



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

17 DECEMBER 2012

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 17 DECEMBER 2012**

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Meeting Commenced 7.00pm

Public: 47

**PRESENT**

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

**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**

**12-466 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 26 November 2012 were taken as read and confirmed by Councillors F Inzitari and R Thompson.

**DECLARATION OF INTEREST**

**12-467 RESOLVED**

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

Councillor R Thompson declared a Pecuniary interest in Item 19, due to him being an employee of the establishment. He will vacate the Chambers.

Councillor R Higlett declared a Pecuniary interest in Item 1, due to him being a business owner in Main Street. He will vacate the Chambers.

## **QUESTIONS FROM THE PUBLIC**

At 7.05pm Members of public gallery were invited to participate in the Public Forum Session.

### **PF – 17/12/12 – MR MICHAEL ALEXANDER**

Mr Alexander thanked Council for holding Item 19 (Lithgow Workmen's Club) over to this meeting and giving the Workmen's Club an opportunity to discuss the item with Councillors and Senior Managers

Mr Alexander requested that due to prior commitments that Item 19 be brought forward in the paper.

*The Mayor thanked Mr Alexander for his comments.*

## **PROCEDURAL MOTION**

### **12-468 RESOLVED**

**THAT** Item 19 be brought forward and dealt with at the conclusion of the Public Forum.

**MOVED:** Cllr W McAndrew

**SECONDED:** Cllr F Inzitari

### **PF – 17/12/12 – MR ALAN JONES**

Mr Jones made a statement in relation to the introduction of Fluoridation to the Council Water supply referring to the pamphlets distributed by Council and suggesting that the information provided in these pamphlets is incorrect. He advised that the products mentioned are a manufactured product and not a natural product. He doesn't believe there are tests that show this product is safe for human consumption. Mr Alan provided information to Council on the negative impact of Fluoride in water supplies.

## **EXTENSION OF TIME**

### **12-469 RESOLVED**

**THAT** extension of time for public forum be granted.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

*The Mayor thanked Mr Jones for his comments*

**PF – 17/12/12 – MR JEFF THURLOW**

Mr Thurlow made a statement in relation to Item 18 of the agenda (renaming of Guy Street). He brought the attention to the spelling error for Crowle Street.

Mr Thurlow was seeking the name Elizabeth Mort Place.

*The Mayor thanked Mr Thurlow for bringing the information to her attention.*

**PF – 17/12/12 – MRS SALLY TAYLOR**

Mrs Taylor thanked Lithgow City Council for their support of Celebrate Lithgow and advised that the LBA were able to provide donations to a number of Charities as a result of its success.

Mrs Taylor thanked and congratulation Mr Brewster and his team for the hard work put into LithGlo. She said it put Lithgow back on the map.

*The Mayor thanked Mrs Taylor for her comments and commented on the well received response and success of LithGlo.*

**PF – 17/12/12 – MR ANTHONY CRAIG**

Mr Craig made reference to previous public forum statements made by him in which he raised concerns about the Howard and Sons Pyrotechnics at Wallerawang. Why has it taken a Public request for information to get Council moving on this matter? Mr Craig enquired as to why no action has been taken by Council on this safety issue?

*The Group Manager Environment and Development Andrew Muir, advised that he has made enquiries as to why this matter was not responded to and found that there was a change over of staff but that he would continue investigations. Mr Muir said that a Committee would be established and Expressions of interest would be called for in the New Year.*

Mr Craig responded stating that Council did not comply with the original DA in the first place and asked that the necessary steps be taken to ensure the safety of residents in Wallerawang.

*The Mayor suggested the Community Consultative Committee be established. She requested that Mr Craig speak with Mr Muir tomorrow.*

**MATTER ARISING  
12-470 RESOLVED**

**THAT** the Consultative Committee for Howard and Sons be formed immediately as a matter of urgency.

**MOVED:** Cllr W McAndrew

**SECONDED:** Cllr M Ticehurst

**PF – 17/12/12 – MR MAX FRAGAR**

Mr Fragar represented the applicants of the application in Item 15 of the agenda in support of the recommendations being put to Council. Mr Fragar indicated that it was a competent and well written staff report.

*The Mayor thanked Mr Fragar for his statement.*

**PF – 17/12/12 – MRS RENAE DEFRANCO**

Mrs DeFranco thanked the Mayor for her support of her new business and made enquiries about any future plans for the parking structure for the east end of Main Street in particular because of the bus stops located on either side the road in front of her business.

*The Group Manager Operations Mr Iain Stewart advised that TALC are currently reviewing the parking in Main Street and would take this into consideration.*

**PF – 17/12/12 – CASSIE HARVISON**

Mrs Harvison made reference to the Farmers Markets and Fetes that are taking place for the first time on 26 January and the public liability issue in Item 1. Mrs Harvison indicated that they have a number of stall holders coming and currently are turning the stall holders away. The insurance issue is causing problems for business holders and store holders for this event and asked Council to consider this when making their determination of the Footpath Trading Public Liability amount. She also asked whether an exception could be made for the stall holders of this event and the public liability amount could remain at \$10 million, the organisers of this event are finding it difficult to get insurance for food stall holders and this event is going to suffer as a result. Mrs Harvison made this enquiry because the Event is taking place in Queen Elizabeth Park and not on the footpaths in Main Street.

*The Finance Manager advised Mrs Harvison this was a separate issue to the Footpath Trading Policy and that the event was being held on Council property and therefore the \$20 million public liability would be applicable.*

*The Mayor thanked Mrs Harvison for her comments and suggested that she talk with the Finance Manager who could provide her with a contact of an insurance company they may be able to assist.*

**PF – 17/12/12 – MR RON MURRAY**

Mr Murray made a statement in relation to Item 1 of the agenda. He said that he believed that this policy had been handled badly by Council and believes the request for \$20 million public liability is unrealistic.

*The Mayor thanked Mr Murray for his comments.*

**PF – 17/12/ 12 – Mr BILL SHUTE**

Mr Shute thanked Mr Schumacher for the speed in fixing lines and signs and thanked the Mayor for organising the meeting last week where Councillors failed to attend and to give the Mayor due notice. Mr Shute referred to an email from the then Councillor Danaher.

*The Mayor thanked Mr Shute for his comments.*

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Councillor Thompson vacated the chambers at 7.36pm due to his previous declaration of interest in the item.

**ITEM-19            ENVIRO - 17/12/12 - REQUEST FOR EXEMPTION/REDUCTION OF SECTION 94A LEVY - LITHGOW WORKMENS CLUB**

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**12-471 RESOLVED**

**THAT:**

1. Council provide an exemption to the Lithgow Workmen's Club for the levy of a contribution under Council's Section 94A Contribution Plan in accordance with the provisions of Part C7, subclause n) of the Plan.
2. Council enter into a Voluntary Planning Agreement with the Lithgow Workmen's Club for its Motel development (DA178/12) agreeing to a contribution of \$20,000 that may be expended on Community Facilities or Infrastructure and allocated at Council's discretion.
3. The land occupied by the unmade laneway situated within the Club's car park be transferred for the sum of \$1.00 and the use of the common seal be authorised for any documentation.
4. The Lithgow Workmen's Club be responsible for all legal, survey and administration costs associated with the sale of the unmade laneway.
5. Council provide an apology to the Workmen's Club that it had the knowledge that the roadway had been gazetted in past months.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor F Inzitari

Councillor Thompson returned to the Chambers at 7.38pm

**ITEM-41            LATE MAYORAL MINUTE - 17/12/12 - COUNCIL MINUTES**

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**12-472 RESOLVED**

**THAT Council:**

1. Acknowledge the error in the recording of the Council minutes for the meeting held on Monday 5 November 2012 wherein Mr Bill Shute raised concerns about the Give Way 'line' at the intersection of Wolgan and Firth Streets, Portland, plus Sunny Corner Road and Green Street, Portland; and
2. Review its Code of Meeting Practice with a view to recording in the Council minutes the 'topic' raised by persons utilising the Public Forum section of Council meetings.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor W McAndrew

**PROCEDURAL MOTION - ORDER OF BUSINESS**

**12-473 RESOLVED**

**THAT** Item 15 be brought forward and dealt with at this point in the meeting.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor R Thompson

**ITEM-15          ENVIRO - 17/12/12 - 057/11DA - PROPOSED DUAL OCCUPANCY/  
BED AND BREAKFAST - LOT 51 IN DP 1131349, 79 JERRYS  
MEADOWN ROAD SODWALLS**

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**12-474 RESOLVED**

**THAT:**

1. Development Application 057/11 be approved with conditions of consent as detailed in the 79C report.
2. A DIVISION be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor R Thompson.

A **DIVISION** was called

**Division (Unanimous) -**

**FOR**

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

**ITEM-1 NOTICE OF RECISSION MOTION - 17/12/12 - FOOTPATH TRADING POLICY**

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Councillor Higlett vacated the chambers at 7.43pm due to his previous declaration of interest in the item.

**12-475 RESOLVED**

**THAT** Council **RESCIND** Council Resolution 12-451 of the 26 November 2012 Council Meeting.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

**MOTION**

**THAT:**

1. Draft Policy 5.4 – Footpath Trading as attached to the business paper and previously publically exhibited be formally adopted, with the changes of paragraph 1 (vii) of at ‘least \$10 million’ and ‘to a minimum of \$10 million’.
2. A fee of \$25 be charged for an application for footpath trading and/or renewal during the 2012/13 financial year, however this be reviewed as part of the draft 2013/14 Fees & Charges.
3. The adopted Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to the Lithgow Business Association for their information.
4. All renewals before the 30th June 2013 to expire on the 30th June 2014.
5. Council review this draft policy by 1<sup>st</sup> July 2013.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

**AMENDMENT**

**THAT:**

1. Draft Policy 5.4 – Footpath Trading as attached to the business paper of 26 November 2012 and previously publically exhibited be formally adopted, with the changes of paragraph 1 (vii) of at ‘least \$10 million’ and ‘to a minimum of \$10 million’.
2. No fee be charged for an application for footpath trading and/or renewal during the 2012/13 financial year.
3. The adopted Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to the Lithgow Business Association for their information.
4. Council review this draft policy by 1<sup>st</sup> July 2013 with the inclusion of \$20m in the Policy for Public Liability.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew

The Amendment was **PUT** and became the **MOTION**

**12-476 RESOLVED**

**THAT:**

1. Draft Policy 5.4 – Footpath Trading as attached to the business paper of 26 November 2012 and previously publically exhibited be formally adopted, with the changes of paragraph 1 (vii) of at ‘least \$10 million’ and ‘to a minimum of \$10 million’.
2. No fee be charged for an application for footpath trading and/or renewal during the 2012/13 financial year.
3. The adopted Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to the Lithgow Business Association for their information.
4. Council review this draft policy by 1<sup>st</sup> July 2013 with the inclusion of \$20m in the Policy for Public Liability.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew

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

**Division -**

**FOR**

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

**AGAINST**

Councillor R Thompson  
Councillor M F Ticehurst  
Councillor J J McGinnes

Councillor Higlett returned to the chambers at 8.27pm

**ITEM-2 NOTICE OF MOTION - 17/12/12 - PERILOUS UNSAFE CONDITION OF WATTEMOUNT ROAD, PORTLAND - COUNCILLOR M TICEHURST**

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**MOTION**

**THAT:**

1. Given the expected extensive delays to formally resolve Council's previous resolution 12-291, that Council takes immediate action to conduct appropriate maintenance of the Wattlemount Road at Portland so as to ensure the public safety of all users of the roadway; and
2. Council note that it has on numerous occasions in the past, conducted appropriate maintenance of the Wattlemount Road at Portland to ensure the public safety of all users of the roadway.

**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 M F Ticehurst

Councillor J J McGinnes

**AGAINST**

Councillor R Higlett

Councillor C Hunter

Councillor F Inzitari

Councillor W McAndrew

Councillor P Pilbeam

Councillor M Statham

Councillor R Thompson

**MATTER ARISING**

**12-477 RESOLVED**

**THAT** Council arrange an urgent meeting with the organisers of the Farmers Markets/Craft organisers as a matter of urgency to discuss the public liability issue.

**MOVED:** Cllr W McAndrew

**SECONDED:** Cllr F Inzitari

**PROCEDURAL MOTION**

Councillor Ticehurst advised that he wished to withdraw items 3 and 4 as they were being duplicated by items 10 and 13.

**12-478 RESOLVED**

**THAT** Item 3 Notice of Motion - Update on proposed Council meeting in Towns and Villages and Item 4 Notice of Motion - Update on Council Resolution 12-443 - ICAC Report on Operation Jarek be withdrawn

**MOVED:** Clr W McAndrew

**SECONDED:** Clr F Inzitari

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**ITEM-3 NOTICE OF MOTION - 17/12/12 - UPDATE ON PROPOSED COUNCIL MEETING IN TOWNS AND VILLAGES - COUNCILLOR M F TICEHURST**

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Item 3 was withdrawn

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**ITEM-4 NOTICE OF MOTION - 17/12/12 - UPDATE ON COUNCIL RESOLUTION 12 - 443 - ICAC REPORT ON OPERATION JAREK - COUNCILLOR M TICEHURST**

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Item 3 was withdrawn

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**ITEM-5 NOTICE OF MOTION - 17/12/12 - PUBLIC CONCERNS OVER DEVELOPMENT SUBDIVISION OFF HASSANS WALLS ROAD, LITHGOW - COUNCILLOR M TICEHURST**

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**MOTION**

**THAT** the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with a report at the next Council Meeting on whether they are aware of any current public concerns over a Development Subdivision off Hassans Walls Road, Lithgow.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

The motion was PUT and **LOST**

**ITEM-6 NOTICE OF MOTION - 17/12/12 - UPDATE ON ACCESS INDUSTRIES  
MORT STREET LITHGOW - COUNCILLOR M TICEHURST**

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Councillor Ticehurst indicated that he wished to withdraw item 6

**12-479 RESOLVED**

**THAT** Item 6 - Notice of Motion - Update on Access Industries Mort Street, Lithgow be withdrawn

**MOVED:** Councillor M F Ticehurst      **SECONDED:** Councillor W McAndrew

**ITEM-7 NOTICE OF MOTION - 17/12/12 - COUNCIL VEHICLES BE SOURCED  
LOCALLY - COUNCILLOR F INZITARI**

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**12-480 RESOLVED**

**THAT** Council investigate the leasing or purchasing of vehicles, source them from Lithgow motor dealers in order to help encourage and stimulate jobs in both the dealerships in Lithgow.

**MOVED:** Councillor F Inzitari      **SECONDED:** Councillor R Thompson.

**ITEM-8 NOTICE OF MOTION - 17/12/12 - CURRENT OR PROPOSED COAL  
SEAM GAS ACTIVITES IN LITHGOW LGA - COUNCILLOR M F  
TICEHURST**

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**12-481 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 whether they are aware of any current or proposed Coal Seam Gas Exploration Licences or activities in the Lithgow Local Government Area.

**MOVED:** Councillor M F Ticehurst      **SECONDED:** Councillor J J McGinnes



**ITEM-9 GM - 17/12/12 - CLARENCE COLLIERY WATER TRANSFER SCHEME**

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**12-482 RESOLVED**

**THAT** Council:

1. Confirm the action taken to separate the construction works for the Clarence Colliery Water Transfer Scheme into separate parts;
2. Authorise the General Manager to negotiate and finalise a variation to the existing funding arrangements for the Clarence Colliery Water Transfer Scheme; and
3. Authorise the affixing of the Council seal to the necessary documentation, if required.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

**ITEM-10 GM - 17/12/12 - COUNCIL MEETING LOCATIONS**

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**MOTION**

**THAT** Council trial the holding of a Council meeting at alternative locations with the Council meeting scheduled for Monday 25 February 2013 be held at the Portland Crystal Theatre and a report be provided on this at a subsequent meeting.

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

**AMENDMENT**

**THAT** Council trial the holding of a Council meeting at alternative locations with the Council meeting scheduled for Monday 25 February 2013 be held at the Capertee and a report be provided on this at a subsequent meeting.

**MOVED:** Councillor M Ticehurst **SECONDED:** Councillor

The Amendment **LAPSED** due to there being no seconder.

**12-483 RESOLVED**

**THAT** Council trial the holding of a Council meeting at alternative locations with the Council meeting scheduled for Monday 25 February 2013 be held at the Portland Crystal Theatre and a report be provided on this at a subsequent meeting.

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

**ITEM-11 GM - 17/12/12 - NEPEAN BLUE MOUNTAINS MEDICARE LOCAL - MEMBERSHIP**

---

**12-484 RESOLVED**

**THAT** Council nominate a representative of Lithgow City Council on the Nepean-Blue Mountains Medicare Local Group.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

**12-485 RESOLVED**

**THAT** Council Councillor Thompson be nominated as the representative of Lithgow City Council on the Nepean-Blue Mountains Medicare Local Group.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

**ITEM-12 GM - 17/12/12 - PORTLAND GOLF CLUB**

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**12-486 RESOLVED**

**THAT** Council:

1. Formally provide a loan of up to \$150,000 at NIL interest to the Portland Golf Club to allow the Club to develop land in Bell Street Portland;
2. Enter into a mortgage and loan arrangement with the Portland Golf Club in relation to these monies with the Club being responsible for all legal and associated costs of the arrangement, with the repayment period not to exceed 5 years;
3. Authorise the General Manager to negotiate the draw down and repayment schedules of the loan; and
4. Authorise the Council seal to be affixed to any documentation requiring the seal.

**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 F Inzitari  
Councillor W McAndrew  
Councillor P Pilbeam

Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor C Hunter  
Councillor M F Ticehurst  
Councillor J J McGinnes

**ITEM-13 GM - 17/12/12 - ICAC REPORT - OPERATION JAREK - INVESTIGATION OF ACCEPTING BENEFITS FROM SUPPLIERS PROGRESS REPORT**

---

**12-487 RESOLVED**

**THAT** Council note the 15 recommendations from the report in relation to Operation Jarek and report to ICAC on the progress to the recommendations as detailed in this report.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-14 GM - 17/12/12 - SENIOR STAFF CONTRACTS**

---

**12-488 RESOLVED**

**THAT** Council note the report on Senior Staff contracts.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor R Thompson.

**ITEM-15 ENVIRO - 17/12/12 - 057/11DA - PROPOSED DUAL OCCUPANCY/ BED AND BREAKFAST - LOT 51 IN DP 1131349, 79 JERRYS MEADOWN ROAD SODWALLS**

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Item 15 - dealt with

**ITEM-16            ENVIRO - 17/12/12 - ROAD RE-NAMING - RYDAL/HAMPTON ROAD  
AND WALLERAWANG/RYDAL ROAD - SUBMISSIONS RECEIVED  
FOR PROPOSED CHANGES/OUTCOMES**

---

**12-489 RESOLVED**

**THAT** Council:

1. Support the road names 'Rydal Road' and 'Hampton Road';
2. Notify all residents on Wallerawang/Rydal Road of its intention to adopt the name 'Rydal Road';
3. Notify all residents on Rydal/Hampton Road of its intention to adopt the name 'Hampton Road';
4. Proceed to the Government Gazette for the proposed road naming and advise Emergency Services and land owners of these road name changes following gazettal.

**MOVED:** Councillor C Hunter    **SECONDED:** Councillor R Thompson.

**ITEM-17            ENVIRO - 17/12/12 - MODIFICATION OF DEVELOPMENT  
APPLICATION/CONSTRUCTION CERTIFICATE 046/11DACC -  
REDEVELOPMENT OF LITHGOW AQUATIC CENTRE - GEORGE  
COATES AVE LITHGOW**

---

**12-490 RESOLVED**

**THAT:**

1. Modification of Development Application 046/11DACC be approved subject to conditions specified in the attached Section 79C assessment
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 F Inzitari

A **DIVISION** was required

**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

**ITEM-18            ENVIRO - 17/12/12 - PROPOSED ROAD RE-NAMING- WESTERN SECTION OF GUY STREET**

---

**12-491 RESOLVED**

**THAT** Council:

1. Support the name 'Crowle Street' for the western section of the current Guy Street 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.
2. Naming after William Harvey Blanchard Senior be utilised at some future point in time

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor F Inzitari

**ITEM-19            ENVIRO - 17/12/12 - REQUEST FOR EXEMPTION/REDUCTION OF SECTION 94A LEVY - LITHGOW WORKMENS CLUB**

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Item 19 - dealt with

**ITEM-20            OPER - 17/12/12 - TENDER 10/12 UPGRADE TO FUEL STORAGE FACILITIES AT LITHGOW & WALLERAWANG WORKS DEPOTS**

---

**12-492 RESOLVED**

**THAT** Council accept the tender received from Priority Fuel Management, in the sum of \$284,930.00 ex GST for the upgrade to fuel storage facilities at Lithgow & Wallerawang Works Depots.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-21            OPER - 17/12/12 - WATER REPORT - DECEMBER 2012**

---

**12-493 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor F Inzitari

Councillor McGinnes left the chambers at 9.38pm

**ITEM-22            OPER - 17/12/12 - UPGRADE OF WOLGAN ROAD -  
ANNOUNCEMENT OF FUNDING**

---

Councillor McGinnes returned to the chambers at 9.39pm

**MOTION**

**THAT** Council:

1. Accept the \$4.2m funding from the Roads and Maritime Service and Emirates for the upgrade of 14.2 kilometres of the Wolgan Road;
2. Allocate \$350,000 in the 2013/14 budget to this project; and
3. Council proceed to open Tender to complete the project.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J McGinnes

**AMENDMENT**

**THAT** Council:

1. Accept the \$4.2m funding from the Roads and Maritime Service and Emirates for the upgrade of 14.2 kilometres of the Wolgan Road; and
2. Allocate \$350,000 in the 2013/14 budget to this project.
3. Note that this project will impact on Council's existing works programs.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

The amendment was **PUT** and became the **MOTION**

**12-494 RESOLVED**

**THAT** Council:

1. Accept the \$4.2m funding from the Roads and Maritime Service and Emirates for the upgrade of 14.2 kilometres of the Wolgan Road; and

2. Allocate \$350,000 in the 2013/14 budget to this project.
3. Note that this project will impact on Council's existing works programs.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

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

**ITEM-23            COMM - 17/12/12 - SECTION 356 FINANCIAL ASSISTANCE TO  
COMMUNITY ORGANISATIONS**

---

**12-495 RESOLVED**

**THAT** Council provides Round 2 2012/13 Non-Recurrent Financial Assistance to the following organisations:

<b>Organisation and Project Name</b>	<b>Amount Recommended</b>
<b>Wallerawang Lidsdale CWA</b> Rate reimbursement	\$485
<b>Lithgow District Garden Club</b> Logo and stationery	\$500
<b>Lithgow District Kennel Club Inc.</b> Gazebos, lawn mower and tables	\$500
<b>Central Tablelands Life Education Supporters Group</b> Life Education workbooks for Children	\$1,500
<b>Friends of St. John's</b> Building maintenance	\$800
<b>Cullen Bullen Progress Association</b> Rate reimbursement	\$455
<b>The First Australian Muzzle Loading Gun Rifle Pistol Club</b> Rate reimbursement	\$500
<b>Lithgow Community Orchestra</b> Operating costs	\$500
<b>St. Vincents Parish Portland</b> Upgrade of parish centre	\$1,000
<b>Glen Alice Community Association</b> Glen Alice Community Noticeboard	\$1,500

<b>Organisation and Project Name</b>	<b>Amount Recommended</b>
<b>PCYC</b> Scholarships	\$1,000
<b>Lithgow Musical Society</b> Demountable change room hire	\$2,000
<b>Total</b>	<b>\$10,740</b>

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

**ITEM-24          COMM - 17/12/12 - ESTABLISHMENT OF ALCOHOL FREE ZONES IN LITHGOW, PORTLAND AND WALLERAWANG CENTRAL BUSINESS DISTRICTS**

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**12-496 RESOLVED**

**THAT:**

1. Council resolves to adopt the attached proposal to establish Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644 of the Local Government Act 1993.
2. Council advises the Police, all affected liquor licensees and the general community by way of publication of a notice of the proposed establishment of the Alcohol Free Zones in these areas and calling for comment by 30 January 2013.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor F Inzitari

**ITEM-25          FINAN - 17/12/12 - REVIEW OF POLICY 9.2 RECORDS MANAGEMENT**

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**12-497 RESOLVED**

**THAT** Council advertise the revised Policy 9.2 Records Management Version 4, for a period of 28 days.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam



**ITEM-26            FINAN - 17/12/12 - 2010/11 DLG COMPARATICE INFORMATION ON  
NSW COUNCILS**

---

**12-498 RESOLVED**

**THAT** Council acknowledge the 2010/11 Comparative Information on NSW Councils recently released by the Division of Local Government.

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

**ITEM-27            FINAN - 17/12/12 - AMENDED 2011/12 GENERAL PURPOSE  
FINANCIAL REPORTS**

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**12-499 RESOLVED**

**THAT:**

1. The amended 2011/12 General Purpose Financial Reports 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 4 February 2013.

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

Councillor Ticehurst requested his name be recorded AGAINST the motion.

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**ITEM-28            FINAN - 17/12/12 - COUNCIL INVESTMENTS HELD 30 NOVEMBER 2012**

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**12-500 RESOLVED**

**THAT:**

1. Investments of \$18,078,456.18 for the period ending 30 November 2012 be noted.
2. Council provide a copy of note 6 of the General Purpose Financial reports to Councillors via a memo.

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

**ITEM-29            FINAN - 17/12/12 - RATE PEGGING FOR 2013/14 OPERATIONAL PLAN AND DELIVERY PROGRAM**

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**12-501 RESOLVED**

**THAT** Council acknowledge the IPART recommendation for the 2013/14 maximum rate peg limit of 3.4%.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-30            FINAN - 17/12/12 - RETURNS UNDER SEC 449 LG ACT 1993 FOR NEWLY ELECTED COUNCILLORS**

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**12-502 RESOLVED**

**THAT** Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the four newly elected Councillors at the Local Government Election of 8 September 2012

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett

**ITEM-31            OPER - 17/12/12 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 19 NOVEMBER 2012**

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**12-503 RESOLVED**

**THAT** Council:

1. Council refund the \$250.00 bond to the Portland Touch Association for the hire of Saville Park Portland during the 2011/2012 touch season
  2. Council grant \$500.00 financial assistance to Renee Hunter, to represent Australia in the Under/16 All Schools Hockey competition
  3. Council adopt a reduced fee of \$1.10 for learn to swim students
- Council note the minutes of the Sports Advisory Committee meeting held on Monday, 19 November 2012.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

## **MATTER ARISING**

### **12-504 RESOLVED**

**THAT** Council consider in the 2013/14 Fees and Charges an option of waiving the fee for spectators and parents of learn to swim patrons where they are not utilising the pool.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor M Ticehurst

## **ITEM-32 OPER - 17/12/12 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 15 NOVEMBER 2012**

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### **12-505 RESOLVED**

**THAT** Council notes the minutes of the Traffic Authority Committee held on 15 November 2012 and

1. Undertake the following changes to traffic flow and signage at the aquatic centre-
  - The eastern end of Barton Street that is currently signposted as “one-way” accommodating only for eastern travelling vehicles to be converted to “two-way” to accommodate vehicles travelling in either direction
  - A Give way or Stop sign be installed at the intersection of Fred Burley Drive and Barton Street depending on the site distance requirements
  - A median strip be installed at the eastern end of Barton Street to define the two way street
  - Double centre lines be installed along Barton Street adjacent to the showground
  - No Stopping zones be installed along the three sides of the parking area (Barton Street and George Coates Avenue)
  - Bollards be installed along the eastern face of the car parking area in George Coates Avenue
2. Remove the existing disabled parking zone located adjacent to Family First Credit Union in Ordnance Avenue Lithgow
3. Install a ‘silent cop’ be installed at the intersection of Methven Street and Hassan’s Walls Road Lithgow
4. Install the appropriate signage under section 650 of the Local Government Act in the car parks located at the Lithgow Aquatic Centre so that parking restrictions can be enforced
5. Provide all Councillors with a copy of the guide to the Delegation to Council for the regulation of traffic (local traffic committee guidelines) for their information.
6. TALC investigate whether there is enough room in Main Street in the vicinity of Lithgow Locksmith for buses to transverse the area

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor M F Ticehurst

**ITEM-33            COMM - 17/12/12 - YOUTH COUNCIL MINUTES - 27 NOVEMBER 2012**

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**12-506 RESOLVED**

**THAT:**

1. Council notes the minutes of the Youth Council meeting held 27 November 2012.
2. That Council consider in its 2013/14 budget establishing a PCYC scholarship program for up to 16 disadvantaged youth.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett

**ITEM-34            COMM - 17/12/12 - DISABILITY ACCESS COMMITTEE - MINUTES 13 NOVEMBER 2012**

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**12-507 RESOLVED**

**THAT** Council notes the minutes of the Disability Access Committee meeting held 13 November 2012.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor M F Ticehurst

**ITEM-35            COMM - 17/12/12 - COMMEMORATION OF THE BLUE MOUNTAINS CROSSING BICENTENARY COMMITTEE MEETING - MINUTES 5 DECEMBER 2012**

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**12-508 RESOLVED**

**THAT** Council Notes the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 5 December 2012.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor F Inzitari

**ITEM-36            COMM - 17/12/12 - LITHGOW FLASH GIFT COMMITTEE MEETING  
MINUTES - 28 NOVEMBER 2012**

---

**12-509 RESOLVED**

**THAT** Council:

1. Notes that the committee will approve the allocation of funds available for prize money and the running of the event that meets the objectives of the Lithgow Flash Carnival over the next few committee meetings.
2. Notes the information provided by Mr Ray Stoneley on the Little Athletics Clinics and the recommendations from the committee that athletes and coaches coming to the Lithgow Flash Carnival should be encouraged to support the Friday 22 February Lithgow Little Athletics training and attended the Sports Awards Night.
3. Notes the proposal of a perpetual trophy and the naming of the 100 metre sprint for boys and 100 metre girls sprint, The 'Eric Arnold Sprint'
4. allocates funds 2013/2014 Delivery Program to have the survey completed for the 2013 Lithgow Flash Carnival to be ready for the 2014 Little Athletics Regional Carnival
5. Notes the 2013 Lithgow Flash Carnival Sponsorship Pack will be sent to potential sponsors

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

**ITEM-37            ENVIRO - 17/12/12 - CRYSTAL THEATRE MANAGEMENT  
COMMITTEE MINUTES 6 NOVEMBER 2012**

---

**12-510 RESOLVED**

**THAT** Council note the minutes of the Crystal Theatre Management Committee Meeting held on 6 November 2012

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Higlett

**ITEM-38            ENVIRO - 17/12/12 - ENVIRONMENTAL ADVISORY COMMITTEE  
MINUTES 7 NOVEMBER 2012**

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**12-511 RESOLVED**

**THAT** Council:

1. Note the minutes of the Environmental Advisory Committee Meeting held on 7 November 2012.

2. Consider allocating an amount of \$60,000 in line with the next budget for a plan of management for Hassans Walls.
3. Contact Crown Lands to see if funding can be sought for a plan of management for Hassans Walls.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

## **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**



**MOTION**

**THAT** Council deal with item 39 in Open Council.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor M F Ticehurst

The MOTION was PUT and **LOST**

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

**Division -**

**FOR**

Councillor M F Ticehurst

Councillor J J McGinnes

**AGAINST**

Councillor R Higlett

Councillor C Hunter

Councillor F Inzitari

Councillor W McAndrew

Councillor P Pilbeam

Councillor M Statham

Councillor R Thompson

**12-512 RESOLVED**

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

**MOVED:** Clr W McAndrew

**SECONDED:** Clr Inzitari

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

### **12-513 RESOLVED**

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

**MOVED:** Cllr W McAndrew

**SECONDED:** Cllr R Thompson

The General Manager asked if there were any objections from the Public with regards to the confidential reports being in closed Council.

Mrs Sue Graves objected to the Councillors being given the opportunity to decide on whether to go to closed Council before consulting with the public.

### **CLOSED COUNCIL**

At 10.28pm the Council resolved to move into Closed Council.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

Closed Council started at 10.29pm.

### **ITEM-39          GM - 17/12/12 - CONFIDENTIAL REPORT - LITHGOW MASONIC HALL**

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### **12-514 RESOLVED**

**THAT** Council:

1. Take NO action to acquire or lease the Masonic building located at 206-208 Mort St, Lithgow; and
2. Assist the Lithgow Senior Citizens group in facilitating a new location in which they may operate from.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor C Hunter

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

**12-515 RESOLVED**

**THAT** to exclude all staff from the Chambers except the Group Manager Operations who is requested to remain to assist with meeting procedure.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

**ITEM-40            MAYORAL MINUTE - 17/12/12 - CONFIDENTIAL REPORT -  
PERFORMANCE REVIEW OF THE GENERAL MANAGER**

---

**12-516 RESOLVED**

**THAT** Council:

1. Note the General Manager's performance for the 2011/12 period as 'More than Satisfactory';
2. Increase the General Managers remuneration package by 2.5% to \$229,600.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

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

At 10.53pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor P Pilbeam

The Group Manager Operations, announced the resolution of the Closed Council on Item 40 to the public gallery.

The General Manager announced the resolution of the Closed Council on Item 39 to the public gallery.

The Mayor wished Councillors, Staff and Members of the public gallery and safe and Merry Christmas.

**There being no further business the meeting closed at 10.55pm.**