



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

03 MARCH 2014

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 3 MARCH 2014**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 19

PRESENT

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

OTHER ABSENTEES

Councillor M F Ticehurst (Suspended)

APOLOGIES

NIL

Also in attendance

Mr Roger Bailey, General Manager
Mrs Gerda Stewart, Minutes Secretary
Miss Rhiannan Pace, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Mrs Juli-Ann Brozek, Group Manager Corporate and Community
Mr Iain Stewart, Group Manager Operations

CONFIRMATION OF MINUTES

14-76 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 10 February 2014 were taken as read and confirmed by Councillors R Thompson and F Inzitari

DECLARATION OF INTEREST

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

Councillor P Pilbeam declared a non-significant non-pecuniary interest in Item 26 due to his employer making a donation to the appeal.

QUESTIONS FROM THE PUBLIC

At 7.02pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 03/03/14 - MR LYNDSEY FEATHERSTONE

Mr Featherstone on behalf of the Rydal Village Association requested funding to purchase land for park facilities in Rydal.

Group Manager Environment & Development advised that an additional \$35,000 would be required and that a further report to Council will be investigated.

PF – 03/03/14 - MR JOHN FULLER

Mr Fuller made a statement in relation to Item 22 of the agenda.

The Mayor thanked Mr Fuller for his comments.

PF – 03/03/14 - MS HELEN DREWE

Ms Drew made a statement in relation to Item 23 of the agenda.

The Mayor thanked Ms Drewe for her comments.

PF – 03/03/14 - MRS SUE GRAVES

Mrs Graves made a statement in relation to Item 8 on the agenda.

The Mayor thanked Mrs Graves for her comments.

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PROCEDURAL MOTION

14-77 RESOLVED

THAT Items 21 to 26 be brought forward and dealt with at this point of the meeting.

MOVED: Councillor J McGinnes

ITEM-21 **NOTICE OF MOTION - 03/03/14 - WATER RATES REVIEW REPORT - COUNCILLOR W MCANDREW**

14-78 RESOLVED

THAT the water rate review report that was resolved to be provided to Council in early September last year, be provided at the next Council meeting set down for the 24th March 2014.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

ITEM-22 **NOTICE OF MOTION - 03/03/14 - REQUEST FOR UPDATE ON COUNCIL'S LEGAL AND PLANNING ACTION INVOLVING PENSIONER FROM CULLEN BULLEN - SEWERAGE AND EASEMENT ISSUES - COUNCILLOR J MCGINNES**

14-79 RESOLVED

THAT the General Manager and Council Officers Council update Councillors on Council's legal and planning action involving pensioner from Cullen Bullen – sewerage and easement issues.

MOVED: Councillor J J McGinnes

SECONDED: Councillor W McAndrew.

The Group Manager Environment & Development provided advice.

ITEM-23 NOTICE OF MOTION - 03/03/14 - LITHGOW PETROLEUM EXPLORATION LICENCE APPLICATION 158 - CEEMAC PTY LTD - COUNCILLOR J MCGINNES

14-80 RESOLVED

THAT

1. The General Manager and Council Officers urgently advise and update Councillors and ratepayers on the recent lodgement of the attached Lithgow Petroleum Exploration Licence Application 158 – Ceemac Pty Ltd with the NSW Department of Trade & Investment – Resources & Energy Division.
2. Council seek a presentation by the proponents.

MOVED: Councillor J J McGinnes

SECONDED: Councillor W McAndrew.

The Group Manager Environment & Development provided advice.

ITEM-24 NOTICE OF MOTION - 03/03/14 - CLARENCE TRANSFER SYSTEM - COUNCILLOR W MCANDREW

14-81 RESOLVED

THAT the General Manager and/or appropriate Staff, provide at this meeting, an update on the progress and/or status of the Clarence Transfer System.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

The Group Manager Operations provided advice.

ITEM-25 NOTICE OF MOTION - 03/03/14 - BOWEN VISTA BIORETENTION BASIN AND APPLICABLE DA - COUNCILLOR W MCANDREW

14-82 RESOLVED

THAT the General Manager and/or appropriate Staff, provide at this meeting, a report on the progress and/or status of the bio retention basin and applicable DA situated in the Bowen Vista Subdivision.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

The Group Manager Environment & Development provided advice.

ITEM-26 NOTICE OF MOTION - 03/03/14 - REQUEST UPDATE ON FUNDING AVAILABLE UNDER MAYORS BUSHFIRE APPEAL AND COMMITTEE - COUNCILLOR J MCGINNES

14-83 RESOLVED

THAT the Mayor and General Manager update Councillors on the amount of funding available for distribution under the Mayors Bushfire Appeal and Committee, including what was the amount of the kind financial donation received from representatives of the Parramatta City Council.

MOVED: Councillor J J McGinnes

SECONDED: Councillor R Thompson.

The Mayor provided advice.

ITEM-1 GM - 03/03/14 - PARTICIPATION IN REGIONAL TENDER FOR ELECTION SERVICES RUN BY CENTROC AND REGIONAL PROCUREMENT INITIATIVE

14-84 RESOLVED

THAT Council:

1. Participate in a regional tender for election services run by Centroc and Regional Procurement Initiative (Hunter Councils)
2. Authorise the General Manager to sign the letter of participation.
3. Note the balance of the report.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

ITEM-2 GM - 03/03/14 - CODE OF CONDUCT

14-85 RESOLVED

THAT Council:

1. Notes the report on the new Model Code of Conduct.
2. Adopts the Model Code of Conduct as Council's Code of Conduct.
3. Authorises the appointment of Conduct Reviewers/Panels from amongst those outlined from the Centroc Code of Conduct Register along with appropriate persons from the Internal Audit Bureau.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-3 ENVIRO - 03/03/14 - REVIEW OF COUNCIL POLICIES

14-86 RESOLVED

THAT Council:

1. **ADOPT** Policies:
 - Exemption to Wheelie Bin Service
 - Waste Disposal – Waste Depots – Exemption from Charges
 - Discharge of Trade Waste to the Sewerage System
2. Renumber the policies according to the schedule

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett.

ITEM-4 ENVIRO - 03/03/14 - CULLEN BULLEN SITE WASTE WATER SYSTEMS AND FUTURE SEWERAGE OPTIONS

14-87 RESOLVED

THAT:

1. The information in the report on wastewater issues and future options for Cullen Bullen be noted.
2. Council continue to plan for a project to construct a reticulated sewage system at Cullen Bullen in line with its long term financial plan and also have regard to:
 - Cost to the community (eg capital contributions)
 - Cost of the overall project (including reticulation and treatment)
 - Cost of connection to residents (eg internal plumbing)
3. The actions indicated in this report be brought to the attention of the Cullen Bullen Community through an “Open House” session on a date to be determined and copies of the Sustainable Solutions International report be made available to community members at that session.
4. A further report be brought back to Council of the situation at Cullen Bullen during the cold damp conditions of winter.
5. The Department of Health provide an update on the public health issues it raises during the last year.

MOVED: Councillor J J McGinnes

SECONDED: Councillor C Hunter.

Mr John Fuller loudly and persistently interrupted the meeting and was requested to return to his seat.

The Mayor requested Mr Fuller to refrain from interrupting the meeting.

Mr Fuller continued.

The Mayor gave Mr Fuller a warning.

Mr Fuller continued to interrupt the meeting.

The Mayor again warned Mr Fuller.

Mr Fuller continued to disrupt the meeting.

14-88 RESOLVED

THAT Mr John Fuller be expelled from the Council meeting.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

Mr Fuller continued to disrupt the meeting.

The General Manager requested Mr Fuller leave the premises.

Mr Fuller refused to leave and continued to protest loudly.

The General Manager again instructed Mr Fuller to leave the premises.

The meeting was adjourned at 8.04pm.

The meeting reconvened at 8.08pm with the aforementioned Councillors present.

14-89 RESOLVED

THAT Mr Fuller be advised that he is not to attend future Council Meetings until further advised unless he makes a commitment in writing that he will not disrupt the meeting. Council staff should seek legal advice.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

ITEM-5 OPER - 030314 - WATER REPORT - FEBRUARY 2014

14-90 RESOLVED

THAT Council note the water report.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

**ITEM-6 OPER - 030314 - TENDERS FOR THE CONSTRUCTION OF
LITHGOW AQUATIC CENTRE - STAGE 4**

14-91 RESOLVED**THAT:**

1. Council use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the construction of Stage 4 of the Lithgow Aquatic Centre.
2. Council invite tenders submissions from the following four companies:
 - Hines Constructions
 - Rapid Construction
 - ICON Building
 - Beau Corp Aquatics.
3. A report be brought back to a future meeting of Council on what expenditure has been to date, what the potential costs to completion are, including the on-going maintenance and future manning costs.

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

ITEM-7 OPER - 030314 - TOILET FACILITIES - LAKE LYELL

14-92 RESOLVED**THAT:**

1. The information be noted.
2. Council give consideration in the draft 2014/15 budget and expedite the construction of appropriate composting toilets in the remote camping areas at Lake Lyell early in the 2014/15 financial year.

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

ITEM-8 CORP - 030314 - HASSANS WALLS LOOKOUT

14-93 RESOLVED**THAT** Council:

1. Writes to the Geographic Names Board cancelling the proposal to rename Hassans Walls Lookout.
2. Submits a proposal to the Geographical Names Board to formalise the name of Hassans Walls Lookout.

3. Name the new boardwalk at Hassans Walls Lookout as Sir Joseph Cook Boardwalk.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett.

ITEM-9 CORP - 030314 - COUNCIL INVESTMENTS HELD TO 31 JANUARY 2014

14-94 RESOLVED

THAT Investments of \$19,689,712.68 for the period ending 31 January be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

ITEM-10 CORP - 030314 - 2012 - 2013 ANNUAL REPORT

14-95 RESOLVED

THAT:

1. Council notes the amended summary of legal proceedings in which Council was a party to in 2010/11, 2011/12 and 2012/13.
2. The Division of Local Government be advised accordingly.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-11 CORP - 030314 - QUARTERLY PERFORMANCE REPORT ON 2013-2014 OPERATIONAL PLAN FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2013

14-96 RESOLVED

THAT:

1. The deficit of \$40,370 for the 2013-2014 Operational Plan as detailed in the Quarterly Performance Report for the period 1 October to 31 December 2013 be adopted.
2. Council adopt the variations to the Council budget as outlined in the report.
3. The Council notes that the Group Manager of Corporate and Community,

as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2012-2013 Operational Plan has been reviewed and the financial position of Council is satisfactory.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

**ITEM-12 EXEC - 030314 - 13 NOV 2013 - LITHGOW CBD REVITALISATION
ACTION PLAN COMMITTEE MEETING MINUTES**

14-97 RESOLVED

THAT Council notes the minutes of the Lithgow CBD Revitalisation Action Plan Committee held on the 13 November 2013.

MOVED: Councillor J J McGinnes

SECONDED: Councillor F Inzitari.

**ITEM-13 CORP - 030314 - 3 DECEMBER 2013 - COMMUNITY DEVELOPMENT
COMMITTEE MINUTES**

14-98 RESOLVED

THAT Council notes the minutes of the Community Development Committee meeting held 3 December 2013.

MOVED: Councillor J J McGinnes

SECONDED: Councillor F Inzitari.

MATTER ARISING

THAT the Plaza in Cook Street be formally identified as Cook Street Plaza.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

The Motion was PUT and **LOST**.

ITEM-14 CORP - 030314 - YOUTH COUNCIL MINUTES - 28 JANUARY 2014

14-99 RESOLVED

THAT Council notes the minutes of the Youth Council meeting held 28 January 2014.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

**ITEM-15 EXEC - 030314 - ECONOMIC DEVELOPMENT ADVISORY
COMMITTEE MEETING - 5 FEBRUARY 2014**

14-100 RESOLVED

THAT Council:

1. Notes the minutes of the Economic Development Advisory Committee held on the 5 February 2014.
2. Appoints Ms Renee Difranco to the vacant position of Retail and Business Services Sector representative of the Economic Development Advisory Committee.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

**ITEM-16 CORP - 03/03/14 - 4 FEBRUARY 2014 - COMMUNITY
DEVELOPMENT COMMITTEE MINUTES**

14-101 RESOLVED

THAT Council note the minutes of the Community Development Committee meeting held 4 February 2014.

MOVED: Councillor R Higlett

SECONDED: Councillor C Hunter.

**ITEM-17 OPER - 03/03/14 - TRAFFIC ADVISORY LOCAL COMMITTEE- 6
FEBRUARY 2014**

14-102 RESOLVED**THAT** Council:

1. Notes the minutes of the Traffic Advisory Local Committee held on the 6 February 2014.
2. Changes the existing two way traffic direction to one way traffic only in the lane way located adjacent to the Old Convent building in the vicinity of St Joseph's school at Portland.
3. Erect two hour parking signage along the Great Western Highway commencing adjacent to the Lithgow Visitor Information Centre through to 1127 Great Western Highway Lithgow.
4. Install a disabled car parking space at 50 Musket Parade Lithgow
5. Not support the extension of the existing taxi rank in Main Street Lithgow
6. Alter the existing parking in the vicinity of the Volunteer Rescue Association head quarters in Mort Street Lithgow to "No Stopping Emergency –emergency vehicles accepted parking permit must be displayed" to allow for emergency vehicles to park unobstructed
7. Provides funding in the amount of approximately \$500 for the development of a traffic management plan to be used as a basic template to cater for large events at the Tony Luchetti Sports precinct.
8. Endorse the RMS recommendations in regard to development application DP 530 166 on Jenolan Caves Road at Jenolan Caves

MOVED: Councillor P Pilbeam**SECONDED:** Councillor R Thompson.**ITEM-18 ENVIRO - 03/03/14 - MEADOW FLAT HALL MANAGEMENT
COMMITTEE MINUTES - 13 FEBRUARY 2014**

14-103 RESOLVED**THAT:**

1. Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 13 February 2014.
2. Council congratulate staff on the improvements to the Hall.

MOVED: Councillor C Hunter**SECONDED:** Councillor F Inzitari.

**ITEM-19 OPER - 03/03/14 - AQUATIC CENTRE COMMITTEE MEETING
MINUTES - 18 FEBRUARY 2014**

14-104 RESOLVED

THAT Council notes the minutes of the Aquatic Centre Committee held on 18 February 2014.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

**ITEM-20 CORP - 03/03/14 - TOURISM ADVISORY COMMITTEE - 18
FEBRUARY 2014**

14-105 RESOLVED

THAT Council notes the minutes of the Tourism Advisory Committee held on the 18 February 2014.

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam.

**ITEM-21 NOTICE OF MOTION - 03/03/14 - WATER RATES REVIEW REPORT -
COUNCILLOR W MCANDREW**

Item 21 was dealt with earlier

**ITEM-22 NOTICE OF MOTION - 03/03/14 - REQUEST FOR UPDATE ON
COUNCILS LEGAL AND PLANNING ACTION INVOLVING
PENSIONER FROM CULLEN BULLEN - SEWERAGE AND
EASEMENT ISSUES - COUNCILLOR J MCGINNES**

Item 22 was dealt with earlier

ITEM-23 NOTICE OF MOTION - 03/03/14 - LITHGOW PETROLEUM EXPLORATION LICENCE APPLICATION 158 - CEEMAC PTY LTD - COUNCILLOR J MCGINNES

Item 23 was dealt with earlier

ITEM-24 NOTICE OF MOTION - 03/03/14 - CLARENCE TRANSFER SYSTEM - COUNCILLOR W MCANDREW

Item 24 was dealt with earlier

ITEM-25 NOTICE OF MOTION - 03/03/14 - BOWEN VISTA BIORETENTION BASIN AND APPLICABLE DA - COUNCILLOR W MCANDREW

Item 25 was dealt with earlier

ITEM-26 NOTICE OF MOTION - 03/03/14 - REQUEST UPDATE ON FUNDING AVAILABLE UNDER MAYORS BUSHFIRE APPEAL AND COMMITTEE - COUNCILLOR J MCGINNES

Item 26 was dealt with earlier

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

**ITEM-27 CONFIDENTIAL REPORT - GM - 03/03/14 - LITHGOW MINERALS
AND INDUSTRY PARK**

14-106 RESOLVED

THAT Council consider the Lithgow Minerals and Industry Park Report in Closed Council pursuant to Section 104 2(c) of the Local Government Act 1993.

MOVED: Councillor W McAndrew

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 NIL objections.

14-107 RESOLVED

THAT the Council move into Closed Council.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam

Closed Council started at 9.23pm.

14-108 RESOLVED

THAT Council authorise the Mayor, Deputy Mayor and General Manager to negotiate and report to Council in relation to the exchange, sale, and acquisition of the land subject of the report.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

14-109 RESOLVED

THAT the Council return to open Council.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari

The General Manager announced the resolution of the Closed Council.

There being no further business the meeting concluded at 9.34pm.