



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

10 APRIL 2017

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 10 APRIL 2017**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 44

PRESENT

HIs Worship the Mayor
Councillor S Lesslie
Councillor W McAndrew
Councillor C Coleman
Councillor S Ring
Councillor J Smith
Councillor M Statham

APOLOGIES

An apology was received from and leave of absence granted to from Councillor R Thompson who is out of the City on personal business.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

An apology was received from and leave of absence granted to from Councillor <Right Click> Councillor who is out of the City on <Right Click> Reason.

Also in attendance

Mr Andrew Muir, Acting General Manager
Mrs Trinity Newton, Minutes Secretary
Mrs Melanie Jones, Assistant 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

17-86 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 20 March 2017 were taken as read and confirmed by Councillors S Ring and W McAndrew

DECLARATION OF INTEREST

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

NIL

COMMEMORATIONS AND ANNOUNCEMENTS

The Mayor announced that the former General Manager Mr Roger Bailey has been appointed the Acting General Manager of the Upper Macquarie County Council.

NOTED

Councillor S Ring sought a ruling from the Mayor in relation to a resolution from Council in 2013 not allowing suspended councillors to speak in public forum and how this related to former Councillor Ticehurst. The Mayor examined the relevant resolution and advised that Mr Ticehurst is not a suspended councillor but is a disqualified councillor. As he is no longer a Councillor he would have the same rights and privileges as any other member of the community. Therefore, should Mr Ticehurst wish to speak in Public Forum he may do so.

QUESTIONS FROM THE PUBLIC

At 7:06pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 10/4/17 - MR MARTIN TICEHURST

Mr Ticehurst made a statement in relation to the matter of his disqualification and being able to speak at a public forum.

The Mayor thanked Mr Ticehurst for his statement.

PF – 10/4/17 – MR RICH EVANS

Mr Evans made a statement in relation to ITEM 18 and ITEM 21 on the agenda.

The Mayor thanked Mr Evans for his statement.

PF – 10/4/17 – MR GRAHAM HODSON

Mr Hodson made a statement in relation to ITEM 22 on the agenda.

The Mayor thanked Mr Hodson for his statement.

PF – 10/4/17 – MR IAN BURRETT

Mr Burrett made a statement in relation to ITEM 3 on the agenda.

The Mayor thanked Mr Burrett for his statement.

PF – 10/4/17 – MR PETER PILBEAM

Mr Pilbeam made a statement in relation to ITEM 18 on the agenda.

Mr Mayor thanked Mr Pilbeam for his statement.

PF – 10/4/17 – MRS RHONDA COLLINS

Mrs Collins made a statement in relation to ITEM 18 on the agenda.

PROCEDURAL MOTION

RESOLVED

THAT an extension of time be granted to Mrs Collins.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED

The Mayor thanked Mrs Collins for her statement.

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MAYORAL MINUTE

**ITEM-1 MAYORAL MINUTE - 10/04/17 - EUROBODALLA SHIRE COUNCIL
BALLOON RELEASE BAN**

REPORT BY: COUNCILLOR S LESSLIE

17-87 RESOLVED

THAT the release of balloons be prohibited at all Council events and in Council reserves and the Mayor of Eurobodalla Shire Council be advised of this decision.

MOVED: Councillor S Lesslie

SECONDED: Councillor C Coleman.

CARRIED

PROCEDURAL MOTION

THAT Items 18 and 22 be brought forward and dealt with at this point in the meeting.

MOVED: Councillor W McAndrew

CARRIED

ITEM-18 CORP - 10/04/17 - HALLOWEEN BUDGET REPORT

MOTION**THAT**

1. Council note the updated financial information regarding the Halloween 16 event.
2. Whilst acknowledging any investigation will ultimately involve staff matters, Council request that the Acting General Manager conduct an investigation into the discrepancies and budget over expenditure in relation to Halloween 16 and report to the next Ordinary meeting of council after the finalisation of the report.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

The Motion was PUT and was RESOLVED

17-88 RESOLVED**THAT:**

1. Council note the updated financial information regarding the Halloween 16 event.
2. Whilst acknowledging any investigation will ultimately involve staff matters, Council request that the Acting General Manager conduct an investigation into the discrepancies and budget over expenditure in relation to Halloween 16 and report to the next Ordinary meeting of council after the finalisation of the report.

MOVED: Councillor W McAndrew**SECONDED:** Councillor S Ring.**CARRIED****NOTICE OF RESCISSION MOTION****ITEM-22 NOTICE OF RESCISSION MOTION - 10/04/17 - FUNDING FOR HALLOWEEN 2017**

PROCEDURAL MOTION**THAT** the notice of rescission motion be withdrawn.**MOVED:** Councillor W McAndrew**SECONDED:** Councillor C Coleman**CARRIED****GENERAL MANAGERS REPORTS****ITEM-2 GM - 10/04/17 - EXPRESSIONS OF INTEREST - LEGAL TENDER SERVICES**

MOTION**THAT** Council request quotations from all companies that lodged an expression of interest.**MOVED:** Councillor S Ring**SECONDED:** Councillor M Statham.

AMENDMENT

THAT Council request quotations from LeFevre and Co and Higgins Lawyers to provide Local Legal Services for a period of 3 years.

MOVED: Councillor S Lesslie

SECONDED:

Lapsed due to want of seconder.

The Motion was PUT and was CARRIED.

17-89 RESOLVED

THAT Council request quotations from all companies that lodged an expression of interest.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

CARRIED

ITEM-3 GM - 10/04/17 - REQUEST FOR COUNCIL INVOLVEMENT WITH WW1 PROJECT

MOTION

THAT Council support in principle and appoints a Councillor to the WW1 Commemorative Plaque Project Committee.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith.

The Motion was PUT and CARRIED.

17-90 RESOLVED

THAT Council support in principle and appoints a Councillor to the WW1 Commemorative Plaque Project Committee.

MOVED: Councillor S Ring

SECONDED: Councillor J Smith.

CARRIED

ENVIRONMENT AND DEVELOPMENT REPORTS**ITEM-4 ENVIRO - 10/04/17 - PROPOSED ROAD NAMES - 002/07DA & DA148/15 HASSANS WALLS SUBDIVISION**

17-91 RESOLVED

THAT Council proceed with the road naming process for Mayview Drive and Willowbank Avenue by:

1. Commencing the online road naming process in accordance with NSW Addressing User Manual. This will include advertisement in the local newspaper and requesting submissions on the proposed name from surrounding residents and emergency services.
2. If submissions against the proposal, or alternatives suggested, these submissions will be reported back to Council for determination.
3. If no submissions against the proposal, or alternatives suggested, Council will proceed with the online road naming process and gazettal of 'Mayview Drive' and Willowbank Avenue'.

MOVED: Councillor M Statham

SECONDED: Councillor J Smith.

CARRIED

ITEM-5 ENVIRO - 10/04/17 - EXEMPTION TO SECTION 94A CONTRIBUTIONS & PROPOSED WAIVING OF COUNCIL DA FEES FOR PROPOSED REMEDIATION WORKS TO THE ZIG ZAG RAILWAY LINE- CLARENCE

Councillor Ring left chambers at 8:16pm

17-92 RESOLVED

THAT an exemption to the Section 94A Development Contribution Plan 2015 levy and refund of the Development Application and related Fees of \$4,185.18 is applied to DA059/17 for remediation works of the Zig Zag Railway.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

CARRIED

**ITEM-6 ENVIRO - 10/04/17 - PROPOSED STATE SIGNIFICANT DEVELOPMENT
FOR REFUSE DERIVED FUEL, WASTE TO ENERGY PLANT AT MT
PIPER POWER STATION PORTLAND**

Councillor Ring returned to Chambers 8:17pm

17-93 RESOLVED

THAT the information on the proposed refuse derived fuel, waste to energy plant at the Mt Piper Power Station be noted and reported back to Council once the Environmental Impact Statement has been submitted to the Department of Planning & Environment.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

CARRIED

**ITEM-7 ENVIRO 10/04/17 DRAFT FARMERS CREEK PRECINCT MASTER
PLAN**

17-94 RESOLVED

THAT Council adopt the Draft Farmers Creek Precinct Master Plan 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.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith.

CARRIED

OPERATION REPORTS

**ITEM-8 OPER - 10/04/2017 - LITHGOW CBD REVISTALISATION STAGE 1 -
PROJECT UPDATE**

17-95 RESOLVED

THAT:

1. Council note the update regarding the Lithgow CBD Revitalisation Action Plan Project
-

2. Given the deterioration of the paved Main Street walking surface, the Federal Member of Calare be requested to provide his support to Council in seeking a variation to the Commonwealth funding deed for the 'Enhancement of Central Business District' project to give priority to the replacement of pavers in the Main Street footway with Cook Plaza and Eskbank Street being deferred to a future stage.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman.

CARRIED

**ITEM-9 OPER - 10/04/17 - LITHGOW FLOOD STUDY ADOPTION OF THE
LITHGOW FLOOD STUDY REVIEW**

Group Manager of Operations requested that the item be deferred

17-96 RESOLVED

THAT the matter be deferred to the next meeting to allow staff to investigate matters raised in correspondence received today.

MOVED: Councillor J Smith

SECONDED: Councillor M Statham.

CARRIED

ITEM-10 OPER - 10/04/17 - WATER REPORT

17-97 RESOLVED

THAT Council notes the water report.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring.

CARRIED

CORPORATE AND COMMUNITY REPORTS

ITEM-11 CORP - 10/04/17 - CIVIC BALLROOM FEE REDUCTION REQUEST

MOTION

THAT the matter be deferred pending a report to be brought back after more details are sought from AMA Event Management in consideration of Policy 4.2.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman

The Motion was PUT and was RESOVLED

17-98 RESOLVED

THAT the matter be deferred pending a report to be brought back after more details are sought from AMA Event Management in consideration of Policy 4.2.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Coleman.

CARRIED

ITEM-12 CORP - 10/04/17 - EVENT ATTRACTION POLICY

17-99 RESOLVED

THAT Council ADOPT Policy 4.9, Events Attraction Package – Section 356 of the Local Government Act and that it become operative immediately.

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

CARRIED

ITEM-13 CORP - 10/04/17 - RETAIL SHOPPER SURVEY

17-100 RESOLVED

THAT Council

1. Receives and endorses the Retail Shopper Survey.
2. The survey report be placed on Council's website as a resource for businesses owners
3. Staff be requested to investigate a funding source to widen the scope of an additional retail survey to include retailers in the Pottery Estate precinct.

MOVED: Councillor M Statham

SECONDED: Councillor S Ring.

CARRIED

ITEM-14 CORP - 10/04/17 - STATE HERITAGE LISTING FOR ESKBANK HOUSE AND MUSEUM

17-101 RESOLVED

THAT Council approve the nomination of Eskbank House and Museum for inclusion on the State Heritage Register and authorise the Acting General Manager to execute all necessary documentation.

MOVED: Councillor S Lesslie

SECONDED: Councillor J Smith.

CARRIED

ITEM-15 CORP - 10/04/017 - ESTABLISHMENT OF ALCOHOL FREE ZONES

17-102 RESOLVED

THAT Council:

1. Establishes 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 in the following areas:

Lithgow

- Main Street (from Bridge Street to Laurence Street)
- Main Street Lane and Burns Lane (between Bridge Street and Bank Lane)
- Tank Street (from Bridge Street to Read Avenue)

- Bridge Street (from Tank Street to Main Street Lane)
- Railway Parade (from Tank Street to Sandford Avenue and including Gray and Station Streets.)
- Eskbank Street (from Mort Street to Railway Parade)
- Cook Street Plaza
- Bank Lane
- Tatts Lane
- Collins Laneway
- Exchange Walkway
- Bank Street between Main Street and Gray Street.
- Mort Street between Bridge and Lithgow Streets,
- Bridge Street between Mort Street and Main Street Lane,
- Cook Street between Mort Street and Main Street Lane,
- Eskbank carpark,
- Burns Lane carpark,
- Bank Lane between Mort Street and Main Street Lane,
- Naomi Street between Mort Street and Main Street.
- Lithgow Street between Mort Street and Main Street.

Portland

- Williwa Street from Lett Street to Saville Street.
- Lett Street from Vale Street to Williwa Street
- Scheidel Lane
- Cox Street from Villiers Street to Vale Street.
- Vale Street from Lett Street to Wolgan Street
- Wolgan Street from Villiers Street to Williwa Street.
- Villiers Street from Lett Street to Wolgan Street
- Wallerawang Road from Cullen Street to Wolgan Street
- Cullen Street from Wallerawang Road to Williwa Street

Wallerawang

- Main Street between Pipers Flat Road (Black Bridge) and the Royal Hotel including Daintree Lane, Blackberry Lane and Doggett Lane and to the rail line crossing.
2. Advises the Police and all affected liquor licensees of the establishment of the Alcohol Free Zones in these areas.
 3. Advises the general community of the establishment of the Alcohol Free Zones in these areas by way of publishing a notice to that effect.
 4. Installs appropriate signage.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman.

CARRIED

ITEM-16 CORP - 10/04/17 - COMMUNITY NOMINATIONS TO COUNCIL COMMITTEES

17-103 RESOLVED

THAT Council:

1. Appoint the following representatives to Council Committees.

Committee	Representatives
<p>Environmental Advisory Committee One community representative and one alternate and a number of organisations representatives</p>	<p>Community Representatives Damien Roebuck Col Hunter (subject to recommendations No. 2)</p> <p>Organisation Representatives Julie Favell (Lithgow Environment Group) Trish Kidd (Lithgow Oberon Landcare Association) Sue Graves (Lithgow Tidy Towns) Peter Evans (Central Tablelands Local Land Services)</p>
<p>Community Development Committee Six representatives</p>	<p>Rachael Young Glenda Anthes Leanne Walding Brian Williamson Sebastian Caruso Paul Phillips</p>
<p>Lithgow Crime Prevention Committee Two representatives</p>	<p>Danny Whitty</p> <p>One vacancy</p>

2. Should Col Hunter be elected to Council in the 8 April 2017 by election then his appointment as a community representative to the Environmental Advisory Committee not proceed and another representative be sought.
3. Note that further nominations will be sought for the remaining vacancies and reported to Council at a later date.
4. Note that nominations for other Council committees will be reported to Council at a later date once sufficient nominations are received.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring.

CARRIED

ITEM-17 CORP - 10/04/17 - ROUND 2 NON-RECURRENT FINANCIAL ASSISTANCE RECOMMENDATIONS

17-104 RESOLVED**THAT**

1. Provide Round 2 Non-Recurrent Financial Assistance to the value of \$18,470 to the following eleven (11) organisations.

Organisation and Project Name	Project Outline	Amount Recommended
Lithgow High School Lithgow High Youth Futures	A program for small group of students to create artwork/ mural for Lithgow Men's Shed. Students will work with the Men's shed throughout 2017 on the project. Funds needed for materials, e.g. plywood, paint, brushes etc.	\$1,500
Josephite Foundation No Interest Loan Scheme and Step-up Loan Program	Small service requests funds to install alarm and CCTV system to increase security and improve safety of staff and clients after a recent break-in which resulted in majority of furniture destroyed and computer equipment stolen.	\$2,500
Lithgow Theatre Group	Financial assistance to organise One Act serious plays to expand repertoire and attend and compete in Amateur Play Festivals, including Port Macquarie and Wyong Play Festivals. By doing so, the Lithgow Theatre Group will be able to provide a more varied number of theatre plays to the Lithgow community, which will broaden the cultural capital and entertainment styles available locally.	\$1,500
Gorrie Ban Assistance for Seniors	Take isolated seniors on out of town bus trips 4 times during 2017.	\$3,000

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Organisation and Project Name	Project Outline	Amount Recommended
<p>Lithgow District Car Club Inc.</p> <p>Yvonne Martin memorial motor sport park</p>	Rate reimbursement	\$1,201– General rate component only
<p>Lithgow Regional Branch, National Trust of Australia (NSW)</p> <p>Annual John Wellings Award 2017</p>	The John Wellings Award encourages young people to explore their local heritage by holding an art and writing competition on a different heritage subject each year. The funding will cover the cost of prizes to students and schools, advertising and administration.	\$400
<p>Central Tablelands Life Education Supporters group</p> <p>Towing of the Life Education Mobile Learning Centre</p>	Funding to cover costs associated with the towing of the Life Education learning centre into 13 schools within the Lithgow LGA. Costs include, driver labour, fuel and distance moved.	\$1,500
<p>Portland Film Society</p>	To offset Council fees associated with meeting at the Crystal Theatre in Portland.	\$1,500
<p>Cullen Bullen Progress Association</p> <p>Rate reimbursement</p>	Refund Community Hall Rates	\$570 – General rate component only
<p>Lara Jean Association</p> <p>Movie Mayhem</p>	Funding to conduct special event days, such as Movie Mayhem, for kids with special needs and their families.	\$2,000
<p>Barton Park Giant Trees Arboretum Inc</p>	Purchase self-drive mower to mow 40 acres of land; trees in collection need to be numbered with Perspex signs; and each grove also needs interpretive signage.	\$2,799

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Organisation and Project Name	Project Outline	Amount Recommended
Total		\$18,470

MOVED: Councillor W McAndrew**SECONDED:** Councillor J Smith.**CARRIED****ITEM-18 CORP - 10/04/17 - HALLOWEEN BUDGET REPORT**

Item 18 was dealt with earlier in the meeting.

COUNCIL COMMITTEE MINUTES**ITEM-19 OPER - 10/04/17 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES 28 MARCH 2017****17-105 RESOLVED**

THAT Council provide Emily Thompson with \$300 toward the cost of participating in NSW under 15 State Blue Girls Hockey Team.

MOVED: Councillor J Smith**SECONDED:** Councillor C Coleman.**CARRIED****ITEM-20 OPER - 10/04/17- OPERATIONS COMMITTEE MINUTES - 3 April 2017****17-106 RESOLVED****THAT** Council:

1. Provides authority to the Acting General Manager to seek legal redress from Endeavour Energy for the restoration of the Main Street Footpath between Bridge Street and Eskbank Street Lithgow.
2. Accepts the proposed acquisition of Lot 11 DP 239627 & Part Lot 12 DP 239627 – Chifley Road Lithgow and agree to waive compensation for the acquisition.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor C Coleman.

NOTICE OF MOTION

ITEM-21 NOTICE OF MOTION - 10/04/17 - COUNCIL ADVERTISING COST

REPORT BY: COUNCILLOR W MCANDREW

17-107 RESOLVED

THAT

1. Council seek quotations from the Lithgow Mercury and the Village Voice to provide advertising for both statutory and non-statutory advertising for a period of 2 years.
2. The Acting General Manager prepare specifications and assessment criteria which shall include price (half page and full page), distribution, readership and provision of an electronic platform.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

NOTICE OF RECISSION MOTION

ITEM-22 NOTICE OF RECISSION MOTION - 10/04/17 - FUNDING FOR HALLOWEEN 2017

Item 22 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-23 CORP - CONFIDENTIAL COUNCIL - 10/04/17 - AWARDING OF
TENDER 05/15 FOR BLAST FURNACE MASTERPLAN WORKS**

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.

17-108 RESOLVED

THAT Council consider the report on Awarding of Tender for Lithgow Blast Furnace Masterplan Works in Closed Council pursuant to Section 10A(2)(d)(i) of the Local Government Act 1993.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring.

CARRIED

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

There was 1 objection.

Mrs Sue Graves objected on the grounds that the process is not transparent.

17-109 RESOLVED

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

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED

At 9:05 pm the Council resolved to move into Closed Council.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring

CARRIED

Closed Council started at 9:06pm.

17-110 RESOLVED

THAT Council:

1. Accept the tender submission from Coordinated Landscapes Pty Ltd for one million, one hundred and twenty two thousand, five hundred Dollars, zero Cents GST exclusive (\$1,122,500 ex GST) for Lithgow Blast Furnace Masterplan Works TEN 05/15.
2. Authorise the Acting General Manager to execute the resulting Contract and any related documentation under delegated authority.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring.

CARRIED

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

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman

CARRIED

The Mayor announced the recommendations of the Closed Council.

RESOLVED

THAT Council:

1. Accept the tender submission from Coordinated Landscapes Pty Ltd for one million, one hundred and twenty two thousand, five hundred Dollars, zero Cents GST exclusive (\$1,122,500 ex GST) for Lithgow Blast Furnace Masterplan Works TEN 05/15.
2. Authorise the Acting General Manager to execute the resulting Contract and any related documentation under delegated authority.

MOVED: Councillor J Smith

SECONDED: Councillor S Ring.

The meeting closed at 9:12pm.