



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

27 JUNE 2016

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 27 JUNE 2016**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 19

PRESENT

Her Worship the Mayor
Councillor M Statham
Councillor R Thompson (from 7:38pm)
Councillor C Hunter
Councillor F Inzitari
Councillor J J McGinnes (until 7:13pm)
Councillor P Pilbeam
Councillor M F Ticehurst (until 7:12pm)

APOLOGIES

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 R Higglett who is unavailable for the meeting for personal reasons.

An apology was received from and leave of absence granted to from Councillor R Thompson who was unavailable for the meeting due to personal commitments.

Also in attendance

Mr Roger Bailey, General Manager
Mrs Trinity Newton, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Mr Jonathon Edgecombe, Acting Group Manager Operations.

CONFIRMATION OF MINUTES

16 – 141 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 6 June 2016 were taken as read and confirmed by Councillors P Pilbeam and F Inzitari

DECLARATION OF INTEREST

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

NIL

PUBLIC FORUM

At 7:02pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 27/06/2016 - MR STEVE MAYBURY

Mr Maybury made a statement in relation to the Lithgow Environmental Plan.

The Manager of Environmental and Development made a statement.

The Mayor thanked Mr Maybury for his statement.

Councillor M Ticehurst left the Council Chambers at 7:12pm.

Councillor J McGinnes left the Council Chambers at 7:13pm.

The Council was left inquorate.

The Mayor declared that the meeting would resume later in the evening.

Councillor R Thompson entered the Chambers at 7:38pm.

The meeting was resumed at 7:38pm.

PF – 27/06/2016 – MR BEN ISAAC – ISAAC PROPERTY GROUP

Mr Isaac made a statement in relation to ITEM 4 on the agenda.

The Mayor thanked Mr Isaac for his statement.

PF – 27/06/2016 – MR BEN YOUNG – KDC PTY LTD – TOWN PLANNER

Mr Young made a statement in relation to ITEM 4 on the agenda.

The Mayor thanked Mr Young for his statement.

Councillor R Thompson requested an adjournment to the meeting at 7:45pm

16 – 142 RESOLVED

THAT the meeting be adjourned for 15 minutes.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

The meeting resumed at 8:00pm with Councillors Statham, Thompson, Pilbeam, Hunter and Inzitari present.

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PROCEDURAL MOTION

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

MOVED: Councillor F Inzitari

ITEM-4 ENVIRO - 27/06/16 - DA029/16 PROPOSED DEMOLITION AND CONSTRUCTION OF SERVICE STATION AND CAFE AT GREAT WESTERN HIGHWAY, LITHGOW

16 – 143 RESOLVED

THAT

1. Development Application 029/16 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 F Inzitari

SECONDED: Councillor R Thompson.

Divisions (Unanimous) -

FOR

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

GENERAL MANAGERS REPORTS

ITEM-1 GM - 27/06/16 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION

16 – 144 RESOLVED

THAT Council:

1. Set the remuneration in 2016/17 for Councillors at \$10,325.00
2. Set the remuneration in 2016/17 for the Mayor at \$21,865.00
3. Set the 2016/17 car lease payable by the Mayor at Nil.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

ITEM-2 GM - 27/06/16 - EXCLUSION OF NOTICE OF MOTION

16 – 145 RESOLVED

THAT Council note the report on the exclusion of a Notice of Motion due to the item being declared unlawful and therefore excluded from the Business Paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-3 ENVIRO - 27/06/16 - SCORES ON DOORS

16 – 146 RESOLVED

THAT Council note the report on the *Scores on Doors* program and not participate in the scheme at this stage.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-4 ENVIRO - 27/06/16 - DA029/16 PROPOSED DEMOLITION AND CONSTRUCTION OF SERVICE STATION AND CAFE AT GREAT WESTERN HIGHWAY, LITHGOW

Item 4 was dealt with earlier in the meeting.

ITEM-5 ENVIRO - 27/06/16 - WALLERAWANG POULTRY FARM UPDATE

16 – 147 RESOLVED

THAT the information regarding odour issues for the Wallerawang Poultry Farm be noted.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

**ITEM-6 ENVIRO - 27/06/16 - PROPOSED LEASE TARANA WASTE
TRANSFER STATION**

16 – 148 RESOLVED

THAT Council:

1. Agree to the establishment of a lease over Lot 1 DP 165694 Tarana, for the development of a waste transfer station, in accordance with the following terms:

Lease Term:	3-5yrs
Rental:	\$550.00per annum (incl GST)
Rent Review:	3% per annum
Agreement Type:	Licence
Insurance:	Public liability with indemnity \$250Mil. Transport for NSW and John Holland Rail to be noted on policy
Use:	Waste Transfer Station
Conditions:	Proposed lease area to be fenced
2. The General Manager be delegated authority to finalise and endorse the lease documentation
3. Authorise the affixing of the Council seal to any required documentation.

MOVED: Councillor C Hunter

SECONDED: Councillor R Thompson.

**ITEM-7 ENVIRO - 27/06/16 - FAIR TRADING IMPLEMENTATION -
VOLUNTARY PURCHASE & DEMOLITION PROGRAM - LOOSE FILL
ASBESTOS**

16 – 149 RESOLVED

THAT Council note the report on the NSW Government Department of Fair Trading Loose Fill Asbestos Voluntary Purchase and Demolition Program.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

OPERATION REPORTS

ITEM-8 OPER - 27/06/16 - DRAFT POLICY 3.3 - DRINKING WATER QUALITY

16 – 150 RESOLVED

THAT Council **ADOPT** Draft Policy 3.3 – Drinking Water Quality.

MOVED: Councillor P Pilbeam

SECONDED: Councillor R Thompson.

ITEM-9 OPER - 27/06/16 - PORTLAND SEWERAGE AUGMENTATION TENDER RECCOMENDATION

16 – 151 RESOLVED

THAT Council:

1. Accept the tender submission from Gongues Constructions Pty Ltd for Ten Million Twenty Seven Thousand One Hundred and Sixty Dollars GST inclusive (\$10,027,160.00 GST inclusive) for The Augmentation of Portland Sewerage Treatment Plant.
2. Authorise the affixing of the Council seal to any necessary documentation in relation to this tender.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

ITEM-10 OPER - 27/06/16 - WATER REPORT

16 – 152 RESOLVED

THAT Council notes the water report.

MOVED: Councillor R Thompson

SECONDED: Councillor P Pilbeam.

CORPORATE AND COMMUNITY REPORTS

ITEM-11 CORP - 27/06/16 - COUNCIL INVESTMENTS HELD TO 31 MAY 2016

16 – 153 RESOLVED

THAT Investments of \$21,637,279.23 and cash of \$4,415,356.62 for the period ending 31 May 2016 be noted.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-12 CORP - 27/06/16 - ADVICE OF INELIGIBILITY OF DVA PENSIONERS TO CLAIM A REBATE FOR 2014-2015 and 2015-16 RATING YEAR

16 – 154 RESOLVED

THAT Council:

1. Write off \$1,650.00 and \$1,392.50 as the equivalent pension rate rebate from the 2014/15 and 2015/16 financial year on the following DVA pensioner properties:
 - Property No: 6570
 - Property No: 12250
 - Property No: 27350
 - Property No: 62810
 - Property No: 63750
 - Property No: 74900
2. Authorise the continuing rebate of the four properties, 6570, 12250, 62810 and 74900 on an annual basis whilst the above pensioners continue to receive DVA benefits as war widows.

MOVED: Councillor F Inzitari

SECONDED: Councillor C Hunter.

COUNCIL COMMITTEE MINUTES

ITEM-13 OPER - 27/06/16 - SPORTS ADVISORY COMMITTEE MEETING MINUTES - 31 MAY 2016

16 – 155 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 31st May 2016; and
2. Accept Sharon Howarth and Phillip Howarth as the Sports Advisory Committee representatives from the Wallerawang Rugby League Football Club.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson.

ITEM-14 CORP - 27/06/16 - TOURISM ADVISORY COMMITTEE 1 JUNE 2016 MEETING

16 – 156 RESOLVED

THAT Council notes the minutes of the Tourism Advisory Committee held on the 1 June 2016.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ITEM-15 EXEC - 27/06/16 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES 2 JUNE 2016

16 – 157 RESOLVED

THAT Council:

1. Note the Minutes of the Economic Development Advisory Committee held on 2 June 2016
2. Decline the opportunity to participate in the Regional Living Expo 2016 but reconsider its position in 2017
3. Adopt the draft Economic Development Strategy and Investment Prospectus

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

**ITEM-16 CORP -27/06/16 - TOURISM ADVISORY COMMITTEE MEETING -
8/06/16**

16 – 158 RESOLVED

THAT Council notes the minutes of the Tourism Advisory Committee held on the 8 June 2016.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

DELEGATES REPORT

ITEM-17 27/06/16 - DELEGATES REPORT - CENTROC

16 – 159 RESOLVED

THAT Council Note the minutes of the Centroc Board Meeting held on 12 May 2016.

MOVED: Councillor M Statham

SECONDED: Councillor F Inzitari.

QUESTIONS WITH NOTICE

**ITEM-18 QUESTION WITH NOTICE - 27/06/16 - UPDATE ON THE
FOUNDATIONS (FORMERLY THE CEMENT WORKS) PORTLAND -
CLR TICEHURST**

16 – 160 RESOLVED

THAT Items 18 and 19 be lay on the table.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

ITEM-19 QUESTION WITH NOTICE - 27/06/16 - COMMUNITY PETITION - MARJORIE JACKSON PLAYING FIELDS IN LITHGOW - COUNCILLOR M TICEHURST

Item 19 was dealt with earlier in the meeting.

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

CLOSED COUNCIL

ITEM-20 CONFIDENTIAL - CLOSED COUNCIL - CORP - 27/06/16 - REQUEST FOR CONSIDERATION - EXCESSIVE WATER ACCOUNT FOR PROPERTY 2370

16 – 161 RESOLVED

THAT Council consider the report on Request for Consideration – Excessive Water Account for Property 2370 be considered in Closed Council pursuant to Section 10A(2)(b) of the Local Government Act 1993.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

Prior to the motion being put the General Manager asked the members of the public if there were any objections to the confidential reports being considered in closed Council.

There were nil objections.

**ITEM-21 CONFIDENTIAL - CORP - 27/06/16 - CLOSED COUNCIL - BULK
FUEL TENDERS THROUGH CENTROC**

16 – 162 RESOLVED

THAT Council consider the report on Bulk Fuel Tenders through Centroc be considered in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

Prior to the motion being put the General Manager asked the members of the public if there were any objections to the confidential reports being considered in closed Council.

There were nil objections.

**ITEM-22 OPER - 270616 - CONFIDENTIAL - CLOSED COUNCIL -
CONSTRUCTION OF RAIL OVERBRIDGE, WALLERAWANG**

16 – 163 RESOLVED

THAT Council consider the report on the Extension of Time submitted by Abergeldie Complex Infrastructure Pty Ltd and related claim for compensable delay damages be considered in Closed Council pursuant to Section 10A(2)(d)(ii) and 10A(2)(g) of the Local Government Act 1993.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

Prior to the motion being put the General Manager asked the members of the public if there were any objections to the confidential reports being considered in closed Council.

There were nil objections.

CLOSED COUNCIL

16 – 164 RESOLVED

THAT Council move into Closed Council to consider the confidential reports.

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson

At 8:22pm the Council moved into Closed Council.

CLOSED REPORTS

ITEM-20 CONFIDENTIAL - CLOSED REPORT - CORP - 27/06/2016 - REQUEST FOR CONSIDERATION - EXCESSIVE WATER ACCOUNT FOR PROPERTY 2370

16 – 165 RESOLVED

THAT Council would like to recommend providing assistance:

1. Write-off \$8,302.45 in water consumption charges for Property 2370.
2. Charge the final quarter water charge for Property 2370 at Tariff 1.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

ITEM-21 CONFIDENTIAL - CORP - 27/06/16 - CLOSED REPORT - BULK FUEL TENDERS THROUGH CENTROC

16 – 166 RESOLVED

THAT Council:

1. Accept the proposed appointment of a panel of contractors for the supply of bulk fuel to Council's depots for the period of 1st July 2016 to 30th June 2018. The estimated expenditure of this contract will be approximately \$370,000 per annum. These contractors, in no order of preference, are Ocwen Energy, trading as Lowes Petroleum, Park Pty Ltd and Oilsplus Holdings Australia.
2. Allow a provision for a 12 month extension based on satisfactory supplier performance, which may extend the contract until 30th June 2019.
3. Authorise the affixing of the Council seal to any necessary documentation in relation to this project.

MOVED: Councillor F Inzitari

SECONDED: Councillor C Hunter.

ITEM-22 OPER - 27/06/16 - CONFIDENTIAL REPORT - CONSTRUCTION OF RAIL OVERBRIDGE, WALLERAWANG

16 – 167 RESOLVED

THAT Council authorise the Council General Manager to negotiate within the limits described in the report as the "Recommended Course".

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

16 – 168 RESOLVED

THAT Council return to open Council (8:35pm).

MOVED: Councillor F Inzitari

SECONDED: Councillor R Thompson

The General Manager announced the Resolutions of the Closed Council to the public.

There being no further business the meeting concluded at 8:38pm.