



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

**MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

22 AUGUST 2011

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 22<sup>ND</sup> August 2011**

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Meeting Commenced at 7.00pm

Public: 22

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
Councillor H K Fisher  
Councillor R Thompson  
Councillor G Danaher  
Councillor J J McGinnes  
Councillor W Marshall  
Councillor C Hunter  
Councillor M F Ticehurst

**APOLOGIES**

**11-321 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 H K Fisher

**SECONDED:** Councillor G Danaher.

**Also in attendance**

Mr Roger Bailey, General Manager  
Miss Casey Clarke, Minutes Secretary  
Mr Jim Nichols, Acting Group Manager Environment and Development  
Ms Suzanne Lollback, Group Manager Community and Strategy  
Mr Iain Stewart, Group Manager Operation Services  
Mrs Carol Farnsworth, Finance Manager

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 1<sup>st</sup> August 2011 were taken as read and confirmed by Councillors H K Fisher and G Danaher

**11-322 RESOLVED**

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 12<sup>th</sup> August 2011 were taken as read and confirmed by Councillors H K Fisher and G Danaher

**11-323 RESOLVED**

## **QUESTIONS FROM THE PUBLIC FORUM**

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

### **PF - 22/08/11 - MR BRUCE UPTON**

Mr Upton made a statement in relation to the draft Code of Meeting Practice. Mr Upton objected to the proposed need for the public to register before the council meeting. Mr Upton stated that the agenda is published too late and does not give ratepayers enough time to register their questions.

### **PF - 22/08/11 - MRS DONNA UPTON**

Mrs Upton made a statement in relation to the proposed new signage for the Lithgow local government area and asked for signage to be considered at the following areas:

- The northern boundary of the local government area
- Mount Marsden
- The boundary with Mid Western Regional Council

### **PF - 22/08/11 - MR GEOFF LANGLANDS**

1. Mr Langlands made a statement in relation to the draft Code of Meeting Practice and advised Council that there is nothing wrong with current procedure and he believes that if Council changes the process it will make it harder for the public.

2. Mr Langlands asked the Council as to why the development application details for the proposed new Aquatic Centre were not advertised for the redevelopments?

*The Acting Group Manager Environment and Development advised that 28 people within the vicinity of the development application were notified on all matters in relation to the development application.*

### **PF - 22/08/11 - MRS SUE GRAVES**

Mrs Graves made a statement in relation to the cycle way at Farmers Creek and advised Council that if certain shrubs and vegetation were planted alongside the creek, where a fence is proposed, this will save the Council having to erect the fence.

**PF - 22/08/11 - MR JOHN KEARNS**

Mr Kearns made a statement in relation to the Charlie Pinch Museum and asked if Council can confirm that they have done everything possible to relocate this site to another area in Portland? It was Charlie Pinch's wishes to have this retained in the Portland Township and we would like to see this happen? Have the family been notified of any decisions?

*The Mayor advised that yes Council had spoken with Boral and there was an assessment done, which resulted in millions of dollars which Council does not have. Council has also engaged the Powerhouse Museum to catalogue the articles which Charlie Pinch had in his collection. Council has met with people in relation to the Estate and Council advised them they would do everything that they possibly could within reason.*

**PF - 22/08/11 - MR GEOFF LANGLANDS**

Mr Langlands made a statement in relation to the Aquatic Centre and he advised that he understands that this will be a long project but would like to know if there will be more money fundraised or will it be the ratepayers who will have to pay extra to fund the project? This process needs to be stopped and looked into again further, with the submissions and then taken on. Mr Langlands had concerns with regards to the first stage being completed but then the next stages taking a seriously long time with no indoor pool for many years.

*The Mayor advised that Council will not be paying any extra as the money had already been allocated in the budget.*

**PF - 22/08/11 - MR BOB MORRIS**

Mr Morris made a statement in relation to the Bicentenary Celebrations and the proposed list of people who will be forming a committee and asked Council why wasn't the Blue Mountains Trust approached in relation to having a member on this committee?

*The Mayor advised that this is not a definitive listing as yet and would be happy to seek to have a member placed on this committee.*

**DECLARATION OF INTEREST**

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

NIL

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## NOTICES OF MOTION

ITEM-1            **NOTICE OF MOTION - 22/08/11 - UPDATE ON RESOLUTION 11-148  
NEW WALKWAY / CYCLE PATH ON FARMERS CREEK AT  
COALBROOK STREET, LITHGOW - COUNCILLOR M F TICEHURST**

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## MOTION

**THAT** the General Manager and/or the Group Manager of Operations provide an updated written report to the Council on the future possibility of erecting appropriate public fencing on the Farmers Creek side of the new Walkway / Cycle Path along Farmers Creek at Coalbrook Street, Lithgow as was raised at the time of Lithgow City Council Resolution 11 – 148 made at the Ordinary Meeting of the Lithgow City Council on 18 April 2011.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.

## AMENDMENT

**THAT** the proposed fencing be put into the budget for consideration.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher.

The **AMENDMENT** was put and declared **LOST**.

The **MOTION** was put and declared **LOST**.

**ITEM-2 NOTICE OF MOTION - 22/08/11 - CALLING IN OF LITHGOW CITY COUNCIL DA 210/10DACC FOR 41 FALNASH STREET, PORTLAND - COUNCILLOR M F TICEHURST**

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**11-324 RESOLVED**

**THAT** this motion of calling in of DA 210/10DACC for 41 Falnash St, Portland be **WITHDRAWN**.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor H K Fisher.

**ITEM-3 NOTICE OF MOTION - 22/08/11 - UPDATE ON THE LITHGOW CITY COUNCILS PROPERTY LEASE WITH TRANSLINC - COUNCILLOR M F TICEHURST**

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**11-325 RESOLVED**

**THAT:**

1. The General Manager and Senior Council Officers provide the Council, Councillors, ratepayers and residents with an urgent report on the proposed renewal of the current, soon to expire Lithgow City Council Property Lease with the not-for-profit community organisation Translinc at 162 Mort Street Lithgow?
2. Council seek information from Translinc in regards to their services, so Council can take this matter to the State Government for future funding.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor J J McGinnes.



## GENERAL MANAGERS REPORTS

**ITEM-4            GM - 22/08/11 - QUARTERLY PERFORMANCE REPORT ON 2010/11  
TO 2013/14 MANAGEMENT PLAN FOR THE PERIOD 1ST APRIL  
2011 TO 30TH JUNE 2011**

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### **11-326 RESOLVED**

**THAT:**

1. The surplus of \$34,447 for the 2010/11 to 2013/14 Management Plan as detailed in the Quarterly Performance Report for the period 1 April 2011 to 30 June 2011 be noted pending the finalisation of the 2010/11 General Purpose Financial Reports;
2. Council adopts the 2010/11 'Work in Progress to Reserves for the 2011/12 financial year; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer, has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2013/14 Management Plan has been reviewed and the financial position of Council is satisfactory.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor W Marshall.

**ITEM-5            GM - 22/08/11 - COUNCIL CODE OF MEETING PRACTICE**

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### **11-327 RESOLVED**

**THAT** Council adopt the Draft Code of Meeting Practice Version 9 which includes the following amendments:

- iii) That item 4 in the agenda be amended to 'Declaration of Interests; Pecuniary and Non-Pecuniary';
- iv) That two procedural motions be included into the Code formalising that motions may be used to:
  - Lie on the table (defer indefinitely) – mover required but no seconder
  - Move to next business – mover required but no seconder
- v) That Clause 19(i)(a) be amended to read "unless a Councillor has given notice of the business in writing by the close of business seven (7) working days prior to the Council meeting (In most cases this would be the close of business two Fridays prior to the Council meeting).

**MOVED:** Councillor W Marshall

**SECONDED:** Councillor H K Fisher.

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

## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-6            ENVIRO - 22/08/11 - DEVELOPMENT FEES AND CHARGES CHANGES

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#### 11-328 RESOLVED

**THAT** the changes to a number of legislated development fees as outlined in the report be noted.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher.

### ITEM-7            ENVIRO - 22/08/11 - COALPAC CONSOLIDATION PROJECT, CULLEN BULLEN

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#### 11-329 RESOLVED

**THAT:**

1. A submission stating the Council position of supporting the underground basis and the underground basis be made to the State Government; and
2. A public meeting be held in Cullen Bullen to allow for residents to discuss this matter, with the Department of Planning and Coalpac invited to attend.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

### ITEM-8            ENVIRO - 22/08/11 - DEVELOPMENT APPLICATION 039/11DA CONSTRUCTION OF TOILET BLOCK QUEEN ELIZABETH PARK, LITHGOW

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#### 11-330 RESOLVED

**THAT:**

1. Combined Development Application 039/11 be approved subject to conditions specified in the attached Section 79C assessment; and
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**MOVED:** Councillor W Marshall

**SECONDED:** Councillor G Danaher.

A **DIVISION** was held and DA 039/11 was approved **UNANIMOUSLY**

**A MATTER ARISING**  
**11-331 RESOLVED**

**THAT** a report be provided to Council in relation to the toilets located at the back of the Council Administration Building, as to why they were closed and whether it is possible for them to be opened during the day and closed at night time.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor W Marshall.

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**ITEM-9                      ENVIRO - 22/08/11 - DEVELOPMENT APPLICATION 065/10DA -**  
**DWELLING AND GARAGE - 23 MORT STREET, LITHGOW**

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**11-332 RESOLVED**

**THAT:**

1. The Lithgow City Council Covenant in 88B instrument for DP 1099264 be released to allow access off Vale Place for this development proposal;
2. Development Application 065/10DA be approved subject to conditions specified in the attached Section 79C assessment; and
3. 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 G Danaher.

A **DIVISION** was held and DA 065/10 was approved **UNANIMOUSLY**

## OPERATIONS REPORTS

### ITEM-10      OPER - 22/08/11 - WATER REPORT

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#### 11-333 RESOLVED

**THAT:**

1. The information in relation to water management issues be noted;
2. The Water Committee be formed as a matter of urgency, before the summer weather begins; and
3. Councillors Danaher, Fisher and Marshall be appointed to the Water Committee, along with the General Manager and Group Manager Operations.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

### ITEM-11      OPER - 22/08/11 - WALLERAWANG SEWERAGE TREATMENT PLANT UPGRADE - UV DISINFECTION VARIATION

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#### 11-334 RESOLVED

**THAT** Council accept the quoted variation price provided by Gongues Construction for the amount of \$974,600.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher.

### ITEM-12      OPER - 22/08/11 - PROPOSAL FOR SLOPE RISK ASSESSMENT AND REMEDIAL OPTIONS BROWNS GAP ROAD, LITHGOW NSW

#### 11-335 RESOLVED

**THAT** Council engage Golder Associates to perform a slope risk assessment and preparation of a report for potential remedial options to Browns Gap Road at an estimated cost of \$19,000 excluding GST, this matter should be considered in the September 2011 financial review.

**MOVED:** Councillor M F Ticehurst

**SECONDED:** Councillor H K Fisher.

## COMMUNITY AND STRATEGY REPORTS

### ITEM-13      COMM - 22/08/11 - SIGNAGE AND STATIONARY CONCEPTS

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#### 11-336 RESOLVED

##### THAT:

1. Council approve the signage, stationery and billboard concepts as attached to this report;
2. The existing logo with the writing along the side be used; and
3. A report be provided to Council identifying some of the issues within our signage, including Newnes area.

**MOVED:** Councillor W Marshall

**SECONDED:** Councillor R Thompson.

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

##### FOR

Councillor N L Castle  
Councillor G Danaher  
Councillor H K Fisher  
Councillor C Hunter  
Councillor W Marshall  
Councillor R Thompson

##### AGAINST

Councillor M F Ticehurst  
Councillor J J McGinnes

### ITEM-14      COMM - 22/08/11 - \$7000 RELOCATION GRANT FOR REGIONAL AREAS

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#### MOTION

##### THAT:

1. Council notes the information regarding the \$7,000 Regional Relocation Grant, the First Home Owner Grant Scheme and the Stamp Duty Concession scheme;
2. A report be prepared on the promotion of the \$7,000 grant to the Blue Mountains and Western Sydney on the availability of the grant.

**MOVED:** Councillor G Danaher

The motion **LAPSED** due to the want of a seconder.

**11-337 RESOLVED**

**THAT** Council notes the information regarding the \$7,000 Regional Relocation Grant, the First Home Owner Grant Scheme and the Stamp Duty Concession scheme.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor C Hunter.

**ITEM-15            COMM - 22/08/11 - BICENTENARY CELEBRATIONS, CROSSING OF  
THE BLUE MOUNTAINS**

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**11-338 RESOLVED**

**THAT:**

1. Council adopt the attached Draft Terms of Reference for the Section 355 Committee for the Crossing of the Blue Mountains; and
2. The Blue Mountains Trust be approached to have a member on the Committee.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

**ITEM-16            COMM - 22/08/11 - SECTION 356 FINANCIAL ASSISTANCE TO  
COMMUNITY ORGANISATIONS**

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**11-339 RESOLVED**

**THAT:**

1. The Council provides Mingaan Aboriginal Corporation with \$500 Financial Assistance towards the cost of 2011 NAIDOC Day celebrations.
2. The Council provides Newtons Nations with \$350 Financial Assistance for the September 2011 bike and skateboard event at the Lithgow skate park.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

## FINANCE REPORTS

### ITEM-17      FINAN - 22/08/11 - DRAFT ELECTRONIC SERVICE OF RATE AND INSTALMENT NOTICES POLICY

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#### 11-340 RESOLVED

**THAT** Council adopt Draft Policy 8.9 'Electronic Service of Rate and Installment Notices'.

**MOVED:** Councillor R Thompson

**SECONDED:** Councillor W Marshall.

### ITEM-18      FINAN - 22/08/11 - SECOND INTERIM AUDIT FOR THE 2010/11 FINANCIAL YEAR

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#### 11-341 RESOLVED

**THAT:**

1. Council note the second interim audit report letter, for the 2010/11 financial year, dated 28 June 2011 from Auditors The Morse Group;
2. The audit established that the financial management procedures and systems have been controlled effectively according to Council's structure and available resources; and
3. No issues were addressed from the audit.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher.

Councillor Ticehurst recorded his name AGAINST the motion.

### ITEM-19      FINAN - 22/08/11 - COUNCIL INVESTMENTS HELD 31ST JULY 2011

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#### 11-342 RESOLVED

**THAT** Investments of \$12,044,026.45 for the period ending 31 July 2011 be noted.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor W Marshall.

## **DELEGATES REPORTS**

### **ITEM-20      DELEGATES REPORT - 22/08/11 - MINING RELATED COUNCILS MEETING HELD ON 12TH AUGUST 2011**

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#### **11-343 RESOLVED**

**THAT** the report on the Mining related Councils Meeting held on Friday 12<sup>th</sup> August 2011 be noted.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor W Marshall.



## COMMITTEE MEETINGS

### ITEM-21      FINAN - 22/08/11 - ECONOMIC SHOPFRONT COMMITTEE MEETING OF 06/07/11

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#### 11-344 RESOLVED

**THAT** Council adopt the minutes of the Economic Shopfront Committee held on 6 July 2011 and the reduction in rental of \$50.00 per week for Translinc 162 Mort St, Lithgow for a period of six months.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor W Marshall.

### ITEM-22      COMM - 22/08/11 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES 22ND JULY 2011

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#### 11-345 RESOLVED

**THAT** Council:

1. Notes the minutes of the Economic Development Advisory Committee held on 22 July 2011;
2. Endorses the nomination of Sebastian Caruso from the University of Notre Dame as a new Economic Development Advisory Committee member representing the Education and Training Sector;
3. Changes the Economic Development Advisory Committee Terms of Reference as follows:
  - Lithgow Business Association (Retail representative) - *be changed to* Retail and Business Services representative.
  - The addition of a 'Specialist, Micro or rural (general)' representative.
  - The addition of a 'health services' sector representative.
4. Calls for expressions of interest for membership to the Economic Development Advisory Committee from the Retail and Business Services, Specialist, Micro and rural (general), and Health Services sectors.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor W Marshall.

## **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 REPORTS**

### **ITEM-23 MAYORAL MINUTE - 22/08/11 - CONFIDENTIAL REPORT - GENERAL MANAGERS MID TERM PERFORMANCE REVIEW**

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#### **11-346 RESOLVED**

**THAT** Council consider this report in closed Council pursuant to Section 10A(2)(a) of the Local Government Act 1993.

**MOVED:** Councillor G Danaher

**SECONDED:** Councillor H K Fisher

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

There were **NIL** objections.

#### **11-347 RESOLVED**

**THAT** Council move into Closed Council to consider the confidential report.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor G Danaher

Closed Council started at 8.10pm.

**CLOSED COUNCIL**

**ITEM-23 MAYORAL MINUTE - 22/08/11 - CONFIDENTIAL REPORT - GENERAL MANAGERS MID TERM PERFORMANCE REVIEW**

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**11-348 RESOLVED**

**THAT** the report on the General Managers Mid Term Performance Review be noted.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson.

**11-349 RESOLVED**

**THAT** at 8.13pm the Council resolved to refer back to open Council.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor R Thompson

The Mayor announced the resolution of the Closed Council.

The meeting closed at 8.14pm