



LITHGOW CITY COUNCIL

MINUTES

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

HELD ON

05 AUGUST 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 5TH AUGUST 2008**

Meeting Commenced 6.00pm

Public Gallery: 2

PRESENT

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

APOLOGIES

An Apology was received from the Acting General Manager, Scott Greensill who was out of the City on personal business.

Also in attendance

Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Suzanne Lollback
Minutes Secretary, Miss Casey Clarke

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Policy and Strategy Committee Meeting of Council held on the 1st July 2008 were taken as read and confirmed by Councillors M M Collins and M J Wilson

P08- 79 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

NIL

QUESTIONS FROM THE PUBLIC GALLERY

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

NIL questions were received.

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGER REPORTS</u>	<u>8</u>
<u>ITEM:1</u>	<u>MAYORAL MINUTE - 05/08/08 - REVIEW OF COUNCIL MEETING DAY AND TIMES</u>	<u>8</u>
	<u>GENERAL SERVICES REPORTS</u>	<u>9</u>
<u>ITEM:2</u>	<u>GM - 05/08/08 - TABULAM COTTAGES (PORTLAND HOSPITAL) DEVELOPMENT APPLICATION</u>	<u>9</u>
<u>ITEM:3</u>	<u>GM - 05/08/08 - CONFIDENTIAL - SALE OF OLD GASWORKS SITE CONFIDENTIAL</u>	<u>10</u>
<u>ITEM:4</u>	<u>GM - 05/08/08 - RESIGNATION OF SUPERINTENDENT TOM SHIRT - DISTRICT MANAGER NSW RFS</u>	<u>12</u>
<u>ITEM:5</u>	<u>GM - 05/08/08 - LITHGOW COUNCIL RIVER LETT - CATCHMENT IMPROVEMENT PROJECT</u>	<u>13</u>
<u>ITEM:6</u>	<u>GM - 05/08/08 - COMMUNITY RELATIONS COMMISSION</u>	<u>14</u>
<u>ITEM:7</u>	<u>GM - 05/08/08 - MODEL CODE OF CONDUCT - CONDUCT REVIEW COMMITTEE</u>	<u>15</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>17</u>
<u>ITEM:8</u>	<u>REG - 05/08/08 - PORTLAND AND WALLERAWANG SEWERAGE UPGRADE OPTIONS</u>	<u>17</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>20</u>
<u>ITEM:9</u>	<u>COMM - 05/08/08 - UPDATE ON ABORIGINAL PLACE NOMINATION & MANAGEMENT OF CROWN LAND CONFIDENTIAL</u>	<u>20</u>
	<u>QWN - 05/08/08 - COUNCILLOR W MCANDREW</u>	<u>22</u>
	<u>QWN - 05/08/08 - COUNCILLOR A E THOMPSON</u>	<u>22</u>
	<u>QWN - 05/08/08 - COUNCILLOR M J WILSON</u>	<u>22</u>
	<u>QWN - 05/08/08 - COUNCILLOR B S MORAN</u>	<u>23</u>
	<u>QWN - 05/08/08 - COUNCILLOR H K FISHER</u>	<u>23</u>

**ITEM LATE ITEM - 05/08/08 - MAYORAL MINUTE - NEW GENERAL
MANAGER LITHGOW CITY COUNCIL**

COMMENTARY

Following the successful completion of the interview process for the new General Manager, it is pleasing to announce that the successful candidate is Mr Roger Bailey.

Roger will come to Lithgow from Leeton and has 18 years in senior roles of Local Government including the last 8 years as a General Manager at Lachlan Shire Council then at Leeton.

The negotiations for the General Manager position and salary package were concluded by the Panel and the Department of Local Government who had the power to do so. Roger will commence working at Lithgow Council on Monday 22nd September 2008.

The Council is confident that Roger can take this area forward in the directions that have been arrived at through the Strategic Planning process.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the actions of those delegated to conclude the negotiations for the new General Manager be endorsed and noted.

Signed: *N. Castle*
 Mayor

P08-80 RESOLVED

THAT the actions of those delegated to conclude the negotiations for the new General Manager be endorsed and noted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

**ITEM LATE ITEM - MAYORAL MINUTE - 05/08/08 - LOCAL GOVERNMENT
ASSOCIATION CONFERENCE**

COMMENTARY

The local Government Shires Association Conference will be held in Broken Hill NSW from 25th to 29th October 2008.

Motions for the Local Government Conference and notification of voting delegates are required to be resolved by Council and advice of the outcomes needs to be submitted to the Local Government Association.

Reviewing the guidelines for motions to be raised for the consideration of the Association at their conference indicates the following:

- Motions must be received by 11th August 2008;
- Motions must have been adopted by Council;
- Motions should seek to alter existing policy positions of the Association through deletion or addition of elements or to introduce new policy;
- Motions seeking to vary existing Association policy or to address new or emerging policy are classed as Category One and are debated at the conference
- Motions reaffirming existing policy, or calling for action on existing policy positions will be classed as Category Two and will be included in the Business Paper for the conference and will be debated at the conference only if they are brought forward by agreement at the conference. If not brought forward, they will be referred to the Association's Executive for consideration;
- Motions should be in Word Format

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council resolve to provide motions to be considered by the Local Government Shires Association for the October 2008 Conference;
2. Council resolve the three voting delegates for the conference.

N. Castle

P08-81 RESOLVED

THAT:

1. Council provide the motions below to be considered by the Local Government Shires Association for the October 2008 conference:
 - The anti-privatisation of the electricity Industry
 - The extra two units at Mount Piper Power Station
2. Council resolve the three voting delegates for the conference

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

CARRIED

MAYORAL MINUTES

ITEM:1 MAYORAL MINUTE - 05/08/08 - REVIEW OF COUNCIL MEETING
DAY AND TIMES

REFERENCE

Nil.

COMMENTARY

Following a number of months of having the new system of Council meetings being on a Tuesday and starting at 6.00pm, I believe it is time to review this procedure.

Even though these meeting times had the acceptance of Council at the time, there has been some indications to me that it may be the reason for some Councillors not to be as regularly available on a Tuesday as a Monday and it may be the reason for a lower turn out of visitors to the public gallery in recent times.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

P08-82 RESOLVED

THAT the new Council review the day and times of its Council Meetings.

MOVED: Councillor Neville Castle

SECONDED: Councillor W McAndrew.

CARRIED

GENERAL SERVICES REPORTS

ITEM:2 GM - 05/08/08 - TABULAM COTTAGES (PORTLAND HOSPITAL) DEVELOPMENT APPLICATION

REFERENCE

NIL

SUMMARY

Correspondence has been received from the Parliamentary Secretary for Health in regards to the Tabulam Cottages (Portland Hospital) Development Application.

COMMENTARY

The Parliamentary Secretary for Health referred to correspondence Council had forwarded to the Minister for Health, the Hon Reba Meagher MP concerning the Tabulam Cottages (Portland Hospital) Development Application.

Professor Boyages, Chief Executive of Sydney West Area Health Services (SWAHS) had advised the Parliamentary Secretary that the NSW Department of Commerce, on behalf of SWAHS, met with Council Officers on April 8th 2008 and is currently working with Council to resolve any outstanding issues from the development application.

Professor Boyages also advises that the community Working Group established to ensure community participation in the project has met and developed plans for beautification of the site. It is planned to commence work in the autumn planting season. Meanwhile staff have been allocated on a regular basis to tidy existing grounds.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information be noted.

Councillor M F Ticehurst moved a **MATTER ARISING** advising Council that there is no doctor at Portland Hospital at this present time due to the Doctor being on leave for six weeks. Will there be any arrangements to replace this position? (*The Mayor advised that the doctor is only on leave for a period of three weeks and Dr Horan has been given the Visiting Medical Officer rights for this time*).

P08-83 RESOLVED

THAT;

1. The information be noted.
2. Council advise the Sydney West Area Health Services that leaving the Portland Hospital without a doctor may cause further issues in the future.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

**ITEM:3 GM - 05/08/08 - CONFIDENTIAL - SALE OF OLD GASWORKS SITE
CONFIDENTIAL**

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

- (d) commercial information of a confidential nature that would, if disclosed:
 - (iii) reveal a trade secret

It is not in the public interest to reveal all details of the information provided. The Company has 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 the proposal could result in the withholding of such information in the future 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
- P08-54 - Policy and Strategy Committee held on 6 May 2008

SUMMARY

This report provides an update on the sale of the Old Gasworks site.

P08-84 RESOLVED

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

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:4 GM - 05/08/08 - RESIGNATION OF SUPERINTENDENT TOM SHIRT - DISTRICT MANAGER NSW RURAL FIRE SERVICE

SUMMARY

Correspondence has been received from the District Manager NSW Rural Fire Service advising of his resignation.

COMMENTARY

Correspondence has been received from Superintendent Tom Shirt, District Manager NSW RFS, Blue Mountains District in relation to his resignation from the Lithgow RFS.

As Council is aware, Tom Shirt has been acting in the position of NSW Rural Fire Service District Manager Blue Mountains for the past four months. He has recently been informed that his application for the position was successful and that his duties in the Blue Mountains commence immediately.

Tom advised that his time as a volunteer and later as Salaried Officer in the Lithgow District has been a major part of his adult life. He will certainly miss the close friendships formed, camaraderie and the robust debate that has always been part of the Lithgow District RFS.

Tom wishes the Mayor, Councillors, Council staff and RFS Acting District Manager Superintendent Greg Wardle all the best for future and hopes the solid friendships and understanding formed with Council will continue under Greg Wardle's leadership.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information be noted.

P08-85 RESOLVED

THAT:

1. The information be noted.
2. Council formally thank Tom Shire and wish him all the very best for the future.

MOVED: Councillor M M Collins
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:5 GM - 05/08/08 - LITHGOW COUNCIL RIVER LETT - CATCHMENT IMPROVEMENT PROJECT

SUMMARY

Correspondence has been received in relation to the Lithgow Councils River Lett Catchment Improvement Project.

COMMENTARY

Correspondence has been received from the Chairman of the Hawkesbury - Nepean Catchment Management Authority (HNCMA) in relation to the Lithgow Council River Lett Catchment Improvement Project.

The Hawkesbury Nepean CMA are writing to Lithgow City Council to congratulate them on the successful delivery of the River Lett Catchment Improvement Project that was funded by the Hawkesbury Nepean Catchment Management Authority.

Extended thanks have come from the HNCMA and appreciation to staff and volunteers of both the Council and the Lithgow Oberon Landcare Association, especially Paul Anderson (former General Manager Lithgow Council), David Drury and Trish Kidd for the valuable contributions to the projects success.

Project works carried out as part of this project included vehicle management, weed control and tree-planting at Londonderry Reserve and Hartley Reserve and vehicle management and erosion control at Hyde Park. At each of these locations Council achieved an appropriate balance between the recreational, ecological and cultural demands placed upon these sites.

The HNCMA were particularly impressed with the community engagement process that council implemented to develop the Management Plan for the reserve and the range of "Soft and hard" engineering works that were carried out at Hyde Park to control soil erosion.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

P08-86 RESOLVED

THAT the information be noted.

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:6 GM - 05/08/08 - COMMUNITY RELATIONS COMMISSION

SUMMARY

Correspondence has been received from the Chairperson of the Community Relations Commission regarding the Community Relations Report 2007.

COMMENTARY

Council is in receipt of information from the Chairperson of the Community Relations Commission regarding the Community Relations Report 2007.

The Community Relations Report 2007, which has been prepared under the Community Relations Commission and Principles of Multiculturalism Act 2000 is tabled for Councils information.

The report was launched by the Hon Barbara Perry MP, Minister for Juvenile Justice, Minister for Western Sydney and Minister Assisting the Premier on Citizenship, at Parliament House, Sydney on 26th June 2008.

The Report provides an overview of achievements and developments in community relations in New South Wales and reports on the ongoing implementation of the Principles of Multiculturalism through the Ethnic Affairs Priorities Statement program. It follows on from and builds on the previous Community Relations Reports to provide an analysis of community relations and cultural diversity arrangements in NSW, grouped under the four Principles of Multiculturalism.

During 2007 a number of wide ranging initiatives were undertaken to promote community harmony and these are detailed in the Report. This includes highlights of programs and projects undertaken by public sector agencies and a separate section devoted to local council initiatives across a broad range of activities.

The Report also includes a section devoted to awards presented during the year, which recognise the positive contribution to our society by ethnic communities and individuals from culturally and linguistically diverse backgrounds.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

P08-87 RESOLVED

THAT the information be noted.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

ITEM:7 GM - 05/08/08 - MODEL CODE OF CONDUCT - CONDUCT REVIEW COMMITTEE

REFERENCE

Minute 07-453 – Council Meeting 15 October 2007

Minute O08-31 – Council Meeting 17 March 2008

Minute P08-77 – Policy and Strategy Committee 1 July 2008

SUMMARY

This report tables six names nominated for the Council's Code of Conduct Review Committee.

COMMENTARY

At its Policy and Strategy Committee Meeting held on 1 July 2008, the Council adopted the new Model Code of Conduct for Local Councils in NSW.

One of the major changes to the Model Code concerned the conduct review committee. Councils can now have conduct review committees or sole reviewers. These will now be independent of council and can act in the role for more than one council. The operating guidelines are provided in the Model Code. The General Manager and Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer. Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council. The council must appoint 3 or more persons with a sole conduct reviewer being chosen from the appointed persons. Council may determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

In order to ensure that a Conduct Committee could be called under the new terms, the Council resolved:

Delegate to the acting general manager the responsibility of liaising with Oberon Shire Council, Mid-Western Regional Council, and other councils should it be required, to seek the services of five (5) eligible persons to fulfill the role of conduct review committee members.

The General Manager contacted both Oberon Shire Council and Mid-Western Regional Council with six eligible persons being identified. These are:

- Mr Tim Le Fevre, Solicitor, Lithgow LGA
- Mr Ian Woodward, Solicitor, Lithgow LGA
- Mr Steve Flynn, Solicitor, Mid-Western LGA
- Mr Russel Seare, Solicitor, Mid-Western LGA
- Mrs Margaret Conn, Solicitor, Mid-Western LGA
- Mr Pat Bird, Solicitor, Oberon LGA

POLICY IMPLICATIONS

The revised Model Code of Conduct for Local Councils in NSW replaces the Council's adopted Code of Conduct from 20 June 2008.

FINANCIAL IMPLICATIONS

The Council may determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

LEGAL IMPLICATIONS

Councils under section 440 of the Local Government Act 1993 must adopt a code of conduct.

P08-88 RESOLVED

THAT the Council appoints the following persons to be members of the Council's Code of Conduct Review Committee:

- Mr Tim Le Fevre, Solicitor, Lithgow LGA
- Mr Ian Woodward, Solicitor, Lithgow LGA
- Mr Steve Flynn, Solicitor, Mid-Western LGA
- Mr Russel Seare, Solicitor, Mid-Western LGA
- Mrs Margaret Conn, Solicitor, Mid-Western LGA
- Mr Pat Bird, Solicitor, Oberon LGA

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:8 REG - 05/08/08 - PORTLAND AND WALLERAWANG SEWERAGE UPGRADE OPTIONS

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

This report advises Council on the options studies carried out in relation to sewerage system upgrades

COMMENTARY

In order to determine the most cost effective and environmentally sustainable long term option of providing upgrades to sewerage treatment facilities for Portland and Wallerawang, Council engaged NSW Department of Commerce to undertake studies into alternatives. These works examined the following options:

- Sewage transfer from Wallerawang to Portland comprising a transfer main and augmentation of Portland STP (ie one major plant at Portland);
- Sewage transfer from Portland to Wallerawang comprising a transfer main and Wallerawang STP augmentation (ie one major plant at Wallerawang)
- Separate Wallerawang and Portland STP augmentations (ie two separate upgraded plants)

The main drivers to examine the possibilities of one major plant servicing both towns were the possible long term savings in a reduction of running costs and the environmental benefits of eliminating a discharge into the Sydney drinking water catchment. The results of the studies are as follows:

Option	Capital Cost	Annual Cost	NPV (to 2031 at 7%)
A			
Sewage Transfer to Wallerawang			
Transfer System	\$8,924,000	\$56,000 to \$157,000	
Wallerawang STP Augmentation	\$9,194,000	\$181,000 to \$262,000	
Total	\$18,118,000	\$237,000 to \$419,000	\$19,968,000
B			
Separate Schemes			
Wallerawang STP Augmentation	\$6,540,000	\$105,000 to \$148,000	
Portland STP Augmentation	\$6,855,000	\$105,000 to \$121,000	
Total	\$13,481,000	\$306,000 to \$325,000	\$14,806,000
C			
Sewage Transfer to Portland			
Transfer System	\$9,964,000	\$57,000 to \$159,000	
Portland STP Augmentation	\$9,344,000	\$181,000 to \$232,000	
Total	\$19,308,000	\$237,000 to \$391,000	\$20,688,000

The Net Present Value (NPV) seeks to calculate the overall costs of an option up until 2031. Due to the relatively minor cost differential between options A & C, option A has been eliminated as it does not have the benefits to the Sydney Drinking Water Catchment. Option C is still worth pursuing on environmental and drinking water catchment enhancement grounds, but could only occur if an external source of funding could be sourced. In this regard, as the drinking water catchment and environs would be the biggest beneficiary it is suggested that the Sydney Catchment Authority be approached to ascertain whether it would fund any shortfall in capital and operating costs of Option C due to the positive impact on the Sydney Drinking Water Catchment. If the SCA declines then Option B would be pursued and in order of priority the finalisation of the design of an upgraded Wallerawang STP would be pursued in 2008/2009 with construction timetabled for 2009/2010. Portland design would then occur in 2009/2010 with construction in 2010/2011.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Essentially the subject of this report. Funding is provided in 2008/2009 budget for design works associated with a stand alone plant at Wallerawang or transfer to Portland. In choosing any option, Council may reasonably expect funding of up to approximately 40% of the capital cost of the cheapest option under the Country Towns Water and Sewerage Scheme, in this case Option B. Council would be required to fund the balance unless external funding could be secured.

LEGAL IMPLICATIONS

Under the terms of its Environment Protection Licences for Wallerawang and Portland Sewerage Treatment Plants, Council is required to complete upgrades by 30 June 2009. As this will not be possible, variations have been sought to these licence conditions.

P08-89 RESOLVED

THAT

1. Correspondence be forwarded to the Sydney Catchment Authority requesting funding for any shortfall not covered by Council and the Country Towns Water and Sewerage Scheme for the capital and operating costs of option C as outlined in this report due to the positive benefits to the Sydney Drinking Water Catchment and environs.
2. Should the Sydney Catchment Authority decline Council's request, then Option B be pursued with the design of an upgraded Wallerawang Sewerage Treatment Plant being finalised in 2008/2009.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor B P Morrissey.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:9 **COMM - 05/08/08 - CONFIDENTIAL - UPDATE ON ABORIGINAL PLACE NOMINATION & MANAGEMENT OF CROWN LAND**

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

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

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

It is not in the public interest to reveal all details of the information provided. The Company has 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 the proposal could result in the withholding of such information in the future and reduction in the provision of information relevant to council's decision.

REFERENCE

Minute 07-430 Council Meeting 17 September 2007

Minute P08 – 49 Policy and Strategy Meeting 6 May 2008

SUMMARY

This report provides an update on the nomination of an Aboriginal Place.

P08-90 RESOLVED

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

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor B S Moran.

QUESTIONS WITHOUT NOTICE

QWN - 05/08/08 - COUNCILLOR W MCANDREW

1. Mr Mayor I refer to a memo received by all Councillors in relation to a Question I raised previously regarding obtaining permits for cutting of firewood. The memo has not dealt with the questions raised and I believe the main problem to still be flexibility. The permits are only for two hours on certain days, which makes it extremely difficult for people to use. Can Council please request the State Member to contact the NSW Forestry Department to see if the policy can be changed?

P08-91 - The Council **RESOLVED** to contact the State Member to seek advice from the NSW Forestry Department on the policies.

MOVED: Councillor W McAndrew

SECONDED: Councillor A E Thompson

CARRIED

QWN - 05/08/08 - COUNCILLOR A E THOMPSON

1. Mr Mayor I refer to questions raised on numerous occasions regarding obtaining information on the proposed aquatic centre, when will I receive this information?

The Mayor advised that his Personal Assistant has been working through the large amount of information seeking the correct information requested and the information will be provided this week.

QWN - 05/08/08 - COUNCILLOR M J WILSON

1. Mr. Mayor are you aware that there may be serious damage being done to the Wolgan Valley Railway formation on the Newnes Plateau particularly around the sand mining areas at Newnes Junction?

With this in mind could Council establish a working party to investigate the areas of damage and look at restoration options with the sand and coal mining companies responsible? And further to work with interest groups to develop ways in which the historic formation could be protected by clearing and opening it up as a walking and cycle way from Newnes Junction to the Glow Worm tunnels and beyond to the Wolgan Valley.

The Mayor deemed this as urgent and advised investigations and a report will be brought back to Council.

QWN - 05/08/08 - COUNCILLOR B S MORAN

1. Mr Mayor can I please get an update on the Black Bridge at Wallerawang especially the possibility of a new pedestrian access?

The Mayor deemed this as urgent and a report will be provided.

QWN - 05/08/08 - COUNCILLOR H K FISHER

1. Mr Mayor I refer to the recent closing of the Bracey's Store, could a report come back to Council in relation to considering recognition of a significant nature of the Bracey's family for their contributions and sponsorship of the local government area over many years.

P08-92 - The Mayor **RESOLVED** to have a report back to Council on this issue.
Moved: Councillor H K Fisher SECONDED: Councillor B S Moran
CARRIED

P08-93 - A SUSPENSION OF STANDING ORDERS was moved for Council to consider Items 3 and 9 at the end of the Finance and Services Committees Meeting to assist the community in vacating the Chambers.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor M J Wilson

The meeting suspended at 6.40pm.

The meeting reopened at 7.45pm.

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

**ITEM:3 GM - 05/08/08 - CONFIDENTIAL - SALE OF OLD GASWORKS SITE
CONFIDENTIAL**

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: -

- (d) commercial information of a confidential nature that would, if disclosed:
 - (iii) reveal a trade secret

It is not in the public interest to reveal all details of the proposed contract for sale. The Company has 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 the proposal could result in the withholding of such information in the future and reduction in the provision of information relevant to council's decision.

**ITEM:9 COMM - 05/08/08 - UPDATE ON ABORIGINAL PLACE NOMINATION
& MANAGEMENT OF CROWN LAND CONFIDENTIAL**

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

Reason for Confidentiality

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

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land

This matter is classified confidential as it contains information on the location of an item of Aboriginal heritage. It is of significant cultural value to the local indigenous community and therefore it is not in the public interest to reveal the details of the site.

The Mayor asked for objections from the Public as to the confidential reports.
There were NIL objections to these reports

CLOSED REPORTS

**ITEM:3 GM - 05/08/08 - CONFIDENTIAL - SALE OF OLD GASWORKS SITE
CONFIDENTIAL**

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: -

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 - (iii) reveal a trade secret

It is not in the public interest to reveal all details of the proposed contract for sale. The Company has 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 the proposal could result in the withholding of such information in the future and reduction in the provision of information relevant to council's decision.

P08-94 - Councillor M F Ticehurst moved an **AMENDMENT** that Council withdraw the sale of the Gas Works Site as Ultra Services Pty Ltd did not honour the terms of sale. This amendment became the **MOTION**.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor H K Fisher.

CARRIED

**ITEM:9 COMM - 05/08/08 - UPDATE ON ABORIGINAL PLACE NOMINATION
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P08-95 RESOLVED

THAT the information be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

P08-96 - Councillor H K Fisher moved a **MATTER ARISING** in relation to a new Aboriginal Committee who wishes to have a meeting with the new general Manager and council Officers to discuss various issues. Can this meeting be arranged in due course?

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

The Mayor reopened the meeting to the public and advised them that the following resolutions were made in relation to the confidential reports:

**ITEM:3 GM - 05/08/08 - CONFIDENTIAL - SALE OF OLD GASWORKS SITE
CONFIDENTIAL**

P08- 94 - Councillor M F Ticehurst moved an **AMENDMENT** that Council withdraw the sale of the Gas Works Site as Ultra Services Pty Ltd did not honour the terms of sale. This amendment became the **MOTION**.
MOVED: Councillor M F Ticehurst **SECONDED:** Councillor H K Fisher.
CARRIED

**ITEM:9 COMM - 05/08/08 - UPDATE ON ABORIGINAL PLACE NOMINATION
& MANAGEMENT OF CROWN LAND CONFIDENTIAL**

P08-95 RESOLVED

THAT the information be received.

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

P08-96 - Councillor H K Fisher moved a **MATTER ARISING** in relation to a new Aboriginal Committee who wishes to have a meeting with the new general Manager and council Officers to discuss various issues. Can this meeting be arrange in due course?
MOVED: Councillor H K Fisher **SECONDED:** Councillor M J Wilson.
CARRIED

The meeting closed at 8.10pm.