



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

27 FEBRUARY 2017

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 27 FEBRUARY 2017**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 52

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 Iain Stewart, Group Manager Operations

CONFIRMATION OF MINUTES

17-44 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 6 February 2017 were taken as read and confirmed by Councillors R Thompson and M Statham

CARRIED

DECLARATION OF INTEREST

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

Councillor R Thompson declared a Conflict of Interest in item 3, due to acquiring a parking place in the proposed development. He will vacate the Chambers.

Councillor S Ring declared a Conflict of Interest in item 19, due to one of the Debtors being his Employer. He will vacate the Chambers.

Councillor J Smith declared a Non Pecuniary Interest in Item 9, due to his sons working for the applicant. He will vacate the Chambers.

PROCEDURAL MOTION

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

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

QUESTIONS FROM THE PUBLIC

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

PF – 27/02/17 - MR MARTIN TICEHURST

Mr Ticehurst made a statement in relation to the upcoming By-Election.

The Mayor thanked Mr Ticehurst for his comments.

PF – 27/02/17 - MR MARTIN TICEHURST

Mr Ticehurst asked a question in relation to the Halloween '16 costing for the Michael Jackson Tribute Artist. Mr Ticehurst then made a further statement in relation to the Halloween '17.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Ticehurst.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman.

The Mayor thanked Mr Ticehurst for his statements.

The Acting General Manager advised that Mr Ticehurst's question was part of an application under the GIPA Act which was the appropriate process.

PF – 27/02/17 – MR IAN BURRETT

Mr Burrett made a statement in relation to Item 15 of the Agenda.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Burrett.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

The Mayor thanked Mr Burrett for his statement.

PF – 27/02/17 – MR COL HUNTER

Mr Hunter made a statement in relation to Item 15 of the Agenda.

The Mayor thanked Mr Hunter for his statement.

PF – 27/02/17 – MR BARRY REID

Mr Reid made a statement in relation to Fit For The Future.

The Mayor thanked Mr Reid for his statement.

The Acting General Manager gave detailed advice on the matter.

PF – 27/2/17 – MR GRAHAM HODSON

Mr Hodson made a statement in relation to Item 1 of the Agenda.

The Mayor thanked Mr Hodson for his statement.

PF – 27/2/17 – MR RICH EVANS

Mr Evans made a statement in relation to Item 2 of the Agenda.

The Mayor thanked Mr Evans for his statement.

PF – 27/2/17 – MR JOE MCGINNES

Mr McGinnes made a statement in relation to Item 17 of the Agenda.

PROCEDURAL MOTION

THAT an extension of time be granted.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring.

CARRIED

The Mayor thanked Mr McGinnes for his statement.

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GENERAL MANAGERS REPORTS

ITEM-1 GM - 27/02/17 - COUNCIL COMMITTEES - TERMS OF REFERENCE.

17-15 RESOLVED

THAT

1. The Lithgow and District Chamber of Commerce be afforded representation on the Lithgow Tourism Advisory Committee and this be reflected in the revised Terms of Reference.
2. Council adopt the Terms of Reference for each of the following Council Committees:
 - Environmental Advisory Committee
 - Sports Advisory Committee
 - Lithgow Tourism Advisory Committee
 - Community Development Committee
 - Youth Advisory
 - Lithgow Crime Prevention Committee
 - Local Heritage Advisory Committee
3. The Terms of Reference for the Internal Audit Committee, Economic Development Advisory Committee, Mining Taskforce, Business and Industry Investment Committee and General Managers Performance Review Committee be reviewed at each of these committees first meeting.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman.

CARRIED

ITEM-2 GM - 27/02/17 - PORTLAND ART SHOW - REQUESTED REDUCTION IN FEES

17-46 RESOLVED

THAT Council:

1. Reduce the fees for the hire of the Crystal Theatre for the Portland Arts Purchase Society in 2017 charging \$220.
2. The Portland Arts Purchase Society be advised in future years that it would be expected to pay for the full cost for the hire of the facility.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-3 ENVIRO - 27/02/17 DA030-17 - PROPOSED CONSTRUCTION
OF STORAGE SHED FOR GOLF CARTS AT LITHGOW GOLF
CLUB, LOT 1 DP 840412, GREAT WESTERN HIGHWAY
MARRANGAROO

Having made an earlier declaration, Councillor Thompson left the chambers at 7:36pm.

17-47 RESOLVED

THAT:

1. The Development Application DA030/17 be **APPROVED** subject to conditions on the consent as shown in the attached Section 79C report.
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 M Statham.

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

AGAINST

Nil

Councillor Thompson returned to the chambers at 7:37pm.

**ITEM-4 ENVIRO 27/02/17 - DRAFT PLAN OF MANAGEMENT (POM)
 HASSANS WALLS RESERVE**

17-48 RESOLVED

THAT Council:

1. Approve the Draft Plan of Management – Hassans Walls Reserve as presented for exhibition for a period of 28 days with the period for submissions being 42 days from the first day of the exhibition period.
2. Authorise the conduct of a public hearing into the re-categorisation of Lot 1, DP 1094395 as Bushland and General Community Use in accordance with the requirements of S40(A)1 of the LG Act 1993.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

CARRIED

**ITEM-5 ENVIRO - 27/02/17 - LOOSE-FILL ASBESTOS REMOVAL
 DEVELOPMENT FEES**

17-49 RESOLVED

THAT Council:

1. Refund all Council fees for development and construction of any new dwelling being constructed by an existing owner where the original dwelling has been demolished under the State Government Loose-fill Asbestos Program.
2. Make representations to the Department of Fair Trading requesting that they include compensation for residents intending to rebuild their home all Council fees and the replacement cost of any furnishings required to be destroyed.

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith.

CARRIED

ITEM-6 ENVIRO - 27/02/17- CROWN LAND REFORMS UPDATE

17-50 RESOLVED

THAT The information in relation to the Crown land reforms be noted.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

CARRIED

**ITEM-7 ENVIRO - 27/02/17- DA326/16 - PROPOSED SINGLE DWELLING
LOT 4 DP416, 1 HUTCHINSON STREET LITHGOW**

17-51 RESOLVED

THAT the calling in of Development Application DA326/16 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith.

CARRIED

**ITEM-8 ENVIRO - 27/02/17- DA327/16 - PROPOSED SINGLE DWELLING -
LOT 2 DP416 - 2 HUTCHINSON STREET LITHGOW**

17-52 RESOLVED

THAT the calling in of Development Application DA327/16 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor C Coleman.

CARRIED

**ITEM-9 ENVIRO 27/02/17- SPRINGVALE MINE STATE SIGNIFICANT
DEVELOPMENT (SSD 5594) MODIFICATION 2**

Having made an earlier declaration, Councillor Smith left the chambers at 7:49pm.

17-53 RESOLVED

THAT The information in the report on the Springvale Mine State Significant Development (SSD 5594) Modification 2 be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED

Councillor Smith returned to the chambers at 7:51pm.

OPERATION REPORTS

ITEM-10 OPER - 27/02/17 - WATER REPORT

17-54 RESOLVED

THAT Council notes the water report.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring.

CARRIED

CORPORATE AND COMMUNITY REPORTS

ITEM-11 CORP - 27/02/17 - MENTAL HEALTH SUMMIT

17-55 RESOLVED

THAT Council note the report on the successful 14 December 2016 Mental Health Summit and the establishment of the Mayor's Mental Health Taskforce.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

ITEM-12 CORP - 27/02/17 - ALCOHOL FREE ZONES

17-56 RESOLVED

THAT Council:

1. Consult with the Police, all affected liquor licensees and the general community on the attached proposal to establish Alcohol Free Zones in the Lithgow, Portland and Wallerawang CBD's for a further 4 years in accordance with Section 644 of the Local Government Act 1993.
2. Publishes a notice of the proposed establishment of the Alcohol Free Zones in these areas calling for comment by 31 March 2017.

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith.

CARRIED

ITEM-13 CORP - 27/02/17 - HARDSHIP INTEREST WRITE OFF

17-57 RESOLVED

THAT Council write off \$6,418 of accrued interest on property 60370 in accordance with Council Policy 8.3 Hardship and Section 567 of the Local Government Act of 1993.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring.

CARRIED

**ITEM-14 CORP - 27/02/17 - MEMORIAL HALL WALLERAWANG -
POSSIBLE USE BY WALLERAWANG MENS SHED**

17-58 RESOLVED

THAT Council:

1. Consult with the Wallerawang community on the proposal for Wallerawang Men's Shed to have exclusive use of Wallerawang Memorial Hall and note that should there be significant community objections, report these back to Council.

2. Enter a draft lease agreement with Wallerawang Men's Shed for a period of 5 years and an annual rent of \$470 pa + CPI.
3. Publicly notify the draft lease proposal for a period of twenty-eight (28) days in accordance with Section 47 and 47A of the Local Government Act and note that any submissions received will be reported back to Council prior to finalising any lease agreement.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman.

CARRIED

**ITEM-15 CORP - 27/02/17 - REQUEST FOR COUNCIL INVOLVEMENT
WITH WW1 PROJECT**

MOTION

THAT Council:

1. Move a deferment of the item until Council can meet with interested parties.
2. That Council extend an invitation to make a presentation to Council at an Information Session.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

17-59 RESOLVED

THAT Council:

1. Move a deferment of the item until Council can meet with interested parties.
2. That Council extend an invitation to make a presentation to Council at an Information Session.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED

ITEM-16 CORP - 27/02/17 - YOUTH STRATEGY AND ACTION PLAN 2016-2020

17-60 RESOLVED

THAT Council adopt the Youth Strategy and Action Plan 2016-2020.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring.

CARRIED

**ITEM-17 CORP - 27/2/17 - AUDIT REVIEW LETTER CROWE HORWATH
10 NOVEMBER 2016**

17-61 RESOLVED

THAT Council note the resolution to issues raised by Council's auditors, Crowe Horwath, in the Audit Review Letter of the 10 November 2016.

MOVED: Councillor R Thompson

SECONDED: Councillor S Ring.

CARRIED

**ITEM-18 CORP - 27/02/17 - COUNCIL INVESTMENTS HELD TO 31
JANUARY 2017**

17-62 RESOLVED

THAT Investments of \$23,950,138.43 and cash of \$701,882.37 for the period ending 31 January 2017 be noted.

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham.

CARRIED

ITEM-19 CORP - 27/02/17 - PROVISIONS AND DEBT WRITE OFF

Due to an earlier declaration, Councillor Ring Vacated the Chambers at 8:18pm.

17-63 RESOLVED

THAT Council write off:

1. \$99,802.92 provisions provided as requested by Crowe Horwath at 30 June 2016 in accordance with AASB137 - Provisions, Contingent Liabilities and Contingent Assets and AASB1049 - Whole of Government and General Government Sector Financial Reporting
2. \$108,020.66 of unrecoverable debts in accordance with AASB1049 - Whole of Government and General Government Sector Financial Reporting.

MOVED: Councillor R Thompson

SECONDED: Councillor W McAndrew.

CARRIED

Councillor Ring returned to the chambers at 8:20pm

ITEM-20 CORP - 27/02/17 - QUARTERLY REVIEW

17-64 RESOLVED

THAT:

1. The deficit of \$267,351 for the 2016/17 Operational Plan as detailed in the Quarterly Performance Report for the period 1 October to 31 December 2016 be adopted.
2. Council adopts the variations to the Council budget as outlined in the report.
3. Council notes that the Financial Services Manager, as the Acting Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Amendment (Planning and Reporting) Regulation 2009, (s203) that Council's 2016/17 Operational Plan has been reviewed and the financial position of Council is satisfactory.
4. That quarterly reports are presented to Councillors in a briefing session.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew.

CARRIED

COUNCIL COMMITTEE MINUTES

ITEM-21 OPER - 27/02/17 - SPORTS ADVISORY COMMITTEE MEETINGS MINUTES - 20 DECEMBER 2016

17-65 RESOLVED

THAT Council:

1. Note the minutes of the Sports Advisory Committee held on 20 December 2016.
2. Provide Shaqyra Quinn with \$500 toward the cost of participating in the U/15's Australian Girls Futsal Team.
3. Accepts Mark Dean & Mark Jenkins as the Sports Advisory Committee representatives from the Lithgow Swimming Club.

MOVED: Councillor J Smith

SECONDED: Councillor R Thompson.

CARRIED

ITEM-22 OPER - 27/02/17 - TRAFFIC ADVISORY LOCAL COMMITTEE -11 JANUARY 2017

17-66 RESOLVED

THAT Council:

1. Note the minutes of the Traffic Advisory Local Committee held on 11 January 2017.
2. Approve the KTM Adventure Rally Commencing at 2pm on Sunday 5 March 2017 until 5pm Friday 10 March 2017 and that the applicant provide a debrief package to the committee post-event.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman.

CARRIED

**ITEM-23 OPER - 27/02/17 -SPORTS ADVISORY COMMITTEE MEETING
MINUTES 31 JANUARY 2017- REPORT**

17-68 RESOLVED

THAT Council accepts Quentin Kidd as the Sports Advisory Committee representative from Lithgow District Cricket Association.

MOVED: Councillor J Smith

SECONDED: Councillor W McAndrew.

CARRIED

NOTICE OF MOTION

**ITEM-24 NOTICE OF MOTION - 27/02/17 - TWO EXTRA GENERATING
UNITS FOR MT PIPER**

REPORT BY: COUNCILLOR W MCANDREW

17-69 RESOLVED

THAT Council reinforce its policy of support for the construction of the two extra units at Mt Piper and lobby Energy Australia and the relevant tiers of Government both State and Federal to push for these units as a way of guaranteeing base load capacity into a very uncertain electricity generating future.

It goes without saying that, if successful, construction and operation of the two units would mean major job opportunities for our entire Local Government Area.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

ITEM-25 NOTICE OF MOTION - 27/02/17 - LITHGOW CORRECTIONAL CENTRE

REPORT BY: COUNCILLOR W MCANDREW

17-70 RESOLVED

THAT Council requests an urgent meeting with the Local State Member Paul Toole seeking his and his Government's support for the expansion of the Lithgow Maximum Security Correctional Centre.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED

ITEM-26 NOTICE OF MOTION - 27/02/17 - REPORTING ON THE STATUS OF MINUTED COUNCIL DECISIONS BY WAY OF AN ACTIONS REGISTER

REPORT BY: COUNCILLOR W MCANDREW

Councillor Ring left the Chambers at 8:51pm.

RECOMMENDATION

THAT minuted decisions of Council requiring actions be reported six weekly to Councillors by email outlining each decision, the date of that decision, and where the implementation of that decision is up to. This motion to start from Council decisions made by the new Council after the September Council Election held last year in September.

PROCEDURAL MOTION

THAT the Notice of Motion Reporting on the Status of the Minuted Council Decisions by way of an Actions Register be withdrawn.

MOVED: Councillor W McAndrew

CARRIED

Councillor Ring returned to the Chambers at 8:54pm.

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.*

The Acting General Manager introduced a late report regarding correspondence received from the Honourable Barnaby Joyce and Senator Fiona Nash in relation to a Senate Enquiry into Relocation of Government Bodies to Regional Areas requesting it to be considered Urgent Business

PROCEDURAL MOTION

THAT the matter of the Senate Enquiry into Relocation of Government Bodies to Regional Areas be declared Urgent Business.

MOVED: Councillor S Lesslie **SECONDED:** Councillor M Statham.

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

ITEM GM – 27/2/17 – SENATE ENQUIRY INTO RELOCATION OF GOVERNMENT BODIES TO REGIONAL AREAS

RECOMMENDATION

THAT Council:

1. Delegate authority to the Acting General Manager to make a submission to the Australian Senate Enquiry on the relocation of Government bodies to regional areas.
2. Promote the Senate enquiry through its Council Column and the media as appropriate to encourage other members of the Community to also make submissions.

17-71 RESOLVED

THAT Council:

1. Delegate authority to the Acting General Manager to make a submission to the Australian Senate Enquiry on the relocation of Government bodies to regional areas.
2. Promote the Senate enquiry through its Council Column and the media as appropriate to encourage other members of the Community to also make submissions.

MOVED: Councillor S Lesslie **SECONDED:** Councillor M Statham.

CARRIED

CLOSED COUNCIL

**ITEM-27 CLOSED COUNCIL - ENVIRO 27/02/17 TEN02-16 AWARDDING
OF TENDER FOR CONSTRUCTION OF CLEAN WATER
DIVERSION DRAIN LITHGOW SOLID WASTE FACILIT**

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it.

17-72 RESOLVED

THAT Council consider the report on Open Tender 02/16 for the construction of a clean water diversion drain around the Lithgow Solid Waste Facility and review in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

MOVED: Councillor J Smith **SECONDED:** Councillor C Coleman.

CARRIED

CLOSED COUNCIL

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.

17-73 RESOLVED

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

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman.

CARRIED

At 9:01pm the Council resolved to move into Closed Council.

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham

CARRIED

The Mayor declared a recess for a period of five minutes.

Closed Council started at 9:06pm.

CLOSED REPORT

**ITEM-27 CLOSED REPORT - ENVIRO - 27/02/17 TEN0216 AWARDED OF
TENDER FOR CONSTRUCTION OF CLEAN WATER DIVERSION
DRAIN LITHGOW SOLID WASTE FACILITY**

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A (2) (d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it.

PROCEDURAL MOTION

THAT Council move into a Committee as a whole.

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham.

17-74 RESOLVED

THAT

1. Council, in accordance with Clause 178(1) (a) of the Local Government (General) Regulation 2005, accept the tender submission from Henry Plant & Equipment Hire for \$174,382 (GST exclusive) for Construction of Clean Water diversion Drain at Lithgow Solid Waste Facility TEN02/16.
2. The Acting General Manager be authorised to sign the resulting contract and any related documentation under delegated authority.
3. Council allocate a further \$57,000 (ex GST), from the waste reserve to the project in the 2016/2017 Operational Plan process

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham.

CARRIED

PROCEDURAL MOTION

THAT Council move back into a full Council.

MOVED: Councillor W McAndrew

At 9:11pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED

The Mayor announced the recommendations of the Closed Council.

THAT

1. Council, in accordance with Clause 178(1) (a) of the Local Government (General) Regulation 2005, accept the tender submission from Henry Plant & Equipment Hire for \$174,382 (GST exclusive) for Construction of Clean Water diversion Drain at Lithgow Solid Waste Facility TEN02/16.

2. The Acting General Manager be authorised to sign the resulting contract and any related documentation under delegated authority.
3. Council allocate a further \$57,000 (ex GST), from the waste reserve to the project in the 2016/2017 Operational Plan process

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham.

There being no further items the meeting was closed at 9:13pm.