



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

21 APRIL 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 21st APRIL 2008**

Meeting Commenced 7.00pm

Public Gallery: 12

PRESENT

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

APOLOGIES

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

MOVED: Councillor B S Moran **SECONDED:** Councillor M J Wilson.

008-36 RESOLVED

CARRIED

Also in attendance

General Manager, Mr Paul Anderson
Group Manager Regional Services, Mr Andrew Muir
Minutes Secretary, Miss Casey Clarke
Executive Secretary, Miss Cortney Wood
Policy and Planning Manager, Mrs Amanda Muir

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 17th March 2008 were taken as read and confirmed by Councillors B S Moran and M J Wilson

008-37 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor M F Ticehurst declared a non pecuniary conflict of interest in Item 16 due to a recent case before the Supreme Court. He vacated the Chambers.

QUESTIONS FROM THE PUBLIC GALLERY

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

NIL questions were raised.

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
<u>GENERAL MANAGER REPORTS</u>		<u>5</u>
<u>ITEM:1</u>	<u>GM - 21/04/08 - PLANNING PANEL FOR KU-RING-GAI COUNCIL</u>	<u>5</u>
<u>ITEM:2</u>	<u>GM - 21/04/08 - DRAFT CODE OF MEETING PRACTICE</u>	<u>6</u>
<u>ITEM:3</u>	<u>GM - 21/04/07 - TELEVISION RECEPTION - LITHGOW LOCAL GOVERNMENT AREA</u>	<u>7</u>
<u>ITEM:4</u>	<u>GM - 21/04/08 - LGA PLANNING REFORM CAMPAIGN</u>	<u>8</u>
<u>ITEM:5</u>	<u>GM - 21/04/08 - PRESS RELEASE - LOCAL GOVERNMENT ELECTIONS - CHANCE TO SAVE MONEY</u>	<u>10</u>
<u>ITEM:6</u>	<u>GM - 21/04/08 - LITHGOW SHOW SOCIETY INC</u>	<u>12</u>
<u>ITEM:7</u>	<u>GM - 21/04/08 - DEPARTMENT OF LOCAL GOVERNMENT CIRCULAR 08-12 - BECOMING A COUNCILLOR PUBLICATION</u>	<u>13</u>
<u>ITEM:8</u>	<u>GM - 21/04/08 - 2004 LOCAL GOVERNMENT ELECTIONS RESULTS SURVEY REPORT</u>	<u>14</u>
<u>ITEM:9</u>	<u>GM - 21/04/08 - CONFIDENTIAL REPORT - GAS WORKS SITE CONFIDENTIAL</u>	<u>15</u>
<u>ITEM:10</u>	<u>GM - 21/04/08 - MINISTERIAL BRIEFINGS / DELEGATIONS</u>	<u>16</u>
<u>ITEM:11</u>	<u>GM - 21/04/08 - DRAFT MANAGEMENT PLAN 2008/09 - 2010/11 & SPECIAL RATE VARIATION APPLICATION</u>	<u>18</u>
<u>ITEM:12</u>	<u>GM - 21/04/08 - IRONFEST - LETTER TO EDITOR</u>	<u>20</u>
<u>ITEM:13</u>	<u>GM - 21/04/08 - ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCILLOR M F TICEHURST</u>	<u>23</u>
<u>ENGINEERING SERVICES REPORTS</u>		<u>27</u>
<u>ITEM:14</u>	<u>REG - 21/04/08 - RAILCORP - TRACK UPGRADING AND NECESSARY ROAD CLOSURES</u>	<u>27</u>
<u>COMMITTEE MEETINGS</u>		<u>28</u>
<u>ITEM:15</u>	<u>GM - 21/04/08 - SISTER CITY COMMITTEE MINUTES OF THE MEETING HELD ON 2 APRIL 2008</u>	<u>28</u>
<u>ITEM:16</u>	<u>GENERAL MANAGER PERFORMANCE REVIEW COMMITTEE - 21/04/08 - CONFIDENTIAL REPORT - GENERAL MANAGERS PERFORMANCE REVIEW CONFIDENTIAL</u>	<u>29</u>
<u>ITEM:17</u>	<u>DELEGATES REPORT - PACT MEETING HELD ON 18TH MARCH 2008</u>	<u>30</u>

GENERAL MANAGER REPORTS

ITEM:1 GM - 21/04/08 - PLANNING PANEL FOR KU-RING-GAI COUNCIL

REFERENCE

NIL

SUMMARY

This report outlines correspondence received from the Department of Planning in relation to representations from Lithgow City Council.

COMMENTARY

Lithgow City Council is in receipt of correspondence from the Department of Planning in relation to Council representations to the Hon Frank Sartor, Minister for Planning concerning the appointment of a planning panel for Ku-ring-gai Council.

The Minister wishes to advise that the representations from Council have been acknowledged and a response will be forthcoming.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

O08-38 RESOLVED

THAT the information be noted.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M M Collins.

CARRIED

ITEM:2 GM - 21/04/08 - DRAFT CODE OF MEETING PRACTICE

REFERENCE

Min 07-493: Council Meeting 19 November 2007

Min P08-04: Policy and Strategy Committee Meeting 4 February 2008

SUMMARY

This report recommends adoption of changes following public exhibition of the Draft Code of Meeting Practice. The changes involve alterations to the day and time at which Council will hold its Ordinary and Committee meetings.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 4 February 2008 considered a report regarding changes to the Code of Meeting Practice. The following changes were resolved:

- "Council's Policy and Strategy Committee commence at 6pm on the first Tuesday of each month.
- Council's Finance and Services Committee commence at 6.30pm on the first Tuesday of each month.
- The processes to suspend standing orders if Committee times need to be altered be included in the Code of Meeting Practice update.
- Council meetings be held on the third Tuesday of each month commencing at 6pm".

In addition, Appendix 2 has been amended to state "Policy and Strategy Committee" instead of "Planning and Strategy Committee".

The proposed changes were placed on public exhibition with no submissions being received. Therefore, it is recommended that Council adopt the proposed changes contained in the Draft Code of Meeting Practice, Version 5.

POLICY IMPLICATIONS

The proposed changes will alter Council's Code of Meeting Practice.

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.

O08-39 RESOLVED

THAT

1. The Draft Code of Meeting Practice, Version 5 be adopted.
2. The new times for meetings commence on Tuesday, 6 May 2008 with the Committee meetings.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:3 GM - 21/04/07 - TELEVISION RECEPTION - LITHGOW LOCAL
 GOVERNMENT AREA**

REFERENCE

QWN - 17th March 2008 - Councillor H K Fisher

SUMMARY

This report outlines correspondence received from The Federal Member for Macquarie, the Hon Bob Debus in relation to television reception in the Lithgow Local Government Area.

COMMENTARY

Following on from a question raised by Councillor Fisher at the Ordinary Meeting of Council held on 17th March 2008, Lithgow City Council wrote to the Hon Bob Debus outlining the concerns from residents regarding the television reception in our local government area.

A response from the Hon Bob Debus was received by Lithgow Council advising that this issue was first brought to his attention during the election campaign especially by residents of Mort's Estate.

Mr Debus advises that he understands that the Prime antenna broadcasts the signal for all the other local television channels and that Lithgow residents are highly frustrated by this situation. The Minister has made a number of enquiries about the obligations on the television networks to fix the antenna. All advice indicated that it was purely a commercial decision for the television networks themselves.

The Minister advised that after talking with the Network Engineering Manager at Prime, he wrote directly to Mort's Estate residents informing them:

- Repair of the Tower was a priority for Prime and technicians have been engaged for some time on the project.
- The Prime transmission tower had suffered a total structural failure and need to be totally replaced.
- Prime has experienced some delays in awarding the contract to replace the tower due to the nature of the work and the difficulty of accessing the site
- Prime needed to complete a range of "onsite" testing before work could begin
- The contract to construct the new tower and antennas had been awarded; and
- Prime expected the project to commence within weeks.

The Network Engineering Manager at Prime advised the Minister recently that:

- The contactors have been delayed by two weeks by requirements of soil testing;
- Prime expects the repair work to commence onsite on April 14th; and
- Prime expects the work to take seven days to complete, weather permitting.

The Minister trusts that Lithgow Council will keep him posted on the progress of this matter.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. The information relating to the Prime TV Transmission be noted
2. Council thank the Hon. Bob Debus for his interest in the meeting and his efforts to rectify the problem for the Lithgow Community.

O08-40RESOLVED

THAT:

1. Council thank the Hon. Bob Debus for his interest in the meeting and his efforts to rectify the problem for the Lithgow Community.
2. Council write to Prime outlining the concerns and disgust in delays being experienced by Lithgow City Council residents.
3. Council seek what the status of SBS is, the access to transmitter in Hassan Walls with a report come back to Council.
4. Council request the Federal Member to seek an evaluation of the LGA with respect to free to air TV reception.
5. Council maintain a watching brief on the matter to manage process and make enquiries if the promises do not eventuate.

MOVED: Councillor H K Fisher

SECONDED: Councillor A E Thompson.

CARRIED

ITEM:4 GM - 21/04/08 - LGA PLANNING REFORM CAMPAIGN

REFERENCE

NIL

COMMENTARY

Council will recall the previous report on the outcome of the leaders forum staged by the LG&SA to combat the proposed changes to the EP&A Act authorised by the Minister for Planning, the Hon Frank Sartor.

At that forum it was agreed that the Associations would "hire" a consultation to assist with broadening the campaign and endeavour to get the State Government to reconsider their stance.

The Associations are seeking contributions from member Councils to assist with the costs of funding the consultant.

As per the normal calculations Lithgow City Council contributions would be \$1,017.69 (\$925.17 +GST)

POLICY IMPLICATIONS

Council has previously resolved to support the Anti Planning Legislation changes progress by the LG&SA. This report is a contribution of such a stance.

FINANCIAL IMPLICATIONS

Subject to this report Council will incur \$1,017.69 of the additional expenditure which will need to be addressed in the quarterly budget review.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council determine if its wishes to financially contribute to the LG&SA fund for \$1,017.69 the planning reforms.

O08-41 RESOLVED

THAT Council wishes to financially contribute to the LG&SA fund for \$1,017.69 planning reforms.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:5 GM - 21/04/08 - PRESS RELEASE - LOCAL GOVERNMENT ELECTIONS - CHANCE TO SAVE MONEY

REFERENCE

NIL

SUMMARY

This report outlines a press release received from the Minister for Local Governments Office in relation to the 2008 Local Government Elections.

COMMENTARY

A Press Release was received from the Minister for Local Government, the Hon Paul Lynch in relation to the 2008 local government elections.

The press release advised that New South Wales Councils will be given an opportunity to reduce the number of councillors elected at this year's local government election.

Under an amendment to the Local Government Act 1993 introduced to State parliament recently, Councils will have the opportunity to drop councillor numbers without having to resort to holding a constitutional referendum.

The Minister for Local Government Paul Lynch said "the proposed amendments would also confirm the optional preferential voting system where only one councillor is to be elected". The amendments would also introduce proportional representation where two or more councillors are to be elected.

Mr Lynch said "Councils and ratepayers would benefit from a reduction in the number of elected representatives". "Having a smaller number of councillors allows councils and ratepayers to save money on councillor fees and the cost administrative support", he went on to say.

The Minister also said that this opportunity to shed councillor numbers was particularly useful for councils with an even number of elected representatives. "if councils decide on having 5, 7, 9 or 11 councillors, decision are reached by majority vote without the need for the Mayor to use an additional casting vote", he said.

In 2005 the NSW Government gave councils a similar opportunity to reduce councillor numbers with out the need to hold a constitutional referendum.

"As a result, 21 councils decide to reduce 46 councillor positions, saving ratepayers about \$540,000", the Minister said. The Councils in this position were:

- Auburn - 12 to 10 - saving about \$27,960 per annum
- Blayney - 9 to 7 - saving \$16,760
- Bourke - 12 to 10 - saving \$16,760
- Brewarrina - 12 to 9 - saving \$25,140
- Broken Hill - 12 to 10 - saving \$27,960
- Central Darling - 12 to 9 - saving \$25,140
- Coonamble - 9 to 7 - saving \$16,760
- Cowra - 11 to 9 - saving \$16,760
- Cootamundra - 12 to 11 - saving \$8380 ***
- Dubbo - 12 to 11 - saving \$13,980

- Glen Innes Severn - 9 to 7 - saving \$16,760
- Great Lakes - 12 to 9 - saving \$41,940
- Greater Taree - 12 to 9 - saving \$16,760
- Jerilderie - 9 to 7 - saving \$16,760
- Mosman - 12 to 9 - saving \$41,940
- Murrumbidgee - 8 to 6 - saving \$16,760
- Orange - 14 to 12 - saving \$27,960
- Strathfield - 9 to 7 - saving \$27,960
- Tweed - 11 to 7 - saving \$55,920
- Wagga Wagga - 15 to 14 - saving \$13,980 ***
- Wingecarribee - 12 to 9 - saving \$41,940

*** As a result of constitutional referenda, Cootamundra and Wagga Wagga will reduce councillor numbers further at the 2008 election, from 11 to 9 and 14 to 11 respectively.

The opportunity to reduce councillor numbers would be qualified by the following restrictions:

- Councils undertake public consultation
- Councils must not have less than 5 councillors

Councils have until 30th June 2008 to apply for a reduction in councillors numbers.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Nil

CONCLUSION

This report outlines a press release received from the Minister for Local Government the Hon. Paul Lynch in relation to NSW Councils having the opportunity to save money by reducing the number of elected Councillors at the 2008 Local Government Election.

RECOMMENDATION

THAT Council determine if it wishes to take the opportunity to reduce Councillor numbers at the next General Election to be held on 13th September 2008.

O08-42 RESOLVED

THAT Council take no action on the number of Councillors at Lithgow City Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:6 GM - 21/04/08 - LITHGOW SHOW SOCIETY INC

REFERENCE

NIL

COMMENTARY

Correspondence has been received from the Lithgow Show Society Inc in relation to the 2008 Lithgow Show.

The President of the Show Society thanked Council for the help that we gave to the Show Society during the recent show. It was really appreciated by everyone on the Show Committee, as every bit of help that was given helped to make the show the huge success that it was.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

O08-43 RESOLVED

THAT the information regarding the thank you from the Lithgow Show Society be noted.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:7 GM - 21/04/08 - DEPARTMENT OF LOCAL GOVERNMENT
CIRCULAR 08-12 - BECOMING A COUNCILLOR PUBLICATION**

REFERENCE

NIL

SUMMARY

This report outlines the release of DLG Circular 08-12 in relation to the new publication "Becoming a Councillor".

COMMENTARY

Lithgow City Council is in receipt of a Circular from the Department of Local Government in relation to a new publication that has just been released titled "Becoming a Councillor".

The publication contains information for people considering standing for election at the upcoming local government elections to be held on 13th September 2008.

The publications gives an overview of local government in NSW and outlines what a councillors role is, what support is available for councillors and how to nominate as a candidate for local government elections.

The publication was jointly developed by the Department of Local Government and the Local Government and Shires Associations of NSW.

The publications integrates, updates and replaces separate publications prepared by the Department and the Associations for 2004 local government elections - the Departments "*So your thinking of becoming a Local Government Councillor*" (Nov 2003) and the Associations "*Becoming a Councillor*" (Oct 2003) publications.

The publication is available via the Department of Local Government and the Associations websites. Information on this publication has also been advertised on the Council website and our Council Column.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

O08-44RESOLVED

THAT the information on the DLG "Becoming a Councillor" publication be noted.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:8 GM - 21/04/08 - 2004 LOCAL GOVERNMENT ELECTIONS RESULTS SURVEY REPORT

REFERENCE

NIL

SUMMARY

This report outlines a Circular received from the Department of Local Government in relation to the 2004 Local Government Election Results Survey Report.

COMMENTARY

The Department of Local Government sent a circular to all NSW Councils in relation to the findings from the 2004 Local Government Election Results Survey.

The report of the results is the fifth in a series of reports, the purpose of which is to provide information about the representation of the community on local councils. As well as describing the characteristics of councillors and candidates at 148 local government elections held between March and December 2004, the report identifies trends over time.

The report follows a similar format of that of the 1999-2000 report and includes the following:

- Information about Aboriginal and/or Torres Strait Islander candidates and councillors, which was collected for the first time at the 1999 elections.
- Information about the first language spoken by councillors, which was also collected for the first time at the 1999 elections.
- Selected candidate and councillor characteristics for each council such as gender, age and experience

The reason some councils are not included in the report is that their elections were held after 31 December 2004 or, due to the appointment of an administrator, are scheduled to hold their election in conjunction with the next ordinary local government elections on 13 September 2008.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

O08-45 RESOLVED

THAT the information on the 2004 Local Government Elections results be noted.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

**ITEM:9 GM - 21/04/08 - CONFIDENTIAL REPORT - GAS WORKS SITE
CONFIDENTIAL**

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

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

It is not in the public interest to reveal all details of these Expressions of Interest. The Companies have provided sensitive information about their proposed operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided in an Expression of Interest could result in the withholding of such information by further expressions and reduction in the provision of information relevant to council's decision.

REFERENCE

- 06-143 - Ordinary Council Meeting held on 15/05/06
- 07-06 - Policy and Strategy Committee Meeting held on 5/2/07
- 07-57 - Ordinary Council Meeting held on 19/02/07
- 07-161 - Policy and Strategy Committee Meeting held on 7/5/07
- 07-347 - Policy and Strategy Committee Meeting held on 6/8/07
- 07-429 - Ordinary Council Meeting held on 17-9/07
- P08-23 - Policy and Strategy Committee Meeting held on 03/03/08
- P08-39 - Policy and Strategy Committee Meeting held on 07/04/08

SUMMARY

This report provides the clarification of the Expressions of Interest received for the purchase of the former Gas Works Site as resolved by the Policy and Strategy Committee Meeting dated 7th April 2008.

O08-46 RESOLVED

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

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor B S Moran.

ITEM:10 GM - 21/04/08 - MINISTERIAL BRIEFINGS / DELEGATIONS

REFERENCE

NIL

SUMMARY

This report updates the Council with the recent delegations to State Government Ministers.

COMMENTARY

As Council is aware the Mayor and General Manager attended meetings with the Minister for Local Government, the Hon Paul Lynch to discuss Council's pending Special Rate Variation, the Minister for Education and Training and Industrial Relations, the Hon. John Della Bosca to discuss the extension of Councils Learning City Project with the Department of Education Industry Links Program, the explosions that occurred at the Howard's Pyrotechnic Facility and imminent Work Cover report and the Minister for Lands and Regional development, the Hon Tony Kelly to discuss the Minerals Processing Park and Councils grant for an Economic Development Officer. These meetings were facilitated and arranged by our Local member Gerard Martin.

The meetings were very fruitful and have already lead to some outcomes being received with respect to a meeting with the Minerals Processing Park and a community briefing of the Howard's explosion(s). This meeting also lead to staff being invited to the Foti Fireworks Facility at Marulan to view the latest technology and thinking with such developments.

It was pleasing to meet the Minister for Local Government who was aware of Councils application, Capital expenditure review and inroads into improved financial position as a result of improved reporting and prioritising of works programs.

Although not in a position to offer direct advice regarding Councils application, the Minister indicated he was well aware of the proposal and the project and would review Council's application and advise of its outcome ASAP.

POLICY IMPLICATIONS

This report does not require the alteration or amendment of any policy.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report, although the outcome of the Special Rate Variation will have an impact on Councils ability to determine the proposed Indoor Aquatic Centre.

LEGAL IMPLICATIONS

NIL

CONCLUSION

This report has updated Council on the three recent delegations to NSW State Government Ministers and the outcomes read.

It is very pleasing to report that some early "wins" have already been enjoyed and following the full fruition of many of the issues discussed Council will enjoy some substantial benefits from things such as the development of industrial lands at the Minerals Processing Park, extension to the Industry Links Program to aid in erasing the skills shortage of our region and some assistance / advice with the Howard's explosion / redevelopment.

O08-47 RESOLVED

THAT:

1. The report on meetings with Ministers Lynch, Della Bosca and Kelly be noted.
2. Council thank Gerard Martin for arranging the meeting the State Government Ministers.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:11 GM - 21/04/08 - DRAFT MANAGEMENT PLAN 2008/09 - 2010/11 & SPECIAL RATE VARIATION APPLICATION

REFERENCE

Min P08-07: Policy and Strategy Committee Meeting 4 February 2008
Min P08-36: Policy and Strategy Committee Meeting 7 April 2008

SUMMARY

This report proposes funding of additional infrastructure projects in the Draft Management Plan 2008/09 – 2010/11 using a proportion of funds received from the special rate variation if it is approved by the Minister for Local Government.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 7 April 2008 resolved "that the Draft Management Plan 2008/09 – 2010/11 be placed on public exhibition for a period of 37 days from 10 April to 16 May 2008". The Draft Management Plan which was provided within Councillor Business Paper Packages presented the following rating models:

Option 1 – Special Variation to the Ordinary Rate for the Indoor Aquatic Centre

This special variation to the ordinary rate involves a \$10 increase to the 2007/08 base rate, an estimated increase in the rate peg ad valorem rate of 3.5% and a 6.45% increase in the ad valorem rate for the indoor aquatic centre special variation.

It should also be noted that the special variation to the ordinary rate for the provision of fire services in the Local Government Area which was approved and adopted in 2006/07 will continue. Also, the special rate for parking at 1.06% will continue in the designated area of Lithgow.

Option 2 – Ordinary Rate Without Special Variation

This ordinary rate involves a \$10 increase to the 2007/08 base rate and an estimated increase in the rate peg ad valorem rate of 3.5%.

It should also be noted that the special variation to the ordinary rate for the provision of fire services in the Local Government Area which was approved and adopted in 2006/07 will continue. Also, the special rate for parking at 1.06% will continue in the designated area of Lithgow.

However, the Minister for Local Government announced that the rate peg limit would be 3.2%. Therefore, it was considered appropriate that Council exhibit in its Draft Management Plan the correct rate peg limit and to this extent, the Draft Management Plan which was presented to Council on 7 April 2008 has been altered in accordance with the following:

Option 1 – Special Variation to the Ordinary Rate for the Indoor Aquatic Centre

This option involves a \$10 increase to the 2007/08 base rate, an increase in the rate peg ad valorem rate of 3.2% and a 6.75% increase in the ad valorem rate which is the indoor aquatic centre special variation.

It should also be noted that the special variation to the ordinary rate for the provision of fire services in the Local Government Area which was approved and adopted in 2006/07 will continue. Also, the special rate for parking at 1.06% will continue in the designated area of Lithgow.

Option 2 – Ordinary Rate Without the Special Variation

This option involves a \$10 increase to the 2007/08 base rate and an increase in the rate peg ad valorem rate of 3.2%.

It should also be noted that the special variation to the ordinary rate for the provision of fire services in the Local Government Area which was approved and adopted in 2006/07 will continue. The special rate for parking at 1.06% will continue in the designated area of Lithgow.

Therefore, the net yield from rates and impact on ratepayers does not change, but the break up between the rate peg and special variation ad valorem rates does change. This can be explained as follows:

- The rate peg ad valorem of 3.2% will yield \$9,261,289.62 instead of \$9,288,811.28, a reduction of \$27,521.66.
- The special ad valorem rate of 6.75% will yield \$825,521 instead of \$798,000, an increase of \$27,521.66.

Furthermore, in light of the need for Council to plan and fund improvements to our infrastructure such as roads, the following suggestion is made for Council's consideration which would result in the special rate variation being used to fund both the indoor aquatic centre and infrastructure improvements:

- 6.45% or \$798,000 of the special rate variation funds being for loan repayments for the construction of the indoor aquatic centre.
- 0.30% or \$27,251 of the special rate variation funds being for infrastructure improvements.

This suggestion is not more onerous in terms of dollars from ratepayers than the previous rating models and allows for a minor injection of funds into an infrastructure improvement program which will result in on-the-ground works. For example, the \$27,251 could be used to supplement the proposed budget of \$40,000 for a gravel re-sheeting program which would result in 2.5 kilometres being completed instead of 1.5 kilometres.

Also, this suggestion does not effect the proposed loan repayments of \$798,000 over 20 years for the indoor aquatic centre, but it should be noted the exact loan repayment will not be known until it is drawdown.

If Council wanted to pursue this option, notification would need to be forwarded to the Department of Local Government amending the application for a special rate variation. Also, the Draft Management Plan would need to be amended and as such it would be suggested that the public exhibition period be extended to 21 May 2008 which would result in the amended Draft Management Plan being exhibited for 28 days.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications of the report are discussed above.

LEGAL IMPLICATIONS

The legal implications in relation to the exhibition of the Draft Management Plan are discussed above.

O08-48 RESOLVED

THAT:

1. The Draft Management Plan 2008/09 – 2010/11 be amended to include the following option for the special rate variation:
 - 6.45% or \$798,000 of the special rate variation funds being for loan repayments for the construction of the indoor aquatic centre.
 - 0.30% or \$27,521 of the special rate variation funds being for infrastructure improvements.
2. The exhibition period for the Draft Management Plan be extended until 4.30pm on 21 May 2008.
3. The Department of Local Government be notified of the change to the application for a special rate variation.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:12 GM - 21/04/08 - IRONFEST - LETTER TO EDITOR

REFERENCE

NIL

SUMMARY

The Lithgow Mercury has printed a “Letter to the Editor” from Mr M Ross of Ironfest that raises issues with Council officers and financial issues in regards to 2008 Ironfest event.

COMMENTARY

In the Lithgow Mercury dated Tuesday 15th April 2008, Mr Macgregor Ross, Festival Director for Ironfest, submitted a letter to the editor in regards to issues between the Ironfest organisation and Lithgow City Council.

Ironfest is an annual event held at the Tony Luchetti Showground that celebrates Lithgow’s cultural heritage via working and playing with metal, and combines art with technology. Ironfest is administered by Ironfest Inc. The event is not a Council run or managed event although Council is heavily involved with a significant “donation” and other “in kind” expenses.

All events held on Council property are required to complete Council’s Event Management Guide. This document outlines event requirements and OH&S issues. At a meeting, held in July 2007, the necessary temporary bookings were placed on the required facilities for Ironfest. Ironfest Inc. were advised that further information would need to be provided on, Traffic Management Plans, Parking Plans and Road Closures. A suggestion was also raised that a lease agreement, for use of the facilities be developed. Council advised no such document was currently available and this could possibly be developed for the 2008 event.

At this meeting a discussion on outstanding invoices Ironfest had incurred was discussed. Ironfest was informed that temporary bookings for the facilities would be placed for the 2008 Ironfest, however all outstanding invoices were required to be paid prior to accessing the annual allocation form the Council. These Invoices were in relation to damage caused to the site and required repair by Council officers from Ironfest 2007.

The outstanding invoice for Ironfest was finalised on the 28th February 2008, some ten months after the event.

A meeting between Tourism staff and Ironfest Inc. was held in February to discuss ticket sales for Ironfest being sold at the Lithgow Visitor Information Centre for the 2008 event, as had occurred on 2007. Ironfest was unhappy with the money from ticket sales payments being held up by Council, due in fact to the outstanding debt incurred by Ironfest, which surpassed the income from ticket sales. The income from ticket sales was in fact eventually utilised to offset and finalise the outstanding debt that Ironfest had incurred for the 2007 event.

Ironfest Inc. stated that the Lithgow Visitor Centre would not be required to sell tickets as the Ironfest Committee did not want this to occur. At this meeting it was again suggested a lease document be drawn up that stipulated use of facilities, hire conditions and charges and included information on ticket sales.

A lease agreement for Ironfest was completed, in conjunction with all necessary Council staff and provided to Ironfest on 26th March 2008. The document outlines financials for hire of Council facilities, inclusions, cleaning, requests from Ironfest, information on ticket sales and commissions and dispute and breach conditions. A copy of this document is attached. Lease documentation states that all fees and bonds are payable prior to the festival.

An email from Ironfest Inc was received in regards to the following requests and issues:

1. Council waive all bonds payable
2. Permission for 3 day use of the Cook Street Plaza from 25th -27th April 2008
3. Allocation in Council's budget for Ironfest
4. There were omissions in the lease agreement

In regards to the above issues, Ironfest Inc. was advised that:

1. Bonds were required to be paid, in the case of damage caused to Council facilities. These fees are outlined in Council's 2007/08 Fees and Charges. This was required from all users of Council facilities.
2. Permission was granted for use of the Cook Street Plaza from the 25th-27th April, 2008. Information on trading restrictions for ANZAC Day were also provided.
3. Ironfest was advised that Council did have a \$10,000 budget allocated in the 2007/08 budget. It was also suggested that this money cover hire fees and bonds for the use of Council facilities. At no stage was it suggested that Council funds allocated to Ironfest would not be made available.
4. An onsite meeting at the Lithgow Showground was arranged to discuss issues relating to the lease and maintenance issues.

At the onsite meeting subsequently held with members from the Ironfest committee, the lease document and other maintenance issues at the Tony Luchetti Showground were discussed. Minutes from this meeting are attached.

In relation to issues outlined in the Letter to the Editor in the Lithgow Mercury, the following information is pertinent:

1. A lease agreement was requested in June 2007 – discussions on a lease agreement were held, however at the time no such documentation was available. At a subsequent meeting held in February 2008, this was again raised and the documentation was compiled at the request of Ironfest.
2. The documentation was presented “3 weeks” before the festival – the lease agreement was forwarded to Ironfest on the 26th March 2008, one month prior to the festival and was based on Ironfest requests for what they required from Council to run the event. Some changes to this agreement were made after the onsite meeting at the request of Ironfest.
3. Ironfest is being “locked out” of the Showground – Ironfest has been requested to pay all hire fees and bonds prior to the event taking place. This occurs with all events held on Council facilities. At no time has Ironfest been told that they would be “locked out of the Showground.” They have been informed that they are required to pay all associated fees and charges.
4. Ironfest is being denied access to allocated funds – at no time has Ironfest been advised that they are being denied access to allocated funds in Council’s 2007/08 budget. Ironfest is however required to submit invoices, as per Council’s Donation Policy and pay all hire fees, charges and bonds.

Council has made ongoing contributions to Ironfest to support this event as a major iconic event, held annually in Lithgow. This event provides a substantial economic benefit to Lithgow, as do all events, and enhances our tourism image to the consumer. Lithgow Tourism provides ongoing marketing advice and promotion and is the main contact for tourist enquiries for this event, in fact the Visitor Information Centre is the number that Ironfest advertises for enquiries. Lithgow Tourism and Lithgow City Council is committed to promoting this event, with promotions for the event recently forwarded to Sydney Weekender for inclusion on the “What’s on” guide for this programme. It should be remembered that Council in fact increased the annual “donation” to Ironfest in 2003/04 given the significant positive impact the event provided to the region and to assist with meeting the rising costs associated with running and hoisting this event.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council has budgeted \$10,000 for Ironfest in the 2007/08 budget.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information relating to Ironfest be noted.

O08-49 RESOLVED

THAT:

1. The information relating to Ironfest be noted.
2. Council seek an audited report of the accounts of Ironfest Inc before providing any future donations.

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:13 GM - 21/04/08 - ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCILLOR M F TICEHURST

REFERENCE

Policy and Strategy Committee meeting of 3 April 2006
Policy and Strategy Committee meeting of 6 August 2007
Ordinary meeting of 17 September 2007
Questions Without Notice – Councillor MF Ticehurst – Ordinary meeting of Council 17 March 2008.

SUMMARY

This report provides answers to questions without notice raised by Councillor MF Ticehurst at Council's Ordinary Meeting of 17 March 2008.

COMMENTARY

Three questions were asked by Councillor MF Ticehurst at Council's Ordinary Meeting of 17 March 2008.

1. *Could the Council officers advise when resolutions 07-489 and 07-490 made at Ordinary meeting of Council on 19 November 2007 will be acted upon.*

07-489 RESOLVED

THAT Council proceed with water fluoridation and request the installation of the necessary infrastructure. (NB: This option would require a budget adjustment if it was to occur in the current financial year as there is currently no allocation for running costs and discussions with State Water/Fish River Water Supply as to the appropriate location of any plant to cater for consumers utilising this water supply would be necessary)

MOVED: Councillor B S Moran

SECONDED: Councillor B P Morrissey.

*A **MATTER ARISING** was moved by Councillor BS Moran and HK Fisher that a report be brought back to Council detailing implementation of fluoridating Council's water supply.*

07-490 RESOLVED

CARRIED

Answer – The resolution in respect of 07-489 was actually 'acted upon' on 20 November 2007 when a number of phone and email contacts commenced. Following several discussions with Department of Health officers, a formal application was made to the Director General of Health 'to fluoridate the water supplies within the Lithgow Local Government area under section 6 of the Fluoridation of Public Water Supplies Act and also apply for 100% subsidy for supply and installation of any infrastructure required.' It was also advised 'it should be noted that the two supplies are Council's Farmers Creek Supply and State Water's Fish River Water Supply.'

The application is to be formally considered by the next Fluoridation of Public Water Supplies Advisory Committee to be held on 15 May 2008. In terms of the implementation process there are two attachments that have been provided by NSW Health entitled 'Procedures' and a flow chart 'Protocol for Water Supply Authorities seeking approval to fluoridate or to modify an existing plant'. It can be seen from these attachments that there is still a number of procedural actions to be undertaken. Installation of fluoridation infrastructure has been listed as a Capital Works item in the draft Management Plan to be undertaken in 2008/2009 with a 'cost neutral' entry proposed as the project will be fully funded.

However, it should be noted that the information indicates claims are paid at the end of the process. More specific information on the timing of the project will evolve as the process proceeds.

2. *Could the Lithgow City Council advise in relation to the Swimming Pools Act 1992:*

- How many Swimming Pools on private property are there in the Lithgow Local Government area?*
- When was the last compliance audit under the Swimming Pools Act undertaken and what were the results?*
- How is the Lithgow City Council maintaining compliance audit under the Swimming Pools Act, does it have a policy for compliance audit and if not, will it initiate a policy for compliance audit under the Swimming Pools Act?*

Answer - Council maintains a register of swimming pools which indicates there are currently 201 swimming pools on private land within the Local Government Area. It must be pointed out that there is not actually a requirement in the Swimming Pools Act to conduct a compliance audit as alluded to in the question. However, Council's Building and Development Officers have been very proactive to pursue this matter seeking, over time, 100% compliance with the relevant standard, AS 1926.1. The issue came to light in 2006 because of two reasons. In early 2006 two children drowned in backyard pools in NSW that received wide press attention and also Council Officers noticed existing residences that contained swimming pools were undertaking dwelling additions, proposing new sheds/carports etc and Council Officers were noticing non compliant pools also on the allotment. Therefore, in early 2006 an audit was undertaken of Council Development Application records to see exactly how many swimming pools had a Final Occupation Inspection undertaken. It was found that approximately 80% had not called for a Final Occupation Inspection.

In response to the alarming result of the audit, Council Officers decided to take a pro active approach and for practical reasons decided to firstly focus on swimming pools from 2001 onwards. Council sent a letter on 31 July 2006 to all swimming pool owners from 2001 onwards that Council records indicated no Final Occupation Inspection had been undertaken asking the owner to contact Council to arrange a convenient time for a Final Occupation Inspection to be undertaken by Council. Council received a reasonable response to the 31 July letter and as a result started conducting the Final Occupation Inspections. The majority of the swimming pools failed to comply with AS 1926.1. As a result of most swimming pools failing to comply with AS 1926.1 a follow up letter dated 28 November 2006 was sent to remind the resident that Council records still showed their swimming pool as not being signed off.

As a result of Council's follow up letters to date out of the 155 swimming pools from 2001 onwards 112 now comply with AS 1926.1. This means to date 43 swimming pools are still shown as not having been issued with a final occupation certificate. From pre 2001, 33 swimming pools have been added to the register. The original applications are being investigated to determine whether final occupation certificates have been issued. This is labour intensive and time consuming work which takes some time to complete that must also be undertaken in the light of competing day to day priorities. However, it is particularly important to continue to pursue each outstanding swimming pool with a goal of 100% compliance.

Whether a formal policy is required is a matter for Council to consider but the relative success of the current program to date through an enthusiastic staff response should be noted.

3. *Could Council Officers provide a report to the Council on what road works, rock stabilization works, etc are to be undertaken on the 3.1 kilometre section of Wolgan Road, from the Top of the Gap to the Bottom of the Gap and which authorities will be funding the construction works?*

Answer – the works on the 2.6 km section of Wolgan Gap will involve pavement rehabilitation, realignment, additional drainage and safety improvements including the installation of guardrail or another similar barrier treatment. No rock stabilisation works are proposed as part of the Gap upgrade. The funding authorities for the entire project are Federal Government - Department of Transport and Regional Services, State Government – Department of State and Regional Development, Emirates and Council.

Re: Q 3. Could Council Officers advise what structural engineering works, if any are proposed for the current and future stabilization of the rock walls and on whose Structural Engineering Consultant/s advice does Council rely upon that there is no public risk to any future public safety from ongoing rock falls in that area?

Re: Q 3. Could Council Officers advise what current and future plans are in place for any unforeseen rock falls, road closures of the Wolgan Road for the entry and egress of local residents, school children, tourists and employees and guests of the new Emirates Resort in the Wolgan Valley?

Answers to the two 'sub- questions' as follows - There are no planned current or future stabilisation of the rock walls proposed. Council commissioned a report from **Pells Sullivan Meynink, Engineering Consultant** specialising in rock, soil and water. In their report dated 7th Sept 2007, they state:

"It is assessed that there is a very low probability of a sudden major landslip being triggered by the passage of a heavily laden vehicle." Further the report "recommends the installation of an appropriate barrier system on the downslope edge"

The installation of a barrier system is part of the scope of the project.

In an earlier report commissioned by Council from **Golder and Associates dated 09 May 2006**, a hazard risk assessment (using the RTA Slope Risk Assessment criteria) was undertaken that revealed the following:

- In relation to the rock overhang failure there was acceptable risk to the road user.
- That in relation to rock falls between .5m and 2.0m in size there was a tolerable risk to the road user.
- In relation to a coluvium landslide there was an acceptable risk to the road user.
- It was recommended that the above risks require no remedial works, but regular monitoring is required.
- The report also recommends the installation of an approved barrier system.

POLICY IMPLICATIONS

No specific implications arise from this report unless Council sees a necessity for a formal policy on Swimming Pool compliance audits.

FINANCIAL IMPLICATIONS

No specific financial implications arise from this report providing the recommendation is adopted.

LEGAL IMPLICATIONS

No specific legal issues as a result of this report.

O08-50 RESOLVED

THAT Council note the answers provided to the questions raised.

MOVED: Councillor M J Wilson

SECONDED: Councillor A E Thompson.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:14 REG - 21/04/08 - RAILCORP - TRACK UPGRADING AND NECESSARY ROAD CLOSURES

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To advise Council of proposed track upgrading works and necessary road closures from 5 to 23 May 2008

COMMENTARY

Advice has been received on behalf of Railcorp advising of necessary track upgrading works and associated road closures from 5 to 23 May 2008. Track works in the vicinity of Geordie Street/Barton Street, Lithgow will necessitate the closure of the level crossing from 12 – 23 May 2008. It is also proposed to undertake works to the James Street Bridge closing one lane of traffic between 5 and 9 May 2008 and the Coerwull Road on the same dates utilising manual traffic control. A traffic management plan has been produced on behalf of Railcorp indicating details of closures, detour routes and proposed signage. Railcorp will also undertake advertising campaign.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

008-51 RESOLVED

THAT the information be received.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

COMMITTEE MEETINGS

ITEM:15 GM - 21/04/08 - SISTER CITY COMMITTEE MINUTES OF THE MEETING HELD ON 2 APRIL 2008

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Sister City Committee Meeting held on 2 April 2008 and recommends the in principle support for the hosting of a delegation from Chengdu in China and the exhibition of the Draft Sister City Policy.

COMMENTARY

The Sister City Committee met on 2 April 2008 to consider a number of items which are reported in the Minutes and are attached to the Business Paper. There are 2 recommendations for Council's consideration.

POLICY IMPLICATIONS

The Draft Sister City Policy will form Council's policy position on the creation of Sister City relationships.

FINANCIAL IMPLICATIONS

The financial implications for the hosting of a delegation and a reciprocal visit need to be ascertained.

LEGAL IMPLICATIONS

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

O08-52 RESOLVED

THAT:

1. The proposal to receive and lead a delegation from Chendgu in China is supported in principle with further information being sought on the implications for Council.
2. The Draft Sister City Relationships Policy be placed on public exhibition for a period of 28 days.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:16 GENERAL MANAGER PERFORMANCE REVIEW COMMITTEE -
21/04/08 - CONFIDENTIAL REPORT - GENERAL MANAGERS
PERFORMANCE REVIEW CONFIDENTIAL**

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

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

REFERENCE

NIL

SUMMARY

This report will provide Council with the results of the recent mid-term performance review carried out with the General Manager, Councillors and the Local Government and Shires Association.

Councillor M F Ticehurst declared an interest in this item and vacated the Chambers.

O08-53 RESOLVED

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

Moved: Councillor M M Collins
CARRIED

SECONDED: Councillor B S Moran.

ITEM:17 DELEGATES REPORT - PACT MEETING HELD ON 18TH MARCH 2008

REPORT FROM: COUNCILLOR B S MORAN

COMMENTARY

The General Manager, Paul Anderson and I attended the PACT meeting on the 18th March, 2007. The meeting was also attended by a representative of the Lithgow Business Association and Delta Electricity.

The following issues were discussed:

1. Crime Statistics
2. Proposed meeting with Councillors
3. Staffing levels at Lithgow
4. Media Issues
5. Resident concerns regarding Fireworks explosion

Inspector Hoolihan and Detective Inspector Puxty discussed the above issues at length to those present.

1. **Crime Statistics** – The general crime statistics were provided to the committee outlining a below average result in majority of areas. The area of concern was the need to decrease the road toll overall. It was noted that 45% of all crashes were alcohol related, 15% were seat belt related and 19% occurred as a result of speeding.
2. **Proposed meeting with Councillors** – Inspector Hoolihan and Detective Inspector Puxty were more than willing to attend a meeting with Councillors when arranged and asked that the meeting be postponed until the arrival of the new Commander.
3. **Staffing levels at Lithgow** – Inspector Hoolihan advised that four new staff members were expected to be appointed to Lithgow with two new Probationary Constables to arrive in May.
4. **Media Issues** - The current media release policy was explained with the reasons for the new release format given as follows:
 - Old release may compromise investigations
 - The need to protect peoples privacy
 - All media are treated equally
 - It is NSW Police policy and the need to comply
5. **Fireworks explosion** – No further information has been provided and all are still awaiting the outcome of the Work Cover investigation. Council are to follow this up on behalf of the community of Wallerawang.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

O08-54 RESOLVED

THAT:

1. The information be received.
2. The General Manager arrange a meeting with Councillors, Inspector Hoolihan, Inspector Puxty and the new Commander as soon as practicable.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - 21/04/08 - COUNCILLOR B P MORRISSEY

1. Mr Mayor I refer to the unkept nature of land in Hoskins Street, Lithgow. The frontage and the land abutting Marjorie Jackson Oval is in need of some work and is a concern for public safety. Can something be done as soon as possible?

The Mayor deemed this as urgent and that the matter was in hand with staff.

2. Mr Mayor I refer to the Hartley deviation and ask Council if a public meeting can be arranged to discuss the matter?

The Mayor deemed this as urgent and advised that this topic had been raised at the recent BLEG meeting with further investigation to take place. Council will await formal notification from the RTA before proceeding.

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

ITEM:9 GM - 21/04/08 - CONFIDENTIAL REPORT - GAS WORKS SITE

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

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

It is not in the public interest to reveal all details of these Expressions of Interest. The Companies have provided sensitive information about their proposed operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided in an Expression of Interest could result in the withholding of such information by further expressions and reduction in the provision of information relevant to council's decision.

**ITEM:16 GENERAL MANAGER PERFORMANCE REVIEW COMMITTEE -
21/04/08 - CONFIDENTIAL REPORT - GENERAL MANAGERS
PERFORMANCE REVIEW**

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

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

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

There was one submission from Mrs Brinckley in relation to the Gas Works Site. Mrs Brinckley questioned how long it will be until Council makes a decision on this site.

Closed Council started at 8.00pm

ITEM:9 GM - 21/04/08 - CONFIDENTIAL REPORT - GAS WORKS SITE

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It is not in the public interest to reveal all details of these Expressions of Interest. The Companies have provided sensitive information about their proposed operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided in an Expression of Interest could result in the withholding of such information by further expressions and reduction in the provision of information relevant to council's decision.

O08-55 RESOLVED

THAT Council accept the offer of Ultra Services Pty Ltd with the proceeds being internally restricted for strategic purchases and developments.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor H K Fisher

Councillor M F Ticehurst voted against the Motion.

**ITEM:16 GENERAL MANAGER PERFORMANCE REVIEW COMMITTEE -
21/04/08 - CONFIDENTIAL REPORT - GENERAL MANAGERS
PERFORMANCE REVIEW**

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

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

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

O08-56 RESOLVED

THAT:

1. Council notes the more than satisfactory performance of the General Manager as at the Mid - Term Review.
2. Council congratulate and thank the General Manager for his efforts during this time.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M M Collins

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:9 GM - 21/04/08 - CONFIDENTIAL REPORT - GAS WORKS SITE
O08-55 RESOLVED**

THAT Council accept the offer of Ultra Services Pty Ltd with the proceeds being internally restricted for strategic purchases and developments.

MOVED: Councillor B S Moran **SECONDED:** Councillor H K Fisher
CARRIED

**ITEM:16 GENERAL MANAGER PERFORMANCE REVIEW COMMITTEE -
21/04/08 - CONFIDENTIAL REPORT - GENERAL MANAGERS
PERFORMANCE REVIEW**

O08-56 RESOLVED

THAT:

1. Council notes the more than satisfactory performance of the General Manager as at the Mid - Term Review.
2. Council congratulate and thank the General Manager for his efforts during this time.

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

The Meeting closed at 8.08pm.