



LITHGOW CITY COUNCIL

**MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

15 MAY 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 15 MAY 2006**

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Meeting Commenced 7.03pm

Public Gallery: 18

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
Councillor B P Morrissey  
Councillor M F Ticehurst  
Councillor W McAndrew  
Councillor B S Moran  
Councillor A E Thompson  
Councillor M J Wilson

**APOLOGIES**

An apology was received and accepted from H K Fisher who was absent due to Council business)(Councillor Fisher arrived at 7.19pm) and M M Collins who was absent due to personal business)

**MOVED:** Councillor B P Morrissey      **SECONDED:** Councillor A E Thompson.

**06- 139 RESOLVED**

**Also in attendance**

General Manager, Mr Paul Anderson  
Acting Manager Engineering Services & Manager Environmental and Planning Services,  
Mr Andrew Muir  
Finance Manager, Mrs Carol Farnsworth  
Minutes Secretary, Miss Casey Clarke

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 18 April 2006 were taken as read and confirmed by Councillors W McAndrew and B P Morrissey

**06- 140 RESOLVED**

**DECLARATION OF INTEREST**

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

NIL

## QUESTIONS FROM THE PUBLIC GALLERY

At 7.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

### QPG - SUE GRAVES

1. Mr Mayor does Council intend to remove graffiti from Council property?

*Yes, Council removes graffiti from Council property as soon as possible.*

2. Mr Mayor is Council intending to require property owners to clean up graffiti as quickly as possible?

*Council has the power to remove graffiti from private land with or without the agreement of the owner/occupier. Council can only remove graffiti from private land without the agreement of the owner/occupier if the graffiti concerned is visible and can be removed from a public place. If this is the case and Council proceeds with the removal, Council must bear the cost of removing the graffiti. Council does not have any funds in its Recurrent Budget for the removal of graffiti from private lands without agreement from the owner/occupier and therefore seeks the cooperation of the owner/occupier to either undertake the works themselves or engage the services of Council.*

3. Mr Mayor what steps is Council prepared to take to reduce graffiti around town?

*Council currently documents and photographs all graffiti and registers such on a State wide database. If a suspect is apprehended, the database can be accessed to identify all graffiti attributed to the suspect.*

4. Is Council aware that the women's toilets in eastern Main Street Lithgow in a disgraceful situation. Toilets have no seats, no door locks and wires instead of chains requiring to be pushed up rather than pulled, has no wheelchair access, and is open to rain during wet weather?

*An inspection has been undertaken and any maintenance works which are able to be undertaken this financial year will be completed to rectify these issues. However, the issue of disabled access is not one which can be dealt with by a maintenance program. It should be noted that disabled facilities are provided in the Parents Room, Lithgow Library and Queen Elizabeth Park.*

5. Mr Mayor does Council have plans in the immediate future to replace the toilets?

*There is no plan to replace these facilities within the upcoming 3 years.*

6. Mr Mayor is council aware that there has been no maintenance at Alexandra Park since the Railway undertook stabilisation several weeks ago and used the park as a base to do their work? When will Council be able to rehabilitate that area?

*Council Officers have inspected the Park and the only damage caused by RailCorp is to the fence at the rear of the Park. The Project Officer has been contacted and has provided an undertaking that the fence will be restored.*

#### **QPG - JOHN KEARNS**

1. Mr Mayor could you please arrange for urgent representations to be made to Integral Energy requesting that they take steps to ensure the street lighting in the Portland township is operating efficiently at all times, furthermore that they also look at the adequacy of street lighting in Portland. These requests are based on the failure of street lighting on many occasions, which compromises the safety of residents and a need for additional lighting in our streets.

*Representations can be made to Integral Energy. If Mr Kearns has any particular examples of areas, these can be included in the correspondence.*

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## **GENERAL MANAGER REPORTS**

**ITEM:1 EXEC - 15/05/06 - LITHGOW CORRECTIONAL CENTRE COMMUNITY CONSULTATIVE COMMITTEE MEETING HELD ON 12 APRIL 2006**

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### **REFERENCE**

NIL

### **SUMMARY**

This report is to advise Council of the Lithgow Correctional centre Community Consultative Committee Meeting held on Wednesday 12 April 2006.

### **COMMENTARY**

The Lithgow Correctional Centre Community Consultative Committee Meeting was held on Wednesday 12 April 2006.

Present at the meeting were Mr Paul J Anderson, General Manager, Councillor Neville Castle, Mayor and Councillor M J Wilson.

The Centre's General Manager, Mr Breckonridge welcomed the new members Mr John Mayfield, District Emergency Management Officer NSW Police and Mr Graham Wright, Dept of Housing Southern and Western Division to the Committee.

Such issues that were raised were:

- New video conferencing studios to be installed
- Training exercises
- Health and Fitness trial project

The next meeting of the Community Consultative Committee Meeting will be held on Wednesday 9 August 2006.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

**06- 141 RESOLVED**

**THAT** the information be received.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:2            EXEC - 15/05/06 - CONFIDENTIAL - STAFF RESIGNATIONS  
CONFIDENTIAL**

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**Reason for Confidentiality**

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

- (a) personnel matters concerning particular individuals (other than councillors)

**REFERENCE**

NIL

**SUMMARY**

This report will outline to Council the recent resignation of staff and a management strategy to ensure service delivery.

**06- 142 RESOLVED**

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

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor W McAndrew.

**CARRIED**

**ITEM:3 EXEC - 15/05/06 - CONFIDENTIAL - SALE OF GAS WORKS SITE  
CONFIDENTIAL**

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### **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

### **REFERENCE**

NIL

### **SUMMARY**

This report will outline the process undertaken with the sale of the Gas Works Site and reconsider further action on behalf of Council.

### **06- 143 RESOLVED**

**THAT** Council consider this report in the closed Council pursuant to the provision of Sec 10(A)(2)(d)(i) of the Local Government Act 1993.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor B S Moran.

**CARRIED**

## ENVIRONMENT & PLANNING SERVICES REPORTS

ITEM:4            **EPS - 15/05/06 - CONFIDENTIAL - PROPERTY VALUATION OF OLD STABLES, BRIDGE STREET, LITHGOW CONFIDENTIAL**

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### Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

### SUMMARY

To inform Council of a valuation requested for the Old Stables and land described as Part Lot 2 DP 1077295 located behind the Tin Shed Gallery in Bridge Street, Lithgow.

The valuation for the property is \$20,000, in the range of \$15,000-\$25,000.

The building is in a dilapidated and dangerous condition and Council does not have funds available to carry out repairs. The adjoining owner has expressed an interest in purchasing the property.

### 06- 144 RESOLVED

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

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor B S Moran.

**CARRIED**

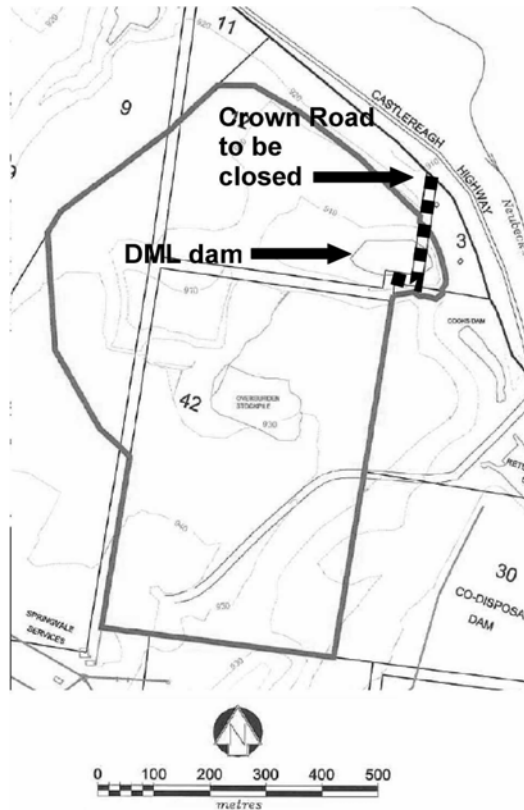
**ITEM:5            EPS - 15/05/06 - APPLICATION TO PURCHASE CROWN ROAD FOR PROPOSED BLACKMANS FLAT WASTE MANAGEMENT FACILITY**

**SUMMARY**

The report seeks Council's approval to affix the Common Seal to an application to purchase Crown Land by Private Treaty which is an unformed Crown Road that transverses part of the site for the Proposed Blackman's Flat Waste Management Facility.

**COMMENTARY**

The Department of Lands has approved the closure of a Crown Road which transverses part of the Proposed Blackman's Flat Waste Management Facility site. The road is unformed and has never been used. Two rehabilitation mounds and the DML Dam are located on part of the road. This section of Crown Road is highlighted on the plan below.



To purchase the Crown Road, Council must apply to the Department of Lands with a \$220 application fee. In addition, the application should bear the Common Seal of Council. If approved, the purchase price will be \$2,100 plus GST.

**POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The application fee of \$220, the cost of preparing the road closure plans and the purchase price of \$2,100 can be funded from the budget allocation for the Proposed Blackman's Flat Waste Management Facility.

## **LEGAL IMPLICATIONS**

The closure and purchase is necessary to ensure the legal use of this section of Crown Road as part of the water management system for the Proposed Blackman's Flat Waste Management Facility.

## **06- 145 RESOLVED THAT**

1. The Common Seal be affixed to the Application for Purchase of Crown Land by Private Treaty for the Crown Road as shown on the plan in the report.
2. If approved, Council purchase the section of Crown Land for \$2,100 plus GST.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor W McAndrew.

**CARRIED**

## CORPORATE SERVICES REPORTS

### ITEM:6 CORP - 15/05/06 - COUNCIL INVESTMENTS APRIL 2006

#### SUMMARY

To advise Council of investments held and cash movements for the month period ending 30 April 2006.

#### REPORT

The amount invested as at 30 April 2006 when compared to 29 March 2006 has decreased by \$2,083,499.72 due to ongoing Council expenditure but mainly attributed to payments made to the Department of Commerce for claims in relation to the upgrade of the Lithgow Sewerage Treatment Plant. Grant payments from the Dept Energy, Utilities and Sustainability will be made in the near future to reimburse expenditure.

The 4<sup>th</sup> instalment is due for payment on the 31 May 2006 along with the final payment of the 05/06 Financial Assistant Grant on the 16 May 2006.

The most significant outgoing amounts were:

CREDITOR	AMOUNT	PURPOSE
Technology One	41,481.80	Software Licences
Cadia Plumbing	28,363.73	Plumbing supplies
Aqualift	22,819.50	Swimming Pool Equipment
RTA	36,828.00	Fleet Registrations
Henry Plant Hire	29,473.34	Waste Depots
Hyrock	17,488.12	Road Materials
Jardine Llyodd Thompson	36,844.90	Insurance Premiums
NSW Fire Brigades	24,690.00	Quarterly Contribution
Omega Chemicals	17,407.47	Chemicals
Integral Enegy	33,017.34	Electricity
State Water	93,750.70	Water Purchase
O'Connor Auto	30,519.43	Vehicle
Shell	22,230.43	Fuel Purchases
Telstra	19,396.01	Telephone costs
Dept Commerce	974,428.68	Lithgow STP Upgrade
<b>TOTAL FOR MONTH (ABOVE ONLY SAMPLE)</b>	<b>1,955,538.39</b>	(Less investment transfers)

INVESTMENT REGISTER 2005/06								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.04.06	VALUE 29.03.06	% OF TOTAL
ANZ	TD	28.04.06	28.05.06	30	5.57	529,762.15	529,762.15	6.88
CBA	SHIELD	04.12.04	04.12.06	730	6.46	600,000.00	600,000.00	7.79
	On Call				5.35	694,433.79	1,094,433.84	9.02
LG FINANCIAL	TD					0.00	582,042.03	0.00
	TD	11.04.06	13.06.06	60	5.64	1,143,597.02	1,133,091.86	14.85
	TD	30.04.06	30.05.06	30	5.66	582,042.03	309,562.38	7.56
	TD	26.04.06	26.05.06	30	5.65	757,094.38	750,000.00	9.83
IMBS	On Call				5.45	1,922.10	471,922.10	0.02

	TD	09.02.06	10.05.06	90	5.75	517,314.47	517,314.47	6.72
	TD					0.00	512,061.75	0.00
ALLIANCE	Managed	01.04.02	28.02.06	365		1,000,000.00	1,000,000.00	12.98
ST GEORGE	TD	06.03.06	06.05.06	60	4.00	511,996.71	511,996.71	6.65
	TD	NEW	05.06.06	90	5.62	1,000,000.00	1,000,000.00	12.98
	TD	05.01.06	05.04.06	90	5.10	0.00	411,361.67	0.00
	TD	24.04.06	26.06.06	60	5.70	364,917.92	363,031.33	4.74
			<b>TOTAL</b>			<b>7,703,080.62</b>	<b>9,786,580.29</b>	<b>100.00%</b>

I, Carol G Farnsworth, Lithgow City Council Manager of Finance & Corporate Services (Responsible Accounting Officer) certify as required under Local Government (General) Regulations 2005, that Councils investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Councils Investment Policy.

### Policy Implications

All Councils investments are held in accordance with the Lithgow City Council Investment Policy.

### Financial Implications

Investment income to date, 30 April 2006 totals \$421,554.62. Interest is paid on the maturity date of the investment and managed funds report earning quarterly.

### Legal Implications

Investments are held in accordance with the Lithgow City Councils Investment Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of Minister) dated 17 March 2000
- The Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2) The Local Government (General) Regulation 2005

### 06- 146 RESOLVED

**THAT** Councils investments for the month of April 2006 be received

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:7            MAYORAL MINUTE - 15/05/06 - PACT MEETING HELD ON 27 APRIL  
2006**

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**REFERENCE**

NIL

**SUMMARY**

This report outlines the issues discussed at the recent PACT Meeting held on 27 April 2006.

**COMMENTARY**

At the recent PACT Meeting the General Manager and I attended and followed up on a number of issues that had been raised through Council, to which we now have some satisfactory answers.

The statistics that the Police provided us with indicated that person searches are up over 200% and the Police using the "Moving people along" under the new legislation is up nearly 250% which shows that the Police are being far more active over the last few months. It is also pleasing to see that "Break, Enter and Steal" crimes have dropped by 18% over the last year.

Of all the crime statistics the only type of crime on the rise has been assault and these figures are low in comparison with other areas. Unfortunately half of most assaults occur in relation to domestic violence issues.

As for staffing issues in the Lithgow area, there are three general duty Police Officers vacancies. These are expected to be filled over the next couple of months. There is one vacancy for a Detective and one for a Sergeant in the Highway Patrol. The other good news on staffing has been that Gerard Martin reported the State Government is in the process of having 750 new Police on duty state wide by January 2007.

The other issue that has come to the fore recently has been that of graffiti and at this stage it is pleasing to note that the Police are combining with the Council Officers to compare databases of graffiti and their "tags", so that Council or the Police can be in a better position to identify those responsible. It is also pointed out that there has been a change in the law, where it is now illegal for shop owners to sell spray cans to people under the age of 16. We believe that shops that sell these spray cans in our area are cooperating with this law. It is also understood that the Police will make more searches if they believe a person may be a suspect of doing some of the graffiti acts.

Finally, in what might be helpful not only to acts of graffiti but to any behaviour in Main Street, Council is also cooperating with Police in having their CCTV cameras hooked up to the Police Station, so that the Police would be able to monitor activities in Main Street even if they are in the office and therefore be able to respond better to that.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**06- 147 RESOLVED**

**THAT** the information be received.

**MOVED:** Councillor Neville Castle

**SECONDED:** Councillor M J Wilson.

**CARRIED**

## **CLOSED COUNCIL REPORTS**

At **7.42pm** the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

The General Manager advised the Chairperson that no written public submission or representations had been received as to whether or not part of the meeting should be closed to the public.

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### **ITEM:2 EXEC - 15/05/06 - CONFIDENTIAL - STAFF RESIGNATIONS**

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#### **Reason for Confidentiality**

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

- (a) personnel matters concerning particular individuals (other than councillors)

#### **REFERENCE**

NIL

#### **SUMMARY**

This report will outline to Council the recent resignation of staff and a management strategy to ensure service delivery.

#### **06-142 RESOLVED**

**THAT** the report from staff resignations be received and noted.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:3 EXEC - 15/05/06 - CONFIDENTIAL - SALE OF GAS WORKS SITE**

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**Reason for Confidentiality**

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

**REFERENCE**

NIL

**SUMMARY**

This report will outline the process undertaken with the sale of the Gas Works Site and reconsider further action on behalf of Council.

**RECOMMENDATION**

**THAT:**

1. Council consider entering into an option deed agreement with one of the parties named in the report for the sale of the Gas Works Site with the ultimate purchase being completed within 6 months of the agreeing of this option.
2. The Common Seal of Council be offered to all legal documents relating to the option and sale of the land known as the old Gas Works Site.

**06- 143 RESOLVED**

**THAT:**

1. Council enter into an option deed agreement with Ultra Services Pty Ltd for the sale of the Gas Works Site with the ultimate purchase being completed within 6 months of the agreeing of this option.
2. The Common Seal of Council be offered to all legal documents relating to the option and sale of the land known as the old Gas Works Site.
3. The income realised from the sale be internally restricted for future assets acquisitions and development opportunities.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor H K Fisher.

**CARRIED**

**ITEM:4            EPS - 15/05/06 - CONFIDENTIAL - PROPERTY VALUATION OF OLD STABLES, BRIDGE STREET, LITHGOW**

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**Reason for Confidentiality**

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

**SUMMARY**

To inform Council of a valuation requested for the Old Stables and land described as Part Lot 2 DP 1077295 located behind the Tin Shed Gallery in Bridge Street, Lithgow.

The valuation for the property is \$20,000, in the range of \$15,000-\$25,000.

The building is in a dilapidated and dangerous condition and Council does not have funds available to carry out repairs. The adjoining owner has expressed an interest in purchasing the property.

**RECOMMENDATION**

**THAT**

1. Council offer for sale the Old Stables and associated land described as Part Lot 2 DP 1077295 Bridge Street, Lithgow to the owner of the Tin Shed Gallery for the amount suggested in this report, plus all associated expenses.
2. All funds obtained from any sale be directed towards improvements to the Union Theatre/Hoskins Building.

**06- 144 RESOLVED**

**THAT:**

1. The General Manager negotiate the sale of the Old Stables and associated land described as Part Lot 2, DP 1077295 Bridge Street, Lithgow for the price as discussed.
2. Council be informed of the result of the negotiation in this matter.

**MOVED:** Councillor A E Thompson

**SECONDED:** Councillor B P Morrissey.

**CARRIED**

Council resolved to make the decisions of the Confidential reports public.

**06- 148 RESOLVED**

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor B P Morrissey.

**CARRIED**

## QUESTIONS WITHOUT NOTICE

### QWN - COUNCILLOR H K FISHER

1. Mr Mayor would Council investigate broken pipe beside spillway Farmers Creek Dam.

*This issue is being investigated.*

2. Mr Mayor would Council take the neighbourhood dispute in Ernest Street Lithgow to the notice of the Police Committee that the Mayor is on. This dispute is way out of control with serious consequences bordering on dangerous results. Please this matter needs urgent attention.

*A number of Council Officers have visited the premises on numerous occasions and investigated complaints relating to noise, dogs and unlawful occupation of Council land. Although some of these issues have and are being addressed, it has not been possible to come to a satisfactory result in relation to the alleged offensive noise issues as appropriate evidence has not been able to be obtained. Furthermore, Council has offered mediation, but only 1 neighbour has indicated a willingness to participate.*

3. Mr Mayor can Council arrange an urgent delegation with the Department of Housing in relation to a neighbourhood dispute in Christina Street due to a chook fowl pen being erected in the front of the house?

*Councillor Martin Ticehurst and Councillor Wayne McAndrew moved a motion that the matter be referred to the Local Member, Mr Gerard Martin and PACT.*

### QWN - COUNCILLOR W McANDREW

1. Mr Mayor are you aware of a press release that was distributed this morning requesting a public inquiry into Councils Financial issues? I believe that this press release is from Councillor M F Ticehurst.

2. Mr Mayor can you explain what this is all about and as to why he is allowed to go ahead and request this inquiry?

Councillor M F Ticehurst declared a non pecuniary interest in the questions raised by Councillor McAndrew and vacated the Chambers.

3. Mr Mayor are you aware that it was printed in the Lithgow Mercury (after the last Policy and Strategy Meeting on 1 May) that the decision on Item 2 Gardens of Stone Proposal Stage 2 was unanimous as to rejecting the proposal? As I remember this was not true.

**QWN - COUNCILLOR B P MORRISSEY**

1. Mr Mayor can an update on the Megalong Valley proposal be provided and also has the Blue Mountains City Council been contacted seeking their support on this issue?