



A CENTRE OF REGIONAL EXCELLENCE

## **MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

28 SEPTEMBER 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 28 SEPTEMBER 2015**

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Meeting Commenced 7.00pm

**ACKNOWLEDGEMENT OF COUNTRY**

Public: 26

**PRESENT**

Her Worship the Mayor  
Councillor M Statham  
Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor M F Ticehurst

**APOLOGIES**

**15-238 RESOLVED**

An apology was received from and leave of absence granted to from Councillor R Thompson who is out of the City on personal business.

An apology was received from and leave of absence granted to from Councillor W McAndrew who is out of the City on personal business.

An apology was received from and leave of absence granted to from Councillor J McGinnes who is out of the City on personal business.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam.

**Also in attendance**

Mr Roger Bailey, General Manager  
Mrs Rhiannan Whiteley, Minutes Secretary  
Mr Andrew Muir, Group Manager Environment and Development  
Mr Matthew Johnson, Acting Group Manager Corporate and Community  
Mr Iain Stewart, Group Manager Operations

**CONFIRMATION OF MINUTES**

**15-239 RESOLVED**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 7 September 2015 were taken as read and confirmed by Councillors F Inzitari and R Higlett

Councillor Ticehurst requested that his name be recorded AGAINST.

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## **DECLARATION OF INTEREST**

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

Councillor R Higlett declared a less than significant non pecuniary interest in item 4, due to him owning a shop in Main Street. He will not vacate the Chambers and will participate in the debate and vote on the matter.

## **QUESTIONS FROM THE PUBLIC**

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

### **PF – 28/09/15 – MR BILL CHADWICK**

Mr Chadwick made a statement in relation to the condition of McDonald Hole Road.

*The Mayor advised Mr Chadwick to discuss his concerns with Council's Group Manager Operations after the meeting.*

### **PF – 28/09/15 – MR KEVIN GRACEY**

Mr Gracey made a statement in relation to Item 18 of the Agenda.

*The Mayor thanked Mr Gracey for his comments.*

### **PF – 28/09/15 – MR JIM CUMMINS**

Mr Cummins made a statement in relation to Item 18 of the Agenda.

*The Mayor thanked Mr Cummins for his comments.*

### **PF – 28/09/15 – MR STUART GUNN**

Mr Gunn made a statement in relation to Item 18 of the Agenda.

*The Mayor thanked Mr Gunn for his comments.*

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**PF – 28/09/15 – MRS SUE GRAVES**

Mrs Graves made a statement in relation to Item 13 of the Agenda.

*The Mayor thanked Mrs Graves for her comments.*

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**ITEM-1            GM - 28/09/15 - COUNCILLORS' WORK HEALTH AND SAFETY OBLIGATIONS**

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**15-240 RESOLVED**

**THAT** Council note the report in relation to Councillors' Work Health and Safety Obligations.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

**ITEM-2            GM - 28/09/15 - PROVISION OF UNIFORMS TO ELECTED MEMBERS**

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**15-241 RESOLVED**

**THAT** Council:

1. Note the report on the provision of uniforms for elected members.
2. Develop a policy on the Provision of Uniforms to Elected Members for implementation following the 2016 Local Government elections.

**MOVED:** Councillor P Pilbeam

**SECONDED:** Councillor F Inzitari.

A **DIVISION** was called by Councillors M F Ticehurst and C Hunter.

**Division -**

**FOR**

Councillor R Higlett  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor M Statham

**AGAINST**

Councillor M F Ticehurst  
Councillor C Hunter

**ITEM-3            ENVIRO- 28/09/15 - PROPOSED CHANGES TO THE PRE-GATEWAY REVIEW PROCESS**

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**15-242 RESOLVED**

**THAT** Council:

1. Note the report on the proposed changes to the pre-Gateway review process.
2. Advise the NSW Department of Planning and Environment that it does not object to the recommendations of the review report.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam.

**ITEM-4            ENVIRO - 28/09/15 - AWNING IMPROVEMENT PROGRAM**

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**15-243 RESOLVED**

**THAT:**

1. The action taken in relation to the safety of awnings over public land be noted
2. Council monitor the works that need to be done in a timely manner
3. Council pursue those owners who have ignored all correspondence to date through the Orders process provided under the Environmental Planning and Assessment Act
4. Council be provided with a further report after 6 months.

**Moved:** Councillor M F Ticehurst

**Seconded:** Councillor C Hunter.

**ITEM-5            ENVIRO - 28/09/15 - DA042/15 - WESTFUND VOLUNTARY PLANNING AGREEMENT**

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**MOTION**

**THAT:**

1. Council endorse the Voluntary Planning Agreement proposed by Westfund for a contribution of \$50,000 to future upgrades to the adjacent Marjorie Jackson Oval.
2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days.

**Moved:** Councillor M F Ticehurst

The MOTION LAPSED due to want for a seconder

**15-244 RESOLVED**

**THAT:**

1. Council endorse the Voluntary Planning Agreement proposed by Westfund for a contribution of \$50,000 to the expansion of a footpath/cycleway around Lake Pillans
2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days.

**Moved:** Councillor P Pilbeam

**Seconded:** Councillor F Inzitari



**ITEM-6            ENVIRO - 28/09/15 - DA157/15 - PROPOSED PATIO - LOT 1 DP  
1029863 - 16 WINDARRA PLACE MARRANGAROO NSW 2790**

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**15-245 RESOLVED**

**THAT:**

1. Development Application DA157/15 be **APPROVED** with conditions of consent as detailed 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 F Inzitari

**SECONDED:** Councillor R Higlett.

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 P Pilbeam  
Councillor M Statham  
Councillor M F Ticehurst

**ITEM-7            ENVIRO - 28/09/15 - MEADOW FLAT RECREATION TRUST -  
REQUEST FOR REFUND OF FEES - DA146/15 CC13515**

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**15-246 RESOLVED**

**THAT** Council refund fees to the value of \$921.70 to Meadow Flat Recreation Trust, being all fees payable to Council for the Development Application, Construction and Compliance Certificates, and Section 68 application for the proposed new toilet block at Meadow Flat Recreation Reserve.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor R Higlett.

**ITEM-8                    ENVIRO - 28/09/15 - DA096/15 - PROPOSED UPGRADES,  
REFURBISHMENT, WALKWAYS, PLATFORMS, FENCING AND  
CARPARKING WORKS AT BLAST FURNACE PARK LITHGOW**

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**15-247 RESOLVED**

**THAT**

1. An exemption to the Section 94A Development Contribution Plan 2012 levy be applied to DA096/15 given the development is by Council for recreational areas.
2. Development Application 096/15 for Blast Furnace Park be approved, subject to the conditions outlined in the attached 79C report.
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 P Pilbeam.

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 P Pilbeam  
Councillor M Statham  
Councillor M F Ticehurst

**ITEM-9                    OPER - 28/09/15 - WATER REPORT**

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**15-248 RESOLVED**

**THAT** Council note the water report.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

**PROCEDURAL MOTION**

**THAT** Item 18 be brought forward and dealt with at this point of the meeting.

**MOVED:** Councillor Pilbeam

**SECONDED:** Councillor F Inzitari

**ITEM-18 NOTICE OF RESCISSION MOTION - 28/09/15 - OPERATIONS COMMITTEE MEETING MINUTES - MT SANDY ROAD KANIMBLA VALLEY**

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**15-249 RESOLVED**

**THAT** Council rescind part 2 of Resolution 15-229, i.e: "*Council enters negotiations with the affected land owner to close the unformed road known as Mount Sandy Road in the Kanimbla Valley*".

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

A **DIVISION** was called by Councillors M F Ticehurst and C Hunter.

**Division -**

**FOR**

Councillor R Higlett  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor M Statham

**AGAINST**

Councillor C Hunter  
Councillor M F Ticehurst

**15-250 RESOLVED**

**THAT** Council take NO further action to close the unmade road across Mount Sandy. Access should continue to be maintained for those wishing to use the unmade road for walking, bikes (including motor bikes) and horse riders.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

A **DIVISION** was called by Councillors M F Ticehurst and Hunter

**Division -**

**FOR**

Councillor R Higlett  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor M Statham

**AGAINST**

Councillor M F Ticehurst  
Councillor C Hunter

**ITEM-10            OPER - 28/09/15 - EXPRESSIONS OF INTEREST FOR THE  
CONSTRUCTION OF PORTLAND WASTEWATER TREATMENT  
PLANT**

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**15-251 RESOLVED**

**THAT** Council:

1. Use the selective tendering method, pursuant to s168 of the Local Government (General) Regulation 2005, for the construction of Portland Wastewater Treatment Plant.
2. Invite tender submissions from Leed Engineering and Construction Pty Ltd, Cockram Construction trading as Cockram Envico, and Gongues Constructions Pty Ltd, for the construction of Portland Wastewater Treatment Plant.
3. Acknowledge the State Government for the funding for the project.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-11            OPER - 28/09/15 - DRAFT POLICY 2.1 - CEMETERY OPERATIONS**

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**MOTION**

**THAT** Council **ADOPT** Policy 2.1 – Cemetery Operations.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

**AMENDMENT**

**THAT:**

1. The policy be referred to the Operations Committee for reconsideration.
2. The Operations Committee also discuss the care and maintenance of the South Bowenfels Cemetery

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

The AMENDMENT was PUT and became the MOTION

## 15-252 RESOLVED

### THAT:

1. The policy be referred to the Operations Committee for reconsideration.
2. The Operations Committee also discuss the care and maintenance of the South Bowenfels Cemetery

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

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## ITEM-12          CORP - 28/09/15 - COUNCIL INVESTMENTS HELD TO 31 AUGUST 2015

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## 15-253 RESOLVED

**THAT** Investments of \$18,604,196.05 and cash of \$5,769,773.55 for the period ending 31 August be noted.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

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## ITEM-13          CORP - 28/09/15 - ASBESTOS MANAGEMENT ESKBANK HOUSE

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## MOTION

### THAT Council:

1. Note the above report on the discovery of friable asbestos in the Possum steam locomotive and three traction engines at Eskbank House and the proposed treatments to remediate Possum, the Buffalo Pitts Engine and the Pioneer roller and to make the Marshall engine safe for disposal at landfill at a cost of \$50,000.
2. Authorise that these costs be funded from the Bracey Reserve Trust (\$38,000), Eskbank House signage budget (\$5,000) and Community and Culture events budget (\$7,000).
3. **APPROVE** the disposal at landfill of the Marshall engine.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

## AMENDMENT

### THAT

1. Council note the above report on the discovery of friable asbestos in the Possum steam locomotive and three traction engines at Eskbank House and the proposed treatments to remediate Possum, the Buffalo Pitts Engine and the Pioneer roller and to make the Marshall engine safe for disposal.

2. Council fund these remediation works from Council reserves
3. The Marshall engine be disposed of through future sale.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor M Ticehurst

The AMENDMENT was PUT and LOST

The mover and seconder of the original motion made amendments to the motion and was PUT to the meeting.

## **15-254 RESOLVED**

**THAT** Council:

1. Note the above report on the discovery of friable asbestos in the Possum steam locomotive and three traction engines at Eskbank House and the proposed treatments to remediate Possum, the Buffalo Pitts Engine and the Pioneer roller and to make the Marshall engine safe for disposal at landfill at a cost of \$50,000.
2. Authorise that these costs be funded from the Bracey Reserve Trust (\$38,000), Eskbank House signage budget (\$5,000) and Community and Culture events budget (\$7,000).
3. Authorise the sale of the Marshall engine and if not sold within 6 months the engine be disposed of at landfill.

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor F Inzitari.

A **DIVISION** was called by Councillors M F Ticehurst and C Hunter.

**Division -**

**FOR**

Councillor R Higlett  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor M Statham

**AGAINST**

Councillor C Hunter  
Councillor M F Ticehurst

**ITEM-14            ENVIRO - 28/09/15 - LITHGOW LOCAL HERITAGE ADVISORY  
COMMITTEE - 11 AUGUST 2015**

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**15-255 RESOLVED**

**THAT** the minutes of the Lithgow Local Heritage Advisory Committee held on the 11 August, 2015 be noted.

**MOVED:** Councillor C Hunter

**SECONDED:** Councillor P Pilbeam.

**ITEM-15            CORP - 28/09/15 - YOUTH COUNCIL MINUTES - 25 AUGUST 2015**

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**15-256 RESOLVED**

**THAT** Council note the minutes of the Youth Council meeting held 25 August 2015.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-16            NOTICE OF MOTION - 28/09/15 - SAFETY FENCE FOR THE  
FOOTPATH ON THE GREAT WESTERN HIGHWAY- COUNCILLOR F  
INZITARI**

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**15-257RESOLVED**

**THAT:**

1. Council to erect a safety fence (in this financial year) on the newly constructed footpath on the Eastern side of the Great Western Highway adjacent to La Salle Academy, from Rabaul St to the bottom of the hill (Sydney Bound).
2. The fencing used, would be that which is the same as the one used in the medium strip opposite McDonalds on the Great Western Highway.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

**ITEM-17 NOTICE OF MOTION - 28/09/15 - RENAMING OF SOUTH LITTLETON HALL TO KIDDLE HALL - COUNCILLOR F INZITARI**

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**15-258 RESOLVED**

**THAT** Council refer the renaming of the South Littleton Hall to Council's Community Development Committee, advising the Committee of the preference for Kiddle Hall.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor R Higlett.

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

**Division -**

**FOR**

Councillor R Higlett  
Councillor C Hunter  
Councillor F Inzitari  
Councillor P Pilbeam  
Councillor M Statham

**AGAINST**

Councillor M F Ticehurst

**ITEM-18 NOTICE OF RESCISSION MOTION - 28/09/15 - OPERATIONS COMMITTEE MEETING MINUTES - MT SANDY ROAD KANIMBLA VALLEY**

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Item 18 was dealt with earlier.



## **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-19            CLOSED COUNCIL - CONFIDENTIAL - CORP - 28/09/15 - TENDER  
03/15 FOR RESTORATION AND REMEDIAL WORKS AT LITHGOW  
BLAST FURNACE**

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**15-259 RESOLVED**

**THAT** Council consider the tender for restoration and remedial works at Lithgow Blast Furnace in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

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

There was 1 objection in relation to the tender item being discussed in closed council.

The General Manager advised that tenders may be considered in closed council and in this particular case there is additional information of a confidential nature provided to assist Council in the determination of this matter.

**15-260 RESOLVED**

**THAT** Council enter into closed council (8.34pm).

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam

**15-261 RESOLVED**

**THAT** Council:

1. **ACCEPT** the tender submission from Murphy's Construction Group Pty Ltd for Four Hundred and Fifty Six Thousand and Ninety Three Dollars, Thirty Three Cents GST inclusive (\$456,093.33 GST inclusive) for restoration and remedial works at Lithgow Blast Furnace.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this tender.

**MOVED:** Councillor F Inzitari

**SECONDED:** Councillor P Pilbeam.

**15-262 RESOLVED**

**THAT** Council return to Open Council (8.43pm)

**MOVED:** Councillor R Higlett

**SECONDED:** Councillor P Pilbeam

The General Manager announced the recommendations of the Closed Council.

There being no further business the meeting concluded at 8.45pm.