



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

14 DECEMBER 2015

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 14 DECEMBER 2015**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 27

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 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

15-318 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 16 November 2015 were taken as read and confirmed by Councillors F Inzitari and R Thompson

DECLARATION OF INTEREST

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

Councillor M Statham declared a less than significant non pecuniary interest in item 12, due to the proposed renaming of the Meadow Flat Hall in recognition of her father. She will not vacate the Chambers.

QUESTIONS FROM THE PUBLIC

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

PF – 14/12/15 - MR BRUCE RYAN

Mr Ryan made a statement in relation to the opening of the Tree Arboretum at Wallerawang and thanked Council for its support.

PROCEDURAL MOTION

THAT an extension of time be granted.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

The Mayor thanked Mr Ryan for his comments.

PF – 14/12/15 – MRS SUE GRAVES

Mrs Graves made a statement in relation to Item 2 on the agenda.

The General Manager addressed Mrs Graves concerns in relation to the CCTV cameras in Main Street.

The Mayor thanked Mrs Graves for her comments.

PRESENTATION

Mrs Clare Wagner from Council's Auditors Crowe Horwath gave a presentation of the 2014/15 General Purpose Financial Reports and Special Purpose Financial Reports and Special Schedules.

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PROCEDURAL MOTION

THAT Item 8 be brought forward and dealt with at this point of the meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

**ITEM-8 CORP - 14/12/15 - AUDIT PRESENTATION OF THE 2014/15
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

15-319 RESOLVED

THAT Council:

1. Thank Crowe Horwath for the presentation.
2. Accept submissions, in writing, for a period of seven days following the audit address until 4.30pm on the 21 December 2015. All submission which are received by the due date be forwarded to Council's Auditors in line with Section 420(3) of the Local Government Act.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

**ITEM-1 GM - 14/12/15 - LOCAL GOVERNMENT ACT AMENDMENT -
COUNCILLOR MISCONDUCT AND POOR PERFORMANCE**

15-320 RESOLVED

THAT Council:

1. Note that the Local Government Act 1993 has been amended by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015.
2. Thank the Minister for Local Government for addressing the issue of Councillor misconduct.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ITEM-2 GM - 14/12/15 - AMENDMENTS TO COUNCIL'S CRIME PREVENTION COMMITTEE AND CBD REVITALISATION COMMITTEE TERMS OF REFERENCE

15-321 RESOLVED

THAT Council:

1. Update the Terms of References for the Crime Prevention Committee and the CBD Revitalisation Action Plan Committee by replacing the Lithgow Business Association Council Committee memberships with Lithgow District Chamber of Commerce memberships.
2. Seek nominations from the Lithgow District Chamber of Commerce for these two positions.

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam.

ITEM-3 ENVIRO - 14/12/15 - SECTION 96026/15 - MODIFICATION OF DEVELOPMENT APPLICATION 066/08DA - 50 LOT SUBDIVISION 'MOYNE FARM' LITTLE HARTLEY

15-322 RESOLVED

THAT:

1. Section 96 Modification of Consent S96026/15 for 066/08 Development Application be APPROVED, subject to the conditions outlined in the attached 79C report including alteration to condition 46 that amended detail is to be provided by the applicant to Council for approval indicating how public access is to be provided to the cemetery within the Moyne Farm allotment being Lot 7 DP 1195860. Such public access is to be subsequently provided in accordance with the detail approved by Council.
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 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 W McAndrew
Councillor J J McGinnes
Councillor P Pilbeam
Councillor M Statham

Councillor R Thompson
Councillor M F Ticehurst

ITEM-4 ENVIRO - 14/12/15 - REHABILITATION WORKS - FORMER ANGUS PLACE LANDFILL

15-323 RESOLVED

THAT Council:

1. Engage Gracey's Earthmoving to carry out rehabilitation works at the former Angus Place landfill for the tendered price of \$68,770.50 (GST inc).
2. Authorise the affixing of the common seal to the necessary documentation.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-5 ENVIRO - 14/12/15 - DA245/13 - MARRANGAROO ESTATE PTY LTD VOLUNTARY PLANNING AGREEMENT

15-324 RESOLVED

THAT:

1. Council endorse the Voluntary Planning Agreement proposed by Marangaroo Estate Pty Ltd in association with DA245/13 for a contribution of \$1,700 per allotment to go towards community facilities and an additional \$50,000 to be spent on improvements to the existing park/playground in Girraween Drive, Marrangaroo.
2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-6 ENVIRO - 14/12/15 - SSD-6084 - HY-TEC INDUSTRIES PTY LIMITED, AUSTEN QUARRY VOLUNTARY PLANNING AGREEMENT

15-325 RESOLVED

THAT:

1. Council endorse the Draft Voluntary Planning Agreement proposed by Hy-Tec Industries Pty Limited for a contribution of \$0.025 per tonne of quarry product extracted and transported from the Stage 2 Extraction Area on a quarterly

basis. This contribution is proposed to go towards Public Facilities and Infrastructure within the Lithgow Local Government area.

2. The Voluntary Planning Agreement be placed on public exhibition for a period of 28 days exclusive of public holidays and the Christmas Council closure period.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-7 OPER - 14/12/15 - WATER REPORT

15-326 RESOLVED

THAT Council:

1. Note the water report.
2. Provide comments in future water reports that all the Council Sewerage Treatment Plants are operating within guidelines.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

**ITEM-8 CORP - 14/12/15 - AUDIT PRESENTATION OF THE 2014/15
GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL
REPORTS**

Item 8 was dealt with earlier.

**ITEM-9 CORP - 14/12/15 - CODE OF CONDUCT COMPLAINTS RECEIVED 1
JULY 2014 TO 30 JUNE 2015**

15-327 RESOLVED

THAT the report on the Code of Conduct complaints statistics for 2014/15 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

**ITEM-10 CORP - 14/12/15 - COUNCIL INVESTMENTS HELD TO 30
NOVEMBER 2015**

15-328 RESOLVED

THAT Investments of \$24,647,170.95 and cash of \$1,484,787.00 for the period ending 30 November 2015 be noted.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Higlett.

**ITEM-11 CORP - 14/12/15 - TOURISM ADVISORY COMMITTEE MEETING - 12
NOVEMBER 2015**

MOTION

THAT:

1. Council note the minutes of the Tourism Advisory Committee held on the 12 November 2015.
2. The Chair of the Committee write to all sponsors and supporters thanking them for their commitment to the event.
3. Council commit \$120,000 in the 2016/2017 budget for the 2016 Halloween Event.
4. The Chair of the Committee write to Zig Zag Brewery and congratulate the Brewery on hosting a successful ball.

MOVED: Councillor R Higlett

SECONDED: Councillor F Inzitari.

AMENDMENT

THAT:

1. Council note the minutes of the Tourism Advisory Committee held on the 12 November 2015.
2. The Chair of the Committee write to all sponsors and supporters thanking them for their commitment to the event.
3. Council consider committing \$120,000 in the 2016/2017 budget for the 2016 Halloween Event.
4. The Chair of the Committee write to Zig Zag Brewery and congratulate the Brewery on hosting a successful ball.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Ticehurst

The AMENDMENT was PUT and became the MOTION

15-329 RESOLVED

THAT:

1. Council note the minutes of the Tourism Advisory Committee held on the 12 November 2015.
2. The Chair of the Committee write to all sponsors and supporters thanking them for their commitment to the event.
3. Council consider committing \$120,000 in the 2016/2017 budget for the 2016 Halloween Event.
4. The Chair of the Committee write to Zig Zag Brewery and congratulate the Brewery on hosting a successful ball.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Ticehurst

ITEM-12 CORP - 14/12/15 - COMMUNITY DEVELOPMENT COMMITTEE MEETING - 17 NOVEMBER 2015

15-330 RESOLVED

THAT Council:

1. Note the minutes of the Community Development Committee meeting held 17 November 2015.
2. Advertise for community comment for a minimum of 14 days to rename the South Littleton Hall to the Kiddle Memorial Hall in recognition of Molly and Max Kiddle.
3. Provide Round 2 Non-Recurrent Financial Assistance to the value of \$17,950 to the following twenty-four organisations.

Organisation and Project Name	Amount Recommended
Lithgow Senior Citizens Club Ongoing program costs & running costs for events	\$600
Can Assist - Lithgow Branch Running costs	\$500
St Patrick's Primary School Lithgow Vegetable Garden	\$500
Nepean Blue Mountains Local Health District Primary Care & Community Health Bowenfels Engagement Project	\$1,500

Organisation and Project Name	Amount Recommended
Gorrie Ban Excursions	\$1,000
Barton Park Giant Trees Arboretum Grand Opening	\$1,500
Lithgow Community Orchestra Orchestral workshops	\$350
Lithgow Flash Dragons Sweep oar purchase	\$300
Lithgow Quota Club Replacement of the memorial miner statue in Quota Park	\$1,000
Lithgow District Garden Club Garden & Picnic Area within Giant Trees Arboretum	\$400
Lithgow partnerships Against Domestic Violence and Family Abuse Domestic Violence Services Referral Card	\$800
Lithgow & District Community Nursery Computer Update	\$750
Mitchell Conservatorium – Lithgow New Horizons Seniors Beginners Band	\$1,000
Lithgow District Car Club Rates re-imbusement Yvonne Martin Memorial Motorsport Park	\$850
First Australian Muzzleloading Gun Rifle Pistol Club Lithgow Rates re-imbusement	\$500
Lithgow National Trust John Wellings Award	\$400
Friends of St John's Church Rate Reimbursement	\$500
Wallerawang Lidsdale CWA Rate Reimbursement	\$300
Portland Quilters Ongoing costs	\$500
Capertee & District Progress Association Capertee Memorial Hall Heating	\$1,500
Hampton Reserve Trust Mower	\$1,000

Organisation and Project Name	Amount Recommended
Cullen Bullen Progress Association Rates re-imburement	\$500
Portland District Motor Sports Club Sponsorship	\$700
Lara Jean Association Movie Mayhem	\$1,000
TOTAL	\$17,950

4. Provide a one-off payment of additional financial assistance to the Lithgow Show Society of 50% of their Lithgow Showground and Civic Ballroom fee waiver requests to the value of \$3,298.90 for the following events: "Machines" - farm machinery, cars and trucks event held 18-19 September 2015; Summer Horse Show to be held 25-26 January 2016; Lithgow Show Ball to be held in February 2016, and; Lithgow Show to be held 11-13 March 2016.
5. Advertise for community comment for a minimum of 14 days to rename the Meadow Flat Hall to the Mac Scott Memorial Hall in recognition of Mr Mac Scott.
6. Establish a relief fund to attract public donations for the support of the community during declared natural disasters only and as each event occurs, seek Deductible Gift Recipient Status for the fund from the Australian Taxation Office.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

ITEM-13 ENVIRO - 14/12/15 - MEADOW FLAT HALL MANAGEMENT COMMITTEE MINUTES - 18 NOVEMBER 2015

15-331 RESOLVED

THAT Council note the minutes of the Meadow Flat Hall Management Committee Meeting held on 18 November 2015.

MOVED: Councillor C Hunter

SECONDED: Councillor F Inzitari.

**ITEM-14 OPER - 14/12/15 - TRAFFIC ADVISORY LOCAL COMMITTEE - 19
NOVEMBER 2015**

15-332 RESOLVED

THAT Council note the minutes of the Traffic Advisory Local Committee held on the 19th November 2015.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

**ITEM-15 ENVIRO - 14/12/15 - RURAL LANDS STUDY PROJECT STEERING
COMMITTEE MINUTES - 23 NOVEMBER 2015**

15-333 RESOLVED

THAT Council note the minutes of the Rural Lands Study Project Steering Committee held on the 23 November 2015.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

**ITEM-16 NOTICE OF MOTION - 14/12/15 - FORMAL RECOGNITION BY
COUNCIL OF JAMES MALONE (JIM) ROBSON - COUNCILLOR W
MCANDREW**

15-334 RESOLVED

THAT:

1. Lithgow City Council formally recognise and honour James Robson for his achievements and commitment to our Community over many years.
2. This meeting of Council refers the matter to the Community Development Committee with a recommendation to rename the Lithgow Olympic Pool to the James Robson Memorial Pool
3. Council present Mr Robson's family with a plaque of appreciation and thanks from Council on behalf of the community.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

MATTER ARISING

15-335 RESOLVED

THAT the Community Development Committee look at options to rename the park in Maple Crescent Lithgow in recognition of Max and Molly Kiddle.

MOVED: Councillor M Ticehurst

SECONDED: Councillor R Thompson

**ITEM-17 NOTICE OF MOTION - 14/12/15 - SALLYS FLAT NEAR HILL END
BEING SHORTLISTED AS A FUTURE SITE FOR NUCLEAR WASTE
STORAGE - COUNCILLOR W MCANDREW**

15-336 RESOLVED

THAT Council seek clarification from the appropriate Federal Government Department on the nuclear waste transport routes, methods and conditions associated with the proposed Sally's Flat site and all information be brought back to a future Council meeting for Council to decide a formal position on the Sally's Flat proposal.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

**ITEM-18 NOTICE OF MOTION - 14/12/15 - FOOT BRIDGE BEHIND CHIVERS
CLOSE - COUNCILLOR F INZITARI**

15-337 RESOLVED

THAT Lithgow Council conduct necessary repairs to the footbridge over Farmers Creek behind Chivers Close in this financial year.

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

The General Manager advised that Rescission Motion had been received in relation to the Council resolution to Item 12(2). With the receipt of the Rescission Motion reference is made to Clause 38(ii) of the Council's Code of Meeting Practice, i.e.

- (ii) If a motion to rescind is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion to rescind has been dealt with.

**ITEM-19 MAYORAL MINUTE - CLOSED COUNCIL - CONFIDENTIAL - 14/12/15
- PERFORMANCE REVIEW OF THE GENERAL MANAGER**

15-338 RESOLVED

THAT Council consider this report in Closed Council pursuant to Section 10A(2)(b) 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 report being considered in Closed Council.

There were NIL objections.

15-339 RESOLVED

THAT Council move into Closed Council to consider the confidential report (9.37pm)

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam

MOTION

THAT Council:

1. Note the General Manager's performance for the 2014/15 period as 'Exceeds Expectations'
2. Increase the General Managers remuneration package by 2.5% to \$247,318.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

AMENDMENT

THAT Council:

1. Note the General Manager's performance for the 2014/15 period as 'Exceeds Expectations'
2. Increase the General Managers remuneration package by 5% to \$253,500.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

The AMENDMENT was PUT and LOST

15-340 RESOLVED

THAT Council:

1. Note the General Manager's performance for the 2014/15 period as 'Exceeds Expectations'
2. Increase the General Managers remuneration package by 2.5% to \$247,318.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

At 10.05pm the Council resolved to refer to open Council.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari

Councillors Ticehurst and McGinnes vacated the chambers at 10.07pm.

The Mayor announced the recommendation of the Closed Council.

There being no further business the meeting concluded at 10.10pm.