



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

26 OCTOBER 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 26 OCTOBER 2015**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 34

PRESENT

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

APOLOGIES

15-263 RESOLVED

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

MOVED: Councillor R Thompson

SECONDED: Councillor R Thompson.

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

15-264 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 28 September 2015 were taken as read and confirmed by Councillors Councillor F Inzitari and Councillor R Higlett

DECLARATION OF INTEREST

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

Councillor M F Ticehurst declared a less than significant non pecuniary interest in item 2, due to his son being an employee at Springvale. He will vacate the Chambers and will not participate in the debate.

QUESTIONS FROM THE PUBLIC

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

PF – 26/10/15 – MR LINDSAY FEATHERSTONE

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

Council's Group Manager of Environment and Development responded to Mr Featherstone's statement.

PF – 26/10/15 – MR PHIL PATON

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

The Mayor thanked Mr Paton for his comments.

PF – 26/10/15 – MR SHANE TAYLOR

Mr Taylor addressed Council in relation to the funding at the Portland Pool.

The General Manager requested Mr Taylor send Council an invoice for the current season.

PF – 26/10/15 – MRS LEANNE MCLAREN

Mrs McLaren made a statement in relation to Item 18 of the Agenda.

The Mayor thanked Mrs McLaren for her comments.

PF – 26/10/15 – MRS DENISE WALSH

Mrs Walsh read a statement in relation to Item 18 of the Agenda from Rydal Residents, Michael and Joanne Maxwell.

The Mayor thanked Mrs Walsh for her comments.

PF – 26/10/15 – MR IAN LITCHFIELD

Mr Litchfield made suggestions in relation to Item 3 of the Agenda.

The Mayor thanked Mr Litchfield for his comments.

The General Manager advised Mr Litchfield that Council held a number of public consultation sessions as part of the Operational Plan process.

PF – 26/10/15 – MR HAROLD ROSENBERG

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

The Mayor thanked Mr Rosenberg for his comments.

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SUMMARY OF LEASES AND RENTAL INCOME

ITEM-24

**OPER - CLOSED REPORT - CONFIDENTIAL - 26/10/15 -
CONTRACT FOR LINEMARKING SERVICES**

15

PROCEDURAL MOTION

THAT Item 18 be brought forward and considered at this point of the meeting.

MOVED: Councillor F Inzitari **SECONDED:** Councillor R Higlett

ITEM-18 NOTICE OF MOTION - 26/10/15 - URGENT DRAINAGE WORKS FOR 61 HARTLEY VALLEY RD - CLR F INZITARI

15-265 RESOLVED

THAT:

1. The funding allocated for the purchase of land for the Rydal toilets be used to immediately commence the process for works to 61 Hartley Valley Rd.
2. Authorise the General Manager to put in place any necessary agreements or easements for this work to proceed and be concluded.
3. Authorise the affixing of the Council Seal to any necessary documentation.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

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

Division -

FOR

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

AGAINST

Councillor C Hunter
Councillor J J McGinnes
Councillor M F Ticehurst

ITEM-1 MAYORAL MINUTE - 26/10/15 - 2015 AR BLUETT MEMORIAL AWARD

15-266 RESOLVED

THAT Council:

1. Note that Lithgow City Council was selected as the winner of the 2015 AR Bluett Memorial Award
2. Hold a community event for the official presentation of the Award
3. Formally thank Dr Laurie Stevenson and Mr Stephen Johannson for their assistance in meeting with and presenting to the AR Bluett Memorial Trustees.

MOVED: Councillor M Statham

SECONDED: Councillor F Inzitari.

A **DIVISION** was called by Councillors F Inzitari and R Higlett.

Division -

FOR

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

AGAINST

Councillor M F Ticehurst

ITEM-2 MAYORAL MINUTE - 26/10/15 - SPRINGVALE MINE APPROVAL

Councillor Ticehurst vacated the chambers at 8.04pm due to his previous declaration of interest.

15-267 RESOLVED

THAT Council:

1. Note that approval has been given for the Springvale Mine Extension Project
2. Continue to lobby for improvements to the NSW State approval process and the Federal approval process for major mining developments.

MOVED: Councillor M Statham

SECONDED: Councillor F Inzitari.

Councillor Ticehurst returned to the chambers at 8.09pm

ITEM-3 GM - 26/10/15 - LOCAL GOVERNMENT REFORM - FIT FOR THE FUTURE - IPART ASSESSMENT

15-268 RESOLVED

THAT Council receive the supplementary report in relation to IPART's final report assessing Fit for the Future Proposals.

MOVED: Councillor F Inzitari **SECONDED:** Councillor R Thompson.

Councillor Higlett vacated the chambers at 8.19pm.

Councillor Higlett returned to the chambers at 8.21pm

Councillor Ticehurst and McGinnes repeatedly interjected in the debate and were repeatedly asked to remain silent.

Councillor Ticehurst continued to address the Mayor in an aggressive manner.

The Mayor gave Councillor Ticehurst repeated warnings.

Councillor Thompson requested that all Councillors respect the Chair.

The Mayor gave Councillor Ticehurst his final warning.

Councillor Ticehurst continued to interject and speak over the top of the Mayor.

15-269 RESOLVED

THAT:

1. Note the presentation of the final report from IPART on the Assessment of Council Fit for the Future Proposals
2. Note that Lithgow City Council has been assessed by IPART under the Government's Fit for the Future criteria as 'Not Fit'
3. Note that the Independent Local Government Review Panel has assessed Lithgow City Council as having sufficient scale and capacity
4. Note that Lithgow City Council's submission was considered consistent with the ILGRP's option to 'stand alone'.
5. Note that IPART's analysis did not identify evidence for a better alternative to the Council's proposal to stand alone.
6. Determine that its preferred position is to 'stand alone'

7. Authorise a working party to hold discussions with interested neighbouring councils on their preference for merger(s)
8. Authorise the working party to have the authority to explore any options that it considers feasible
9. Appoint the Mayor, Deputy Mayor and General Manager as representatives on the working party

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 P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

ITEM-4 GM - 26/10/15 - COUNCIL MEETING SCHEDULE FOR 2016

15-270 RESOLVED

THAT Council hold the Ordinary Council meetings during 2016 generally on a three weekly basis on the following dates:

- 8 February
- 29 February
- 21 March
- 18 April
- 16 May
- 6 June
- 27 June
- 18 July
- 8 August
- 29 August
- 10 October
- 31 October
- 21 November
- 12 December

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-5 GM - 26/10/15 - CHRISTMAS AND NEW YEAR CLOSURE

15-271 RESOLVED

THAT Council note the report on the Christmas and New Year Closure.

MOVED: Councillor R Higlett

SECONDED: Councillor R Thompson.

**ITEM-6 GM - 26/10/15 - RETURNS UNDER SEC 449 LG ACT 1993
DISCLOSING INTERESTS OF COUNCILLORS & DESIGNATED
PERSONS**

15-272 RESOLVED

THAT:

1. Council acknowledge the disclosures received under Section 449 of the Local Government Act 1993 for the period 1 July 2014 to 30 June 2015 from all designated persons and all Councillors
2. Reaffirm the following positions as 'designated persons' for the period 1 July 2015 to 30 June 2016:
 - Group Manager Environment & Development
 - Group Manager Operations
 - Group Manager Corporate & Community
 - Finance Manager
 - Development Manager
 - Water & Waste Water Manager
 - Information Technology Manager
 - Community & Culture Manager
 - Tourism Manager
 - Team Leader Building
 - Team Leader Development Planning
 - Team Leader Environment
 - Strategic Land Use Planner
 - Land Use Property Officer
 - Building & Development Officers (4)

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-7 GM - 26/10/15 - WATER STANDPIPE CHARGES

15-273 RESOLVED

THAT Council remove the daily/monthly access fee for water standpipe consumers effective from 1 November 2015.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

**ITEM-8 ENVIRO - 26/10/15 - DEVELOPMENT APPLICATION - DA179/15 -
CONSTRUCTION OF TOILET BLOCK WALLERAWANG
SPORTSGROUND**

15-274 RESOLVED

THAT:

1. Development Application 179/15 be **APPROVED** subject to conditions specified in the attached Section 79C assessment.
2. An exemption to the Section 94A Development Contribution Plan 2012 levy be applied to DA179/15 given the development is by Council for sporting and recreational facilities.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Higlett.

A **DIVISION** was 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 P Pilbeam
Councillor M Statham
Councillor R Thompson
Councillor J J McGinnes

AGAINST

Councillor M F Ticehurst

ITEM-9 ENVIRO - 26/10/15 - REVIEW OF SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

15-275 RESOLVED

THAT Council **ADOPT** Section 94A Contributions Plan 2015 and provide a copy of the new plan to the Minister for Planning and Environment.

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam.

ITEM-10 OPER - 26/10/15 - WATER REPORT

15-276 RESOLVED

THAT Council note the water report.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

ITEM-11 CORP - 26/10/15 - COUNCIL INVESTMENTS HELD TO 30 SEPTEMBER 2015

15-277 RESOLVED

THAT Investments of \$21,606,145.86 and cash of \$3,333,129.35 for the period ending 30 September be noted.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-12 CORP - 26/10/15 - DRAFT ANNUAL FINANCIAL STATEMENTS

15-278 RESOLVED

THAT Council receive a supplementary report in relation to the 2014-15 Financial Statement.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

15-279 RESOLVED

THAT Council:

1. Authorise the signing of the statement on the General Purpose Financial Reports.
2. Authorise the signing of the statement on the Special Purpose Financial Reports.
3. Invite Council auditors, Crowe Horwath, to present a report to Council on the 2014/15 Financial Statements at the Ordinary Council meeting scheduled for 14 December 2015.

MOVED: Councillor R Higlett

SECONDED: Councillor P Pilbeam.

ITEM-13 CORP - 26/10/15 - FINANCIAL ASSISTANCE REQUEST FOR CIVIC BALLROOM TONY LUCHETTI SPORTSGROUND FEE WAIVER

15-280 RESOLVED

THAT Council:

1. Allocate a Civic Ballroom/Tony Luchetti Showground fee waiver package to the value of \$1,442.50 to the Lithgow RSL Sub-Branch for an overnight camp as part of the Coo-ee March re-enactment on 3 and 4 November 2015.
2. Authorise the General Manager to spend up to \$1,057.50 for any other assistance required for the Lithgow's participation in the March.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

ITEM-14 CORP - 26/10/15 - YOUTH COUNCIL MINUTES - 15 SEPTEMBER 2015

15-281 RESOLVED

THAT Council note the minutes of the Youth Council meeting held 15 September 2015.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-15 OPER - 26/10/15 - OPERATIONS COMMITTEE MEETING - 17TH SEPTEMBER 2015

15-282 RESOLVED

THAT Council:

1. Note the minutes of the Operations Committee held on 17th September 2015.
2. Confirms the variation of \$99,780 for Stage 4 of the Lithgow Aquatic Centre 50 metre pool project
3. Confirms the variations totalling \$55,334 incurred to date on the Construction of the Rail Overbridge project (Black Bridge) at Wallerawang.
4. Note that Council's Sewerage Treatment Plants are compliant and meet guideline requirements.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-16 CORP - 26/10/15 - CRIME PREVENTION COMMITTEE MINUTES - 28 SEPTEMBER 2015

15-283 RESOLVED

THAT Council note the minutes of the Crime Prevention Committee held on the 28 September 2015.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

ITEM-17 OPER - 26/10/15 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 29TH SEPTEMBER 2015

15-284 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 29th September 2015
2. Consider in the 2016/17 budget the adoption of a \$20 fee per site for ongoing and regular usage of Council's Sporting Fields by Commercial enterprises.
3. Accept Anthony Brown & Michael Brown as the Sports Advisory Committee representatives from the Lithgow District Junior Cricket Association Inc; and
4. Forward correspondence to the interested party detailing the sponsorship arrangement proposal for the No. 1 Field at the Tony Luchetti Showground.
5. Lodge a full application for funding of \$500,000 under 2015/16 ClubGRANTS Category 3 Fund for new floodlighting and clubhouse building at Saville Park, Portland, should the project be invited to proceed to Stage 2.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

**ITEM-18 NOTICE OF MOTION - 26/10/15 - URGENT DRAINAGE WORKS FOR
61 HARTLEY VALLEY RD - CLR F INZITARI**

Item 18 was dealt with earlier

**ITEM-19 NOTICE OF MOTION - 26/10/15 - ADVENTURE PLAYGROUND - CLR
R HIGLETT**

15-285 RESOLVED

THAT Council:

1. Investigate the feasibility of subdividing a section of Endeavour Park into residential allotments.
2. Maintain the remainder of the Park as a park and playground, including for the future creation of an adventure playground.

MOVED: Councillor R Higlett

SECONDED: Councillor R Thompson.

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

Division -

FOR

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

AGAINST

Councillor M F Ticehurst
Councillor C Hunter
Councillor J J McGinnes

**ITEM-20 NOTICE OF MOTION - 26/10/15 - LITHGOW LIONS CLUB
COMMUNITY MARKETS - USE OF CIVIC BALLROOM - CLR R
HIGLETT**

15-286 RESOLVED

THAT Council provide one of the Civic Ballroom Financial Assistance packages of up to \$2,500 to the Lithgow Lions Club Community Markets for the use of the Civic Ballroom for 2015/16.

MOVED: Councillor R Higlett

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-21 ENVIRO - CONFIDENTIAL - CLOSED COUNCIL - 26/10/15 - GUMNUT HOUSE LEASE OPTION
- ITEM-22 ENVIRO - 26/10/15 - CLOSED COUNCIL - CONFIDENTIAL LAND & ENVIRONMENT APPEAL - DA248/14 TWEED ROAD LITHGOW
- ITEM-23 ENVIRO - CLOSED COUNCIL - CONFIDENTIAL - 26/10/15 - SUMMARY OF LEASES AND RENTAL INCOME
- ITEM-24 OPER - CLOSED COUNCIL - CONFIDENTIAL - 26/10/15 - CONTRACT FOR LINEMARKING SERVICES
-

15-287 RESOLVED

THAT Council:

1. Consider Item 21, the options for the Gumnut House lease in Closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.
2. Consider Item 22, the Land and Environment Appeal relating to DA248/14 Tweed Road, Lithgow in Closed Council pursuant to Section 10A(2)(g) of the Local Government Act 1993.
3. Consider Item 23, the summary of leases and rental in Closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.
4. Consider Item 24, the contract for linemarking services in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

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

There were no objections.

15-288 RESOLVED

THAT Council move into Closed Council to consider the confidential reports (9.20pm).

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson

15-289 RESOLVED

THAT:

1. Council liaise with the current tenant, SDN Children's Services, in regards to securing a new lease of the site for a 66 place child care centre, at a market rental in the range recommended by Council is of Valuer and seeking a lease term of 10 years with 2 x 5 year options.
2. If negotiations with SDN Children's Services are unsuccessful, Council move to an Expression of Interest (EOI) process in order to secure a new tenant/lease for the premises.
3. LeFevre and Co be instructed to arrange removal of the caveat from Lot 298 DP 751650.
4. Council advise Galloping Gumnut Mobile Children's Services Van Inc, that lease of the premises at 21 Proto Avenue Lithgow with SDN Children's Services expired on 2 June 2015, and that Council will be pursuing a new lease for the premises via direct negotiation with SDN.
5. Council staff liaise with Galloping Gumnut for a separate lease for the garage/storage at market rental.

MOVED: Councillor R Thompson

SECONDED: Councillor J J McGinnes.

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
Councillor R Thompson

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

ITEM-22 ENVIRO - 26/10/15 - CLOSED REPORT - CONFIDENTIAL LAND & ENVIRONMENT APPEAL - DA248/14 TWEED ROAD LITHGOW

15-290 RESOLVED

THAT the information on the appeal for DA248/14 be noted and Council delegate to the General Manger the authority to negotiate to determine the matter, if appropriate, at a Section 34 conference.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-23 ENVIRO - CLOSED REPORT - CONFIDENTIAL - 26/10/15 - SUMMARY OF LEASES AND RENTAL INCOME

MOTION

THAT:

1. Council note the information contained within the report relating to Council's property portfolio and the current status of property leases.
2. All community leases be calculated at current market value

MOVED: Councillor J J McGinnes

SECONDED: Councillor M F Ticehurst.

AMENDMENT

THAT Council note the information contained within the report relating to Council's property portfolio and the current status of property leases.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

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

15-291 RESOLVED

THAT Council note the information contained within the report relating to Council's property portfolio and the current status of property leases.

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 P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

**ITEM-24 OPER - CLOSED REPORT - CONFIDENTIAL - 26/10/15 - CONTRACT
FOR LINEMARKING SERVICES**

15-292 RESOLVED

THAT Council enter into a two year schedule of rates contract with Avante Linemarking, Central West Linemarking, Complete Linemarking Services and Workforce Road Services for linemarking services from 1st October 2015 to a maximum value of \$70,000.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

15-293 RESOLVED

THAT Council refer to open Council (9.57pm)

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

The General Manager announced the recommendations of the Closed Council.

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