



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

28 JULY 2014

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 28 JULY 2014**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 48

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 McGinnes
Councillor P Pilbeam
Councillor M F Ticehurst

APOLOGIES

NIL

Also in attendance

Mr Roger Bailey, General Manager
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

14-297 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 30 June 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 F Inzitari declared a less than significant conflict of interest in item 29, due to his sister being a resident of the estate. He will not vacate the Chambers.

Councillor M F Ticehurst declared a Pecuniary in item 7, due to his son being an employee. He will vacate the Chambers.

14-298 RESOLVED

THAT Council note the declarations of Interest

MOVED: Councillor R Higlett

SECONDED: Councillor R Thompson

QUESTIONS FROM THE PUBLIC

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

PF – 28/7/14 – MR WAYNE HOLLANDS

Mr Hollands addressed the Council in relation to the ongoing issues with the Chicken Farm located at Thompsons Creek Road, Cullen Bullen/Portland

The Mayor advised Mr Hollands that the report is expected to be provided to Council by the end of the week.

PF – 28/7/14 – MR CLIVE LANG

Mr Lang raised concerns with regards to Item 25 of the Agenda.

The Group Manager Operations advised that the trees that were removed were part of the Flood Mitigation Project.

PF – 28/7/14 – MR CRAIG GILLARD

Mr Gillard made a statement in relation to Item 4 of the Agenda.

The Mayor thanked Mr Gillard for his comments.

PF – 28/7/14 – MR RICKY GRIMMER

Mr Grimmer made a statement in relation to Item 27 of the Agenda.

The Mayor thanked Mr Grimmer for his comments.

PF – 28/7/14 – MR RON LYONS

Mr Lyons made a statement in relation to Item 27 of the Agenda.

The Mayor thanked Mr Lyons for his comments.

PROCEDURAL MOTION

14-299 RESOLVED

THAT an extension of time be granted for Public Forum

MOVED: Councillor M Ticehurst

SECONDED: Councillor J McGinnes

PF – 28/7/14 – MRS SUE GRAVES

Mrs Graves made a statement in relation to Item 8 of the Agenda.

The Group Manager Operations provided Mrs Graves with details of the area the Mobility Plan referred to.

PF – 28/7/14 – MR NORMAN ALLAN

Mr Allan made a statement in relation to Item 27 of the Agenda.

The Group Manager Environment and Development advised that Council has formally written to the EPA and the Department of Planning in relation to this matter.

Council was advised that the Colliery was asked to conduct an investigation of the matter. The results are currently being collated and analysed. The EPA has also conducted a number of noise tests.

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>ITEM 27</u>	<u>NOTICE OF MOTION - 28/07/14 - LOW FREQUENCY INFRASOUND NOISE - CLARENCE - COUNCILLOR J MCGINNES</u>	<u>1</u>
<u>GENERAL MANAGERS REPORTS</u>		<u>1</u>
<u>ITEM-1</u>	<u>GM - 28/07/14 - PORTLAND GOLF CLUB</u>	<u>1</u>
<u>ITEM-2</u>	<u>GM - 28/07/14 - RESOURCES FOR REGIONS 2014/15</u>	<u>1</u>
<u>ITEM-3</u>	<u>GM - 28/07/14 - RETURNS UNDER SEC 449 - LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS</u>	<u>2</u>
<u>ITEM-4</u>	<u>GM - 28/07/14 - LITHGOW HOCKEY ASSOCIATION</u>	<u>3</u>
<u>ITEM-5</u>	<u>GM - 28/07/14 - LOCAL GOVERNMENT NSW CONFERENCE</u>	<u>3</u>
<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>		<u>4</u>
<u>ITEM-6</u>	<u>ENVIRO - 28/07/14 - 035/08DA (S96018/14) - REMOVAL OF SPORTING FIELDS AND MEDIUM DENISITY HOUSING OF 24 UNITS - 3 STAGES, LOT 1 DP 868379 - HOSKINS AVENUE LITHGOW NSW 2790</u>	<u>3</u>
<u>ITEM-7</u>	<u>ENVIRO - 28/07/14 - AIRLY COAL MINE MODIFICATION PROPOSALS</u>	<u>4</u>
<u>OPERATION REPORTS</u>		<u>5</u>
<u>ITEM-8</u>	<u>OPER - 28/07/14 - PEDESTRIAN ACCESS AND MOBILITY PLAN FOR THE GREAT WESTERN HIGHWAY THROUGH LITHGOW</u>	<u>5</u>
<u>ITEM-9</u>	<u>OPER - 28/07/14 - PORTLAND SEWERAGE AUGMENTATION, INVESTIGATION AND CONCEPT DESIGN SERVICES FOR NEW SEWERAGE TREATMENT PLANT</u>	<u>5</u>
<u>ITEM-10</u>	<u>OPER - 28/07/14 - WATER REPORT</u>	<u>5</u>
<u>CORPORATE AND COMMUNITY REPORTS</u>		<u>6</u>
<u>ITEM-11</u>	<u>CORP - 28/07/14 - REVIEW OF LITHGOW CITY COUNCIL POLICIES</u>	<u>6</u>
<u>ITEM-12</u>	<u>CORP - 28/07/14 - 2014/15 FEES & CHARGES</u>	<u>6</u>
<u>ITEM-13</u>	<u>CORP - 28/07/14 - COUNCIL INVESTMENTS HELD TO 30 JUNE 2014</u>	<u>7</u>
<u>COUNCIL COMMITTEE MINUTES</u>		<u>8</u>
<u>ITEM-14</u>	<u>OPER - 28/07/14 - 5 JUNE 2014 - OPERATIONS COMMITTEE MEETING MINUTES</u>	<u>7</u>

<u>ITEM-15</u>	<u>CORP - 28/07/14 - YOUTH COUNCIL MINUTES - 24 JUNE 2014</u>	<u>8</u>
<u>ITEM-16</u>	<u>OPER - 28/07/14 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 24 JUNE 2014</u>	<u>9</u>
<u>ITEM-17</u>	<u>CORP - 28/07/14 - CRIME PREVENTION COMMITTEE MINUTES- 30 JUNE 2014</u>	<u>9</u>
<u>ITEM-18</u>	<u>CORP - 28/07/14 - DISABILITY ACCESS COMMITTEE MINUTES - 2 JULY 2014</u>	<u>9</u>
<u>ITEM-19</u>	<u>OPER - 28/07/14 - TRAFFIC ADVISORY LOCAL COMMITTEE - 3 JULY 2014</u>	<u>10</u>
<u>ITEM-20</u>	<u>OPER - 28/07/14 - 3RD JULY 2014 - OPERATIONS COMMITTEE MEETING MINUTES</u>	<u>10</u>
<u>ITEM-21</u>	<u>EXEC - 28/07/14 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES - 9 JULY 2014</u>	<u>10</u>
	<u>NOTICES OF MOTION</u>	<u>12</u>
<u>ITEM-22</u>	<u>NOTICE OF MOTION - 28/07/14 - LOCAL GOVERNMENT ACT AND COUNCIL MODEL CODE OF CONDUCT - REPORTABLE DONATIONS - COUNCILLOR M TICEHURST</u>	<u>11</u>
<u>ITEM-23</u>	<u>NOTICE OF MOTION - 28/07/14 - SECTIONS 328A AND 328B OF THE LOCAL GOVERNMENT ACT 1993 - COUNCILLOR M TICEHURST</u>	<u>11</u>
<u>ITEM-24</u>	<u>NOTICE OF MOTION - 28/07/14 - COUNCIL MODEL CODE OF CONDUCT - INAPPROPRIATE INTERACTIONS - COUNCILLOR M TICEHURST</u>	<u>12</u>
<u>ITEM-25</u>	<u>NOTICE OF MOTION - 28/07/14 - TENDERS FOR STAGE 2 FARMERS CREEK FLOOD MITIGATION PROJECT - BELATED ERROR - COUNCILLOR M TICEHURST</u>	<u>13</u>
<u>ITEM-26</u>	<u>NOTICE OF MOTION - 28/07/14 - LEGAL ADVICE ON COUNCILS 50 METRE SWIMMING POOL AND REPORT ON BIO-RETENTION BASIN SOUTH BOWENFELS - COUNCILLOR M TICEHURST</u>	<u>13</u>
<u>ITEM-27</u>	<u>NOTICE OF MOTION - 28/07/14 - LOW FREQUENCY INFRASOUND NOISE - CLARENCE - COUNCILLOR J MCGINNES</u>	<u>14</u>
<u>ITEM-28</u>	<u>NOTICE OF MOTION - 28/07/14 - INDOOR AQUATIC CENTRE - COUNCILLOR J MCGINNES</u>	<u>14</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>15</u>
	<u>CLOSED COUNCIL</u>	<u>16</u>
<u>ITEM-29</u>	<u>CONFIDENTIAL - CLOSED COUNCIL - GM - 28/07/14 - STOCKADE CLOSE LITHGOW BIO-RETENTION BASIN</u>	<u>16</u>

CLOSED REPORT

17

ITEM-29

CONFIDENTIAL - CLOSED REPORT - GM - 28/07/14 - STOCKADE
CLOSE LITHGOW BIO-RETENTION BASIN

17

PROCEDURAL MOTION

14-300 RESOLVED

THAT Item 27 be brought forward and dealt with at this point of the meeting

MOVED: Councillor J McGinnes

ITEM-27 NOTICE OF MOTION - 28/07/14 - LOW FREQUENCY INFRASOUND NOISE - CLARENCE - COUNCILLOR J MCGINNES

14-301 RESOLVED

THAT Senior Council Officers provide a written report to a future Council meeting on any information or results of any investigations, including those by the EPA, into the low frequency infrasound noise problems raised by local residents.

MOVED: Councillor J J McGinnes

SECONDED: Councillor M F Ticehurst.

ITEM-1 GM - 28/07/14 - PORTLAND GOLF CLUB

14-302 RESOLVED

THAT Council note the report in relation to the status of the loan to the Portland Golf Club for the development of residential land in Bell Street Portland.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-2 GM - 28/07/14 - RESOURCES FOR REGIONS 2014/15

MOTION

THAT Council:

1. Endorse applications for the following projects in order of priority:
 - Cullen Bullen Sewerage (1)
 - Rural Fire Service building upgrade and helipad (2)
 - CBD Revitalisation (3)
2. Provide support to COC Limited in its endeavour to attract funding for the Eskbank Rail Heritage Centre.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

AMENDMENT

THAT Council:

1. Endorse applications for the following projects in priority order:
 - Cullen Bullen Sewerage (1)
 - CBD Revitalisation (2)
 - Rural Fire Service building upgrade and helipad (3)
2. Provide support to COC Limited in its endeavour to attract funding for the Eskbank Rail Heritage Centre.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

The Amendment was WITHDRAWN

14-303 RESOLVED

THAT Council:

1. Endorse applications for the following projects in order of priority:
 - Cullen Bullen Sewerage (1)
 - Rural Fire Service building upgrade and helipad (2)
 - CBD Revitalisation (3)
2. Provide support to COC Limited in its endeavour to attract funding for the Eskbank Rail Heritage Centre.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-3 GM - 28/07/14 - RETURNS UNDER SEC 449 - LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

14-304 RESOLVED

THAT Council:

1. Note the report on Disclosure of Interests under Section 449 of the Local Government Act 1993 for the period 1 July 2013 to 30 June 2014
2. Note that the relevant forms have been issued to all councillors and designated staff
3. Note that the Returns are to be provided to the General Manager by no later than 30 September 2014.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

ITEM-4 GM - 28/07/14 - LITHGOW HOCKEY ASSOCIATION

14-305 RESOLVED

THAT:

1. Council replace the southern hockey field at the Glanmire Oval at an estimated cost of \$320,000 and allocate \$200,000 to the project with the Lithgow Hockey Association contributing \$120,000
2. The Lithgow Hockey Association provide project management for the immediate replacement of the hockey field
3. The Lithgow Hockey Association provide a contingency figure of \$40,000 towards this project.
4. The project comply with tendering guidelines and the appointment of tenders be a decision of Council.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-5 GM - 28/07/14 - LOCAL GOVERNMENT NSW CONFERENCE

14-306 RESOLVED

THAT Council:

1. Note the request for input towards the Local Government NSW Conference
2. Appoint the Mayor, Deputy Mayor and Councillor Hunter as voting delegates to the Conference
3. Authorise the General Manager to attend the Conference as an observer
4. Authorise the Mayor to appoint alternate delegates or additional observers if required

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-6 ENVIRO - 28/07/14 - 035/08DA (S96018/14) - REMOVAL OF SPORTING FIELDS AND MEDIUM DENISITY HOUSING OF 24 UNITS - 3 STAGES, LOT 1 DP 868379 - HOSKINS AVENUE LITHGOW NSW 2790

14-308 RESOLVED

THAT:

1. The Section 96 Modification of Consent application S96018/14 associated with 035/08DA be **APPROVED** subject to conditions being amended and added to the consent as shown in bold in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

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

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-7 ENVIRO - 28/07/14 - AIRLY COAL MINE MODIFICATION PROPOSALS

Councillor Ticehurst vacated the chambers at 8.17pm

14-309 RESOLVED

THAT:

1. The information in the report on Airly Coal Mine's two proposed modifications being the extension of 12 months operating time under current approval and the proposed extension of mining to the east be noted.
2. Council provide a submission to the NSW Department of Planning & Environment indicating its overall position as not objecting to the proposal but highlighting appropriate controls that need to be put in place, and potential Council contribution for the proposed extension of mining to the east.
3. In Council's submission to the Department of Planning and Environment it requests the inclusion of a condition requiring the applicant to comply with the provisions of Council's Section 94A Development Contributions Plan 2012.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

Councillor Ticehurst returned to the Chambers at 8.24pm

**ITEM-8 OPER - 28/07/14 - PEDESTRIAN ACCESS AND MOBILITY PLAN FOR
THE GREAT WESTERN HIGHWAY THROUGH LITHGOW**

14-310 RESOLVED

THAT Council:

1. Note the final report on the Pedestrian Access and Mobility Plan for the Great Western Highway through Lithgow and refer the list of priorities to the Operations Committee to determine an action plan to address some of the identified priorities; and
2. Seek possible funding from relevant programs such as BlackSpot funding to undertake some of these works.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

**ITEM-9 OPER - 28/07/14 - PORTLAND SEWERAGE AUGMENTATION,
INVESTIGATION AND CONCEPT DESIGN SERVICES FOR NEW
SEWERAGE TREATMENT PLANT**

14-311 RESOLVED

THAT Council **ACCEPT** the proposal from the Department of Public Works to provide investigation and concept design services for the augmentation of the Portland Sewerage Treatment Plant at a total fee cost of \$247,390 inclusive of GST.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-10 OPER - 28/07/14 - WATER REPORT

14-312 RESOLVED

THAT Council note the water report.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

14-313 RESOLVED**THAT** Council:

1. **ADOPT** Policies
 - Excessive Water Usage Allowance for Breakages
 - Change in Category for Rating Purposes
 - Main Street Facade Restoration Program
2. Rescind Policy 8.4 – Bonds Held for Works
3. Renumber the policies according to the schedule.

MOVED: Councillor R Higlett**SECONDED:** Councillor P Pilbeam.**14-314 RESOLVED**

THAT the minor amendments to the 2014/15 Fees and Charges be adopted as follows:

Companion Animals Registration

Description	Fee Charge Basis	Policy Link/s	Legislated Or Regulatory Fee	Taxable	Responsible Department	13/14 Fees	14/15 Fees	14/15 GST Amount
Non-desexed companion animal	Per dog	5.6	Yes	No	Environment	182.00	188.00	N/A
Desexed Companion Animal	Per dog		Yes	No		49.00	51.00	N/A
Non-desexed companion animal owned by registered breeder	Per dog		Yes	No		49.00	51.00	N/A
Desexed companion animal owned by an eligible pensioner	Per dog		Yes	No		19.00	20.00	N/A
Working Dog	Per dog		Yes	No		New Fee	0.00	N/A
Assistance Animal	Per Animal		Yes	No		New Fee	0.00	N/A

Inter Library Loans

Description	Fee Charge Basis	Policy Link/s	Legislated Or Regulatory Fee	Taxable	Responsible Department	13/14 Fees	14/15 Fees	14/15 GST Amount
Non NSW Libraries	Per item		Yes	Yes	Community and Culture	17.10	15.00	1.36
Inter Library loans for LGA customers	Per inspection		Yes	Yes		7.75	7.50	0.68

Government Information Public Access Act 2009

Description	Fee Charge Basis	Policy Link/s	Legislated Or Regulatory Fee	Taxable	Responsible Department	13/14 Fees	14/15 Fees	14/15 GST Amount
Original	Per application		Yes	No	Finance	30.00	30.00	N/A
Review	Per review		Yes	No		40.00	40.00	N/A

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-13 CORP - 28/07/14 - COUNCIL INVESTMENTS HELD TO 30 JUNE 2014

14-315 RESOLVED

THAT Investments of \$15,483,672.44 and cash of \$3,673,662.85 for the period ending 30 June be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett.

ITEM-14 OPER - 28/07/14 - 5 JUNE 2014 - OPERATIONS COMMITTEE MEETING MINUTES

MOTION

THAT Council note the minutes of the Operations Committee meeting held on Thursday, 5th June 2014.

MOVED: Councillor R Higlett

SECONDED: Councillor C Hunter.

AMENDMENT

THAT Council:

1. Note the minutes of the Operations Committee meeting held on Thursday, 5th June 2014.
2. Note the details of Item 6 of the Operations Committee Meeting that the tenders received for the Flood Mitigation Works were received from:
 - Peters Earthmoving
 - Graceys Earthmoving and Excavations Pty Ltd
 - Dukes Civil Pty Ltd
 - Central West Civil
 - Josa Group Pty Ltd
 - Earthtec Pty Ltd

3. Note the attendees at the Operations Committee held on 5th June 2014 as detailed in the minutes

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

The Amendment was PUT and **LOST**

14-316 RESOLVED

THAT Council note the minutes of the Operations Committee meeting held on Thursday, 5th June 2014.

MOVED: Councillor R Higlett

SECONDED: Councillor C Hunter.

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

Division -

FOR

Councillor C Hunter
Councillor W McAndrew
Councillor J J McGinnes
Councillor R Thompson
Councillor M F Ticehurst

AGAINST

Councillor R Higlett
Councillor F Inzitari
Councillor P Pilbeam
Councillor M Statham

ITEM-15 CORP - 28/07/14 - YOUTH COUNCIL MINUTES - 24 JUNE 2014

14-317 RESOLVED

THAT Council note the minutes of the Youth Council meeting held 24 June 2014.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

**ITEM-16 OPER - 28/07/14 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 24 JUNE 2014**

14-318 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on the 24th June 2014.
2. Provide Misty Walsh with \$500.00 toward the cost of participating in the Korean Taekwondo Open at Gyeongsu, Korea and Emily Thompson with \$400.00 toward the cost of participating in the NSW School Girls Hockey Team at Hobart and the PSSA State Championships at Eastern Creek.
3. Accept Mr. Richard Marjoram as the Sports Advisory Committee representative from the Lithgow & District Basketball Assoc Inc.
4. Accept Ms. Alison Murphy and Ms. Karen Beltran as the Sports Advisory Committee representatives from the Lithgow & District Netball Assoc Inc.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

**ITEM-17 CORP - 28/07/14 - CRIME PREVENTION COMMITTEE MINUTES- 30
JUNE 2014**

14-319 RESOLVED

THAT Council notes the minutes of the Crime Prevention Committee held on the 30 June 2014.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

**ITEM-18 CORP - 28/07/14 - DISABILITY ACCESS COMMITTEE MINUTES - 2
JULY 2014**

14-320 RESOLVED

THAT Council note the minutes of the Disability Access Committee meeting held 2 July 2014.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-19 OPER - 28/07/14 - TRAFFIC ADVISORY LOCAL COMMITTEE - 3 JULY 2014

14-321 RESOLVED

THAT Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 3 July 2014
2. Extend the 'No Stopping' zone by six metres in a northerly direction on the western side of Hayley Street.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett.

ITEM-20 OPER - 28/07/14 - 3RD JULY 2014 - OPERATIONS COMMITTEE MEETING MINUTES

14-322 RESOLVED

THAT Council note the minutes of the Operations Committee meeting held on Thursday, 3rd July 2014.

MOVED: Councillor C Hunter

SECONDED: Councillor P Pilbeam.

ITEM-21 EXEC - 28/07/14 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES - 9 JULY 2014

14-323 RESOLVED

THAT Council note the minutes of the Economic Development Advisory Committee held on the 9 July 2014.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

ITEM-22 NOTICE OF MOTION - 28/07/14 - LOCAL GOVERNMENT ACT AND COUNCIL MODEL CODE OF CONDUCT - REPORTABLE DONATIONS - COUNCILLOR M TICEHURST

14-324 RESOLVED

THAT the Council, Councillors and General Manager note this information on Reportable Donations outlined in Council's Model Code of Conduct and the Local Government Act.

MOVED: Councillor M F Ticehurst **SECONDED:** Councillor J McGinnes.

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

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-23 NOTICE OF MOTION - 28/07/14 - SECTIONS 328A AND 328B OF THE LOCAL GOVERNMENT ACT 1993 - COUNCILLOR M TICEHURST

MOTION

THAT the Mayor and Deputy Mayor include the legal obligations as described under Section 328A of the Local Government Act 1993 into the General Manager's Performance Agreement Appraisal, prior to requesting submissions this year from all Councillors.

MOVED: Councillor M F Ticehurst **SECONDED:** Councillor J McGinnes.

The Motion was PUT and **LOST**

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

Division -

FOR

- Councillor C Hunter
- Councillor W McAndrew

Councillor J J McGinnes
Councillor M F Ticehurst

AGAINST

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

ITEM-24 NOTICE OF MOTION - 28/07/14 - COUNCIL MODEL CODE OF CONDUCT - INAPPROPRIATE INTERACTIONS - COUNCILLOR M TICEHURST

14-325 RESOLVED

THAT the Council, Councillors and General Manager note this information on Inappropriate Interactions as outlined above from the Council's Model Code of Conduct.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J McGinnes.

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

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-25 NOTICE OF MOTION - 28/07/14 - TENDERS FOR STAGE 2 FARMERS CREEK FLOOD MITIGATION PROJECT - BELATED ERROR - COUNCILLOR M TICEHURST

MOTION

THAT Council and Councillors:

1. Note the information in this Notice of Motion.
2. Confirm that the Councils Group Manager of Operations delivered without error, a comprehensive and unbiased report regarding the six tenders for Stage 2 of the Farmers Creek Flood Mitigation Scheme submitted to the Extraordinary Meeting of the Lithgow City Council on Tuesday 24 June 2014.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J McGinnes.

The Motion was PUT and **LOST**

A **DIVISION** was called by Councillors F Inzitari and M F Ticehurst.

Division -

FOR

Councillor W McAndrew
Councillor C Hunter
Councillor M F Ticehurst
Councillor J J McGinnes

AGAINST

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

ITEM-26 NOTICE OF MOTION - 28/07/14 - LEGAL ADVICE ON COUNCILS 50 METRE SWIMMING POOL AND REPORT ON BIO-RETENTION BASIN SOUTH BOWENFELS - COUNCILLOR M TICEHURST

MOTION

THAT the Mayor, General Manager and/or Senior Council Officers provide a report to Councillors at this Ordinary Meeting of the Lithgow City Council on the current status of the legal advice with regards to Section 731 of the Local Government Act concerning the Councils Consultants Report on the current condition of the Councils 50 metre Outdoor Swimming Pool?

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The Motion was PUT and **LOST**

**ITEM-27 NOTICE OF MOTION - 28/07/14 - LOW FREQUENCY INFRASOUND
NOISE - CLARENCE - COUNCILLOR J MCGINNES**

Item 27 was dealt with earlier

**ITEM-28 NOTICE OF MOTION - 28/07/14 - INDOOR AQUATIC CENTRE -
COUNCILLOR J MCGINNES**

MOTION

THAT Senior Council officers provide a verbal report to this Ordinary Meeting of Lithgow City Council on issues raised on a front page story published in the Lithgow Mercury on 17th July 2014 regarding the lack of adequate heating of the airspace of the Lithgow Aquatic Centre Heated Indoor Pool. Senior Officers to include in this report the projected temperature of the water in various locations in the indoor pool and in the absence of any air conditioning or dehumidification system and the use of natural ventilation shutters, the temperature of the air space which will be constantly maintained in the pool enclosure and whether this temperature will be affected by the outside air temperature at any one time, considering outside air temperatures in Lithgow can fall to minus six degrees in the mid winter season.

MOVED: Councillor J McGinnes

SECONDED: Councillor M F Ticehurst.

The Motion was PUT and **LOST**

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

ITEM-29 **CONFIDENTIAL - CLOSED COUNCIL - GM - 28/07/14 - STOCKADE CLOSE LITHGOW BIO-RETENTION BASIN**

14-326 RESOLVED

THAT Council consider the report on the Stockade Close, Lithgow Bio-Retention Basic in Closed Council pursuant to Section 10A(2)(a), (e) and (g) of the Local Government Act 1993.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

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

There were no objections.

14-327 RESOLVED

THAT the Council move into Closed Council.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

Closed Council commenced at 10.07pm.

14-328 RESOLVED

THAT Council note the report on the Stockade Close Bio-Retention Basin.

MOVED: Councillor W McAndrew

SECONDED: Councillor M F Ticehurst.

14-329 RESOLVED

THAT Council return to open Council.

MOVED: Councillor R Thompson

SECONDED: Councillor R Higlett

Council returned to open Council at 10.32pm.

Councillor Ticehurst left the chambers at 10.32pm

Councillor McGinnes left the chambers at 10.33pm.

The General Manager announced the recommendations of the Closed Council.

There being no further business the meeting concluded at 10.34pm