



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

17 AUGUST 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 17 AUGUST 2015**

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Meeting Commenced 7.00pm

**ACKNOWLEDGEMENT OF COUNTRY**

Public: 36

**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  
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**

**15-188 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 27 July 2015 were taken as read and confirmed by Councillors R Thompson and P Pilbeam.

**DECLARATION OF INTEREST**

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

NIL

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## **QUESTIONS FROM THE PUBLIC**

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

### **PF - 17/08/15 - MR TREVOR BEUTEL**

Mr Beutel made a statement in relation to the LEP and rezoning of 527 Great Western Highway, Marrangaroo, from Rural 1A to E4.

*The Mayor thanked Mr Beutel for his comments.*

### **PF - 17/08/15 - MS KATIE BRASSIL - CENTENNIAL COAL**

Ms Brassil made comments in relation to Item 12 on the Agenda.

## **PROCEDURAL MOTION**

**THAT** an extension of time be granted.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M Ticehurst

*The Mayor thanked Ms Brassil for her comments.*

### **PF - 17/08/15 - MR BRIAN HEALEY**

Mr Healey made a statement in relation to Item 4 on the Agenda.

*The Mayor thanked Mr Healey for his comments.*

### **PF - 17/08/15 - MR DON MCDONALD**

Mr McDonald made a statement in relation to Item 4 on the Agenda.

*The Mayor thanked Mr McDonald for his comments.*

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**PF - 17/08/15 - MR GRAEME OSBORNE**

Mr Osborne made statements in relation to Items 12 and 16 on the Agenda.

**PROCEDURAL MOTION**

**THAT** an extension of time be granted.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson

*The Mayor thanked Mr Osborne for his comments.*

**PF - 17/08/15 - MR CURTIS JONES**

Mr Jones made statements in relation to Items 12 and 16 on the Agenda.

*The Mayor thanked Mr Jones for his comments.*

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The Mayor tabled a Mayoral Minute to the Council regarding the Public Meeting held in relation to Springvale Mine application.

**ITEM-16            MAYORAL MINUTE - 17/08/15 - PUBLIC MEETING - SPRINGVALE  
MINE EXTENSION PROJECT APPLICATION**

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**15-189 RESOLVED**

**THAT** Council

1. Endorse the resolution made at the public meeting held on Friday 14 August 2015 that:

“Following representations by the Mayor & Deputy Mayor on behalf of the Lithgow City Council to the NSW Premier Mike Baird and the Federal Minister Greg Hunt, the people of Lithgow respectfully demand the NSW Premier Mike Baird and his Government immediately approve the Springvale Coal Extension Project and to notify the Federal Minister of that approval forthwith.”

2. Thank the State Member, Paul Toole MP and Federal Member, John Cobb MP for their very hard work in seeking meetings with the Premier and Ministers on the Springvale Mine Extension Project application.

**MOVED:** Councillor M Statham

**SECONDED:** Councillor P Pilbeam

**PROCEDURAL MOTION**

**THAT** Item 12 be brought forward and considered at this point of the meeting.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M Ticehurst

**ITEM-12            GM - 17/08/15 - MINING TASKFORCE - 6 AUGUST 2015**

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**15-190 RESOLVED**

**THAT** Council note the minutes of the Mining Taskforce meeting held on 6 August 2015.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson

## PROCEDURAL MOTION

**THAT** Item 4 be brought forward and considered at this point of the meeting.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M Ticehurst

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### ITEM-4            ENVIRO - 17/08/15 - DEVELOPMENT APPLICATION DA248/14 - SUBDIVISION OF 1 LOT INTO 12, TWEED ROAD LITHGOW

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## MOTION

### THAT

1. Development Application 248/14 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.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**On being PUT the MOTION was LOST.**

A new Motion was considered by Council.

## 15-191 RESOLVED

1. Development Application 248/14 be **REFUSED** under Section 79C of the Environmental Planning & Assessment Act 1979 including subsections b, c, d & e on the following grounds:
  - i) The impacts created by the development on the amenity of the residents on adjoining lands by way of traffic generation.
  - ii) The site is generally unsuitable for the development as proposed due to the significant slope and risk of degradation through the necessity for significant earthworks.
  - iii) Giving due weight to submissions made by residents raising genuine issues of amenity and traffic generation, the approval of the subdivision would not be in the public interest.
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 M Ticehurst

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



**Division -**

**FOR**

Councillor W McAndrew  
Councillor M F Ticehurst  
Councillor J McGinnes  
Councillor F Inzitari  
Councillor C Hunter

**AGAINST**

Councillor R Higlett  
Councillor M Statham  
Councillor R Thompson  
Councillor P Pilbeam

**ITEM-1                    GM - 17/08/15 - AUDIO RECORDING OF COUNCIL MEETINGS**

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**MOTION**

**THAT** Council:

1. Note the report in relation to the Audio Recording of Council meetings; and
2. Provide an oral warning to those present at the Council Meetings that are being recorded at the commencement of each meeting.

**MOVED:** Councillor M Ticehurst

**SECONDED:** Councillor W McAndrew

**AMENDMENT**

**THAT** Council:

1. Note the report in relation to the Audio Recording of Council meetings.
2. Note that an oral statement is not required under the PPIP Act for the recording of Council meetings.
3. Draft Minutes of Council Meetings not be distributed until the next Council Meeting.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor R Higlett

**The AMENDMENT was PUT and LOST**

**Council then voted on the MOTION**

**On being PUT the MOTION was LOST**

**ITEM-2 GM - 17/08/15 - CLARENCE ACCESS - ZIG ZAG RAILWAY**

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**15-192 RESOLVED**

**THAT** Council endorse the extension of the Deed of Licence with Zig Zag Railway Co-op Pty Limited for a further six (6) months.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

**ITEM-3 GM - 17/08/15 - WATER STANDPIPE CHARGES**

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**15-193 RESOLVED**

**THAT** Council:

1. Advertise its intention of removing, in this financial year, the charge of a daily/monthly access fee for water standpipe consumers.
2. Consider any submissions made in relation to the proposal.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-4 ENVIRO - 17/08/15 - DEVELOPMENT APPLICATION DA248/14 - SUBDIVISION OF 1 LOT INTO 12, TWEED ROAD LITHGOW**

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Item 4 was dealt with earlier.

**ITEM-5 ENVIRO - 17/08/15 - INCREASE TO COMPANION ANIMALS REGISTRATION FEES**

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**15-194 RESOLVED**

**THAT** Council:

1. Note the report on the increase to the Companion Animals Registration Fees
2. Amend its 2015/16 fees and charges for companion animals as follows:
  - Desexed animal - \$51
  - Non-Desexed Animal - \$188
  - Breeder Concession - \$51
  - Pensioner Concession (De-sexed animal only) - \$20

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor P Pilbeam.

**ITEM-6            OPER - 17/08/15 - SOUTH LITTLETON AND SOUTH BOWENFELS  
SEWERAGE INFRASTRUCTURE UPGRADE**

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**15-195 RESOLVED**

**THAT** Council:

1. Confirm the variations to the contract payments made to Precision Civil Infrastructure Pty Ltd totalling a nett sum of \$419,938.02 for works associated with the South Littleton/South Bowenfels Wastewater Upgrade project.
2. Note that the contract works for the South Littleton and South Bowenfels Infrastructure Upgrade are now finalised at a total cost of \$3,788,310.02 GST inclusive.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Thompson.

**ITEM-7            OPER - 17/08/15 - WATER REPORT**

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**15-196 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-8            CORP - 17/08/15 - COUNCIL INVESTMENTS HELD TO 31 JULY 2015**

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**15-197 RESOLVED**

**THAT** Investments of \$17,177,153.30 and cash of \$3,118,893.48 for the period ending 31 July be noted.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

**ITEM-9            CORP - 17/08/15 - COUNCIL BOUNDARIES - MEGALONG VALLEY**

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**15-198 RESOLVED**

**THAT** Council note the report detailing the Boundary Change Process.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**ITEM-10            CORP - 17/08/15 - 2013/14 OLG COMPARATIVE INFORMATION ON  
NSW COUNCIL**

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**15-199 RESOLVED**

**THAT** Council note the 2013/14 Comparative Information on NSW Councils recently released by the Division of Local Government.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor W McAndrew.

**ITEM-11            OPER - 17/08/15 - SPORTS ADVISORY COMMITTEE MEETING  
MINUTES - 28TH JULY 2015**

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**15-200 RESOLVED**

**THAT** Council:

1. Note the minutes of the Sports Advisory Committee held on 28<sup>th</sup> July 2015;
2. Provide Chloe Anlezark & Tayla Lloyd with \$300 each toward the cost of participating in the NSR Soccer Australia Program;
3. Consider providing \$3,000 annually in its draft delivery plan towards the cost of running the Reg Cowden Awards and that LJ Hooker be thanked for their ongoing financial support of the event.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor W McAndrew.

**ITEM-12            GM - 17/08/15 - MINING TASKFORCE - 6 AUGUST 2015**

---

Item 12 was dealt with earlier.

**ITEM-13            NOTICE OF MOTION - 17/08/15 - PUBLIC SAFETY ISSUES WITH  
LITHGOW CITY COUNCILS CONDUCT OF HALLOWEEN 2015 -  
COUNCILLOR M TICEHURST**

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**MOTION**

**THAT** the General Manager and/or Senior Council Officers provide a report to the next Ordinary Meeting of Council on the Lithgow City Council's conduct of their Halloween 2015 public event, in particular copies of the relevant Council and Consultant Plans of Management for Halloween 2015 that will be in place for:

- Traffic & Parking Control in and around the Lithgow CBD including approval sought for traffic closures
- Event Crowd Control and if this will include engaging a Consultant specialising in calculating and counting crowd numbers so that accurate figures on the number of people attending can be established for any future planning of this annual event.
- Police and Private Security
- Emergency Services Access
- Working With Children Checks
- Provision of Candy/Confectionery to Children; and the
- Sale and Consumption of Liquor in the Lithgow CBD.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

## **AMENDMENT**

### **THAT:**

1. Council Staff be congratulated on the efforts of the event.
2. The Tourism Advisory Committee report on the issues raised prior to the event.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor F Inzitari

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

## **15-201 RESOLVED**

### **THAT:**

1. Council Staff be congratulated on the efforts of the event.
2. The Tourism Advisory Committee report on the issues raised prior to the event.

**MOVED:** Councillor Pilbeam

**SECONDED:** Councillor Inzitari

Councillor Pilbeam vacated the Chambers (9.48pm).

Councillor Ticehurst interjected on numerous occasions and was warned by the Mayor on numerous occasions and requested him to discontinue. The Mayor stood and Councillor Ticehurst continued to interject.

**ITEM-14 NOTICE OF MOTION - 17/08/15 - AUDIO RECORDING OF LITHGOW  
CITY COUNCIL MEETINGS & COMMITTEE MEETING POLICY -  
COUNCILLOR M TICEHURST**

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**15-202 RESOLVED**

**THAT** Item 14 lay on the table.

**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.*

**ITEM-15            CLOSED COUNCIL - ENVIRO - 17/08/15 - LEASE 176 MORT ST  
LITHGOW - COUNCIL AND DEPARTMENT OF HUMAN SERVICES**

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**15-203 RESOLVED**

**THAT** Council consider the report in relation to the lease of 176 Mort Street, Lithgow in Closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.

**MOVED:** Councillor McAndrew

**SECONDED:** Councillor F Inzitari.

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

There were no objections.

**15-204 RESOLVED**

**THAT** Council enter into Closed Council (9.49pm)

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor R Higlett.

**15-205 RESOLVED**

**THAT** Council accept the Supplementary Report in relation to lease negotiations for 176 Mort Street, Lithgow.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Thompson.

**15-206 RESOLVED**

**THAT** Council:

1. Note the update on Lease negotiations for 176 Mort Street Lithgow and endorse the actions to date.
2. Authorise the General Manager to finalise negotiations in relation to the lease for 176 Mort Street, Lithgow
3. Authorise the affixing of the Council seal to lease documents, if required.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor R Higlett.



**15-207 RESOLVED**

**THAT** Council return to Open Council (9.59pm)

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W McAndrew

The General Manager announced the recommendations of the Closed Council.

**There being no further business the meeting concluded at 10.01pm.**