



LITHGOW CITY COUNCIL

**MINUTES**

POLICY AND STRATEGY COMMITTEE  
MEETING OF COUNCIL

HELD ON

05 FEBRUARY 2007

**MINUTES OF THE LITHGOW CITY COUNCIL COMMITTEE MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 5 FEBRUARY 2007**

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Meeting Commenced at 6.00pm

Public Gallery: 41

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
Councillor B P Morrissey  
Councillor W McAndrew  
Councillor H K Fisher  
Councillor B S Moran  
Councillor M M Collins  
Councillor A E Thompson  
Councillor M J Wilson

**APOLOGIES**

An apology was received and accepted from M F Ticehurst who was out of the City due to personal business

**MOVED:** Councillor W McAndrew **SECONDED:** Councillor M J Wilson.

**07- 1 RESOLVED**

**CARRIED**

**Also in attendance**

General Manager, Mr Paul Anderson  
Group Manager Regional Services, Mr Andrew Muir  
Group Manager Community and Corporate Services, Ms Kathy Woolley  
Minutes Secretary, Ms Casey Clarke  
Policy and Planning Manager, Mrs Amanda Muir  
Tourism Manager, Ms Jodie Rayner

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Policy and Strategy Committee Meeting of Council held on the 4 December 2006 were taken as read and confirmed by Councillors M M Collins and M J Wilson

**07- 2 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

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

Kathy Woolley declared an interest in Item 8 as her partner is involved in this matter.

## QUESTIONS FROM THE PUBLIC GALLERY

At 6.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

NIL Questions were asked.

A Presentation was given by Mr Trevor Evans from Australian Eco Systems Foundation. The presentation was on eco systems in our area, land at the back of the Secret Creek Restaurant and the land owned by Xstrata.

**Suspension of standing orders** was moved by Councillors M M Collins and H K Fisher so the Mountain Bike Club can have the right of reply.

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## **GENERAL MANAGER REPORTS**

**ITEM:1            GM - 05/02/07 - CENTRAL NSW COUNCILS (CENTROC) ANNUAL REPORT 2005/06**

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### **REFERENCE**

NIL

### **SUMMARY**

This report outlines the Annual Report for 2005/06 of the Central NSW Councils (Centroc).

### **COMMENTARY**

Correspondence was received by the Chairman of the Central NSW Councils (CENTROC) in relation to the Annual Report for 2005/06.

For the past twelve months Centroc has provided the following benefits to the region:

- Saving \$260,000 from the Telstra bills around the region
- Saving \$120,000 on the regional electricity tender
- Savings on the regional purchasing deals organised through the supply team and as a result of local co-ordination of regional training via the Centroc Trainings Co-ordinator.

As well as regional procurement deals saving your Council money, the benefit of information sharing and networking of the Centroc projects and management groups is manifold with some projects bringing benefits to not just Council staff, but actively into regional communities.

The projects and groups reporting this year are as follows:

- Disaster Risk management
- Film Central NSW
- Occupational Health and Safety
- Telecommunications
- Supply management
- Health Workforce
- Weight of Loads
- Central NSW Tourism
- Netwaste and the
- Bells Lines of Expressway Group

Most recently we have lodged a submission for over \$78million to upgrade the regions Broadband under the federal Governments Broadband Connect Programme.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

## 07- 3 RESOLVED

**THAT** the information be noted.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M J Wilson.

**CARRIED**

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## ITEM:2 GM - 05/02/07 - CAREFLIGHT HELICOPTER SERVICE

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### REFERENCE

06-447 - Notice of Motion - Ordinary Meeting of Council held on 18 December 2006  
Letter to Gerard Martin on 11 December 2006.

### SUMMARY

This report outlines correspondence received in relation to the Careflight Helicopter Services.

### COMMENTARY

Correspondence was received and is reproduced from Gerard Martin, Member for Bathurst in relation to the Careflight Helicopter Services.

"The Government is currently negotiating with Careflight to continue involvement in the aero medical retrieval service.

This decision has been taken after extensive reviews and discussions with the operators in the area of emergency services and the only motivation of the Government is to improve the service and increase patient safety."

This response should meet the consensus raised by Councillor Collins in the Notice Of Motion adopted by Council at its meeting on 18 December 2006.

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

## 07- 4 RESOLVED

**THAT** the information be received.

**MOVED:** Councillor B P Morrissey

**SECONDED:** Councillor B S Moran.

**CARRIED**

**ITEM:3 GM - 05/02/07 - STATE ELECTION - RURAL HEALTH AND WASTE**

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**REFERENCE**

NIL

**SUMMARY**

This report is to help Council in lobbying the local member and candidates on issues impacting on the communities. The Local Government Association has been distributing shell press releases and key messages.

**COMMENTARY**

The Associations have launched an Election Policy Platform and separate policy papers which outline the main issues impacting on Local Government and ask political parties and candidates to commit to doing something about them if elected in the State Election next year.

The third and fourth in a series of media tool kits were emailed to all Councils in NSW, to the staff member who handles media enquiries as well as to the general council email address. The tool kits will assist councils to lobby their local members and candidates to get more assistance for rural health and to improve waste services.

Included in each kit was a copy of relevant policy platform, the Associations media release, a template media release for use by council and key messages.

The lead up to the State Election is an opportunity for councils to get a better deal for local Government and its communities, so we encourage your council to get involved.

The tool kits that have been released to date relate to the Country Towns water and Sewerage Supply Program (CTWSSP), water, rural health and waste (the environment).

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**07- 5RESOLVED**

**THAT** the information be noted.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor A E Thompson.

**CARRIED**

**ITEM:4 GM - 05/02/2/07 - CONFIDENTIAL REPORT - GAS WORKS SITE  
CONFIDENTIAL**

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### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(1) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

### **REFERENCE**

Ordinary Meeting of Council held on 15 May 2006

### **SUMMARY**

This report provides the Committee with an update on the sale of the Gas Works Site and will provide Council with further choices regarding the imminent sale.

### **RECOMMENDATION**

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

### **07- 6RESOLVED**

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

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor B S Moran.

**CARRIED**

**ITEM:5 GM - 05/02/07 - LITHGOW SHOW 2007****REPORT FROM: TOURISM MANAGER - JODIE RAYNER**

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**REFERENCE**

NIL

**SUMMARY**

The Lithgow Show Society has requested that Council maintain a stall at the Lithgow Show to be held on 31 March to 1<sup>st</sup> April 2007.

**COMMENTARY**

The Lithgow Show, to be held on the 31<sup>st</sup> March to 1<sup>st</sup> April 2007, has requested that Lithgow Council maintain a stall at the Show.

Cost of the stall is free as Council is considered a Show Sponsor.

Lithgow Tourism will be maintaining a tourism presence at the Lithgow Show and it is deemed appropriate that other Council departments consider displaying information and/or staff at the show.

Council has recently maintained stalls at other local events and festivals and it is advised that appropriate marketing collateral be developed to market Council. This marketing collateral can be utilised by all departments within Council as they would be generic promotions and would have numerous uses eg. Celebrate Lithgow, Australia Day, civic receptions etc.

Prices for Classical Single Easy Pull Up Display stands are \$453 per stand (does not include artwork). It is proposed that the artwork can be developed in-house and reflect Council branding, as recently adopted. Council may actually be able to utilise existing display stands and merely change the roll up image.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**07- 7RESOLVED**

**THAT** Council develop generic marketing collateral and funding be identified in the March 31 review.

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

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**ITEM:6 GM - 05/02/07 - CLOSURE OF MOUNTAIN BIKE TRACK - STATE MINE**

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**REPORT FROM: TOURISM MANAGER - JODIE RAYNER**

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**REFERENCE**

NIL

**SUMMARY**

The Central Tablelands Mountain Bike Club has been advised by Australian Eco-Systems that access to the Downhill Mountain Bike track will be prohibited due to alternate uses for the site. The Central Tablelands Mountain Bike Club have requested further Council to assist in resolving the matters or sourcing of an alternative site.

**COMMENTARY**

The Central Tablelands Mountain Bike Club has been informed by Australian Eco-Systems that they have leased portions of land from Xstrata Coal which includes areas that are currently utilised by the Central Tablelands Mountain Bike Club as part of the Downhill Track.

Australian Eco-Systems has further advised that they intend to fence off the land with the possibility of dedicating the area as a wildlife sanctuary.

The Central Tablelands Mountain Bike Club has forwarded a letter to Australian Eco-Systems requesting permission to maintain use of the Mountain Bike Track, however, they have had no response as yet.

**Downhill Mountain Bikes Events at the State Mine Track**

The Central Tablelands Mountain Bike Club has been conducting downhill events at the State Mine Mountain Bike Track for numerous years. Events have included both State and National Championships, attracting a number of riders to the 2km track.

The last event held at the State Mine Track attracted 325 riders, with visitors expenditure in the region of approximately \$600,000 invested in the local community, over the two day event. Visitors attending the National Downhill Mountain Bike were from the following places of origin:

- New Zealand
- Sydney region
- Blue Mountains region
- Lithgow
- Central west
- Wollongong
- Canberra
- Queensland
- South Australia

The Downhill Mountain Bike events aim to:

1. To develop and promote mountain biking in Lithgow for the benefit and enjoyment of all participants
2. Profile Lithgow as a premier destination for mountain biking for both participation in events and leisure

3. Attract a range of riders to visit the Lithgow District participating on an annual basis, thus creating economic activity and diversity
4. Encourage participation in an outdoor sporting event
5. Create a positive and measurable economic contribution to the Lithgow Community.

### **Benefits for Lithgow in hosting Mountain Bike events**

Major event awareness and marketing via range of advertising and promotions has been carried out for the Downhill events. Marketing activities have included:

- Brochure placement disseminated in key target market areas
- Website
- Production of DVD on mountain biking which profiles the Lithgow area as a destination
- Event television coverage on the following channels:
  - \* Prime Television Central tablelands - local news
  - \* Win Television Central Tablelands - local news
  - \* Vision on SBS World of Sports
  - \* Win Television - Canberra - local news - 6pm
  - \* Gold Coast - NBN - Local news
  - \* Ten - Canberra - local news

In undertaking promotional activities as above, the Central Tablelands Mountain Bike Club successfully contributes tourism visitation to the region and in shaping the development of a destination image.

Mountain Bike events and riding in general, attracts a large market to Lithgow and is based on the reputation that the Mountain Bike Club has developed. The expenditure into the local economy further makes a significant impact. Ongoing use of the Downhill track is essential to the development of mountain biking in the area.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **RECOMMENDATION**

**THAT** Council approach Xstrata Coal to determine the options for the ongoing use of the State Mine Downhill track.

### **07- 8RESOLVED**

#### **THAT:**

1. Council approach Xstrata Coal to determine the options for the ongoing use of the State Mine Downhill track.
2. The General Manager be delegated to hold discussions with whoever the registered legal land holder may be at that time.

**MOVED:** Councillor A E Thompson

**SECONDED:** Councillor W McAndrew.

**CARRIED**

A **MATTER OF ARISING** was moved by Councillors McAndrew and Collins that a meeting be convened with Xstrata as a matter of urgency to discuss the issue of land transfer at Cobar Park, to seek if a transfer of land is possible and for residents to have the first opportunity to buy their land to which their dwellings are erected there on.

**07- 9RESOLVED**

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M M Collins.

**CARRIED**

## REGIONAL SERVICES REPORTS

**ITEM:7            REG - 05/02/07 - THREAT TO CLOSE A SECTION OF RYDAL/HAMPTON ROAD**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

### SUMMARY

This report advises of the resolution reached in respect of the threat to close part of Rydal/Hampton Road.

### COMMENTARY

Council will recall the recent history of this matter which has now been concluded by the signing of a deed of agreement between the relevant property owner and Council. In short, the deed of agreement provides an undertaking that the road will not be closed and sets out a process, commencing with a valuation, which will lead to its formal acquisition by Council.

### POLICY IMPLICATIONS

The policy of relevance to this issue is the asset acquisition policy which provides the following relevant requirements.

*“When considering the acquisition and/or development of assets, Council will take into consideration;*

- *The comparative long term ownership costs of the asset;*
- *Evidence of community demand for the provision or retention of the asset;*
- *The strategic worth of the asset and its community benefit;*
- *Whether the asset provides Council as positive return on the investment, and*
- *The extent to which the asset is subsidised by the community, through the use of general rate revenue.*

*The long term ownership costs of asset acquisition and/or development must take into account;*

- *Acquisition or Development costs;*
- *The cost of providing finance (i.e. opportunity costs and interest charges);*
- *Any warranty period applicable;*
- *The length, value and cost of any applicable maintenance agreements;*
- *The lifetime maintenance profile and costs;*
- *Energy consumption and projected costs;*
- *Any residual value (where applicable);*
- *An investigation of alternative acquisition arrangements, eg. Purchase, lease, rent, public partnership or resource sharing;*
- *An investigation as to alternative financing arrangements, eg. User pay, grants, loan funds or private sector, and*
- *Taxation issues under competition policy;*

*Reports to Council on the acquisition and/or development of assets must include commentary on the above points as well as including details of;*

- *Community demand;*
- *Strategic Worth to the Community;*
- *Asset return, and*

- *A comparison of long term ownership costs.”*

Under the circumstances, it is submitted that requirements of the policy are well served by the acquisition of the land and there is no doubt that acquiring the land will be positive in relation to community demand and strategic worth to the community. Acquisition of the asset will provide a community benefit return and a comparison of long term ownership costs would indicate that Council is already responsible for those costs there should be no additional net cost.

### **FINANCIAL IMPLICATIONS**

Under the deed of agreement compensation to the landowner will be determined by a Valuer agreed between the parties. Having regard to the principles of the Land Acquisition (Just Terms Compensation) Act. Council will also be responsible for legal costs, survey costs and valuation fees.

### **LEGAL IMPLICATIONS**

Proceeding in accordance with the deed of agreement will ensure Council meets its legal obligations in both a public and private context.

### **07- 10 RESOLVED**

**THAT** the information be received.

**MOVED:** Councillor B P Morrissey

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:8            REG - 05/02/07 - CONFIDENTIAL REPORT - CUTCLIFFE V COUNCIL  
& DUKES - COSTS    CONFIDENTIAL**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES: ANDREW MUIR**

### **Reason for Confidentiality**

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Kathy Woolley declared an interest in this matter and vacated the Chambers. Additional Information was provided to the Councillors on this matter at the beginning of the meeting.

**07- 11 RESOLVED**

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

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M J Wilson.

**CARRIED**

## COMMUNITY AND CORPORATE SERVICES REPORTS

### ITEM:9            COMM - 05/02/07 - PESTICIDE USE NOTIFICATION PLAN

#### REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

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#### REFERENCE

Nil

#### SUMMARY

This report informs Councillors that the Pesticide Use Notification Plan has been made.

#### COMMENTARY

Further to a Memorandum to Councillors regarding the draft Pesticide Use Notification Plan, it is advised that the exhibition period for the draft Plan has expired with no submissions being received. Therefore, the General Manager has made the Pesticide Use Notification Plan without any alterations.

#### POLICY IMPLICATIONS

The Pesticide Use Notification Plan is regarded as a standard working procedure which needs to be followed in any circumstance where Council or someone on behalf of Council intends to apply pesticides to outdoor public places which Council owns or controls.

#### FINANCIAL IMPLICATIONS

Any financial implications of the Pesticide Use Notification Plan relating to the notification of the public will need to be funded from the Recurrent Budget.

#### LEGAL IMPLICATIONS

The Pesticide Use Notification Plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 and made by the due date.

### 07- 12 RESOLVED

**THAT** the information be received.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M M Collins.

**CARRIED**

**ITEM:10            COMM - 05/02/07 - AUSTRALIAN RED CROSS REQUEST FOR COUNCIL TO BECOME A LOCAL GOVERNMENT FRIEND****REPORT FROM:    GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley**

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**REFERENCE**

Nil

**SUMMARY**

Council has received a request from the Australian Red Cross to enter into a partnership which may lead to additional services and joint ventures between the Council and the Red Cross and this report is presented to Council for their determination of the matter.

**COMMENTARY**

Australian Red Cross operates across Australia and overseas. Their website indicates they offer “over 60 community services, ranging from blood supplies and disaster services to first aid and refugee services”.

The attached email received in January 2007 indicates that the Local Government Conference in October 2006 resolved that Council would be approached to participate in the program.

Staff have made contact with the Australian Red Cross but they are unable to provide greater detail of the types of local programs which could be beneficial to the community. However, it is recommended to Council that the Council's interest be indicated so that further investigation of additional services to be delivered in our community could be developed.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**CONCLUSION**

It is recommended to Council that a formal response be provided indicating the interest of the Council in pursuing a partnership with the Australian Red Cross in order that greater detail of enhanced local services could be undertaken.

**07- 13 RESOLVED****THAT:**

1. Council enter into the Local Government Friends of the Australian Red Cross program with the Manager Community and Culture to be the point of contact for consideration of new programs and enhanced services and co-ordinator of any further involvement of Council;
2. Council provide to staff any particular issues that should be listed as areas where there is community need to develop programs;

3. Staff prepare the response noting Council's particular areas of interest in the response.

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor B S Moran.

**CARRIED**

**ITEM:11            COMM - 05/02/07 - PECUNIARY INTEREST EXEMPTION FOR ENVIRONMENTAL PLANNING INSTRUMENTS**

**REPORT FROM: POLICY & PLANNING MANAGER – A MUIR**

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**REFERENCE**

Nil

**SUMMARY**

This report provides a copy of the Department of Local Government circular to councils numbered 06-62 issued in October 2006 which provides details in relation to applying for pecuniary interest exemptions under section 458 of the Local Government Act 1993 in light of the upcoming preparation of a new comprehensive local environmental plan for the Local Government Area. It is recommended that Councillors wishing to seek an exemption advise the General Manager. The Circular suggests that these exemptions be handled in a bulk submission. It can be considered that given there will be broad scale changes to all zones as a result of the requirements from the Department of Planning to standardise zones that Councillors who own or have an association with a property owner should seek an exemption to enable the participation of all councillors in the determination of Council's new planning instruments.

**COMMENTARY**

The Department of Local Government have provided the attached circular to councils in relation to applying for pecuniary interest exemptions under section 458 of the Local Government Act 1993 regarding the making, altering or repealing of an environmental planning instrument:

As Councillors would be aware the new comprehensive Local Environmental Plan (LEP) for the Local Government Area is due for completion by April 2009. It is envisaged that preparation of the new LEP will commence shortly after the completion of the Strategic Plan subject to funding.

The new comprehensive LEP will require consideration by a quorum of the elected Council.

As such it is suggested that if any Councillors wish to apply for an exemption that they nominate to allow for the application to be made and for the Minister to consider and determine the application prior to commencing the preparation of the new comprehensive LEP.

**POLICY IMPLICATIONS**

Council's Code of Conduct and Code of Meeting Practice contain provisions and guidance on determining pecuniary and non pecuniary conflicts of interest. The Code of Meeting Practice includes in clause 62 the need to specifically seek the Minister's approval for an exemption which echoes the intent of the circular.

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

Any exemption needs to be obtained in accordance with the Local Government Act 1993 and the Minister must specifically provide the exemption to each councillor.

**07- 14 RESOLVED**

**THAT** Councillors wishing to seek an exemption under section 458 of the Local Government Act 1993 nominate their intent in relation to the preparation of the new comprehensive Local Environmental Plan by 19 February 2007.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor B S Moran.

**CARRIED**

**ITEM:12            COMM - 05/02/07 - EXHIBITION RESULTS OF PROPOSED  
                         AMENDED MARRANGAROO STRUCTURE PLAN**

**REPORT FROM:            POLICY & PLANNING MANAGER – A MUIR**

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**REFERENCE**

Min 05-52: Planning, Policy & Development Committee Meeting 7 February 2005  
 Min 05-319: Planning, Policy & Development Committee Meeting 27 June 2005  
 Min 05-418: Planning, Policy & Development Committee Meeting 22 August 2005  
 Min 05-624: Planning, Policy & Development Committee Meeting 12 December 2005  
 Min 06-121: Policy & Strategy Committee Meeting 1 May 2006  
 Min 06-154: Policy & Strategy Committee Meeting 5 June 2006  
 Min 06-176: Council Meeting 19 June 2006  
 Min 06-249: Policy & Strategy Committee Meeting 7 August 2006  
 Min 06-418: Policy & Strategy Committee Meeting 4 December 2006

**SUMMARY**

This report provides the results of the public exhibition of the Proposed Amended Marrangaroo Structure Plan. It recommends that the Proposed Plan be adopted as the plan identifying the highest and best use of lands within the Marrangaroo Study Area and that further progress with the matter be considered following the adoption of Council's Strategic Plan.

**COMMENTARY**

Council at its Policy and Strategy Committee Meeting of 4 December 2006 resolved the following in relation to the draft Marrangaroo Local Environmental Study and Structure Plan:

- The draft Structure Plan for the Marrangaroo Study Area be amended to create the Structure Plan for the Marrangaroo Study Area in its final format as detailed on the plan titled Proposed Amended Marrangaroo Structure Plan and placed into the draft Strategic Plan for assessment as to whether or not to proceed with the draft Plan into a rezoning having regard to the entire Local Government Area.

- It be noted further works are required if the Strategic Plan process recommends that rezonings occur in the Marrangaroo Study Area.
- Council continue the consultation and exhibition process until February 2007 and report back to the Policy and Strategy Committee Meeting to be held on 5 February 2007.

The Proposed Amended Marrangaroo Structure Plan was placed on public exhibition from 14 December 2006 to 12 January 2007. This report provides details of the responses to the 2 written submissions received:

Submission	Issues	Comment/Response
1. Private submission	Doesn't agree with proposal. It appears to be in response to individual requests for developing industrial and housing projects at Marrangaroo.	<p>Whilst the original idea to undertake an assessment of the Marrangaroo Study Area was put to Council by a private developer, it is Council's understanding that this developer no longer has any interest in the Study Area.</p> <p>Nevertheless, it is important to identify potential growth areas and plan for release and development in a sustainable manner rather than an ad hoc manner. The draft Marrangaroo Study and Plan has provided information for assessment in Council's draft Strategic Plan which will inform the preparation of a new comprehensive Local Environmental Plan.</p>
	Can not see the need to release more land than is currently available under the present Lithgow LEP.	<p>The draft Local Profile for the Strategic Plan has demonstrated that there is a need for good industrial land.</p> <p>In addition, there is a need to meet demand to enable the region to grow and support the community.</p>
	Zoning along the Great Western Highway is a backward step and is ribbon development which would spoil the rural nature of the approaches to Lithgow.	The proposed highway/business services area is not ribbon development as only one access point onto the Great Western Highway is permitted by the Roads and Traffic Authority. Therefore each development would gain access from an internal road.

	<p>Council should be looking at a Study concerning all Marrangaroo and indeed all Greater Lithgow in total instead of this ad hoc approach.</p>	<p>Council's Strategic Plan is currently being drafted which investigates the entire Local Government Area and will inform the upcoming preparation of the new comprehensive Local Environmental Plan.</p> <p>Council at its meeting of 4 December 2006 resolved to place the Proposed Amended Marrangaroo Structure Plan into the draft Strategic Plan for assessment as to whether or not to proceed with the draft Plan into a rezoning having regard to the entire Local Government Area.</p>
<p>2. Department of Primary Industries - Minerals Resources</p>	<p>The 217 lot residential subdivision north of the Oakey Forest Road will be partly within the buffer zone of the current mine leases and as such is not suitable for residential development. Council's response is that the consent has already been granted for the residential subdivision and that nothing can be done to amend that consent. DPI-MR would encourage council to amend the subdivision's existing consent or alternately apply additional requirements on any residential developments within the subdivision area to ensure that the new residences have no cause for complaint regarding the effects of the quarry (noise, dust, vibration &amp; traffic) which also has development consent from Council which pre-dates the consent granted to the subdivision.</p>	<p>The Proposed Amended Marrangaroo Structure Plan shows the currently approved 217 residential lot subdivision land as employment generation and outside of the quarry buffer area. In any case the request from DPI-MR regarding this subdivision is not lawfully possible.</p> <p>Also, it should be noted that the Quarry has existing development consent and an Environment Protection Licence which it must comply with.</p>
	<p>The proposed 3c) zoning for the area north of Oakey Forest Road and within the quarry buffer should be treated differently from the 3c) area in Marrangaroo Fields estate where residential houses lie within the buffer. The area within the buffer would be more suitable for 3a) or 3b) thus reducing the number of residences affected.</p>	<p>The proposed 3c area which lies within the quarry buffer currently consists of existing dwellings and vacant land. The proposed buffer has no impact on existing development. As detailed in section 8.1.6 of the draft Local Environmental Study, Council may consider that no further dwellings be permitted in this buffer area during the life of the quarry. It is considered that this is a</p>

		matter for a later rezoning process should Council resolve to proceed with a rezoning.
	RTA has previously stated that there should be no new access points to the highway which only leaves Oakey Forest Road, yet your plan shows a “possible access route” from the highway into the residential subdivision and not Oakey Forest Road. Council minutes state no closure is proposed at this stage and then go on to say that if ARTC approve a bridge over the railway into the residential subdivision then Oakey Forest Road may be closed.	The Proposed Amended Marrangaroo Structure Plan shows a possible access route from the Great Western Highway into the employment generation area. The possible access routes into the Study Area are subject to further assessment should development occur. It is noted that consultation will need to occur with the quarry and residents should any closure of Oakey Forest Road be proposed or required by either ARTC or the RTA.
	The issue remains that the residences along Oakey Forest Road have issues with quarry trucks passing, to the extent of limiting hours of truck transport along Oakey Forest Road. The proposal to re-route the quarry truck traffic through the 217 lot residential subdivision must not impose further restrictions on the quarry operations. This is a likely source of land use conflict which can be avoided by judicious planning.	The Proposed Amended Marrangaroo Structure Plan shows the currently approved 217 residential lot subdivision land as employment generation, a watercourse buffer, open space and 3c large lot residential. The Proposed Amended Plan does not propose to re-route quarry trucks through a future residential subdivision.
	RTA advises in its submission that they will consider an access opposite Oakey Forest Road making a 4-way road junction “subject to all road safety issues and adequate intersection treatment being addressed”. This appears to be contrary to it’s objection to additional access point to the highway and it’s approval of the proposed railway bridge access to the residential subdivision area.	Council notes the comments of the RTA and once again if any development occurs the access routes will be subject of further assessment and approval by the RTA.

A full copy of each submission is provided to Councillors.

It is considered that the Proposed Amended Marrangaroo Structure Plan as attached to the Business Paper identifies the highest and best use of lands within the Study Area. As the Proposed Plan is being assessed in the draft Strategic Plan, it is suggested that Council consider adopting the Proposed Amended Marrangaroo Structure Plan as the plan identifying the highest and best use of lands within the Study Area and await the outcome of the Strategic Plan prior to considering whether or not to rezone any lands.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

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

## **07- 15 RESOLVED**

### **THAT**

1. The Proposed Amended Marrangaroo Structure Plan be adopted as the plan identifying the highest and best use of lands within the Study Area.
2. The matter be reported to Council following the adoption of the Strategic Plan to determine whether or not to progress the Proposed Amended Marrangaroo Structure Plan into a rezoning proposal.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

### **CARRIED**

**ITEM:13            COMM - 05/02/07 - INSURANCE CLAIM AMENITIES REAR OF  
ADMINISTRATION CENTRE MORT ST LITHGOW**

### **REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH**

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### **REFERENCE**

Nil

### **SUMMARY**

To advise Council of the progress of a Public Liability Claim involving Council amenities at the rear of the Administration Centre in Mort St Lithgow with a recommendation for their closure due to the risk of the facilities.

### **COMMENTARY**

On the 16 April 2002 Council received an insurance claim involving a fall on or about 8.45 am on the 19 March 2002 in the toilet facilities underneath the Council Chambers. The applicant is claiming a slip on the tiled floor covered with water in a dimly lit area.

The matter was referred to Councils insurer Jardine Llyodd Thompson and associated Solicitors Phillips Fox and is currently awaiting settlement.

The location and hours of operation of the toilets pose an immediate risk to the security of the Administration building, the public and Council employees. They are presently open 24 hours a day 7 days a week and are the target of continual vandalism which requires costly repairs.

Alternate facilities are provided by Council 24 hours per day 7 days a week at the eastern end of Main St and Queen Elizabeth Park and Eskbank St (CBD hours). For these reasons and the pending Public Liability Claim, it is recommended Council consider the closure of the facilities. With this in mind Council may wish to investigate the upgrade of the Main St facilities or pursue additional facilities in the Draft 2008/09 Management Plan process.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Councils Public Liability excess of \$10,000

**LEGAL IMPLICATIONS**

Public Liability claim involving Jardine Llyodd Thompson and Solicitors Phillips Fox to attend to Council's interest in the matter.

**07- 16 RESOLVED****THAT:**

1. The Public Liability claim and progress be noted
2. Council close the amenities at the rear of the Council Chambers in Mort St Lithgow.
3. Council investigate alternative facilities in conjunction with the Draft 2008/09 Management Plan process

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor A E Thompson.

**CARRIED**

## REPORTS FROM DELEGATES

**ITEM:14            DEL - 05/02/07 - PACT MEETING HELD ON 14 DECEMBER 2006**

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### REFERENCE

NIL

### SUMMARY

This report outlines what happened at the PACT meeting held on 14 December 2006.

### COMMENTARY

At the final meeting of PACT for the year, the local Police asked for (along with a covering letter) road closures of Main Street for New Years Eve Celebrations in Lithgow. I subsequently raised this at the following Monday Nights Council meeting where a motion for such approval moved and passed.

From a staffing point of view, there are only 2 positions that have not been filled at this stage. However, they are in the process of being filled. It is expected that Lithgow will receive 3 of the new probationary constables early in the New Year, from the many who are expected to graduate in late January.

The Police have agreed to give a regular update of the use of their trail bikes. Over the past few months they have been used on the local "coal-haul" roads following some complaints of unauthorised use of these roads. The bikes have also had regular patrols in the Newnes Forest area.

Recent figures released for the Chifley Local Area Command (of which our LGA is part) shows encouraging signs in many areas; Break and Enter, Robbery, Stealing, Stolen Vehicles, Drug Detections and Fraud all down by more than 25%. It is also clear that more Police have been out and about with "Move on Directions" and "Person Searches" which are up by an average of 160%.

It unfortunately seems like the RTA are not willing to have Red Light cameras at Dunn's Corner which has been the subject of a few complaints. The local Highway Patrol will take a greater interest in this intersection in the future and maybe by catching a few people here doing the wrong thing may deter others.

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

### RECOMMENDATION

**THAT** the information be received.

**07- 17 RESOLVED**

**THAT:**

1. The information be received.
2. Council write to the Minister for Roads expressing their dissatisfaction in relation to NO red light at Dunn's Corner and seek if this decision can be overturned
3. Council to seek advice of how many staff are on long term sick leave and how many are on other duties in the Lithgow area.
4. A report to come back on the statistics of crime and as to whether the results relate to the Lithgow area.
5. The Mayor to report to the next PACT Meeting on the crimes in the Eagle View Estate.
6. The Mayor to report to the next PACT Meeting the Police sign at Wallerawang and as to whether it will be fixed.

**MOVED:** Councillor Neville Castle  
**CARRIED**

**SECONDED:** Councillor M M Collins.

## QUESTIONS WITHOUT NOTICE

### QWN - 05/02/07 - COUNCILLOR M F TICEHURST

Mr Mayor:

#### **DA 320/06 Greyhound Kennels 970 Range Road Pipers Flat.**

1. Could DA 320/06 - Greyhound Kennels at 970 Range Road Pipers Flat be called in under Council Policies for formal consideration by all Councillors at a Committee or Ordinary Meeting of Lithgow City Council?

*As per Council policy, if the Committee resolves to call it in, staff will ensure it happens. As per Councils policy requires the confirmation of substantial public interest in a matter be demonstrated, or, written notice of 3 Councillors to call a DA up.*

2. Could all documentation lodged for DA 320/06 be provided to all Councillors and all documentation lodged in respect of DA 320/06 also is provided to all Councillors as soon as it is available?

*If the Question 1. is resolved, staff will ensure the material required will be provided as per normal operating processes.*

#### **McKANES FALLS ROAD, SOUTH BOWENFELS.**

3. Could the Lithgow City Council convene a public Citizens Access Meeting to enable local residents to present their serious concerns over McKanes Falls Road, South Bowenfels, in particular: -
  1. The current condition of the pavement of the roadway;
  2. An apparent recent increase in motor vehicle accidents on the roadway and other near misses approaching and exiting the Coxs River Bridge;
  3. The lack of appropriate road barriers in and around the sweeping bends;
  4. The increasing traffic using the local road and consideration of a lower speed limit and a Stop or Give Way sign at the Coxs River Bridge.

*The matter will be referred to the next available TALC meeting initially. Some items are included in the draft 2007/08 budget.*

#### **HERMITAGE FLAT, COBAR PARK ETC.**

4. Could the Lithgow City Council and the State Member for Bathurst Gerard Martin investigate what action if can take to assist the residents who live on or adjoin land which is currently available for public purchase from Xstrata Coal? A community notice from a local resident is attached for Council's information.

*Correspondence has been forwarded to Xstrata Coal asking that an update be provided if any further action is proposed in relation to existing dwellings on company land in the vicinity of Crane Road. To date no reply has been received and follow up correspondence has been sent. It should be noted that this does not relate to adjoining lands. Should Council be of a view that the Member for Bathurst could be of any assistance in a private land dealing then this could be referred subject to Council resolving as such.*

**EXTRAORDINARY MEETING OF WEDNESDAY 10 JANUARY 2007.**

5. Could the Lithgow City Council advise the grounds on why the recent Extraordinary Meeting of the Lithgow City Council to be held on Wednesday 10 January 2007 was cancelled and when the Notice of Motion as detailed and contained within cancelled Extraordinary Meetings Agenda will be reported?

*All Councillors were advised by 2pm on 10 January 2007 following the receipt of a request to cancel the meeting which reached Council on 10 January 2007 at 11am. of the cancellation of the meeting and were provided with the background and reasons for the cancellation as follows:*

- *A written request signed by two Councillors to hold an Extraordinary meeting was received on 21 December 2006;.*
- *Clause 366 of the Local Government Act 1993 says:  
"Calling of extraordinary meeting on request by councillors If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request."*
- *While it can be considered that it was not practicable to hold a meeting during the Christmas and New Year holiday period, the scheduling of the Extraordinary meeting for 10 January 2007 has been determined to be outside the 14 day period permitted to strictly comply with the Act.*

*The business arising from the notice of motion would need to be re-submitted. As it is a notice of motion from Councillors, it will not give rise to a report from staff.*

**CODE OF MEETING PRACTICE – AUDIO OF COUNCIL MEETINGS.**

6. Could the General Manager provide a report on why the Lithgow City Council continues to fail to comply with Paragraph 16 Code of Meeting Practice with respect to the Sound Recording of all Ordinary and Committee Meetings of the Lithgow City Council?

**PARAGRAPH 16 MINUTES - SOUND RECORDING [LP]**

- (i) Council's Principal Committees will be recorded electronically in "open committee" ;
- (ii) Ordinary and Extraordinary meetings of the Council will be recorded electronically in "open Council".
- (iii) A master recorded copy of Council and Committee Meetings will be retained in safe custody within the Council.
- (iv) The master copy will be destroyed after three (3) months.
- (v) Audio recording equipment will be made available for any other committee or working group upon request provided that the subject meeting is conducted in the Council Chambers.

*See answer to 7 below.*

7. When will the Lithgow City Council be in a position to comply with Paragraph 16 Code of Meeting Practice with respect to the Sound Recording of all Ordinary and Committee Meetings of the Lithgow City Council?

*Council's Code of Meeting Practice was reviewed and re-considered by Council in draft format and consequently placed on exhibition in August 2006 (minute 06-248) and includes a clause (16) relating to the taping of meetings in the Council chambers. Taping is not done at present.*

*The Code of Meeting Practice is still in draft form and it is planned to resubmit it to Council at the February Council meeting. This is an opportune time to alter the clause should council seek to.*

*If Council should desire that recording be enacted, there should be adequate and clear provisions to ensure clarity for any access to the taped sessions are in place. It is further recommended that should taping be undertaken, it not be seen as a replacement for the official minutes of the Council's meetings.*

*It is recommended that the Code of Meeting Practice be adapted as follows arising from the issues raised in the questions from Councillor Ticehurst:*

**16 MINUTES - SOUND RECORDING [LP]**

- (i) Council's Principal Committees **may** be recorded electronically in "open committee";*
- (ii) Ordinary and Extraordinary meetings of the Council **may** be recorded electronically in "open Council".*
- (iii) A master recorded copy of Council and Committee Meetings will be retained in safe custody within the Council;*
- (iv) Master copies of all tapes will be destroyed after three (3) months;*
- (v) Audio recording equipment **may** be made available for any other committee or working group upon request provided that the subject meeting is conducted in the Council Chambers;*
- (vi) Should Council record minutes of any meeting, the recordings will not to be made available to any person as they are solely for the clarification by staff of official written minutes of items discussed at a meeting;*
- (vii) Should a Councillor seek clarification on minutes of a meeting, staff may consult tapes for confirmation of the accuracy of the printed minutes and will advise all Councillors of the request and the outcome of the investigation accordingly in addition to identifying for future clarification/or correction of minutes as necessary.*

**CRYSTAL THEATRE UPGRADE UPDATE**

8. Could the Lithgow City Council provide: -
- A public update on the previous receipt of a 50/50 State Government Grant of \$75,000 (now plus interest); and
  - When will the Council be providing their the 50% contribution to enable the proposed upgrading of the Crystal Theatre at Portland; and
  - When will be upgrading works begin, what are the proposed works for the Theatre and when will they be completed?

*Funds are included in the 2006/2007 Management Plan for the project which includes Council's funds. However, it is also intended to use this allocation to leverage additional funds through a Regional Partnerships Grant. The Group Manager Regional Services has been working with officers of the Central NSW Area Consultative Committee and Department of Transport and Regional Services on an application that has the best chance of success and provides the maximum amount of funding. The application has just been reworked in an endeavour maximise funding and its formal lodgement is imminent.*

9. Could the Lithgow City Council provide the current status with the showing of films by the community group at Portland's Crystal Theatre?

*Council staff are unaware of the show of film, however, a Crystal Theatre Management Committee is due to be held on 6 February 2007 and this information will be sought at this meeting.*

#### **ROADS TO RECOVERY FUNDING OF BLACKHEATH CREEK RD LITTLE HARTLEY.**

10. Could the General Manager, further to his recent report on this matter to Councillors on Monday, 18 December 2006, confirm on what date/s, "Approx 50T of road base were stock piled on site and later removed for construction of the roadway"?

*This matter is currently the subject of further investigations and a further report will be provided on this matter when completed.*

11. Why the Council's General Manager made the statements that, "No Council plant was used to spread the material; this was confirmed by the property owner." and further that "Approx 50t loads of road base were stock piled on site and later removed for construction of the roadway."; when the new video evidence clearly shows Lithgow Council Plant spreading large amounts of road base - in the presence of the property owner and a Council ganger?

*Council staff advise that a small area was levelled off to ensure a safe tipping environment. This was done to ensure Council met its OH&S requirements and to minimise any damage to plant. Council staff or plant were not used to level a building site or area other than the minor extent illustrated above.*

12. Why the Council's General Manager failed to investigate and fully disclose by how and what means the "Approx 50t loads of road base were stock piled on site and later removed for construction of the roadway."?

*The second road base stockpile was initiated by staff on site due to concerns regarding the quantity at the initial site and safety concerns for staff and the travelling public. Stockpiling and removal of material with an owners consent is common practice in rural road building.*

13. Why the Council's General Manager failed to investigate and fully disclose what the personal relationship was that existed between the property owners and Lithgow City employees?

*The "implied" personal relationship between staff and the property owner have not proved relevant or significant in the investigations to date.*

14. Why the Council's General Manager failed to disclose that he had previously lodged a formal detailed written complaint to the Lithgow City Council Code of Conduct Committee over his involvement in the Today Tonight Report on Blackheath Creek Road, Little Hartley, prior to the publication of his investigative report being published in the Councils Meeting Agenda and presentation to the Council and Councillors on the 18 December 2006?

*The complaint lodged (as referred to) is separate to the investigation carried out and not subject to the investigation. Matters of the Conduct Committee should be referred to that body.*

15. If so, did the non-disclosure constitute a serious conflict of interest under the Council's Code of Conduct and/or the ICAC Act and should it have been disclosed at the Ordinary Meeting of Lithgow Council on the 18 December 2006 and should the General Managers investigative report have been formally withdrawn?

*The complaint lodged (as referred to) is separate to the investigation carried out and not subject to the investigation. Matters of the Conduct Committee should be referred to that body.*

16. When did the Council's General Manager become aware that the Lithgow City Code of Conduct Committee had formally met and accepted his complaint and conducted their first Conduct Committee Meeting into his complaint - less than one hour prior to holding the Ordinary Meeting of Council on Monday 18 December 2006?

*Not a matter for Councils consideration. As General Manager I have not been involved with the Conduct Committee's deliberation on this matter.*

17. What was the content and intent of conversations and meetings the General Manager had with the property owners and Council employees prior to and after formally lodging a formal detailed written complaint to the Lithgow City Council Code of Conduct Committee over his involvement in the Today Tonight Report on Blackheath Creek Road, Little Hartley; and the presentation and acceptance of his investigative report to the Council on the 18 December 2006; and the formal issue two days later on the 20 December 2006 of joint legal defamation proceedings on behalf of the three parties against Channel Seven's Today Tonight, Lithgow Radio Station 2LT, Lithgow ratepayer Jack Ellis and Lithgow City Councillor, Martin Ticehurst?

*Some discussions were held between staff and the property owner regarding the investigations. These have had no bearing on the complaint or the complaint process. The process stated by the General Manager as referred to are not joint proceedings but an individual matter. This is a private legal matter of the General Manager NOT the Council.*

18. Did the Council's General Manager hold any conflicts of interest, pecuniary interests or non-pecuniary interests after his appearance and public actions in the Lithgow City Council report shown on Today Tonight on Monday 4 December 2006 and was it appropriate for him to subsequently conduct an internal investigation into the controversial matter?

*No conflict of interest exists.*

19. Under Lithgow City Council's Code of Conduct, should the General Manager have disclosed that his legal representative in the defamations proceedings was present in Council Chambers when the matter was presented, discussed and the General Managers recommendations favourably resolved by all Councillors present with Councillor Ticehurst voting against?

*Not aware of the request to do so, any member of the public is entitled to attend any or all sessions of Council's Meetings which are open to the public.*

20. Did the Council's General Manager fail in respect to the Federal Roads to Recovery funding for road re-construction on Blackheath Creek Road, Little Hartley, to disclose in his investigation report that the road had not been surveyed at all prior to the works being commenced and completed; that no road roller was used to compact the road base (roller only for laying of bitumen) and that no road compaction reports were undertaken prior to the laying of bitumen? Was Blackheath Creek Road, Little Hartley constructed to Australian Industry Standards and within Federal Roads to Recovery grant guidelines?

*Further detailed investigations are still enduring following the most recent list of allegations forwarded to all Councillors and other parties. Council's records indicate a roller was used to consolidate the roadbase material as required. Council did not survey the road in question as is normal practice in NSW Council's for a road sealing program. Council's legal advisors are undertaking the required searches and investigations to clarify the matter and this will be subject to a further report. The allegation that a roller was not used to compact the roadbase on Blackheath Creek Road has been investigated and found to be factually incorrect.*

#### **POLICY ON USE OF COMMUNITY VOLUNTEERS FOR COUNCIL EMPLOYMENT**

21. Could the General Manager advise: -
- Does the Lithgow City Council have a policy on the Council's ongoing use of 'community volunteers', (such as Probation & Parole, etc.) undertaking the Council's works that were previously and are normally performed daily by Council employees; and -
  - Is such work in accordance with and supported by the NSW United Services Union; the employees Local Government Award; and
  - Can Council employees be held responsible for the actions and OH&S of the community volunteers; and
  - Is the General Manager aware of concerns by the families of Council employees that the previously, non-replaced Council workers outdoor or casual work is now being undertaken by so-called community volunteers?
  - If so, is it correct that this a form of 'volunteer employment' available for the Lithgow City Council under the Federal Government Workchoices and will the Council be engaging more community volunteers (ie. from the new 400 bed minimum security Marrangaroo Prison) to replace future resignations and retrenchments of Council employees?

*A Policy on Voluntary Work - Community Volunteers has been adopted. Community Service Order 'Volunteers' have been engaged prior to adoption of this policy. Although this is probably slightly different in nature to the type of volunteer work contemplated under the policy, the most relevant part, No 11, indicates that:*

*"Council can consider the maintenance of median strips and road verges by volunteers or work groups upon the completion of risk assessment to ensure community safety is maintained."*

*These Community Service 'Volunteers' have been mainly utilised in this type of activity and formal inductions, risk assessments and Traffic Control Plans have been undertaken. Council's policy for Volunteer work was recently adopted by Council.*

**MEADOW FLAT LAND HELD BY THOMAS KNOX HOPE**

22. With respect to Item 16 in the Agenda of the Finance and Services Committee Meeting for tonight, could the Lithgow City Council advise what inquiries were made by the Council or their legal representatives to locate Thomas Knox Hope or his descendants and how much compensation is now to be held in trust as a result of the sale of the properties at Meadow Flat?

*The Council have conducted appropriate steps for seeking the whereabouts of the former owner of the land, including the following processes:*

- *Registered owner established via a titles search;*
- *A number of advertisements were placed, including in the Lithgow Mercury;*
  - *Probate office lists searched;*
  - *Supreme Court lists searched;*
  - *Electoral Rolls were searched;*
  - *Births, deaths and marriages lists have been searched;*
  - *The Valuer General and Department of Local Government have been advised of the acquisition;*
  - *The Department of Local Government has provided advice to Council's solicitor that legislative requirements have been met.*

*Should the former registered owner, or someone who can prove ownership of the land come forward, as the report indicates, Council would need to make an offer in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Gazettal occurred on 8 December 2006 and any compensation process would generally follow the gazettal of an acquisition.*

**QUESTIONS FROM THE PUBLIC GALLERY**

23. When will the General Manager be providing an Agenda report on Lithgow City Council Resolution 06-398, moved by Councillor Fisher and seconded by Councillor Ticehurst on Monday 20 November 2006 following Councillor Fishers Question Without Notice that, " Mr Mayor, I have received a number of complaints from the public in regards to the process for public questions at the Council Meetings."

*This is part of the Code of Meeting Practice report which will be submitted to the February 07 Council meeting.*

**QWN - 05/02/07 - COUNCILLOR B P MORRISSEY**

1. Mr Mayor I refer to the Black Bridge in Wallerawang. Can we please invite representatives from the Rail Company to come and address a future Council Meeting so we can discuss the issues relating to the Black Bridge?

*The Mayor advised that a meeting can be convened.*

**QWN - 05/02/07 - COUNCILLOR H K FISHER**

1. Mr Mayor can you please send the answers of Councillor Ticehurst's questions to him?

*The Mayor advised that this can be done.*

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

Item 4 - (d) commercial information of a confidential nature that would if disclosed:  
(i) prejudice the commercial position of the person who supplied it

Item 8 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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

There were NIL objections

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

**07- 18 RESOLVED**

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor M J Wilson.

**CARRIED**

Closed Committee started at 6.56pm

## CLOSED COUNCIL REPORTS

### ITEM:4 GM - 05/02/2/07 - CONFIDENTIAL REPORT - GAS WORKS SITE

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#### Reason for Confidentiality

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

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

#### 07-6 RESOLVED

##### THAT:

1. Council consider entering into a further option with respect to the sale of the former Gas Works Site.
2. A further confidential report to come to the February Council Meeting for further discussion.

**MOVED:** Councillor W McAndrew  
**CARRIED**

**SECONDED:** Councillor B S Moran.

### ITEM:8 REG - 05/02/07 - CONFIDENTIAL REPORT - CUTCLIFFE V COUNCIL & DUKES - COSTS

#### REPORT FROM: GROUP MANAGER REGIONAL SERVICES: ANDREW MUIR

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#### Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

#### 07- 11 RESOLVED

**THAT** the information be received.

**MOVED:** Councillor H K Fisher  
**CARRIED**

**SECONDED:** Councillor M J Wilson.

Closed Council finished at 7.11pm

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:

**07- 19 RESOLVED**

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M J Wilson.

**CARRIED**

The meeting closed at 7.15pm.