



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

08 AUGUST 2016

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 8 AUGUST 2016**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 40

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 Trinity Newton, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Mrs Juli-Ann Brozek, Group Manager Corporate and Community
Mr Jonathon Edgecombe, Acting Group Manager Operations

CONFIRMATION OF MINUTES

16 – 197 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 18 July 2016 were taken as read and confirmed by Councillors W McAndrew and C Hunter

16 – 198 RESOLVED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 27 July 2016 were taken as read and confirmed by Councillors R Thompson and W McAndrew

DECLARATION OF INTEREST

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

Nil

QUESTIONS FROM THE PUBLIC

At 7:03pm Members of public gallery were invited to participate in the Public Forum Session.

PROCEDURAL MOTION

THAT speakers during the Public Forum speaking on ITEM 3 on the agenda not be limited to the usual time restrictions.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

PF – 08/08/16 - Superintendent Anthony Joice – Mudgee Local Area Command

Superintendent Anthony Joice made a statement in relation to Item 3 on the Agenda.

The Mayor thanked Superintendent Joice for his comments.

PF – 08/08/16 - Matthew Woods

Mr Matthew Woods made a statement in relation to Item 3 on the Agenda.

The Mayor thanked Mr Woods for his comments.

PF – 08/08/16 – Benjamin Boehm

Mr Benjamin Boehm made a statement in relation to Item 3 on the Agenda.

The Mayor thanked Mr Boehm for his comments.

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PROCEDURAL MOTION

THAT Item 3 on the agenda be brought forward and considered at this point in the meeting.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-3 ENVIRO - 08/08/16 DA154/16 - FIVE DAY PSYFARI MUSIC FESTIVAL FOR 2016 TO 2018 - EURELLA 602 UPPER NILE ROAD GLEN ALICE

The Group Manager for Environment and Development made a statement in relation to an alteration of proposed conditions of consent.

MOTION

THAT:

1. That Development Application DA154/16 for the five day Psyfari Music Festival be approved for 2016, subject to conditions of consent outlined in the attached 79C Assessment Report.
2. The event is limited to 4,000 people in total including staff etc.
3. Approval is for one event during August 2016 for a period of five days.
4. Deletion of condition number 7 and replacement of condition numbers 68 to 74 with the following:
 - Toilet facilities, including hand washing facilities, for the event to be based on 1 pan per 120 people (including patrons, staff, performers, contractors and volunteers). Final numbers to be calculated and provided in consultation with NSW Health - Nepean Blue Mountains Local Health District prior to each event.
 - The proponents must adhere to the Australian Drinking Water Guidelines (ADWG). The proponents are to provide a current Drinking Water Quality Assurance Program (see <http://www.health.nsw.gov.au/phact/Publications/is2-drinking-water.pdf>) and submit this to Nepean Blue Mountains Public Health Unit prior to the event. The proponents are to allow Nepean Blue Mountains Local Health District Staff access to inspect the drinking water system and take samples.
 - At no time should a vessel intended for the carriage of potable water be used for grey water or other fluids. Separate and appropriate water and waste carriers are to be provided.
 - The proponents are to provide health advice to participants of the composting workshop and provide adequate hand-washing facilities at the composting site.
 - The applicant shall consult with NSW Health - Nepean Blue Mountains Local Health District regarding the provision of adequate shower and hand washing

facilities for each event. Such facilities to be provided having regard to those consultations.

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

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

AMENDMENT

THAT:

1. That Development Application DA154/16 for the five day Psyfari Music Festival be approved for 2016, subject to conditions of consent outlined in the attached 79C Assessment Report.
2. Approval is for one event during August 2016 for a period of five days.
3. Deletion of condition number 7 and replacement of condition numbers 68 to 74 with the following:
 - Toilet facilities, including hand washing facilities, for the event to be based on 1 pan per 120 people (including patrons, staff, performers, contractors and volunteers). Final numbers to be calculated and provided in consultation with NSW Health - Nepean Blue Mountains Local Health District prior to each event.
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 - At no time should a vessel intended for the carriage of potable water be used for grey water or other fluids. Separate and appropriate water and waste carriers are to be provided.
 - The proponents are to provide health advice to participants of the composting workshop and provide adequate hand-washing facilities at the composting site.
 - The applicant shall consult with NSW Health - Nepean Blue Mountains Local Health District regarding the provision of adequate shower and hand washing facilities for each event. Such facilities to be provided having regard to those consultations.
4. 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 R Thompson.

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

16 – 199 RESOLVED

THAT:

1. That Development Application DA154/16 for the five day Psyfari Music Festival be approved for 2016, subject to conditions of consent outlined in the attached 79C Assessment Report.
2. Approval is for one event during August 2016 for a period of five days.
3. Deletion of condition number 7 and replacement of condition numbers 68 to 74 with the following:
 - Toilet facilities, including hand washing facilities, for the event to be based on 1 pan per 120 people (including patrons, staff, performers, contractors and volunteers). Final numbers to be calculated and provided in consultation with NSW Health - Nepean Blue Mountains Local Health District prior to each event.
 - The proponents must adhere to the Australian Drinking Water Guidelines (ADWG). The proponents are to provide a current Drinking Water Quality Assurance Program (see <http://www.health.nsw.gov.au/phact/Publications/is2-drinking-water.pdf>) and submit this to Nepean Blue Mountains Public Health Unit prior to the event. The proponents are to allow Nepean Blue Mountains Local Health District Staff access to inspect the drinking water system and take samples.
 - At no time should a vessel intended for the carriage of potable water be used for grey water or other fluids. Separate and appropriate water and waste carriers are to be provided.
 - The proponents are to provide health advice to participants of the composting workshop and provide adequate hand-washing facilities at the composting site.
 - The applicant shall consult with NSW Health - Nepean Blue Mountains Local Health District regarding the provision of adequate shower and hand washing facilities for each event. Such facilities to be provided having regard to those consultations.
4. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993

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

Divisions -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor R Thompson

AGAINST

Councillor J J McGinnes
Councillor M Statham
Councillor M F Ticehurst

MAYORAL MINUTE

**ITEM-1 MAYORAL MINUTE - 08/08/16 - PORTLAND AND DISTRICT
OLYMPIC POOL ADDITIONAL FUNDING**

REPORT BY: COUNCILLOR MAREE STATHAM - MAYOR

MOTION

THAT:

1. Council approve an additional one-off \$8,800 donation to the Portland and District Olympic Pool Committee
2. These additional funds be used for improvements at the Portland pool
3. Council fund this additional expenditure from the Council Financial Assistance account.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

AMENDMENT

THAT Council defer the decision of the additional one-off \$8,800 donation to Portland and District Olympic Pool Committee until after the forth coming Council elections.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The **AMENDMENT** was PUT and **LOST**

16 – 200 RESOLVED

THAT:

1. Council approve an additional one-off \$8,800 donation to the Portland and District Olympic Pool Committee
2. These additional funds be used for improvements at the Portland pool
3. Council fund this additional expenditure from the Council Financial Assistance account.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

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

Divisions -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor M F Ticehurst
Councillor J J McGinnes

GENERAL MANAGERS REPORTS

ITEM-2 GM - 08/08/16 - LOCAL GOVERNMENT NSW CONFERENCE

16 – 201 RESOLVED

THAT Council:

1. Appoint the Mayor, Deputy Mayor as voting delegates to the Conference.
2. Appoint another councillor as a delegate at a future Council meeting.
3. Authorise the General Manager to attend the Conference as an observer.
4. Authorise the Mayor to appoint alternate delegates or additional observers if required.

MOVED: Councillor P Pilbeam

SECONDED: Councillor F Inzitari.

ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM-3 ENVIRO - 08/08/16 DA154/16 - FIVE DAY PSYFARI MUSIC FESTIVAL
FOR 2016 TO 2018 - EURELLA 602 UPPER NILE ROAD GLEN ALICE**

Item 3 was dealt with earlier in the meeting.

**ITEM-4 ENVIRO - 08/08/16 - MARRANGAROO MASTERPLAN - DCP -
 APPOINTMENT OF CONSULTANT**

16 – 202 RESOLVED

THAT:

1. Council accept the fee proposal offer from Oculus for the upper limiting fee of \$178,780.00 excluding GST.
2. The General Manager be authorised to sign the resulting contract and any related documentation under delegated authority.
3. Council allocate a further \$40,000 (ex GST) to the project in the 2016/2017 Operational Plan process as a Transfer from the Strategic Planning Reserve.

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

**ITEM-5 ENVIRO - 08/08/16 - 035/08DA VOLUNTARY PLANNING
 AGREEMENT - HOSKINS AVENUE UNITS**

16 – 203 RESOLVED

THAT:

1. Council endorse the Voluntary Planning Agreement proposed by Vision Property Holdings Pty Ltd for a contribution of \$24,000 (\$1,500 per unit, 16 units-stage C) to go toward community facilities.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning and Environment.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

**ITEM-6 ENVIRO - 08/08/16 - DA125/16 SUBDIVISION 1 INTO 2 MARTINS
 ROAD, RYDAL**

16 – 204 RESOLVED

THAT

1. DA125/16 for a subdivision 1 into 2 be supported by Council, subject to the conditions outlined in the attached 79C report.

2. The concurrence of the Director-General of Planning be sought for DA125/16 to vary the development standards in relation to the minimum lot size for subdivision by 77%.
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.

Divisions – 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-7 ENVIRO - 08/08/16 - PROPOSED TRANSFER RAILWAY LAND
 JAMES ST LITHGOW**

16 – 205 RESOLVED

THAT Council:

1. Accept transfer of Lot 1 DP 172589 and Lot 9 Section 3 DP 5070 from RailCorp for \$1.00 if demanded, and the subject land be further dedicated as a roadway, in accordance with the provisions of sections 10 (1) and (2) of the Roads Act 1993.
2. The General Manager be delegated authority to finalise and endorse the transfer documentation as required.
3. The affixing of the Council seal to any necessary documentation be authorised.

MOVED: Councillor R Thompson

SECONDED: Councillor F Inzitari.

OPERATION REPORTS

ITEM-8 OPER - 08/08/16 - WATER REPORT

16 – 206 RESOLVED

THAT Council notes the water report.

MOVED: Councillor F Inzitari

SECONDED: Councillor P Pilbeam.

NOTICE OF MOTION

**ITEM-9 NOTICE OF MOTION - 08/08/2016 - COUNCIL DECISION - MAKING
PRIOR TO THE SEPTEMBER 2016 LOCAL GOVERNMENT
ELECTIONS**

REPORT BY: COUNCILLOR MARTIN TICEHURST

16 – 207 RESOLVED

THAT the Council, Councillors and General Manager and Senior Council Officers note the Office of Local Government Circular 18 of 2016: 'Council decision-making prior to the September 2016 Lithgow City Council Local Government Elections.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

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.*

UB – 08/08/16 – Councillor Martin Ticehurst

Councillor Ticehurst made reference to the Staff Survey provided by Council and requested that Council discuss the information as urgent business.

MOTION

THAT discussion on the Staff Survey be declared urgent business.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The **MOTION** was put and **LOST**

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

Divisions -

FOR

Councillor J J McGinnes
Councillor M Statham
Councillor M F Ticehurst

AGAINST

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor W McAndrew
Councillor P Pilbeam
Councillor R Thompson

There being no further business the meeting concluded at 8:54pm.