



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

9 FEBRUARY 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 9 FEBRUARY 2015**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 23

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
Councillor M F Ticehurst

APOLOGIES

NIL

Also in attendance

Mr Roger Bailey, General Manager
Miss Rhiannan Pace, Minutes Secretary
Mrs Gerda Stewart, 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

15-01 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 15 December 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.

NIL

QUESTIONS FROM THE PUBLIC

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

PF - 09/02/15 – Mrs Lyn Hourigan

Mrs Perugan made a statement in relation to Item 28 on the agenda.

The Mayor thanked Mrs Hourigan for her comments.

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ITEM-1 GM - 09/02/15 - 2016 ELECTIONS

15-02 RESOLVED

THAT Council resolves:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer any Council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer any constitutional referenda of the Council.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

ITEM-2 EXEC - 09/02/15 - BUSINESS TASKFORCE

15-03 RESOLVED

THAT Council endorse the range of initial actions identified by the Business Taskforce to encourage investment and job growth in the Lithgow LGA.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

ITEM-3 ENVIRO - 09/02/15 - DEVELOPMENT AND CONSTRUCTION APPROVALS 2009-2014 COMPARATIVE FIGURES

15-04 RESOLVED

THAT:

1. The report on development application and construction certificate approvals be noted.
2. The General Manager provides a report by 15 June 2015 investigating efficiencies in the Development Approvals process with a view to reducing approval times.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

ITEM-4 ENVIRO - 09/02/15 - DISPOSAL OF ASSET - CAPERTEE TOWER AND HUT TO NSW POLICE

15-05 RESOLVED

THAT:

1. Council transfer all interest and obligations in the Capertee tower and hut located on Crown land within Lot 7307 DP 1130928 to the NSW Police Force, as per the Deed of Transfer.
2. The NSW Police Force meets all Council's legal costs in relation to the transfer.
3. The NSW Police Force reimburses Council \$1,939.30 for the head licence agreement undertaken with the Department of Trade and Investment for the site, which expires 30th June 2015.
4. Council authorise the General Manager and the Mayor to execute the relevant documentation in relation to the transfer and authorise the use of the common seal as required.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-5 ENVIRO - 09/02/15 - PROPOSED LOCALITY CHANGE FOR RECOGNITION OF PIPERS FLAT

15-06 RESOLVED

THAT:

1. Council continue working with the Australia Post seeking a solution to Australia Post concerns regarding the locality naming of Pipers Flat.
2. Residents who were previously notified of the proposal to be advised.
3. The views of the post office operators at Portland and Wallerawang be sought.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-6 ENVIRO - 09/02/15 - WALLERAWANG POULTRY FARM UPDATE

15-07 RESOLVED

THAT the information regarding the Wallerawang Poultry Farm for the period 16 December 2014 to 21 January 2015 and site inspection on 28 January 2015 be noted.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

**ITEM-7 ENVIRO - 09/02/15 - 021/10DA RETAIL BUILDINGS (SUPERCHEAP
AUTO AND BWS) VOLUNTARY PLANNING AGREEMENT**

15-08 RESOLVED

THAT:

1. Council endorse the draft Voluntary Planning Agreement in relation to development consent 021/10DA.
2. Council place the draft Voluntary Planning Agreement on public exhibition for a period of 28 days in accordance with Section 93G of the Environmental Planning and Assessment Act 1979.
3. Subject to no submissions being received, the General Manager be delegated the authority to finalise the Voluntary Planning Agreement.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

**ITEM-8 ENVIRO - 09/02/15 - DA002/15 - DEVELOPMENT APPLICATION -
INSTALLATION OF TOILET BLOCK - ESKBANK STREET TAXI
RANK LITHGOW**

15-09 RESOLVED

THAT:

1. Development Application 002/15DA be approved subject to conditions specified in the attached Section 79C assessment.
2. 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 W McAndrew.

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 J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor M F Ticehurst
Councillor R Thompson

**ITEM-9 ENVIRO - 09/02/15 - DA003/15 - DEVELOPMENT APPLICATION -
CONSTRUCTION OF TOILET BLOCK - COOK STREET PLAZA
LITHGOW**

15-10 RESOLVED

THAT:

1. Development Application 003/DA be approved subject to conditions specified in the attached Section 79C assessment.
2. 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 F Inzitari.

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 J J McGinnes
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson
Councillor M F Ticehurst

**ITEM-10 ENVIRO - 09/02/15 - DA240/13 S96042/14 - PROPOSED
ALTERATIONS TO ESKBANK HOUSE - LOT 1 IN DP 365772, 70
INCH STREET, LITHGOW NSW 2790**

15-11 RESOLVED

THAT:

1. Development Application DA240/13 (S96042/14) be APPROVED with conditions of consent as detailed in the 79C report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

A **DIVISION** was called in accordance with the provisions of Section 375(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-11 ENVIRO - 09/02/15 - PROPOSED OPEN-BURN POLICY

15-12 RESOLVED

THAT Council **ADOPT** Policy No. 5.6 Control of Open Burning Policy and that it become operative immediately.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari.

**ITEM-12 ENVIRO - 09/02/15 - ROAD NAMING - TWO EXISTING UNNAMED
ROADS PROPOSED FOR NAMING**

15-13 RESOLVED

THAT:

1. In accordance with Council's Policy for the naming of roads, Council advertise and notify affected residents and government authorities of the proposed road names 'Sloggets Lane' and 'Wetlands Lane' calling for submissions to be made for the statutory period of twenty-eight (28) days.
2. If no submissions are received on these road names then Council proceed with the gazettal of 'Sloggets Lane' and 'Wetland Lane' and notify emergency service authorities accordingly.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ITEM-13 ENVIRO - 09/02/15 - THREE TREE LODGE - REQUEST FOR REFUND OF FEES - DA251/14, CC198/14 & SECTION 94A 073/14

15-14 RESOLVED

THAT Council refund fees to the value of \$8,489.82 to Three Tree Lodge Lithgow Limited, being all fees payable to Council for Development Application, Construction and Compliance Certificates, Section 68 and Section 94A for the mandatory fire safety upgrading work at Three Tree Lodge, less the government imposed Planning Reform fee and the Long Service Levy.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

ITEM-14 ENVIRO - 09/02/15 - UPDATE LITHGOW LOCAL ENVIRONMENTAL PLAN 2014 AND ESTABLISHMENT OF RURAL LANDS STUDY PROJECT STEERING COMMITTEE

15-15 RESOLVED

THAT Council:

1. Notes the information in this report relating to the making and commencement of the Lithgow Local Environmental Plan 2014.
2. Establishes the Rural Lands Study Project Steering Committee to oversee the Project.
3. Adopts the Draft Terms of Reference for the Rural Land Study Project Steering Committee as outlined in Attachment 1 of this report.
4. Appoint Councillors Thompson and McAndrew as members of the Rural Lands Study Project Steering Committee and appoints the Chair and Deputy Chair.

MOVED: Councillor C Hunter

SECONDED: Councillor M F Ticehurst.

The Mayor indicated that she would be a member of and chair the committee.

ITEM-15 OPER - 09/02/15 - TENDERS FOR REDEVELOPMENT OF LITHGOW AQUATIC CENTRE STAGE 4

15-16 RESOLVED

THAT Council:

1. Accept the tender from Icon Building Group Pty Ltd at a price of \$2,476,793 (inc. GST) for the construction of Lithgow Aquatic Centre Stage 4.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this project.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

ITEM-16 OPER - 09/02/15 - WATER REPORT

15-17 RESOLVED

THAT Council note the water report.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

**ITEM-17 CORP - 09/02/15 - COUNCIL INVESTMENTS HELD TO 31
DECEMBER 2014**

15-18 RESOLVED

THAT:

1. Investments of \$16,588,885.57 and cash of \$175,837.54 for the period ending 31 December be noted.
2. A report be provided to Council on investment options.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

**ITEM-18 ENVIRO - 09/02/15 - ENVIRONMENTAL ADVISORY COMMITTEE
MEETING MINUTES - 12 NOVEMBER 2014**

15-19 RESOLVED

THAT Council notes the minutes of the Environmental Advisory Committee held on 12 November 2014.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari.

**ITEM-19 CORP - 09/02/15 - COMMUNITY DEVELOPMENT COMMITTEE
MINUTES - 2 DECEMBER 2014**

15-20 RESOLVED

THAT Council:

1. Note the minutes of the Community Development Committee meeting held on 2 December 2014.
2. Allocate \$1,500 in Round 2 Financial Assistance to the Combined District Car Club to assist with their inaugural Metropolitan Invitational event on 29/30 November 2014.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

**ITEM-20 CORP - 09/02/15 - TOURISM ADVISORY COMMITTEE MEETING - 3
DECEMBER 2014**

15-21 RESOLVED

THAT Council note the minutes of the Tourism Advisory Committee held on the 3 December 2014.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

**ITEM-21 OPER - 09/02/15 - OPERATIONS COMMITTEE MEETING MINUTES -
4 DECEMBER 2014**

15-22 RESOLVED

THAT Council:

1. Note the minutes of the Operations Committee meeting held on 4 December 2014.
2. Consider providing \$70,000 per annum over the next three years in the 2015/2106 draft budget to commence drainage improvements on Wattlemount Road and allow gravel resheeting on sections of the road that have been reclassified as public road.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew.

**ITEM-22 OPER - 09/02/15 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 9 DECEMBER 2014**

15-23 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 9 December 2014.
2. Provide Bryce Altman with \$100 toward the cost of participating in the 6th Commonwealth Australian Taekwondo Championships.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

**ITEM-23 OPER - 09/02/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 12
DECEMBER 2014**

15-24 RESOLVED

THAT:

1. Council note the minutes of the Traffic Advisory Local Committee held on the 12 December 2014.
2. Two hour parking signage be erected stating that two hour parking is available from 9am – 5pm seven days a week at the Visitor Information Centre, Coerwull Road Lithgow.
3. The regulatory markings on the approaches to the rail crossing adjacent to the Visitor Information Centre, Coerwull Road Lithgow be installed.
4. The bus zone signage be altered to read 2.30pm – 4.30pm in Eskbank Street, Lithgow.
5. The issue of loading zone sign be altered to read Monday to Friday from 8am through to 6pm in front of Eve Boutique, Main Street Lithgow.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

**ITEM-24 CORP - 09/02/15 - 22 DECEMBER 2014 - COMMUNITY
DEVELOPMENT COMMITTEE MINUTES**

Councillor McGinnes vacated the Chambers at 8.35pm.

15-25 RESOLVED

THAT Council note the Minutes of the Community Development Committee meeting held on 22 December 2014.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

Councillor Ticehurst requested his name be recorded **AGAINST** the Motion

ITEM-25 NOTICE OF MOTION - 09/02/15 - COUNCIL TO CREATE A NEW INTERSECTION ON THE GREAT WESTERN HIGHWAY FOR GIRRAWEEEN DR MARRANGAROO - COUNCILLOR F INZITARI

15-26 RESOLVED

THAT:

1. Council note Councillor McAndrew's previous Notice of Motion that investigations into this intersection be made and if the costings are not acceptable to the RMS then Council engage with the RMS for the RMS to construct a new intersection approximately 150 metres westbound on the Great Western Highway.
2. Council continue to build Girraween Dr from the current intersection, running it parallel to the Great Western Highway up to the proposed new intersection.
3. The RMS remove the median strip at the new intersection, creating a turn right lane for the east bound traffic on the Great Western Highway
4. The RMS create a new turn left lane at the new intersection for the west bound traffic on the Great Western Highway.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ITEM-26 NOTICE OF MOTION - 09/02/15 - COUNCIL TO ALLOCATE FUNDS FOR AN ADVERTISING CAMPAIGN - COUNCILLOR F INZITARI

15-27 RESOLVED

THAT:

1. Council consider in the 2015/16 draft budget allocating \$40,000 per annum for 3 years for advertising and promotion commencing in 2015/16.
2. This matter be referred to the Economic Development Advisory Committee.
3. Council target the Western Sydney Region, and basing its campaign on the slogan, Lithgow Has It ALL (Affordability, Location, Lifestyle).
4. Council promote in this campaign our surrounding beauty, lakes, new aquatic centre, golf course, medical and schools, universities, parks and sporting facilities.
5. The committee liaise with local real estate agents on a monthly basis to determine what we have available for residential and business.
6. Any meeting with ANY person/s in relation to a business proposal be (if the applicant be satisfied) in the presence of the Mayor and Councillors.
7. Spot rezoning be implemented when considering new business proposals.
8. Any unrealistic conditions imposed by the SCA, or NSW Water, on any new business or industry be referred to our State Member for immediate consultation and resolution.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

ITEM-27 NOTICE OF MOTION - 09/02/15 - COUNCIL INVESTIGATE THE MT PIPER & WALLERAWANG POWER STATION PROPERTIES - COUNCILLOR F INZITARI

15-28 RESOLVED

THAT Council investigate the rating for both Mt Piper and Wallerawang Power Stations in its current state, and present this report back to Council before 31 May 2015.

MOVED: Councillor F Inzitari

SECONDED: Councillor W McAndrew.

ITEM-28 NOTICE OF MOTION - 09/02/15 - CLARENCE ACCESS - COUNCILLOR C HUNTER

15-29 RESOLVED

THAT Council:

1. Dedicate Lot 1 DP 917875 as a Council Road.
2. Request Zig Zag Rail remove all infrastructure from Lot 1 DP 917875.
3. Enter into discussions with Zig Zag Rail for a land swap to accommodate both Road and Rail in this area.
4. Have discussions with Crown Lands Department to achieve access over Crown Land in this area.

MOVED: Councillor C Hunter

SECONDED: Councillor R Thompson.

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

There being no further business the Meeting concluded at 9.22pm