



LITHGOW CITY COUNCIL

**MINUTES**

ORDINARY MEETING OF COUNCIL

HELD ON

15 JULY 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 15<sup>th</sup> JULY 2008**

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Meeting Commenced 6.00pm

Public Gallery: 8

**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 Councillor W McAndrew who is out of the City on Business.

**MOVED:** Councillor H K Fisher **SECONDED:** Councillor M J Wilson.

**008- 95 RESOLVED**

**CARRIED**

**Also in attendance**

Acting General Manager, Mr Scott Greensill  
Group Manager Regional Services, Mr Andrew Muir  
Group Manager Community & Corporate Services, Suzanne Lollback  
Minutes Secretary, Miss Casey Clarke

**CONFIRMATION OF MINUTES**

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

**008- 96 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

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

Councillor M M Collins declared a Pecuniary Interest in Item 1 - Part 1 due to being Director of a Company mentioned within the report.

## QUESTIONS FROM THE PUBLIC GALLERY

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

### QPG - 15/07/08 - VINCE HALLAM

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The General Manager  
Lithgow City Council

Council Fax 6351 4259

**Lithgow City Council**  
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15 JUL 2008

Doc. No .....  
GDA Ref. ....  
Years .....

I would like to put the following questions before the Lithgow City Council Meeting this Tuesday night, 15 July 2008.

- a. Could the Council provide the ratepayers an updated report to the Council on Council Resolution 07-459 in respect of a proposed Rock Crushing Plant at Lidsdale?
- b. Could the Council provide the Council, Councillor and the ratepayers with advice if relatives of the late Thomas Hope Knox, the previous owner of the land valued at \$85,000 upon which the Meadow Flat Hall is located and which Council recently acquired, have lodged a claim for compensation?
- c. Following the recent Federal Government's announcement that the Lithgow Golf Club is to receive a very large substantial grant of some \$350,000 for a water re-use scheme for it's 18-hole Golf Course, could the Council provide Councillors and ratepayers with an itemised list of the direct and indirect financial assistance, including any direct or indirect inkind financial assistance provided to the Lithgow Golf Club, it's management and the members and to their Lithgow Golf Course on Eskroy Park at Marrangaroo?
- d. With respect to the Lithgow City Council's Footpath Maintenance and Repair Policy, could the Council confirm that ratepayers and landowners still remain legally responsible for the condition of and for any of the past, present and future maintenance of nature strips and footpaths adjacent to their properties?
- e. Could the Council advise if any claims have been received seeking to recover any personal or motor vehicle expenses for damages incurred by numerous overhanging trees in Maple Crescent, (near Cooida Aged Homes) Lithgow?

  
Vince Hallam  
Marrangaroo

13/7/2008

DataWorks Document Number: 435479

The Mayor advised that the questions raised were identical to the questions raised within the Notice of Motion from Councillor M F Ticehurst, as per Item 1 of the agenda and as such, would be dealt with when the item is considered.

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**NOTICES OF MOTION****ITEM:1 NOTICE OF MOTION - 15/07/08 - QUESTIONS WITHOUT NOTICE - COUNCILLOR M F TICEHURST**

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**NOTICE OF MOTION****MOTION TITLE/TOPIC:**

Questions with Notice submitted by Councillor Martin Ticehurst.

Listed by: Councillor Martin TicehurstDate: 7 July 2008.**BACKGROUND**

1. Could the General Manager provide an updated report to the Council on Council Resolution 07-459 in respect of a proposed Rock Crushing Plant at Lidsdale?
2. Could the General Manager provide the Council, Councillor and ratepayers with advice if relatives of the late Thomas Hope Knox, the previous owner of the land valued at \$85,000 upon which the Meadow Flat Hall is located and which Council recently acquired, have lodged a claim for compensation?
3. Following the recent Federal Government's announcement that the Lithgow Golf Club is to receive a very large substantial grant of some \$350,000 for a water re-use scheme for its 18-hole Golf Course, could the General Manager provide the Council with an itemised list of the direct and indirect financial assistance, including any direct or indirect in-kind financial assistance provided to the Lithgow Golf Club, its management and the members and to their Lithgow Golf Course on Eskroy Park at Marrangaroo?
4. With respect to the Lithgow City Council's Footpath Maintenance and Repair Policy, could the Lithgow City Council confirm that ratepayers and landowners still remain legally responsible for the condition of and for any of the past, present and future maintenance of nature strips and footpaths adjacent to their properties?
5. Could the General Manager advise if any claims have been received seeking to recover any personal or motor vehicle expenses for damages incurred by numerous overhanging trees in Maple Crescent, (near Cooida Aged Homes) Lithgow?

**RECOMMENDATION****THAT** Council provide appropriate written responses to the Questions without Notice.

Signed: \_\_\_\_\_



Councillor M M Collins declared an interest in this item and she vacated the Chambers.

**O08- 97 RESOLVED**

**THAT** Council provide appropriate written responses to the Questions Without Notice.

**MOVED:** Councillor M F Ticehurst  
**CARRIED**

**SECONDED:** Councillor H K Fisher.

## MAYORAL MINUTES - LATE ITEM

**ITEM                    MAYORAL MINUTE - LATE ITEM - 15/07/08 - GENERAL MANAGERS POSITION**

**REPORT FROM: MAYOR - NEVILLE CASTLE**

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**COMMENTARY**

Following the successful completion of the first round of interviews for the replacement of the General Manager, we can now approach the final round of interviews with confidence.

The quality of candidates for the replacement of the General Manager has been quite good.

As was the case with the previous appointment, Council will be in a position to make a decision on the night of July 24<sup>th</sup>. It seems logical and consistent with previous practice to make an offer to the successful candidate the following day. Some negotiations may then be required as to start time, components of the salary packages etc.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** Council authorise the Mayor, Deputy Mayor and Locum General Manager to offer the position and negotiate with the successful applicant for the General Managers position following the conclusion of the final interviews on July 24<sup>th</sup> 2008. Following the acceptance of the offer, the Mayor and Locum General Manager negotiate to complete the contract for the General Manager, with the assistance of the LGSA Employment Solutions.

Signed:



MAYOR, NEVILLE CASTLE



## **O08- 98 RESOLVED**

**THAT** Council authorise the Mayor, Deputy Mayor and Locum General Manager to offer the position and negotiate with the successful applicant for the General Managers position following the conclusion of the final interviews on July 24<sup>th</sup> 2008. Following the acceptance of the offer, the Mayor and Locum General Manager negotiate to complete the contract for the General Manager, with the assistance of the LGSA Employment Solutions.

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

**SECONDED:** Councillor Neville Castle.

Councillor M F Ticehurst moved **AN AMENDMENT** that Council defer the replacement of the General Manager until the new Council is elected in September 2008.

This **LAPSED** due to no Seconder.

The Mayor advised that this is a **DIRECT NEGATIVE**.

Councillor M F Ticehurst was **AGAINST** the Motion.

## GENERAL MANAGER REPORTS

**ITEM:2 GM - 15/07/08 - QUESTIONS WITHOUT NOTICE - COUNCILLORS A E THOMPSON - CHAMBER MAGISTRATE - LITHGOW COURT HOUSE**

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### REFERENCE

QWN - 06/05/08 - Councillor A E Thompson

### SUMMARY

At the Policy and Strategy Committee Meeting of Council held on 6<sup>th</sup> May 2008, Councillor A E Thompson asked the following question:

*"Mr Mayor I refer to Lithgow being without a Chamber Magistrate for the past two months. Can Council make representations to the Local Member to see when they will be replaced?"*

The Council resolved that a letter would be written to the Member for Bathurst, Gerard Martin MP seeking an investigation into this matter.

### COMMENTARY

Correspondence has been received from the Member for Bathurst, Gerard Martin MP on behalf of the Attorney General Minister Hatzistergos with the advice that the Magistrate position referred to by Council is in fact the position of Registrar.

The Registrar at Lithgow was promoted to another court house on 25<sup>th</sup> March 2008.

The position is currently filled on a full time temporary basis while recruitment action is underway to find a permanent replacement.

The position will be filled as soon as possible as a suitable new candidate is identified through the current recruitment process.

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

### RECOMMENDATION

**THAT** the information be noted.

## **O08 - 99 RESOLVED**

### **THAT:**

1. The information be noted.
2. Council write to the Local Member, Mr Gerard Martin MP seeking further advice on the above matter as additional information obtained by Council conflicts and contradicts the correspondence received.

**MOVED:** Councillor A E Thompson

**SECONDED:** Councillor M J Wilson.

**CARRIED**

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## **ITEM:3 GM - 15/07/08 - STATE OF RAIL INFRASTRUCTURE**

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### **REFERENCE**

NIL

### **SUMMARY**

Correspondence has been received from the Association of Mining Related Council Inc in relation to the state of the rail infrastructure.

### **COMMENTARY**

Correspondence has been received from the Association of Mining Related Councils in relation to the concerns on the state of the rail infrastructure and its apparent inability to adequately meet the increasing freight demands of coal and grain and not disrupt regular passenger services.

Specific trouble spots were mentioned and the view asserted that with the current wealth from the mining boom and with several new projects approved, the Government should focus more on improving the rail system. Similar concerns were raised at the recent Shires Association Conference.

In the May budget, the Federal Government has allocated funding for a pre-feasibility study on the completion of the Maldon - Dombarton Rail Link in the Southern Coalfield. In the Northern Coalfield, the study into the Liverpool Ranges has been completed.

Whilst ARTC, the Government and the industry are in discussion, there is no time frame to progress this study any further. However it is unfair to say no work on the rail system is occurring. In the Central West, a \$5.7 million project to improve the capacity of the freight rail corridor has just been completed between Parkes and Crystal Brook in South Australia and various upgrades are planned or happening in the Hunter and other areas.

The discussion on the abovementioned topic followed on from an information report on mining royalties; the 2006/07 NSW State mineral production was valued at \$12.3 billion (coal \$8.1 billion), with royalties totalling \$503 million (coal \$447 million) paid direct into the State Treasury.

With the huge number of exploration titles across the State, it is reasonable to expect royalties to substantially increase. At the Shires Association Conference similar discussion on mining royalties also took place with Narrabri's motion for 3% of mining royalties to come back to the area from where they are mined and Bogan Councils more ambitious request for 10% of mining royalties.

The Association is pursuing both matters with the State Government but the other part of these resolutions was that each member council embark on a lobby campaign to raise their concerns with their respective members of Parliament.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** the information be noted.

**O08- 100 RESOLVED**

**THAT:**

1. The Information be noted.
2. Council write to both the State and Federal Ministers responsible for Transport advising of Councils concerns in relation to the inadequacy of existing rail infrastructure to deal with the increasing freight demands of both coal and grain commodities and seek their advice and assistance to remedy the situation.

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:4 GM - 15/07/08 - 2008 NSW VOLUNTEER OF THE YEAR AWARD**

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**REFERENCE**

NIL

**SUMMARY**

Correspondence has been received in relation to the 2008 NSW Volunteer of the Year Awards.

**COMMENTARY**

Correspondence has been received from the Minister for Volunteering in relation to the 2008 NSW Volunteer of the Year Awards.

In 2007 the inaugural NSW Volunteer of the Year Award attracted more than 170 nominations and initiated one of the first formal opportunities for recognising the remarkable contribution volunteers make to this State.

The Minister thanked Lithgow City Council for helping to make these inaugural awards such a success and encouraged Council to help build on that strong foundation by promoting the 2008 Volunteer of the Year Award in our local government area.

Volunteering is a precious part of the Australian way of life. There are 1.7 million volunteers who generously give more than 235 million work hours each year in NSW, contributing an extraordinary \$5 billion to the State's economy.

The Minister for Volunteering is humbled by the enormous commitment of volunteers to our communities and our environment and recognises a great deal of this voluntary work takes place through the support of local government.

The NSW Volunteer of the Year award is conducted by the NSW Centre of Volunteering. The 2008 Award covers 16 regions (five of them in Sydney) and that includes, in each region, categories for general, youth and senior awards. There is also a state-wide corporate award.

Regional winners will go forward to the 2008 Volunteer of the Year, with overall winners in each category announced on December 5<sup>th</sup>, International Volunteer Day.

The Minister advises that there would be many generous volunteers hard at work in our Council area and Council is encouraged to support the 2008 NSW Volunteer of the Year Award within our Council and the wide community by promotion in the local media and via Councils website.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

## LEGAL IMPLICATIONS

NIL

## O08- 101 RESOLVED

### THAT:

1. The Information be noted.
2. Council support the 2008 NSW Volunteer of the Year Award
3. Council advertise the 2008 NSW Volunteer of the Year Awards on the Council website and via Press Release in the local media.

**MOVED:** Councillor B P Morrissey

**SECONDED:** Councillor M M Collins.

**CARRIED**

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## ITEM:5            GM - 15/07/08 - INQUIRY INTO ELECTORAL AND POLITICAL PARTY FUNDING IN NEW SOUTH WALES

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## REFERENCE

NIL

## COMMENTARY

Correspondence has been received from the Select Committee on Electoral and Political Party Funding, Legislative Council in relation to the announcement of the first report of the Select Committee on Electoral and Political Party Funding titled "Electoral and Political Party Funding in NSW South Wales". This report was tabled in the Legislative Council on 19 June 2008.

The report is available via the website [www.parliament.nsw.gov.au/partyfunding](http://www.parliament.nsw.gov.au/partyfunding) along with submissions, transcripts of evidence and other documents associated with the inquiry.

The report and its 47 recommendations are now with the Government for consideration. The Government is required to respond to the recommendations within six months. Council will be advised of the Government response when it has been received.

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

NIL

**LEGAL IMPLICATIONS**

NIL

**O08-102 RESOLVED**

**THAT** the information be noted.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:6            GM - 15/07/08 - LACHLAN REGIONAL TRANSPORT COMMITTEE -  
                         COUNTRYLNK SERVICES**

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**REFERENCE**

NIL

**COMMENTARY**

Correspondence has been received from the Lachlan Regional Transport Committee Inc in relation to proposed new Country link Services.

It is hoped that Council will be able to support the concept prepared by Lachlan Regional Transport Committee Inc as a response to the increasing national transport crisis. The document was prepared originally as a draft and presented at the 17<sup>th</sup> May 2008 meeting of the LRTC held at Neville and hosted by Blayney Council.

The "incorporation frenzy" of the 1990s, it is well known, destroyed much of the rail freight, passenger and infrastructure network, not only in NSW but also nation wide. This was done under the guise of having to comply with National Competition Policy and was justified on the bases of economic argument.

The crisis in transport, land and air, now being experienced as a result of the rising cost and falling availability of petroleum makes the reestablishment of rail infrastructure imperative. The restoration of rail freight and passenger services can only occur after rail infrastructure is pit back into working order, not only of existing usable railway lines but also of those which are "closed". It should be noted that passenger rail services cannot be classed as active in the form of the tourist trains e.g. The Ghan and Indian Pacific.

It is acknowledged that rail services, including passenger and freight, can be operated by private enterprise and must be allowed open access, the original aim of National Competition Policy. However rail infrastructure must be publicly owned, funded and operated, not for profit, as is the road network.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**O08-103 RESOLVED**

**THAT** Council give "support in principle" to the Lachlan Regional Transport Committee Inc.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor H K Fisher.

**CARRIED**

**ITEM:7            GM - 15/07/08 - COUNCIL PUBLIC FORUM - LOCAL GOVERNMENT ELECTIONS**

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**COMMENTARY**

The Local Government Elections will be held on 13th September 2008.

Lithgow City Council will be hosting a public forum on Monday 4<sup>th</sup> August 2008 at 7pm in the Council Chambers for interested persons wishing to become a Councillor in the upcoming Local Government Elections.

Nominations to become a Councillor open from Monday 4<sup>th</sup> August 2008 until Noon Wednesday 13<sup>th</sup> August 2008. All nominations must be handed to the returning officer with a \$125.00 fee.

For further information on this forum, please contact the Personal Assistant to the General Manager and Mayor.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL



**O08-104 RESOLVED**

**THAT** the information be noted.

**MOVED:** Councillor A E Thompson

**SECONDED:** Councillor B S Moran.

**CARRIED**

## REGIONAL SERVICES REPORTS

**ITEM:8            REG - 15/07/08 - UPPER MAQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT JUNE 2008**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES - S. DARLINGTON**

### **SUMMARY**

To advise of the most recent Upper Macquarie County Council Weeds Report.

### **COMMENTARY**

Attached is the report from the Upper Macquarie County Council Chief Weeds Officer Report for June 2008.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **O08-105 RESOLVED**

**THAT** the information be received.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M M Collins.

**CARRIED**

**ITEM:9            REG - 15/07/08 - REGIONAL ROADS REPAIR PROGRAM**

**REPORT BY: OPERATIONS MANAGER – S. DARLINGTON**

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**REFERENCE**

NIL

**SUMMARY**

This report seeks Council's acceptance of funding of \$220,000 from the Roads and Traffic Authority for projects under the Regional Roads Repair Program.

**COMMENTARY**

Council has received advice from the Roads and Traffic Authority of the annual allocation of funds under the Regional Roads Repair Program for 2008/09. The amount of grant allocated for 2008/09 is \$220,000. The Repair Program must be matched \$ for \$ by Council. Council achieves this by utilising funds from the Block Grant, making a programme total of \$440,000

The components of the allocation for 2008/09 are:

1. MR531 widen shoulders, provide gravel overlay and seal 0.45km to 1.13km from GWH towards Wallerawang (Barton Ave) \$60,000. Total project cost \$120,000.
2. MR531 widen shoulders, provide gravel overlay and seal 00km to 1.2km west of Cullen Bullen towards Portland. \$90,000. Total project cost \$180,000.
3. MR531 widen shoulders, provide gravel overlay and seal 3.87km to 4.69km west of Cullen Bullen towards Portland. \$70,000. Total project cost \$140,000.

It is recommended that Council accept the offer for funding and advise the RTA accordingly.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The grant of \$220,000 is included in the 2008/09 budget

**LEGAL IMPLICATIONS**

NIL

**O08-106 RESOLVED**

**THAT** Council accept the grant from the RTA in the sum of \$220,000 for the 2008/09 Regional Roads Repair Program.

**Moved:** Councillor B S Moran  
**CARRIED**

**SECONDED:** Councillor M J Wilson.

**ITEM:10 REG - 15/07/08 - RECEIPT OF COMMUNITY WATER GRANT**

**REPORT FROM: ASSETS MANAGER- YOGARAJAH AJITKUMAR**

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**SUMMARY**

To inform Council of receipt of a community water grant from the Commonwealth Department of Environment, Water, Heritage and the Arts.

**COMMENTARY**

Council, in conjunction with Lithgow Golf Club, applied for a \$50,000 Community Water Grant to recycle Sewerage treatment plant effluent from Lithgow Sewerage plant to Lithgow Golf Club.

Whilst it has been understood for some time that the application was successful, the funds have now been provided and will be used in conjunction with other Federal funding to undertake the project which is also intended to irrigate the golf course.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The subject of this report.

**LEGAL IMPLICATIONS**

NIL

**O08-107 RESOLVED**

**THAT** the information be noted.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor B S Moran.

**CARRIED**

**ITEM:11            REG - 15/07/08 - REGIONAL ROADS BLOCK GRANT**

**REPORT BY: OPERATIONS MANAGER – S. DARLINGTON**

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**REFERENCE**

NIL

**SUMMARY**

This report seeks Council's acceptance of funding of \$452,000 from the Roads and Traffic Authority for the Regional Roads Block Grant.

**COMMENTARY**

Council has received advice from the Roads and Traffic Authority of the annual allocation of funds under the Regional Roads Block Grant for 2008/09. The amount of grant allocated for 2008/09 is \$452,000 and compares with the 2007/08 allocation of \$443,000.

The components of the allocation for 2008/09 are:

1. Roads Component	\$269,000
2. Traffic Facilities	\$ 84,000
3. Supplementary 3x3	\$ 99,000

TOTAL	<u>\$452,000</u>
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Council's Regional Roads schedule is:

- MR 531 West of Marrangaroo to Cullen Bullen (Wallerawang – Portland – Cullen Bullen)
- MR 557 Meadow Flat to Pipers Flat (Range Rd)
- MR 255 Oberon to GWH at Diamond Swamp (Hazelgrove Rd)

It is recommended that Council accept the offer for funding and advise the RTA accordingly.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The grant of \$452,000 is included in the 2008/09 budget

**LEGAL IMPLICATIONS**

NIL

**O08-108 RESOLVED**

**THAT** Council accept the grant from the RTA in the sum of \$452,000 for the 2008/09 Regional Roads Block Grant

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor B S Moran.

**CARRIED**

## COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:12            COMM - 15/07/08 - CONFIDENTIAL REPORT - SALE OF 10  
RESIDENTIAL ALLOTMENTS AT CARY AVNUE, WALLERAWANG  
CONFIDENTIAL**

**REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE  
LOLLBACK**

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### **Reason for Confidentiality**

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

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

The matters and information are the following:

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

This 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 the sale price of the land. The practice of publication of sensitive information regarding the sale could result in the Council not receiving the best possible purchase price on the land sales.

## REFERENCE

Min 05-238: Council Meeting 16 May 2005  
Min 05-654: Council Meeting 19 December 2005  
Min 05-655: Council Meeting 19 December 2005  
Min 06-81: Council Meeting 20 March 2006  
Min P08-15: Policy and Strategy Committee 3 March 2008  
Min O08-20: Council Meeting 17 March 2008

## SUMMARY

This report proposed placing 10 residential allotments at Cary Avenue, Wallerawang, on the open market. The report recommends the listed sale price and minimum sale price.

## O08-109 RESOLVED

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

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor M M Collins.

**CARRIED**

## ITEM:13      COMM - 15/07/08 - TENDERING POLICY

**REPORT FROM: GROUP MANAGER COMMUNITY & CORPORATE SERVICES,  
SUZANNE LOLLBACK**

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## REFERENCE

Min No: 07-547:      Council Meeting 17 December 2007  
Min No: P08 -19:      Policy and Strategy Committee Meeting 3 March 2008  
Min No 08-63:      Policy and Strategy Committee Meeting 3 June 2008

## SUMMARY

The attached Tendering Policy is provided to Council with a recommendation that it be adopted.

## COMMENTARY

The Draft policy was placed on exhibition for public comment. Amendments made to the policy allow for e-tendering to be used for the submission of tenders.

There were no public submissions on the Draft Tendering Policy.

It is proposed that the Council will establish an e-tendering portal that will accept submitted tenders electronically with security assured.

**POLICY IMPLICATIONS**

The adoption of the policy will allow for electronic tendering.

**FINANCIAL IMPLICATIONS**

In the first instance a 90 day free trial of e-tendering with a selected portal will be conducted in which time the process will be tested. Upon full implementation, a one off setup fee of \$2,000 will be incurred with a ‘pay-as-you-go’ rental fee of \$150 per notice.

Fees will be costed to relevant projects.

**LEGAL IMPLICATIONS**

Nil

**O08-110 RESOLVED**

**THAT** the final Tendering Policy be adopted.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M M Collins.

**CARRIED**



**ITEM:14            COMM - 15/07/08 - COUNCIL INVESTMENTS TO 30 JUNE 2008**

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

**REFERENCE**

- Min 07-401: Finance & Services Committee Meeting 3 September 2007 (July 2007)
- Min 07-425: Council Meeting 17 September 2007 (August 2007)
- Min 07-480: Finance & Services Committee Meeting 5 November 2007 (15 Oct 2007)
- Min 07-528: Finance & Services Committee Meeting 3 December 2007 (31 Oct 2007)
- Min 07-554: Finance & Services Committee Meeting 17 Dec 2007 (30 Nov 2007)
- Min O08-09: Finance & Services Committee Meeting 4 Feb 2008 (31 Dec 2007)
- Min F08-18: Finance & Services Committee Meeting 3 March 2008 (31 Jan 2008)
- Min F08-38: Finance & Services Committee Meeting 7 April 2008 (29 Feb 2008)
- Min F08-39: Finance & Services Committee Meeting 7 April 2008 (31 Mar 2008)
- Min F08-75: Finance & Services Committee Meeting 17 June 2008 (30 Apr 2008)
- Min O08-83: Finance & Services Committee Meeting 17 May 2008 (31 May 2008)

**SUMMARY**

To advise Council of 2007/08 investments held for the period ending 30 June 2008.

**COMMENTARY**

The amount invested as at 30 June 2008 when compared to 31 May 2008 has increased by \$432,586.45.

INVESTMENT REGISTER 2007/08								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.05.08	VALUE 30.06.08	% OF TOTAL
ANZ	TD	02.06.08	02.07.08	30	7.49	613,732.48	609,977.36	4.15%
BANKWEST	TD	30.05.08	29.08.08	91	8.08	519,066.48	519,066.48	3.53%
	TD	02.06.08	02.09.08	92	8.09	509,061.64	519,228.93	3.53%
	TD	04.06.08	04.09.08	92	8.14	0.00	500,000.00	3.40%
CBA	CMS Nt	20.06.06	20.06.11	1,825	7.31	500,000.00	500,000.00	3.40%
	On Call				7.20	1,373,411.53	728,081.82	4.96%
	Ethical	06.11.06	06.11.11	1,825	9.25	500,000.00	500,000.00	3.40%
	TD	11.06.08	11.07.08	30	7.72	535,838.17	539,158.90	3.67%
	TD	21.11.07	05.06.09	547	16.0	750,000.00	750,000.00	5.11%
CITIBANK	TD	12.05.08	12.08.08	90	7.96	560,603.10	560,603.10	3.82%
	TD	05.06.08	05.08.08	61	8.04	0.00	500,000.00	3.40%
LG FINANCIAL	On Call				8.10	275,148.64	275,148.64	1.87%
	TD	06.11.07	06.11.08	365	7.55	306,524.05	306,524.05	2.09%
	On Call				7.15	4,714.43	4,714.43	0.03%
IMBS	On Call				7.25	27,923.48	27,923.48	0.19%
	TD	06.05.08	06.08.08	92	8.02	1,135,522.75	1,135,522.75	7.73%
	TD	22.05.08	22.08.08	92	8.10	510,116.46	510,116.46	3.47%
	TD	03.06.08	03.09.08	92	7.90	815,810.89	832,104.76	5.66%
MACQUARIE	TD	28.03.08	30.06.08	92	7.95	2,500,000.00	2,549,551.37	17.36%
ALLIANCE	Managed	28.02.08	28.02.09	365		1,000,000.00	982,365.42	6.69%
ST GEORGE	TD	02.06.08	02.07.08	30	7.62	1,000,000.00	1,019,972.60	6.94%
	TD	15.04.08	14.07.08	90	7.95	820,196.17	820,196.17	5.58%
			<b>TOTAL</b>			<b>14,257,670.27</b>	<b>14,690,256.72</b>	<b>100.00%</b>
I, Carol G Farnsworth, Lithgow City Council Internal Services Manager (Responsible Accounting Officer) certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.								

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

Interest received to 30 June 2008 is \$991,021.32. Interest is paid on the maturity date of the investment and earnings derived from managed funds are reported quarterly. For end of year reporting purposes accrued interest to 30 June will be brought to account.

### **LEGAL IMPLICATIONS**

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

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

### **O08-111 RESOLVED**

**THAT** Council's 2007/08 investments for the period ending 30 June 2008 be received.

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor B S Moran.

**CARRIED**

## QUESTIONS WITHOUT NOTICE

### QWN - 15/07/08 - COUNCILLOR H K FISHER

1. Mr Mayor I refer to some problems being experienced in Cullen Bullen. I have had complaints from residents regarding work being carried out recently on the public toilets and different information being relayed from Council staff. Can this issue please be looked at as soon as possible?

*The Mayor declared this as urgent and advised that it was of Council understanding that these issues had been rectified but further investigation will take place. A report on all issues will be brought back to Council.*

### QWN - 15/07/08 - COUNCILLOR M M COLLINS

1. Mr Mayor can an update on the proposed feature lighting and badge for the Miners Lamp at the Lithgow Visitors Information Centre be brought back to Council?

*The Mayor declared this as urgent and advised that a report will be brought back to Council.*

### QWN - 15/07/08 - COUNCILLOR A E THOMPSON

1. Mr Mayor can we please have the flags at the Visitor Information Centre removed and replaced with new ones, as they are in a bad state and look poor.

*The Mayor declared this as urgent and advised this matter will be looked into.*

2. Mr Mayor can the Councillors please be provided with all information relating to the proposed Aquatic Centre as previously requested?

*The Mayor declared this as urgent and advised that this information will be provided as soon as possible.*

**QWN - 15/07/08 - COUNCILLOR M J WILSON**

1. Mr Mayor, firstly can I please be advised of the condition of the Skate Park at Tony Lucehetti Sports Ground? Secondly, can I please table a petition which has been signed by nearly 600 residents seeking advice on the possibility of getting a "state of the art" concrete skate and BMX facility? Can Council form a working community group to look into this possibility?

*The Mayor declared this as urgent and advised that he too has been approached by students regarding the condition of the skate park. The equipment of the park is fine and in good condition, the problem revolves around the bitumen, which is very rough and is hard for the riders to use.*

**O08-112 RESOLVED****THAT:**

1. A report on new ideas and costings will be brought back to Council.
2. Council to seek advice from the Youth Council as to who wishes to be a part of the working group.

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

**SECONDED:** Councillor M M Collins.

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

**ITEM 12 - COMM - 15/07/08 - CONFIDENTIAL REPORT - SALE OF 10 RESIDENTIAL ALLOTMENTS AT CARY AVENUE, WALLERAWANG**

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 the sale price of the land. The practice of publication of sensitive information regarding the sale could result in the Council not receiving the best possible purchase price on the land sales.

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

NIL objections were received.

Closed Council started at: 6.31pm.

## **ITEM 12 - COMM - 15/07/08 - CONFIDENTIAL REPORT - SALE OF 10 RESIDENTIAL ALLOTMENTS AT CARY AVENUE, WALLERAWANG**

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### **008-113 RESOLVED**

#### **THAT:**

1. The Mayor and General Manager or his representative be authorised to sign the relevant documentation associated with the sale of the land.
2. The Council set the listed price and minimum sale price for the allotments as listed in the report.

**MOVED:** Councillor M M Collins  
**CARRIED**

**SECONDED:** Councillor B P Morrissey.

The Mayor reopened the meeting to the public and the Mayor advised them that the following resolution was made in relation to the confidential report:

**ITEM 12 - COMM - 15/07/08 - CONFIDENTIAL REPORT - SALE OF 10 RESIDENTIAL ALLOTMENTS AT CARY AVENUE, WALLERAWANG**

**O08-113 RESOLVED**

**THAT:**

1. The Mayor and General Manager or his representative be authorised to sign the relevant documentation associated with the sale of the land.
2. The Council set the listed price and minimum sale price for the allotments as listed in the report.

**MOVED:** Councillor M M Collins  
**CARRIED**

**SECONDED:** Councillor B P Morrissey.

The meeting closed at 6.35pm.