



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

06 MAY 2013

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 6 MAY 2013**

---

Meeting Commenced 7.00pm

Public: 22

**PRESENT**

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

**ACKNOWLEDGEMENT OF COUNTRY**

**APOLOGIES**

**13-143 RESOLVED**

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

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor R Thompson.

**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 Gerda Stewart, Executive Assistant

**CONFIRMATION OF MINUTES**

**13-144 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 15 April 2013 were taken as read and confirmed by Councillors P Pilbeam and R Higlett

---

## **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 less than significant Conflict of Interest in item 12, due to his sister being on the committee. He will not vacate the Chambers.

Councillor R Higlett declared a Pecuniary Conflict of Interest in item 3, due to him being the owner of a shop in Main Street. He will vacate the Chambers.

## **QUESTIONS FROM THE PUBLIC**

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

### **PF – 06/5/13 – SALLY TAYLOR**

Mrs Taylor congratulated the General Manager and the Council on their financial status that has been reported in the meeting.

*The Mayor thanked Mrs Taylor for her comments.*

### **PF – 06/5/13 - VERONICA SANDAY – CAPERTEE VALLEY ENVIRONMENTAL GROUP**

Mrs Sanday made reference to the upcoming Music Festival in Glen Alice and the closing date for submissions. Mrs Sanday requested that the closing date for the submissions be extended to Friday 31<sup>st</sup> May as the organisers had arranged community consultation sessions after the current submission date.

*The Group Manager Environment and Development advised that he did not see any problem with extending the submission date.*

Mrs Sanday requested that further acoustic information be provided as well as a Flora and Fauna study.

*The Group Manager Environment and Development took her request on board and advised that he will be forwarding all submissions to the organisers and that if required a Flora and Fauna study will be requested.*

---

---

# TABLE OF CONTENTS

---

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>NOTICE OF MOTIONS</u>	<u>1</u>
<u>ITEM-1</u>	<u>NOTICE OF MOTION - 06/05/13 - REMOVAL OF ASBESTOS IN LITHGOW CITY COUNCIL OWNE BUILDINGS - COUNCILLOR M TICEHURST</u>	<u>1</u>
<u>ITEM-2</u>	<u>NOTICE OF MOTION - 06/05/13 - COUNCIL REQUEST FOR AN UPDATE ON FUTURE OF ZIG ZAG RAILWAY - COUNCILLOR M TICEHURST</u>	<u>2</u>
<u>ITEM-3</u>	<u>NOTICE OF MOTION - 06/05/13 - CURRENT STATUS OF COUNCILS DRAFT FOOTPATH TRADING POLICY - COUNCILLOR M TICEHURST</u>	<u>2</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>3</u>
<u>ITEM-4</u>	<u>GM - 06/05/13 - TCORPS REPORT ON LITHGOW CITY COUNCILS FINANCIAL ASSESSMENT SUSTAINABILITY &amp; BENCHMARKING</u>	<u>3</u>
<u>ITEM-5</u>	<u>GM - 06/05/13 - LOCAL GOVERNMENT REVIEW</u>	<u>4</u>
	<u>OPERATION REPORTS</u>	<u>4</u>
<u>ITEM-6</u>	<u>OPER - 06/05/13 - LEASE OF THE LAKE LYELL FORESHORE FROM DELTA ELECTRICITY</u>	<u>4</u>
<u>ITEM-7</u>	<u>OPER - 060513 - LEASE OF THE LAKE WALLACE FORESHORE FROM DELTA ELECTRICITY</u>	<u>5</u>
<u>ITEM-8</u>	<u>OPER - 06/05/13 - TENDERS FOR THE CLARENCE COLLIERY WATER TRANSFER SYSTEM UPGRADE - PART B</u>	<u>5</u>
<u>ITEM 8-1</u>	<u>LATE ADDENDUM REPORT - OPER - 06/05/13 - CLARENCE WATER TRANSFER STATION - UPGRADE PART B TENDERS</u>	<u>5</u>
<u>ITEM-9</u>	<u>OPER - 06/05/13 - MT VICTORIA TO LITHGOW GREAT WESTERN HIGHWAY UPGRADE - FINAL CONCEPT DESIGN</u>	<u>6</u>
<u>ITEM-10</u>	<u>OPER - 06/05/13 - TENDERING FOR THE OAKY PARK WATER TREATMENT PLANT FILTER UPGRADE</u>	<u>6</u>
<u>ITEM-11</u>	<u>OPER - 06/05/13 - WATER REPORT</u>	<u>6</u>
	<u>COMMUNITY AND STRATEGY REPORTS</u>	<u>6</u>
<u>ITEM-12</u>	<u>COMM - 06/05/13 - DRAFT DELIVERY PROGRAM 2013-2017 AND OPERATIONAL PLAN 2013-2014</u>	<u>6</u>
	<u>FINANCE REPORTS</u>	<u>8</u>

---

<u>ITEM-13</u>	<u>FINAN - 06/05/13 - FIRE STATION - 1 CRIPPS AVE WALLERAWANG - LOT 11 DP 1044589</u>	<u>8</u>
	<u>COMMITTEE MEETINGS</u>	<u>9</u>
<u>ITEM-14</u>	<u>OPER - 06/05/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING MINUTES - 4 APRIL 2013</u>	<u>9</u>
<u>ITEM-15</u>	<u>ENVIRO - 06/05/13 - MEADOW FLAT HALL MANAGEMENT COMMITTEE MINUTES - 11 APRIL 2013</u>	<u>9</u>
<u>ITEM-16</u>	<u>ENVIRO - 06/05/13 - CRYSTAL THEATRE MANAGEMENT COMMITTEE MINUTES - 23 APRIL 2013</u>	<u>9</u>
<u>ITEM-17</u>	<u>ENVIRO - 06/05/13 - UNION THEATRE MANAGEMENT COMMITTEE MINUTES - 04 APRIL 2013</u>	<u>10</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>11</u>

---

**ITEM-1 NOTICE OF MOTION - 06/05/13 - REMOVAL OF ASBESTOS IN LITHGOW CITY COUNCIL OWNE BUILDINGS - COUNCILLOR M TICEHURST**

---

**MOTION**

**THAT:**

1. The General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting on the circumstances surrounding the recent closure of the Lithgow SES and Lithgow RFS Headquarters due to asbestos concerns – buildings which are owned by the Lithgow City Council and the proposed future remediation of their Headquarters to enable their safe return as soon as possible?
2. The General Manager and/or Senior Council Officers advise and provide written evidence to the Council, Councillors, ratepayers and residents at this Council Meeting that the Council as owners of the South Littleton Hall or the Lithgow Men's Shed in their recent renovations of the South Littleton Hall, engaged a contractor approved by WorkCover NSW and fully removed and replaced all of the Consultants and Council's described large amount of internal asbestos wall sheeting and ceiling linings and that the Public Hall poses no current or future asbestos risks to any persons using the South Littleton Hall?

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor R Thompson.

**AMENDMENT**

**THAT:**

1. The General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting on the circumstances surrounding the recent closure of the Lithgow SES and Lithgow RFS Headquarters due to asbestos concerns – buildings which are owned by the Lithgow City Council and the proposed future remediation of their Headquarters to enable their safe return as soon as possible?

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor C Hunter.

The Amendment was PUT and became the MOTION

---

## **13-145 RESOLVED**

### **THAT:**

1. The General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting on the circumstances surrounding the recent closure of the Lithgow SES and Lithgow RFS Headquarters due to asbestos concerns – buildings which are owned by the Lithgow City Council and the proposed future remediation of their Headquarters to enable their safe return as soon as possible?

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor C Hunter.

Councillor Ticehurst requested his name be recorded AGAINST the Motion.

The Group Manager Environment and Development and Group Manager Operations provided an outline of the situation.

### **ITEM-2 NOTICE OF MOTION - 06/05/13 - COUNCIL REQUEST FOR AN UPDATE ON FUTURE OF ZIG ZAG RAILWAY - COUNCILLOR M TICEHURST**

---

## **13-146 RESOLVED**

**THAT** the General Manager and Senior Council Officers seek updated information from the Board of the Zig Zag Railway Co-op Ltd. so as to provide the Council, Councillors, ratepayers and residents with an updated report at the next Council Meeting on the current and proposed future status of the historic and iconic tourist attraction Zig Zag Railway at Clarence.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor P Pilbeam

### **ITEM-3 NOTICE OF MOTION - 06/05/13 - CURRENT STATUS OF COUNCILS DRAFT FOOTPATH TRADING POLICY - COUNCILLOR M TICEHURST**

---

Councillor Higlett vacated the chambers at 7.20pm due to his previous declaration of interest in the item.

## **MOTION**

**THAT** the General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an updated report at either this Council Meeting or the next Council Meeting on Council Resolution 13 – 07 and the current

---

and proposed future status of the previous publicly exhibited and now long outstanding Draft Policy 5.4 Footpath Trading Policy.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor R Thompson

The MOTION was put and LOST

Councillor Higlett returned to chambers 7.24pm

**ITEM-4            GM - 06/05/13 - TCORPS REPORT ON LITHGOW CITY COUNCILS  
FINANCIAL ASSESSMENT SUSTAINABILITY & BENCHMARKING**

---

**MOTION**

**THAT** Council:

1. Note the report from TCorp on Lithgow City Council Financial Assessment, Sustainability and Benchmarking;
2. Note that the Financial Sustainability Rating for Lithgow has been assessed by TCorp as 'Sound'.
3. Congratulate the General Manager and the relevant staff with special mention to Carol Farnsworth on a job well done.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**AMENDMENT**

**THAT** Council:

1. Note the report from TCorp on Lithgow City Council Financial Assessment, Sustainability and Benchmarking;
2. Note that the Financial Sustainability Rating for Lithgow has been assessed by TCorp as 'Sound'.
3. Congratulate the General Manager and the relevant staff with special mention to Carol Farnsworth on a job well done.
4. Note the long term sustainability of Council was recorded as negative

**MOVED:** Councillor M Ticehurst

The amendment lapsed due to the want for a seconder.

---



## **13-147 RESOLVED**

**THAT** Council:

1. Note the report from TCorp on Lithgow City Council Financial Assessment, Sustainability and Benchmarking;
2. Note that the Financial Sustainability Rating for Lithgow has been assessed by TCorp as 'Sound'; and
3. Congratulate the General Manager and the relevant staff with special mention to Carol Farnsworth on a job well done.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

Councillor Ticehurst requested his name be recorded AGAINST the Motion.

---

## **ITEM-5            GM - 06/05/13 - LOCAL GOVERNMENT REVIEW**

---

## **13-148 RESOLVED**

**THAT** Council:

1. Note the report on Local Government Review and the release of the paper 'Future Directions for NSW Local Government';
2. Inform the community further of the Review and the process;
3. Councillors again workshop the issue; and
4. Authorise the Mayor to make a submission on behalf of Council.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

---

## **ITEM-6            OPER - 06/05/13 - LEASE OF THE LAKE LYELL FORESHORE FROM DELTA ELECTRICITY**

---

## **13-149 RESOLVED**

**THAT** Council:

1. Approve the proposed lease for the Lake Lyell Foreshore.
2. Authorise the affixing of the Council Seal to the relevant documentation for the lease of the Lake Lyell Foreshore between Council and Delta Electricity.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari.

---

**ITEM-7            OPER - 060513 - LEASE OF THE LAKE WALLACE FORESHORE  
FROM DELTA ELECTRICITY**

---

**13-150 RESOLVED**

**THAT** Council:

1. Approve the proposed lease for the Lake Wallace Foreshore.
2. Authorise the affixing of the Council Seal to the relevant documentation for the lease of the Lake Wallace Foreshore between Council and Delta Electricity.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari.

**ITEM-8            OPER - 06/05/13 - TENDERS FOR THE CLARENCE COLLIERY  
WATER TRANSFER SYSTEM UPGRADE - PART B**

---

**13-151 RESOLVED**

**THAT** Council receive a further late report in relation to the tenders for the Clarence Colliery Water Transfer System upgrade.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Thompson

**ITEM 8-1            LATE ADDENDUM REPORT - OPER - 06/05/13 - CLARENCE WATER  
TRANSFER STATION - UPGRADE PART B TENDERS**

---

**13-152 RESOLVED**

**THAT:**

1. Subject to final approval by the Department of Sustainability, Environment, Water, Populations and Communities the tender submitted by Allflow Systems and Solutions for the Recommended Tender Amount of \$988,229.86 inclusive of GST be accepted for the Clarence Colliery Water Transfer System Upgrade – Part B.
2. The use of the Common Seal be authorised for the relevant contract documentation.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Thompson.

---

**ITEM-9            OPER - 06/05/13 - MT VICTORIA TO LITHGOW GREAT WESTERN  
HIGHWAY UPGRADE - FINAL CONCEPT DESIGN**

---

**13-153 RESOLVED**

**THAT** Council notes the information from the RMS regarding the Mt Victoria to Lithgow Great Western Highway final concept design.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-10            OPER - 06/05/13 - TENDERING FOR THE OAKEY PARK WATER  
TREATMENT PLANT FILTER UPGRADE**

---

**13-154 RESOLVED**

**THAT** Council adopt the Selective Tender Method for the upgrade of the Oakey Park Water Treatment Plant filters, consistent with Section 166 of the Local Government (General) Regulation 2005.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor F Inzitari

**ITEM-11            OPER - 06/05/13 - WATER REPORT**

---

**13-155 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

**ITEM-12            COMM - 06/05/13 - DRAFT DELIVERY PROGRAM 2013-2017 AND  
OPERATIONAL PLAN 2013-2014**

---

**13-156 RESOLVED**

**THAT** Council:

1. Notes the receipt of 7 written submissions received prior to the closing date of the combined Draft Delivery Program 2013-2107 and Operational Plan 2013-2014 at 4.30pm on the 19 April 2013.
  2. Adopts the Lithgow City Council combined Draft Delivery Program 2013-2014 and Operational Plan 2013-2014 with the following amendments:
-

- a) Council extend the Alternate Fuel Rebate to include Lithgow, Wallerawang, Portland and Villages.
  - b) GST will be added, as ruled by the ATO, onto Non Domestic Waste Management Charges levied under Section 501 of the Local Government Act 1993
  - c) An additional \$20,000 for CCTV works in Lithgow CBD
3. In addition to the above and separately to the Delivery Program/Operational Plan submissions:
- a) Amend Section 4.2.4 – Environmental Protection and Leadership of the Community Strategic Plan 2025 to reflect Council min. 13-123 of the Ordinary Meeting of Council held on 15 April 2013 for
  - b) The development of a long-term voluntary acquisition program for flood affected properties in the Vale of Clwydd; and
  - c) Development of a program of channel improvement of the Vale of Clwydd Creek in line with the property acquisition program.
  - d) Refer all requested maintenance and minor works to the Council's Action Request System.
  - e) Investigate the provision of toilet and drainage facilities for Portland Men's Shed and report to Council.
  - f) Advise Capertee Progress Association to apply under the Financial Assistance Program for funds to purchase community signage and picnic tables.
  - g) Road Safety issues identified for the intersection of Mort Street and Hutchinson Street be referred to the Traffic Authority Local Committee for investigation and report.
  - h) All correspondents and Community Associations be advised of the outcome of their submissions.
4. Adopts the Lithgow City Council combined Draft Fees and Charges 2013-2014 with regard to the following:
- a) The fee for 603 certificates be amended to \$70.00
  - b) Internet Access fees at the Library remain at:
    - 1. Library Members: Free of charge for the 1st hour and \$3.75 per subsequent hour.
    - 2. Non Library Members: \$3.75 per hour and \$3.75 per subsequent hour.
5. Acknowledges that the impact of the above will result in a \$3,000 deficit in the 2013/14 financial year.
6. Adopts the proposed alterations to the draft 2013/2014 fees and charges when it considers the adoption of the 2013/2014 fees and charges for the Union Theatre. These proposed changes are as follows:

<b>Description</b>	<b>Fee/Charge Basis</b>	<b>Proposed Fee as exhibited (inc GST if a bond that is retained)</b>	<b>Committee Recommendation for change (Inc GST if a bond that is retained)</b>
Community Groups	Per event up to 3 days	\$386	\$195
Lighting System – refundable deposit (Community Use)	Per session	\$647	\$50
Sound System – refundable	Per session	\$647	\$50

deposit (Community Use)			
Sound System Hire (Community use)	Per Session	\$440	\$100
Upstairs Room – Refundable Deposit – Community Groups	Per event	\$372	\$100

- The \$24 charge per hour charge for the upstairs room for community groups be altered to \$24 per booking up to 4 hours.
  - A community group or use should be defined as a not for profit body or group and that should the booking not be for the purpose of profit or gain then the community charge may still be applied irrespective of whether a professional or commercial artist is engaged by the group
7. Adopts the proposed alterations to the draft 2013/2014 fees and charges when it considers the adoption of the 2013/2014 fees and charges for the Meadow Flat Hall. These proposed changes are as follows:
- The proposed \$20 per hour hire fee be replaced with a flat fee of \$120 (inc GST) per hire
  - Other non-community use hire under 3 hours be charged at \$8 (inc GST) per hour
  - The proposed set up fee of \$5 per hour be deleted.
8. Adopts the proposed \$60 per screening fee for movies for the Crystal Theatre, to be included in the final fees and charges as follows:
- Movie Screenings (Crystal Theatre Community Cinema) - \$60 (inc GST) per screening.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor W McAndrew.

Councillor Ticehurst requested his name be recorded **AGAINST** the Resolution.

---

**ITEM-13          FINAN - 06/05/13 - FIRE STATION - 1 CRIPPS AVE WALLERAWANG  
- LOT 11 DP 1044589**

---

**13-157 RESOLVED**

**THAT:**

1. Council offer Fire & Rescue NSW Lot 11 DP 1044589, Fire Station at 1 Cripps Ave Wallerawang for the market value of \$145,000 (GST Exc)
2. Should Fire & Rescue NSW accept the offer Council authorise the use of the seal for all documentation
3. Funds as a result of a sale to be reserved for expenditure on future land and property improvements

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

---

**ITEM-14            OPER - 06/05/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE  
MEETING MINUTES - 4 APRIL 2013**

---

**13-158 RESOLVED**

**THAT** Council:

1. Notes the minutes of the Traffic Authority Committee meeting held on 4 April 2013.
2. Approve access for 19 metre 57.5 tonne B-double access on Meadow Flat Road, Dark Corner Road and Rydal Hampton Road.
3. Approve access for 19 metre 57.5 tonne B-double access on Oakey Forest Road at Marrangaroo.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor W McAndrew.

**ITEM-15            ENVIRO - 06/05/13 - MEADOW FLAT HALL MANAGEMENT  
COMMITTEE MINUTES - 11 APRIL 2013**

---

**13-159 RESOLVED**

**THAT** Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 11 April 2013.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**ITEM-16            ENVIRO - 06/05/13 - CRYSTAL THEATRE MANAGEMENT  
COMMITTEE MINUTES - 23 APRIL 2013**

---

**13-160 RESOLVED**

**THAT** Council note the minutes of the Crystal Theatre Management Committee Meeting held on 23 April 2013.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

---

**ITEM-17            ENVIRO - 06/05/13 - UNION THEATRE MANAGEMENT COMMITTEE  
MINUTES - 04 APRIL 2013**

---

**13-161 RESOLVED**

**THAT** Council note the minutes of the Union Theatre Management Committee Meeting held on 4 April 2013.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson

## **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**

There being no further business the meeting concluded at 8.19pm

---