



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

04 FEBRUARY 2013

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 4 FEBRUARY 2013**

Meeting Commenced 7.00pm

Public: 44

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

ACKNOWLEDGEMENT OF COUNTRY

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

13-01 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 17 December 2012 were taken as read and confirmed by Councillors W McAndrew and M F Ticehurst with the following amendments;

1. That Council resolved to note the declaration of interest with Councillor W McAndrews name be recorded against the Declarations of Interest.
2. That resolution No 12-476 relating to Footpath Trading be that Council review the draft policy by 1 July 2013. The resolution was to read:
 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 1st July 2013.

MATTER ARISING

13-02 RESOLVED

THAT Council officers provide Councillors with the Minutes as they are on the night.

MOVED: Councillor M Ticehurst

SECONDED: Councillor J McGinnes

DECLARATION OF INTEREST

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

Councillor W McAndrew declared a Non Pecuniary interest in item 5, due to his sister being proposed as one of the nominees to the Meadow Flat Hall committee. He will vacate the Chambers.

Councillor M Statham declared a Non Pecuniary interest in item 5, due to relatives being proposed nominees to the Meadow Flat Hall Committee. She will vacate the Chambers.

Councillor P Pilbeam declared a Non Pecuniary less than significant interest in item 2, due to him being a resident at Hillcrest Estate. He will not vacate the Chambers.

Councillor M Ticehurst declared a Pecuniary interest in item 36, due to son being an employee of Centennial Coal at the Angus Place Mine. He will vacate the Chambers.

Councillor C Hunter declared a Non Pecuniary less than significant interest in item 8. He will not vacate the chambers.

QUESTIONS FROM THE PUBLIC

At 7.22pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 04/02/13 – MRS SALLY TAYLOR

Mrs Taylor made a statement in relation to Item 1 of the Agenda. Mrs Taylor feels that the amount suggested as a financial contribution may be better spent here in Lithgow. Mrs Taylor suggested a number of other options.

The Mayor thanked Mrs Taylor for her comments.

PF – 04/02/13 – LINDSAY FEATHERSTONE

Mr Featherstone requested that Council allocate an additional \$30,000 in the upcoming budget towards parklands at Rydal. The Rydal Village would take over the remainder of funding for improvements.

The Mayor thanked Mr Featherstone for his comments

PF – 04/02/13 – CASSANDRA COLEMAN

Mrs Coleman objected to the Mayoral Minute and \$1,500 going towards the horserace in Bathurst as outlined in the Mayoral Minute

The Mayor thanked Mrs Coleman for her comments

PF – 04/02/13 – ANTHONY CRAIG

Mr Craig made statements in relation to Items 12 and 22 of the agenda. With reference to Item 12 he asked the Council to ensure that a committee is established to address the issue no matter what.

Mr Craig thanked Council for investigating Coal Seam Gas Mining with regards to Item 22 of the agenda. Before Council gives approval for the mining of Coal Seam gas then ensure that it is safe.

The General Manager outlined that the report was not for approval but to advise of Coal Seam Gas Licences in the Lithgow LGA.

PF – 04/02/13 – MR CLIVE LAING

Mr Laing spoke to Council about the mop top trees located outside of his residence at Bowenfels and made reference to trees at Oakey Park. Can Council make an effort to clean up the trees and not plant more mop top trees.

The General Manager advised that there is a current Council resolution to plant further mop top trees.

PF – 04/02/13 – MR MARK JENKINS

A statement was made by Mr Jenkins in relation to Item 2 of the agenda and the lack of water pressure at his residence. Mr Jenkins informed Council of the personal circumstances with regards to this issue and the problems that this is causing him and his family. He asked Council to take this into consideration.

The Mayor thanked Mr Jenkins for his comments

PF – 04/02/13 – MR JOHN FULLER

Mr Fuller made a statements in relation to the storm water and septic at his property, specifically illegal connections on his property and no one in Council cares about his situation and the concerns in Cullen Bullen generally.

The General Manager advised that Council has been out to Mr Fullers property on a number of occasions to investigate the issues. A number of meetings have taken place between Mr Fuller and the Council officers including the Mayor.

Mr Fuller claimed that Council had approved the connections.

The Group Manager Environment and Development advised that there is no record that indicates that there was any approval given to the current owner or previous owner in relation to the sewerage. The order given to Mr Fuller under Sec 124 was following a threat made by Mr Fuller that he was going to block the pipes.

Mr Fuller asked what Council is going to do about the pipe going under his property and the pit being left open on his property.

Mayor Statham advised that Council had done everything possible.

The General Manager advised that Council had been trying to assist but Mr Fuller has ordered Council staff off his property. Mr Fuller will have to carry out works to resolve the problem.

Councillor J McGinnes requested that Councillors meet with Mr Fuller on site.

The Mayor indicated that a site meeting would be arranged.

EXTENSION OF TIME

13-03 RESOLVED

An extension of time for public forum

MOVED: Councillor M Ticehurst

SECONDED: Councillor F Inzitari

PF – 04/02/13 – MRS CASSIE HARVISON

Mrs Harvison made reference to the Australia Day markets in Queen Elizabeth Park and its success. Mrs Harvison asked Council to seek food to operate with \$10million public liability until the end of the financial year, the same as the footpath trading.

The Mayor thanked Mrs Harvison for her comments and efforts with the stalls.

PF – 04/02/13 – ANTHONY CRAIG

Mr Craig made a statement to the Village markets and thanked Council for allowing them to happen. He supported the idea of Council continuing to ask for Public liability of \$10 million to the end of the financial year.

The Mayor thanked Mr Craig.

PF – 04/02/13 – MRS CASSANDRA COLEMAN

Mrs Coleman asked who was responsible for slashing grass on “Back Cullen Road” and also the opposite Fairley Street, Cullen Bullen. The grass is long and attracts snakes. Mrs Coleman asked if Council could clean this up.

Group Manager Operations advised he would look into this.

PF- 04/02/13 – MR PAUL PHILLIPS

Mr Phillips made a reference to Item 3 against the \$20 Million public liability insurance for footpaths but all businesses and events should be judged separately. He asked why Council hasn’t obtained insurance quotes from other insurers?

The General Manager sought clarification from Mr Phillips in relation to the information that he had sought from other Councils.

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PRESENTATION

Leanne Smith from Morse Group provided an Audit presentation of the 2011/12 General purpose and Special purpose financial reports.

PROCEDURAL MOTION - ORDER OF BUSINESS

13-04 RESOLVED

THAT Item 30 be brought forward and dealt with at this point in the meeting.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

ITEM-30 FINAN - 04/02/13 - AUDIT PRESENTATION OF THE 2011/12 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS

13-05 RESOLVED

1. **THAT** Council thank Ms Leanne Smith of the Morse Group for her presentation
2. Council accept submissions, in writing, for a period of seven days following the audit address until 4.30pm on the 12 February 2013

MOVED: Councillor R Thompson

SECONDED: Councillor C Hunter

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

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

**ITEM-1 MAYORAL MINUTE - 04/02/13 - LEGENDS OF RACING
CELEBRATION - FINANCIAL CONTRIBUTION**

Mayor Statham withdrew the Mayoral Minute as a result of additional sponsorship for the event.

**ITEM-2 NOTICE OF MOTION - 04/02/13 - SOUTH BOWENFELS WATER
INCLUDING NEW RESERVOIR AT GOULDS HILL - COUNCILLOR P
PILBEAM**

13-06 RESOLVED

THAT Council officer provide a report at the next meeting of council including;

1. the cost over the previous 18 months of this tank that has been incurred by the Council in relation to wages, phone calls, water, time etc. of Council officers to try and rectify the problem that this tank has;
2. any investigation by council in recovering these costs to the ratepayers of Lithgow;
3. whether this tank will alleviate the pressure problems of the residents of Hillcrest; and
4. the tapping of water from the Hospital to the Hillcrest estate.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari

**ITEM-3 NOTICE OF MOTION - 04/02/13 - PUBLIC LIABILITY INSURANCE
REQUIRED BY COUNCIL - COUNCILLOR W MCANDREW**

13-07 RESOLVED

THAT to allow Councillors to make an informed decision on the matter the following issues/answers be provided by way of a written report to Council:

- 1) A comparison be made of similar Councils as to their Public Liability Insurance Policy requirements, eg \$10m or \$20m.
- 2) A formal letter be provided by Council's insurers/brokers to Council clearly stating their position as to what they require \$10m or \$20m coverage and the reasons why.
- 3) A clear position from the General Manager outlining who the Policy is to apply to.
- 4) Should the Policy be amended to reflect different risk scenarios, eg footpath trading seven days a week versus markets which occur on limited times during a year.

- 5) Any other matter deemed relevant to this issue including the survey supplied by local business man, Mr Phillips.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-4 GM - 04/02/13 - CENTRAL WEST REGIONAL ACTION PLAN

13-08 RESOLVED

THAT Council note the report on the release of the Central West Regional Action Plan.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

ITEM-5 GM - 04/02/13 - EXPRESSIONS OF INTEREST FOR SEC 355 COUNCIL COMMITTEES

13-09 RESOLVED

THAT Council:

1) Appoints the following applicants as nominated representatives on the Council Committees:

- i) **Aquatic Centre Committee**
 - Maree Evans - Learn to Swim
 - Karen Luka - Swimming Club
 - Darren King - Community Representative
 - Terry Cambourn - Community Representative
 - Jodie Stewart - Community Representative

- ii) **Tourism Advisory Committee**
 - Domino Houlbrook-Cove - Jenolan Caves
 - Jennifer Menchin - Wallerawang Railway Cafe
 - Barbara Bretherton - Corner milkbar in Portland
 - Margaret Edwards - iMag tourism magazine
 - Renae Difranco - Bianca Villa
 - Helen Riley – Mingann

- iii) **Crystal Theatre Management Committee**
 - Mary Hampton, Jacquie Terry and Guy Hampton (one as alternate)
 - Mrs Barbara Bretherton representing the Portland Development Association and Mrs Laurel Scotte be accepted as an alternate member

- Mrs Beverly Morris representing the Crystal Theatre Cinema Committee.
- iv) **Environmental Advisory Committee**
- Elwin Wolfenden as a community member on the Environmental Advisory Committee.
 - Peter Evans as the Hawkesbury-Nepean Catchment Management Authority representative
 - Sue Graves as the Lithgow Tidy Towns' member
 - Thomas Ebersoll as the Lithgow Environment Group member and Julie Favell be accepted as the alternate member.
 - Kathleen Compton (Alternate) – Tidy Towns
- vi) **Union Theatre Management Committee**
- Leo Vliegthart as a community member.
 - Al Ritchie as the Greater Lithgow Arts Council's member.
 - Rae Burton as Lithgow Musical Society member.
- vii) **Economic Development Committee**
- Anne Forster – Education and Training (USW Provost)
 - Grahame Danaher – Health Services (Westfund)
 - Mick Cairney – Mining Industries – Centennial
 - Luke Welfare and Michelle Blakeley as the Alternative – Power Industry – Delta
 - Paul Phillips – Retail and Business Service – A readers Heaven
 - Cassie Harvison – Creative/Cultural Industry – The Village Markets
 - Paul Toole – State Member of Parliament (Non Voting)
 - John Cobb – Federal Member of parliament (Non Voting)

2) Readvertise any vacant positions to Council Committees.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

Councillor Statham and McAndrew vacated the chambers at 8.34pm due to their previous Declaration of Interest in the item.

Councillor Thompson assumed chair 8.34pm

13-10 RESOLVED

THAT Council Appoint the following applicants as nominated representatives on Meadow Flat Hall Council Committee:

- Bruce Gunning
- Liz Reen
- Ellen McManus
- Michael Wood
- Sarah Martin

MOVED: Councillor P Pilbeam

SECONDED: Councillor C Hunter

Councillor Statham and McAndrew returned to chambers at 8.36pm.

The Mayor resumed as Chair

ITEM-6 GM - 04/02/13 - ELECTED MEMBER SEMINAR BY THE ELECTION FUNDING AUTHORITY

13-11 RESOLVED

THAT Council advise the Electoral Funding Authority that it wishes the Authority to hold a seminar in Lithgow on obligations to comply with the *Election Funding, Expenditure and Disclosure Act 1981*.

MOVED: Councillor W McAndrew

SECONDED: Councillor J J McGinnes

ITEM-7 GM - 04/02/13 - COUNCIL MEETING LOCATIONS

MOTION

THAT the Council trial for the holding of the Council meetings away from the Council Chambers be amended to:

- Monday 25 February 2013 being at the Council Chambers, Mort Street, Lithgow; and
- Monday 18 March 2013 being held at the Portland Crystal Theatre.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew

AMENDMENT

THAT the Council meeting on 18 March 2013 be held at Cullen Bullen

MOVED: Councillor J McGinnes

SECONDED: Councillor M Ticehurst

The amendment was PUT and **LOST**

13-12 RESOLVED

THAT the Council trial for the holding of the Council meetings away from the Council Chambers be amended to:

- Monday 25 February 2013 being at the Council Chambers, Mort Street, Lithgow; and
- Monday 18 March 2013 being held at the Portland Crystal Theatre.

MOVED: Councillor F Inzitari **SECONDED:** Councillor W McAndrew

ITEM-8 GM - 04/02/13 - CHARLES ARTHUR PINCH TRUST - MUSEUM THE GLEN

13-13 RESOLVED

THAT Council advise the Charlie Pinch Trustee's solicitor indicating that the existing Trustees should approach individual persons to be a member of the Trust.

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

ITEM-9 GM - 04/02/13 - NSW DECADE OF DECENTRALISATION POLICY

13-14 RESOLVED

THAT Council:

1. Note the report on the review of the NSW Decade of Decentralisation Policy;
2. Note that Centroc will be making a submission for the councils of the Central West; and
3. Authorise the Mayor to make a submission on behalf of Lithgow City Council.

MOVED: Councillor P Pilbeam **SECONDED:** Councillor R Thompson.

ITEM-10 GM - 04/0213 - NEW SOUTH WALES TRANSPORT MASTER PLAN

13-15 RESOLVED

THAT Council note the report on the release of the New South Wales Transport Master Plan.

MOVED: Councillor J McGinnes **SECONDED:** Councillor P Pilbeam

**ITEM-11 ENVIRO - 04/02/13 - DEVELOPMENT APPLICATION REPORT -
DA180/12 - PROPOSED GARAGE- 1 GOLF LINKS ROAD
MARRANGAROO NSW 2790**

MOTION

THAT:

1. Development Application 180/12DA 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 P Pilbeam

AMENDMENT

THAT Council defer any decision on Development Application 180/12DA until an onsite meeting can be held.

MOVED: Councillor M Ticehurst

SECONDED: Councillor J McGinnes

The amendment was PUT and **LOST**

13-16 RESOLVED

THAT:

1. Development Application 180/12DA 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

A **DIVISION** was called

**Division -
FOR**

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

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes
Councillor C Hunter

**ITEM-12 ENVIRO - 04/02/13 - DEVELOPMENT CONSENT 190/09 HOWARD
SONS PYROTECHNICS COMMUNITY LIASION COMMITTEE**

13-17 RESOLVED

THAT:

1. Council adopt the Terms of Reference for the Howard & Sons Pyrotechnics Community Liaison Committee.
2. The Mayor be appointed as Chairperson and Council's representative on the Committee.
3. The Deputy Mayor be appointed as the alternate Council representative on the Committee.
4. Nominations for community representatives on the Committee be submitted to Council for consideration after the closing date.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

**ITEM-13 ENVIRO - 04/02/13 - FAIR TRADING DELEGATION TO COUNCIL -
PLUMBING DRAINAGE ACT 2012**

13-18 RESOLVED

THAT:

1. Council accept the delegation of functions under the Plumbing and Drainage Act 2012 from the Commissioner for Fair Trading and to execute the instrument of delegation under Council Seal.
2. The functions under the Plumbing and Drainage Act 2012 be delegated to the General Manager.
3. Council attempt to source funding from the State government to enforce the functions under the act.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-14 ENVIRO - 04/02/13 - FOOD INSPECTION FEES SCHOOLS AND CHARITABLE INSTITUTIONS

13-19 RESOLVED

THAT Council charge no food inspection fees for schools, charitable institutions or not for profit organisations for the remainder of 2012/2013 and this be reflected in its Fees and Charges as 'nil charge'.

MOVED: Councillor C Hunter **SECONDED:** Councillor P Pilbeam

ITEM-15 ENVIRO - 04/02/13 - NEW SMOKE-FREE REFORMS IN OUTDOOR PUBLIC PLACES

13-20 RESOLVED

THAT Council note the amendments to the *Smoke-free Environment Act 2000*.

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

ITEM-16 ENVIRO - 04/02/13 - REQUEST FOR EXEMPTION OF SECTION 94A CONTRIBUTIONS DANIEL COLLINS AND DEANNA JOHNSON

13-21 RESOLVED

THAT based upon merit DA119/12 be exempt from providing a Section 94A Contribution.

MOVED: Councillor W McAndrew **SECONDED:** Councillor J J McGinnes

**ITEM-17 ENVIRO - 04/02/13 - ROAD NAMING DA 5606 OFF JOHN GRANT
ROAD LITTLE HARTLEY NSW 2790**

13-22 RESOLVED

THAT in accordance with Council's Policy for the naming of roads, Council advertise the road name as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

**ITEM-18 ENVIRO - 04/02/13 - TREEVIEW ESTATE MODIFICATION TO A
VOLUNTARY PLANNING AGREEMENT**

13-23 RESOLVED

THAT Council endorse the modified Voluntary Planning Agreement in relation to Treeview Estate.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

**ITEM-19 ENVIRO - 04/02/13 - DEVELOPMENT APPLICATION(1) REPORT -
019/11DA - PROPOSED DEMOLITION OF COTTAGE AND SHEDS -
IVANHOE COLLIERY PORTLAND ROAD PIPERS FLAT NSW 2790**

13-24 RESOLVED

THAT:

1. Development Application 019/11DA 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 W McAndrew

SECONDED: Councillor P Pilbeam

A **DIVISION** was called

**Division (Unanimous) -
FOR**

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

**ITEM-20 ENVIRO - 04/02/13 - DEVELOPMENT CONSTRUCTION APPROVALS
- 2008 - 2012 COMPARATIVE FIGURES**

13-25 RESOLVED

THAT the report on development application and construction certificate approvals be received.

MOVED: Councillor P Pilbeam

SECONDED: Councillor C Hunter

ITEM-21 ENVIRO - 04/02/13 - COALPAC CONSOLIDATION PROJECT

13-26 RESOLVED

THAT:

1. Council indicate to the NSW Department of Planning and Infrastructure it is satisfied with the response provided by Coalpac to its previous submissions in relation to the Project subject to those previous submissions on a 500mtr buffer around the village area, individual homes not under agreement or owned by Coalpac, a 250mtr buffer around the cemetery, a bond being lodged and any damage caused and proven by the mining be repaired by the company.
2. Council request a copy of Coalpac's response to the Department of Planning and Infrastructure on the PAC review so it may specifically appraise itself of how impacts of air quality and noise raised by the PAC are to be addressed and/or whether evidence is provided that the PAC's conclusions are disputed.
3. The Department of Planning and Infrastructure be requested to provide a copy of the report that it will be submitting to the newly constituted Planning and Assessment Commission when available.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-22 ENVIRO - 04/02/13 - COAL SEAM GAS EXPLORATION LICENCES

13-27 RESOLVED

THAT the information contained in the report on Coal Seam Gas Activities in the Lithgow Local Government Area be noted.

MOVED: Councillor M F Ticehurst **SECONDED:** Councillor R Thompson.

ITEM-23 OPER - 04/02/13 - WATER REPORT - JANUARY 2013

13-28 RESOLVED

THAT Council note the water report.

MOVED: Councillor W McAndrew **SECONDED:** Councillor F Inzitari

ITEM-24 OPER - 04/02/13 - TENDERING FOR SUPPLY AND INSTALLATION OF TWO NEW SEWAGE PUMP STATIONS AND ASSOCIATED PIPELINES AT SOUTH LITTLETON AND SOUTH BOWENFELS

13-29 RESOLVED

THAT in accordance with clause 178 (Acceptance of Tenders) Council decline to accept any tenders and invite fresh tenders in accordance with clause 167 (Open Tendering) - Local Government (General) Regulation, 2005.

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

ITEM-25 OPER - 04/02/13 - NSW GOVERNMENT FUNDING FOR LOCAL ROADWORKS ROUND 2

13-30 RESOLVED

THAT Council:

1. Accept the grant of \$200,000 from the NSW State Government for local roadworks;

2. Allocate \$60,000 of the funding to the upgrade of Pearson's Lookout, representing \$30,000 from Local member Paul Toole and \$30,000 from Council.
3. If Department of Lands decline the opportunity to undertake works on Pearson's Lookout the Council complete the works. This shall be on the basis that Council does NOT become responsible for the lookout;
4. Allocate \$100,000 of the funding for the upgrade of the access to Pearson's Lookout with works to be completed by the RMS. The funding here is represented by \$50,000 from Local member, Paul Toole and \$50,000 from Council;
5. Allocate \$40,000 to Urban reseals (Lithgow). The main project for urban reseals here would be Lithgow Street; and
6. Thank the local member, Paul Toole, for the funding.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

ITEM-26 OPER - 04/02/13 - WATTLEMOUNT SUBDIVISION - UPDATE ON ACCESS ROAD

MOVED

THAT Council note the report on Wattlemount Road and in the meantime Council approach the owners as a matter of urgency to seek authorisation for work to proceed on the road.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett

Councillor McAndrew called a Point of Order in relation to this matter indicating that the motion was out of order as a rescission was required.

Councillor R Thompson withdrew the motion.

13-31 RESOLVED

THAT Council note the report on Wattlemount Road.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett

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 J J McGinnes
Councillor M F Ticehurst

**ITEM-27 OPER - 04/02/13 - TENDERS FOR THE CLARENCE COLLIERY
WATER TRANSFER SYSTEM UPGRADE**

13-32 RESOLVED

THAT

1. Subject to final approval by the Department of Sustainability, Environment, Water, Populations and Communities the tender submitted by TWS Ted Wilson and Sons, in the Recommended Tender Amount of \$1,835,372.20 be accepted for the Clarence Colliery Water Transfer System Upgrade –Part 1.
2. The use of the Common Seal be authorised for the relevant contract documentation.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam

ITEM-28 OPER - 04/02/13 - CEMETERY OPERATIONS POLICY

13-33 RESOLVED

THAT the draft Cemetery Operations Policy as submitted be adopted.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

**ITEM-29 OPER - 04/02/13 - APPOINTMENT OF TEMPORARY DEPUTY LOCAL
EMERGENCY MANAGEMENT OFFICER**

13-34 RESOLVED

THAT Mr Chris Schumacher, Council's Works Manager, be appointed to the position of acting Deputy LEMO during the period of absence of the previously appointed Deputy LEMO.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

**ITEM-30 FINAN - 04/02/13 - AUDIT PRESENTATION OF THE 2011/12
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

Item 30 was dealt with

**ITEM-31 FINAN - 04/02/13 - COUNCIL INVESTMENTS HELD TO 31
DECEMBER 2012**

13-35 RESOLVED

THAT Investments of \$17,739,449.79 for the period ending 31 December 2012 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

**ITEM-32 FINAN - 04/02/13 - 2010/11 RETURN FROM CLR TICEHURST UNDER
SEC 449 - LG ACT 1993 DISCLOSING INTEREST**

MOTION

THAT Council acknowledge the 2010/11 Disclosures of Councillors Ticehurst and McGinnes received under Section 449 of the Local Government Act 1993.

**ITEM-34 OPER - 04/02/13 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 17 DECEMBER 2012**

13-38 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee meeting held on Monday, 17 December 2012.
2. Investigates the funding options for the relocation of the electrical scoreboard at the Tony Luchetti Sportsground.
3. Weather proof the referees change room from the Tony Luchetti Sportsground Maintenance budget at a cost of \$1600.
4. Grants Financial Assistance of \$300 to Isabelle Radburn to compete in the PSSA hockey team.
5. Refunds \$260 bond refund to the Portland Development Association.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

**ITEM-36 LATE REPORT - ENVIRO - 04/02/13 - CENTENNIALCOAL -
LIDSDALE SIDING UPGRADE PROJECT - CORPORATE
SPONSORSHIP**

13-39 RESOLVED

THAT Council receive the late report

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

Councillor McGinnes left the chambers at 10.32pm

Councillor Ticehurst left the chambers at 10.33pm due to his previous Declaration of Interest

Councillor McGinnes returned to the chambers at 10.35pm.

13-40 RESOLVED

THAT:

1. Council endorse the acceptance of corporate sponsorship of \$10,000 from Centennial Coal to be allocated to parks and gardens infrastructure in the Wallerawang area. Such contribution to be paid to Council upon the commencement of works for the Lidsdale Siding Upgrade Project.

2. Council acknowledge Centennial Coal's corporate sponsorship of \$150,000 for the Lithgow Aquatic Centre Project as part of its community contribution arising from the Lidsdale Siding Upgrade Project.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

Councillor Ticehurst returned to the Chambers at 10.37pm

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

CLOSED COUNCIL

13-41 RESOLVED

THAT Council move into Closed Council to consider the confidential report pursuant to Section 10A(2)(A) of the Local Government Act 1993.

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

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

There were no objections.

At 10.42pm the Council resolved to move into Closed Council.

MOVED: Councillor W McAndrew **SECONDED:** Councillor F Inzitari

Closed Council started at 10.42pm.

ITEM-35 CONFIDENTIAL REPORT - GM - 04/02/13 - COUNCILLORS ONLY - COUNCIL ORGANISATION STRUCTURE

All staff with the exception of the General Manager left the Chambers.

10.52pm Councillor Ticehurst and McGinnes left the chambers.

10.54pm Councillor McGinnes returned to the chambers.

10.55pm Councillor McGinnes left the chambers.

13-42 RESOLVED

THAT:

1. Endorse the proposed structure in Attachment 'B' of the report; and
2. Authorise the General Manager to release the information in 1 above once consultation is held with staff.

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

At 11.05pm the Council resolved to refer to open Council.

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

The General Manager announced the resolution of the Closed Council.

There being no further business the meeting closed at 11.07pm