



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

29 JULY 2013

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 29 JULY 2013**

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Meeting Commenced 7.00pm

Public: 49

**ACKNOWLEDGEMENT OF COUNTRY**

**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 W McAndrew

**APOLOGIES**

NIL

**OTHER ABSENTEES**

Councillor M F Ticehurst (suspended)

**Also in attendance**

Mr Roger Bailey, General Manager  
Miss Rhiannan Pace, Minutes Secretary  
Mr Andrew Muir, Group Manager Environment and Development  
Mr Matthew Johnson, Acting Group Manager Community and Strategy  
Mr Iain Stewart, Group Manager Operations  
Mrs Carol Farnsworth, Finance Manager

**CONFIRMATION OF MINUTES**

**13-253 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 8 July 2013 were taken as read and confirmed by Councillors R Thompson and C Hunter

**DECLARATION OF INTEREST**

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

NIL

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## **PUBLIC FORUM**

At 7.01pm Members of the public gallery were invited to participate in the Public Forum Session.

### **PF – 29/07/13 – VERONICA SANDAY**

Mrs Sanday made a statement in relation to Item 10 of the Agenda objecting to the proposed three day music festival at Glen Alice. Mrs Sanday referred to the environmental and noise issues associated with the festival.

## **EXTENSION OF TIME**

### **13-254 RESOLVED**

**THAT** an extension of time for the public forum be granted

**MOVED:** Councillor J McGinnes

**SECONDED:** Councillor R Thompson

Mrs Sanday requested Council consider these issues when making their decision

*The Mayor thanked Mrs Sanday for her comments*

### **PF – 29/07/13 – MR JOHN FULLER**

Mr Fuller asked Council why he was issued with legal notices regarding the septic tank on his property.

Mr Fuller also asked why Council has not sealed the road at the entrance to his property.

Mr Fuller made reference to the ongoing issue regarding the illegal storm water connection on his property and asked when Council was going to sit down and resolve the matter with him.

*The General Manager advised that since Mr Fuller had court elected the legal notices and therefore it would not be appropriate to discuss them. In relation to the drain a meeting was recently held with Mr Fuller.*

*The Group Manager Operations advised that he was not aware of any commitment to reseal the road.*

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**PF – 29/07/13 – MR JIM WHITTY**

Mr Whitty made representations on behalf of another resident with relation to Item 8

*The Mayor thanked Mr Whitty for his comments.*

**PF – 29/07/13 – MR BILL SANDAY**

Mr Sanday made reference to Item 10 of the Agenda and the proposed three day music festival at Glen Alice. Mr Sanday made reference to the noise pollution associated with the festival and made reference to the sound levels. Mr Sanday also made reference to the spill over of attendees at the event. Because of the location of the event it would take police excessive time to attend any incidents should they occur. Mr Sanday also had concerns for the dirt roads to Glen Alice, dust levels and how the matter would be mitigated needs to be considered.

*The Mayor thanked Mr Sanday for his comments.*

**PF – 29/07/13 – MR RODNEY MCCANN**

Mr McCann made a statement in relation to Item 11 (DA207/12) of the agenda and thanked the Councillor and staff for attending Cullen Bullen to discuss the proposal.

Mr McCann suggested that the proposal was detrimental to local resident's health and has concerns with the hours of operation. He felt that the proposal of tree planting to create a sound buffer is insufficient.

Mr McCann suggested that the heavy machinery used at the mine will cause excessive noise and said there was no guarantee that this proposal would have results and was concerned that alternative mining extraction methods would be used.

**EXTENSION OF TIME**

**13-255 RESOLVED**

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

**MOVED:** Councillor McAndrew

**SECONDED:** Councillor F Inzitari

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**PF – 29/07/13 – MRS LYN RICHARDSON**

Mrs Richardson made a statement in support of Item 10 of the Agenda. As the owner of the property where the proposed Music Festival is to be held, Mrs Richardson listed the advantages to the Local residents and suggested that this event would be a huge success.

*The Mayor thanked Mrs Richardson for her comments.*

**PF – 29/07/13 – MR KEITH NEAVES**

Mr Neaves referred to Item 11 of the Agenda and the health concerns associated with the proposed DA.

Mr Neaves referred to the location of his daughter's house which is 392metres from the proposed site and raised his concerns for his family's health being exposed to excessive noise and dust.

Mr Neaves was concerned that the EPA have not contacted him with regards to this proposal.

**EXTENSION OF TIME**

**MOTION**

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

**MOVED:** Councillor J McGinnes

The Motion lapsed due to the want of a seconder.

**PF – 29/07/13 – MRS CASSANDRA COLEMAN**

Mrs Coleman raised concerns with regards to the DA process. Her husband attended Council recently and was dissatisfied with the process. Mrs Coleman concerns related to the length of time to respond and requested that this process be simplified.

*The Group Manager Environment and Development was not aware of the specifics of the DA and could not comment on how long the process would take.*

Mrs Coleman advised that the DA was not submitted because he was informed he did not have all the application fees

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*The Group Manager Environment and Development advised that he had given authorisation to accept the application providing that the remainder of the fees were paid within one working day.*

Mrs Coleman said she received inaccurate information from Council staff over the length of time it takes to process DA's. She had been informed 8 weeks and then 3 weeks by another staff member.

*The General Manager informed Mrs Coleman that the time to process the DA would be dependent on the specifics within the DA. The General Manager then said that once the DA is submitted Council staff will contact her with the estimated length of time for approval.*

## **EXTENSION OF TIME**

### **13-256 RESOLVED**

**THAT** an extension of time be granted for Public Forum

**MOVED:** Councillor J McGinnes

**SECONDED:** Councillor R Thompson

## **PF – 29/07/13 – MR SY TOWNSEND**

Mr Townsend advised Council that he would be submitting a Development Application for a musical festival at Lake Lyell which would incorporate Local Businesses and organisations. Mr Townsend wanted to inform Council of his intentions prior to submitting the Development Application. He believes this will be a good tourism event for the Local Government Area. Mr Townsend thanked Council for the support they have received since taking over management of the facility.

*The Mayor thanked Mr Townsend for his comments.*

## **PF – 29/07/13 – MRS SUE GRAVES**

Mrs Graves made statements in relation to Item 1 of the Agenda and clarified that the report provided to the reviewer was 32 pages long and that the section in the agenda was a very selective section.

Mrs Graves made additional reference to Item 5 of the agenda and the proposed changes to the Public Forum.

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Mrs Graves referred to Item 8 of the Agenda also and advised that Council inspectors are welcome to come onto her site for an inspection and should include people from the NBN.

*The Mayor thanked Mrs Graves for her comments.*

**PF – 29/07/13 – MR JESSIE PHILLIPS**

Mr Phillips made recent enquiries at the Administration building about the requirements for busking in Main Street Lithgow. He was advised by staff that he was required to have \$20million public liability.

Mr Phillips asked what Council's policy is on Busking and do you expect a 10 year old to have \$20 million public liability?

Mr Phillips was under the impression from the information given by staff that he was covered under Council's insurance.

*Group Manager Environment and development advised that Council does not have a current policy on busking.*

*The Finance Manager clarified that the form that Mr Phillips was provided with by staff included an application form from Council's insurer for busking insurance at a rate of \$2.55 approximately per day.*

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**ROAD PROJECT**

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**ITEM-1 NOTICE OF MOTION - 29/07/13 - STATEMENTS MADE BY  
CHAIRPERSON OF LITHGOW TIDY TOWNS COMMITTEE -  
COUNCILLOR J MCGINNES**

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**13-257 RESOLVED**

**THAT:**

1. Council and Councillors note the attached signed Statement by Chairperson of the Lithgow Tidy Towns Committee made to the Lithgow City Councils Code of Conduct Reviewer
2. Council note that the request for an apology was not from the Conduct Reviewer but from the Council resolution
3. The Tribunal be advised that no apology has been forthcoming.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor R Thompson.

**ITEM-2 NOTICE OF MOTION - 29/07/13 - INCH STREET RAILWAY BRIDGE  
(NEAR OLD MILK DEPOT) - COUNCILLOR F INZITARI**

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**13-258 RESOLVED**

**THAT:**

1. Given the push for developing the western end of the town as a tourist precinct a laid out in Council's Lithgow Cultural Precinct Study 2010 can a report be brought back to Council to incorporate the structure into a functional plan to create a pedestrian walk way to link Blast Furnace Park with Eskbank House.
2. A report be provided to a future meeting of Council in relation to the future of the rail bridge.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew.

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## PROCEDURAL MOTION

### 13-259 RESOLVED

**THAT** the item 3 lie on the table.

**MOVED:** Councillor R Thompson

Councillor J McGinnes requested his name be recorded **AGAINST** the motion

**ITEM-3 NOTICE OF MOTION - 29/07/13 - UPDATE ON THE COALPAC CONSOLIDATION PROJECT - COUNCILLOR J MCGINNES**

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**ITEM-4 NOTICE OF MOTION - 29/07/13 - STATE MEMBER FOR BATHURST MR PAUL TOOLE MP - LETTER TO DIVISION OF LOCAL GOVERNMENT - COUNCILLOR J MCGINNES**

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## MOTION

**THAT** Council note the attached 45 – page letter dated the 13 August 2012 by the State Member for Bathurst, Mr Paul Toole MP submitted to the Division of Local Government.

**MOVED:** Councillor J J McGinnes

The motion lapsed due to the want for a seconder

**ITEM-5 GM - 29/07/13 - CODE OF MEETING PRACTICE**

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## MOTION

**THAT** the item be deferred for public comment.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor F Inzitari.

The item was PUT and **LOST**

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## **13-260 RESOLVED**

**THAT** Council:

1. Adopt the Draft Code of Meeting Practice Version 10 for public comment including the following amendments:
  - i) Removal of Principal Committees
  - ii) Inclusion into the Code that a suspended councillor cannot participate in the Public Forum
  - iii) Addition of the order of business at a Council meeting into Clause 17 and removal as a Schedule
  - iv) Rearrangement of the order of business
  - v) Inclusion of Clause 17.1 Public Address at Council Meetings (transfer of Public Forum from Clause 65)
  - vi) Requiring that participants for Public Forum register by midday of the day of the meeting and that questions will be answered in writing in the days following the meeting once adequate information is available.
  - vii) Inclusion of Lithgow Mercury into Clause 72, Photographic and Audio Visual Recording of Council and Committee Meetings
  - viii) Inclusion of Guidelines – Request to Address Council
2. Place the Draft Code of Meeting Practice on public display for a minimum period of 28 days with a report back to Council no earlier than 42 days after the commencement of the advertising.
3. Also advertise its intention to change the Council meeting time to 6.30pm.
4. Advertise separately points 1(vi) and 3.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor C Hunter.

A **DIVISION** was called by Councillors J J McGinnes and W McAndrew.

**Division -**

**FOR**

Councillor P Pilbeam  
Councillor R Thompson  
Councillor C Hunter  
Councillor R Higlett  
Councillor M Statham

**AGAINST**

Councillor W McAndrew  
Councillor F Inzitari  
Councillor J J McGinnes

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**ITEM-6                    GM - 29/07/13 - PIDT 07/2012 - SUSPENSION OF COUNCILLOR  
MARTIN TICEHURST - TWO MONTH SUSPENSION**

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**13-261 RESOLVED**

**THAT** Council:

1. Note that the Local Government Pecuniary Interest and Disciplinary Tribunal has issued orders that Councillor Martin Ticehurst is suspended from holding civic office for a period of two (2) months commencing on 15 January 2014.
2. Note that a councillor, while suspended from civic office is not entitled to exercise any of the functions of the civic office, and is not entitled to any fee or other remuneration to which they would otherwise be entitled as the holder of the civic office.
3. Note the previous decisions that during a period of suspension that Council not accept any contribution from a suspended councillor during Council meetings.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor W McAndrew.

Councillor J McGinnes requested his name be recorded **AGAINST** the motion.

**ITEM-7                    ENVIRO - 29/07/13 - TRANSPORTABLE OFFICE BUILDING -  
GEORDIE STREET LITHGOW NSW 2790**

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**13-262 RESOLVED**

**THAT:**

1. Council approve DACC 009-12 in accordance with the conditions outlined in the attached Section 79C report.
2. A Division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew.

A **DIVISION** was called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**Division -**

**FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor W McAndrew  
Councillor P Pilbeam

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Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor J J McGinnes

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**ITEM-8            ENVIRO- 29/07/13 - DEVELOPMENT APPLICATION 136/13  
TELECOMMUNICATIONS MONOPOLE AND INFRASTRUCTURE -  
OFF WOLGAN ROAD LIDSDALE - CALLING IN OF APPLICATION**

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**13-263 RESOLVED**

**THAT:**

1. The calling in of development application No 136/13 be noted.
2. A date for an on-site meeting be set for Councillors to discuss the proposal with local residents and the developer.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

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**ITEM-9            ENVIRO - 29/07/13 - CRYSTAL THEATRE MANAGEMENT  
COMMITTEE & ENVIRONMENTAL ADVISORY COMMITTEE -  
ADDITIONAL NOMINEES**

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**13-264 RESOLVED**

**THAT:**

1. Council appoints the following community representatives to the following Council Committees:

**Crystal Theatre Management Committee**

Ron Bidwell  
Sue Rose  
David Allen

**Environmental Advisory Committee**

Trish Kidd

2. Further advertising take place for community representatives on the Crystal Theatre Management Committee and Environmental Advisory Committee.
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3. Correspondence be forwarded to organisations entitled to representation (or further representation) on the Environmental Advisory Committee advising of committee vacancies.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor P Pilbeam.

**ITEM-10          ENVIRO - 29/07/13 - DA 078/13 THREE DAY MUSIC FESTIVAL  
EURELLA 602 UPPER NILE ROAD GLEN ALICE NSW 2849**

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**13-265 RESOLVED**

**THAT:**

1. Council approve DA078/13 in accordance with the conditions outlined in the attached Section 79C report.
2. A division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

A **DIVISION** was called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**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

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**ITEM-11            ENVIRO - 29/07/13 - DA207/12 GRAVEL PIT/CIVIL WORKS - 542  
PORTLAND ROAD CULLEN BULLEN NSW 2790**

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**13-266 RESOLVED**

**THAT:**

1. Council approve DA 207/12 in accordance with the conditions outlined in the attached Section 79C report.
2. A **Division** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor C Hunter.

A **DIVISION** was called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**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

**ITEM-12            ENVIRO - 29/07/13 - PROPOSED ROAD NAMING - 06107DA - NEW  
ROAD NAME OFF OLD BATHURST ROAD**

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**13-267 RESOLVED**

**THAT:**

1. Council support the name 'Governor Gipps Road' and proceed with notifying authorities.
2. The proposed name be advertised and submissions invited.
3. If no objection is raised then Council proceed to notification of the road name and advise the Emergency Services and Government Gazette of the name 'Governor Gipps Road'.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

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**ITEM-13            OPER - 29/07/13 - WATER REPORT**

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**13-268 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew.

**ITEM-14            OPER - 29/07/13 - TENDERS FOR PLANT HIRE WOLGAN VALLEY ROAD PROJECT**

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**13-269 RESOLVED**

**THAT** Council:

1. Accept the tender from ICF Haulage at an estimated total cost of \$143,000 for the transport of roadbase material from Sibelco Quarry at Excelsior to the work site on Wolgan Road at a rate of \$14.30 per tonne
2. Accept the tender from Gracey's Earthmoving and Excavations at an estimated cost of \$709,351 for the hire of the following items of plant and equipment:
  - Two sets of traffic control signals at the rate of \$825 per week;
  - One high pressure cleaner at the rate of \$93.50 per hour;
  - Cat 12H Grader at the rate of \$148.50 per hour;
  - 40tonne capacity dump truck at the rate of \$165.50 per hour;
  - Cat D5N at the rate of \$148.50 per hour;
  - JCB 4CX Backhoe at the rate of \$93.50 per hour;
  - Volvo N12 Water cart at the rate of \$99.00 per hour;
  - Cat C5573E Padfoot Roller 17 tonne capacity at the rate of \$99.00 per hour;
  - Cat 563E 12 tonne Smooth drum roller at the rate of \$99.00 per hour;
  - Cat 330 CL 30 tonne Excavator at the rate of \$165.00 per hour;
  - Hitachi EX 210H 20 tonne excavator at the rate of \$148.50 per hour; and
  - Truck and Dog trailer at the rate of \$148.50 per hour.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

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**ITEM-15            COMM - 29/07/13 - REQUEST BY LITHGOW SMALL ARMS  
FACTORY FOR DONATION OF COUNCIL HELD ARTWORK**

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**13-270 RESOLVED**

**THAT** Council donate the Arthur Butler Illuminated Address to the Lithgow Small Arms Factory Museum under the condition that they have it restored and that it is exhibited in their Museum.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor W McAndrew.

**ITEM-16            COMM - 29/07/13 - CROWN LANDS LICENSE AGREEMENT WITH  
LITHGOW MEN'S SHED**

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**13-271 RESOLVED**

**THAT** Council authorises the affixing of the Council seal to the License Agreement between Lithgow Public Park Reserve Trust and Lithgow District Men's Shed Association Inc for occupation of the old amenities block, Lithgow Aquatic Centre, Tony Luchetti Sportsground.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor P Pilbeam.

**ITEM-17            OPER - 29/07/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE  
MEETING MINUTES - 4 JULY 2013**

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**13-272 RESOLVED**

**THAT** Council:

1. Notes the minutes of the Traffic Authority Committee meeting held on 4 July 2013.
2. Approve the request from Road and Maritime Services for increased higher mass limit access for semi trailers at 45.5 tonne to access Lot 40 Main Street Wallerawang from the Castlereagh Highway.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

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**ITEM-18            OPER - 29/07/12 - OPERATIONS (WORKS) COMMITTEE MEETING  
MINUTES - 11 JULY 2013**

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**13-273 RESOLVED**

**THAT** Council note the minutes of the Operations (Works) Committee meeting held on Thursday 11 July 2013.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor C Hunter.

**ITEM-19            ENVIRO - 29/07/13 - ENVIRONMENTAL ADVISORY COMMITTEE  
MINUTES - 19 JUNE 2013**

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**13-274 RESOLVED**

**THAT** the Minutes of the Environmental Advisory Committee meeting of 19 June 2013 be noted.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor F Inzitari.

**ITEM-20            COMM - 29/07/13 - DISABILITY ACCESS COMMITTEE MINUTES - 9  
JULY 2013**

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**13-275 RESOLVED**

**THAT** Council notes the minutes of the Disability Access Committee meeting held 9 July 2013.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

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**ITEM-21            COMM - 29/07/13 - TOURISM ADVISORY COMMITTEE MEETING  
MINUTES - 2 JULY 2013**

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**13-276 RESOLVED**

**THAT** Council notes the minutes of the Tourism Advisory Committee held on the 02 July 2013.

**MOVED:** Councillor J J McGinnes

**SECONDED:** Councillor F Inzitari.

**ITEM-22            COMM - 29/07/13 - BLUE MOUNTAINS CROSSING BICENTENARY  
COMMITTEE MEETING MINUTES - 3 JULY 2013**

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**13-277 RESOLVED**

**THAT** Council:

1. Notes the minutes of the Blue Mountains Crossing Committee held on the 03 July 2013.
2. Congratulates all those involved in successful bicentenary commemoration events.
3. Amends the Committee Terms of Reference to include representatives from Rydal Village Association, Tarana Bushfire Brigade and National Parkes and Wildlife Service.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew.

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## **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 9.08pm

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