



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

02 MARCH 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 2 MARCH 2015**

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Meeting Commenced 7.00pm

**ACKNOWLEDGEMENT OF COUNTRY**

Public: 39

**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**

**15-30 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 9 February 2015 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 R Thompson declared a Non Pecuniary less than significant in Items 1, 2 and 5, due to him being a nearby resident. He will not vacate the Chambers.

Councillor W McAndrew declared a Non Pecuniary less than significant in Items 1, 2 and 5, due to him being a nearby resident. He will not vacate the Chambers.

Andrew Muir, Council's Group Manager Environment & Development, declared a Non Pecuniary less than significant interest in Item 5, due to family members residing in the subdivision. He will not vacate the Chambers.

### **15-31 RESOLVED**

**THAT** Council note the Declarations of Interest

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett

### **PUBLIC FORUM**

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

#### **PF - 02/03/15 – MRS LYN HOURIGAN**

Mrs Hourigan made a statement in regard to Item 4 on the agenda.

*The Mayor thanked Mrs Hourigan for her comments.*

#### **PF – 02/03/15 – MR GEOFF BROOKS**

Mr Brooks made a statement in relation to Item 1 on the Agenda.

*The Mayor thanked Mr Brooks for his comments.*

#### **PF – 02/03/15 - MR DAVID MUIR**

Mr Muir made a statement in relation to Item 5 on the Agenda.

*Group Manager Environment & Development and Group Manager Operations responded.*

#### **PF – 02/03/15 - MR KEVIN HUTLEY**

Mr Hutley made a statement in relation to Item 5 of the Agenda.

*Group Manager Environment & Development advised that a Structural Engineer is required to sign off on the bridge by RMS, Council and developer before a Construction Certificate can be issued.*

**PF – 02/03/15 - MRS SUE GRAVES**

Mrs Graves made a statement in relation to Item 14 on the Agenda.

*The Mayor thanked Mrs Graves for her comments.*

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## **PROCEDURAL MOTION**

**THAT** Item 5 be brought forward and dealt with at this point of the meeting.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

The MOTION was PUT and was **LOST**

## **PROCEDURAL MOTION**

### **15-32 RESOLVED**

**THAT** Items 1 and 2 be dealt with first followed then by Item 5.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson

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## **ITEM-1 GM - 02/03/15 - LITHGOW GOLF COURSE PLAN OF MANAGEMENT**

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### **15-33 RESOLVED**

**THAT:**

1. Council endorse the Draft Lithgow Golf Course Plan of Management 2015 for public exhibition for a period of 28 days, with a period of 42 days allowed for public submissions.
2. Following completion of the public exhibition and submissions period, the matter be referred back to Council for final consideration.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew.

A **DIVISION** was called by Councillors F Inzitari and P Pilbeam

#### **Division -**

#### **FOR**

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

#### **AGAINST**

Councillor M F Ticehurst

**ITEM-2            GM - 02/03/15 - LEASE FOR LITHGOW GOLF CLUBHOUSE**

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**MOTION**

**THAT:**

1. Council advertise the Draft Lease to the Lithgow Golf Club, for the use of the Lithgow Golf Course and Club House, for a period of 28 days, allowing 42 days for response from the public as per Sections 47 and 47A of the Local Government Act.
2. The lease period be for five (5) years.
3. The rent commence at \$6,500 and be subject to annual CPI increases.
4. The Lithgow Golf Club be required to undertake a minimum of \$6,500 maintenance on the golf club house each year; or provide \$6,500 towards maintenance.
5. The Lithgow Golf Club also provide a contribution of 20% of its yearly profit to Council's budget towards the purchase of fertilizers and chemicals for use on the golf course and help out at renovation time.
6. The Lithgow Golf Club pay for all electricity and water charges for the clubhouse and course.
7. A service level agreement be negotiated and reviewed each year between the Council and the Lithgow Golf Club outlining minimum works to be undertaken by Council and the Lithgow Golf Club.
8. The service level agreement includes provisions for works to be undertaken by members of the Lithgow Golf Club on a volunteer basis around the golf course and club house.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

**AMENDMENT**

**THAT:**

1. Before Council advertises the Draft Lease to the Lithgow Golf Club Ltd for the sole use of the 18 hole Championship Golf Course and historic Club House for a further period of 5 years, Council seeks prior additional legal and financial advice from:
  - a. Council's Auditors, Crowe Howarth Auditors; and
  - b. Council's Internal Auditors, Grant Thornton & Associates; and
  - c. ASIC (as Lithgow Golf Club Ltd is a company Limited by Guarantee); and
  - d. The Office of Local Government and the ICAC.

Particularly with formal advice regarding the proposed Service Level Agreement between the Council and the Lithgow Golf Club Ltd which over the past two five-year Leases has incurred a financial cost to the Council and its



ratepayers of over \$1.5million dollars each in cash, totally nearly \$3 million dollars over the past 10 years.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

The Amendment was PUT and **LOST**.

## **15-34 RESOLVED**

### **THAT:**

1. Council advertise the Draft Lease to the Lithgow Golf Club, for the use of the Lithgow Golf Course and Club House, for a period of 28 days, allowing 42 days for response from the public as per Sections 47 and 47A of the Local Government Act.
2. The lease period be for five (5) years.
3. The rent commence at \$6,500 and be subject to annual CPI increases.
4. The Lithgow Golf Club be required to undertake a minimum of \$6,500 maintenance on the golf club house each year; or provide \$6,500 towards maintenance.
5. The Lithgow Golf Club also provide a contribution of 20% of its yearly profit to Council's budget towards the purchase of fertilizers and chemicals for use on the golf course and help out at renovation time.
6. The Lithgow Golf Club pay for all electricity and water charges for the clubhouse and course.
7. A service level agreement be negotiated and reviewed each year between the Council and the Lithgow Golf Club outlining minimum works to be undertaken by Council and the Lithgow Golf Club.
8. The service level agreement includes provisions for works to be undertaken by members of the Lithgow Golf Club on a volunteer basis around the golf course and club house.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari

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

### **Division -**

#### **FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor W McAndrew  
Councillor P Pilbeam  
Councillor M Statham  
Councillor R Thompson

#### **AGAINST**

Councillor J J McGinnes  
Councillor M Ticehurst

**ITEM-5            ENVIRO - 02/03/15 - DEVELOPMENT APPLICATION DA245/13 -  
SUBDIVISION OF 1 LOT INTO 61 GREAT WESTERN HIGHWAY  
MARRANGAROO**

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**15-35 RESOLVED**

**THAT:**

1. Development Application 245/13 be APPROVED, subject to the conditions outlined in the attached 79C report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.
3. The applicant be advised that the granting of development consent does not provide any permission to conduct any works on Lot 68, 813538 or infer any agreement for the sale, acquisition, transfer or use of any part of that land. Any proposal to seek permission to use the said land or for the sale, acquisition or transfer of part of the land shall be the subject of an entirely separate process and commercial consideration between Council and the applicant.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor C Hunter.

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

**Division -**

**FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor J J McGinnes  
Councillor P Pilbeam  
Councillor M Statham  
Councillor R Thompson  
Councillor M F Ticehurst

**AGAINST**

Councillor W McAndrew

**MATTER ARISING**

**15-36 RESOLVED**

**THAT** Council investigate the closing of the Crown Road adjacent to Lot 68, DP 813538.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson

**ITEM-3 GM - 02/03/15 - CODE OF CONDUCT**

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**15-37 RESOLVED**

**THAT** Council:

1. Note that Cllr Ticehurst and Cllr McGinnes are INCORRECT to state that using the names of movers, seconders and how councillors voted during a Council debate on motions is a breach of the Code of Conduct
2. Note that Council is required to record in the minutes:
  - *The names of the mover and seconder of each motion and amendment (cl.254(b)).*
  - *The dissenting vote of a councillor, if requested (cl.251(2)).*
  - *The names of the councillors who voted for a motion in a division and those who voted against it (cl.251(4)).*

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

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

**Division -**

**FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor W McAndrew  
Councillor P Pilbeam  
Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**ITEM-4 GM - 02/03/15 - CLARENCE ACCESS - ZIG ZAG RAILWAY**

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**15-38 RESOLVED**

**THAT** Council receive a supplementary report in relation to Clarence Access and Zig Zag Railway.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Thompson.

## 15-39 RESOLVED

**THAT** Council:

1. Endorse the action taken in the signing of the Deed of Licence with Zig Zag Railway Co-op Pty Limited inclusive of:
  - Council providing full indemnity in favour of Zig Zag Railway, its Directors and Officers against any liability or risk arising from any use of that access way by any party while it is under control of Council;
  - On condition that the access will be closed if Council relinquishes control of any part of the access way;
  - Council to pay Zig Zag Railway reasonable legal costs in relation to the negotiation and execution of the Licence.
  - The preservation throughout the term of the licence of the current usage which Zig Zag Railway has over the lands affected by the Licence.
  - Council not requiring Zig Zag Railway to remove any rail infrastructure or other items from Council owned land at Clarence during the term of the licence; and
  - That Council agrees to negotiate in good faith during the term of the licence in relation to the issues of fencing, culvert, level crossing, Interface Agreement and road dedication.
2. Thank Tim LeFevre for his assistance in getting this action completed so quickly.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor W McAndrew

**ITEM-5            ENVIRO - 02/03/15 - DEVELOPMENT APPLICATION DA245/13 -  
SUBDIVISION OF 1 LOT INTO 61 GREAT WESTERN HIGHWAY  
MARRANGAROO**

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Item 5 was dealt with earlier.

**ITEM-6            ENVIRO - 02/03/15 - DOCTORS GAP - WATER AND SEWERAGE  
INFRASTRUCTURE**

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## 15-40 RESOLVED

**THAT** Council:

1. **NOT** proceed with a project to service the Doctors Gap area with water and sewer.

2. Advise the Doctors Gap Landholders Association accordingly.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor P Pilbeam.

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**ITEM-7            ENVIRO - 02/03/15 - WALLERAWANG POULTRY FARM UPDATE**

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**15-41 RESOLVED**

**THAT** the information regarding complaints received and Council actions for the Wallerawang Poultry Farm for the period over the 22 January 2015 to 17 February 2015 be noted.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari.

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**ITEM-8            OPER - 02/03/15 - WATER REPORT MARCH 2015**

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**15-42 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

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**ITEM-9            CORP - 02/03/15 - QUARTERLY PERFORMANCE REPORT ON 2014  
2015 OPERATIONAL PLAN FOR THE PERIOD 1 OCTOBER TO 31  
DECEMBER 2014**

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**15-43 RESOLVED**

**THAT:**

1. Council adopt the variations to the Council budget as outlined in the report.
2. Council note 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 2014-2015 Operational Plan has been reviewed and the financial position of Council is satisfactory.

**MOVED:** Councillor C Hunter    **SECONDED:** Councillor R Thompson.

## **SUPPLEMENTARY MOTION**

### **15-44 RESOLVED**

**THAT** Council investigate using the money allocated for Rydal public toilets for the installation of toilets in the Greg Featherstone Park at Rydal.

**MOVED:** Councillor C Hunter                      **SECONDED:** Councillor R Thompson

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### **ITEM-10            CORP - 02/03/15 - COUNCIL INVESTMENTS HELD TO 31 JANUARY 2015**

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### **15-45 RESOLVED**

**THAT** Investments of \$15,887,946.44 and cash of \$5,555,446.40 for the period ending 31 January be noted.

**MOVED:** Councillor R Thompson                      **SECONDED:** Councillor R Higlett.

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### **ITEM-11            CORP - 02/03/15 - LITHGOW FLASH GIFT COMMITTEE - 2 FEBRUARY 2015**

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### **15-46 RESOLVED**

**THAT** Council:

1. Note the minutes of the Lithgow Flash Gift Committee held on the 2 February 2015.
2. Contribute \$480 from Lithgow Flash Carnival for the clinics held in September 2014 and the clinic to be held in September 2015 for the Lithgow Little Athletics Association

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

**ITEM-12          CORP - 02/03/15 - COMMUNITY DEVELOPMENT COMMITTEE  
MINUTES - 3 FEBRUARY 2015**

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**15-47 RESOLVED**

**THAT** Council note the Minutes of the Community Development Committee meeting held 3 February 2015.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam.

**ITEM-13          ENVIRO - 02/03/15 - HOWARD & SONS PYROTECHNICS PTY LTD  
COMMUNITY LIAISON COMMITTEE MEETING MINUTES - 11  
FEBRUARY 2015**

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**15-48 RESOLVED**

**THAT** Council note the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting held on 11 February 2015.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

**ITEM-14          ENVIRO - 02/03/15 - ENVIRONMENTAL ADVISORY COMMITTEE  
MEETING MINUTES - 11 FEBRUARY 2015**

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**15-49 RESOLVED**

**THAT** Council:

1. Note the minutes of the Environmental Advisory Committee held on 11 February 2015.
2. Consider allocating the sum of \$35,000 in the 2015/16 budget for Farmers Creek rehabilitation projects.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Higlett.

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**ITEM-15 OPER - 02/03/15 - AQUATIC CENTRE COMMITTEE MEETING  
MINUTES - 17 FEBRUARY 2015**

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**15-50 RESOLVED**

**THAT** Council note the minutes of the Aquatic Centre Committee held on 17 February 2015.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari.

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**ITEM-16 GM - 02/03/15 - MINING TASKFORCE COMMITTEE**

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**15-51 RESOLVED**

**THAT** Council note the minutes of the Mining Taskforce meeting held on 17 February 2015.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

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**ITEM-17 NOTICE OF MOTION - 02/03/15 - COUNCIL CONSTRUCT A  
DISABILITY ACCESS RAMP AT 25 MAIN ST AND TO RELOCATE  
THE DISABLED PARKING SPOT TO THE FRONT OF 25 MAIN ST -  
COUNCILLOR F INZITARI**

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**MOTION**

**THAT** Council:

1. Construct a disability accessible ramp in the front of 25 Main St Lithgow (similar to the ramp on the Eastern Side of Mort St near the Old Convent).
2. Refer the relocation of the disabled parking spot that is currently in front of 45-49 Main St, to the front of 25 Main St to the Traffic Advisory Local Committee (TALC).
3. Complete both points 1 and 2 before 30th June 2015.
4. Utilise the funding from the Façade Improvement budget.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.



## AMENDMENT

### **THAT** Council:

1. Refer the construction of a disability accessible ramp in the front of 25 Main St Lithgow (similar to the ramp on the Eastern Side of Mort St near the Old Convent) to Council's Traffic Advisory Local Committee, Disability Access Committee and Operations Committee.
2. Refer the relocation of the disabled parking spot that is currently in front of 45-49 Main St, to the front of 25 Main St to the Traffic Advisory Local Committee (TALC).
3. Complete both points 1 and 2 before 30th June 2015.
4. Utilise the funding from the Façade Improvement budget.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

The AMENDMENT was **PUT** and became the **MOTION**

## 15-52 RESOLVED

### **THAT** Council:

1. Refer the construction of a disability accessible ramp in the front of 25 Main St Lithgow (similar to the ramp on the Eastern Side of Mort St near the Old Convent) to Council's Traffic Advisory Local Committee, Disability Access Committee and Operations Committee.
2. Refer the relocation of the disabled parking spot that is currently in front of 45-49 Main St, to the front of 25 Main St to the Traffic Advisory Local Committee (TALC).
3. Complete both points 1 and 2 before 30th June 2015.
4. Utilise the funding from the Façade Improvement budget.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

## **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 8.57pm.**