



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

06 FEBRUARY 2017

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 6 FEBRUARY 2017**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 57

PRESENT

His Worship the Mayor
Councillor S Lesslie
Councillor W McAndrew
Councillor C Coleman
Councillor S Ring
Councillor J Smith
Councillor M Statham
Councillor R Thompson

APOLOGIES

Nil

Also in attendance

Mr Andrew Muir, Acting General Manager
Mrs Trinity Newton, Minutes Secretary
Mr Jim Nichols, Acting Group Manager Environment and Development
Mrs Ally Shelton, Acting Group Manager Corporate and Community
Mr Rhys Brownlow, Acting Group Manager Operations

CONFIRMATION OF MINUTES

17-16 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 12 December 2016 were taken as read and confirmed by Councillors W McAndrew and J Smith

17-17 RESOLVED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 23 January 2017 were taken as read and confirmed by Councillors R Thompson and S Ring

DECLARATION OF INTEREST

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

Councillor J Smith declared a Pecuniary Interest in item 10, as he works for the interested party. He will vacate the Chambers.

QUESTIONS FROM THE PUBLIC

At 7:01pm Members of public gallery were invited to participate in the Public Forum Session.

PROCEDURAL MOTION

THAT the Mercury Newspaper be able to record tonight's meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

PF – 06/02/17 - Mr John Fuller

Mr Fuller did not attend the meeting.

PF - 06/02/17 - MR RICH EVANS

Mr Evans made a statement in relation to Ironfest.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Evans.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

The Mayor thanked Mr Evans for his statement.

PF - 06/02/17 - MR OLLIE LECKBANDT

Mr Leckbandt made a statement in relation to Buttress Place Lithgow.

The Mayor thanked Mr Leckbandt for his statement.

The Acting General Manager gave advice on the issue.

The Acting Environment and Development Manager gave advice on the issue.

PF – 06/02/17 - MR MARTIN TICEHURST

Mr Ticehurst made a statement in relation to Mrs Bradford from Bells Road.

The Mayor thanked Mr Ticehurst for his statement.

The Mayor gave advice on the issue.

PF – 06/02/17 – JOHN KEARNS

Mr Kearns made a statement in relation to Council matters and recent media reports.

The Mayor thanked Mr Kearns for his statement.

PF – 06/02/17 – MR JOE MCGINNES

Mr McGinnes made a statement in relation to items 1 and 2 of the Extra Ordinary Meeting of Council held on 23 January 2017.

The Mayor thanked Mr McGinnes for his statement.

PF – 06/02/17 – MR COL HUNTER

Mr Hunter made a statement in relation to Genowlan Road, Capertee.

PROCEDURAL MOTION

THAT an extension of time be granted

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew

The Mayor thanked Mr Hunter for his statement.

PF – 06/02/17 – MRS GAYE MASON

Mrs Mason made a statement in relation to the cleaning contract and advertising of an extra ordinary meeting.

The Acting General Manager gave advice on both issues that Mrs Mason addressed.

The Mayor thanked Mrs Mason for her statement.

PF – 06/02/17 – MS ANNA CARTER

Ms Carter made a statement in relation to ITEM 3 of the Agenda.

PROCEDURAL MOTION

THAT an extension of time be granted.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

The Mayor thanked Ms Carter for her statement.

PF – 06/02/17 – MR BARRY REID

Mr Reid made a statement in relation to ITEM 24 of the Agenda.

The Acting General Manager gave advice on this issue.

PROCEDURAL MOTION

THAT an extension of time be granted.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson

The Mayor thanked Mr Reid for his statement.

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UPPER NILE ROAD GLEN ALICE NSW 2849

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MAYORAL MINUTE

ITEM-1 MAYORAL MINUTE - 06/02/17 - NEW MINISTER FOR LOCAL GOVERNMENT - GABRIELLE UPTON

REPORT BY: COUNCILLOR S LESSLIE – MAYOR

17-18 RESOLVED

THAT Lithgow City Council:

1. Congratulate Ms Upton on her appointment and recognise that this is an important step to improve relations between the Government and Local Government.
2. Seek through the Office of Local Government a meeting with her to discuss matters of concern to Lithgow to be attended by the Mayor, Deputy Mayor and Acting General Manager.

MOVED: Councillor S Lesslie

SECONDED: Councillor W McAndrew.

CARRIED

LATE MAYORAL MINUTE – 06/02/17 - BY-ELECTION

REPORT BY: COUNCILLOR S LESSLIE - MAYOR

17-19 RESOLVED

THAT Lithgow City Council wait for the Minister for Local Government to give approval for the by-election to be held on 1 April 2017. Should no such permission be forthcoming by the close of business on Tuesday 7 February 2017 then the Acting General Manager advise the NSW Electoral Commission to hold the by-election on 8 April 2017.

MOVED: Councillor S Lesslie

SECONDED: Councillor R Thompson.

CARRIED

PROCEDURAL MOTION

THAT Items 23 and 24 be brought forward and dealt with at this point in the meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

NOTICE OF MOTION

ITEM-23 NOTICE OF MOTION - 06/02/17 - ESTABLISHMENT OF A FESTIVAL AND EVENTS ADVISORY COMMITTEE

REPORT BY: COUNCILLOR S RING

MOTION

THAT the Lithgow Council:

1. Establish a section 355 committee to for the Festival and Events that it manages.
2. Adopt the draft Terms of Reference for the Festival and Events Advisory Committee.
3. Appoint two Councillors to the meeting.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

The MOTION was **PUT** and was **LOST**.

ITEM-24 NOTICE OF MOTION - 06/02/17 - NBN ROLLOUT FOR LITHGOW LOCAL GOVERNMENT AREA

17-20 RESOLVED

THAT

1. That this issue be referred to the Business, Industry and Investment Committee.
2. Three community members be invited onto the committee when the item is on the agenda; these being President of the Hartley Progress Association Renzo Benedet; Mr Rich Evans and Graham Hodson from the Chamber of Commerce.
3. Council's IT Manager, Mrs Ally Shelton be invited to the committee in the same advisory capacity.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew.

CARRIED

A **DIVISION** was called by Councillors S Ring and M Statham.

Divisions

FOR

Councillor C Coleman
Councillor W McAndrew
Councillor S Lesslie
Councillor J Smith

AGAINST

Councillor J Smith
Councillor M Statham
Councillor R Thompson

GENERAL MANAGERS REPORTS

ITEM-2 GM - 06/02/17 - PROPOSAL TO CARRY OUT SPECIALISED WORKS - FIT FOR THE FUTURE

17-21 RESOLVED

THAT Council engage Morrison Low to carry out the works outlined in the attached document dated January 2017 in relation to a Detailed Improvement Plan Implementation including Long term Financial Plan; Asset Management Review; and Financial Management Maturity Review.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew.

CARRIED

ITEM-3 GM - 06/02/17 - SUBLIMINAL MENTAL HEALTH AWARENESS FESTIVAL - REQUEST FOR WAIVER OF FEES

MOTION

THAT Council waive rental fees and the bond for the use of the Union Theatre on Saturday 22 April 2017 from 8:30am to 8:30pm for the Subliminal Mental Health Awareness Festival. The waiver of the bond is on the condition that the Festival organisers agree to make good any damage to the facility if such occurs.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

AMENDMENT

THAT council:

1. Waive rental fees and the bond for the use of the Union Theatre on Saturday 22 April 2017 from 8:30am to 8:30pm for the Subliminal Mental Health Awareness Festival. The waiver of the bond is on the condition that the Festival organisers agree to make good any damage to the facility if such occurs.
2. Contribute \$500 to offset operational expenses.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham

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

17-22 RESOLVED

THAT Council waive rental fees and the bond for the use of the Union Theatre on Saturday 22 April 2017 from 8:30am to 8:30pm for the Subliminal Mental Health Awareness Festival. The waiver of the bond is on the condition that the Festival organisers agree to make good any damage to the facility if such occurs.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED

ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM-4 ENVIRO - 06/02/17 - DA295/16 - DEVELOPMENT APPLICATION FOR
 A MAUSOLEUM AT HARTLEY CEMETERY**

17-23 RESOLVED

THAT

1. Development Application DA295/16 be approved subject to conditions specified in the attached Section 79C assessment.
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 C Coleman

CARRIED

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

Divisions – UNANIMOUS

FOR

Councillor S Lesslie
Councillor W McAndrew
Councillor C Coleman
Councillor S Ring
Councillor J Smith
Councillor M Statham
Councillor R Thompson

AGAINST – NIL

**ITEM-5 ENVIRO - 06/02/17 - DA307/16 PROPOSED 3 DWELLINGS AND 3
SECONDARY DWELLINGS LOTS 1, 2 AND 3 DP 1221405, MORT
STREET, LITHGOW**

Councillor S Ring left the Chambers at 8:48pm.

Councillor S Ring re-entered the Chambers at 8:50pm.

17-24 RESOLVED

THAT the calling in of Development Application DA307/16 be noted and an onsite meeting be held for Councillors to attend.

MOVED: Councillor M Statham

SECONDED: Councillor R Thompson.

CARRIED

ITEM-6 **ENVIRO - 06/02/17 - DA317/16 - PROPOSED TELECOMMUNICATION TOWER, LOT 4 DP 1192566, 2430 GREAT WESTERN HIGHWAY LITTLE HARTLEY NSW 2790**

17-25 RESOLVED

THAT the calling in of Development Application DA317/16 be noted and an onsite meeting be held for Councillors to attend.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman

CARRIED

ITEM-7 **ENVIRO - 06/02/17 - DA324/16 PROPOSED SERVICE STATION, TRUCK STOP AND TWO RESTAURANTS, LOT 20 DP 837978, 1940 GREAT WESTERN HIGHWAY MOUNT LAMBIE**

17-26 RESOLVED

THAT the calling in of Development Application DA324/16 be noted and an onsite meeting be arranged for the Councillors to attend.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED

ITEM-8 **ENVIRO - 06/02/17 - PROPOSED NEW MINE SUBSIDENCE DISTRICT - LITHGOW SOUTH**

17-27 RESOLVED

THAT the information regarding Subsidence Advisory NSW's proposal for a new Mine Subsidence District - Lithgow South be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED

ITEM-9 ENVIRO - 06/02/17 - PROPOSED REHABILITATION OF BELL QUARRY

17-28 RESOLVED

THAT the information on the Bell Quarry Rehabilitation/Waste Facility be noted.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew.

CARRIED

ITEM-10 ENVIRO - 06/02/17 - WESTERN COAL SERVICES STATE SIGNIFICANT DEVELOPMENT (SSD 5579 MOD 1)

Having made an earlier declaration, Councillor J Smith left the chambers at 8:58pm.

17-29 RESOLVED

THAT The information in the report on the Springvale Colliery/Western Coal Services Project (SSD 5579 Mod 1) be noted.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

CARRIED

Councillor J Smith returned to the chambers at 8:59pm

ITEM-11 ENVIRO – 06/02/17 - DA228/14 - PLANNING AGREEMENT - PROPOSED SUBDIVISION 5 LOTS INTO 26, “EURELLA” 602 UPPER NILE ROAD GLEN ALICE NSW 2849

17-30 RESOLVED

THAT

1. Council endorse the Voluntary Planning Agreement that relates to DA228/14 consisting of a contribution of \$85,800 (\$3,300 per lot) to go toward the upgrade of Upper Nile Road and Glen Alice Road.
2. The Voluntary Planning Agreement as endorsed be forwarded to the Minister for Planning and Environment.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED

**ITEM-12 ENVIRO – 06/02/17 – DA008/17 - DEVELOPMENT APPLICATION –
 INSTALLATION OF TOILET BLOCK – ENDEAVOUR PARK LITHGOW**

17-31 RESOLVED

THAT

1. Development Application DA008/17 be approved subject to conditions specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

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

Divisions – UNANIMOUS

FOR

Councillor S Lesslie
Councillor W McAndrew
Councillor C Coleman
Councillor S Ring
Councillor J Smith
Councillor M Statham
Councillor R Thompson

AGAINST – Nil

ITEM-13 ENVIRO – 06/02/17 – PROPOSED VARIATION TO COUNCIL COVENANT TO ALLOW CONSIDERATION OF A DWELLING ENCROACHMENT WITHIN THE RESTRICTED EASEMENT - LOT 14 DP263665, 11 WALKER DRIVE

17-32 RESOLVED

THAT

1. The variation of the covenant applying to Lot 14 DP 263665, 11 Walker Drive, Wallerawang, to allow a building line variation of 10 metres to 8.5 metres be approved by Council.
2. Council proceeds with the assessment and determination of the Development Application under delegated authority.

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith

CARRIED

ITEM-14 ENVIRO – 06/02/17 – WALLERAWANG POULTRY FARM UPDATE

17-33 RESOLVED

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

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith

CARRIED

OPERATION REPORTS

ITEM-15 OPER - 06/02/17 - RESOURCES FOR REGIONS CULLEN BULLEN SEWERAGE PROJECT

17-34 RESOLVED

THAT

1. The information be noted and the necessary documentation be executed by Council following the receipt of the deed for the \$4.8 million grant.
2. Council authorise the affixing of the Council seal to documentation if required.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman

CARRIED

ITEM-16 OPER- 06/02/17 - WATER REPORT

17-35 RESOLVED

THAT Council notes the water report.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew.

CARRIED

CORPORATE AND COMMUNITY REPORTS

ITEM-17 CORP – 06/02/17 – LITHGOW HALLOWEEN FESTIVAL 2016

MOTION

THAT:

1. An amount of \$90,000 be proposed in the 2017/18 operational plan for the 2017 Lithgow Halloween Festival.
2. A Lithgow Halloween Committee be established.

3. Letters of thanks to sponsors, event supporters and volunteers for making Lithgow Halloween 16 Festival a great success.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

AMENDMENT

THAT the report be noted and the funding be referred to the Budget Deliberation and Operational Plan.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

The Amendment was **PUT** and was **LOST**

AMENDMENT

THAT

1. An amount of \$90,000 be proposed in the 2017/18 operational plan for the 2017 Lithgow Halloween Festival.
2. Letters of thanks to sponsors, event supporters and volunteers for making Lithgow Halloween 16 Festival a great success.

MOVED: Councillor R Thompson

SECONDED: Councillor S Lesslie

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

17-36 RESOLVED

THAT

1. An amount of \$90,000 be proposed in the 2017/18 operational plan for the 2017 Lithgow Halloween Festival.
2. Letters of thanks to sponsors, event supporters and volunteers for making Lithgow Halloween 16 Festival a great success.

MOVED: Councillor R Thompson

SECONDED: Councillor S Lesslie

CARRIED

**ITEM-18 CORP - 06/02/17 - COUNCIL INVESTMENTS HELD TO 30
NOVEMBER 2016**

17-37 RESOLVED

THAT Investments of \$26,050,138.43 and cash of \$939,936.79 for the period ending 30 November 2016 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith

CARRIED

**ITEM-19 CORP - 06/02/17 - COUNCIL INVESTMENTS HELD TO 31
DECEMBER 2016**

17-38 RESOLVED

THAT Investments of \$25,900,138.43 and cash of \$793,274.67 for the period ending 31 December 2016 be noted.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring

CARRIED

**ITEM-20 CORP - 06/02/17 - DRAFT POLICY 4.9 EVENTS ATTRACTION
PACKAGE - SECTION 356 OF THE LOCAL GOVERNMENT ACT**

17-39 RESOLVED

THAT Draft Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act be placed on exhibition for a period of 28 days before being presented to Council for final adoption.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

CARRIED

4. Include this project in the long term financial plan and delivery program to be commenced in 2019-2020 with the goal of sealing 2,000m of Glen Alice and Glen Davis Road per year
5. Not replace the jumping pillow installed at the JM Robson Aquatic Centre following damage due to vandalism. Staff to review an alternative facility or feature to be installed. Report on safety issues, precedence of removal and financial implication of keeping and repairing it.
6. Execute the interface agreement as submitted by Southern Shorthaul Railroad detailing interface responsibilities at two interfaces in the Lithgow urban area.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring

CARRIED

NOTICE OF MOTION

**ITEM-23 NOTICE OF MOTION - 06/02/17 - ESTABLISHMENT OF A FESTIVAL
AND EVENTS ADVISORY COMMITTEE**

Item 23 was dealt with earlier in the meeting.

**ITEM-24 NOTICE OF MOTION - 06/02/17 - NBN ROLLOUT FOR LITHGOW
LOCAL GOVERNMENT AREA**

Item 24 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.*

UB – 06/02/17 – COUNCILLOR W MCANDREW

Councillor McAndrew raised the issue of the mammography services at Lithgow District Hospital no longer being available.

17-42 RESOLVED

THAT the matter of the mammography services at the Lithgow District Hospital be declared a matter of great urgency.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

The Mayor declared the matter business of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

17-43 RESOLVED

THAT the Acting General Manager further investigate the issue of the replacement of the mammography services at Lithgow District Hospital with a mobile service.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

The meeting closed at 9:50pm.