



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

16 JULY 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 16 JULY 2007**

Meeting Commenced 7.00pm

Public Gallery: 25

PRESENT

Councillor B P Morrissey
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor B S Moran (Acting Chair) Deputy Mayor
Councillor M M Collins
Councillor M J Wilson

APOLOGIES

An apology was received and accepted from Councillor A Thompson due to ill health.

07-277 RESOLVED

MOVED: Councillor M Collins

SECONDED: Councillor W McAndrew

CARRIED

An apology was received and accepted from Mayor Neville Castle due to being out of the city on personal business.

07-278 RESOLVED

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

Also in attendance

General Manager, Mr Paul J Anderson
Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Kathy Woolley
Manager of Policy and Planning, Mrs Amanda Muir
Minutes Secretary, Miss Cortney Wood

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 18 June 2007 were taken as read and confirmed by Councillors H K Fisher and M J Wilson

07-279 RESOLVED

CARRIED

Confirmation of the Minutes of the Extra-Ordinary Meeting of Council held on the 28 June 2007, were taken as read and confirmed by Councillor M Wilson and M Collins

07-280 RESOLVED

CARRIED

DECLARATION OF INTEREST

Madam Chair called for Declarations of Interest on any matter before the Meeting.

NIL

QUESTIONS FROM THE PUBLIC GALLERY

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

NIL

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NOTICE OF MOTION

ITEM:1 NOTICE OF MOTION - 16/07/07 - COUNCILLOR W MCANDREW - WATER RESTRICTIONS

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LITHGOW CITY COUNCIL
NOTICE OF MOTION



MOTION TITLE/TOPIC: Water Restrictions

Listed by Councillor : Wayne McAndrew DATE: July 9, 2007

BACKGROUND:

As my fellow Councillors would be aware at the meeting of 21st May 2007 Council resolved to extend the current water restrictions to what is commonly referred to as Level 4.

Whilst this was viewed at the time to be responsible given the severity of the current drought, local conditions have some what eased making such harsh restrictions appear draconian.

Many elderly residents are concerned that the current restrictions do not provide sufficient times to water gardens and tend to lawns, however the recent above average rainfall and predicted forecast rainfall have made watering less prevalent or necessary.

Currently farmers ck dam is at 100% capacity whilst Oberon dam has slightly risen to approximately 20%. Under Council's current policy these water levels enables Council to consider lifting restrictions to level 3.

Recommendation

That Council reconsider the level of water restrictions currently in place for all premises connected to the reticulated water supply with a view of reducing restrictions to level 3.

Signed: W. McAndrew

07-281 RESOLVED

THAT Council reconsider the level of water restrictions currently in place for all premises connected to the reticulated water supply with a view of reducing restrictions to level 3.

MOVED: Councillor W McAndrew

SECONDED: Councillor B P Morrissey.

CARRIED

07-282 MATTER ARISING

A report be brought back to Council regarding the state of and cost of possible restoration of the second dam at water works gully, and if any State or Federal funding is available for such a project.

MOVED: Councillor HK Fisher

SECONDED: Councillor M Wilson

CARRIED

GENERAL MANAGERS REPORTS

ITEM:2 GM - 16/07/07 - OUTSTANDING SERVICES AWARDS AND EMERITUS MAYOR AWARDS

REFERENCE

NIL

SUMMARY

This report outlines information in relation to the criteria for the services awards.

COMMENTARY

Outstanding Service Awards

The eligibility criteria for the awards are that intended recipients must have completed a cumulative total of at least 20 years service to Local Government in NSW. For those who continue to serve, and at retirement have completed 25 or more years a "Bar" to be affixed to the original medal is available with the total number of years served inscribed upon it. The outstanding service award set comprises four pieces (Medal, miniature, lapel badge and citation A5 in size and presented in a blue plush folder) featuring the LGSA coat of arms and is finished in 24ct gold and presented in a gold embossed presentation case. On the reverse side of the medal will be inscribed the recipients name and the year the award was presented. A version for women has been designed featuring a bow similar to that awarded in the Australian Honours system.

Certificate of Service

Certificates of Service are available from the Associations as an acknowledgement of the work of retiring or long serving elected members. The eligibility criteria set by the executives of the Local Government and Shires Associations of NSW:

- Retired elected members: completion of two terms (eight years)
- Currently serving elected members: completion of three terms (twelve years)

The certificate is gold embossed and is A4 size and is present in a black frame.

Emeritus Mayor Award

The eligibility criteria set for honorary title of "Emeritus Mayor" is that intended recipients must have served as mayor for a minimum of three one year terms. This award is intended to provide ongoing recognition to those who have served as a mayor. Academic institutions recognise their retiring value members with the title of Emeritus Professor and State and federal Parliaments recognise senior parliamentary contribution with the title of Honourable on an ongoing basis. A certificate which recognises service as a mayor to council has been produced. The "Emeritus Mayor" certificate is A4 size and is presented in a black frame.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information be noted.

07-283 RESOLVED

THAT

1. The information be noted.
2. Council nominate Councillor Neville Castle and Gerard Martin for the Emeritus Mayor Award for long service

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:3 GM - 16/07/07 - LOCAL GOVERNMENT CONFERENCE 2007 -
 MOTIONS**

REFERENCE

NIL

SUMMARY

This report reminds Council of the upcoming Local Government Association Conference and seeks any motions from Council for consideration at the Conference.

COMMENTARY

The Local Government Conference is being held in Coffs Harbour from 20th - 24th October 2007. Coffs Harbour City Council will co-host this event with the Department of Local Government and Shires Association.

Council will be aware of the annual LGA Conference and the process of having motions listed in the proceedings for consideration.

Councils are requested to advise the Association of any pending motion for inclusion in the business papers. **The closing date for the motions is 13 August 2007.**

Council may move any motion which relates to the operations or strategic issues facing local government.

Council will need to decide upon any motion so that they can be forwarded to the Association by the closing date.

POLICY IMPLICATIONS

The motions put by the Lithgow City Council should reflect Councils Policy stance on such matters or reflect a change to Councils policy.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

NIL

CONCLUSION

This report provides an opportunity for Councillors to move a specific motion for Councils adoption and forwarding to the Local Government Association for inclusion in the list of motions at the 2007 Local Government Association Conference.

RECOMMENDATION

THAT Council formulate any motion it feels are warranted.

Councillor Michael Wilson declared a pecuniary interest as Delta in his employer and vacated the chambers.

07-284 RESOLVED

THAT

1. Council formulate any motion it feels are warranted.
2. Staff investigate the ability of seeking support from the LGSA for the 2 extra units at Mt Piper Power Station to assist in NSW base load power supply.

MOVED: Councillor W McAndrew

SECONDED: Councillor M M Collins.

CARRIED

**ITEM:4 GM - 16/07/07 - SYDNEY WEST AREA HEALTH SERVICES -
 PORTLAND TABULAM HEALTH CENTRE**

REFERENCE

NIL

SUMMARY

This report outlines correspondence received in relation to the Portland Tabulam Health Facility.

COMMENTARY

The Sydney West Area health Services has written to the Local Member in relation to correspondence received on behalf of Lithgow Council concerning the grounds at Portland Tabulam Health centre, the lack of signage and car parks with a bitumen surface.

The Sydney west Area Health Services have referred the concerns of Council to the Governance Support Unit for investigation and follow - up and will write to Council once they have received further information on these issues.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-285 RESOLVED

THAT the information be noted.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M M Collins.

CARRIED

**ITEM:5 GM - 16/07/07 - DEPARTMENT OF LOCAL GOVERNMENT -
PROMOTING BETTER PRACTICE REVIEW REPORT**

REFERENCE

NIL

SUMMARY

As Council would be aware in September 2006 the Department of Local Government undertook a Promoting Better Practice Review of the Council.

This report now provides Council with the final review document and recommends that the report be provided on Council's web site www.lithgow.nsw.gov.au as well as being accessible of the departments web site at www.dlg.nsw.gov.au

COMMENTARY

The Department of Local Government have been and are continuing to carryout promoting better practice reviews on all Councils in NSW. As Council is aware Lithgow City Council undertook the review in September 2006 and was provided with a confidential draft of the report for comment. A Councillor workshop was carried out to give all Councillors an improved understanding in the recommendations and a chance to have an organisational response to the issues raised.

The Department's Website describes the aims of the Review process as follows:

What is Local Government Reform - Promoting Better Practice?

Local Government Reform - Promoting Better Practice is a review process that is part of the local government reform program. The program aims to improve the viability and sustainability of councils. The process represents the second stage of the NSW government's program of reform for local government.

Objectives

Reviews can act as a 'health check', giving the council confidence about what is being done and helping to focus attention on key priorities. The process has a number of objectives:

- to generate momentum for a culture of continuous improvement and greater compliance across local government*
- to provide an 'early intervention' option for councils experiencing operating problems*
- to promote good governance and ethical conduct principles*
- to identify and share innovation and good practice in local government*
- to enable the department to use review information to feed back into its work in identifying necessary legislative and policy work for the local government sector.*

Council has now received the review report, as shown at **attachment 1**. The results are extremely pleasing and provide a good foundation from which Council can continue to serve the needs of the current community and continue to plan for future development and growth in a sustainable and manageable manner.

For Councillors' information the Executive Summary and Section 5: Council's Ambitions, Priorities and Future Focus (Background, Corporate Vision and setting Council's strategic direction) is reproduced below as part of this report.

Executive Summary

Lithgow city Council is an organisation in transition. It seems clear that had this review been conducted a year ago, it would have given rise to a different outcome. A new management team has brought a more strategic focus to Council. This is evidenced by the strategic planning process council is currently undergoing, its new approach to management planning and reporting, its organisational restructure and its participation in a strategic alliance with Oberon and Mid-Western Regional Councils. Encouragingly, management appears to enjoy the support of the elected body of council in taking council in this new direction.

Council faces an enormous challenge in preparing a suite of strategic planning documents that address issues as diverse as strategic land use planning, an ageing population and economic development at the same time. There are a number of risks associated with this. However, the preparation of these plans at the same time as it is preparing its overarching strategic plan also gives council opportunities to develop a well - integrated strategic framework. Council appears to have recognised and responded to both the risks and the opportunities.

Council's organisation modernisation process is also reflected in the development of a comprehensive governance framework. However, this can be enhanced in a number of areas recommended in this report. Having recently developed a number of key governance policies, council needs to ensure their effectiveness by providing ongoing training to promote awareness of them.

In the regulatory and planning area, like many other councils, Lithgow currently faces the challenge of preparing a new LEP consistent with the LEP template and to review its DCP's to ensure they comply with new planning law requirements. Council processes development applications efficiently. However, it needs to review the manner in which it currently collects and uses development contributions. There is also scope for improvement in the way council exercises its enforcement functions.

The Council faces significant challenges in respect to its financial position. Steps are being taken to create a more efficient and effective council in terms of finances and thus strengthen the financial position. However, it will take some time and council needs to develop longer term financial plans to ensure that the financial positions continue to improve.

Long term asset management has not been a high priority for the council in the past and the assets have been managed in a very ad-hoc way. To become proactive in the way in which the assets are managed the council needs to develop an asset management policy, strategy and asset management plans for each asset class.

This needs to be integrated with the longer -term financial plan to ensure that the asset management plans fit within the council budget or that any shortfalls can be identified and solutions sought.

Council engages well with the community on a number of different levels. It has identified key strategic challenges faced by the community it services and is developing plans to address them.

The organisations structure has been reviewed and the council is implementing a new structure. Change management training was provided to assist staff in the transition. Human resources strategies should be developed in line with the new structure to support the council's strategic vision.

Section 5: Council's Ambitions, Priorities and Future Focus

This part of councils assessment focussed on: clear ambition; a focus on communities and services; ownership of problems and willingness to change; a shared and realistic vision; a sustained focus on what matters; improvement integrated into day-to -day management; flexibility and innovation; capacity and systems to continue to deliver performance improvement.

Background

The review team found no evidence to indicate that council previously undertook any long term strategic planning. It would seem that the management plan, with its limited three year focus, was the sole corporate planning tool previously employed by council. However, even as a short-term planning tool, councils last management plan was deficient.

The review coincided with a fundamental shift in council's approach. It is currently in the process of developing a long term strategic plan. A draft strategic plan has recently been exhibited for public comment. Council has also entered into a strategic alliance with Oberon and Mid-Western Regional Councils. It has also undertaken an organisational restructure to promote a longer term focus.

At the time of the site visit, this process was at an early stage. In the week the review team conducted it on-site visit, council was recruiting for a number of management positions under the new structure and was yet to fill a number of the key strategic planning positions. This meant that at the time of the site visit, while senior management staff had clear vision for the organisation and were able to describe their plans in details, given many of these were at a conceptual stage, evidence of councils new approach was limited. Since the site visit, council has taken significant further steps to give effect to this new approach. This approach is no reflected in it draft strategic and management plans which are currently on pubic exhibition.

Council is to be commended for the significant steps it has taken within a short period of time to move from a deficient approach to strategic planning to one that reflects best practice.

Corporate Vision

As part of the development of its strategic plan, council held community visioning workshops. As a result of this process, council has developed a new overarching vision and a number of strategic themes, (vision statements) that inform its new strategic plan. Council's new overarching vision is:

A centre of regional excellence that:

- Encourages community growth and development
- Contributes to the efficient and effective management of the environment, community and economy for present and future generations

Council has adopted 10 vision statements relating to community, transport, employment, heritage, education, health, environment, arts and culture, youth and growth. Council's draft strategic and management plans are modelled around these vision statements.

Setting Councils' Strategic Direction

As indicated above, council is currently in the process of developing a new strategic plan. It has not previously had one. The draft strategic plan is currently on public exhibition.

Council has proposed a strategic planning model that is consistent with the departments preferred model as described in its New Direction for Local Government position paper. The draft strategic plan, which has a 10-20 year focus, has a broad community ambit that addresses each of the ten strategic themes identified in council's vision statements. For each of these it proposes a number of strategies for achieving each of the vision statements and activities for the implementation of each strategy. It also identifies results for measuring performance. These are currently a little vague. However it is acknowledged that the strategic plan is a dynamic document and that these will become more clearly defined as council progresses in the development of the other strategic documents that will inform its strategic plan.

The strategic plan will be a dynamic document along the lines suggested in the New Direction for Local Government position paper. Council intends to review the strategic plan within 12 months of the next council election. To inform the review process, a local profile will be prepared outlining where the LGA is now in terms of the vision statements, issues and strategies. Any proposed amendments to the strategic plan will be undertaken in consultation with the community.

Once the strategic plan has been adopted, council intends to incorporate the strategies identified in it in the 2008/09 - 2010/2011 management plan. It is intended that each activity council proposes in the management plan will demonstrate that it will implement a strategy, is sustainable and will assist in the achievement of the vision statements. Council has already taken steps towards this and its draft 2007/08 management plan, which is currently on public exhibition, is structured around its 10 vision statements.

Commendably, council has engaged the community well in developing its strategic plan. Council held a number of visioning workshops attended by members of the community, councillors, staff and the project consultants in March, April and May 2006. These developed the ten vision statements that underpin the strategic plan. Council sought further feedback on these through a resident feedback register comprising 232 participants broadly representative of the community.

Further community consultation was undertaken in September 2006, with workshops being held at a number of locations across the local government area to identify key local issues the strategic plan needs to address. As indicated above, the strategic plan is currently on public exhibition and council is seeking written comments. To assist this process, council is holding briefing sessions in a number of locations in the LGA.

The recommendations to Council as contained in the report are provided below with comments.

Strategic Focus

1. *Council needs to ensure quarterly reviews are reported to Council within two months of the end of each quarter, as required under section 407 of the Local Government Act.*

Comment

This process has been an administrative oversight and an internal standard working procedure adopted to ensure that the 4th quarter review is submitted to Council in accordance with the requirements of the Act.

2. *Council should undertake a comprehensive risk assessment of potential risks arising from its strategic alliance with Oberon and Mid-Western Regional Councils as part of the development of a risk management plan.*

Comment

A brief risk assessment was carried out as part of the agreement to the creation of the strategic alliance in July 2006.

As discussed below, Council staff have met with Statecover to determine the best possible manner to produce a system for analysis and managing risks. This system once developed can be expanded to include the alliance and our alliance partners.

Governance

3. *Council should provide ongoing training to both councillors and staff to promote awareness of the policies contained in its new policy register relevant to their respective roles, obligations and functions.*

Comment

Suggested that as part of the overall Councillor professional development program that Council identify the policies that they wish to receive training on. Once these have been identified a program of workshops will be designed by staff to satisfy this request.

4. *Council should prepare an induction training program for councillors prior to the next local government elections.*

Comment

Staff have assumed that such training will be arranged and designed by the LGSA and the Dept of Local Government following the announcement last year of the compulsory training required by all Councillors within 6mths of a General Election.

Council staff will identify training on specifics related to the Lithgow City Council and design an induction session for all Councillors.

5. *Council should consider developing a formal ongoing training program for councillors in conjunction with other members of the strategic alliance.*

Comment

This item is a future item for discussions and consideration with the strategic alliance. Council already extensively uses the services of the LGSA learning solutions and the training service provided by Centroc.

6. *Council should amend its conduct committee procedures to set out criteria to guide the general manager in determining whether or not to report a matter to the committee and to be used by the committee in assessing allegations of breaches of the code of conduct.*

Comment

This matter is subject to a report to Council recommending some amendments and alterations to the existing code to make such issues more apparent and to guide the operations of the committee further.

7. *Council should provide information to councillors and designated staff on the completion of written returns of interests to ensure they are completed accurately and in a timely manner.*

Comment

Extensive documentation is provided to those persons required to complete the pecuniary interest return. The comments from the DLG should be noted by Councillors. Staff will ensure that the latest circular and guidelines are provided to all designated person for the next returns. If Council feels such is necessary a workshop on this returns can be held.

8. *In the interests of assisting Council to get through its business in a more efficient manner, Council should consider trialling regular briefing sessions for councillors on business to be considered at Council and committee meetings.*

Comment

Council has been and will continue to utilise workshops for matters of complexity or interest to Councillors. Part of this process has included the informal discussions regarding the possibility to moving Council meeting to a Tuesday to enable a formal briefing to occur on Monday evenings where required. This will be subject to a future report.

9. *Councillors should make works requests using council's established processes for doing so and desist from doing so in meetings.*

Comment

Council have adopted the Code of Meeting Practise which also includes the proforma works requests form. This system has now been in place for 1mth and appears to be working well.

10. *Council should amend its complaint handling policy to establish procedures for making and dealing with requests for internal review.*

Comment

Council's "Customer Service Policy" refers in clause 10 to the need for the General Manager to be satisfied that all appropriate avenues of internal review have been completed. A flowchart indicating how this would occur is proposed to be added to the Customer Service Policy to assist those wishing to understand the process of internal review.

11. *Council should provide ongoing training on its complaint handling procedures to staff.*

Comment

As part of the recent Code of Conduct training provided to all staff and Councillors, complaint handling was included. These sessions also included a section on protected disclosures and the process to be followed.

12. *Council should provide regular training to both staff and councillors on its protected disclosures policy to promote awareness of their rights and obligations under it.*

Comment

As mentioned above, protected disclosures were included in the Code of Conduct training provided to all staff and Councillors. The comment regarding regular training is noted and staff will ensure that such refresher training is included in regular staff sessions.

This training may also be part of the overall workshops as identified in this report.

13. *Council should consider improving access to the public documents on its website.*

Comment

As Council is aware an upgrade and overhaul to our current website is underway to make it more “user friendly”, these comments will be taken into account when the review is completed. The recommendation of this report is to ensure the promoting better practise review is included on the web site.

Significant works have already been carried out on the web site to ensure Council information is more accessible.

14. *Council should consider adopting a formal policy for dealing with requests for access to documents under section 12 of the Local Government Act.*

Comment

Councillors will be aware that a number of requests for information under Section 12 of the Act have been received. It is expected that such request will increase in the future. Currently council deals with these matters under the guidelines of Section 12 of the Act and this appears to be more than sufficient given the relatively low numbers of applications received per annum.

However, given the note above about the potential increase in Section 12 enquiries, Council officers will research further the need for a formal policy over the next twelve months.

Council notes that it already applies the guidelines in the Local Government Act, 1993 for access to documents and further processes requests, where received, in accordance with the Freedom of Information Act and the Premier’s Department Guidelines.

15. *Council should develop a formal policy or procedures for managing contracts.*

Comment

Staff have commenced work on this recommendation following the review of the Department of Local Government’s tendering guidelines. This work is also a major component of the design and construct program for the Lithgow STP upgrade stage II.

16. *Council should amend its asset disposal policy to define the value of the assets it applies to. Council should also adopt a policy for the disposal of minor assets to compliment it.*

Comment

This will be subject of a future report to Council’s policy and strategy committee following an annual review of all policies. This will facilitate a review of the current policy to cover all aspects of asset disposal.

17. *Council should develop a risk management plan that addresses both insurable and other types of risk.*

Comment

Council will undertake an analysis as to the costs and benefits of undertaking an overall risk review for the organisation. Funding will need to be identified and allocated to allow Council to undertake the proposed comprehensive risk management plan.

Council should be aware, however, that staff, as part of their role are continually identifying areas of risk exposure. Staff met with management of Statecover in the past weeks to discuss the annual risk audit and a process to develop a comprehensive system to identify and manage all risks.

18. *Council should consider developing an internal audit program.*

Comment

Business Process Review has been initiated with inspections and efficiency assessments underway in all functional areas of the organisation. The issue of an internal auditor and potentially using Internal Audit Bureau in the first instance was raised with the Alliance partners in team member meeting in Jun07. This will be subject to a further report to the alliance and Council.

19. *As part of the development of an internal audit program, Council should consider undertaking a fraud risk assessment and developing a fraud control policy or strategy.*

Comment

Council has identified an internal audit project to develop and monitor governance and risks issues as part of the operational objectives in 2007/08. The issues of assessment and developing further fraud control processes than already in place will be considered in this project. Council already has risk management in place and has implemented following various reviews the following control processes:

- a reduced number of signatories for Council's payment of accounts than have previously existed and signatories are at Executive and Internal Services Manager level only rather than a number of staff
- better and more detailed processes for checking at the voucher level expenditure in each department
- online banking with enhanced security control;
- monthly budgetary reviews by managers in Council departments to ensure regular and ongoing assessment of the financial position and expenditure in each division
- processes to ensure completeness of Council's policies and procedures resulting in a completely reviewed Policy register and associated procedural documents that offer greater compliance with legislative and risk management procedures.

Council has also determined the potential use of the NSW Government Internal Audit Bureau as a part of the process on continually improving risk management and has corresponded with Strategic Alliance members to seek their interest in jointly developing state of the art processes in this area.

Planning and other regulatory functions

20. *Council needs to review its existing contribution plans and explore all the options now offered under the Environmental Planning and Assessment Act for the collection and use of development contributions.*

Comment

As Council is aware the updating of all Section 94 Plans will be undertaken in conjunction with the preparation and production of the city wide LEP. Council is also endeavouring to finalise the section 64 (LGA) contributions plans through Dept of Commerce.

Council has been using the new legislation and have in fact adopted a policy on planning agreements.

21. *Council needs to take a more strategic approach to the collection and use of development contributions. Council needs to more clearly link its approach to development contributions with its strategic plan and to its capital works program and long-term financial plan.*

Comment

As Council is aware, each functional area of Council is required to compile and complete an operational plan. These plans will identify the strategic links for funding including the use and management of developer contributions.

The long term financial plan will also identify the use and management of developer contributions for future infrastructure and maintenance purposes.

22. *Council should make its DA guide, information sheets and DA checklists more accessible to applicants by displaying them in its customer service area and publishing them on its website.*

Comment

Implementation of DA ‘sample bag’ lists has occurred which indicate which information sources Customer Service Staff should provide. This program is designed to make the information sheets more relevant to a specific area and development proposal.

SmartForms will be utilised and Council has committed to this online DA and other forms delivery via Council’s website as a means of having more information more readily available.

23. *In the interests of promoting public confidence in the assessment and determination of DAs in which it is an applicant or has an interest, Council should explore the option of making use of its strategic alliance partners to undertake independent assessments of such DAs.*

Comment

This item was the subject of discussions at the most recent Central Tablelands Alliance meeting. A working procedure relating to the process, costing and reporting timeframes will now be developed.

- 24. As part of the preparation of its new comprehensive LEP and the review of its DCPs, council should develop more comprehensive and nuanced notification procedures.*

Comment

A new notifications policy is being drafted by the policy and planning division currently. The main issue is that notifications are currently covered in the Lithgow LEP. The proposed LEP template removes such provisions to a DCP. The creation and drafting of DCP's is a project in the current financial year.

- 25. Council needs to review its companion animal's management plan to ensure that it continues to be relevant.*

Comment

A review has been scheduled and will be completed during the current financial year.

- 26. Council should consider implementing a proactive program for monitoring compliance with environmental and planning requirements.*

Comment

Council has recently assessed the split of responsibilities between departments within the Council with regard to authorities to ensure compliance is managed. Resourcing issues will be considered in the development of a more proactive compliance program however Council has recently implemented extensive information, compliance and inspection processes for food premises as one step in improving environmental and planning requirements.

- 27. Council should develop an enforcement policy as a matter of priority.*

Comment

A policy will be prepared.

- 28. Council should provide training to staff on its enforcement policy and relevant investigation skills.*

Comment

Once the policy is prepared, training will follow.

Asset and financial management

29. *Council should increase the unrestricted current ration to 1.5:1 or above.*

Comment

As Council would be aware the current Management Plan and budget is designed to not only improve the provision of services to our local community but to also make Council more sustainable in financial terms. This program has included the creation of internally restricted assets for future services and development along with reserves for known costs such as insurance, elections, employee entitlements and other strategic purposes. These activities will also assist in increasing our current ratio to a more sustainable level. Council has also extinguished long term debt in a speedy manner and have increased our investment portfolio significantly which will all lead to a better result.

30. *Council should continue to assess the provision of funds for infrastructure works, the capacity to borrow and their ability to service loans.*

Comment

As council is aware the current budget provides a significant increase in the resources available for infrastructure and commences a program of creation of internally restricted funds for asset development and renewal. Council will continue to review capital works budgets with a view of securing appropriate loan funding where the resources are available to service such debts on an ongoing basis.

31. *Council needs to develop a longer-term financial plan that is integrated with the strategic plan, asset management plan, management plan and other Council plans.*

Comment

The development and integration of a long term financial plan will be undertaken in the 2007/08 year.

32. *Council should develop an asset management policy and strategy.*

Comment

Council has budgeted in 2007/08 funds to investigate an assets management system. Council has already identified and had presentation of a system and has had discussions with an alliance members on their approach to determine if a joint system could be developed.

Council's revaluation of the water and sewer assets at fair value has been completed.

33. *Following the development of an asset management policy and strategy, a comprehensive asset management plan that links to Council's strategic documents and long-term financial plan should be developed.*

Comment

The investigation that will be undertaken is designed to identify a system which will ensure the linkages to other plans, budgets and documents occurs.

34. *Council should review its land register to ensure that all information required in section 53 of the Local Government Act is included.*

Comment

The review of the land register and classification of lands under the local government act is a priority of the current management plan. The policy and strategy committee will soon consider a report to prepare an amending LEP to ensure all lands within the LGA are correctly classified and listed in the appropriate register as required under the act.

35. *Plans of management for all community land holdings should be completed as a matter of priority.*

Comment

As mentioned above, the report to prepare the LEP will then facilitate other works required to ensure that all “community” classified lands have an appropriate plan of management attached which at least satisfies the provisions of the local government act and regulations.

Community and consultation

36. *In establishing a community engagement framework, Council should explore a range of different models adopted by other councils.*

Comment

Council’s extensive community engagement processes in the development of the Strategic Plan and the public presentations of the 2007/08 Management Plan will assist in the assessment of what community engagement techniques work in this area. The notifications policy currently being drafted contains the proposed consultation framework for many issues.

37. *Council should seek to promote awareness of its new customer service policy by providing training on it to councillors and staff.*

Comment

Staff have been advised of the new policy and the division has been requested to roll out the new policy and include training options for all staff and Councillors.

Workforce relations

38. *Council needs to develop a human resources strategy that is linked to Council’s strategic plan and management plan.*

Comment

As Council is aware each functional area of Council is required to complete an operation plan which is aligned to the objectives and strategies of the management plan.

The completion of this operational plan will lead to the development of the HR Strategic Plan. The OD Manager will be attending a training session on this matter in the near future.

POLICY IMPLICATIONS

This report will facilitate some amendments and upgrading to existing policy and the development of new policy to ensure that Council remain at the forefront of the legislative requirements of the Local Government act and regulations.

Policy that requires alteration, amendment or creation will be subject to future reports to Council's Policy and Strategy committee meetings.

FINANCIAL IMPLICATIONS

There are no financial implications that arise directly from this report. The participation in the review has required some considerable time resource from management and staff, however it is felt that the investment has and will continue to pay dividends to the operation, planning and management of the organisation into the future.

CONCLUSION

As can be seen from the report and the comments provided, Council is heading in the right direction to make a significant difference to the service provision to our community and ensuring compliance with the provisions of the Local Government Act and Regulations.

It is pleasing to note that the Department has identified much of the work Council has undertaken over the last 12mths as best practice and has been used as guidance to other Council's in NSW.

The challenge now confronting Council is to continue the strategic planning for our community along with strong financial planning to ensure the gains we make can be further developed and enhanced for the sustainability of local governance in Lithgow.

RECOMMENDATION

THAT Council:

1. Note the information
2. Accept the Review Report from the Department of Local Government and provide public access through Council's website.

Councillor MF Ticehurst moved an Amendment:

AMMENDMENT

THAT: the Lithgow City Council defer their acceptance of the Performance Review Report from the Department of Local Government until the Department has provided detailed comment on whether it considered as part of their Performance Review:

1. The Lithgow City Councils ongoing false and misleading assets of the Three Tree Lodge Aged Care facility owned and operated by Three Tree Lodge Lithgow Inc. and the community Olympic Pool owned and operated by the Portland and District Olympic Pool Association Inc?
2. The Legality of the conduct of the investigations and reporting by the Lithgow City Council Code of Conduct Committee.
3. The ongoing failure of the Lithgow City Council to comply with Section 9 of their Lithgow City Council Code of Conduct, with respect to providing a full disclosure of information and documents to all Councillors as required.
4. And if the Departmental Review Team did not consider as part of the Lithgow City Councils Department of Local Government Review Items 1, 2, and 3 - Why not?

MOVED: Councillor MF Ticehurst

SECONDED:

The amendment **LAPSED** due to no seconder.

Councillor Wayne McAndrew declared a pecuniary interest due to being the Chairman of the 3 Tree Lodge Board and vacated the chambers.

07-286 RESOLVED

THAT Council:

1. Note the information
2. Accept the Review Report from the Department of Local Government and provide public access through Council's website.

MOVED: Councillor M M Collins
CARRIED

SECONDED: Councillor M J Wilson.

Councillor MF Ticehurst was against the motion.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:6 COMM - 16/07/07 - ADVICE OF DRAWDOWN OF 2006/07 LOAN BORROWING PROGRAM & PROPOSED 2007/08 LOAN BORROWING PROGRAM

REPORT FROM - INTERNAL SERVICES MANAGER - C. FARNSWORTH

REFERENCE

Min 06-183: Ordinary Council Meeting 16 June 2006

Min 07-163: Policy and Strategy Meeting 7 May 2007

Min 07-203: Ordinary Council Meeting 21 May 2007

SUMMARY

To advise Council of the drawdown of the 2006/07 loan borrowing program.

COMMENTARY

2006/07 LOAN BORROWING PROGRAM:

Further to Minute 07-203 on the 21 May 2007 Council called for quotes to borrow \$2,425,000 for the 2006/07 loan borrowing program as follows:

PURPOSE	2006/07 MINISTERIAL APPROVAL	2006/07 LOAN PROGRAM
WASTE FUND:		
Waste Fund: Blackman's Flat	2,150,000	1,000,000
WASTEWATER FUND:		
STP Lithgow	500,000	500,000
STP Wallerawang	350,000	0
WATER FUND:		
St Littleton Reservoir	650,000	650,000
- Part funded Loan Res \$500K		
GENERAL FUND:		
Lithgow Pool	175,000	0
Portland Pool	200,000	200,000
Crystal Theatre	100,000	75,000
TOTAL ORIGINAL PROGRAM	4,125,000.00	2,425,000

Council has drawdown the following loan from the Commonwealth Bank:

- Principal: \$2,425,000
- Deposit: 25 June 2007
- Term: 15 years
- Interest: 7.07% Fixed
- Repayments: Six Monthly Internals on 25 June and 25 December
- Instalments: \$132,2527.53 Principal and Interest

Council also resolved at the meeting of 21 May 2007 (Min 07-203) to seek Ministerial approval to take out a loan in 2006/07 for Water Augmentation works in relation to being a bulk raw water supplier (Min 07-163). Correspondence was sought from the Department of Local Government who advised the additional loan funds would be more suitably addressed in the 2007/08 Management Plan and as such we have acted accordingly.

The 2007/08 loan program will be submitted to the Department of Local Government as follows:

PURPOSE	AMOUNT (With Pool Complex)
WASTE FUND:	
Waste Fund: Blackman's Flat	400,000
WASTEWATER FUND:	
Treatment Plants	4,400,500
WATER FUND:	
Infrastructure: Bulk Water	4,000,000
GENERAL FUND:	
Lithgow Pool Complex	
TOTALREVISED PROGRAM	\$8,800,500

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per 2006/07 & 2007/08 Management Plans

LEGAL IMPLICATIONS

Loan contract with the Commonwealth Bank of Australia.

07-287 RESOLVED

THAT:

1. Council acknowledge the drawdown of the 2006/07 loan borrowing program from the CBA as:
 - Principal: \$2,425,000
 - Deposit: 25 June 2007
Term: 15 years
 - Interest: 7.07% Fixed
 - Repayments: Six Monthly Internals
25 June and 25 December
 - Instalments: \$132,2527.53 Principal and Interest;
2. The Common seal be affixed to all loan documentation;
3. Council note the proposed loan borrowing program for 2007/08 as \$16,800,500 with the Lithgow Pool Complex or \$8,800,500 without the Lithgow Pool Complex.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:7 COMM - 16/07/2007 - NSW RURAL AND REGIONAL TASKFORCE**REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE
– K. Woolley**

SUMMARY

Council is provided with advice of the NSW Government's creation of the NSW Rural and Regional Taskforce.

COMMENTARY

In the Local Government and Shires Association Local Government Weekly publication of 29 June 2007 (no.: 26/07) Council's were advised of the creation of the NSW Rural and Regional Taskforce. The publication noted:

“Item 9: NSW Rural and Regional Taskforce

The NSW Premier Morris Iemma MP announced the establishment of a Rural and Regional Taskforce on 25 June 2007. The Taskforce is to examine and provide advice on key economic, environmental and social issues affecting rural and regional communities across NSW.

The Taskforce will undertake its review in the rural areas of the State outside the Hunter, Wollongong, Central Coast and Sydney. The Task Force is tasked to address State Plan Priority P6: Increased business investment in rural and regional NSW and State Plan Priority P7: Better access to training in rural and regional NSW to support local economies.

The Taskforce will also examine other relevant review processes which have been, or are being, undertaken at local, State and Commonwealth levels in relation to these issues.

Former Director General of the Premier's Department Dr Col Gellatly will Chair the committee, which will also comprise Mr Richard Torbay, Speaker of the NSW Legislative Assembly and Member for Northern Tablelands and Mr Steve Whan, Convenor of Country Labor and Member for Monaro. The Taskforce will have no formal broader membership, but will undertake targeted consultation with relevant individuals and organisations including agency CEOs, experts in particular fields and stakeholders, as required.

The Taskforce will:

1. Examine the profile of, and demographic trends in, individual rural and regional areas;
2. Examine the current and emerging factors driving changes in demand for, and the delivery of, services to rural and regional communities; and
3. Identify potential actions to address current and emerging economic, environmental and social issues affecting rural and regional communities across NSW.

It will re-visit the communities consulted in developing the State Plan and engage with those communities on the best way to secure their economic, environmental and social futures. It will also invite public submissions, hold public forums and consult with individuals, business and community groups, local government and other stakeholders with an interest in rural and regional areas. The Taskforce is to report by February 2008.

To inform its report to Government, the Taskforce will invite submissions on particular issues, conduct public forums and hold meetings with a range of individuals and stakeholder groups. The committee will hold its first meeting in the middle of the year and will hold further meetings as required. Approximately six meetings will be held in rural and regional areas, e.g. Parkes, Wagga Wagga, Broken Hill, Armidale, Cooma and Grafton. “

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The information is provided for Council's information.

07-288 RESOLVED

THAT the information be noted.

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor B P Morrissey.

ITEM:8 COMM - 16/07/07 - SEC 356 DONATIONS

REPORT FROM: COMMUNITY AND CULTURE MANAGER – P. HALL

REFERENCE

Minute 07-258: Extraordinary Meeting of Council 28 June 2007

SUMMARY

To advise Council of Section 356 donation requests which have been received since the 2007/08 Management Plan has been adopted.

COMMENTARY

Council allocated \$20,000 (\$17,000 for general donations and \$3,000 for waiving hall hire fees) in the 2007/08 Management Plan for donations approved under Section 356 of the Local Government Act 1993.

As at 2 July 2007 no additional monthly payments have been made:

Council is in receipt of the following requests for assistance:

- 1. Country Women's Association of NSW** – Lithgow Branch Council rates – General component \$451.87 rates for 2006/7 requested but as rates are paid for 2007/08 General component is \$428.60

Recommendation: Donation of \$428.60

- 2. Lithgow City Brass Band** Requested – Hire of grand piano - \$175, Hire of the Union Theatre \$115. 50, Bond of the Union Theatre \$300 and Bond of Grand Piano \$525.

Recommendation: Nil as Council resolved at its extraordinary meeting on 28 June 2007 a Section 356 donation of \$1,000 for the Lithgow City Band for new music and an additional allocation is contrary to clause (iv) of the "Donations- Section 356 of the Local Government Act" policy of Council.

- 3. Kidney Health Australia Kidney Kar Rally** Team Lithgow is entering two vehicles in the rally. No donation amount specified.

Recommendation: \$100.00

- 4. Quota** Requested Union Theatre Hall Hire Friday 2 November – Sunday 4 November - \$300.00

Recommendation: \$300.00

POLICY IMPLICATIONS

Council's policy "Donations- Section 356 of the Local Government Act" applies.

FINANCIAL IMPLICATIONS

In the 2007/08 budget, \$20,000 was allocated in the Section 356 Donations in the Management Plan.

General donations fund \$17,000

Requests resolved by Council received as applications through the process of creating the Management Plan totalled \$11,454.42 (applying the general rate and rate cap determined by Council in resolving the management Plan). Council added a commitment to donate to Portland Pool \$5,000 in the determination of the Management Plan.

Therefore there is \$545.58 remaining from the general donations funds.

Donations for hire of facilities \$3,000 budget Air League \$600, Hire of Union Theatre for photographic exhibition \$1,400 and LINC Disability Services Disco \$462 already resolved.

Therefore there is \$538.00 remaining in hire of facilities donations funds.

General donation funds remaining after allocation of \$16,454.42 through the adoption of the Management Plan		\$545.58
ITEM	ORGANISATION	AMOUNT
1)	CWA Lithgow General rates	\$0
3)	Kidney Health Kar Rally	\$100.00
Remaining		\$445.58

Donation for hire of facilities		\$538.00
ITEM	ORGANISATION	AMOUNT
2)	Lithgow City Brass Band – Use of Union Theatre	\$0
4)	Quota – Hire of Union Theatre Hire	\$300.00
Remaining		\$238.00

LEGAL IMPLICATIONS

Nil

07-289 RESOLVED**THAT:**

1. Subject to the necessary advertisement, Council support the donation of \$400.00, being \$100 to the Kidney Health Kar Rally and \$300.00 Quota;
2. Council note the remaining balances in the donations funds in 2007/07 are \$445.58 in the general donations funds and \$238.00 in the hire of facilities donations funds remaining after this allocation.

MOVED: Councillor H K Fisher

SECONDED: Councillor M F Ticehurst.

CARRIED

**ITEM:9 COMM - 16/07/07 - REQUEST TO ACQUIRE LOT 102 DP 1102046,
 WOLGAN STREET, PORTLAND**

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

NIL

SUMMARY

This report details a request from the Portland RSL Sports, Recreation Club Ltd to acquire Part of Lot 102 DP 1102046, Wolgan Street, Portland and makes recommendations in relation to the potential sale of Part Lot 102 and a lease agreement for the current users of the current building until an alternate site is located.

COMMENTARY

Council has received correspondence from the Portland RSL Sports, Recreation Club Ltd (Portland RSL) seeking to acquire Part of Lot 102 DP 1102046, Wolgan Street, Portland. This Part of Lot 102 extends from the Portland RSL "Club's northern boundary to the proposed easement along Council's northern boundary, it would be bound at the east by the proposed boundary and at the west by the existing right of way". This is illustrated in the diagram attached to this Report.

The Portland RSL have previously expressed an interest in acquiring the entire Lot 102 including the building.

Lot 102 is currently 406.3 square metres and houses the building which the Portland Country Women's Association (Portland CWA) occupy.

The Portland CWA does not have any formal lease agreement and continued usage should be formalized via a lease.

In the longer term however, this building is not seen to be able to serve any other purpose for Council and it will require ongoing maintenance. It is considered that the allotment may have a higher development purpose in the longer term given the interest the Portland RSL has expressed.

However, the concept of selling this land is only supported if the Council can successfully assist in finding an alternate location for the Portland CWA to ensure they are able to continue with their community activities. Council has already begun investigation of this approach for potential options to be developed further.

The subject allotment is currently owned by Council, classified as operational land under the Local Government Act 1993 and is zoned Village 2(v) under the Lithgow City Local Environmental Plan 1994.

After examining the proposal from the Portland RSL and Council's need to honour an approval with the Portland CWA, the following is suggested for Council's consideration:

- Council obtain a market valuation of Lot 102 which the Portland RSL wishes to acquire;
- Council seek in the valuation an estimate of the impact on the market valuation for the splitting of the lot in accordance with the request for a part lot purchase;
- Council offer the Portland RSL first option on the land subject to at least minimum market valuation being met;
- A short term lease be negotiated and entered into with the Portland CWA with month to month renewal;
- Council assist in finding an alternate location;
- The subject land only be made available for purchase after the Portland CWA has been relocated.

POLICY IMPLICATIONS

There are 3 policies which are relevant to this matter.

Council's Policy on Land (Council) – Leases – Legal Costs requires any purchaser to pay for all reasonable legal costs and stamp duty incurred by Council and as such this would need to be included in any contract of sale of the land.

Council's Property Leases Policy applies.

Council's Policy on Asset Disposal states that Council by resolution shall determine the method of disposal having regard to a number of factors. These factors are discussed below:

- A market value will be determined through a valuation and this will be the minimum sale price.
- The community need for the asset has been discussed above in relation to the Portland CWA.
- The strategic worth of the asset has been discussed above in terms of development purpose.
- Council does have maintenance obligations on the building.
- The funds raised from any sale would be internally restricted for future strategic asset acquisitions or improvements. If Lot 102 was to be sold, the impact on the budget would be provided in a quarterly review to the Budget identified in the Management Plan 2007/08 – 2009/10.
- The method of sale would be by private treaty.

FINANCIAL IMPLICATIONS

The financial implications of this report are discussed above for the sale of Lot 102. Any lease fees from the Portland CWA will also be reported in a quarterly review to the Budget of the Management Plan 2007/08 – 2009/10.

LEGAL IMPLICATIONS

Contract documentation will be prepared by Council's Solicitors if resolved to proceed with the sale of Part Lot 102.

RECOMMENDATION

THAT

1. A market valuation for the Lot 102 which the Portland RSL wish to acquire be obtained with an itemisation of the whole lot and part lot requested being assessed;
2. The General Manager offer the Portland RSL first option to purchase the land subject to the successful relocation of the Portland CWA;
3. Council approve the affixing of the Common Seal to all relevant documents;
4. The General Manager negotiates and enters into a short term lease with the Portland CWA until alternative premises can be located;
5. Assistance be provided to find alternate premises for the Portland CWA by way of staff time in assisting the organisation;
6. The matter be reported back to Council for information upon the completion of all negotiations.

07-290 RESOLVED

THAT

1. A market valuation for the Lot 102 which the Portland RSL wish to acquire be obtained with an itemisation of the whole lot and part lot requested being assessed;
2. The General Manager negotiate and enter into a short term lease with the Portland CWA until alternative premises can be located;

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

ITEM:10 COMM - 16/07/2007 - PORTLAND POOL TENDER RESURFACING TENDER**REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley**

REFERENCE

Min 05-325: Extraordinary Meeting 27 June 2005
Min 05-496: Council Meeting 4 October 2005
Min 06-369: Policy and Strategy Meeting 6 November 2006
Min 07-99: Ordinary Meeting 19 March 2007

SUMMARY

Council is presented with the tenders for the recently publicised call for tenders for resurfacing works for the Portland Pool.

COMMENTARY

Council determined in March 2007 (Min 07-99) to proceed to seek tenders for works on the Portland Pool facilities. The cost of the works was determined to be paid for through Council undertaking a loan of up to \$200,000 for the works.

Council advertised the call for tenders in the Sydney Morning Herald and Lithgow Mercury on 7 June 2007.

Ten (10) tender packages were requested and supplied. Copies of the tender pack were also supplied to all Councillors.

The tender assessment team comprised Mr Richard Fewkes from the Portland Pool and Council officers Group Manager – Regional Services, Depot and Plant Manager and Group Manager Community and Corporate.

As advised in the tender information package, Mr Fewkes provided assistance at an open day for prospective tenderers to inspect the facility. When one of the prospective tenderers was unable to attend on this day, Mr Fewkes made himself available on a mutually suitable day. Every attempt has been made to ensure prospective tenderers received the same information.

Mr Fewkes on behalf of Portland Pool was involved in the review of the drafted tender documents to ensure that the best possible knowledge of the pool's actual operations could be added to the project. It was identified after the tender documents had been finalised that the return channel was a optional item and it has not been assessed in the process of considering the three tenders received. The channel was unable to be adequately inspected as the pool still contains water.

The attached assessment provides Council with the tender assessment team's considerations of the tenders received from three(3) companies (responses are also attached for Councillor information).

Assessment criteria were specified in the tender packs. The attached spreadsheet includes the items specifically identified and the assessment team reviewed independently each proposal before meeting to jointly consider a group assessment. Weightings were applied to items in the request for tender process. While price is a key element, it was identified that there were other key elements and price would not be the sole determinant.

Assessment of the proposals:

In addition to the scores and comments on the attached sheets the following comments are made:

METZ

The proposal from Metz has various options to re-tile both the learners and the 50M pools in entirety or partially depending on the option taken. The assessment panel felt that this would offer quality and longevity greater than the lining option however the price point was higher.

HYDROCARE

Hydocare propose to insert a pool liner in the pools. The extensive client base in local government (35 councils) indicates a strength in this area. The proposal contained less information than the other tenders.

OCEAN BLUE POOL LINERS

Ocean blue Pool Liners propose to insert a pool liner in the pools. The proposal was the most complete of the three received and offered the best price point. The estimate for the channel was the only one received. This proposal was scored highest in terms of satisfying the criteria of the assessment.

Conclusion:

While none of the tenders was 100% complete, they all provided necessary information to provide the assessment team with material to make a recommendation.

However each proposal exceeds the budget Council determined for this project of \$200,000 which is also the level of the loan Council has drawn down. For this reason it is recommended that Council resolve not to accept any tender.

In light of this issue, Mr Fewkes indicated at the tender assessment meeting that works on the learners pool could be cancelled and that the repairs could be carried out by himself with no costs to Council leaving works on the 50M pool only to be considered.

While it is recommended that Council formally reject all the tenders as they stand, it is recommended that Council resolve instead, in accordance with clause 178 (3) e of the Local Government (General) Regulation 2005, to authorise the General Manager to enter into negotiations with the three tenders to determine their interest in undertaking the 50M pool works only.

If Council supports this approach, it is further recommended that the project budget be comprised of the following items:

- Cost of works
- GST on those works
- 20% contingency as a proportion of the cost of the works

The risk management of this project, given the pool has not been emptied when the inspections occurred, and following sound project management procedures, indicate the need for a relatively high contingency to be allowed for this project. Council should also be mindful that the funding of this project is via a loan that Council is responsible for honouring and cost control and managing in a financial sense is a heightened issue in this project.

POLICY IMPLICATIONS

Council's Donations policy, OHS policy and Safety system applies.

FINANCIAL IMPLICATIONS

Council has also resolved to provide a \$5,000 donation to the Portland Pool Committee in 2007/08 on top of the \$200,000 loan for the pool repair works.

The following table summarises the tender price components from those submitting proposals. This table demonstrates that in each case the works on the 50M pool and learners pool exceed the Council's approved budget and loan level of \$200,000.

PRICE COMPARISON

METZ prices	PRICE	with GST
Basic =Fully tiled learners, wall tiles/paint floor 50M	\$228,645	\$251,509.50
Basic + part tile to 50M pool (essentially as tiled now)	\$265,190	\$291,709.00
Basic + full tiling 50M	\$278,100	\$305,910.00
Additional items		
Waterproof membrane learners pool	\$ 10,810	\$11,891.00
Bandage to structural joints 50M pool	\$ 25,860	\$28,446.00

HYDROCARE prices	PRICE	with GST
50M pool		
50M Pool scum and gutter rectification	\$ 56,000.00	\$61,600.00
New liner interior including lanes and wall targets	\$ 125,000.00	\$137,500.00
	\$ 181,000.00	\$199,100.00
Learners pool		
Scum gutter repairs	\$ 18,500.00	\$20,350.00
New Vinyl Lining and steps and rails	\$ 35,000.00	\$38,500.00
	\$ 53,500.00	\$58,850.00
TOTAL HYDROCARE BOTH POOLS	\$ 234,500.00	\$257,950.00

OCEAN BLUE POOL LINERS		
50M pool		
Scum gutter	\$ 46,992.00	\$51,691.20
Interior surface lining, step edging and hand rails	\$ 110,178.00	\$121,195.80
Seal and paint underside of scum gutter and tile edge	\$ 4,232.00	\$4,655.20
TOTAL 50M pool	\$ 161,402.00	\$177,542.20
Learners pool		
Scum gutter	\$ 14,916.00	\$16,407.60
Interior surface lining, step edging and hand rails	\$ 28,216.00	\$31,037.60
Seal and paint underside of scum gutter and tile edge	\$ 2,760.00	\$3,036.00
	\$ 45,892.00	\$ 50,481.20
TOTAL OCEAN BLUE LINERS BOTH POOLS	\$ 207,294.00	\$228,023.40
Return Channel	\$ 18,000.00	\$19,800.00

LEGAL IMPLICATIONS

The tender is subject to the requirements of the Local Government Act 1993 tendering provisions.

07-291 RESOLVED

THAT

1. Council not accept any of the submitted tenders as all are in excess of the approved budget for the project;
2. Council authorise the General Manager to enter into negotiations with the three tenderers seeking their response for works on a sub-set of the current contract, being the 50M pool only;
3. Council resolve that given that the works on the 50M pool is a component of the current tender, and as the proponents have already individually itemised the works on each pool separately, the calling of fresh tenders is not necessary, and that Council would be seeking their re-consideration of this item in isolation;
4. Council authorise the execution of any contract or any other relevant documents under Council's seal.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

Councillor MF Ticehurst tabled two documents for Council's information:

1. Trurlocal.com.au - The beach learn to swim centre -Consumer, Trader and Tenancy Tribunal of NSW
2. Liverpool City Council - Assets & Infrastructure Report

QUESTIONS WITHOUT NOTICE / URGENT BUSINESS

QWN - 16/07/07 - COUNCILLOR HK FISHER

1. Madam Chair, as a matter of urgency, can council contact the Local Member and/or the Prison Minister regarding an update on the proposed prison?

The Chair advised that due to the Attorney General being on Annual Leave, this has been delayed. Council expects a response this week.

QWN - 16/07/07 - COUNCILLOR B MORRISSEY

1. Madam Chair, may I request an on-site meeting with East Street and First Street residents regarding the Development Application for a dwelling as well as the changes with the subdivision at Wirriway Estate.

Madam Chair advised if Council so resolved, a site meeting can be held.

07-292 RESOLVED

THAT: a site meeting can be held with East Street and First Street residents regarding the Development Application for a dwelling at the changes with the subdivision at Wirriway Estate on Thursday 19 June 07, at 5.00pm.

MOVED: Councillor B Morrissey
CARRIED

SECONDED: Councillor W McAndrew

2. Madam Chair, a resident spent 22 minutes waiting for a coal train to pass at the Walleraway / Portland road and I believe this to be a safety issue. Can Council investigate, or seek clarification of maximum train length?

Madam Chair advised that is the Council so resolved the matter can be investigated.

07-293 RESOLVED

THAT: The Council investigate, or seek clarification of maximum train length with the ARTC.

MOVED. Councillor B Morrissey
CARRIED

SECONDED: Councillor M Wilson

QWN - 16/07/07 - COUNCILLOR M WILSON

1. Madam Chair, may I point out a safety matter due to ice on the roads at Tunnel Hill, Lidsdale House, and Castlereagh Highway intersection with Main Street at Lidsdale. Can Council contact the RTA regarding this matter?

Madam Chair advised that Council can contact the RTA in regards to this matter.

QWN - 16/07/07 - COUNCILLOR MF TICEHURST

1. Madam Chair, in the Council Connections that were sent out there is an amount saying \$70M regarding the Sewerage Treatment Works. Should that be \$7M, and if that be the case, the public be notified of the error?

The Chair advised this was an error and the matter will be amended with public notification.

2. Madam Chair, due to the matter being released in local media, may I request a copy of the ICAC letter be forwarded to all Councillors immediately?

This item was not considered urgent and not considered.

3. Madam Chair, does the CWA or the Council own the Portland CWA Building?

Madam Chair advised the question will be taken on notice.