



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

20 AUGUST 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 20 AUGUST 2007**

Meeting Commenced 7.02pm

Public Gallery: 24

PRESENT

Councillor B P Morrissey
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor M J Wilson
Councillor A E Thompson

APOLOGIES

NIL

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
Minutes Secretary, Miss Casey Clarke

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 16th July 2007 were taken as read and confirmed by Councillors M J Wilson and W McAndrew

07-350 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor M F Ticehurst declared a Pecuniary Conflict of Interest in Items 1 and 2 due to the matter being before the Court and he vacated the Chambers.

Paul J Anderson, General Manager declared a Non Pecuniary Conflict of Interest in item 2 due to a private civil defamation matter between Channel 7 and Mr M F Ticehurst and he vacated the Chambers.

QUESTIONS FROM THE PUBLIC GALLERY

At 7.02pm members of public gallery were invited to address questions through the Chair to Councillors and Staff: -

NIL

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MAYORAL MINUTE

ITEM:1 MAYORAL MINUTE - 20/8/07 - CONFIDENTIAL REPORT - CODE OF CONDUCT COMPLAINT ABOUT A STAFF MEMBER

REPORT FROM: MAYOR, COUNCILLOR NEVILLE CASTLE

SUMMARY

Council is provided with a report from the Conduct Committee and Council will now be in a position to finalise this issue. As this issue concerns a member of staff the matter is confidential.

COMMENTARY

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in my opinion, 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)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

This matter is classified confidential because it contains personal matters relating to a staff member. It is not in the public interest to reveal personal information about a staff member.

Councillor M F Ticehurst declared a Pecuniary Conflict of Interest in Item 1 due to the matter being before the Court and he vacated the Chambers.

07-351 RESOLVED

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

MOVED: Councillor Neville Castle

SECONDED: Councillor M M Collins.

CARRIED

ITEM:2 MAYORAL MINUTE - 20/8/07 - CODE OF CONDUCT COMPLAINT - COMPLAINT ABOUT COUNCILLOR TICEHURST FROM THE GENERAL MANAGER

REPORT FROM: MAYOR, COUNCILLOR NEVILLE CASTLE

SUMMARY

Council is provided with a report from the Conduct Committee and Council will now be in a position to finalise this issue arising from a complaint received concerning Councillor Ticehurst.

COMMENTARY

I also present to the Council the Committee's consideration of a matter brought to the Committee's attention via a written complaint. I make the recommendation below with regard to those considerations.

I bring to the Council's attention the following extract from the report which highlights the seriousness of the issues at the heart of the report's findings.

"If Council finds prima facie breaches of the Code by Councillor Ticehurst, as found by the Committee, do in fact constitute breaches of the Code, the Committee advises and recommends as follows.

In this matter there has been a pattern of behaviour about which the Committee notes there have been 3 formal censures that have been made against Councillor Ticehurst by the Council. These censures took place on:-

- a) 18 August 2003 (resolution of the Council is attached as "F"),
- b) 16 October 2006 (resolution of Council is attached as "G"),
- c) 16 April 2007 (resolution of Council is attached as "H").

Arising out of the resolution of 16 April 2007, a further resolution was made by Council that the Director General of the Department of Local Government be informed of the second censure of the Council and a letter dated 3 May 2007 was forwarded to the Director which is attached as "I."

The Committee's report is substantial and concludes that there has been breaches of the Code of Conduct by Councillor Ticehurst and I support and move that the recommendations of the Code of Conduct Committee's be endorsed and resolved by Council as they appear at the bottom of this mayoral minute be considered by Council.

POLICY IMPLICATIONS

Council's Code of Conduct applies.

FINANCIAL IMPLICATIONS

Legal expenses will apply to the investigation.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. REPORT TO THE LITHGOW CITY COUNCIL CONCERNING COMPLAINT BY PAUL ANDERSON, GENERAL MANAGER OF THE LITHGOW CITY COUNCIL AGAINST COUNCILLOR MARTIN TICEHURST

RECOMMENDATION

THAT:

1. With regard to the complaint received alleging inappropriate conduct by Councillor Martin Ticehurst a finding of the numerous prima facie breaches of the Code of Conduct as detailed in the Code of Conduct Committee's report arising out of the publications considered in the report is accepted by Council, and that arising from this :
 - a) Councillor Ticehurst be censured for the incidents of misbehaviour; and
 - b) Councillor Ticehurst be referred to the Director General of Local Government seeking his suspension for a period of 6 months; and
 - c) Council issue a further censure as a consequence of the incidents arising out of the complaints made by the General Manager and the matter be referred on this basis to the Director General of the Department of Local Government with the recommendation for a period of suspension from civic office of 6 months; and
 - d) Council require Councillor Ticehurst to publicly apologise to the General Manager, Paul Anderson and Senior Staff, for the breaches of the Code of Conduct particularised as detailed in the Code of Conduct Committee report. Such apology to be published, without qualification, in the Lithgow Mercury within 28 days; and
 - e) Council write a letter to the Director General that should he be of the view that if he finds there has been a technical breach of any of the formal requirements on the part of the Code of Conduct Committee or of Council, the Director-General himself, initiate the process for suspension of the Councillor from civic office pursuant to subsection 440(3) of the Local Government Act, 1993 having regard to the circumstances of all the circumstances surrounding the disruptive behaviour of the Councillor.

Signed: _____

MAYOR

Date: _____

TOTAL P.03

Councillor M F Ticehurst declared a Pecuniary Conflict of Interest in Item 2 due to the matter being before the Court and he vacated the Chambers.

Paul J Anderson, General Manager declared a Non Pecuniary Conflict of Interest in item 2 due to a private civil defamation matter between Channel 7 and Mr M F Ticehurst and he vacated the Chambers.

07-352 RESOLVED

THAT:

1. With regard to the complaint received alleging inappropriate conduct by Councillor Martin Ticehurst a finding of the numerous prima facie breaches of the Code of Conduct as detailed in the Code of Conduct Committee's report arising out to the publications considered in the report is accepted by Council and that arising from this:
 - a) Councillor Ticehurst be censured for the incidents of misbehaviour and;
 - b) Councillor Ticehurst be referred to the Director General of Local Government seeking his suspension for a period of 6 months; and
 - c) Council issue a further censure as a consequence of the incidents arising out of the complaints made by the General Manager and the matter be referred on this basis to the Director General of the Department of Local Government with the recommendation for a period of suspension from civic office of 6 months; and
 - d) Council require Councillor Ticehurst to publicly apologise to the General Manager, Paul Anderson and Senior Staff for the breaches of the Code of Conduct particularised as detailed in the Code of Conduct Committee report. Such apology to be published, without qualification, in the Lithgow Mercury within 28 days; and
 - e) Council write a letter to the Director General that should he be of the view that if he finds there has been a technical breach of any of the formal requirements on the part of the Code of Conduct Committee or of Council, the Director General himself, initiate the process for suspension of the Councillor from civic office pursuant to subsection 440(3) of the Local Government Act 1993 having regard to the circumstances of all the circumstances surrounding the disruptive behaviour of the Councillor.

MOVED: Councillor Neville Castle

SECONDED: Councillor W McAndrew.

CARRIED

**ITEM:3 MAYORAL MINUTE - 20/8/07 - VISIT TO SHREWSBURY, ENGLAND
AND EMIRATES RESORT, DUBAI**

REPORT FROM: NEVILLE CASTLE, MAYOR

REFERENCE

NIL

COMMENTARY

On a very recent overseas trip I was able to carry out some Council business in furthering the possibility of a Sister City relationship with Shrewsbury in the United Kingdom and to visit the Al Maha Resort that the Emirates own in Dubai.

Having received several pieces of correspondence between Shrewsbury and Lithgow and following on the excellent work that John and Anne Wellings had begun, we were able to set up a meeting with the Mayor of Shrewsbury and a couple of his Senior Staff.

The common link is of course Charles Darwin, with Charles Darwin having visited this area more than a century ago, scientifically "discovering" the platypus and having been born in Shrewsbury. Shrewsbury has a similar "Learning Cities" concept to Lithgow and are planning major celebrations in 2009 for the 150th Anniversary of Charles Darwin's voyage of the Beagle.

The Committee organising these celebrations are hoping to have a global 'hook-up' of places of significant importance in the voyage of the Beagle, including: Shrewsbury, Easter Island and Lithgow among others. The idea would be an educational debate looking at a hypothetical scientific line of enquiry, through the schools. They are also looking to see if the British Ministry of the Arts would be able to fund some representatives of these schools to attend the UK in person.

As I was having a stop-over in Dubai on my way to the United Kingdom, it was suggested by Joost Heymeijer (working for the Emirates on the Wolgan Valley Project) approximately 2 months after I had fully paid my fare to the UK, that I should visit their Al Maha Resort in Dubai to see what type of facility we can expect to see in the Wolgan Valley.

Two booklets I have given to Council indicate that their resorts are of the highest quality. The Resort at Al Maha, combines normal leisure activities, with a conservation area (similar to what is being planned in the Wolgan Valley). They also provide the highest class of service in a relatively isolated area. I believe that the Emirates Resort in the Wolgan Valley will provide a high class resort facility in our area as well as more than 100 jobs of which many will be able to be sourced locally.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-353 RESOLVED

THAT:

1. The information be received
2. Council continue to formalise a Sister City relationship with Shrewsbury with a further report to come to Council regarding this relationship.

MOVED: Councillor Neville Castle

SECONDED: Councillor B P Morrissey.

CARRIED

ITEM:4 MAYORAL MINUTE - 20/8/07 - ROAD ALIGNMENT - VALLEY DRIVE, LITHGOW - AFFIXING THE COMMON SEAL

This was a late item and was brought forward by the Mayor to be considered.

MAYORAL MINUTE**REPORT FROM: MAYOR, COUNCILLOR NEVILLE CASTLE****SUMMARY**

This Mayoral Minute seeks approval to affix the common seal to plans for road realignment.

COMMENTARY

In the construction of a new commercial development known as Pottery Plaza it was necessary to re-align a small existing section of dedicated public road to allow a more appropriate carpark design. This in turn required a plan to be prepared to allow the newly constructed road to be correctly dedicated as a public road reserve and the previously dedicated road to be closed and transferred into private ownership. Whilst this could be accommodated by a simple land swap, it has taken some time for this matter to be finalised primarily due to a number of technical enquiries that Council's Solicitor needed to make with the Department of Lands. These enquiries have now been made and the matter can be finalised.

POLICY IMPLICATIONS

The adopted policy on asset acquisition will apply.

FINANCIAL IMPLICATIONS

Minor legal and plan registration costs.

LEGAL IMPLICATIONS

The closure of the road and transfer of land will formalise the legal status of a small section of Valley Drive.

ATTACHMENTS

1. Sketch plan indicating previous alignment of Valley Drive (shown as lot 2) and the new alignment (shown as 'road widening').

RECOMMENDATION

THAT the information be noted and the common seal be affixed to the plans and any necessary documentation in relation to the realignment of Valley Drive.

Signed: N. Castle

MAYOR

Date: 20/8/07

07-354 RESOLVED

THAT the information be noted and the common seal be affixed to the plans and any necessary documentation in relation to the realignment of Valley drive.

MOVED: Councillor Neville Castle

SECONDED: Councillor B S Moran.

CARRIED

GENERAL MANAGER REPORTS

ITEM:5 GM - 20/8/07 - DIRECTORSHIP CENTRAL WEST GROUP APPRENTICES

REFERENCE

Min 05-37: Ordinary Meeting 24 January 2005

Min 05-620: Planning, Policy and Development Committee Meeting 12 December 2005

SUMMARY

Central West Group Apprentices have written to Council to determine attendance and the nomination of the voting delegate for the Annual General Meeting to be held in October in Bathurst. In addition, Council has been advised that the director position held by Councillor Ticehurst will expire at the meeting and have requested a nomination for this position be provided.

COMMENTARY

As a member of the Central West Group Apprentices, Council is entitled to nominate a person for the position of Director.

Councillor Ticehurst is the current nomination but with the notification from the Group for the time and date of the Annual General Meeting, Council has also been advised that Councillor Ticehurst's directorship expires at the meeting.

Council is asked to advise of the nomination for the directorship.

Council is advised that the Directorship is a paid position.

Council is also asked to nominate a voting delegate for the Annual General Meeting.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

CONCLUSION

Council will consider the attendance and nomination of a director for the Central West Group Apprentices organisation as a result of the consideration of this report.

RECOMMENDATION

THAT:

1. Council nominate its representative for the directorship of Central West Group Apprentices;
2. Council authorise the General Manager, or his delegate, to attend the annual general meeting as the member representative to vote on behalf of the Council at the AGM.

07-355 RESOLVED

THAT:

1. Councillor M J Wilson be the representative for the Directorship of Central West Group Apprentices
2. Council authorise the General Manager, or his delegate, to attend the annual general meeting as the member representative to vote on behalf of the Council at the AGM.

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:6 REG - 20/8/07 - CONFIDENTIAL REPORT - LINING OF SLUDGE LAGOONS - LITHGOW WATER TREATMENT PLANT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

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(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.

As there has only been one tenderer and the most advantageous price is being sought, further negotiations may be necessary and an advantage may be conferred upon the tenderer by providing knowledge of the budget situation and the likely timeframe of the works.

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

Finance and Services Committee 05/02/07.

Finance and Services Committee 06/08/07.

SUMMARY

To advise Council of the progress of the tender process for lining the sludge lagoons at the Lithgow Water Treatment Plant.

07-356 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 A E Thompson.

CARRIED

ITEM:7 REG - 20/8/07 - FARMERS CREEK TENDER ACCEPTANCE

REPORT FROM: WORKS ENGINEER - CHRIS SCHUMACHER

SUMMARY

To advise Council of the tender process for the next stage of the Farmers Creek Flood Mitigation Works.

COMMENTARY

Tenders for the next stage of the Farmers Creek Flood Mitigation Works have now closed and have been assessed. Two tenders were advertised for the various components of the proposed works.

Conforming tender and non conforming tender options were advertised for the supply and delivery of precast concrete panels and/or an alternate option. This tender was left open to provide Council with an alternative to the original design, allowing the industry to provide an alternate design to reduce construction costs. Council received three (3) complying tenders and one (1) non complying tender which proposed the use of a permeable segmental retaining wall system known as 'Massbloc'.

A second tender was advertised for the supply, delivery and installation of 'Galvanised Steel Soldier Piles' as part of the structural wall. Three (3) tenders were received. It should be noted that the galvanised steel soldier piles is part of the structural wall design and is to be used in conjunction with the precast concrete panels (complying tender) above.

From the analysis of the two tenders it is evident that there is a cost benefit to Council if it was to accept the non-complying tender being for the supply, design and delivery of Rocla 'Concrete Mass Blocks'. Construction of the concrete mass block retaining wall system will also necessitate the construction of a substantial concrete footing. In assessing this option Council has had designed and costed a complete concrete footing. Together, the non complying tender for the supply and delivery of the mass blocks and the construction of the concrete footing provides Council with a substantial cost advantage over and above the option of precast concrete panels and steel sheet piling.

It is therefore recommended that Council accept the non conforming tender for the supply, design and delivery of the concrete mass blocks. It is further recommended that Council not accept any tenders for the supply, delivery and installation of Galvanised Steel Sheet Piling and that this contract be cancelled.

POLICY IMPLICATIONS

Policy 3.1 'Contracts - Disclosure on request of information contained in Council contracts' which identifies information contained in Council contracts which may be publicly disclosed upon request is potentially applicable should a contract be awarded.

Policy 9.11 'Tenders - canvassing/lobbying of Councillors and staff' was applicable to the process.

FINANCIAL IMPLICATIONS

Funds are available in the 2007/08 Management Plan

LEGAL IMPLICATIONS

The tendering procedure has been undertaken pursuant to the provisions of Sec 55, Local Government Act 1993 and the Local Government (General) Regulations 2005

07- 357 RESOLVED

THAT:

1. Council accept the tender from Rocla Pipeline Products for the supply, design and delivery of Rocla Massblocs in the sum of \$223234 plus GST.
2. Council not accept any tenders for the supply, delivery and installation of Galvanised Steel Sheet Piling and that the contract be cancelled.

MOVED: Councillor B S Moran

SECONDED: Councillor B P Morrissey.

CARRIED

ITEM:8 REG - 20/8/07 - RTA REPORT - EXPENDITURE IN LITHGOW LGA

REPORT FROM: GROUP MANAGER REGIONAL SERVICES- ANDREW MUIR

SUMMARY

To advise of receipt of a report from the Roads and Traffic Authority advising of planned projects for the 2007/2008 financial year in the Lithgow Local Government Area.

COMMENTARY

Council has received from the Roads & Traffic Authority a report on the expenditure in the Lithgow LGA. Council is in receipt of a program report which shows the work that is planned for the 2007/2008 financial year. The projects are as follows:

1. Reseal on The Bells Line of Road near Lithgow- \$150000
2. Curve widening and delineation near Cullen Bullen- \$270000
3. South Bowenfels centre wire rope- \$60000
4. Great Western Highway intersection improvement- Gemalong Close and Curly Dick Roads \$50000
5. MR253 Glenroy (South of Great Western Highway) Chain wire replacement \$640000
6. MR253 South Hampton- chainwire replacement- \$400000
7. Great Western Highway & Portland Road- design protected right turn bay-\$ 35000
8. Martini& Methven Streets, Lithgow, traffic signals- \$187000

These are Roads & Traffic Authority projects. They are in addition to any projects that the RTA has provided funds to Council for specific projects.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

07- 358 RESOLVED

THAT the information be received

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:9 REG - 20/8/07 - WATER RESTRICTIONS

REPORT FROM: GROUP MANAGER, REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Council's Ordinary meeting of 21 May 2007.

SUMMARY

To advise of the results of submissions received regarding residential water restriction times, propose alterations having regard to those submissions and formally adopt restrictions for Public Commercial and Industrial consumers.

COMMENTARY

At Council's Ordinary Meeting of 21 May 2007 it was resolved that:

1. Council adopt the restrictions for Residential Premises to be effective from 1 June 2007 across the Lithgow Local Government Area with the level of restriction equating to the levels in the Fish River Water Supply Drought Management Strategy. The restrictions be advertised and revised after a period of one month having regard to any public submission made during that period.
2. The proposed restrictions for Public Commercial and Industrial consumers be advertised for a period of 28 days and comments be brought back to Council for consideration prior to final adoption.

At Council's ordinary meeting of 16 July 2007 it was 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.

During the submission period in relation to residential restrictions there were several submissions primarily relating to watering during winter time. The initial restriction for hand held watering was from 6:00AM to 8:00AM and 5:00PM to 7:00PM. Submissions contended that these times are only suitable for summer and customers have requested more realistic watering hours. This is a reasonable point and it will be recommended that the hand held watering time should be changed to 8:00AM to 10:00AM and 4:00PM to 6:00PM during the winter period 1 June – 31 August.

In relation to Public Commercial and Industrial restrictions there were submissions received from schools and nursing homes in relation to hand held watering times. The gardeners working in schools, nursing homes have set working hours. Hence the watering becomes difficult during 5:00PM to 6:00PM. It is proposed that hand held watering for schools, nursing homes etc will be altered to 7:00AM to 9:00AM which is consistent with submissions received.

In relation to public gardens and sports grounds it is also operationally more sensible to have the restriction hours in a daytime block, ie 7.00am – 3.00pm for levels 1 and 2 and 7.00am – 11.00am for level 3.

Taking into consideration all submissions the following watering hours are recommended.

Garden Watering During Winter

8:00am to 10:00am and 4:00pm to 6:00pm – for the winter period, i.e. 1 June – 31 August – Levels 1, 2 and 3.

Bowling greens/motels/nursing homes/schools

7.00am to 3pm – Level 1, 7.00am – 11.00am – Level 2, 7.00am to 9.00am Monday/Wednesday/Friday – Level 3, 8.00am – 9.00am – Levels 4 and 5.

Public gardens and sports grounds

7.00am – 3.00pm for levels 1 and 2 and 7.00am – 11.00am for level 3.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Potential loss of revenue from reduced consumption. Potential reduced treatment costs.

LEGAL IMPLICATIONS

NIL

07- 359 RESOLVED

THAT:

1. Residential water restrictions include the following amendments:

Garden Watering During Winter

8:00am to 10:00am and 4:00pm to 6:00pm – for the winter period, i.e. 1 June – 31 August – Levels 1, 2, 3 and 4.

2. Public Commercial and Industrial restrictions be formally adopted and include the following amendments from the exhibited document:

Bowling greens/motels/nursing homes/schools

7.00am to 3pm – Level 1, 7.00am – 11.00am – Level 2, 7.00am to 9.00am Monday/Wednesday/Friday – Level 3, 8.00am – 10.00am – Levels 4 and 5.

Public gardens and sports grounds

7.00am – 3.00pm for levels 1 and 2 and 7.00am – 11.00am for level 3.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:10 COMM - 20/08/07 - SEC 356 DONATIONS

REPORT FROM: COMMUNITY AND CULTURE MANAGER – P. HALL

REFERENCE

Minute 07-258: Extraordinary Meeting 28 June 2007

Minute 07-289: Council meeting 16 July 2007

SUMMARY

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

COMMENTARY

At the Council meeting on 16 July 2007 it was resolved that subject to the necessary advertisement Council support the following donations:

1.	Kidney Health Kar Rally	\$100.00
2.	Quota – Hire of the Union Theatre	\$300.00

Council should note the remaining balances in the donations funds in 2007/08 from the budgeted \$22,000 are \$445.58 in the general donations funds and \$238.00 from the budgeted \$3,000 for the donation of fees to hire Council facilities remaining after this allocation.

As at 7 August 2007 Council is in receipt of the following requests for assistance:

1. **Portland District Motor Sports Club**– Requested sponsorship of one race \$60 - \$480 annually
Recommendation: \$60.00
2. **Charles Sturt University** Requested – Assistance in raising \$30,000 for the ongoing benefit of students through a ‘Lifetime’ scholarship whereby donors commit \$30,000 which can be paid in a lump sum over five years.

It should be noted that Council has recently developed a Health Scholarship in partnership with Sydney West Area Health Service

Recommendation: Nil

In addition a **Portland Pool** Donation was resolved to be made at the Extraordinary meeting of Council on 28 June 2007 in the adoption of the Management Plan. It was resolved that a \$5,000 donation be given to the Portland Pool Association. This has already been included as an additional allocation to the budget increasing the general donation budget to \$22,000 from the advertised figure of \$17,000 that was included in the Draft Management Plan 2007/08. The recommendation seeks to place this on exhibition prior to payment in accordance with s356 of the Local Government Act.

Request	Reason	Amount requested	Amount recommended
1. Portland District Motor Sports Club	Sponsorship for a trophy	\$60.00	\$60.00
2. Charles Sturt University	Lithgow Community Scholarship Appeal	\$30,000.00	Nil
3. Portland Pool Association	Donation for cost of pool operations	\$5,000.00	\$5,000.00

POLICY IMPLICATIONS

Donation payments are made in line with Council's policies including "Donations – Section 356 of the Local Government Act" and "Request for donation by waiving of fees for council facilities"

FINANCIAL IMPLICATIONS

General donations budget provides \$385.00 remaining and \$238.00 remaining in the hire of facilities donations budget.

LEGAL IMPLICATIONS

Local Government Act 1993 s356 applies

07-360 RESOLVED

THAT:

1. Council note the remaining budget in the general donations vote is \$385.58 with the inclusion of the \$5,000 for the Portland Pool and \$60.00 for the Portland District Motor Sports Club;
2. Council note the remaining budget for the waiving of hire fees for Council facilities is \$238.00;
3. Council advertise the Portland District Motor Sports Club and Portland Pool donations for 28 days.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:11 COMM - 20/8/07 - LOCAL GOVERNMENT AND SHIRES ASSOCIATION - POSITION TABLE ON THE INDEPENDENT INQUIRY INTO THE FINANCIAL SUSTAINABILITY OF NSW LOCAL GOVERNMENT

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

REFERENCE

Min 06-250: Policy and Planning Committee 7 August 2006

SUMMARY

Council has received advice from the Local Government Association regarding the findings of the Strengthening Local Government Task Force and have used the assessment to form a positions table on the 49 recommendations from the Independent inquiry into Financial Sustainability of NSW Local Government.

COMMENTARY

In July 2007 the Association was provided with the Task Force's response to the Association's recommendations from the review completed in August 2006.

The Taskforce was comprised of executives and staff of the Association and representatives of the industry including Local Government Managers Australia, Institute of Public Works Engineering Australia and the Department of Local Government.

The recommendation is to seek a whole of government response to the challenges facing local government.

The following priority issues have been identified and positions formed taking in to consideration the Task force and the Associations' endorsed action list as detailed in the attached table are summarised under the following headings:

- Intergovernmental Relations
- Integrated Planning and Reporting
- Asset Management
- Resource sharing
- Rate pegging and Financial Assistance grants
- Reform assistance

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

There are no financial implications.

LEGAL IMPLICATIONS

There are no legal implications.

CONCLUSION

The issues arrived at and the comments made by the Local Government and Shires Association illustrate their key priorities derived from assessment of the issues facing local government.

07-361 RESOLVED

THAT Council note the information.

MOVED: Councillor M M Collins

SECONDED: Councillor W McAndrew.

CARRIED

**ITEM:12 COMM - 20/8/07 - CONFIDENTIAL REPORT - PURCHASE OF TWO
BACKHOE / LOADERS AND TRADE IN OF REPLACEMENT PLANT**

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)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

Pursuant to section 10A(4), the public were 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

SUMMARY

To advise Council of the assessment of tenders received for the purchase of two backhoe / loaders with a recommendation for purchase and acceptance of trade in.

07-362 RESOLVED

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

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:13 COMM - 20/8/07 - CONFIDENTIAL REPORT - PURCHASE OF TWO
MOTOR GRADERS AND TRADE IN OF REPLACEMENT PLANT**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL 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)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

Pursuant to section 10A(4), the public were 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 Adoption of the 2007/08 Management Plan

SUMMARY

To advise Council of the assessment of tenders received for the purchase of two graders with a recommendation for purchase and acceptance of a suitable sale price of the replacement items of plant.

07-363 RESOLVED

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

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:14 COMM- 20/8/07 - CONFIDENTIAL REPORT - SALE OF MITSUBISHI
MG130 - REGISTRATION SVK371**

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

Pursuant to section 10A(4), the public were 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

SUMMARY

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

07-364 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 B S Moran

SECONDED: Councillor A E Thompson.

CARRIED

ITEM:15 COMM - 20/8/07 - TENDERS FOR SUPPLY OF PLANT FOR 2007/08

REPORT BY: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH

REFERENCE

NIL

SUMMARY

This report seeks a determination from Council to use the open tendering process, pursuant to s167 of the Local Government (General) Regulation 2005, for the procurement of plant in 2007/08.

COMMENTARY

Council is required by s55 of the Local Government Act to invite tenders by one of the following methods:

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The recommendation is for Council to use the open tendering method, for the procurement of plant, pursuant to s167.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-365 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 B P Morrissey

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:16 COMM - 20/8/07 - TENDERS FOR AUDIT SERVICES 2007/08 - 2012/13

REPORT BY: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH

REFERENCE

NIL

SUMMARY

This report seeks a determination from Council to use the selective tendering process, pursuant to s168 and s169 of the Local Government (General) Regulation 2005 for audit services from 2007/08 - 2012/13.

COMMENTARY

Council is required by s55 of the Local Government Act to invite tenders by one of the following methods:

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The recommendation is for Council to use the selective tendering method, for audit services, pursuant to S168 and S169.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

07-366 RESOLVED

THAT Council use the selective tendering method, pursuant to s168 and s169 of the Local Government (General) Regulation 2005 for audit services from 2007/08 - 2012/13.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

ITEM:17 COMM - 20/8/07 - 50M PORTLAND POOL 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 9 March 2007
Min 07-291: Ordinary Meeting 16 July 2007

SUMMARY

Re-consideration of the works for the re-surfacing of the 50 metre pool at Portland.

COMMENTARY

Council considered the tenders at the 19 July 2007 Council meeting and determined to reject all the tenders but seek the tenderers interest in providing services for the re-surfacing of the 50M pool only.

The three companies who supplied proposals all indicated they remain interested in the project.

Council has included in its Management Plan for 2007/08 the decision to borrow up to \$200,000 to enable the completion of the works. Works to complete the 50M project in the tenders submitted were below the budgeted figure hence Council's consideration of the smaller scope of works. The Pool management Committee tender panel member indicated that the works on the learner's pool could be undertaken by the Committee itself as part of their concession that the scope of works was beyond the budget limit Council had set for the project. Given Council has to borrow to finance this project, this approach to financial management is essential.

At the 16 July 2007 Council meeting, two pieces of documentation regarding two of the companies who submitted tenders was tabled. The following summarises the investigation of the two items:

Item 1: Report from Liverpool City Council dated 5 February 2007

Discussion with the project manager at Liverpool City Council has confirmed that investigation into Hydrocare's financial rating subsequent to the February 2007 report for tenders called for works on the Michael Wendon Pool corrected the financial assessment rating from unsatisfactory to acceptable.

The company indicated that the request for information for the purposes of the Kingsway Financial Assessment was sought over the Christmas break and given the holiday period information was not provided in time to be used to inform the assessment. The officer in charge of this project from Liverpool Council confirmed this assessment by Hydrocare and also affirmed that subsequent investigation into the financial rating of Hydrocare was undertaken with a satisfactory result.

Liverpool Council confirmed that they had sought quotations from Hydrocare on other projects subsequent to those relating to this particular project which further indicates their satisfaction with the company. This project was substantially larger than the proposed works for the Portland Pool with a budget of \$500,000 overall.

Item 2: Listing from the Consumer, Trader and Tenancy Tribunal of NSW sitting in June 2007.

The matter has been settled with Ocean Blue Pool Liners offering, and having had accepted, the provision of a new liner. The matter related to the failure of a new type of pool lining material that is being developed by Ocean Blue in conjunction with other national and international companies that is designed specifically for the domestic or small commercial application. It is not the recommended solution for the Portland Pool job.

Consideration of the three proposals:

Metz: Councillors and staff inspected the Bathurst Regional Council Aquatic Centre where Metz has been used for tiling services and confirmed the quality of the work and products from this company to be of a high standard. As noted in the initial report, the Metz solution of partially or fully tiling the pool would provide the “best” solution in terms of longevity but at the most expensive price point. The proposal does offer options for the community group to be involved in the removal of tiles to reduce the overall costs.

Hydrocare: Council staff inspected the Hydrocare job at the Oberon Council swimming complex and spoke with the Council staff involved in that project. The tasks were completed to the satisfaction of Oberon Council. The quotation for the 50M pool remains unchanged from the version already seen by Council.

Ocean Blue Pool Liners: Council received confirmation that the offer initially made for the 50M pool would remain as per their initial quote.

In each case, the proponents indicated there would need to be an extension to the timetable to have the works completed between mid to late October.

The Hydrocare and Ocena Blue Pool Liner proposals both suggest the use of the same pool liner with its associated warranty period.

PRICE COMPARISION – 50M pool only

METZ prices	PRICE	with GST
OPTION 1 – PAINT	\$167,800	\$184,580
OPTION 2 – PAINT AND PARTIAL TILE	\$199,100	\$219,010
OPTION 3 – FULLY TILED	\$212,600	\$233,860

HYDROCARE prices	PRICE	with GST
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

OCEAN BLUE POOL LINERS		
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	\$ 161,402.00	\$177,542.20

POLICY IMPLICATIONS

There are no policy implications arising from this report.

FINANCIAL IMPLICATIONS

Council has previously resolved to borrow up to \$200,000 in 2007/08 to provide the funds for this work. The Ocean Blue Pool Liners option, being the least expensive, sets the costs at between \$161,402 and \$193,682.40 (exl GST) with the latter amount having the 20% contingency suggested to Council in the previous report applied.

For comparative purposes the Hydrocare proposal is estimated between \$181,000 and \$217,200 while the Metz solution is estimated to be between \$167,800 and \$201,360 for option 1, \$199,100 to \$238,920 for option 2 or \$212,600 to \$255,120 for option 3.

While for some years Council has supplied up to \$30,000 p.a. to the Portland Pool Committee, in 2007/08 the contribution is budgeted at to \$28,000 as approved by Council in adopting the Management Plan through a \$5,000 cash contribution as a donation and an estimated \$23,000 p.a. in loan repayments (principal and interest for the loan period of 15 years – to be finalised when the loan is drawn down).

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

CONCLUSION

The Council is provided with the three responses to works on the 50M pool for consideration. While the Metz submission involves options for paint and tile in various scenarios the Ocean Blue and Hydrocare options both propose a pool liner solution.

The Ocean Blue proposal is suggested to Council as the preferred option.

07-367 RESOLVED

THAT:

1. Ocean Blue Pool Liners and Covers Pty Ltd be selected as the company to complete the works on the Portland Pool;
2. All necessary documents to enact the works may be executed under the council's seal.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

QUESTIONS WITHOUT NOTICE

QWN - 20/8/07 - COUNCILLOR B S MORAN

1. Mr Mayor I have received correspondence from Newnes Hotel in relation to their 100 yrs celebrations. They are seeking help in regards to advertising for the celebrations from Council. Can Council please investigate as to whether this is viable?

The Mayor ruled this as urgent and advised that this will be followed up immediately and a report to come back to the next Finance and Services Meeting.

QWN - 20/8/07 - COUNCILLOR B P MORRISSEY

1. Mr Mayor I refer to the women's toilets at the Tony Luchetti Sportsground and ask Council as to whether some repairs can be done on them?

The Mayor declined urgency but advised that this has been raised as a working request by Councillor Fisher and the toilets are having repairs done this week.

QWN - 20/8/07 - COUNCILLOR M F TICEHURST

1. Mr Mayor I refer to the current reports on overseas bonds and ask Council as to whether they have any bonds in the overseas markets?

The Mayor advised that at this time we do not have any exposure in the overseas markets but will investigate this matter further and provide advice to all Councillors.

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

Item 1:

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:

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

This matter is classified confidential because it contains personal matters relating to a staff member. It is not in the public interest to reveal personal information about a staff member.

Item 6:

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

As there has only been one tenderer and the most advantageous prices is being sought, further negotiations may be necessary and an advantage may be conferred upon the tenderer by providing knowledge of the budget situation and the likely timeframe of the works.

Item 12:

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:

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that council will treat it as commercial in confidence.

Item 13:

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:

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that council will treat it as commercial in confidence.

Item 14:

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

<p>Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that council will treat it as commercial in confidence.</p>

The General Manager asked for objections from the Public as to the confidential reports.

- Percy Bulkeley raised an objection in relation to Item 1 and as to why it was confidential. Why are the ratepayers not allowed to hear what happens to staff members?

It was resolved that the report would be considered in Closed Committee.

07-368 RESOLVED

MOVED: Councillor M J Wilson

SECONDED: Councillor W McAndrew.

CARRIED

- Item 6 - NIL objections

- Marlene Brinckley raised an objection in relation to Item 12 and as to why it was confidential. Why are the ratepayers not allowed to have a right in what Council purchases and sells equipment?

It was resolved that the report would be considered in Closed Committee.

07-369 RESOLVED

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

- Marlene Brinckley raised an objection in relation to Item 13 and as to why it was confidential. Why are the ratepayers not allowed to have right in what Council purchases and sells equipment?
- Michael Kuncio also raised an objection to Item 13 and as to why it was confidential. He agreed with Mrs Brinckley's questions above.

It was resolved that the report would be considered in Closed Committee.

07-370 RESOLVED

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

- Item 14 - NIL objections

Closed Council started at 7.35pm

CLOSED REPORTS

Councillor M F Ticehurst was an apology to the rest of the closed Council due to personal business.

ITEM:1 **MAYORAL MINUTE - 20/8/07 - CONFIDENTIAL REPORT - CODE OF CONDUCT COMPLAINT ABOUT A STAFF MEMBER**

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:

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

As there has only been one tenderer and the most advantageous price is being sought, further negotiations may be necessary and an advantage may be conferred upon the tenderer by providing knowledge of the budget situation and the likely timeframe of the works.

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.

Councillor M F Ticehurst declared a pecuniary interest in this Item and indicated he would vacate the Chambers. At the commencement of the Closed session, Councillor M F Ticehurst indicated he was to be an apology to the rest of the closed Council due to personal business, so was not present for any item dealt with in Closed.

07-371 RESOLVED

THAT the complaint by Councillor Martin Ticehurst dated 10th January 2007 regarding an "alleged failure to disclose a benefit" by General Manager, Paul Anderson be dismissed as per the conclusions of the Code of Conduct Committee, which determined no prima facie breach of the Code of Conduct given the General Manager was acting in a private capacity and as a representative and Director of Arts OutWest when attending a Conference and in receiving a gift as a result of attending the conference.

MOVED: Councillor Neville Castle
CARRIED

SECONDED: Councillor W McAndrew.

A **MATTER OF ARISING** was moved that the Council recirculate the DLG Circular 05/58 on implementation of the Model Code of Conduct for Local Councils in NSW to all Councillors.

07-372 RESOVLED

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:6 REG - 20/8/07 - CONFIDENTIAL REPORT - LINING OF SLUDGE LAGOONS - LITHGOW WATER TREATMENT PLANT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

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(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.

As there has only been one tenderer and the most advantageous price is being sought, further negotiations may be necessary and an advantage may be conferred upon the tenderer by providing knowledge of the budget situation and the likely timeframe of the works.

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

Finance and Services Committee 05/02/07.
Finance and Services Committee 06/08/07.

SUMMARY

To advise Council of the progress of the tender process for lining the sludge lagoons at the Lithgow Water Treatment Plant.

07-373 RESOLVED

THAT:

1. Due to the cost advantages and urgency of the matter, fresh tenders not be called but the award of a contract for the lining of the sludge lagoons at the Lithgow Water Treatment Plant be postponed to allow further negotiations to be held with the sole tenderer and the General Manager be delegated authority to conduct and conclude such negotiations.
2. The total project amount as outlined in the 'financial considerations' section of this report be made available from Water Fund Reserve for the purpose of the project and that such amount be reflected in the September Quarterly Budget review.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:12 **COMM - 20/8/07 - CONFIDENTIAL REPORT - PURCHASE OF TWO BACKHOE / LOADERS AND TRADE IN OF REPLACEMENT PLANT**

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)
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- (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)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

Pursuant to section 10A(4), the public were 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

SUMMARY

To advise Council of the assessment of tenders received for the purchase of two backhoe / loaders with a recommendation for purchase and acceptance of trade in.

07-374 RESOLVED

THAT:

1. The tender received from Westrac for the supply and delivery of two Caterpillar 432E backhoes for the price of \$322,652.00 (GST Inc) be accepted;
2. Council accept the tender for the trade in of backhoe Registration No SSH 558 from Westrac for the price of \$25,300.00 (GST Inc);
3. Council accept the additional option to purchase a Hydraulic side shift for \$7,260.00 (GST Inc) and also the option of the product link for \$4,006.26 (GST Inc).

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor H K Fisher.

**ITEM:13 COMM - 20/8/07 - CONFIDENTIAL REPORT - PURCHASE OF TWO
MOTOR GRADERS AND TRADE IN OF REPLACEMENT PLANT**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL 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)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

Pursuant to section 10A(4), the public were 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 Adoption of the 2007/08 Management Plan

SUMMARY

To advise Council of the assessment of tenders received for the purchase of two graders with a recommendation for purchase and acceptance of a suitable sale price of the replacement items of plant.

07-375 RESOLVED

THAT:

1. The tender received from CJD Equipment for the supply and delivery of two Volvo G930 motor graders for the price of \$674,000.00 (GST Inc) be accepted
2. Council accept the tender for the sale of Grader Registration No OZU 795 from Townville Equipment for the price of \$95,700.00 (GST Inc).
3. Council accept the tender for the sale of Grader Registration No RUF 548 from Townville Equipment for the price of \$61,100.00 (GST Inc).

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor H K Fisher.

**ITEM:14 COMM- 20/8/07 - CONFIDENTIAL REPORT - SALE OF MITSUBISHI
 MG130 - REGISTRATION SVK371**

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

Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to council by tenderers is provided on the basis that council will treat it as commercial in confidence.

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to council's decision.

Pursuant to section 10A(4), the public were 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

SUMMARY

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

07-376 RESOLVED

THAT Council accept the tender for the sale and removal of Mitsubishi MG 130 motor grader Registration No SVK 371 from Ovest Machinery for the price of \$44,748.00 (GST Inc).

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor H K Fisher.

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 1: Mayoral Minute - 20/8/07 - Confidential Report - Code of Conduct Complaint about a Staff Member

07-371 RESOLVED

THAT the complaint by Councillor Martin Ticehurst dated 10th January 2007 regarding an "alleged failure to disclose a benefit" by General Manager, Paul Anderson be dismissed as per the conclusions of the Code of Conduct Committee, which determined no prima facie breach of the Code of Conduct given the General Manager was acting in a private capacity and as a representative and Director of Arts OutWest when attending a Conference and in receiving a gift as a result of attending the conference.

Item 6: Reg - 20/8/07 - Confidential Report - Lining of Sludge Lagoons - Lithgow Water Treatment Plant

07-373 RESOLVED

THAT

1. Due to the cost advantages and urgency of the matter, fresh tenders not be called but the award of a contract for the lining of the sludge lagoons at the Lithgow Water Treatment Plant be postponed to allow further negotiations to be held with the sole tenderer and the General Manager be delegated authority to conduct and conclude such negotiations.

2. The total project amount as outlined in the 'financial considerations' section of this report be made available from Water Fund Reserve for the purpose of the project and that such amount be reflected in the September Quarterly Budget review.

Item 12: Comm - 20/8/07 - Confidential report - Purchase of two Backhoe/Loaders and trade in of replacement plant

07-374 RESOLVED

THAT:

1. The tender received from Westrac for the supply and delivery of two Caterpillar 432E backhoes for the price of \$322,652.00 (GST Inc) be accepted;
2. Council accept the tender for the trade in of backhoe Registration No SSH 558 from Westrac for the price of \$25,300.00 (GST Inc);
3. Council accept the additional option to purchase a Hydraulic side shift for \$7,260.00 (GST Inc) and also the option of the product link for \$4,006.26 (GST Inc).

Item 13: Comm - 20/8/07 - Confidential Report - Purchase of Two Motor Graders and Trade in of replacement Plant

07-375 RESOLVED

THAT:

1. The tender received from CJD Equipment for the supply and delivery of two Volvo G930 motor graders for the price of \$674,000.00 (GST Inc) be accepted
2. Council accept the tender for the sale of Grader Registration No OZU 795 from Townville Equipment for the price of \$95,700.00 (GST Inc).
3. Council accept the tender for the sale of Grader Registration No RUF 548 from Townville Equipment for the price of \$61,100.00 (GST Inc).

Item 14: Comm - 20/8/07 - Confidential report - Sale of Mitsubishi MG130 - Registration SVK371

07-376 RESOLVED

THAT Council accept the tender for the sale and removal of Mitsubishi MG 130 motor grader Registration No SVK 371 from Ovest Machinery for the price of \$44,748.00 (GST Inc).

The meeting closed at 7.46pm