)
Sports Advisory	Councillor Inzitari

	Councillor Thompson
Indoor Aquatic Centre	Councillor Thompson Councillor Higlett
Internal Audit	Councillor Pilbeam Councillor Higlett (Alternate)
Lithgow Tourism Advisory	Councillor Higlett Councillor Statham
Lithgow Flash Gift	Councillor Thompson Councillor McAndrew
Economic Development Advisory	Councillor Higlett Councillor Inzitari
Community Development	Councillor Statham Councillor McGinnes
Youth Advisory	Councillor Inzitari Councillor Higlett
Lithgow Crime Prevention	Councillor Inzitari Councillor McAndrew
Disability Access	Councillor McGinnes Councillor Statham
Blue Mountains Crossing	Councillor Hunter Councillor Statham
Crystal Theatre	Councillor Hunter Councillor Statham
Union Theatre	Councillor McGinnes Councillor Hunter
Meadow Flat Hall	Councillor Hunter Councillor Statham

<b><i>External Committees and Organisations</i></b>	<b><i>2012/13 Representative</i></b>
Arts Out West Committee	Councillor Statham
Bells Line of Road Group	Councillor Statham General Manager (Alternate)
Blue Mountains Tourism Limited	Councillor Statham Councillor Higlett (Alternate)
Bush Fire Management	Councillor Hunter Councillor Statham
Lithgow Information & Neighbourhood Centre Inc (LINC)	Councillor Thompson Councillor Statham (Alternate)
Upper Macquarie County Council	Councillor Hunter Councillor Thompson
Lithgow Aged Care Inc	Councillor Thompson Councillor Higlett (Alternate)
Centroc	Mayor General Manager
Pine Dale Coal Mine Community Committee	Councillor Hunter
Cullen Valley Coal Mine Community Committee	Councillor Inzitari
Invincible Coal Mine Community Committee	Councillor Statham
Clarence Coal Mine Community Committee	Councillor Pilbeam
Angus Place Coal Mine Community Committee	Councillor Statham
Association of Mining Related Councils	Councillor Thompson

	Councillor McAndrew
Lithgow Correctional Centre Committee	Councillor Ticehurst
Airly coal Mine Committee	Councillor Hunter
Newnes Sand and Kaolin Project Community Consultative Committee	Councillor Hunter
Inglenook Exploration Community Liaison Committee	Councillor Thompson
Hawkesbury Nepean Local Government Group	General Manager
Sydney Catchment Authority Local Government Advisory Group	General Manager

2. Authorise the existing community representatives to continue in their role whilst Council calls for fresh community appointments to the committees; and
3. Terms of Reference for these Committees be reviewed and presented to Council.
4. Council officers provide a report on Council participating in the Eskbank Rail Heritage Committee and Wolgan Valley Committee.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-16            GM - 15/10/12 - REVIEW OF POLICY 9.9 PAYMENT OF EXPENSES  
AND PROVISION OF FACILITIES TO COUNCILLORS**

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**12-354 RESOLVED**

**THAT** Council advertise the revised Draft Policy 9.9 for the 'Payment of Expenses and Provision of Facilities to Councillors,' Version 5, for a period of 28 days.

**MOVED:** Councillor W McAndrew            **SECONDED:** Councillor P Pilbeam

**ITEM-17            GM - 15/10/12 - FUNDING OF FIRE AND EMERGENCY SERVICES IN  
NSW**

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**12-355 RESOLVED**

**THAT** Council endorse the Centroc submission on the Discussion Paper 'Funding our Emergency Services' with further clarification differentiating between residential and rural areas.

**MOVED:** Councillor R Higlett            **SECONDED:** Councillor F Inzitari

**ITEM-18            ENVIRO - 15/10/12 - WITHDRAWAL OF 'CALL IN' OF  
DEVELOPMENT APPLICATION - MODIFICATION APPLICATION  
319/06DA**

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**12-356 RESOLVED**

**THAT** the report on the withdrawal of the 'call in' of Modification Application 319/06DA and subsequent determination of the Modification Application be noted.

**MOVED:** Councillor R Thompson            **SECONDED:** Councillor R Higlett

**ITEM-19            ENVIRO - 15/10/12 - CENTENNIAL COAL - LIDSDALE SIDING  
                         UPRDE PROJECT**

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**12-357 RESOLVED**

**THAT** the report on the Centennial Coal Lidsdale Siding Upgrade Project be noted.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-20            ENVIRO - 15/10/12 - DA 074/12 - CONVERSION OF SHED TO  
                         DWELLING - LOT 5 IN DP 867648 TARANA ROAD TARANA**

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**12-358 RESOLVED**

**THAT**

1. Development Application 074/12 be supported and referred to Department of Planning for their concurrence. Should concurrence be granted the application may be determined under delegated authority.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor W McAndrew.

A **DIVISION** was called under section 375(3) of the Local Government Act 1993.

**Division (Unanimous) -**

**FOR**

Councillor C Hunter  
Councillor W McAndrew  
Councillor J J McGinnes  
Councillor R Thompson  
Councillor M F Ticehurst  
Councillor M Statham  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor R Higlett

**ITEM-21          ENVIRO - 15/10/12 - DEVELOPMENT APPLICATION DA125/12  
CONSTRUCTION CERTIFICATE CC111/12 - SHED - CALLING IN OF  
APPLICATION**

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**12-359 RESOLVED**

**THAT** the calling in of this application be withdrawn.

**MOVED:** Councillor M F Ticehurst          **SECONDED:** Councillor F Inzitari

**ITEM-22          ENVIRO - 15/10/12 - PROPOSED ROAD RE-NAMING- WESTERN  
SECTION OF GUY STREET**

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**MOVED**

**THAT** Council support the name Elizabeth Mort Place and undertake an Expression of Interest notification with residents and emergency services of the proposed naming. If no objection is raised then Council shall proceed to notification of the proposed road name and advise the Emergency Services and Government Gazette of this road name.

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

**AMENDMENT**

**THAT** the proposed renaming of the western section of Guy Street, Lithgow be deferred to allow for further community consultation.

**MOVED:** Councillor M Ticehurst          **SECONDED:** Councillor F Inzitari

**The amendment became the MOTION**

**12-360 RESOLVED**

**THAT** the proposed renaming of the western section of Guy Street, Lithgow be deferred to allow for further community consultation.

**MOVED:** Councillor M Ticehurst          **SECONDED:** Councillor F Inzitari

**ITEM-23          ENVIRO - 15/10/12 - DA076/12 - REFURBISHMENT OF EDUCATION FACILITY LOT 3 DP 1077295 AND LOT 1 DP 379892 BRIDGE STREET LITHGOW NSW 2790**

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**MOVED**

**THAT:**

1. Council approve DA076/12 in accordance with the conditions outlined in the attached Section 79C report.
2. 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 R Thompson.

**AMENDMENT**

**THAT** the DA be deferred until Councillors have an onsite inspection of the Hoskins Building and the car park.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J McGinnes

**The Amendment was PUT and LOST**

**12-361 RESOLVED**

**THAT:**

1. Council approve DA076/12 in accordance with the conditions outlined in the attached Section 79C report.
2. 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 R Thompson.

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

**Division -**

**FOR**

Councillor W McAndrew  
Councillor C Hunter  
Councillor R Thompson  
Councillor P Pilbeam  
Councillor R Higlett

Councillor M Statham  
Councillor F Inzitari

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

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**ITEM-24            OPER - 15/10/12 - LITHGOW MEMORIAL POOL KIOSK  
MANAGEMENT 2012/13**

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**MOTION**

**THAT** the offer from United Care Lithgow to manage the Lithgow Pool kiosk be accepted for the 2012/13 season and that an appropriate agreement be signed between Council and UCL incorporating the issues raised in their proposal.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**AMENDMENT**

**THAT** Council delegate authority to the Mayor and General Manager to enter into the agreement with United Care Lithgow once all Councillors had been provided with additional information.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J McGinnes

**On being PUT the Amendment was LOST**

**12-362 RESOLVED**

**THAT** the offer from United Care Lithgow to manage the Lithgow Pool kiosk be accepted for the 2012/13 season and that an appropriate agreement be signed between Council and UCL incorporating the issues raised in their proposal.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam



**ITEM-25            OPER - 15/10/12 - PURCHASE OF A 12 TONNE TRUCK**

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**12-363 RESOLVED**

**THAT** the quotation from Gilbert and Roach for the supply and delivery of one Isuzu FVZ1400 Medium, for the price of \$170,570.00 (including GST) be accepted.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

**ITEM-26            OPER - 15/10/12 - WATER REPORT SEPTEMBER 2012**

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**12-364 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew.

**ITEM-27            OPER - 15/10/12 - CLARENCE COLLIERY WATER TRANSFER  
SCHEME**

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**12-365 RESOLVED**

**THAT:**

1. Council seek the reinstatement of the original funding offered for this project being \$3,895,728 in a negotiated variation to the original Deed of Agreement; and
2. Council seek an urgent delegation of the Mayor, Deputy Mayor and General Manager the assistance of the Federal Member for Calare John Cobb and the assistance of Senator Doug Cameron to make representations on Council's behalf in regard to this matter to the Federal Minister the Hon Tony Burke.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-28            OPER - 15/10/12 - FLOURIDATION COMMUNICATION PLAN**

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**12-366 RESOLVED**

**THAT:**

1. Council note the Fluoridation Communication Plan;
2. Council include Child care centres and schools in the Communication Plan; and
3. Council note the commencement of Fluoridation in December 2012.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-29            OPER - 15/10/12 - FUNDING AGREEMENT FOR FINANCIAL ASSISTANCE UNDER THE 2012/13 NSW FLOODPLAIN MANAGEMENT PROGRAM**

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**12-367 RESOLVED**

**THAT** Council accept the Grant of \$120,000 under the Floodplain Management program and authorise the funding agreement.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-30            COMM - 15/10/12 - DIGITAL SWITCHOVER MEGALONG VALLEY**

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**MOTION**

**THAT** Council advises Blue Mountains City Council that it does not support the digital upgrade of the Megalong tower.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew.

**AMENDEMENT**

**THAT** Council approach TXA to clarify their position with the Megalong Tower and also the other towers.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor J J McGinnes

The amendment was PUT and became the MOTION.

### 12-368 RESOLVED

**THAT** Council approach TXA to clarify their position with the Megalong Tower and also the other towers.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor J J McGinnes

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**ITEM-31            COMM - 15/10/12 - PROPOSED RENAMING OF COOK STREET  
                         PLAZA**

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### 12-369 RESOLVED

**THAT:**

1. In view of Cook Street being originally named after the County of Cook, Council not rename Cook Street Plaza to Sir Joseph Cook Plaza.
2. Council note that interpretive signage to Sir Joseph Cook, Jim Robson and the Bracey Family is being installed in Main Street Lithgow.
3. Council investigate another icon to name after Sir Joseph Cook.
4. Council investigate renaming the Cook Street Plaza after Marjorie Jackson.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

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**ITEM-32            FINAN - 15/10/12 - RETURNS UNDER SEC 449 LG ACT 1993  
                         DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED  
                         PERSONS**

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### 12-370 RESOLVED

**THAT:**

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2011 to 30 June 2012 from all designated persons and Councillors
2. Reaffirm the following positions as 'designated persons' for the period 1 July 2012 to 30 June 2013:
  - General Manager

- Group Manager Building & Development
  - Group Manager Operations
  - Group Manager Community & Strategy
  - Finance Manager
  - Development Manager
  - Water & Waste Manager
  - Information Technology Manager
  - Community & Culture Manager
  - Tourism Manager
  - Organisation Development Manager
  - Works Engineer
  - Team Leader Building
  - Team Leader Planning
  - Team Leader Environment
  - Building & Development Officers
3. A report on the returns from newly elected Councillors will be presented to the December 2012 Council meeting.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor P Pilbeam

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**ITEM-33          FINAN - 15/10/12 - DRAFT 2011/12 GENERAL PURPOSE FINANCIAL REPORTS**

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**12-371 RESOLVED**

**THAT:**

1. The draft accounts be referred to auditors, The Morse Group
2. Council advertise the accounts following receipt of the 2011/12 Audit Certificate
3. Council state the following on the General Purpose Financial Reports for the year ended 30 June 2012:

*The Council's Annual General Purpose Financial Reports have been drawn up in accordance with:-*

- a) *The Local Government Act 1993 (as amended) and the Regulations made there under;*
- b) *The Australian Accounting Standards and professional pronouncements;*
- c) *The Local Government Code of Accounting Practice and Financial Reporting;*
- d) *The Local Government Asset Accounting Manual.*
- e) *To the best of our knowledge and belief, these reports*
- f) *Present fairly the Council's financial position and operating result for the year and*
- g) *Accord with Council accounting and other records.*

*The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised attesting to the above and that they are not aware of any matter that would render the reports false or misleading in any way.*

4. Council state the following on the Special Purpose Financial Statements for the year ended 30 June 2012:-

*The attached Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the:*

- a) *NSW Government Policy Statement “Application of National Competition Policy to Local Government”*
- b) *Department of Local Government guidelines “Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality”.*
- c) *The Department of Energy, Utilities and Sustainability “Best Practice Management of Water Supply and Sewerage” guidelines.*

*To the best of our knowledge and belief, these reports:*

- a) *Present fairly the financial position and operating result for each of Council’s declared Business Units for the year, and*
- b) *Accord with Council’s accounting and other records*

*The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised attesting to the above and that they are not aware of any matter that would render the reports false or misleading in any way.*

5. Council invite the auditor, The Morse Group, to present a formal report of the results to the Ordinary meeting of the Council on the 26 November 2012.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew.

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

**Division -**

**FOR**

Councillor M Statham  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor R Thompson  
Councillor W McAndrew  
Councillor R Higlett  
Councillor C Hunter

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**ITEM-34      FINAN - 15/10/12 - COUNCIL INVESTMENTS HELD TO 30  
   SEPTEMBER 2012**

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**12-372 RESOLVED**

**THAT** Investments of \$19,364,116.90 for the period ending 30 September 2012 be noted.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-35      FINAN - 15/10/12 - NSW GOVT GRANTS COMMISSION ADVICE OF  
   THE ESTIMATED 2012/13 FINANCIAL ASSISTANCE GRANT**

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**12-373 RESOLVED**

**THAT** Council acknowledge the 2012-13 estimated entitlement of the Financial Assistance Grant of \$4,526,685.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-36      FINAN - 15/10/12 - REQUEST FOR EXEMPTION FROM RATES -  
   NATURE CONSERVATION TRUST - CONSERVATION  
   AGREEMENTS**

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**12-374 RESOLVED**

**THAT** Council not grant exemption from rating for properties subject to a Conservation Agreement with Nature Conservation Trust of New South Wales under Section 555(1)(b2) and (3) of the Local Government Act 1993.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor W McAndrew.

**ITEM-37            FINAN - 15/10/12 - ADVICE OF INELIGIBILITY OF DVA PENSIONERS  
TO CLAIM A REBATE FOR 2012/13 RATING YEAR**

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**12-375 RESOLVED**

**THAT:**

1. Council write off 2012-13 annual income of \$1,625 as the equivalent pension rate rebate on the following five DVA pensioner properties:
  - Property No: 12250
  - Property No: 14510
  - Property No: 27350
  - Property No: 52480
  - Property No: 63750
  
2. Council consider the rebate of the five properties on an annual basis

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

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**ITEM-38            COMM - 15/10/12 - YOUTH COUNCIL MINUTES - 28 AUGUST 2012**

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**12-376 RESOLVED**

**THAT** Council note the minutes of the Youth Council meeting held 28 August 2012.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari.

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**ITEM-39            OPER - 15/10/12 - TRAFFIC AUTHORITY LOCAL COMMITTEE  
MINUTES - 6 SEPTEMBER 2012**

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**12-377 RESOLVED**

**THAT:**

1. Council notes the minutes of the Traffic Authority Committee held on 6 September 2012.
2. Council seek funding from the RMS to undertake a feasibility study of the road network and associated traffic flows and volumes north of Main Street extending from George Coates Avenue viaduct and James Street viaduct including Geordie Street crossing Bowenfels Rail Crossing.

3. Council note that no further action be taken at this time in relation to the request for speed humps between Jingai Crescent and Daruk Crescent in Landa Street Lithgow and that the resident be informed of this outcome.
4. Council approve the installation of a hold line at the intersection of Col Drewe Drive and the Bowenfels Medical Centre Road and the statutory No Stopping signage and zones be installed on both corners adjacent to the Bowenfels Medical Centre Road on Col Drewe Drive and Three Tree Drive.
5. Council approve further investigation into the appropriate signage required for the intersection of Old Western Road and Railway Street at Rydal.
6. Council approve the replacement of the existing Give Way signage located on Tourist Road 4011 at Clarence.
7. Council approve investigation into the current use of the disabled zone located adjacent to Family First Credit Union in Ordnance Avenue Lithgow.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor W McAndrew.

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**ITEM-40            OPER - 15/10/12 - SPORTS ADVISORY COMMITTEE MINUTES - 28 AUGUST 2012**

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**12-378 RESOLVED**

**THAT** Council note the minutes of the Sports Advisory Committee meeting held on Monday, 28 August 2012.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

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**ITEM-41            OPER - 15/10/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MINUTES - 23 AUGUST 2012**

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**12-379 RESOLVED**

**THAT** Council note the minutes of the Aquatic Centre Working Party meeting held on 23 August 2012.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam



**ITEM-42      ENVIRO - 15/10/12 - ENVIRONMENTAL ADVISORY COMMITTEE  
MINUTES - 15 AUGUST 2012**

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**12-380 RESOLVED**

**THAT** Council note the minutes of the Environmental Advisory Committee Meeting held on 15 August 2012.

**MOVED:** Councillor C Hunter

**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.*

### **UB – 15/10/12 – COUNCILLOR M TICEHURST**

Councillor Ticehurst spoke in relation to the recent media release by the NSW Government of Planning and Infrastructure seeking feedback on a proposal for the Cobbora new open cut coal mine in the NSW Central West. The proposal is currently on public exhibition from 5th October until 16th November and submissions are welcome during this period. Councillor Ticehurst asked that Council make a submission in relation to this proposal.

### **12-381 RESOLVED**

**THAT** the request for a submission in relation to the proposed open cut mine in Central NSW be declared as business of great urgency.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

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

### **12-382 RESOLVED**

**THAT** a report be prepared for Council on the proposed Cobbora open cut mine in Central NSW.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor W McAndrew

### **UB – 15/10/12 – COUNCILLOR M TICEHURST**

Councillor Ticehurst made reference to the NSW Local Government Renewal Scheme and requested Council make an application for funding.

### **12-383 RESOLVED**

**THAT** the request for an application in relation to the NSW Local Government Renewal Scheme be declared as business of great urgency.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor F Inzitari

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

**12-384 RESOLVED**

**THAT** Council investigate making application for funding under the NSW Local Government Renewal Scheme.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor F Inzitari

The meeting closed at 10.37pm