



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

18 MARCH 2013

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CRYSTAL THEATRE, WOLGAN ROAD, PORTLAND ON 18 MARCH  
2013**

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Meeting Commenced 7.00pm

Public: 45

**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**

**13-77 RESOLVED**

An apology was received from and leave of absence granted to from Councillor W McAndrew who is out of the City on business.

**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**

**13-78 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 25 February 2013 were taken as read and confirmed by Councillors R Thompson and R Higlett

**DECLARATION OF INTEREST**

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

Councillor M F Ticehurst declared a Non Pecuniary Less than significant interest in item 22, due to him being the Treasurer of the Workman's Club Soccer Club. He will vacate the Theatre.

## **QUESTIONS FROM THE PUBLIC**

At 7.03pm Members of public gallery were invited to participate in the Public Forum Session.

### **PF – 18/3/13 – MR PHILLIP RICHARDS**

Mr Richards works at the Park near the Portland Golf Club which is Council owned and asked why the Work for the Dole program taking Council positions.

*The Mayor and General Manager responded that it appeared that he is working under a Federal Government scheme and it is an issue that he needs to take up with them.*

*The Mayor accepted Mr Bidwell's offer to provide information to the Council.*

Mr Bidwell advised that he has arranged a community project and as such an agreement with the Council and Work for the Dole program.

### **PF – 18/03/13 – MR TOM FITZGERALD**

Mr Fitzgerald congratulated the Councillors on their appointment to Council in the recent election.

Mr Fitzgerald made enquiries about the proposed picnic area near the Bottle Kilns in Portland and enquired about the signage nearby. Mr Fitzgerald asked if further information and attractions could be brought to Portland and appropriate signage put in place.

*The Mayor thanked Mr Fitzgerald for his comments.*

*The Group Manager Environment and Development advised that the property in question for the proposed picnic area is Crown land. Council will need to investigate the legalities of erecting signs and using the Crown land.*

*The Mayor made comment that there are a lot of options currently being discussed for the area including Portland and the old Cement works.*

Mr Fitzgerald made additional comments in relation to the road conditions in Portland.

*Mr Stewart Group Manager Operations advised the road is RMS and will be reported to them.*

### **PF - 18/3/13 - MR WES MCKINNON**

Mr McKinnon represented the Portland Colts and raised concerns over the lack of facilities at Kremer Park. He requested assistance from Council in relation to fixing up the facilities.

Mr McKinnon made enquiries about setting up a bar up there and advised they are in the process of completing the necessary paperwork.

*The Mayor congratulated and thanked Mr McKinnon for his comments.*

**PF -18/3/13 - VELMA MCFADDEN – Portland Tidy Towns**

Mrs McFadden thanked Mr Nolan and his staff for the assistance they have provided.

*The Mayor thanked Mrs McFadden and commented how nice it was to receive positive feedback.*

**PF- 18/3/13 – MR BRUCE UPTON**

Mr Upton made a statement in relation to the Community Sessions that are to be held with regard to the Management Plan. He noted there is one at Portland, Cullen and Wallerawang but none further out near the Capertee Valley.

Mr Upton commented on the lack of road line marking at Bogey and noted the new road work but nothing has happened since.

*Mr Stewart advised that line marking will be completed when work is finalised.*

**PF – 18/3/13 - MRS DONNA UPTON – Mrs Upton thanked everyone concerned for holding the council meeting in Portland.**

Mrs Upton made a statement in relation to Item 20 of the Agenda. The Tourism Strategy has been a long time coming and they have been working closely with Council with regard to signage.

Mrs Upton commented on how well Council staff have been working with the community.

Mrs Upton made comment with regards to the Budget and advised she will be putting in a submission in relation to this.

The Royal Hotel in Capertee provided a letter for Mrs Upton to present to the Council in relation to the LUS. Mrs Upton provided a copy of the letter to the Mayor and General Manager.

Mrs Upton commented that the Community were unaware of where the LEP was up to and requested an update on this.

*The Mayor thanked Mrs Upton and advised that a further briefing session in the Capertee area would be discussed with the General Manager.*

The Mayor indicated that one further statement would be accepted.

## **PROCEDURAL MOTION**

**THAT** an extension of time be granted.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

The Motion was **PUT** and **LOST**

## **PF – 18/3/13 – MRS EVA RISANA**

Mrs Risana made enquiries about the Coalpac consolidation in particular the impact of job losses in the area.

*The General Manager advised that representation has been made to both the Minister and Local Member. The General Manager, Mayor and member of the public met with the Minister in regards to the process and speeding up the process.*

Mrs Risana asked whether this representation was made in relation to both Coalpac and the Airly Mine.

Are there any underground mining proposals that would provide additional jobs.

*The Mayor advised if there was we would know about it.*

Mrs Risana asked whether any of the Mayors family were involved in the Coalpac Development.

*The Mayor advised that her brother is a contractor at the mine however she does not have involvement with any of her brother's business dealings and nor does he with hers.*

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**ITEM-1 NOTICE OF MOTION - 18/03/13 - UPDATE ON COUNCILS  
INVESTMENT PROSPECTUS - COUNCILLOR M TICEHURST**

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**MOTION**

**THAT** given now that another four and a half months has passed since Council resolution 12 – 392; and nearly 21 months has passed since the launch of the 36-page Lithgow Investment Prospectus, could the General Manager provide a verbal report at this Council Meeting of when the Council, Councillors, ratepayers and residents may finally receive the overdue report so resolved by Council?

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes

The Motion was **PUT** and **LOST**

**PROCEDURAL MOTION  
13-79 RESOLVED**

**THAT** Items 2, 3 and 4 be lay on the table.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Thompson

Councillor M Ticehurst and J McGinnes left the chambers at 7.26pm.

**ITEM-2 NOTICE OF MOTION - 18/03/13 - SEWERAGE OVERFLOWS IN THE  
EXTENSION ESTATE LITHGOW - COUNCILLOR M TICEHURST**

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Dealt with

**ITEM-3 NOTICE OF MOTION - 18/03/13 - CULLEN BULLEN - REQUEST FOR  
ON SITE COMMUNITY MEETING WITH RESIDENTS - COUNCILLOR  
M TICEHURST**

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Dealt with



**ITEM-4 NOTICE OF MOTION - 18/03/13 - REQUEST FOR ON SITE COMMUNITY MEETING WITH RESIDENTS OF THE VALE OF CLWYDD - COUNCILLOR M TICEHURST**

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Dealt with

**ITEM-5 GM - 18/03/13 - RESOURCES FOR REGIONS**

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**13-80 RESOLVED**

**THAT** Council:

1. Note the report on the Resources for Regions funding;
2. Submit nominations for the following projects in order of:
  - i Completion of the Lithgow Aquatic Centre – Stages 2 to 4 – est \$7M
  - ii Endorsing/partnering with COC Ltd for train/wagon maintenance at the Eskbank Yards – est \$2M
  - iii Development of a Business/Industrial Park – est \$5-6M
  - iv Adventure Playground
  - v Black Bridge – Wallerawang
3. Write to the State Government to seek a transfer of the land known as the Minerals Procuring Park prior to the sale of the Electricity providers.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor R Higlett.

**13-81 RESOLVED**

**THAT** Council allocate \$1.2M of its own funds towards the Expressions of Interest for the Council projects.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor F Inzitari

**ITEM-6 GM - 18/03/13 - DRAFT COMBINED DELIVERY PROGRAM 2013-17  
AND OPERATIONAL PLAN 2013-14**

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**13-82 RESOLVED**

**THAT**

1. The combined Draft Delivery Program 2013-2017 and Draft Operational Plan 2013-2014 be placed on public exhibition for a minimum of 28 days. This will include the following documents:
  - a. The combined Draft Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2013/14.
  - b. Draft Fees and Charges 2013/14.
2. The closing date for submissions be Friday 19 April 2013.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**ITEM-7 GM - 18/03/13 - LOCAL LAND SERVICES REVIEW**

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**13-83 RESOLVED**

**THAT** Council:

1. Note the report in relation to the new Local Land Services
2. Authorise the Mayor to make submission supporting the continuation of the Lithgow Local Government Area to be a part of the Central Tablelands/Central West LLS.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

**ITEM-8 GM -18/03/13 - MODEL CODE OF CONDUCT 2013 -  
COMMENCEMENT AND KEY RESOURCES**

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**13-84 RESOLVED**

**THAT** Council note the report on the new Model Code of Conduct.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**ITEM-9                    ENVIRO - 18/03/13 - PUBLIC TOILET PROGRAM**

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**13-85 RESOLVED**

**THAT**

1. The report on Public Toilet Program and the proposed project of a Central Business District toilet facility in Lithgow be noted;
2. In relation to the CBD project, consultation on possible sites and type of facilities be undertaken through a survey conducted with business proprietors in the Lithgow CBD area and on Council's website;
3. Results of the survey be reported to Council prior to proceeding with the next phase of the project;
4. Council note the 2013/14 as Queen Elizabeth Park Toilets – Southern End (New Facility) and 2015/16 be Endeavour Park Toilets (Replacement Facility); and
5. The Pioneer park toilets not be demolished at this stage and the proposal be brought back to Council for further discussion.

**MOVED:** Councillor F Inzitari    **SECONDED:** Councillor P Pilbeam

**ITEM-10                    ENVIRO - 18/03/13 - DEVELOPMENT APPLICATION REPORT -  
DA12812 - PROPOSED SUBDIVISION- OAKY FOREST ROAD  
MARRANGAROO NSW 2790**

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**13-86 RESOLVED**

**THAT**

1. That Development Application 128/12DA be approved subject to conditions specified in the attached Section 79C assessment.
2. There shall be a positive covenant under Section 88E of the Conveyancing Act 1919 with the prescribed authority being Lithgow City Council placed over proposed Lot 203 which states:
  - *there shall be no clearing, thinning or harvesting of any trees on Lot 203 within 5 metres of the fence line with the Golf Club. Any dwelling is to be suitably located to allow all trees to be retained on Lot 203*
3. 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 C Hunter

A **DIVISION** was called



**ITEM-13            ENVIRO - 18/03/13 - COUNCIL MANAGEMENT OF CAMPING IN  
PUBLIC PLACES**

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**13-89 RESOLVED**

**THAT** the advice on Council Management of Camping in Public Places be noted.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-14            ENVIRO - 18/03/13 - HOWARD AND SONS PYROTECHNICS  
COMMUNITY LIAISON COMMITTEE**

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**13-90 RESOLVED**

**THAT**

1. Council adopt the amended Terms of Reference for the Howard & Sons Pyrotechnics Community Liaison Committee.
2. Council accept the following nominations to the Howard & Sons Community Liaison Committee:

Community Representatives

- Barry Dowsett                      Willow Vale Road, Wallerawang
- David Turnbull                      Willow Vale Road, Wallerawang
- Owen Mayne                          Willow Vale Road, Wallerawang

Howard & Sons Pyrotechnics Representatives

- Christian Howard
- Rachel Nicoll

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

**ITEM-15            ENVIRO - 18/03/13 - NSW GOVERNMENT WASTE LESS RECYCLE  
MORE INITIATIVE**

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**13-91 RESOLVED**

**THAT**

1. The report on NSW Government Waste Less, Recycle More Initiative be noted.

2. Council strongly object to any proposal to impose the waste levy on the Lithgow Local Government Area and this position be conveyed to the Minister for the Environment.

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

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**ITEM-16            OPER - 18/03/13 - WATER REPORT - FEBRUARY 2013**

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**13-92 RESOLVED**

**THAT** Council note the water report.

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

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**ITEM-17            OPER - 18/03/13 - WESTERN NEW SOUTH WALES REGIONAL AND LOCAL ROAD PLAN**

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**13-93 RESOLVED**

**THAT** Council indicate its willingness to the Honourable Kevin Humphries MP Minister of Western New South Wales to become involved in a development of Phase two of a Regional and Local plan for those Councils not incorporated in the Western New South Wales Plan.

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

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**ITEM-18            OPER - 18/03/13 - TRANSFER OF CROWN PUBLIC ROAD TO LITHGOW CITY COUNCIL - RYDAL**

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**13-94 RESOLVED**

**THAT** this item be deferred to a future Council meeting for consideration

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

**ITEM-19            OPER - 18/03/13 - NATURAL DISASTER DECLARATION**

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**13-95 RESOLVED**

**THAT**

1. Council's financial contribution of \$29,000 to the cost of flood damage restoration be provided in the next financial review;
2. The declaration of the Lithgow LGA as a natural disaster area for the recent bushfire event and storm event be noted.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Thompson.

**ITEM-20            COMM - 18/03/13 - DRAFT TOURISM STRATEGY-DESTINATION  
MANAGEMENT PLAN**

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**13-96 RESOLVED**

**THAT** Council:

1. Approve the Draft Tourism Strategy/Destination Management Plan for public exhibition for a period of 28 days and seek public comment.
2. Note that the outcomes of the public exhibition period including comments from the public will be the subject of a further report to Council.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor R Higlett

**ITEM-21            FINAN - 18/03/13 - COUNCIL INVESTMENTS HELD TO 28  
FEBRUARY 2013**

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**13-97 RESOLVED**

**THAT** Investments of \$19,542,716.03 for the period ending 28 February 2013 be noted.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam

**ITEM-22          FINAN - 18/03/13 - REQUEST FROM LITHGOW GREYHOUND RACING CLUB FOR RELIEF WITH WATER AND SEWERAGE USAGE ACCOUNTS**

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**13-98 RESOLVED**

**THAT**

1. The Lithgow Greyhound Racing Club Ltd be advised that due to policy Council cannot alter current or future water & sewerage usage accounts
2. Council suggest water saving strategies which may allow the Club to reduce water consumption & access State and / or Federal grant funds
3. Council investigate the installation of a magna-meter to measure sewerage usage
4. Council recommend to the Lithgow Greyhound Racing Club Ltd that they consider applying for assistance under Council Section 356 Financial Assistance Program Donations.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor F Inzitari

**ITEM-23          OPER - 180313 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 26 FEBRUARY 2013**

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**13-99 RESOLVED**

**THAT** Council notes the minutes of the Sports Advisory Committee Meeting held on Tuesday 26 February 2013.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

**ITEM-24          OPER - 18/03/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 31 JANUARY 2013**

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**13-100 RESOLVED**

**THAT** Council notes the minutes of the Traffic Authority Committee held on 31 January 2013.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Higlett.



**MATTER ARISING  
13-101 RESOLVED**

**THAT** Council investigate the trimming of overhanging branches on local roads.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

**ITEM-25            OPER - 18/03/13 - AQUATIC CENTRE COMMITTEE MEETING  
MINUTES - 21 FEBRUARY 2013**

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**13-102 RESOLVED**

**THAT**

1. Council note the Minutes of the Aquatic Centre Working Party Meeting held on 21 February 2013;
2. Council engage Heliocol Solar Pty Ltd to install solar heating for the 50 meter pool at the quoted price of \$110,462 inc GST; and
3. Council approve a vote of \$55,231 as its contribution to the solar heating of the 50 metre pool, to be funded from budget variations in the March financial review.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**ITEM-26            COMM - 18/03/13 - TOURISM ADVISORY COMMITTEE MEETING  
MINUTES - 5 MARCH 2013**

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**13-103 RESOLVED**

**THAT** Council:

1. Notes the minutes of the Tourism Advisory Committee held on the 05 March 2013.
2. Nominates Ms Kellie Barrow as Lithgow Tourism Advisory Committee representative on the BMLot Board.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam.

**ITEM-27      COMM - 18/03/13 - YOUTH COUNCIL MINUTES - 26 FEBRUARY 2013**

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**13-104 RESOLVED**

**THAT** Council notes the minutes of the Youth Council meeting held 26 February 2013.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam.

## **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

The Mayor indicated that the business of Council had been completed earlier than anticipated and suggested that a further period be allocated for Public Forum.

**PROCEDURAL MOTION  
13-105 RESOLVED**

**THAT** there be a further period of Public Forum.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Higlett

**PF – 18/3/13 – MR JOHN FULLER**

Mr Fuller made a statement in relation to the storm water pipe through his property. Council has informed Mr Fuller that it is his responsibility to have the issue rectified.

*The Mayor advised that the installation may be dating back to Blaxland Shire days and if Mr Fuller is willing to pay the \$120/hr research fee Council can investigate.*

Mr Fuller advised that trenches have been put in over the pipes and believes Council should pay for there relocation and water testing.

*The Group Manager Environment and Development advised that the issue is the responsibility of the land owner and that Mr Fuller has been advised of this on numerous occasions. The Group Manager indicated that Council is happy to meet Mr Fuller on site with his plumber to see if the problem can be rectified.*

*The Mayor thanked Mr Fuller for his comments.*

**PF – 18/3/13 – MR LINDSAY FEATHERSTONE**

Mr Featherstone informed Council that the Rydal Village Association are looking to purchase land at Rydal for the community amenities and understands that Council has \$47,000 allocated and requested this be provided. The association is willing to undergo any works themselves but the purchase price is short \$30,000 and request Council provide this additional amount in the next budget.

*The Mayor thanked Mr Featherstone and suggested a partnership be investigated between Council, Daffodils at Rydal to assist the Rydal Association.*

**PF – 18/3/13 – MRS SUE GRAVES**

Mrs Graves made a statement in relation to Item 15. Unfortunately she did not hear the debate on this matter due to the acoustics in the Theatre. She requested this be taken into consideration in any future decisions to hold the meetings away from the chambers.

*The Mayor thanked Mrs Graves for her comments and informed that the decision to hold the meeting in Portland was Councillor Ticehurst.*

Mrs Graves stated that Tidy Towns have been an advocate for Recycling Waste and have requested Council consider a covered Recycling Facility in Lithgow.

*The Mayor requested Mrs Graves to put the request in writing.*

**PF - 18/3/13 - MR BRUCE UPTON**

Mr Upton asked whether a decision had been made to hold one of the Community Sessions on the Management Plan in Capertee.

*The Mayor advised there was to be a discussion at Council.*

**PF - 18/3/13 - MRS DONNA UPTON**

Mrs Upton attended a meeting of the Airly Coal Mine but was disappointed that the Environmental Groups with voting rights did not attend. Mrs Upton requested Councillor Hunter to elaborate on the issue.

*Councillor Hunter provided advice on the meeting.*

Mrs Upton was also concerned the extension of the Mine didn't allow for there Environmental Impact statement.

*The Mayor thanked Mrs Upton for her comments.*

**PF - 18/3/13 - MR RON BIDWELL**

Mr Bidwell raised concerns about the signage leading people to Portland. He believes there is a lack of signage and enquired as to whether the signage proposed in the Tourism strategy extended to Portland.

*Acting Group Manager Community and Strategy advised that this was an RMS road and that funding may be available*

**PF – 18/3/13 – MR PATRICK WALSH**

Mr Walsh raised concerns over the bitumen road leading into his property and enquired as to whether a cattle grid could be installed.

*Group Manager Operations advised that Cattle Grids are usually at the expense of the owner.*

Mr Walsh believes the bitumen road with a gate is a safety issue and Council should install a Cattle Grid at no cost to him.

*The Mayor asked Mr Walsh to put the request in writing.*

**There being no further business the meeting closed at 8.45pm**