



A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

29 MAY 2017

AT 7.00pm

**MINUTES OF THE CITY OF LITHGOW COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 29 MAY 2017**

Meeting Commenced 7.00pm

ACKNOWLEDGEMENT OF COUNTRY

Public: 56

PRESENT

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

APOLOGIES

Nil.

Also in attendance

Mr Graeme Faulkner, General Manager
Mrs Trinity Newton, Minutes Secretary
Mr Andrew Muir, Group Manager Environment and Development
Mrs Ally Shelton, Acting Group Manager Corporate and Community
Mr Iain Stewart, Group Manager Operations

CONFIRMATION OF MINUTES

17 – 152 RESOLVED

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 8 May 2017 were taken as read and confirmed by Councillors W McAndrew and J Smith

17 – 153 RESOLVED

Confirmation of the Minutes of the Extra Ordinary Meeting of Council held on the 15 May 2017 were taken as read and confirmed by Councillors S Ring and M Statham

DECLARATION OF INTEREST

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

Councillor S Lesslie declared a Pecuniary interest in item 6, due to his ownership of the property being discussed. He will vacate the Chambers.

COMMEMORATIONS AND ANNOUNCEMENTS

Councillor McAndrew wished to congratulate Brad Delosa for winning the Stihl Wood Chopping World Championships.

The Mayor read a letter from Mrs Olwyn King thanking Lithgow City Council for their support of Lithgow Aged Care and the Mayor congratulated Mrs King for her efforts in gaining funding for further aged care beds within Lithgow.

The Mayor congratulated the organisers of the Bender Rushworth Walk on a great event.

The Mayor welcomed Mr Graeme Faulkner to Lithgow City Council as the new General Manager.

QUESTIONS FROM THE PUBLIC

At 7:05pm Members of public gallery were invited to participate in the Public Forum Session.

PF – 29/05/17 – MR GRAHAM HODSON

Mr Hodson welcomed Mr Faulkner to Lithgow on behalf of the Lithgow and District Chamber of Commerce.

Mr Hodson also thanked Mr Muir for his efforts as his role as Acting General Manager.

The Mayor thanked Mr Hodson for his statements.

PF – 29/05/17 – MR FRANK BUTLER

Mr Butler made a statement in relation to the road condition on Main Street Lithgow.

The Mayor thanked Mr Butler for his statements.

PF – 29/05/17 – MR BARRY REID

Mr Reid asked a question in relation to Item 6 on the agenda.

Councillor Lesslie vacated the chambers at 7:08pm due to a declaration of interest previously declared. Deputy Mayor Councillor McAndrew took the chair.

PROCEDURAL MOTION

THAT an extension of time be granted to Mr Reid.

MOVED: Councillor Thompson

SECONDED: Councillor Statham

The Deputy Mayor thanked Mr Reid for his statements.

The Mayor returned to the Chambers and resumed the chair at 7:15pm.

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ENVIRONMENT AND DEVELOPMENT REPORTS

**ITEM-1 ENVIRO - 29/05/17 - LITHGOW LOCAL HERITAGE ADVISORY
 COMMITTEE (LLHAC) - APPOINTMENT OF COMMUNITY MEMBERS**

17-154 RESOLVED

THAT Council:

1. Appoint the following persons to the Lithgow Local Heritage Advisory Committee
 - Dr Helen Clements – National Trust representative
 - Ramsay Moodie – Community Member
 - Colin Hunter – Community Member
 - Helen Riley – Local Indigenous Community representative
2. Write to the Lithgow and District Family History Society to request a nomination for that position on the Committee.
3. Call for further nominations from the building, property and development industries for that position on the Committee.
4. Write to the Lithgow Tidy Towns committee to request a nomination for a position on the committee and that the Terms of Reference be altered accordingly.

MOVED: Councillor R Thompson

SECONDED: Councillor S Ring.

CARRIED

**ITEM-2 ENVIRO - 29/05/17 - DA094-17 PROPOSED PLACE OF PUBLIC
 WORSHIP, CALL IN REPORT**

17-155 RESOLVED

THAT the calling in of Development Application DA094/17 be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

ITEM-3 ENVIRO - 29/05/17 - WALLERAWANG POULTRY FARM UPDATE

17-156 RESOLVED

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

MOVED: Councillor S Ring

SECONDED: Councillor M Statham.

CARRIED

OPERATION REPORTS

ITEM-4 OPER - 29/05/17 - OWNERSHIP OF LOWTHER CHURCH AND CEMETERY

17-157 RESOLVED

THAT Council:

1. Note the information concerning responsibility for all cemetery lands at Lowther Cemetery.
2. Write to the NSW Government advising them of their responsibility.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson.

CARRIED

ITEM-5 OPER - 29/05/17 - PROPOSED PARTIAL ROAD CLOSURE AND PURCHASE FROM COUNCIL AT OLD BATHURST ROAD, SOUTH BOWENFELS

17-158 RESOLVED

THAT the General Manager be authorised to negotiate with the owners of Lot 57 DP751650 for the proposed closure and purchase of a section of Old Bathurst Road, South Bowenfels.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring.

CARRIED

**ITEM-6 OPER - 29/05/17 - STORMWATER EASEMENT, LOT 3 DP881717
 KIRKLEY STREET, SOUTH BOWENFELS**

Having made an earlier declaration, Councillor Lesslie left the chambers 7:31pm and Councillor McAndrew assumed the chair.

17-159 RESOLVED

THAT Council execute the deed of agreement and the document for transfer of easement as submitted involving Lot 3 DP881717 Kirkley Street, South Bowenfels

MOVED: Councillor R Thompson

SECONDED: Councillor J Smith.

CARRIED

Councillor Lesslie returned to the chambers and resumed the Chair at 7:32pm.

**ITEM-7 OPER - 29/05/17 - ZIG ZAG RAILWAY ROAD RESERVE LEASE,
 CHIFLEY ROAD, CLARENCE**

17-160 RESOLVED

THAT the General Manager be authorised to negotiate with the Zig Zag Railway proposed lease for land occupation by Zig Zag Railway adjacent to Chifley Road.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring.

CARRIED

ITEM-8 OPER - 29/05/17 - WATER REPORT

17-161 RESOLVED

THAT Council note the water report.

MOVED: Councillor J Smith

SECONDED: Councillor C Coleman.

CARRIED

CORPORATE AND COMMUNITY REPORTS

ITEM-9 CORP - 29/05/17 - QUARTERLY PERFORMACNCE REPORT ON 2016-217 OPERATIONAL PLAN FOR THE PERIOD 1 JANUARY TO 31 MARCH 2017

Councillor Ring left the chambers at 7:35pm.

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

17-162 RESOLVED

THAT:

1. The deficit of \$268,351 for the 2016/17 Operational Plan as detailed in the Quarterly Performance Report for the period 1 January to 31 March 2017 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.

MOVED: Councillor R Thompson

SECONDED: Councillor M Statham.

CARRIED

ITEM-10 CORP - 29/05/17 - COUNCIL INVESTMENTS HELD TO 30 APRIL 2017

17-163 RESOLVED

THAT Investments of \$23,630,138.43 and cash of \$178,252.80 for the period ending 30 April 2017 be noted.

MOVED: Councillor S Ring

SECONDED: Councillor C Coleman.

CARRIED

**ITEM-11 CORP - 29/05/17 - PROPOSED LOCATION OF ROTUNDA IN SAVILLE
PARK PORTLAND**

17-164 RESOLVED

THAT Council:

1. Publicly exhibit for 28 days the proposal from Portland Development Association (Portland Community Group) to locate a rotunda on Council land at Saville Park, Williwa Street Portland.
2. Note that a further report will be brought back to Council detailing any significant community objections to the proposal.
3. Note that if no significant objections are received, and subject to confirmation from the Portland Community Group that they have sufficient funding, the General Manager will sign the Development Application for the proposal and that the Development Application will be considered at a future meeting of Council.

MOVED: Councillor M Statham

SECONDED: Councillor W McAndrew.

CARRIED

ITEM-12 CORP - 29/05/17 - EXCESSIVE WATER ACCOUNT FOR 13350

RECOMMENDATION

THAT Council:

1. Offer no further consideration additional to the \$200 rebate previously applied to water consumption charges on the property.
2. Advise the property owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

AMENDMENT

THAT Council:

1. Council write off the \$3,539.58 and interest for the water account on property 13350.
2. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

CARRIED

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

17-165 RESOLVED

THAT Council:

1. Council write off the \$3,539.58 and interest for the water account on property 13350.
2. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor S Ring.

CARRIED

ITEM-13 CORP - 29/05/17 - EXCESSIVE WATER ACCOUNT FOR 46410

MOTION

THAT Council:

1. Offer no further consideration additional to the \$200 rebate previously applied to water consumption charges on the property.
2. Advise the property owner in writing of Council's resolution and confirm the availability of a negotiated repayment arrangement under policy.

MOVED: Councillor R Thompson

SECONDED: Councillor C Coleman.

AMENDMENT

THAT Council:

1. Write off the \$2336.25 and interest for the water account on property 46410.
2. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham.

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

17-166 RESOLVED

THAT Council:

1. Write off the \$2336.25 and interest for the water account on property 46410.
2. Advise the property owner in writing of Council's resolution.

MOVED: Councillor W McAndrew

SECONDED: Councillor M Statham.

CARRIED

**ITEM-14 CORP - 29/05/17 - POLICY 8.1 EXCESSIVE WATER USAGE
ALLOWANCE FOR BREAKAGES**

17-167 RESOLVED

THAT:

1. Council endorse Policy 8.1 Excessive Water Usage Allowance for Breakages for public exhibition and comment revised for 28 days.
2. Following the exhibition period the policy be returned to Council for adoption.

MOVED: Councillor S Ring

SECONDED: Councillor W McAndrew.

CARRIED

COUNCIL COMMITTEE MINUTES

**ITEM-15 CORP - 29/05/17 - COMMUNITY DEVELOPMENT COMMITTEE
MINUTES 9 MAY 2017**

17-168 RESOLVED

THAT Council:

1. Note the minutes of the Community Development Committee meeting held 9 May 2017.
2. Note the election of Councillor Lesslie as Chairperson and Sebastian Caruso as Deputy Chairperson.
3. Financial assistance to the Wallerawang and Lidsdale Progress Association for its New Year's Eve Pyrotechnical event be deferred to the second half of this calendar year.
4. Note that the balance of the applications have been deferred to the next Community Development Committee meeting and that Council staff provide a recommended amount for each line item.
5. Place the Mount Dulabree naming proposal on public exhibition for a period of 28 days and, if there are no community objections received, advise the Geographic Names Board of NSW of Council's support for the proposal.

MOVED: Councillor S Lesslie

SECONDED: Councillor J Smith.

CARRIED

**ITEM-16 CORP - 29/05/17 - CRIME PREVENTION COMMITTEE MINUTES 15
 MAY 2017**

17-169 RESOLVED

THAT Council:

1. Note the minutes of the Crime Prevention Committee meeting held 15 May 2017.
2. Note the election of Councillor Coleman as Chairperson and Danny Whitty as Deputy Chairperson.
3. Appoint Councillor Goodwin as an additional Councillor to the Committee to fill the current vacancy.

MOVED: Councillor C Coleman

SECONDED: Councillor J Smith.

CARRIED

**ITEM-17 OPER - 29/05/17 - TRAFFIC ADVISORY LOCAL COMMITTEE MINUTES
 - 18 MAY 2017**

17-170 RESOLVED

THAT Council:

1. Note the minutes of the Traffic Advisory Committee held on 18 May 2017.
2. Note the review of the committee terms of reference in accord with the Delegation to Councils for the Regulation of Traffic.
3. Constructs a pedestrian refuge on Barton Avenue as detailed in this report.
 - Installs Pedestrian and Refuge Island signage in advance of the refuge.
 - Installs parking restriction signage in the vicinity of the refuge.
 - Removes a portion of Armco railing at the refuge location.
 - Constructs a concrete path connecting the existing footpath to the crossing.
 - Conduct appropriate education program to inform public on appropriate use of the facility.
 - Check and if required, modify existing lighting to comply with Australian Standards.
 - Modification of the No Stopping signage.
4. Installs the required signage at the approaches of the bridge on Wolgan Road.
5. Installs the required signage at Mortlock Close.
6. Investigate and action the opportunity of installing advanced warning signage which notifies heavy vehicles of the 3.8m height restriction at the intersection of Inch Street and Bells Road.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

NOTICE OF MOTION

ITEM-18 NOTICE OF MOTION - 29/05/17 - OPAL CARD

17-171 RESOLVED

THAT Lithgow City Council write to the Minister for Transport and Infrastructure, Mr Andrew Constance, and ask him to reverse his decision to exclude Lithgow Bus Lines from the Opal Card network.

MOVED: Councillor C Coleman

SECONDED: Councillor M Statham.

CARRIED

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 – 29/5/17 - Councillor C Coleman

Councillor Coleman made reference to 25 jobs which are to go from the Lithgow Office of State Revenue to the Gosford area.

17-172 RESOLVED

THAT the matter of job losses at the Office of State Revenue be declared a matter of great urgency.

MOVED: Councillor C Coleman

SECONDED: Councillor W McAndrew

The Mayor declared that matter to be business of Great urgency.

17-173 RESOLVED

THAT Council correspond with the State Member and the Minister of Finance regarding the loss of 25 jobs at the Office of State Revenue.

MOVED: Councillor C Coleman

SECONDED: Councillor S Ring.

CARRIED

UB – 29/05/17 - Councillor W McAndrew

Councillor McAndrew made reference to community members at Cullen Bullen enquiring as to what the status of the Cullen Bullen Sewage Treatment Plant project is.

17-174 RESOLVED

THAT the matter of the Cullen Bullen Sewage Treatment Plant project status be declared as business of great urgency.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

CARRIED

The Mayor declared the matter to be of Great urgency.

Councillor McAndrew

17-175 RESOLVED

THAT a report be brought back to Council or a verbal report be supplied to inform the community of Cullen Bullen of the status of the Cullen Bullen Sewage Treatment Plant project.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith.

The Group Manager of Environment and Development gave advice on the status of the project which was received today.

The Mayor requested a written notice be distributed to the residents of Cullen Bullen to inform them as to the status of the project.

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.

The Mayor declared a 5 minutes recess of Council to resume at 8:25pm.

The Council Resumed at 8:28pm

17-176 RESOLVED

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

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED

RESOLVED

At 8:28pm the Council resolved to move into Closed Council.

MOVED: Councillor W McAndrew

SECONDED: Councillor J Smith

CARRIED

Closed Council commenced at 8:15pm.

PROCEDURAL MOTION

THAT Council move into the committee of the whole.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson.

CARRIED

CLOSED REPORTS

**ITEM-19 ENVIRO - CLOSED REPORT - CONFIDENTIAL - 29/05/17 - GUMNUT
 HOUSE LEASE**

17-177 RESOLVED

THAT:

1. Council not accept the lease terms as submitted by SDN Children's Services in March 2017 for continued occupation of Council's premises at 21 Proto Ave Lithgow as a child care centre.
2. Public expressions of interest (EOI) be called for lease of 21 Proto Ave Lithgow as a Child Care Centre and SDN Children's Services be invited to participate in this process.
3. Once a commercial lease is in place, Council re-consider its options in terms of sale of 21 Proto Ave Lithgow.

MOVED: Councillor S Ring **SECONDED:** Councillor W McAndrew.

CARRIED

ITEM-20 **OPER - 29/05/17 - CONFIDENTIAL REPORT - REPLACEMENT OF
RADIO TELEMTRY NETWORK LITHGOW, PORTLAND AND
WALLERAWANG - TEN 0117**

17-178 RESOLVED

THAT Council:

1. In accordance with Clause 178(1) of the Local Government (General) Regulation 2005 Enter into a contract with Elpro Technologies Pty Ltd for TEN 01/17 for an amount of \$875,436.00 including GST.
2. Authorise the General Manager to sign the resulting Contract and all necessary documentation in relation to this matter.

MOVED: Councillor R Thompson

SECONDED: Councillor S Ring.

CARRIED

PROCEDURAL MOTION

THAT Council move back into a full council.

MOVED: Councillor S Ring

SECONDED: Councillor R Thompson.

CARRIED

17-179 RESOLVED

At 8:34 pm the Council resolved to refer to open Council and recommend the resolutions of Closed Council.

MOVED: Councillor J Smith

SECONDED: Councillor D Goodsell

CARRIED

The Mayor announced the recommendations of the Closed Council.

**ITEM-19 ENVIRO - CLOSED REPORT - CONFIDENTIAL - 29/05/17 - GUMNUT
HOUSE LEASE**

17-177 RESOLVED

THAT:

1. Council not accept the lease terms as submitted by SDN Children's Services in March 2017 for continued occupation of Council's premises at 21 Proto Ave Lithgow as a child care centre.
2. Public expressions of interest (EOI) be called for lease of 21 Proto Ave Lithgow as a Child Care Centre and SDN Children's Services be invited to participate in this process.
3. Once a commercial lease is in place, Council re-consider its options in terms of sale of 21 Proto Ave Lithgow.

MOVED: Councillor S Ring **SECONDED:** Councillor W McAndrew.

CARRIED

**ITEM-20 OPER - 29/05/17 - CONFIDENTIAL REPORT - REPLACEMENT OF RADIO
TELEMETRY NETWORK LITHGOW, PORTLAND AND WALLERAWANG -
TEN 0117**

17-178 RESOLVED

THAT Council:

1. In accordance with Clause 178(1) of the Local Government (General) Regulation 2005 Enter into a contract with Elpro Technologies Pty Ltd for TEN 01/17 for an amount of \$875,436.00 including GST.
2. Authorise the General Manager to sign the resulting Contract and all necessary documentation in relation to this matter.

MOVED: Councillor R Thompson **SECONDED:** Councillor S Ring.

CARRIED

There being no further matters the meeting closed at 8:37pm.