



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

17 DECEMBER 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 17TH DECEMBER 2007**

Meeting Commenced 7.00pm

Public Gallery: 25

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor M F Ticehurst
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

An apology was received and accepted from W McAndrew who is out of the City on personal business.

MOVED: Councillor B S Moran **SECONDED:** Councillor M M Collins.

07-529 RESOLVED

CARRIED

An apology was received and accepted from B P Morrissey who is out of the City on personal business.

MOVED: Councillor B S Moran **SECONDED:** Councillor M M Collins.

07-530 RESOLVED

CARRIED

Also in attendance

General Manager, Mr Paul Anderson
Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Kathy Woolley
Minutes Secretary, Miss Casey Clarke
Executive Secretary, Miss Cortney Wood
Finance Services Manager, Mrs Carol Farnsworth

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 19th November 2007 were taken as read and confirmed by Councillors H K Fisher and M J Wilson

07-531 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor M J Wilson declared a pecuniary interest in Items 3 and 4 due to being employed by Delta Electricity.

QUESTIONS FROM THE PUBLIC GALLERY

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

VINCE HALLAM

- A. Is it correct that the Lithgow Council will tonight be accepting new tenders for appointing their Auditors for the next six years?

The Mayor advised Yes.

- B. Is the Lithgow Council aware of any ASIC, APRA, Federal or State Government or Department of Local Government Policies or guidelines for selecting Auditors for more than six-year periods at a time?

The Mayor Advised that the Local Government Act 1993 specifies how to appoint auditors and specifies a 6 year term, however it is subject to renewal.

- C. Is it correct that the Lithgow Council's Auditors, Alan Morse and Co of Bathurst who recently changed their name to the Morse Group, has been the Lithgow Council's Auditors for the past 24 years and if they are re-appointed, would consent the Lithgow Council to have retained the same local Auditors from Bathurst for nearly 30 years?

The Mayor advised that Yes, at least 24 years.

- D. If the Lithgow Council's Auditors are re-appointed for another six year term until 2013, thus allowing the Lithgow council to have retained the same local Audits from Bathurst for nearly 30 years; does the Council and all the Councillors believe that this demonstrates good financial governance to their ratepayers, the Department of Local Government and the State Government?

The Mayor advised that Clause 424 of the Local Government Act allows for re-appointment of an auditor.

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GENERAL MANAGER REPORTS

ITEM:1 GM- 17/12/07 - DISCUSSION PAPER - DEPARTMENT OF PLANNING - IMPROVING THE NSW PLANNING SYSTEM

REPORT FROM: GENERAL MANAGER – PAUL ANDERSON

SUMMARY

To inform council of the release by the Minister for Planning of a discussion paper titled "Improving the NSW Planning System" requesting council submissions.

COMMENTARY

The Minister for Planning the Hon. Frank Sartor MP has written to all Councils providing copies of a discussion paper "Improving the NSW Planning System" and requesting comment by 8 February 2008.

The Minister highlights frustration of families and small business with planning red tape and the complexities of the existing system and aims at making the process more fair and transparent. He indicates that the discussion paper is released "to begin open and detailed consultation on this new phase of reforms".

A preliminary review of the document has revealed that the reforms proposed are wide ranging and will have a significant impact on how councils would operate. Increasing the role of private certifiers in approvals thereby reducing council's role, requiring accreditation of council and council staff to continue in its approval role, and widening of the use of exempt and complying development in approvals are some of the main proposals. There are also changes to the strategic planning process (plan making) and a timeframe requiring councils to adopt e-planning procedures.

It is proposed to accredit councils to carry out building certification through its existing staff to level 3A, which is dwellings and sheds. Councils would not be accredited to certify any other buildings above this level, e.g. Commercial or Industrial developments. The Minister anticipates this level of certification would be done by private certifiers. This is removing councils from this role within their communities and will not work in country areas where the number of competent certifiers is limited.

If council wishes to remain in the higher level certification role it will be required to train existing staff (approximate cost \$15,000 per person). The proposal requires any new council employees to be accredited for certification. This is not practical because of the critical shortage of qualified building surveyors who will be head hunted by the private certifiers at much higher salaries than they can get in council.

The document requires that council become responsible for the enforcement role for complaints about private certifiers. This is flawed and will also have a cost and resource implication for council. There are a large number of complaints about private certifiers and council would be meeting the compliance cost for negligence by others.

The changes to certification will result in councils being forced out of the certification role and should be opposed on the basis of the reduction of council's link to its community. Country councils are being penalised for an increase in approval time's at large city councils that deal with many complex and varied applications.

Council officers have attended briefing sessions on the discussion paper and will be presenting a detailed submission through the General Manager to the Department of Planning on the proposals. The council meeting schedule for the new year does not allow a further report to be presented to council before the closing date for submissions. This may be deliberate by the Department to limit the time available to councils for consideration of this contentious document.

It is considered appropriate that the General Manager be delegated to endorse Councils submission on the discussion paper.

POLICY IMPLICATIONS

Nil at this stage but may be substantial.

FINANCIAL IMPLICATIONS

Substantial cost implications if the recommendations in the discussion paper are adopted.

LEGAL IMPLICATIONS

It is proposed by the Department of Planning that the Exposure Draft Bill be prepared by March 2008.

07-532 RESOLVED

THAT Council take the following action in response to the Discussion Paper "Improving the NSW Planning System":

1. Prepare a detailed submission for lodgement to the Department for Planning by 8 February 2008.
2. Delegate to the General Manager for signoff of Council submission.

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:2 GM - 17/12/07 - SUBMISSION TO 2006/07 GENERAL PURPOSE
FINANCIAL REPORTS**

REFERENCE

Minute 07-418: Council meeting 17 September 2007

SUMMARY

To advise Council of a submission received from Councillor M Ticehurst in relation to the 2006/07 General Purpose Financial Reports, the audit response received and a recommendation that the information be noted with no changes to be made.

COMMENTARY

Council accepted the draft General Purpose Financial Accounts at the 20 September 2007 meeting (Min 07-418) resolving to place the statements on public exhibition.

Council received one submission on the 26 November 2007 in relation to the 2006/07 General Purpose Financial Reports and the audit presentation by Council's Auditor on 19 November 2007.

The Local Government Act 1993 states:

420 Submissions on financial reports and auditor's reports:

- (1) Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports.*
- (2) A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.*
- (3) The council must ensure that copies of all submissions received by it are referred to the auditor.*
- (4) The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the council's financial reports.*

In compliance with Section 420(3) of the Local Government Act, the submission was forwarded to Council's auditors for comment on the 26 November 2007. Their response was received on 10 December 2007 and is provided for Council's information as an attachment.

Section 420(4) advises Council may take such action as it considers appropriate should the financial reports require amendment.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

Councillor M F Ticehurst moved an **AMENDMENT** requesting that Council provide him with a copy of the valuation of the Meadow Flat Hall. This **LAPSED DUE TO NO SECONDER.**

07-533 RESOLVED

THAT the information be received and no changes be made to the 2006/07 General Purpose Financial Reports.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:3 REG - 17/12/07 - DA 461-04 PINEDALE MINE - EXTENSION OF TIME FOR NEGOTIATIONS FOR PRIVATE COAL HAULAGE

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Minute 07-398 - Council indicate to the applicant that it will provide a period of three months from 3 September 2007 for it to arrange alternative transport measures by means other than public roads. However, if such is not in place within this timeframe, Council will commence enforcement proceedings.

SUMMARY

To inform Council of correspondence regarding Pinedale Coal mine with specific reference to the use of the private haul road for coal transportation. Further, the report seeks Councils recommendation to extend the time period specified above so as the applicant can broker an agreement with the controlling body of the private haul road.

COMMENTARY

At Councils Finance and Services Committee Meeting dated 3 September 2007 it was resolved by Council that the operators of Pinedale Coal Mine have a period of not more than 3 months to have coal transportation removed from the public road (in accordance with the conditions of consent for the proposal) or Council would be left with no option than to commence enforcement proceedings.

Further as part of the resolution (07-398) Council resolved to facilitate a meeting between parties to see if an agreement could be brokered allowing for the applicant to use the private haul road for coal transportation.

That meeting was undertaken on 18 October 2007, with the findings concluding that subject to a commercial agreement, the 'owners' of the private haul road had no objection to the proprietors of Pinedale Mine utilising the private haul road for transportation purposes.

Council is now in receipt of correspondence from the applicant indicating that the company (Enhance Place Pty Ltd) has been in serious negotiations with the owner of the haul road for some time, however at this time no commercial agreement has been reached. They indicate that the processes involved in securing a commercial agreement is long and drawn out and seek an extension of time from Council's resolution to commence enforcement proceedings.

Within the applicants letter detailed information is provided to indicate that over a period of time (even prior to Council's meeting) the applicant has been seeking to formalise an agreement with the private haul road owners for the utilisation of the road for coal transportation needs.

It is considered that given the applicants ongoing negotiations with the private haul road owners and the previous meeting mediated by Council, an extension of time should be granted to the operators of Pinedale Mine to seek a resolution to the use of the road for coal haulage. Further, it should be indicated that this is the only extension of time granted and no further extensions will be issued regarding this matter.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

The only implications from a financial perspective include delay in any Council costs associated with enforcement proceedings.

LEGAL IMPLICATIONS

The applicant is technically in breach of the development consent and Council is in a position to legally enforce the consent.

Councillor M J Wilson declared a Pecuniary Interest in this item and vacated the Chambers.

A **SUSPENSION OF STANDING ORDERS** was moved by Councillors M F Ticehurst and M M Collins that this item be discussed at the end of the meeting.

**07-534 RESOLVED
CARRIED**

07-535 RESOLVED

THAT:

1. The report be received.
2. Council extend the time period until 14 March 2008 to stay any enforcement proceedings to allow for the applicant to finalise a commercial agreement and construct all infrastructure associated with the use of the private haul road.
3. Council indicate to the applicant that no further extensions will be granted for and enforcement proceedings will commence if transportation of coal by means other than public roads is not in place by 14 March 2008.

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

Councillor H K Fisher and Councillor M J Wilson moved **A MATTER OF ARISING** that Council request the RTA to investigate the speed limit in the Blackman's Flat area in line with the safety of children in the locality and having to cross the road.

**07-536 RESOLVED
CARRIED**

ITEM:4 REG - 17/12/07 - DELTA ELECTRICITY - COAL CONTRACT DETAILS

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Policy and Strategy Committee Meeting of 2 October 2007

SUMMARY

This report advises Council of a response to its request for contractual information requested of Delta Electricity following an address to its Policy and Strategy Committee Meeting on 2 October 2007.

COMMENTARY

At its Policy and Strategy Committee Meeting of 2 October 2007 the following was resolved:

THAT:

1. The address from Delta Electricity representatives be received.
2. Council make representations to the relevant Minister regarding the sell or lease to power stations.
3. Council to seek further information on providing contracts to local mines

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

Correspondence has been received from Delta, attached, to the effect that the information cannot be provided. The Council may wish to consider whether the response is satisfactory.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

Councillor M J Wilson declared a pecuniary interest in this item and vacated the chambers.

07-537 RESOLVED

THAT the information be received.

MOVED: Councillor M M Collins

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:5 REG - 17/12/07 - RAIL CROSSING ISSUES - WALLERAWANG

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Question Without Notice – Councillor B Moran – Ordinary Meeting – 15 October 2007

SUMMARY

To advise of the results of inquiries into level crossing activity at Wallerawang in response to a Question Without Notice.

COMMENTARY

At its Ordinary meeting of 15 October 2007, Councillor Moran asked the following question without notice:

“Mr Mayor I have had complaints from ratepayers in regards to the length of coal trains travelling through Wallerawang. The trains are approx 48 carriages long and at times stop across the road blocking traffic for a period of time. Can Council please contact the rail company and advise that this is a safety issue and seek that something be done?”

Correspondence was subsequently forwarded to the Australian Rail Track Corporation who responded in the following terms:

“I refer to your letter of 25th October 2007 regarding the operation of the Portland Road level crossing at Wallerawang. The attached information has been retrieved from our level crossing monitoring system for a sixteen day period from 25th October to 9th November. There were 103 train movements in this period and longest operating time of the level crossing is 5m6s with only 6 others greater than three minutes and the remaining 96 movements less than three minutes. Generally the longer activation times will occur when a train travelling towards Lithgow has been brought to a stand at the signal immediately on the Mudgee side of the level crossing and stopped to follow a train on the Main Line. In general the findings for this period are not excessive and raise no safety concerns. We will however continue to monitor this situation.”

It is noted that this response does not include the crossing adjacent to the Wallerawang Power Station which services trains loading coal from the nearby coal loader. In discussions with the operators of the coal unloader it appears, anecdotally, that there was one incident in September when a signal problem on the rail infrastructure network did cause a problem with one train causing delays to traffic on Main Street. It should also be noted that the matter of the ARTC response is reported this evening in the Traffic Authority Local Committee minutes.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

07-538 RESOLVED

THAT the information be received and the Australian Rail and Track Corporation be requested to investigate if any incidents requiring closure of the crossing over four (4) minutes were as a result of the number of wagons and if so can this be regulated.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

A **MATTER OF ARISING** was moved by Councillors B S Moran and H K Fisher requesting Council to seek copies of the Australian Rail and Track Corporations Log Book for the past three (3) months for the rail crossings in question.

07-539 RESOLVED

CARRIED

ITEM:6 REG - 17/12/07 - PROPOSED ROAD CLOSING - McDONALD STREET, HARTLEY VALE

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

This report advises of a request proposing to close an unformed road known as McDonald Street, Hartley Vale, allowing the adjacent land owners to purchase the land.

COMMENTARY

Council has been approached by Mr G Mortimer and Ms ML Werner, requesting the closure of an unformed road known as McDonald Street, Hartley Vale, allowing them to purchase the property.

The road provides legal access to Lot 2 DP 818567, owned by Mr Mortimer and Ms Werner, however, access to this property is also gained from JR Street, Hartley Vale.

Mr Mortimer and Ms Werner have agreed to fully fund any costs to Council, including application fees, surveying and legal fees, for the closing and transferring of this road.

As this is currently an unformed road, once approval for closing is granted by the Minister for Lands, the ownership of the parcel of land (formerly the road) will revert to the Crown Lands Department, and the proponents will be required to negotiate a sale price with the Department.

It is feasible for Council to close the road as requested, as there are no future plans requiring this road to be utilised.

POLICY IMPLICATIONS

This project complies with the objectives in Council’s Asset Disposal Policies, as detailed below:

| CONSIDERATION | RESPONSE |
|--|--|
| <i>Market forces and impact on return from the sale of the asset;</i> | Council will require the land to be valued and compensation paid from the transfer and sale of this property |
| <i>Community need for the asset and alternative resources which could be considered to be substituted;</i> | The asset is not required for the Community, as alternative access is available to the property served by the road |
| <i>The strategic worth of the asset and its long term benefit to the community;</i> | The asset currently does not benefit the Community, and there are no plans to form the road in future years |
| <i>The purchase price and maintenance costs incurred over the lifespan of the asset should be assessed to determine, where possible, a return on investment of a particular asset;</i> | Council will not receive any income from the transfer and sale of this property, and currently does not expend any funds on the maintenance of this road |
| <i>That the funds raised from the sale of an asset should be considered as to their use and this must be reflected in the Council’s Management Plan;</i> | It may be appropriate for the amount realised from any sale to be offset against road expenditure in the area. |
| <i>That the method of sale (for example auction vs private treaty) be determined and specifically resolved by Council.</i> | Not applicable to this project – asset ownership will revert to the Department of Lands |
| <i>The funds raised from the sale of land and/or buildings will be internally restricted for future strategic asset acquisitions or improvements.</i> | Council will not receive any income from the transfer and sale of this property |

FINANCIAL IMPLICATIONS

Nil, as Mr Mortimer and Ms Werner have agreed to fully fund all expenditure required by Council to close this road, including surveying, transfer, and legal fees.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT:

1. Council raise no objection to the proposed closing of McDonald Street, Hartley Vale, provided that Mr G Mortimer and Ms ML Werner fully fund all expenditure in relation to the closure and transfer

2. Council liaise with Le Fevre Solicitors and Co and the Department of Lands regarding the application to close McDonald Street, Hartley Vale.
3. Council's Mayor and General Manager be authorised to sign relevant documents relating to the closing and transfer of McDonald Street, Hartley Vale.

07-540 RESOLVED

THAT:

1. Council raise no objection to the proposed closing of McDonald Street, Hartley Vale, provided that Mr G Mortimer and Ms ML Werner fully fund all expenditure in relation to the closure and transfer
2. Should the legislation allow Council to be compensated for the land on which the unformed road is situated then the applicants shall fund a valuation to be undertaken by a Valuer nominated by Council and subsequently provide compensation to Council to an amount equivalent to the value of the land.
3. Council authorise affixing the common seal to any documentation pertaining to the closure of McDonald Street, Hartley Vale.

MOVED: Councillor M J Wilson

SECONDED: Councillor H K Fisher.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:7 COMM - 03/12/07 - ANNUAL AND STATE OF THE ENVIRONMENT REPORTS

REPORT FROM: POLICY & PLANNING MANAGER – AMANDA MUIR

REFERENCE

Nil

SUMMARY

This report provides copies of the Annual and State of the Environment Reports to Council for its information.

COMMENTARY

The Annual and State of the Environment Reports for the year 2006/07 have been prepared and forwarded to the Department of Local Government. A copy of both Reports have been provided to Councillors within their Business Paper Packages. In addition, the Reports will be placed on Council's website and a hard copy is available for viewing at Council's Administration Centre.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

The Annual and State of the Environment Reports were produced internally and funded from the Policy and Planning Recurrent Budget.

LEGAL IMPLICATIONS

The Annual and State of the Environment Reports were prepared in accordance with the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Freedom of Information Act 1989, Freedom of Information Regulation 2005, Privacy and Personal Information Protection Act 1998, Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

07-541 RESOLVED

THAT the information be received.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:8 COMM - 17/12/07 - GUN EMPLACEMENT UPDATE

REPORT BY: COMMUNITY AND CULTURE MANAGER – PENNY HALL

REFERENCE

Min 07-250: Council Meeting 18 June 2007

Min 07-479: Finance and Services Committee Meeting 5 November 2007

SUMMARY

It was resolved that Council finalise the list of prioritised works and after exhibiting and seeking community comment use the list to present suggested scope of works for the Gun Emplacements in the 2008/09 Management Plan.

COMMENTARY

Currently the list of prioritised works is being advertised for public comment. The advertising period concludes on 13 December 2007. The outcome will be presented to Council for approval as part of the 2008/09 budget considerations.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funds of \$13,000 including GST, less expenses, received for the hire of the 3.7inch anti aircraft gun have been allocated to the ongoing works at the gun emplacement at South Bowenfels. (Min 07-250).

LEGAL IMPLICATIONS

Nil

07-542 RESOLVED

THAT any submissions on the priority list of works for the gun emplacements be used to develop a final list of proposed works as part of the information Councillors receive in the information presented to create the draft management plan for 2008/09.

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

**ITEM:9 COMM - 17/12/07 - S355 COMMITTEE HEALTH ADVISORY
 COMMITTEE TERMS OF REFERENCE**

REPORT FROM: COMMUNITY AND CULTURE MANAGER – PENNY HALL

REFERENCE

Min: 07-254 Council Meeting 18th June 2007.

SUMMARY

Attached are the terms of reference of the Health Advisory Committee.

COMMENTARY

Council resolved to create terms of reference for the S355 committees and the attached is the draft prepared by the Community and Culture Manager for Council's consideration.

The recommendation seeks Council's adoption of the terms of reference and recommends calling Expressions Of Interest in February 2008 to avoid the Christmas Period when many residents are on holidays.

POLICY IMPLICATIONS

No policy implications arise from this report.

FINANCIAL IMPLICATIONS

No financial implications arise from this report.

LEGAL IMPLICATIONS

No legal implications arise from this report.

CONCLUSION

The draft Terms of Reference are presented for endorsement.

07-543 RESOLVED

THAT the terms of reference be endorsed and approaches to the organisations named and community be made via an Expressions of Interest process in February 2008.

MOVED: Councillor M M Collins

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:10 COMM - 17/12/07 - DRAFT UNION THEATRE MANAGEMENT
COMMITTEE TERMS OF REFERENCE**

REPORT FROM: POLICY & PLANNING MANAGER – AMANDA MUIR

REFERENCE

Min 07-254: Council Meeting 18 June 2007
Min 07-410: Extraordinary Meeting 17 September 2007

SUMMARY

This report seeks Council's resolution to adopt the Draft Terms of Reference for the Union Theatre Management Committee and call for Expressions of Interest for its membership.

COMMENTARY

The Union Theatre Management Committee at its meeting of 15 November 2007, considered the Draft Terms of Reference for the Committee. The community members of the Committee advise that the Draft Terms of Reference are accepted with the following amendments shown in italics:

Committee Membership

The Committee will be comprised of the following representation:

- 1 member from Greater Lithgow Arts Council
- 1 member from *Lithgow Musical Society Inc*
- 1 member *from a community organisation that uses the Theatre for the purpose of a fair or exhibition*
- *1 community member*
- 2 Councillors as resolved by Council
- 1 member of Council staff and an alternate determined by the General Manager.

Committee Elections and Term of Office

The Committee shall be formed following advertisement seeking *written* Expressions of Interest to join the Committee *and which detail interest in the Theatre*.

Frequency of Meetings

Meetings shall be held in the following pattern:

Quarterly on *the third Thursday of the month at 3.30pm*.

Meeting Protocol

- An agenda will be prepared and distributed to members 7 days before each meeting, *together with the minutes of the previous meeting*.
- A quorum of members is required at all meetings and shall be *4 members*.

The above amendments have been included in a final Draft Terms of Reference for the Council's consideration. It is also considered appropriate to call for Expressions of Interest for the Committee's membership. However, as the Christmas/New Year period is here, it is suggested that Expressions of Interest be called in February 2008.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

07-544 RESOLVED

THAT:

1. The Draft Terms of Reference for the Union Theatre Management Committee be adopted.
2. Expressions of Interest for members of the Union Theatre Management Committee be called in February 2008.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:11 COMM - 17/12/07 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

REPORT BY: GROUP MANAGER- COMMUNITY AND CORPORATE – K.WOOLLEY

REFERENCE

Min 07-259: Extraordinary Meeting 26 June 2007.

SUMMARY

The Local Government Remuneration Tribunal has advised Council that it has commenced its annual review of the remuneration provided to Councillors. Council may wish to make a submission.

COMMENTARY

As part of this year's review, the Tribunal has indicated that it would welcome a submission from Council if so resolved. Submissions are required by 15 February 2008.

It would be helpful if Council was able to outline the issues it wishes to raise with the Tribunal if it determines a submission is to be made.

Lithgow City Council is determined by the tribunal to be a category 4 council and the 2007/08 minimum-maximum fees for Category 4 councils as set by the Tribunal were \$6,610-\$8,715 for councillors and an additional \$7,020-\$19,035 for the Mayor.

Council resolved as part of the 2007/08 Management Plan total annual fees for Councillors at \$8,500 and for the Mayor \$18,000 (Min 07-259). In accordance with Council's policy for "*Payment of Expenses and Provision of Facilities to Councillors*", \$2,000 is paid by the Mayor for the private use of the Mayoral vehicle.

POLICY IMPLICATIONS

Policy 9.9 Payment of Expenses and provision of facilities to Councillors applies.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council determine if a submission to the Local Government Remuneration Tribunal on Councillor fees is to be made and identify any particular issues it wishes be included;
2. Council authorise the General Manager prepare and submit to the Tribunal any submission made.

07-545 RESOLVED

THAT no submission to the Local Government Remuneration Tribunal on Councillor fees is to be made.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:12 COMM - 17/12/07 - ADOPTION OF POLICIES AND LOCAL ETHNIC AFFAIRS STATEMENT

REPORT FROM: COMMUNITY & CULTURE MANAGER – PENNY HALL AND POLICY & PLANNING MANAGER – AMANDA MUIR

REFERENCE

Min 07-464: Policy and Strategy Committee Meeting 5 November 2007

Min 07-466: Policy and Strategy Committee Meeting 5 November 2007

SUMMARY

This report provides the public exhibition results for the Draft Enforcement Policy, Draft Records Policy and Draft Local Ethnic Affairs Priority Statement and recommends the adoption of these documents without alteration to the drafts as exhibited.

COMMENTARY

Council may recall that at its Policy and Strategy Committee Meeting of 5 November 2007, it resolved to place on public exhibition the Draft Enforcement Policy, Draft Records Policy and Draft Local Ethnic Affairs Priority Statement.

At the conclusion of the exhibition period no submissions were received and subsequently it is recommended that these documents be adopted without alteration.

POLICY IMPLICATIONS

The adoption of these documents will form Council policy.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

07-546 RESOLVED

THAT the Draft Enforcement Policy, Draft Records Policy and Draft Local Ethnic Affairs Priority Statement be adopted as the final versions of each respectively.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:13 COMM - 17/12/07 - DRAFT TENDERING POLICY

REPORT BY: GROUP MANAGER – COMMUNITY AND CORPORATE – K. WOOLLEY

REFERENCE

Nil

SUMMARY

The attached Draft Tendering Policy is provided to Council with a recommendation it be placed on exhibition for 28 days.

COMMENTARY

The attached Draft Tendering Policy provides for Council the framework for the policy position on tendering for the Council.

The policy indicates that Council will determine which tendering methodology, open or selective, is to be used where tenders are called. Council will follow the requirements for tendering as specified in the Local Government Act 1993 and its regulations with regard to tendering.

Tenders are required for most projects with expenditure or value of \$150,000 or more. There are some items where a tender is not required, for example, the NSW Department of Commerce can undertake the recent design components for the second stage of the upgrade the Lithgow sewerage treatment works, given a government department is providing the services.

A Standard Working Procedure (SWP) has also been developed which provides staff with the procedures that detail the steps necessary in running tenders. The SWP includes details of how tenders are to be advertised, reported to Council, managed from a records management point of view and the process of setting criteria to assess tenders. It is totally operational in nature and designed to ensure that tender processes are carried out in accordance with Council's Tendering policy. The policy is recommended to Council with a proposed exhibition period of 28 days.

POLICY IMPLICATIONS

This will determine Council's policy position on

FINANCIAL IMPLICATIONS

Nil

07-547 RESOLVED

THAT the Draft Tendering policy be placed on exhibition for 28 Days before being presented to Council to be finalised.

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor M M Collins.

ITEM:14 COMM - 17/12/07 - VALUER GENERAL'S ADVICE OF REVALUATIONS FROM 1 JULY 2008

REPORT FROM: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of new valuation of properties in the LGA received from the Valuer General.

COMMENTARY

The Valuer General has provided Council with the new rating valuations for all properties in the Lithgow City Council local government area which will apply for the rating year commencing 1 July 2008.

The valuation list contains 11,404 entries with a total land value of \$1,459,011,920, an increase of \$552,380,780 on the current valuation held of \$906,631,140. The valuations will be used to project rate modeling figures for the upcoming Management Plans.

On average the property valuations have increased by 1.53% and a summary of the each area is as follows:

(Please note: Categories are as per Valuer General's advice not rating categories as determined by Lithgow City Council)

| DESC | LOCALITY | NO: PROP | PRIOR VALUES | | NEW VALUES | | |
|--------|----------------|----------|----------------|----------|----------------|----------|-------|
| | | | TOTAL LOCALITY | AVG PROP | TOTAL LOCALITY | AVG PROP | % VAR |
| Res | Bowenfels | 204 | 19,919,200 | 97,643 | 29,562,270 | 144,908 | 1.48 |
| Res | Lithgow | 4991 | 250,017,730 | 50,094 | 390,250,370 | 78,191 | 1.56 |
| Res | Marrangaroo | 110 | 13,026,460 | 118,422 | 18,558,150 | 168,710 | 1.42 |
| Res | Sth Bowenfels | 112 | 11,426,100 | 102,019 | 21,532,980 | 192,259 | 1.88 |
| Bus | Lithgow | 266 | 24,395,690 | 91,713 | 41,827,420 | 157,246 | 1.71 |
| Indust | Lithgow | 69 | 11,504,780 | 166,736 | 14,960,200 | 216,814 | 1.30 |
| Mixed | Bowenfels | 3 | 38,850 | 12,950 | 67,540 | 22,513 | 1.74 |
| Mixed | Lithgow | 47 | 3,125,980 | 66,510 | 4,984,740 | 106,058 | 1.59 |
| Mixed | Wallerawang | 3 | 17,000 | 5,667 | 25,000 | 8,333 | 1.47 |
| Rural | Angus Place | 13 | 995,200 | 76,554 | 1,467,600 | 112,892 | 1.47 |
| Rural | Bell | 1 | 10 | 10 | 10 | 10 | 1.00 |
| Rural | Ben Bullen | 65 | 8,972,480 | 138,038 | 13,492,710 | 207,580 | 1.50 |
| Rural | Blackman's Ft | 30 | 2,947,820 | 98,261 | 4,005,910 | 133,530 | 1.36 |
| Rural | Bogee | 1 | 100,000 | 100,000 | 192,000 | 192,000 | 1.92 |
| Rural | Bowenfels | 36 | 6,742,110 | 187,281 | 8,773,900 | 243,719 | 1.30 |
| Rural | Capertee | 178 | 18,430,410 | 103,542 | 28,521,800 | 160,235 | 1.55 |
| Rural | Clarence | 134 | 19,279,900 | 143,880 | 28,762,060 | 214,642 | 1.49 |
| Rural | Clywdd Village | 7 | 1,116,600 | 159,514 | 1,586,500 | 226,643 | 1.42 |
| Rural | Cullen Bullen | 70 | 9,448,810 | 134,983 | 13,363,610 | 190,909 | 1.41 |
| Rural | Dargan | 72 | 6,392,600 | 88,786 | 10,068,000 | 139,833 | 1.57 |
| Rural | Dark Corner | 40 | 8,337,820 | 208,446 | 11,920,810 | 298,020 | 1.43 |
| Rural | Doctors Gap | 1 | 286,000 | 286,000 | 360,000 | 360,000 | 1.26 |

| | | | | | | | |
|---------|----------------------|-----|------------|-----------|-------------|---------|------|
| Rural | Duckmaloi | 4 | 795,500 | 198,875 | 1,037,000 | 259,250 | 1.30 |
| Rural | Glen Alice | 86 | 11,037,540 | 128,343 | 17,342,970 | 201,662 | 1.57 |
| Rural | Glen Davis | 160 | 10,279,690 | 64,248 | 15,440,070 | 96,500 | 1.50 |
| Rural | Good Forest | 19 | 3,454,000 | 181,789 | 4,522,000 | 238,000 | 1.31 |
| Rural | Hampton | 179 | 42,151,250 | 235,482 | 55,193,560 | 308,344 | 1.31 |
| Rural | Hartley | 226 | 45,663,550 | 202,051 | 63,719,380 | 281,944 | 1.40 |
| Rural | Hartley Vale | 32 | 7,216,400 | 225,513 | 9,829,300 | 307,166 | 1.36 |
| Rural | Kanimbla Val | 75 | 20,500,460 | 273,339 | 26,547,120 | 353,962 | 1.29 |
| Rural | Lidsdale | 115 | 16,475,020 | 143,261 | 21,678,130 | 188,505 | 1.32 |
| Rural | Lithgow | 79 | 7,672,870 | 97,125 | 9,848,600 | 124,666 | 1.28 |
| Rural | Little Hartley | 349 | 78,658,400 | 225,382 | 109,467,870 | 313,662 | 1.39 |
| Rural | Lowther | 37 | 9,890,600 | 267,314 | 13,145,000 | 355,270 | 1.33 |
| Rural | Marrangaroo | 113 | 21,419,400 | 189,552 | 29,118,670 | 257,687 | 1.36 |
| Rural | Meadow Flat | 86 | 19,800,200 | 230,235 | 26,444,460 | 307,494 | 1.34 |
| Rural | Megalong Val | 29 | 8,034,200 | 277,041 | 10,367,300 | 357,493 | 1.29 |
| Rural | Mt Lambie | 44 | 9,479,630 | 9,479,630 | 12,696,900 | 288,566 | 1.34 |
| Rural | Newnes | 123 | 406,900 | 406,900 | 220,050 | 1,789 | 0.54 |
| Rural | Newnes Junction | 12 | 385,000 | 385,000 | 535,000 | 44,583 | 1.39 |
| Rural | Oberon | 1 | 50,000 | 50,000 | 65,000 | 65,000 | 1.30 |
| Rural | Old Bowenfels | 1 | 112,000 | 112,000 | 147,000 | 147,000 | 1.31 |
| Rural | Palmer's Oakey | 50 | 5,737,750 | 114,755 | 9,343,530 | 186,871 | 1.63 |
| Rural | Pipers Flat | 56 | 8,006,500 | 142,973 | 12,257,200 | 218,879 | 1.53 |
| Rural | Portland | 288 | 29,835,940 | 103,597 | 48,452,360 | 168,237 | 1.62 |
| Rural | Running Stream | 16 | 1,997,900 | 124,869 | 3,675,300 | 229,706 | 1.84 |
| Rural | Rydal | 93 | 21,661,400 | 232,918 | 29,371,900 | 315,827 | 1.36 |
| Rural | Rylstone | 138 | 17,866,570 | 129,468 | 31,045,680 | 224,969 | 1.74 |
| Rural | Sodwalls | 49 | 13,634,940 | 278,264 | 18,038,610 | 368,135 | 1.32 |
| Rural | Sth Bowenfels | 100 | 23,476,200 | 234,762 | 30,643,900 | 306,439 | 1.31 |
| Rural | Sunny Cnr | 12 | 1,928,700 | 160,725 | 2,938,300 | 244,858 | 1.52 |
| Rural | Tarana | 86 | 14,027,900 | 163,115 | 19,981,400 | 232,342 | 1.42 |
| Rural | Turon | 2 | 277,000 | 138,500 | 333,000 | 166,500 | 1.20 |
| Rural | Upper Turon | 10 | 1,338,000 | 133,800 | 1,928,600 | 192,860 | 1.44 |
| Rural | Wallerawang | 113 | 19,532,990 | 173,858 | 26,012,810 | 230,202 | 1.33 |
| Rural | Wolgan Valley | 64 | 5,853,500 | 91,461 | 10,307,500 | 161,055 | 1.76 |
| Village | Capertee | 80 | 1,123,210 | 14,040 | 2,505,470 | 31,318 | 2.23 |
| Village | Cullen Bullen | 93 | 1,553,360 | 16,703 | 3,633,430 | 39,069 | 2.34 |
| Village | Cullen Bullen Parish | 6 | 68,600 | 11,433 | 167,200 | 27,867 | 2.44 |
| Village | Lidsdale | 87 | 4,068,400 | 46,763 | 3,459,200 | 39,761 | 0.85 |
| Village | Portland | 945 | 14,455,830 | 15,297 | 55,035,500 | 58,239 | 3.81 |
| Village | Rydal | 38 | 1,041,440 | 27,406 | 2,618,000 | 68,895 | 2.51 |
| Village | Wallerawang | 855 | 29,840,900 | 34,902 | 75,614,980 | 88,439 | 2.53 |

The Valuer General will individually notify each property owner of their valuation during January - February 2008 and this will include steps to be taken should they wish to enquire or object.

General advertising is currently being undertaken in Council's column to advise residents of the pending revaluations and contact details for the Valuer General if needed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Rate modelling for the 2008/09 rating year will be impacted by these changes.

LEGAL IMPLICATIONS

Nil

07-548 RESOLVED

THAT the information be received

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:15 COMM - 17/12/07 - CHANGE IN RATING VALUATION OF CULLEN VALLEY COLLIERY - PROPERTY 102852

REPORT FROM: INTERNAL SERVICES MANAGER- CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of notification from the Valuer General of a change to the rating value of the Cullen Valley Colliery which, is applicable from the rating base date of 1/07/2003.

The recommendation is to adjust rates levied for the 2004/05, 2005/06, 2006/07 and 2007/08 rating periods.

COMMENTARY

The owner of the Cullen Valley Colliery, Portland Road Cullen Bullen, Property 102852 objected to the value applied to the property, by the Valuer General, as at 1 July 2003 base date. In accordance with the Valuation of Lands Act 1916, Sec 14DD(2), the Valuer General has now advised Council that the objection has been upheld and the valuation has decreased by \$1,075,000 from \$2,225,000 to \$1,150,000, therefore rates need to be reassessed for all applicable rating years.

A total credit adjustment of \$153,099.93 is required to the general rate levied for the 2004/05, 2005/2006, 2006/07 and 2007/08 which will be applied to the current property balance. No payments will be required for the instalments due on 30 November 2007 or 29 February 2008 and will alter the 4th rate instalment due for 31 May 2008 to \$4,685.07.

Council has contacted the Department of Local Government concerning this issue to determine if there is any process of appeal. The advice provided is that any appeal needs to be considered on the same basis as the objection raised by the applicant. In this case, the sale of land in the vicinity is the crucial element and given this would not be altered even if Council was to appeal, such action would appear fruitless.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Reduction in notional yield for 2007/08 of \$97,735.27 (noting the impact of the increase mining rates council adopted for the current financial year impacting here), and the balance of a credit adjustment to a total \$153,099.93 will be applied to the 2004/05, 2005/06, 2006/07 and 2007/08 rating periods. All adjustments will be reflected in the December 2007 quarterly review.

LEGAL IMPLICATIONS

Nil

07-549 RESOLVED

THAT:

1. Council note that the Valuer General's re-valuation of the Cullen Valley Colliery property number 102852 will reduce the notional yield for 2007/08 by \$97,735.27
2. Council note that an overall reduction via a credit adjustment for a total of \$153,099.93 to the 2004/05, 2005/06, 2006/07 and 2007/08 rating periods which will be reflected in the December quarterly review will be required to accommodate the re-valuation.

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

**ITEM: 16 COMM - 17/12/07 - CERTIFICATE OF RECONCILIATION OF RATES
LEVIED FOR THE YEAR ENDED 30 JUNE 2007**

REPORT FROM: RATES OFFICER – CHRISTINE WATSON

REFERENCE

Nil

SUMMARY

This report advises of the final rates levied for the 2006/07 financial year as disclosed to the Department of Local Government in the Statement of Compliance return in November 2007.

COMMENTARY

As required by Council's auditors and In accordance with Section 546 of the Local Government Act 1993, I wish to advise that the entries in the Rate ledger for the year ended 30 June 2007, have been duly completed and the rates levied as shown have been brought to account. The valuation figures upon which the rates have been levied have been verified with valuations shown in the Valuation list as provided by the Valuer General.

The valuations appearing under the rating categories in the DLG annual rating return show the calculation of the notional revenue and notional yield are correct and that the list of non-rateable properties referred to below have been examined and that such properties are exempt, under the provisions of the Act.

Particulars of the total amount of the levy, the arrears in respect of each rate, and the valuations used to calculate Notional Rate income, upon which the rates were levied, are as follows:

Valuations are as at 1 July 2006, determined by the Council from the total of the general valuation list and adjustments included in supplementary valuation lists received up to 30 June 2007 (List SVL 13/2006/2007)

| | | | |
|---|--|--------------------|-----------------------------|
| TOTAL LAND VALUE 2006/2007 RATE LEVY | | | \$946,619,070 |
| Total Land Value (SVL 13/2006/2007) | | | \$946,619,070 |
| Less: | Non Rateable | \$31,124,730 | |
| | Heritage | \$347,300 | |
| | Sec 14L(1)(A) (Land Improvement Allowance) | \$60,000 | |
| | Sec 14L(1)(B) (Drainage Allowance) | \$5,998,500 | |
| | Sec 14T (Subdivision Allowance) | \$2,584,450 | |
| | Hospitals/Police/Admin Srv | \$1,317,700 | |
| | Not Applicable 2006/2007 | <u>\$5,520,560</u> | <u>\$46,953,240</u> |
| | | | <u>\$899,665,830</u> |

NB: The dollar totals for the calculations are for the period 1 July 2006 to 30 June 2007 and include loss or gain by fraction.

| | | | | | |
|---|-------------------|-----------|--|--------------|------------|
| <u>GENERAL FUND</u> | | | | | |
| <u>Residential – Lithgow</u> | | | | | |
| 4 | Assessments on LV | \$229,19 | | 0.901c in \$ | \$2,065,06 |
| 7 | | 6,360 | | | 3.25 |
| 8 | | | | | |
| 7 | | | | | |
| <u>Residential - Wallerawang</u> | | | | | |
| 8 | Assessments on LV | \$25,315, | | 0.901c in \$ | \$228,088. |
| 0 | | 079 | | | 32 |
| 0 | | | | | |
| <u>Residential – Portland</u> | | | | | |

MINUTES – ORDINARY MEETING OF COUNCIL

| | | | | | |
|--|---------------------------------|---|--|--|---|
| 9 1 1 | Assessments on LV | \$13,921, 313 | | 0.901c in \$ | \$125,429. 92 |
| <u>Residential – Strathlone</u> | | | | | |
| 1 2 2 | Assessments on LV | \$9,160,7 00 | | 0.901c in \$ | \$82,537.7 7 |
| <u>Residential - Marrangaroo</u> | | | | | |
| 8 7 | Assessments on LV | \$9,790,4 00 | | 0.901c in \$ | \$88,211.5 1 |
| <u>Residential – Littleton/Strathlone</u> | | | | | |
| 2 1 6 | Assessments on LV | \$16,430, 650 | | 0.901c in \$ | \$148,040. 22 |
| <u>Residential – Lidsdale</u> | | | | | |
| 1 2 6 | Assessments on LV | \$7,312,9 00 | | 0.901c in \$ | \$65,889.2 1 |
| <u>Farmland</u> | | | | | |
| 1 0 3 8 | Assessments on LV | \$250,76 0,670 | | 0.33805c in \$ | \$847,697. 16 |
| <u>Farmland – Intense Use</u> | | | | | |
| 1 1 7 | Assessments on LV | \$45,544, 600 | | 0.33805c in \$ | \$153,963. 59 |
| <u>Business – Lithgow</u> | | | | | |
| 3 0 1 | Assessments on LV | \$35,306, 800 | | 2.8005c in \$ | \$988,767. 23 |
| <u>Business – Wallerawang</u> | | | | | |
| 3 9 | Assessments on LV | \$2,629,0 01 | | 2.8005c in \$ | \$73,625.1 8 |
| <u>Business – Portland</u> | | | | | |
| <u>4</u> <u>0</u> | <u>Assessments on LV</u> | <u>\$841,34</u> <u>Z</u> | | <u>2.8005c in</u> <u>\$</u> | <u>\$23,561.9</u> <u>Z</u> |

| <u>Business - General</u> | | | | | |
|---|-------------------|-------------------|--|--------------------|--------------------|
| 1 0 9 | Assessments on LV | \$19,121, 707 | | 0.520764c in \$ | \$99,578.9 6 |
| <u>Business – Lidsdale</u> | | | | | |
| 3 | Assessments on LV | \$201,30 0 | | 2.8005c in \$ | \$5,637.40 |
| <u>Residential - General</u> | | | | | |
| 2 0 4 8 | Assessments on LV | \$219,50 2,993 | | 0.3599c in \$ | \$789,992. 21 |
| <u>Mining</u> | | | | | |
| 1 3 | Assessments on LV | \$14,630, 010 | | 4.683c in \$ | \$685,123. 37 |
| <u>Base Rate – Residential</u> | | | | | |
| 6 9 8 0 | Assessments | | | \$205 | \$1,430,90 0.00 |
| <u>Base Rate – Residential General</u> | | | | | |
| 2 0 4 3 | Assessments | | | \$135 | \$275,805. 00 |
| <u>Base Rate – Business</u> | | | | | |
| 3 1 1 | Assessments | | | \$300 | \$93,300.0 0 |
| <u>Base Rate – Business General</u> | | | | | |
| 1 0 4 | Assessments | | | \$195 | \$20,280.0 0 |
| <u>Base Rate – Farmland</u> | | | | | |
| 1 0 3 5 | Assessments | | | \$275 | \$284,625. 00 |

MINUTES – ORDINARY MEETING OF COUNCIL

| | | | | | | |
|--|------------------------------------|-------------------|--|---------|--|--------------------|
| | | | | | | |
| <u>Base Rate – Mining</u> | | | | | | |
| 1 3 | Assessments | | | \$8,025 | | \$104,325. 00 |
| <u>Base Rate – Farmland Intense Use</u> | | | | | | |
| 1 1 7 | Assessments | | | \$275 | | \$32,175.0 0 |
| <u>Base Rate – Residential (Part)</u> | | | | | | |
| P t 6 9 | Assessments | | | \$205 | | \$5,278.75 |
| <u>Base Rate – Residential General (Part)</u> | | | | | | |
| P t 5 | Assessments | | | \$135 | | \$279.45 |
| <u>Base Rate – Business (Part)</u> | | | | | | |
| P t 6 9 | Assessments | | | \$300 | | \$12,975.0 0 |
| <u>Base Rate – Business General (Part)</u> | | | | | | |
| P t 8 | Assessments | | | \$195 | | \$961.35 |
| <u>Base Rate – Farmland (Part)</u> | | | | | | |
| Pt 3 | Assessments | | | \$275 | | \$275.00 |
| 1075 7-77 | | | | | | |
| 1068 0 | | \$899,66 5,830 | | | | \$8,732,38 6.77 |
| 1878 | Stormwater Business Standard | | | \$25 | | \$46,950.0 0 |
| 5809 | Stormwater Residential Standard | | | \$25 | | \$145,225. 00 |

MINUTES – ORDINARY MEETING OF COUNCIL

| | | | | | | |
|-----------------------------|----------------------------------|-------------|--|-------------|--|----------------|
| 67 | Stormwater Residential Strata | | | \$12.50 | | \$837.50 |
| 7754 | | | | | | \$193,012.50 |
| PARKING FUND | | | | | | |
| 1 3 9 | Assessments on LV | \$8,402,390 | | .818c in \$ | | \$68,731.58 |
| SEWERAGE FUND | | | | | | |
| (Section 501) | | | | | | |
| <u>Domestic</u> | | | | | | |
| 6 8 7 1 | Residential Access | | | \$270.00 | | \$1,855,170.00 |
| 6 8 7 1 | Residential Usage | | | \$113.50 | | \$779,858.50 |
| <u>Business</u> | | | | | | |
| 3 5 1. 3 5 | Business Access 20mm | | | \$510.00 | | \$179,188.50 |
| 5 9. 0 5 | Business Access 50mm | | | \$680.00 | | \$40,154.00 |
| 2 1. 4 | Business Access 100mm | | | \$772.50 | | \$16,531.60 |
| .6 | Business Access 200mm | | | \$1545.00 | | \$927.00 |
| 1 4 1 7 4. 4 | | | | | | \$2,871,829.60 |
| WATER FUND | | | | | | |

07-550 RESOLVED

THAT the Certificate of Reconciliation of Rates levied to 30 June 2007 be received and adopted.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:17 COMM - 17/12/07 - CERTIFICATE OF RECONCILIATION OF RATES
LEVIED FOR THE YEAR ENDED 30 JUNE 2008**

REPORT FROM: RATES OFFICER – CHRISTINE WATSON

REFERENCE

Min 07-258: Extraordinary Meeting of 28 June 2007 - Adoption of 2007/08 Management Plan

SUMMARY

This report advises of the original rates and charges levied for the 2007/08 financial year as per Council's 2007/08 Annual Management Plan and will be the subject of the final Statement of Compliance return to the Department Local Government in November 2008.

COMMENTARY

As required by Council's auditors and in accordance with the provisions of Section 546 of the Local Government Act 1993, I wish to advise that the entries in the Rate Ledger for the year ended 30 June 2008, have been duly completed and the rates levied as shown have been brought to account. The valuation figures upon which the rates have been levied have been checked with the valuations shown in the Valuation list as provided by the Valuer General.

The valuations appearing under the rating categories in the DLG annual rating return showing the calculation of the notional revenue and notional yield are correct and that the list of non-rateable properties referred to below, have been examined and that such properties are exempt, under the provisions of the Act.

Particulars of the total amount of the levy, the arrears in respect of each rate, and the valuations used to calculate Notional Rate income, upon which the rates were levied, are as follows:

Valuations are as at 1 July 2007, determined by the Council from the total of the general valuation list and adjustments included in supplementary valuation lists received up to 30 June 2007 (List SVL 13/2006/2007)

| | | | |
|---|--|------------------|-----------------------------|
| TOTAL LAND VALUE 2007/2008 RATE LEVY | | | \$946,619,070 |
| Total Land Value (SVL 13/2005/2006) | | | \$946,619,070 |
| Less: | Non Rateable | \$31,110,430 | |
| | Heritage | \$347,300 | |
| | Sec 14L(1)(A) (Land Improvement Allowance) | \$0 | |
| | Sec 14L(1)(B) (Drainage Allowance) | \$4,793,500 | |
| | Sec 14T (Subdivision Allowance) | \$2,054,000 | |
| | Hospitals/Police/Admin Srv | \$1,382,700 | |
| | Split Valuations | <u>\$300,000</u> | <u>\$39,987,930</u> |
| | | | <u>\$906,631,140</u> |

NB: The dollar totals for the calculations are for the period 1 July 2007 to 30 June 2008 and include loss or gain by fraction.

| | | | | | |
|---|-------------------|-----------|--|-----------|------------|
| GENERAL FUND | | | | | |
| <u>Residential – Lithgow</u> | | | | | |
| 4 | Assessments on LV | \$230,08 | | 0.738935c | \$1,700,18 |
| 8 | | 5,290 | | in \$ | 0.15 |
| 0 | | | | | |
| 4 | | | | | |
| <u>Residential - Wallerawang</u> | | | | | |
| 8 | Assessments on LV | \$25,265, | | 0.738935c | \$186,693. |
| 1 | | 279 | | in \$ | 95 |
| 2 | | | | | |
| <u>Residential – Portland</u> | | | | | |
| 9 | Assessments on LV | \$13,963, | | 0.738935c | \$103,178. |
| 1 | | 073 | | in \$ | 85 |
| 6 | | | | | |
| <u>Residential – Strathlone</u> | | | | | |
| 1 | Assessments on LV | \$9,160,7 | | 0.738935c | \$67,691.7 |
| 2 | | 00 | | in \$ | 0 |
| 2 | | | | | |
| <u>Residential - Marrangaroo</u> | | | | | |

MINUTES – ORDINARY MEETING OF COUNCIL

| | | | | | |
|--|-------------------|-------------------|--|--------------------|------------------|
| 8 7 | Assessments on LV | \$9,790,4 00 | | 0.738935c in \$ | \$72,344.6 6 |
| <u>Residential – Littleton/Strathlone</u> | | | | | |
| 2 9 6 | Assessments on LV | \$19,962, 450 | | 0.738935c in \$ | \$147,509. 45 |
| <u>Residential – Lidsdale</u> | | | | | |
| 1 2 6 | Assessments on LV | \$7,233,6 00 | | 0.738935c in \$ | \$53,451.4 7 |
| <u>Farmland</u> | | | | | |
| 1 0 5 1 | Assessments on LV | \$252,54 7,370 | | 0.3155c in \$ | \$796,789. 19 |
| <u>Farmland – Intense Use</u> | | | | | |
| 1 1 6 | Assessments on LV | \$44,826, 600 | | 0.3155c in \$ | \$141,428. 18 |
| <u>Business - Lithgow</u> | | | | | |
| 3 0 1 | Assessments on LV | \$35,284, 900 | | 2.6065c in \$ | \$919,701. 24 |
| <u>Business – Wallerawang</u> | | | | | |
| 3 9 | Assessments on LV | \$2,629,0 01 | | 2.6065c in \$ | \$68,524.9 4 |
| <u>Business – Portland</u> | | | | | |
| 4 0 | Assessments on LV | \$842,67 7 | | 2.6065c in \$ | \$21,964.4 0 |
| <u>Business - General</u> | | | | | |
| 1 1 1 | Assessments on LV | \$19,085, 707 | | 0.475c in \$ | \$90,657.2 1 |
| <u>Business – Lidsdale</u> | | | | | |
| 3 | Assessments on LV | \$201,30 0 | | 2.6065c in \$ | \$5,246.89 |
| <u>Residential - General</u> | | | | | |

MINUTES – ORDINARY MEETING OF COUNCIL

| | | | | | |
|--|-------------------|-------------------|--|--------------------|--------------------|
| 2 0 4 2 | Assessments on LV | \$219,59 3,783 | | 0.399164c in \$ | \$876,538. 97 |
| <u>Mining</u> | | | | | |
| 1 4 | Assessments on LV | \$16,159, 010 | | 9.091653c in \$ | \$1,469,12 1.12 |
| <u>Base Rate – Residential</u> | | | | | |
| 7 0 9 4 | Assessments | | | \$215 | \$1,525,21 0.00 |
| <u>Base Rate – Residential General</u> | | | | | |
| 2 0 3 7 | Assessments | | | \$145 | \$295,365. 00 |
| <u>Base Rate – Business</u> | | | | | |
| 3 1 1 | Assessments | | | \$310 | \$96,410.0 0 |
| <u>Base Rate – Business General</u> | | | | | |
| 1 0 6 | Assessments | | | \$205 | \$21,730.0 0 |
| <u>Base Rate – Farmland</u> | | | | | |
| 1 0 4 8 | Assessments | | | \$285 | \$298,680. 00 |
| <u>Base Rate – Mining</u> | | | | | |
| 1 4 | Assessments | | | \$8,035 | \$112,490. 00 |
| <u>Base Rate – Farmland Intense Use</u> | | | | | |
| 1 1 6 | Assessments | | | \$285 | \$33,060.0 0 |
| <u>Base Rate – Residential (Part)</u> | | | | | |

| | | | | | | |
|--|------------------------------------|-------------------|--|---------|--|--------------------|
| P t 6 9 | Assessments | | | \$215 | | \$5,536.25 |
| <u>Base Rate – Residential General (Part)</u> | | | | | | |
| P t 5 | Assessments | | | \$145 | | \$300.15 |
| <u>Base Rate – Business (Part)</u> | | | | | | |
| P t 6 9 | Assessments | | | \$310 | | \$13,407.50 |
| <u>Base Rate – Business General (Part)</u> | | | | | | |
| P t 8 | Assessments | | | \$205 | | \$1,010.65 |
| <u>Base Rate – Farmland (Part)</u> | | | | | | |
| P t 3 | Assessments | | | \$285 | | \$285.00 |
| 10 88 0- 77 | | | | | | |
| 1 0 8 0 3 | | \$906,63 1,140 | | | | \$9,124,50 6.92 |
| 1 8 7 6 | Stormwater Business Standard | | | \$25 | | \$46,900.00 |
| 5 8 5 5 | Stormwater Residential Standard | | | \$25 | | \$146,375.00 |
| 7 3 | Stormwater Residential Strata | | | \$12.50 | | \$912.50 |

MINUTES – ORDINARY MEETING OF COUNCIL

| | | | | | | |
|--|--------------------------|------------------|--|-------------|--|--------------------|
| 7 8 0 4 | | | | | | \$194,187. 50 |
| PARKING FUND | | | | | | |
| 1 5 5 | Assessments on LV | \$13,280, 790 | | .818c in \$ | | \$108,636. 88 |
| SEWERAGE FUND (Section 501) | | | | | | |
| <u>Domestic</u> | | | | | | |
| 69 85 | Residential Access | | | \$270.00 | | \$1,885,95 0.00 |
| 69 85 | Residential Usage | | | \$113.50 | | \$792,797. 50 |
| <u>Business</u> | | | | | | |
| 35 0. 75 | Business Access 20mm | | | \$510.00 | | \$178,882. 50 |
| 59 .0 5 | Business Access 50mm | | | \$680.00 | | \$40,154.0 0 |
| 21 .4 | Business Access 100mm | | | \$772.50 | | \$16,531.6 0 |
| .6 | Business Access 200mm | | | \$1545.00 | | \$927.00 |
| 14 40 1. 8 | | | | | | \$2,915,24 2.60 |
| WATER FUND (Section 501) | | | | | | |
| <u>Domestic</u> | | | | | | |
| 7 5 4 7 | Residential Access | | | \$206.00 | | \$1,554,68 2.00 |

| Business | | | | | | |
|------------------|--------------------------|--|--|-----------|--|----------------------------|
| 4 1 0 | Business Access 20mm | | | \$510.00 | | \$209,100. 00 |
| 7 9 | Business Access 50mm | | | \$680.00 | | \$53,720.0 0 |
| 2 7 | Business Access 100mm | | | \$772.50 | | \$20,857.5 0 |
| 1 | Business Access 200mm | | | \$1545.00 | | \$1,545.00 |
| 8 0 6 4 | | | | | | \$1,839,90 4.50 |

Particulars of the total amount of rates levied and of the arrears in respect of each rate are as follows:-

| | Arrears as at 30 June 2007 | Levy 2007/2008 as per Rate Book |
|---------------|-----------------------------------|--|
| General Fund | \$312,479.56 | \$9,318,694.42 |
| Parking Fund | \$6,140.72 | \$108,636.88 |
| Sewerage Fund | \$256,545.90 | \$2,915,242.60 |
| Water Fund | \$169,495.70 | \$1,839,904.50 |
| | \$744,661.88 | \$14,182,478.40 |

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

07-551 RESOLVED

THAT the Certificate of Reconciliation of Rates levied to 30 June 2008 be received and adopted.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:18 COMM - 17/12/07 - CONFIDENTIAL REPORT - SALE OF MITSUBISHI
MG130 - REGISTRATION SVK 371 CONFIDENTIAL**

REPORT FROM: INTERNAL SERVICES MANAGER – C. FARNSWORTH

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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

The tender price, should it be revealed, could impact on the realisation of appropriate sale price of the plant item.

Pursuant to section 10A(4), the public are invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

REFERENCE

- Min 07-258: Extraordinary Meeting 28 June 2007
- Min 07-365: Council Meeting 20 August 2007
- Min 07-376: Council Meeting 20 August 2007

SUMMARY

To advise Council of the assessment of tenders received for the sale and removal of Mitsubishi MG motor grader registration SVK 371.

07-552 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 M Collins

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:19 COMM - 17/12/07 - CONFIDENTIAL REPORT - PURCHASE 12,000
LITRE WATER TANKER FOLLOWING CLOSE OF TENDERS
CONFIDENTIAL**

REPORT FROM: INTERNAL SERVICES MANAGER – C. FARNSWORTH

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified **CONFIDENTIAL** under 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

The tender price, should it be revealed, could impact on the realisation of appropriate purchase price of the plant item.

Pursuant to section 10A(4), the public are invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

REFERENCE

Min 07-258: Extraordinary Meeting 28 June 2007

Min 07-365: Council Meeting 20 August 2007

Min 07-376: Council Meeting 20 August 2007

SUMMARY

To advise on the assessment of tenders received for the purchase of a 12000 Litre water tanker.

07-553 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:20 COMM - 17/12/07 - COUNCIL INVESTMENTS TO 30 NOVEMBER 2007

REPORT FROM - INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

REFERENCE

Min 07-401: Finance & Services Committee Meeting 3 September 2007 (July 2007)
 Min 07-425: Council Meeting 17 September 2007 (August 2007)
 Min 07-480: Finance & Services Committee Meeting 5 November 2007 (15 Oct 2007)
 Min 07-528: Finance & Services Committee Meeting 3 December 2007 (31 Oct 2007)

SUMMARY

To advise Council of 2007/08 investments held for the period ending 30 November 2007.

COMMENTARY

The amount invested as at 30 November 2007 when compared to 31 October 2007 has increased by \$1,836,236.81. The second rate instalment of the 2007/08 rate levy was paid on 30 November 2007 in addition to the second payment of the Financial Assistance Grant on 16 November 2007.

| INVESTMENT REGISTER 2007/08 | | | | | | | | |
|-----------------------------|----------|-------------|--------------|-------|------|----------------------|----------------------|----------------|
| INSTITUTION | INV TYPE | DATE LODGED | DATE DUE | DAYS | INT | VALUE 31.11.07 | VALUE 31.10.07 | % OF TOTAL |
| ANZ | TD | 01.11.07 | 30.01.08 | 93 | 6.97 | 584,376.71 | 574,972.99 | 3.57% |
| BANKWEST | TD | 29.11.07 | 31.01.08 | 63 | 7.20 | 500,000.00 | 0.00 | 3.06% |
| CBA | CMS Nt | 20.11.06 | 20.11.11 | 1,825 | 7.31 | 500,000.00 | 500,000.00 | 3.06% |
| | On Call | | | | 6.70 | 1,195,716.40 | 163,050.94 | 7.31% |
| | Ethical | 06.06.06 | 06.06.11 | 1,825 | 9.25 | 500,000.00 | 500,000.00 | 3.06% |
| | TD | 15.10.07 | 14.12.07 | 60 | 6.75 | 1,008,717.53 | 1,008,717.53 | 6.17% |
| | TD | 21.11.07 | 05.06.09 | 547 | 16.0 | 750,000.00 | 0.00 | 4.58% |
| | TD | 19.08.07 | 19.11.07 | 90 | 6.81 | 0.00 | 1,250,000.00 | 0.00% |
| CITIBANK | TD | 11.09.07 | 10.12.07 | 91 | 7.13 | 534,119.76 | 534,119.76 | 3.26% |
| LG FINANCIAL | On Call | | | | 7.55 | 750,000.00 | 0.00 | 4.58% |
| | TD | 06.11.07 | 06.11.08 | 365 | 7.55 | 306,524.05 | 300,000.00 | 1.87% |
| | TD | 07.11.07 | 07.02.08 | 92 | 7.13 | 527,761.01 | 519,060.20 | 3.23% |
| | On Call | | | | 6.55 | 4,714.43 | 4,714.43 | 0.03% |
| | TD | 10.09.07 | 10.12.07 | 90 | 7.10 | 502,915.07 | 502,915.07 | 3.07% |
| | TD | 15.10.07 | 16.01.08 | 91 | 7.00 | 2,472,361.25 | 2,472,361.25 | 15.11% |
| IMBS | On Call | | | | 6.50 | 275,059.04 | 272,095.25 | 1.68% |
| | TD | 07.11.07 | 06.02.08 | 91 | 7.22 | 1,095,058.06 | 1,082,377.64 | 6.69% |
| | TD | 15.10.07 | 15.01.08 | 92 | 6.98 | 488,044.84 | 488,044.84 | 2.98% |
| | TD | 06.09.07 | 06.12.07 | 91 | 7.12 | 787,274.99 | 787,274.99 | 4.81% |
| | TD | 23.11.07 | 22.01.08 | 60 | 7.20 | 775,734.68 | 762,436.12 | 4.74% |
| | TD | 05.09.07 | 05.11.07 | 60 | 7.09 | 0.00 | 500,000.00 | 0.00% |
| ALLIANCE | Managed | 01.04.02 | 28.02.08 | 365 | | 1,000,000.00 | 1,000,000.00 | 6.11% |
| ST GEORGE | TD | 17.10.07 | 17.04.08 | 180 | 7.05 | 508,461.37 | 508,461.37 | 3.11% |
| | TD | 19.11.07 | 19.01.08 | 60 | 7.13 | 500,000.00 | 0.00 | 3.06% |
| | TD | 15.10.07 | 15.01.08 | 90 | 6.90 | 792,208.60 | 792,208.60 | 4.84% |
| | | | TOTAL | | | 16,359,047.79 | 14,522,810.98 | 100.00% |

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

POLICY IMPLICATIONS

All Council's investments are held in accordance with Lithgow City Council's Investment Policy.

FINANCIAL IMPLICATIONS

Investment income to date 30 November 2007 is \$304,536.02. Interest is paid on the maturity date of the investment and managed funds report earnings quarterly.

LEGAL IMPLICATIONS

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

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

07-554 RESOLVED

THAT Council's 2007/08 investments for the period ending 30 November 2007 be received.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:21 COMM - 17/12/07 - CONFIDENTIAL REPORT - AUDIT SERVICES
2007/08 TO 2012/13 ASSESSMENT OF TENDERS CONFIDENTIAL**

REPORT FROM: INTERNAL SERVICES MANAGER – C. FARNSWORTH

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified **CONFIDENTIAL** under 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

The tender price, should it be revealed prior to the Council's decision, could impact on the realisation of appropriate price of the service.

Pursuant to section 10A(4), the public are invited to make representations to the council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

REFERENCE

Min 07-366: Ordinary Meeting 20 August 2007

SUMMARY

To advise of the assessment of tenders received for audit services for the 2007/08 to 2012/13 with a recommendation for Council consideration.

07-555 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 M Collins

SECONDED: Councillor B S Moran.

CARRIED

Councillor M F Ticehurst voted **AGAINST** this recommendation.

ITEM:22 COMM - 17/12/07 - DRAFT HYDE PARK PLAN OF MANAGEMENT

REPORT FROM: COMMUNITY AND CULTURE MANAGER – P.HALL

REFERENCE

Nil

SUMMARY

Council is preparing a draft Plan of Management to deal with issues affecting the Hyde Park reserve, Hartley in order to comply with the Crown Lands Act 1989 and is to be presented to Council for consideration and in order to place the Draft on exhibition upon completion.

COMMENTARY

In October 2007, Council as the corporate trust manager for Hyde Park Reserve began the preparation of a draft plan of management (DPoM), being Crown Reserves R.97 and R.95074, reserved for Public Recreation and Public Purposes. Funding had been received from the Department of Lands to prepare the DPoM. The main reason for preparing the draft plan over the reserve is to deal with issues affecting the area and to ensure the plan complies with the Crown Lands Act 1989.

Lithgow City Council presently manages Hyde Park Reserve as a bushland reserve that supports passive recreation, including bushwalking, picnics, and swimming. The draft Plan of Management describes current usage in the reserve and future planned usage for and management of the Reserve. After the Department of Lands approves the draft plan of management, it will (pursuant to Cl. 35 of the Crown Land Act 1989 – Regulation), be placed on public display for 41 days and a notice published in the NSW Government Gazette and local newspaper. Council has been liaising with the Department of Lands through the preparation of the DPoM and has met with some interest groups using the Reserve to incorporate their ideas and issues in the considerations of the DPoM.

The exhibition of the draft plan invites further public comment on the proposed activities for Hyde Park. After submissions have been received and considered, the DPoM will be forwarded to the Minister for Lands for adoption. Once the Minister adopts the plan, the final plan will be presented back to Council early in 2008.

A community meeting held on-site on the 8 December 2007 resulted in nearly 30 participants attending in order to contribute toward the preparation of the DPoM, as well as filling out surveys to help ascertain the full extent of community values and opinions held in relation to the future maintenance and management of Hyde Park.

This DPoM aims to ensure Hyde Park Reserve retains its environmental, scenic, cultural and social values and that key issues relating to the management of the reserve are addressed.

Hyde Park Reserve has significant natural and cultural heritage, and recreational values. Two significant populations of flora species inhabit the Reserve as well as significant pre-European values and associations with early crossings of the Blue Mountains expeditions. Current recreational and unrestricted usage patterns are currently impacting upon these values .

Discussions are currently being held between two indigenous Tribal Land Councils and their elders due to the sensitive nature of values associated with the Reserve. One of the recommendations that has arisen in reviewing the significance of the site is to prepare a Heritage Study of the area that more fully documents the cultural significance. Council has been advised by the NSW Department of Environment and Climate Change (DECC) that if the site contains any Aboriginal artefacts, and commentary on this issue is included in the DPoM, that such a Study would need to be undertaken in order to obtain a Heritage Impact Permit under either s87 or s90 of the National Parks and Wildlife Act 1974 before any conservation earth works could occur. This is particularly relevant when soil erosion is evident as is the case in this site. This has led to the recommendation from staff to proceed to undertake a Heritage Study and indicative pricing has been determined to be between \$8,000 - \$10,000.

Council has made contact with the Hawkesbury Nepean Catchment Management Authority (HNCMA) as they have facilitated the provision of funding for Hyde Park and other reserves through the Local Government Advisory Group (LGAG). The Council has sought agreement of HNCMA to utilise some of the existing funding already provided to Council to undertake the Heritage Study as part of the Hyde Park program. Council has included over \$150,000 of funding from LGAG V for works in four Reserves (Hyde Park, Hassans Walls, Londonderry and Hartley Reserves) in the current Management Plan for 2007/08.

The Hyde Park components of this funding (through the River Health Partnerships Funding – River Lett Catchment Improvement program) that arise in the list of actions attached to this report is planned to be expended in March 2008. Given that Council will not meet in January 2008, and the processes identified above which are necessary to have the Plan of Management for Hyde Park finalised prior to any work commencing, it is recommended to Council that the DPoM be placed on exhibition from 21 December 2007 following some minor amendments to conclude the DPoM which is tabled in full at this meeting of Council.

Councillors are provided with the proposed list of actions that is included in the DPoM as an attachment to this report. A full copy of the DPoM which includes all the investigation and detail on Hyde Park Reserve used to make this list of actions can be made available to Councillors if required but given the 100+ pages a hard copy of the DPoM in its present form has not been included in the report.

When the document is placed on exhibition it is intended that the full document would be made available on Council's website and burnt to CD for anyone wishing to review the document.

POLICY IMPLICATIONS

This plan will contribute to the State of Environment annual reporting requirements.

FINANCIAL IMPLICATIONS

Council staff have been advised that the Heritage Study would cost in the order of \$8,000-\$10,000. If HNCMA declines to allow Council to alter the allocation of the funding provided for the Hyde Park Project to include the Heritage Study, Council would need to adjust the March quarterly budget to accommodate the additional expenditure.

LEGAL IMPLICATIONS

Nil

CONCLUSION

The final plan is planned to be presented for adoption at the Council meeting in early 2008.

07-556 RESOLVED

THAT:

1. Council approve the completion and then exhibition of the draft Hyde Park Reserve Plan of Management;
2. The draft Hyde Park Reserve Plan of Management be placed on public exhibition for 41 days commencing Friday 21 December 2007;
3. Council receive a subsequent report summarising any submissions from the public exhibition process and consider any alterations recommended arising from those submissions in early 2008 before forwarding of the Plan of Management to the Department of Lands for completion.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

DELEGATES REPORTS

ITEM:23 DELEGATES REPORT - 17/12/07 - CENTROC

REPORT FROM: NEVILLE CASTLE, MAYOR

REFERENCE

NIL

COMMENTARY

The most recent CENTROC meeting was held on December 6 in Oberon. This was the annual general meeting of CENTROC and a large gathering of members were present. Some of the more interesting items that were considered included the CENTROC position as far as telecommunications and in particular broad band was concerned and now that the federal election is over as to how CENTROC will now help to further its original proposal as well as the Bells Line Express Way and "where to from here". Towards the end of the meeting it was agreed that CENTROC would try to have a Delegation to meet the relevant ministers regarding a number of issues including these as soon as possible to put our case on a number of issues as strongly as possible.

CENTROC is to have its own website early in the New Year and it will make it considerably easier not only for member Council's but their communities to be able to access directly where CENTROC is up to on a number of different issues. We look forward to seeing that operational.

There was a report on water supply and waste water management which endangered considerable debate. The debate centred around the efforts that will be required to try to "drought proof" the central West. Many people and Councils have a variety of ideas how to do this with a couple of projects, with some of these projects being more advanced than others. CENTROC finally agreed to have a proposal to both state and federal Government for the possible feasibility study of one of these projects with a 3 month time frame. If we are unsuccessful in that time then we will reconsider our options at the next CENTROC meeting.

It was also interesting to see that Young Council is looking to join CENTROC at least on a temporary basis. This in part is due to the recent collapse of their "alliance". We look forward to working with Young and hope that they are able to receive a benefit from their association with CENTROC.

At our next meeting in Orange early in the new year we will be looking to invite one or more senior Federal Government officials to attend who would hopefully be willing to look at some of the concerns of the people from the central west.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-557 RESOLVED

THAT the information be received and noted and the Mayor and General Manager be congratulated on their election to Chairman and Executive Secretary respectively.

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

COMMITTEE MEETINGS

ITEM:24 REG - 17/12/07 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES OF 10 DECEMBER 2007

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 10 December 2007 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 10 December 2007, there were eleven (11) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

07-558 RESOLVED

THAT Council note the recommendations of the Sports Advisory Committee for the meeting held on Monday, 10 December 2007.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:25 REG - 17/12/07 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING - MINUTES OF MEETING HELD ON 6 DECEMBER 2007

REPORT BY: GROUP MANAGER REGIONAL SERVICES– ANDREW MUIR

SUMMARY

Details of the Minutes of the Traffic Authority Local Committee Meeting held on 6 December 2007 for Council adoption.

COMMENTARY

At the Traffic Authority Local Committee Meeting held on 6 December 2007, there were items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee’s recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT the recommendations of the Traffic Authority Local Committee be adopted and actioned as appropriate.

07-559 RESOLVED

THAT:

1. The minutes of the Traffic Authority Local Committee be adopted.
2. Can the pedestrian crossing on Main Street, Lithgow be referred back to TALC seeking an update on his issue?

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

QUESTIONS OF AN URGENT NATURE

QWN - 17/12/07 - COUNCILLOR H K FISHER

1. Mr Mayor can an update on the No Stopping Sign in Railway Parade be given please?

The Group Manager of Regional Services, through the Mayor advised that the sign was facing the wrong direction and has now been rectified as of Tuesday 11th December 2007.

2. Mr Mayor I witnessed an accident at the Valley Shopping Centre recently near the RTA Office due to the road being in a very bad state. Can Council please have the road fixed, the lights fixed and the pedestrian markings on the crossing painted?

The Mayor advised that this will be reported to the owners of the Centre as a matter of urgency.

QWN - 17/12/07 - COUNCILLOR B S MORAN

1. Mr Mayor can you advise if a debriefing will be held in regards to the disaster at Howard & Sons recently?

The Mayor advised that yes a debrief will be conducted and Council representatives will be attending.

The General Manager advised the Public that Council will now consider the Closed Confidential report. The reports were confidential in nature due to:

**ITEM: 18 COMM - 17/12/07 - CONFIDENTIAL REPORT - SALE OF MITSUBISHI
MG130 - REGISTRATION SVK 371**

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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

The tender price, should it be revealed, could impact on the realisation of appropriate sale price of the plant item.

**ITEM:19 COMM - 17/12/07 - CONFIDENTIAL REPORT - PURCHASE 12,000
LITRE WATER TANKER FOLLOWING CLOSE OF TENDERS**

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

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- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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**

The tender price, should it be revealed, could impact on the realisation of appropriate purchase price of the plant item.

**ITEM:21 COMM - 17/12/07 - CONFIDENTIAL REPORT - AUDIT SERVICES
2007/08 TO 2012/13 ASSESSMENT OF TENDERS**

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

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- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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

The tender price, should it be revealed prior to the Council's decision, could impact on the realisation of appropriate price of the service.

The General Manager asked for objections from the Public as to the confidential reports.
There were NIL objections to these reports.

Closed Council started at 7.50pm

CLOSED REPORTS

ITEM:18 **COMM - 17/12/07 - CONFIDENTIAL REPORT - SALE OF MITSUBISHI MG130 - REGISTRATION SVK 371**

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

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- (d) commercial information of a confidential nature that would, if disclosed:
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- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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

The tender price, should it be revealed, could impact on the realisation of appropriate sale price of the plant item.

07-560 RESOLVED

THAT Council accept the tender for the sale and removal of Mitsubishi MG 130 motor grader Registration No SVK 371 from Wangaratta Machinery Sales for the amount of \$57,134.00 (GST Inc).

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

**ITEM:19 COMM - 17/12/07 - CONFIDENTIAL REPORT - PURCHASE 12,000
LITRE WATER TANKER FOLLOWING CLOSE OF TENDERS**

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

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- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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

The tender price, should it be revealed, could impact on the realisation of appropriate purchase price of the plant item.

07-561 RESOLVED

THAT:

1. The conforming tender received from West Orange Motors for the supply and delivery of one Fuso FV51J truck with water tanker body for the price of \$209,000.00 (including GST) be accepted.
2. Council not accept the tendered trade price and see the subject plant being replaced after the new plant has been received through a method to offer the highest return to Council.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:21 COMM - 17/12/07 - CONFIDENTIAL REPORT - AUDIT SERVICES
2007/08 TO 2012/13 ASSESSMENT OF TENDERS**

REASON FOR CONFIDENTIALITY

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

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- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This item is classified CONFIDENTIAL under 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

The tender price, should it be revealed prior to the Council's decision, could impact on the realisation of appropriate price of the service.

07-562 RESOLVED

THAT the conforming tender received from the Morse Group for audit services from 2007/08 to 2012/13 be accepted for a fee of \$33,830 for 2007/08 with annual increases by negotiation or a minimum of CPI: ABS Data Catalogue 6302.0 - average weekly earnings.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

Councillor M F Ticehurst voted **AGAINST** this recommendation.

The Mayor reopened the meeting to the public and the General Manager advised them that the following resolutions were made in relation to the confidential reports:

ITEM 18.

07-560 RESOLVED

THAT Council accept the tender for the sale and removal of Mitsubishi MG 130 motor grader Registration No SVK 371 from Wangaratta Machinery Sales for the amount of \$57,134.00 (GST Inc).

ITEM 19.

07-561 RESOLVED

THAT:

1. The conforming tender received from West Orange Motors for the supply and delivery of one Fuso FV51J truck with water tanker body for the price of \$209,000.00 (including GST) be accepted.
2. Council not accept the tendered trade price and see the subject plant being replaced after the new plant has been received through a method to offer the highest return to Council.

Item 21.

07-562 RESOLVED

THAT the conforming tender received from the Morse Group for audit services from 2007/08 to 2012/13 be accepted for a fee of \$33,830 for 2007/08 with annual increases by negotiation or a minimum of CPI: ABS Data Catalogue 6302.0 - average weekly earnings.

The meeting closed at 8.00pm