



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

27 JULY 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 27 JULY 2015**

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Meeting Commenced 7.00pm

**ACKNOWLEDGEMENT OF COUNTRY**

A Minutes silence was held to acknowledge the passing of Cllr John McMahon, Mayor of Oberon; Cllr Fergus Thomson, Councillor and former Mayor of Eurobodalla Council and Director of LGNSW; and the unfortunate passings in recent days in the Lithgow LGA.

Public: 20

**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  
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**

**15-163 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 29 June 2015 were taken as read and confirmed by Councillors F Inzitari and R Higlett

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

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Councillor M Statham  
Councillor R Thompson

**AGAINST**

Councillor M F Ticehurst  
Councillor J J McGinnes

**DECLARATION OF INTEREST**

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

NIL

**QUESTIONS FROM THE PUBLIC**

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

**PF – 27/07/15 – MR RICH EVANS**

Mr Evans addressed the Council in relation to the Shop Local Campaign on behalf of the Lithgow Business Networking Group.

*The Mayor thanked Mr Evans for his comments.*

**PF – 27/7/15 – MRS PAMELA FITZGERALD**

Mrs Fitzgerald made a statement in relation to Item 10 of the Agenda.

*The Mayor requested Council's Group Manager Environment and Development discuss Mrs Fitzgerald's concerns with her after the meeting.*

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**ITEM-1            GM - 27/07/15 - NATIONAL STRONGER REGIONS FUND APPLICATION**

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**15-164 RESOLVED**

**THAT:**

1. Council note the application for funding under Round Two of the National Stronger Regions Fund for the Lithgow Economic Restructure Project.
2. The project funding be applied for on the basis of 45% from the National Stronger Regions Fund and 55% from Council.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-2            GM - 27/07/15 - RETURNS UNDER SEC 449 - LG ACT 1993 DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS**

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**15-165 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 2014 to 30 June 2015
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 2015.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-3            GM - 27/07/15 - LITHGOW AQUATIC CENTRE FUNDING**

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**15-166 RESOLVED**

**THAT** Council:

1. Note that the Grant Funding of \$3,000,000 from the NSW State Government was for stages 2, 3 and 4 of the Lithgow Aquatic Centre
2. Acknowledge and congratulate Mayor Maree Statham and Councillor Ray Thompson for their efforts in successfully lobbying for the funding for the Lithgow Aquatic Centre
3. Acknowledge and congratulate all those councillors that spoke for and voted for the Lithgow Aquatic Centre at the Ordinary Meeting of Council held on 14 April 2014.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

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            ENVIRO - 27/07/15 - SECTION 73A AMENDMENT TO LITHGOW  
LOCAL ENVIRONMENTAL PLAN 2014**

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**15-167 RESOLVED**

**THAT** Council:

1. Prepare an LEP amendment in accordance with Section 73A of the Environmental Planning and Assessment Act to amend Lithgow Local Environmental Plan 2014 (LLEP2014) to:
  - a) Amend the Lot Size Map of LLEP2014 to identify the land shown in attachment 2 from 2ha to 40ha.
  - b) Amend I 351 in Schedule 5 of the LLEP2014 by deleting 210-212 Main St and Lot 10 DP 131092 and replacing with 208 Main St and Lot 1 DP 169176 respectively
  - c) Amend I220 in Schedule 5 of the LLEP2014 by deleting Lot 1 DP 1124158 and replacing with Lot 2 DP 1124158 respectively
  - d) Delete Lot 1 DP 868379 in Schedule 1 Clause 2 (1) and replace with Lot 1 DP 1198292.
2. Notify the Department of Planning and Environment of its resolution to prepare an amendment to LLEP2014 in accordance with Section 73A of the Environmental Planning and Assessment Act, 1979 and forward all the necessary documentation as outlined in the Act and Planning Circular PS 06-2014.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-5                    ENVIRO - 27/07/15 - AMENDMENT TO THE PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010 TO ENHANCE WOODHEATER FRAMEWORK**

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**MOTION**

**THAT** Council Nominate land zoned R1 and R2 in the Lithgow LGA on the Schedule of the *Protection of the Environment Operations (Clean Air) Regulation 2010*; for the control measure Part 2 being:

**Part 2**

Except with an approval, from 1 September 2016 new wood heaters must have:

- an emission factor of 1.5g/kg for non-catalytic and 0.8g/kg for catalytic heaters as tested in accordance with AS/NZS 4012; and
- a minimum efficiency of 60% as tested in accordance with AS/NZS 4013.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**AMENDMENT**

**THAT** Council take no further action in relation to the amendment to the Protection of the Environment Operations (Clean Air) Regulation enhancing the wood heater framework.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M Ticehurst

**The Amendment was PUT and became the MOTION.**

**15-168 RESOLVED**

**THAT** Council take no further action in relation to the amendment to the Protection of the Environment Operations (Clean Air) Regulation enhancing the wood heater framework.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M Ticehurst



**ITEM-6                    ENVIRO - 27/07/15 - DA193/14 PROPOSED ADDITIONS TO THE REAR OF THE UNION THEATRE, BRIDGE STREET LITHGOW NSW 2790**

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**15-169 RESOLVED**

**THAT:**

1. Development Application DA193/14 be **APPROVED** subject to conditions on the consent.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993

**MOVED:** Councillor C Hunter

**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-7                    ENVIRO - 27/07/15 - DA096/15 - WALKWAYS PATHWAYS PLATFORMS FENCING CARPARK - BLAST FURNACE PARK LITHGOW - EXEMPTION FROM SECTION 94A CONTRIBUTIONS**

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**15-170 RESOLVED**

**THAT** Item 7 be withdrawn.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor F Inzitari.

**ITEM-8                    ENVIRO - 27/07/15 - DEVELOPMENT APPLICATION 090/95DA  
MODIFICATION OF CONSENT FOR METROMIX QUARRY- 122  
OAKY FOREST ROAD MARRANGAROO**

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**15-171 RESOLVED**

**THAT:**

1. Section 96(2) Modification of consent no. S96020/15 for 090/95DA being Metromix Quarry development be **APPROVED**, subject to the conditions outlined 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 R Thompson

**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-9                    ENVIRO - 27/07/15 - OLD LITHGOW POWER STATION SITE -  
DEVELOPMENT APPLICATION OWNERS CONSENT**

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**15-172 RESOLVED**

**THAT:**

1. Council provide its consent as the owner of the old Lithgow Power Station site, being Lot 931 DP 868140, for the lodgement of a development application by COC Ltd for the emplacement of up to 10,000 tonnes of certified clean fill material on the site including the general shaping of the material into a final landform.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

**ITEM-10            ENVIRO - 27/07/15 - PROPOSED LEASE OF SOUTH LITTLETON HALL - EAST STREET LITHGOW TO LITHGOW CHAPTER NO 39 ORDER OF THE EASTERN STAR**

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**MOTION**

**THAT** Council:

1. Grant a lease of a 190m<sup>2</sup> section of Lot 114 DP 28254 known as South Littleton Hall East St Lithgow, as shown on the attached plan, to Lithgow Chapter No.39 Order of the Eastern Star subject to the following terms and conditions:
  - i. Lease term of 5yrs with no option
  - ii. Rent \$464pa + CPI
  - iii. Public Liability Insurance of \$20M, or amount as required by Council at the time of renewal of the lessee's public liability policy.
  - iv. Lessee to meet 100% of all outgoings excluding property rates and insurances.
2. The lease proposal be publicly notified for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and any submissions received be duly considered by Council in a further report prior to finalising any lease agreement.
3. Lithgow Chapter No 39 Order of the Eastern Star to meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor J J McGinnes.

**AMENDMENT**

**THAT** Council:

1. Grant a lease of a 190m<sup>2</sup> section of Lot 114 DP 28254 known as South Littleton Hall East St Lithgow, as shown on the attached plan, to Lithgow Chapter No.39 Order of the Eastern Star subject to the following terms and conditions:
  - i. Lease term of 5yrs with no option
  - ii. Rent \$1,440pa + CPI
  - iii. Public Liability Insurance of \$20M, or amount as required by Council at the time of renewal of the lessee's public liability policy.
  - iv. Lessee to meet 100% of all outgoings excluding property rates and insurances.
2. The lease proposal be publicly notified for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and any submissions received be duly considered by Council in a further report prior to finalising any lease agreement.
3. Lithgow Chapter No 39 Order of the Eastern Star to meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.
4. The Organisation apply for a grant under Council's Financial Assistance Program

**MOVED:** Councillor M Ticehurst

**LAPSED due to the want for a seconder**

## **15-173 RESOLVED**

**THAT** Council:

1. Grant a lease of a 190m<sup>2</sup> section of Lot 114 DP 28254 known as South Littleton Hall East St Lithgow, as shown on the attached plan, to Lithgow Chapter No.39 Order of the Eastern Star subject to the following terms and conditions:
  - i. Lease term of 5yrs with no option
  - ii. Rent \$464pa + CPI
  - iii. Public Liability Insurance of \$20M, or amount as required by Council at the time of renewal of the lessee's public liability policy.
  - iv. Lessee to meet 100% of all outgoings excluding property rates and insurances.
2. The lease proposal be publicly notified for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and any submissions received be duly considered by Council in a further report prior to finalising any lease agreement.
3. Lithgow Chapter No 39 Order of the Eastern Star to meet all Councils legal costs associated with the subject lease in accordance with Council Policy 1.1 Leases - Legal Costs.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor J J McGinnes.

**ITEM-11            OPER - 27/07/15 - WATER NSW - UV DISINFECTION DEED OF AGREEMENT**

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## **15-174 RESOLVED**

**THAT** Council authorise the Council seal to be affixed to the deed of agreement between Lithgow City Council and Water NSW for the funding for ongoing operation of the UV disinfection systems at Lithgow and Wallerawang Sewage treatment plants.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

**ITEM-12            OPER - 27/07/15 - WATER REPORT**

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**15-175 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-13            CORP - 27/07/15 - COUNCIL INVESTMENTS HELD TO 30 JUNE 2015**

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**15-176 RESOLVED**

**THAT** Investments of \$15,664,384.01 and cash of \$2,813,705.93 for the period ending 30 June 2015 be noted.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam.

**ITEM-14            CORP - 27/07/15 - TENDERS FOR RESTORATION AND REMEDIAL WORKS AT LITHGOW BLAST FURNACE**

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**15-177 RESOLVED**

**THAT** Council:

1. Use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the restoration and remedial works at Lithgow Blast Furnace.
2. Invite tender submissions from the following five companies:
  - i) Crossgrove Pty Ltd
  - ii) HBS Group Pty Ltd
  - iii) Mick Bruton Building Pty Ltd
  - iv) Mick Farber Constructions Pty Ltd
  - v) Murphy's Construction Group Pty Ltd

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-15            ENVIRO - 27/07/15 - HOWARD & SONS PYROTECHNICS PTY LTD  
COMMUNITY LIAISON COMMITTEE MEETING MINUTES- 10 JUNE  
2015**

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**15-178 RESOLVED**

**THAT** the minutes of the Howard & Sons Pyrotechnics Pty Ltd Community Liaison Committee Meeting held on 10 June 2015 be noted.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

**ITEM-16            OPER - 27/07/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 18TH  
JUNE 2015**

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**15-179 RESOLVED**

**THAT** Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 18<sup>th</sup> June 2015
2. Install Stop signs at the intersection of John Mackey Drive and Pipers Flat Road.

**MOVED:** Councillor P Pilbeam    **SECONDED:** Councillor F Inzitari.

**MATTER ARISING**

**15-180 RESOLVED**

**THAT** the parking located outside of the Medical Centre at 136 Main Street, Lithgow revert back to the 1hr parking zone.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew

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

**Division -**

**FOR**

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

**AGAINST**

Councillor C Hunter  
Councillor J J McGinnes  
Councillor M F Ticehurst

**ITEM-17            CORP - 27/07/15 - YOUTH COUNCIL MINUTES - 23 JUNE 2015**

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**15-181 RESOLVED**

**THAT** Council:

1. Note the minutes from the Youth Council meeting held 23 June 2015.
2. Appoint Jesse Grant and Stella Culliton to Youth Council Committee.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-18            OPER - 27/07/15 - OPERATIONS COMMITTEE MEETING - 16TH JULY 2015**

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**15-182 RESOLVED**

**THAT** Council:

1. Note the minutes of the Operations Committee held on 16<sup>th</sup> July 2015
2. Advertise a revised Cemetery Operations Policy with the deletion of the clause relating to buy back of unused plots.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor C Hunter.

**ITEM-19            NOTICE OF MOTION - 27/07/15 - CURRENT STATUS OF FLOOD MITIGATION WORKS IN THE VALE OF CLWYDD - COUNCILLOR M TICEHURST**

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**15-183 RESOLVED**

**THAT** the General Manager and/or Senior Council Officers provide an update to this Ordinary Meeting of Council on the current financial and works status of the Council's flood mitigation works in the Vale of Clwydd, involving in particular the Wilson and Mayer families.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor W McAndrew.

The Group Manager Operations gave an update on the status of the situation in the Vale of Clwydd, i.e. No funds are available and the grant application was unsuccessful. The Group Manager advised that this is not a flood mitigation issue rather a localised drainage issue and the drainage has not been constructed by Council or maintained by Council.

**ITEM-20 NOTICE OF MOTION - 27/07/15 - THREE TREE LODGE LITHGOW LIMITED AND PORTLAND & DISTRICT OLYMPIC POOL ASSOCIATION INCORPORATED - CONTINGENCY ASSETS - COUNCILLOR M TICEHURST**

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**15-184 RESOLVED**

**THAT** Council:

1. Acknowledge and accept the formal written advice dated 15 April 2015 from its new Auditors, Crowe Horwath Auswild with respect to both Three Tree Lodge Lithgow and the Portland & District Olympic Pool as Contingent Assets of the Lithgow City Council.
2. Request Council's Auditors to list both Three Tree Lodge Lithgow and Portland & District Olympic Pool as Contingent Assets only and have them removed as Controlled Assets of Lithgow City Council.
3. After receiving formal written advice dated 15 April 2015 from its new Auditors, Crowe Horwath Auswild confirming that both Three Tree Lodge Lithgow and the Portland & District Olympic Pool are Contingent Assets of the Lithgow City Council, give notice under Section 420 (4) of the Local Government Act to the Chief Executive Officer of the Office of Local Government to determine if any amendments are required to either past or current Lithgow City Council's Financial Reports.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

A **DIVISION** was called by Councillors M F Ticehurst and J 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 M Statham  
Councillor P Pilbeam



**ITEM-21 NOTICE OF MOTION - 27/07/15 - COUNCILLOR INFORMATION SESSIONS - COUNCILLOR M TICEHURST**

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**15-185 RESOLVED**

**THAT** this notice of motion, item 21, be withdrawn.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

**ITEM-22 NOTICE OF MOTION - 27/07/15 - COUNCIL LEADERSHIP AND MANAGEMENT OF COMMUNITY APPEALS - COUNCILLOR M TICEHURST**

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**15-186 RESOLVED**

**THAT** the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on how the Lithgow City Council can, in the event of a sudden tragic or major heart breaking incident occurring, can arrange for the immediate receipt of monetary contributions from the community which can shortly thereafter be surrendered to a third party to assist those involved or in need.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

**ITEM-23 NOTICE OF MOTION - 27/07/15 - WATER STANDPIPE CHARGES - COUNCILLOR F INZITARI**

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**15-187 RESOLVED**

**THAT** Council be provided with a report on the feasibility of removing, in this financial year, the charge of a daily/monthly access fee for water standpipe consumers.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

## **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

**There being no further business the meeting concluded at 9.25pm.**