



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

27 OCTOBER 2014

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 27 OCTOBER 2014**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 26

PRESENT

Her Worship the Mayor
Councillor M Statham
Councillor R Thompson
Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor M F Ticehurst
Councillor J McGinnes (7.02pm)

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

14-404 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 29 September 2014 were taken as read and confirmed by Councillors F Inzitari and R Thompson

DECLARATION OF INTEREST

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

Councillor P Pilbeam declared a less than significant non pecuniary interest in item 3, due to him being a neighbour of the estate. He will not vacate the Chambers.

Councillor C Hunter declared a less than significant non pecuniary interest in item 8, due to his wife being a taxi driver. He will not vacate the Chambers.

QUESTIONS FROM THE PUBLIC

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

PF – 27/10/14 - MR PETER TRACY

Mr Tracy made a statement in relation to Item 29 of the Agenda

The Mayor thanked Mr Tracy for his comments.

PF – 27/10/14 – MR GARY EDGELL

Mr Edgell made a statement in relation to Item 29 of the Agenda.

The Mayor thanked Mr Edgell for his comments.

PF – 27/10/14 – MR LINDSAY FEATHERSTONE

Mr Featherstone made a statement in relation to Item 30 of the Agenda.

The Mayor thanked Mr Featherstone for his comments.

PF – 27/10/14 – MRS SUE GRAVES

Mrs Graves made a statement in relation to a number of the items on the Agenda including Items 2, Item 6 and Item 30.

The Group Manager of Environment and Development advised that correspondence has been forwarded to Fast Food outlets in the area and some of these outlets are participating in Council's Litter program.

The inclusion of additional consent conditions would need to be negotiated with the applicant prior.

PF – 27/10/14 – MRS KERRIE GORDON

Mrs Gordon made a statement in relation to Item 6 of the Agenda.

The Mayor thanked Mrs Gordon for her comments.

PF – 27/10/14 – MRS SUE GRAVES

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

The Group Manager Environment and Development advised that briefings of the Revitalisation Committee and Economic Development Officer have occurred and community consultation in relation to this matter.

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>PROCEDURAL MOTION</u>	<u>1</u>
<u>ITEM-29</u>	<u>NOTICE OF MOTION - 27/10/14 - UNSUPERVISED WANDERING CATTLE JERRY'S MEADOWS RD SODWALLS - COUNCILLOR M TICEHURST</u>	<u>1</u>
	<u>PROCEDURAL MOTION</u>	<u>2</u>
<u>ITEM-12</u>	<u>OPER - 27/10/14 - CONSTRUCTION OF LITHGOW AQUATIC CENTRE STAGE 3 - TENDERS</u>	<u>2</u>
	<u>PROCEDURAL MOTION</u>	<u>2</u>
<u>ITEM-11</u>	<u>OPER - 27/10/14 - 50M OLYMPIC POOL RISK ASSESSMENT 2014</u>	<u>2</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>4</u>
<u>ITEM-1</u>	<u>GM - 27/10/14 - RETURNS UNDER SEC 449 LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS & DESIGNATED PERSONS</u>	<u>4</u>
<u>ITEM-2</u>	<u>GM - 28/10/14 - NATIONAL STRONGER REGIONS FUND APPLICATIONS</u>	<u>4</u>
	<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>	<u>6</u>
<u>ITEM-3</u>	<u>ENVIRO - 27/10/14 - DA128/14 - PROPOSED SUBDIVISION 5 LOTS INTO 5, HILLCREST GREAT WESTERN HIGHWAY, LITHGOW</u>	<u>5</u>
<u>ITEM-4</u>	<u>ENVIRO - 27/10/14 - CALLING IN OF DEVELOPMENT APPLICATION DA146/14 - PROPOSED DUAL OCCUPANCY- LOT 201 DP 793472 - 2 BUTTRESS PLACE LITHGOW NSW 2790</u>	<u>6</u>
<u>ITEM-5</u>	<u>ENVIRO - 27/10/14- APPOINTMENT OF MEMBERS TO LLHAC</u>	<u>6</u>
<u>ITEM-6</u>	<u>ENVIRO - 27/10/14 - DA85/90 (SECTION 96 02614) - MCDONALD'S RESTAURANT & DRIVE THROUGH FACILITY WITH ASSOCIATED ADVERTISING SIGNS - LOT 1 DP 808332 - GREAT WESTERN HIGHWAY LITHG</u>	<u>7</u>
<u>ITEM-7</u>	<u>ENVIRO - 27/10/14 - ADOPTION OF POLICY 7.5 - NOTIFICATION OF DEVELOPMENT APPLICATIONS</u>	<u>8</u>
<u>ITEM-8</u>	<u>ENVIRO - 27/10/14 - CBD TOILETS QUOTATIONS</u>	<u>8</u>
<u>ITEM-9</u>	<u>ENVIRO - 27/10/14 - DA176/14 - PROPOSED DUAL OCCUPANCY, TARANA ROAD TARANA NSW 2787</u>	<u>9</u>
<u>ITEM-10</u>	<u>ENVIRO - 27/10/14 - LAND OWNERS CONSENT - PROPOSED NBN CO POLES AT WALLERAWANG</u>	<u>9</u>

<u>OPERATION REPORTS</u>	<u>11</u>
<u>ITEM-11</u> <u>OPER - 27/10/14 - 50M OLYMPIC POOL RISK ASSESSMENT 2014</u>	<u>2</u>
<u>ITEM-12</u> <u>OPER - 27/10/14 - CONSTRUCTION OF LITHGOW AQUATIC CENTRE STAGE 3 - TENDERS</u>	<u>2</u>
<u>ITEM-13</u> <u>OPER - 27/10/14 - ADOPTION OF POLICY 10.18 - SPECIFICATION FOR THE CONSTRUCTION OF DRIVEWAYS FOOTPATH/GUTTER CROSSINGS AND FOOTPAVING</u>	<u>10</u>
<u>ITEM-14</u> <u>OPER - 27/10/14 - RESTART NSW FUNDING DEED FOR THE PORTLAND SEWERAGE TREATMENT PLANT UPGRADE</u>	<u>10</u>
<u>ITEM-15</u> <u>OPER - 27/10/14 - TENDERS FOR THE CONSTRUCTION OF REPLACEMENT RAIL OVERBRIDGE, WALLERAWANG</u>	<u>11</u>
<u>ITEM-16</u> <u>OPER - 27/10/14 - WATER REPORT</u>	<u>11</u>
<u>CORPORATE AND COMMUNITY REPORTS</u>	<u>12</u>
<u>ITEM-17</u> <u>CORP - 29/10/14 - ADVENTURE PLAYGROUND</u>	<u>11</u>
<u>ITEM-18</u> <u>CORP - 27/10/14 - DRAFT ANNUAL FINANCIAL STATEMENTS</u>	<u>11</u>
<u>ITEM-19</u> <u>CORP - 27/10/14 - ADOPTION OF POLICY 8.7 - INVESTMENT POLICY</u>	<u>12</u>
<u>ITEM-20</u> <u>CORP - 27/10/14 - COUNCIL INVESTMENTS HELD TO 30 SEPTEMBER 2014</u>	<u>12</u>
<u>COUNCIL COMMITTEE MEETINGS</u>	<u>13</u>
<u>ITEM-21</u> <u>ENVIRO - 27/10/14 - CRYSTAL THEATRE MANAGEMENT COMMITTEE MINUTES - 16 SEPTEMBER 2014</u>	<u>12</u>
<u>ITEM-22</u> <u>CORP - 27/10/14 - CRIME PREVENTION - 29 SEPTEMBER 2014</u>	<u>13</u>
<u>ITEM-23</u> <u>OPER - 27/10/14 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 30 SEPTEMBER 2014</u>	<u>13</u>
<u>ITEM-24</u> <u>CORP - 27/10/14 - BLUE MOUNTAINS CROSSING COMMITTEE - 1 OCTOBER 2014</u>	<u>13</u>
<u>ITEM-25</u> <u>EXEC - 27/10/14 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - 8 OCTOBER 2014</u>	<u>14</u>
<u>ITEM-26</u> <u>CORP - 27/10/14 - LITHGOW FLASH GIFT COMMITTEE - 13 OCTOBER 2014</u>	<u>14</u>
<u>ITEM-27</u> <u>CORP - 27/10/14 - TOURISM ADVISORY COMMITTEE MEETING - 14 OCTOBER 2014</u>	<u>14</u>
<u>NOTICES OF MOTION</u>	<u>15</u>
<u>ITEM-28</u> <u>NOTICE OF MOTION - 27/10/14 - LITHGOW CITY COUNCIL S SUN & SHADE SHELTERS - COUNCILLOR M TICEHURST</u>	<u>14</u>

<u>ITEM-29</u>	<u>NOTICE OF MOTION - 27/10/14 - UNSUPERVISED WANDERING CATTLE JERRY'S MEADOWS RD SODWALLS - COUNCILLOR M TICEHURST</u>	<u>15</u>
<u>BUSINESS OF GREAT URGENCY</u>		<u>16</u>
<u>CLOSED COUNCIL</u>		<u>17</u>
<u>ITEM-30</u>	<u>CONFIDENTIAL - CLOSED COUNCIL - ENVIRO - 27/10/14 - PURCHASE OF LAND FOR TOILET BLOCK AT RYDAL</u>	<u>17</u>
<u>CLOSED REPORT</u>		<u>18</u>
<u>ITEM-30</u>	<u>ENVIRO - 27/10/14 - CONFIDENTIAL REPORT - PURCHASE OF LAND FOR TOILET BLOCK AT RYDAL</u>	<u>18</u>

PROCEDURAL MOTION

14-405 RESOLVED

THAT Item 29 be brought forward and dealt with at this point in the meeting.

MOVED: Councillor M Ticehurst

SECONDED: Councillor J McGinnes

ITEM-29 NOTICE OF MOTION - 27/10/14 - UNSUPERVISED WANDERING CATTLE JERRY'S MEADOWS RD SODWALLS - COUNCILLOR M TICEHURST

MOTION

THAT the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of the Lithgow City Council on the current legal status surrounding the numerous and regular complaints previously received by the Council regarding unsupervised wandering cattle along Jerry's Meadows Road at Sodwalls, including what previous impounding and legal actions the Council has already taken to resolve the issue from re-occurring before someone is injured.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J McGinnes.

AMENDMENT

THAT the information be noted.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett

The Amendment was **PUT** and **LOST**

The Mover and Seconder of the original motion amended it in favour of the following;

14-406 RESOLVED

THAT:

1. the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of the Lithgow City Council on the current legal status surrounding the numerous and regular complaints previously received by the Council regarding unsupervised wandering cattle along Jerry's Meadows Road at Sodwalls, including what previous impounding and legal actions the Council has already taken to resolve the issue over the last 18 months.
2. The report should state ALL complaints raised with regards to Jerry's Meadows Road at Sodwalls and identify where the complaints are coming from.
3. The report should also include all accidents that have occurred on Jerry's Meadows Road.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J McGinnes.

PROCEDURAL MOTION

14-407 RESOLVED

THAT Item 12 be brought forward and dealt with at this point in the meeting.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

ITEM-12 OPER - 27/10/14 - CONSTRUCTION OF LITHGOW AQUATIC CENTRE STAGE 3 - TENDERS

14-408 RESOLVED

THAT Council invite tender submissions for Stage 4 of the Lithgow Aquatic Centre from the following six (6) companies:

- Carfax Commercial Constructions Pty Ltd and
- Commercial Aquatics Australia
- Hines Constructions
- Icon building Group Pty Ltd
- Kane Constructions Vic Pty Ltd
- Rapid Construction Pty Ltd

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

PROCEDURAL MOTION

14-409 RESOLVED

THAT Item 11 be brought forward and dealt with at this point in the meeting.

MOVED: Councillor F Inzitari

ITEM-11 OPER - 27/10/14 - 50M OLYMPIC POOL RISK ASSESSMENT 2014

Councillor McGinnes stood up and loudly and persistently interjected in the debate.

The Mayor asked Councillor McGinnes to be seated and remain quiet.

Councillor McGinnes continued to loudly address the Council.

The Mayor gave Councillor McGinnes a warning and asked him to refrain from addressing the Council.

Councillor McGinnes continued from his feet to loudly address the Council.

The Mayor repeatedly requested Councillor McGinnes to be seated.

The Mayor gave Councillor McGinnes a second warning and again asked him to be seated and refrain from addressing the Council.

Councillor McGinnes continued to loudly talk over the Mayor and address the Council.

The Mayor gave Councillor McGinnes his final warning.

Councillor McGinnes continued.

14-410 RESOLVED

THAT Councillor McGinnes be ejected from the Council

MOVED: Councillor Pilbeam

SECONDED: Councillor F Inzitari

The General Manager formally asked Councillor McGinnes to vacate the chambers (7.59pm)

Councillor McGinnes did not vacate the chambers and remained seated.

The General Manager then issued several instructions for Councillor McGinnes to leave the chambers.

Councillor McGinnes remained in his seat.

Councillor Ticehurst began to interject and was asked to refrain from addressing the Council.

The Mayor adjourned the meeting at 8.01pm.

Councillors were requested to vacate the chambers.

The Council reassembled at 8.31pm with all of the aforementioned councillors present with the exception of Councillors McGinnes and Ticehurst.

On resuming the meeting the Mayor asked the Council if it wished to continue business. The Council responded in the affirmative.

14-411 RESOLVED

THAT Council note the information regarding the opening of the 50 metre pool for the 2013/14 swimming season.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

**ITEM-1 GM - 27/10/14 - RETURNS UNDER SEC 449 LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS & DESIGNATED
PERSONS**

14-412 RESOLVED

THAT:

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2013 to 30 June 2014 from all designated persons and all Councillors
2. Reaffirm the following positions as 'designated persons' for the period 1 July 2014 to 30 June 2015:
 - Group Manager Environment & Development
 - Group Manager Operations
 - Group Manager Corporate & Community
 - Finance Manager
 - Development Manager
 - Water & Waste Water Manager
 - Information Technology Manager
 - Community & Culture Manager
 - Tourism Manager
 - Works Manager
 - Team Leader Building
 - Team Leader Development Planning
 - Team Leader Environment
 - Strategic Land Use Planner
 - Land Use Property Officer
 - Building & Development Officers (4)

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

**ITEM-2 GM - 28/10/14 - NATIONAL STRONGER REGIONS FUND
APPLICATIONS**

MOTION

THAT Council:

1. Endorse the National Stronger Regions Fund application for the CBD Revitalisation project.
2. Provide support for the funding application by Three Tree Lodge

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam.

AMENDMENT

THAT Council:

1. Endorse the National Stronger Regions Fund application for the Union Theatre.
2. Provide support for the funding application by Three Tree Lodge

MOVED: Councillor C Hunter

SECONDED:

The Amendment Lapsed due to the want for a seconder.

14-413 RESOLVED

THAT Council:

1. Endorse the National Stronger Regions Fund application for the CBD Revitalisation project.
2. Provide support for the funding application by Three Tree Lodge

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam.

ITEM-3 ENVIRO - 27/10/14 - DA128/14 - PROPOSED SUBDIVISION 5 LOTS INTO 5, HILLCREST GREAT WESTERN HIGHWAY, LITHGOW

14-414 RESOLVED

THAT:

1. Development Application DA128/12 be supported and referred to Department of Planning & Environment for its concurrence.
2. Should concurrence be granted the application be approved, subject to the conditions outlined in the attached 79C report.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

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

Division (Unanimous) -

FOR

Councillor C Hunter

Councillor R Higlett

Councillor F Inzitari

Councillor W McAndrew

Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

**ITEM-4 ENVIRO - 27/10/14 - CALLING IN OF DEVELOPMENT APPLICATION
DA146/14 - PROPOSED DUAL OCCUPANCY - LOT 201 DP 793472 -
2 BUTTRESS PLACE LITHGOW NSW 2790**

14-415 RESOLVED

THAT the calling in of Development Application No 146/14 be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

ITEM-5 ENVIRO - 27/10/14 - APPOINTMENT OF MEMBERS TO LLHAC

MOTION

THAT Council:

1. Receive the nominations for membership to the Local Lithgow Heritage Advisory Committee from identified community groups and appoint the following members to the Committee:
 - Eleanor Martin - Lithgow and District Family History Society member
 - Dr Helen Clements - National Trust of Australia (NSW) Lithgow Regional Branch member.
2. Appoint Mr Steve Ring and Mr Michael Wilson as community members to the Local Lithgow Heritage Advisory Committee having regard to the summary of information submitted to support their nomination in the table included in this report.
3. Note that the community member representative of the local Indigenous Community will remain vacant at this time.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

AMENDMENT

THAT Council:

1. Receive the nominations for membership to the Local Lithgow Heritage Advisory Committee from identified community groups and appoint the following members to the Committee:
 - Eleanor Martin - Lithgow and District Family History Society member

- Dr Helen Clements - National Trust of Australia (NSW) Lithgow Regional Branch member.
2. Appoint Mr Ramsay Moodie and Mr Michael Wilson as community members to the Local Lithgow Heritage Advisory Committee having regard to the summary of information submitted to support their nomination in the table included in this report.
 3. Note that the community member representative of the local Indigenous Community will remain vacant at this time.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.

The Amendment was **PUT** and **LOST**

14-416 RESOLVED

THAT Council:

1. Receive the nominations for membership to the Local Lithgow Heritage Advisory Committee from identified community groups and appoint the following members to the Committee:
 - Eleanor Martin - Lithgow and District Family History Society member
 - Dr Helen Clements - National Trust of Australia (NSW) Lithgow Regional Branch member.
2. Appoint Mr Steve Ring and Mr Michael Wilson as community members to the Local Lithgow Heritage Advisory Committee having regard to the summary of information submitted to support their nomination in the table included in this report.
3. Note that the community member representative of the local Indigenous Community will remain vacant at this time.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-6 ENVIRO - 27/10/14 - DA85/90 (SECTION 96 02614) - MCDONALD'S RESTAURANT & DRIVE THROUGH FACILITY WITH ASSOCIATED ADVERTISING SIGNS - LOT 1 DP 808332 - GREAT WESTERN HIGHWAY LITHG

14-417 RESOLVED

THAT:

1. The Section 96 Modification of Consent application S96 026/14 associated with 85/90DA be approved subject to conditions being amended and added to the consent as indicated in the attached 79C report.
2. An additional condition be included as follows:

The applicant shall amend its Plan of Management for McDonalds Lithgow to extend litter patrols and litter pickups to at least the

extent of the current 70kph zone on both sides of the Great Western Highway in a westerly direction; both sides of the Great Western Highway to the intersection of Lee Street/Tweed Road in a southerly direction; and both sides of Main Street to the intersection of Martini Parade in an easterly direction.

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

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

A **DIVISION** was called in accordance with the requirements 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 P Pilbeam
Councillor M Statham
Councillor R Thompson

ITEM-7 ENVIRO - 27/10/14 - ADOPTION OF POLICY 7.5 - NOTIFICATION OF DEVELOPMENT APPLICATIONS

14-418 RESOLVED

THAT Council adopt Policy 7.5 - Notification of Development Applications with the Minimum notification required for surrounding Landowners for Bed & Breakfast, Home Industries, Restaurants or Cafés, Self Storage Units being increased to 6 either side of the subject site, 6 at the rear and 6 opposite the site for a 21 day period.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

ITEM-8 ENVIRO - 27/10/14 - CBD TOILETS QUOTATIONS

14-419 RESOLVED

THAT:

1. Council accept the quotations from Exeloo Pty Limited for the following:
 - i. Jupiter Twin Automated Public Toilet Cook Plaza \$187,870
 - ii. Saturn Single Standard Public Toilet Taxi Rank \$103,175, and

2. Allocate an amount of \$16,045 building reserve to cover the anticipated funding shortfall.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

**ITEM-9 ENVIRO - 27/10/14 - DA176/14 - PROPOSED DUAL OCCUPANCY,
TARANA ROAD TARANA NSW 2787**

14-420 RESOLVED

THAT:

1. Council recommend approval of DA 176/14 to the Department of Planning and Environment and should the Departments concurrence be granted then development consent be issued subject to the conditions outlined in the attached Section 79C report.
2. A Division be called in accordance with the provisions of Section 375A(3) of the Local Government Act 1993.

MOVED: Councillor P Pilbeam

SECONDED: Councillor C Hunter.

A **DIVISION** was called in accordance with the provisions 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 P Pilbeam
Councillor M Statham
Councillor R Thompson

**ITEM-10 ENVIRO - 27/10/14 - LAND OWNERS CONSENT - PROPOSED NBN
CO POLES AT WALLERAWANG**

14-421 RESOLVED

THAT Council provide its land owners consent to allow the lodgement of a Development Application for four new poles within Council's road reserve at Forest Ridge Drive Wallerawang by NBN Co.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew.

ITEM-11 OPER - 27/10/14 - 50M OLYMPIC POOL RISK ASSESSMENT 2014

Item 11 was dealt with earlier

ITEM-12 OPER - 27/10/14 - CONSTRUCTION OF LITHGOW AQUATIC CENTRE STAGE 3 - TENDERS

Item 12 was dealt with earlier.

ITEM-13 OPER - 27/10/14 - ADOPTION OF POLICY 10.18 - SPECIFICATION FOR THE CONSTRUCTION OF DRIVEWAYS FOOTPATH/GUTTER CROSSINGS AND FOOTPAVING

14-422 RESOLVED

THAT Council ADOPT Policy 10.18 - Specifications for the Construction of Driveways, Footpath/gutter, Crossing and Footpaving.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-14 OPER - 27/10/14 - RESTART NSW FUNDING DEED FOR THE PORTLAND SEWERAGE TREATMENT PLANT UPGRADE

14-423 RESOLVED

THAT Council:

1. Note that Council's application under the Restart NSW Funding Programme for the upgrade of the Portland Sewerage Treatment Plant has been successful.
2. ACCEPT the funding offer of \$10.05 million for the project.
3. Authorise the affixing of the Council seal to the Restart NSW Funding Deed.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

ITEM-15 OPER - 27/10/14 - TENDERS FOR THE CONSTRUCTION OF REPLACEMENT RAIL OVERBRIDGE, WALLERAWANG

14-424 RESOLVED

THAT Council:

1. **ACCEPT** Abergeldie Complex Infrastructure's tender for the replacement of the Black Bridge at Wallerawang for a sum of \$3,374,397.40 inclusive of GST.
2. Congratulate the Group Manager Operations, Mr Iain Stewart and his staff on his efforts in negotiating the tender.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

ITEM-16 OPER - 27/10/14 - WATER REPORT

14-425 RESOLVED

THAT Council note the water report.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

ITEM-17 CORP - 29/10/14 - ADVENTURE PLAYGROUND

14-426 RESOLVED

THAT Council:

1. Endorse Endeavour Park as the preferred site for an Adventure Playground and consults with the community on this proposal.
2. Allocates \$50,000 in the first budget review 2014/15 from Council's reserves for the concept design and consultation process for the adventure playground.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

ITEM-18 CORP - 27/10/14 - DRAFT ANNUAL FINANCIAL STATEMENTS

14-427 RESOLVED

THAT Council:

1. Authorise the signing of the statement on the General Purpose Financial Reports.
2. Authorise the signing of the statement on the Special Purpose Financial Reports.

3. Invite Council auditors, Crowe Horwath, to present a report to Council on the 2013/14 Financial Statements at the Ordinary Council meeting scheduled for 15 December 2014.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-19 CORP - 27/10/14 - ADOPTION OF POLICY 8.7 - INVESTMENT POLICY

14-428 RESOLVED

THAT Council adopt Policy 8.7 - Investment Policy.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-20 CORP - 27/10/14 - COUNCIL INVESTMENTS HELD TO 30 SEPTEMBER 2014

14-429 RESOLVED

THAT Investments of \$18,340,585.19 and cash of \$1,677,384.68 for the period ending 30 September be noted.

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam.

ITEM-21 ENVIRO - 27/10/14 - CRYSTAL THEATRE MANAGEMENT COMMITTEE MINUTES - 16 SEPTEMBER 2014

14-430 RESOLVED

THAT:

1. Council note the minutes of the Crystal Theatre Management Committee held on 16 September 2014.
2. No fee be charged for the use of the theatre from 24 – 26 October 2014 by the Walnuts Signwriters for preparation of community signs.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari.

ITEM-22 CORP - 27/10/14 - CRIME PREVENTION - 29 SEPTEMBER 2014

14-431 RESOLVED

THAT Council:

1. Note the minutes of the Crime Prevention Committee held on the 29 September 2014.
2. Appoint Mr Danny Whitty and Mr Simon Schmitzer to the Crime Prevention Committee.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Higlett.

**ITEM-23 OPER - 27/10/14 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 30 SEPTEMBER 2014**

14-432 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 30 September 2014.
2. Provide Emily Watts with \$300 toward the cost of participating in the Australian Road Cycle Championships, NSW Triathlon Development Squad and Western Regional Academy of Sport.
3. Provide Hannah Kable with \$300 toward the cost of participating in the U/13 State Hockey Team.
4. Congratulate the Parks and Garden Staff

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

**ITEM-24 CORP - 27/10/14 - BLUE MOUNTAINS CROSSING COMMITTEE - 1
OCTOBER 2014**

14-433 RESOLVED

THAT Council note the minutes of the Blue Mountains Crossing Bicentenary Committee held on 1 October 2014.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew.

ITEM-25 EXEC - 27/10/14 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - 8 OCTOBER 2014

14-434 RESOLVED

THAT Council note the minutes of the Economic Development Advisory Committee held on the 8 October 2014.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ITEM-26 CORP - 27/10/14 - LITHGOW FLASH GIFT COMMITTEE - 13 OCTOBER 2014

14-435 RESOLVED

THAT Council note the minutes of the Lithgow Flash Gift Committee held on the 13 October 2014.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-27 CORP - 27/10/14 - TOURISM ADVISORY COMMITTEE MEETING - 14 OCTOBER 2014

14-436 RESOLVED

THAT Council:

1. Note the minutes of the Tourism Advisory Committee held on the 14 October 2014
2. Note the preference from the Tourism Advisory Committee for Blast Furnace Park as the preferred location for the Adventure Playground.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

ITEM-28 NOTICE OF MOTION - 27/10/14 - LITHGOW CITY COUNCIL S SUN & SHADE SHELTERS - COUNCILLOR M TICEHURST

14-437 RESOLVED

THAT Council note the verbal advice provided by the Group Manager Operations in relation to the status of Council shade shelters.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

**ITEM-29 NOTICE OF MOTION - 27/10/14 - UNSUPERVISED WANDERING
CATTLE JERRY'S MEADOWS RD SODWALLS - COUNCILLOR M
TICEHURST**

Item 29 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

The Mayor thanked Mr Anthony Beard and Cassandra Baker who were present in the public gallery for their efforts as the LBA president and wish them well for their future endeavours

MOTION

THAT Council consider the report on the proposed purchase of land at Rydal for the erection of a toilet block in Closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

AMENDMENT

THAT Council consider the report in open Council

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

The Amendment was **PUT** and **LOST**

14-438 RESOLVED

THAT Council consider the report on the proposed purchase of land at Rydal for the erection of a toilet block in Closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

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

There was 2 objections.

Mrs Sue Graves objected on the grounds that the price had already been disclosed in public forum.

Mr Lindsay Featherstone objected stating that the matter had been ongoing and requested it be dealt with in Open Council.

14-439 RESOLVED

THAT Council move into Closed Council to consider the confidential report.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam

At 10.00pm the Council resolved to move into Closed Council.

Closed Council started at 10.01pm.

**ITEM-30 ENVIRO - 27/10/14 - CONFIDENTIAL REPORT - PURCHASE OF
LAND FOR TOILET BLOCK AT RYDAL**

MOTION

THAT:

1. Council delegate authority to the General Manager to purchase the property, Lot 9 Section 18, DP 758890 at Rydal, setting an up limit to the value of the current valuation as indicated in this report.
2. Should the current owner of the land be amenable to the purchase then it be on terms that the purchase not be settled until a Development Application for the construction of a toilet block has been lodged and consent given for the construction of a toilet block on the said land.
3. Council authorise the affixing of the Council seal to any necessary documentation.
4. Council thank the Rydal Village Association for their generous commitments.
5. Council reconfirm that any funds remaining from the budget allocation be used for the construction of the toilet and playground.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

AMENDMENT

THAT:

1. Council delegate authority to the General Manager to purchase the property, Lot 9 Section 18, DP 758890 at Rydal, at a price of \$75,000.
2. Council authorise the affixing of the Council seal to any necessary documentation.
3. Council thank the Rydal Village Association for their generous commitments.
4. Council reconfirm that any funds remaining from the budget allocation be used for the construction of the toilet and playground.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter

The Amendment was **PUT** and **LOST**

14-440 RESOLVED

THAT:

1. Council delegate authority to the General Manager to purchase the property, Lot 9 Section 18, DP 758890 at Rydal, setting an up limit as indicated in this report.
2. Should the current owner of the land be amenable to the purchase then it be on terms that the purchase not be settled until a Development Application for the construction of a toilet block has been lodged and consent given for the construction of a toilet block on the said land.
3. Council authorise the affixing of the Council seal to any necessary documentation.
4. Council thank the Rydal Village Association for their generous commitments.
5. Council reconfirm that any funds remaining from the budget allocation be used for the construction of the toilet and playground.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

A **DIVISION** was called by Councillors C Hunter and W McAndrew.

Division -

FOR

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

AGAINST

Councillor R Thompson
Councillor W McAndrew
Councillor C Hunter

14-441 RESOLVED

THAT Council refer to Open Council (10.24pm)

MOVED: Councillor R Higlett

SECONDED: Councillor C Hunter

The General Manager announced the recommendation of the Closed Council.

There being no further business the meeting concluded at 10.25pm.