



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

11 MAY 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 11 MAY 2015**

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Meeting Commenced 7.00pm

**ACKNOWLEDGEMENT OF COUNTRY**

Public: 25

**PRESENT**

Her Worship the Mayor  
Councillor M Statham  
Councillor R Thompson  
Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor J J McGinnes  
Councillor M F Ticehurst

**APOLOGIES**

**15-93 RESOLVED**

An apology was received from Councillor W McAndrew who is out of the City on personal business.

An apology was received from Councillor P Pilbeam who is out of the City on personal business.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor R Higlett

**Also in attendance**

Mr Roger Bailey, General Manager  
Mrs Rhiannan Whiteley, 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**

**15-94 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 20 April 2015 were taken as read and confirmed by Councillors F Inzitari and R Thompson with an amendment to Item 8 which should have read as follows;

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**ITEM-8            ENVIRO - 20/04/15 - DEVELOPMENT APPLICATION - DA006/15  
INSTALLATION OF TOILET BLOCK LAKE LYELL RECREATION  
AREA**

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**15-80 RESOLVED**

**THAT**

1. Development Application 006/15DA 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.

**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 interest in items 1 and 2, due to him residing in the adjacent residential estate. He will not vacate the Chambers.

Councillor M Statham declared a Non - Pecuniary less than significant interest in item 15, due to her being named in the item. She will not vacate the Chambers.

## **QUESTIONS FROM THE PUBLIC**

At 7.06pm Members of public gallery were invited to participate in the Public Forum Session.

### **PF – 11/05/15 – MRS GLENDA ANTHES**

Mrs Anthes congratulated the Council and Council's Economic Development Officer and team in relation to the recent Mother's Day Street of Flowers event promoted by Council.

*The Mayor thanked Mrs Anthes for her comments*

### **PF – 11/5/15 – MR MICHAEL BRIGHT**

Mr Bright made a statement in relation to Item 8 of the Agenda.

*The Mayor thanked Mr Bright for his comments.*

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# TABLE OF CONTENTS

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<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>MAYORAL MINUTES</u>	<u>1</u>
<u>ITEM-16</u>	<u>LATE REPORT - MAYORAL MINUTE - 11/05/15 - LITHGOW MINING TASKFORCE - SPRINGVALE MINE EXTENSION PROJECT APPLICATION</u>	<u>1</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>1</u>
<u>ITEM-1</u>	<u>GM - 11/05/15 - LITHGOW GOLF COURSE PLAN OF MANAGEMENT</u>	<u>1</u>
<u>ITEM-2</u>	<u>GM - 11/05/15 - LEASE FOR LITHGOW GOLF CLUBHOUSE</u>	<u>2</u>
<u>ITEM-3</u>	<u>GM - 11/05/15 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION</u>	<u>2</u>
<u>ITEM-4</u>	<u>GM - 11/05/15 - LITHGOW POOL - UNSUBSTANTIATED COMPLAINTS BY COUNCILLORS TICEHURST AND MCGINNES</u>	<u>3</u>
	<u>ENVIRONMENT AND DEVELOPMENT REPORTS</u>	<u>4</u>
<u>ITEM-5</u>	<u>ENVIRO - 11/05/15 - DA238/14 &amp; DA228/14 - SUBDIVISIONS AT GLEN ALICE - AGRICULTURAL CLASSIFICATION</u>	<u>4</u>
<u>ITEM-6</u>	<u>ENVIRO - 11/05/15 - WALLERAWANG POULTRY FARM UPDATE</u>	<u>4</u>
<u>ITEM-7</u>	<u>ENVIRO - 11/05/15 - ROAD NAMING - SLOGGETS LANE, PORTLAND &amp; WETLANDS LANE, LITHGOW</u>	<u>5</u>
<u>ITEM-8</u>	<u>ENVIRO - 11/05/15 - MODIFICATION OF CONSENT REPORT - 328/99DACC S9605714 - PROPOSED MODIFICATION TO THE MAXIMUM NUMBER OF DOGS, LOT 1 DP 501973 - 74 GEORDIE STREET LITHGOW NSW 2</u>	<u>5</u>
	<u>OPERATION REPORTS</u>	<u>6</u>
<u>ITEM-9</u>	<u>OPER - 11/05/15 - WATER REPORT</u>	<u>6</u>
<u>ITEM-10</u>	<u>OPER - 11/05/15 - PORTLAND SEWERAGE AUGMENTATION, DETAIL DESIGN SERVICES FOR NEW SEWERAGE TREATMENT PLANT</u>	<u>6</u>
	<u>CORPORATE AND COMMUNITY REPORTS</u>	<u>6</u>
<u>ITEM-11</u>	<u>CORP - 11/05/15 - NOMINATIONS TO JOIN TOURISM ADVISORY COMMITTEE</u>	<u>6</u>
<u>ITEM-12</u>	<u>CORP - 11/05/15 - COUNCIL INVESTMENT OPTIONS</u>	<u>6</u>
	<u>COUNCIL COMMITTEE MINUTES</u>	<u>7</u>

---

<u>ITEM-13</u>	<u>OPER - 11/05/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 16TH APRIL 2015</u>	<u>7</u>
<u>ITEM-14</u>	<u>OPER - 11/05/15 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 28TH APRIL 2015</u>	<u>7</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>8</u>
	<u>CLOSED COUNCIL</u>	<u>10</u>
<u>ITEM-15</u>	<u>CLOSED COUNCIL - CONFIDENTIAL - CORP - 11/05/15 - CODE OF CONDUCT INVESTIGATION REPORT CLR TICEHURST</u>	<u>9</u>
	<u>CLOSED REPORT</u>	<u>10</u>
<u>ITEM-15</u>	<u>CLOSED REPORT - CONFIDENTIAL - CORP - 11/05/15 - CODE OF CONDUCT INVESTIGATION REPORT CLR TICEHURST</u>	<u>10</u>
	<u>MAYORAL MINUTE</u>	<u>1</u>
<u>ITEM-16</u>	<u>LATE REPORT - MAYORAL MINUTE - 11/05/15 - LITHGOW MINING TASKFORCE - SPRINGVALE MINE EXTENSION PROJECT APPLICATION</u>	<u>1</u>

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The Mayor presented a late item (Mayoral Minute)

**ITEM-16            LATE REPORT - MAYORAL MINUTE - 11/05/15 - LITHGOW MINING  
TASKFORCE - SPRINGVALE MINE EXTENSION PROJECT  
APPLICATION**

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Councillor Ticehurst declared a pecuniary interest in this item due to his son being an employee of Springvale Mine and vacated the chambers 7.10pm

**15-95 RESOLVED**

**THAT** Council:

1. Note the Mayoral Minute in relation to the Lithgow Mining Taskforce and the Springvale Mine Extension Project
2. Support the application by Centennial Coal for the Springvale Mine Extension Project
3. Make a submission to the Planning Assessment Commission in relation to the application
4. Authorise the Mayor to make whatever representations she believes to be appropriate to support the application
5. Lobby for the reform of the Commonwealth's Environment Protection and Biodiversity Conservation Act

**MOVED:** Councillor M Statham

**SECONDED:** Councillor R Thompson.

Councillor Ticehurst returned to the chambers at 7.14pm.

**ITEM-1            GM - 11/05/15 - LITHGOW GOLF COURSE PLAN OF MANAGEMENT**

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**15-96 RESOLVED**

**THAT** Council:

1. Note the receipt of 203 public submissions in relation to the Draft Lithgow Golf Course Plan of Management
2. Adopt the Lithgow Golf Course Plan of Management.

**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 M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

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**ITEM-2            GM - 11/05/15 - LEASE FOR LITHGOW GOLF CLUBHOUSE**

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**15-97 RESOLVED**

**THAT** Council:

1. Note the submissions in relation to the Draft Lease to the Lithgow Golf Club Ltd
2. Endorse the Draft Lease to the Lithgow Golf Club Ltd, for the use of the Lithgow 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 M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

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**ITEM-3            GM - 11/05/15 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION**

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**15-98 RESOLVED**

**THAT** Council:

1. Set the remuneration in 2015/16 for Councillors at \$10,070
2. Set the remuneration in 2015/16 for the Mayor at \$21,330
3. Set the 2015/16 car lease payable by the Mayor at NIL.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor R Higlett.



**ITEM-4 GM - 11/05/15 - LITHGOW POOL - UNSUBSTANTIATED COMPLAINTS BY COUNCILLORS TICEHURST AND MCGINNES**

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**PROCEDURAL MOTION**

**THAT** the item lay on the table

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor J McGinnes

The MOTION was PUT and **LOST**

**15-99 RESOLVED**

**THAT** Council note that:

1. Councillor Ticehurst has made unsubstantiated accusations that two women became ill after using the Lithgow pool in October 2014
2. Councillor McGinnes made unfounded accusations that there were 'far more' injuries to people that required first aid from cutting themselves on sharp and exposed tiles at the pool during the 2013-14 summer swimming season at the Lithgow pool
3. Both Councillor Ticehurst and Councillor McGinnes have failed to respond to requests for information to substantiate this.
4. The failure by these councillors to provide such significant information has therefore potentially threatened the safety of users of the pool
5. The failure by these councillors has also potentially exposed Council to liability claims for damages by users of the pool

**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 M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**ITEM-5                    ENVIRO - 11/05/15 - DA238/14 & DA228/14 - SUBDIVISIONS AT  
GLEN ALICE - AGRICULTURAL CLASSIFICATION**

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**15-100 RESOLVED**

**THAT:**

1. Council resolve that Lot 1 DP 651340, Lot 1 and Lot 21 DP 753780 for DA 238/14 are not prime crop or pasture land for the purposes of the Rylstone Local Environmental Plan 1996.
2. Council resolve that Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796 for DA 228/14 are not prime crop or pasture land for the purposes of the Rylstone Local Environmental Plan 1996.
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 R Higlett.

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

**Division -**

**FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**ITEM-6                    ENVIRO - 11/05/15 - WALLERAWANG POULTRY FARM UPDATE**

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**15-101 RESOLVED**

**THAT:**

1. The information regarding complaints received and Council actions for the Wallerawang Poultry Farm for the period 8 April 2015 to 1 May 2015 be noted.
2. Further reports to Council in relation to complaints and ongoing odour surveys for the Wallerawang Poultry Farm only occur in instances where an odour level of 2 or more is recorded on the odour intensity scale by Council's odour specialist.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

**ITEM-7                    ENVIRO - 11/05/15 - ROAD NAMING - SLOGGETS LANE, PORTLAND  
& WETLANDS LANE, LITHGOW**

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**15-102 RESOLVED**

**THAT** Council proceed with the gazettal of 'Sloggett Lane', Portland as per Map 1 and 'Wetland Lane', Lithgow as per Map 2 and notify emergency service authorities and affected residents accordingly.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor C Hunter.

**ITEM-8                    ENVIRO - 11/05/15 - MODIFICATION OF CONSENT REPORT -  
328/99DACC S9605714 - PROPOSED MODIFICATION TO THE  
MAXIMUM NUMBER OF DOGS, LOT 1 DP 501973 - 74 GEORDIE  
STREET LITHGOW NSW 2**

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**15-103 RESOLVED**

**THAT:**

1. The Section 96 Modification of Consent application S96 057/14 associated with 328/99DACC be approved subject to conditions outlined in the attached Section 79C report being amended and added to the consent.
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 Thompson.

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

**AGAINST**

NIL

**ITEM-9            OPER - 11/05/15 - WATER REPORT**

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**15-104 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-10            OPER - 11/05/15 - PORTLAND SEWERAGE AUGMENTATION,  
DETAIL DESIGN SERVICES FOR NEW SEWERAGE TREATMENT  
PLANT**

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**15-105 RESOLVED**

**THAT** Council **ACCEPT** the proposal from NSW Public Works to provide a detailed design for the augmentation of the Portland Sewerage Treatment Plant at a total fee cost of \$402,270 inclusive of GST.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

**ITEM-11            CORP - 11/05/15 - NOMINATIONS TO JOIN TOURISM ADVISORY  
COMMITTEE**

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**15-106 RESOLVED**

**THAT:**

1. Council appoints Mrs Stacey Phillips and Mr Greg Johnston to the Tourism Advisory Committee
2. Before commencing their role on the Committee the appointees undertake Code of Conduct training.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor R Thompson.

**ITEM-12            CORP - 11/05/15 - COUNCIL INVESTMENT OPTIONS**

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**15-107 RESOLVED**

**THAT** Council note the review of investment options.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-13            OPER - 11/05/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 16TH  
APRIL 2015**

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**15-108 RESOLVED**

**THAT** Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 16 April 2015;
2. Approve the Rock & Road Cycle Race event subject to compliance with Police conditions;
3. Replace the Give Way signs with Stop signs at the intersection of Lemnos Street and Rabaul Street;
4. Install white reflective guideposts on the outer boundary of the corner at the intersection of Railway Avenue & Frankfort Road, Portland;
5. Support the Laurie Bender/Barry Rushworth Walk For Cancer subject to provision of current insurance and a professionally prepared traffic management plan;
6. Take no action in relation to repositioning the disabled parking or the construction of an accessible ramp at the top end of Main Street, Lithgow.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

**ITEM-14            OPER - 11/05/15 - SPORTS ADVISORY COMMITTEE MEETING  
MINUTES - 28TH APRIL 2015**

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**15-109 RESOLVED**

**THAT** Council:

1. Note the minutes of the Sports Advisory Committee held on 28<sup>th</sup> April 2015;
2. Accept Jason Whitney & Stephen Bender as the Sports Advisory Committee representatives from the Portland Touch Football Association;
3. Accept Dan Wyer & Brad Adams as the Sports Advisory Committee representatives from the Lithgow Giants RLFC;
4. Investigate the issues raised regarding Tony Luchetti Sportsground and report back to the next Sports Advisory Committee Meeting; and
5. Investigate the feasibility of seeking corporate sponsorship for Tony Luchetti Sportsground.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor F Inzitari.

## **BUSINESS OF GREAT URGENCY**

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

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

NIL

**ITEM-15            CLOSED COUNCIL - CONFIDENTIAL - CORP - 11/05/15 - CODE OF CONDUCT INVESTIGATION REPORT CLR TICEHURST**

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**15-110 RESOLVED**

**THAT** Council consider the Code of Conduct Investigation report in relation to Councillor Ticehurst in Closed Council pursuant to Section 10A(i) of the Local Government Act 1993.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

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.

**15-111 RESOLVED**

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

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari

At 7.56pm the Council resolved to move into Closed Council.

Closed Council started at 7.58pm.

The Mayor vacated the chair at 7.58pm and Deputy Mayor Councillor Ray Thompson assumed the chair.

Councillor Ticehurst vacated the chambers at 8.00pm

**PROCEDURAL MOTION**

**THAT** the item be deferred to the next Council meeting

**MOVED:** Councillor J McGinnes

**SECONDED:** Councillor C Hunter

The MOTION was PUT and **LOST**

## 15-112 RESOLVED

### THAT:

1. This report be received and noted.
2. Councillor Ticehurst made derogatory remarks and used foul language towards the Mayor Councillor Maree Statham within the Council Chambers whilst a Council meeting was suspended on 27 October 2014, including that Councillor Ticehurst called the Mayor Councillor Maree Statham a "*bitch*" twice, and told her words to the effect that "*I hope you choke on your sandwich*"; and this amounted to a breach of sections 3.1 (a), (c), (d) and (e); 3.3; of the Lithgow City Council Code of Conduct, and that Councillor Ticehurst be required to apologise to the Mayor, Councillor Maree Statham, **at the next Ordinary Council meeting**, both verbally and in writing, and that the apology contains the words "*that I make an unreserved apology to the Mayor, Councillor Maree Statham for my inappropriate comments made to the Mayor, during the suspension of the Council Meeting held on 27 October 2014*".
3. Due to Councillor Ticehursts previous history of suspensions and ongoing pattern of behaviour of misconduct Councillor Ticehurst be formally censured for the breach under Section 440G of the Act
4. The matter be referred to the Division for further action under the misconduct provisions of the Act.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

A **DIVISION** was called by councillors J J McGinnes and C Hunter.

### Division -

#### FOR

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

#### AGAINST

Councillor C Hunter  
Councillor J J McGinnes

## 15-113 RESOLVED

**THAT** Council refer to Open Council (8.24pm)

**MOVED:** Councillor M Statham

**SECONDED:** Councillor R Higlett

Members of the Public gallery returned to the Chamber.

Councillor Ticehurst returned to the Chamber at 8.25pm

The General Manager announced the recommendations of the Closed Council.

There being no further business the meeting concluded at 8.27pm