



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

19 AUGUST 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 19TH AUGUST 2008**

Meeting Commenced 6.00pm

Public Gallery: 14

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 M J Wilson

APOLOGIES

An apology was received and accepted from A E Thompson who is out of the City on Business.

MOVED: Councillor M M Collins

SECONDED: Councillor W McAndrew.

008-114 RESOLVED

CARRIED

An apology was received from Suzanne Lollback, Group Manager Community and Corporate Services who is out of the City on Business.

Also in attendance

Acting General Manager, Mr Scott Greensill
Group Manager Regional Services, Mr Andrew Muir
Acting Group Manager Community and Corporate Services Manager / Finance Manager,
Mrs Carol Farnsworth
Minutes Secretary, Miss Casey Clarke

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 15th July 2008 were taken as read and confirmed by Councillors M J Wilson and B S Moran

008-115 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor H K Fisher declared a pecuniary interest in Item 8 as the report was about a construction certificate in his name. He vacated the Chambers.

Councillor M F Ticehurst declared a pecuniary conflict of interest in Item 2 and Item 25 as the report involved him. He vacated the Chambers.

Councillor M M Collins declared an interest in Item 15 due to her Company hiring these trucks at time. She vacated the Chambers.

Andrew Muir, Group Manager Regional Services declared a Non Pecuniary Conflict of Interest in Item 2 and Item 25. He vacated the Chambers.

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 received.

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MAYORAL MINUTES

ITEM:1 MAYORAL MINUTE - 19/08/08 - LITHGOW FLASH GIFT

REFERENCE

NIL

COMMENTARY

Following a meeting with John Scott, Danny Whitty and John Buckley at Club Lithgow regarding the next Lithgow Flash Gift to be held in February 2009, it is clear that a considerable amount of organisation and planning is needed for the event to succeed.

A number of the previous sponsors have indicated their continued interest in the event.

Council should take a leading role in the coordination of the event, with the overall event including a Sportspersons Dinner on the Friday night, a number of races to be organised by Lithgow Little Athletics, the actual Gift and other major races being run by the NSW Athletics League.

Mr John Scott who first brought the idea before Council a little over a year ago may be able to play a significant role in advising the coordinators through his extensive sports promotion activities.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council support next years Lithgow Flash Gift and investigate what role John Scott may have in the organisation of the event.

O08-116 RESOLVED

THAT:

1. Council support next years Lithgow Flash Gift and investigate what role John Scott may have in the organisation of the event.
2. Council investigate the roles of all parties / groups involved with the Lithgow Flash Gift and report back to Council.

MOVED: Councillor Neville Castle

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:2 MAYORAL MINUTE - 19/08/08 - CODE OF CONDUCT COMPLAINT

COMMENTARY

Following deliberations of the Code of Conduct Committee in reference to a complaint from a staff member against a Councillor the final report has now come to Council for its consideration.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

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

O08-117 RESOLVED

THAT Council consider the report of the Code of Conduct Committee and take the appropriate actions if it sees that it is required.

MOVED: Councillor Neville Castle

SECONDED: Councillor H K Fisher.

CARRIED

GENERAL MANAGER REPORTS

ITEM:3 GM - 19/08/08 - QUARTERLY PERFORMANCE REPORT ON 2007/08 TO 2009/10 MANAGEMENT PLAN FOR THE PERIOD OF 1 APRIL 2008 TO 30 JUNE 2008

REFERENCE

Min 07-258: Extraordinary Meeting 28 June 2007
Min 07-502: Council Meeting 19 November 2007
Min O08-12: Council Meeting 18 February 2008
Min P08-32: Council Meeting 7 April 2008

SUMMARY

This report provides the Quarterly Performance Report on the 2007/08 to 2009/10 Management Plan for the period of 1 April 2008 to 30 June 2008 with a recommendation that the adjusted surplus be noted.

COMMENTARY

The June Quarter Performance Report on the 2007/08 to 2009/10 Management Plan has been prepared and is provided within Councillor's Business Papers.

It details the achievement of activities identified in the Management Plan and provides information on variations to activities. The Budget Review Statement notes a surplus of \$60,638 which is comparable to the reported surplus of \$37,106 in the March quarter.

Copies of the report are also available for viewing at Council's Administration Centre and the website.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications are reported in the June Quarter Performance Report on the 2007/08 to 2009/10 Management Plan 2007/08.

The Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2007/08 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter. This report and attachment achieves these requirements.

O08-118 RESOLVED

THAT the surplus of \$60,638 and changes the 2007/08 to 2009/10 Management Plan as detailed in the June Quarterly Performance Report be noted.

MOVED: Councillor W McAndrew **SECONDED:** Councillor B S Moran.

CARRIED

ITEM:4 GM - 19/08/08 - STATE DEBT RECOVERY OFFICE

REFERENCE

QWN - 01/07/08 - Finance and Services Committee

COMMENTARY

Correspondence has been received from member for Bathurst, Gerard Martin MP in relation to the advantages to the Lithgow community in having the State Debt Recovery Office located in our local government area.

Mr Martin has advised Council that approximately 170 persons are employed by the State Debt Recovery Office in Lithgow and generate approximately \$7 million in salaries.

Mr Martin is not aware of any negative publicity in relation to the State Debt Recovery Office other than parking congestion issues. Mr Martin has advised Council that if they have further concerns to put a proposal in writing and he will contact the Treasurer on Councils behalf.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

O08-119 RESOLVED

THAT the information be noted.

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

CARRIED

ITEM:5 GM - 19/08/08 - INVESTIGATION OF OPTIONS - LITHGOW SKATE PARK PROPOSAL

REFERENCE

QWN- 15/07/08 - Ordinary Meeting of Council

SUMMARY

Council has previously resolved to consider the establishment of a new skate park facility in Lithgow. This item seeks Council's further consideration to progress investigations into the proposed project.

COMMENTARY

Council at its meeting of the 15th July 2008 received a petition signed by nearly 600 people seeking Council's consideration to the construction of a new skate park facility. As a result of this petition council resolved:

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.

008-112 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

SECONDED: Councillor M M Collins.

CARRIED

As a result of the resolution a meeting was held on 31st July 2008 between community representatives and youth with a direct interest in the skate park and Council elected members and officers. The intent of the meeting was to discuss possible options so as to progress consideration of the proposed project.

From the discussions had it was decided that an investigation of possible future options, designs and associated costs be undertaken with a view to bringing a formal proposal back to Council for further consideration at a later time. In order to progress the proposal a Council resolution authorising the undertaking of preliminary investigations and costings is therefore required.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Costs at this point are expected to be nominal and predominantly absorbed internally as part of existing budget allocations.

LEGAL IMPLICATIONS

Nil

O08-120 RESOLVED

THAT a preliminary investigation and associated costing of possible option be undertaken in relation to the construction of a new skate park facility for Lithgow and that when completed the findings of the investigation be brought back to council for further consideration.

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

ITEM:6 GM - 19/08/08 - COUNCIL MEETINGS - POST 13TH SEPTEMBER 2008 - LOCAL GOVERNMENT ELECTION

SUMMARY

Council's Ordinary Meeting is scheduled for the 3rd Tuesday in each month. This however poses a problem in the month of September with the meeting scheduled for Tuesday, 16th, just three (3) days after the Local Government elections on Saturday, 13th. With the election poll highly unlikely to be declared by the scheduled meeting date, Council needs to formally acknowledge the issue and propose an interim alternative meeting process.

COMMENTARY

In accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005, the Returning Officer for a local government election is responsible for the formalisation of the election count. The returning then advises the Electoral Commissioner of the result prior to the poll being formally declared. This process can be expected to take several weeks depending on the closeness of the election and the type of voting undertaking. Whilst it is normal practice for the Returning Officer to declare the poll as soon as practicably possible, the declaration of poll can be delayed pending receipt of postal votes should the vote counting be close and the outstanding ballots possibly effect the final election result.

Council's September 2008 Ordinary Meeting is scheduled as per Council's previous resolution for Tuesday, 16th September and as such, will most likely not be able to occur due to the poll being not formally declared. Therefore, Council needs to formally acknowledge this issue and resolve not to have this meeting as scheduled.

The meeting schedule to be adopted following the election will be at the discretion of the Council elected at that time.

With the exception of the Mayor, all currently elected members cease to hold office as from the date of the election. In accordance with the Local Government Act 1993, the Mayor (whether elected or not) has specific carryover powers during the period between the election and declaration of a Mayoral successor. Of these powers the Mayor can formally call an Extraordinary Meeting in accordance with Council's Code of Meeting Practice and such this process is recommended for the purpose of electing the Mayor and Deputy Mayor in accordance with Chapter 9, Part 2, Division 2 of the Local Government Act 1993 and Clause 394 of Schedule 7 of the Local Government (General) Regulation 2005 to the Act as soon as possible following the declaration of poll. The Council may also at this time consider its future meeting schedule.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The only legal implications that could occur are if Council acts prior to the declaration of poll.

O08-121 RESOLVED

THAT as a result of the Local Government election being held on 13th September 2008 and the unlikelihood of the election poll being declared that the Ordinary Meeting of Council scheduled for the 16th September 2008 not be held and that Council determine their meeting schedule following the declaration of the election poll and the subsequent election of the Mayor and Deputy Mayor.

MOVED: Councillor W McAndrew

SECONDED: Councillor B S Moran.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:7 REG - 19/08/08 - TENDERS FOR SHOULDER WIDENING, BROWNS GAP ROAD

REPORT FROM: OPERATIONS MANAGER – MR STEPHEN DARLINGTON

REFERENCE

NIL

SUMMARY

This report seeks a determination from Council to use the selective tendering process, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the procurement of suitable contractors for the shoulder widening of selected sections of Browns Gap Rd

COMMENTARY

Whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used.

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

The preferred method of procurement due to the nature of the specific works to be undertaken on the Brown Gap Road is the selective tendering method pursuant to s168. The specific nature of the works comprises milling out insitu material to a fixed depth and width, replacing insitu material with roadbase and/or hotmix and compacting the material, utilising a job specific one pass machine.

It is intended to call expressions of interest for the work after which invitations to formally tender for the works will be called from a suitable contractor/s.

POLICY IMPLICATIONS

Nil at this stage

FINANCIAL IMPLICATIONS

Nil at this stage

LEGAL IMPLICATIONS

Tendering is to be undertaken in accordance with the provisions of the Local Government Act and its regulations.

O08-122 RESOLVED

THAT Council use the selective tendering method, pursuant to Clause 168 of the Local Government (General) Regulation 2005, for the shoulder widening works on the Browns Gap Rd.

MOVED: Councillor B P Morrissey

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:8 REG - 19/08/08 - DEVELOPMENT / CONSTRUCTION CERTIFICATE
 136/08 - COUNCILLOR H K FISHER**

REPORT FROM: REGIONAL SERVICES MANAGER – ANDREW MUIR

SUMMARY

To advise council of the submission of a Development/Construction Certificate Application No.136/08 on behalf of Councillor H Fisher and recommend approval.

COMMENTARY

An application has been received from Spectrum on behalf of Mr & Mrs Fisher for the construction of a enclosed verandah at Lot 1 DP 1029892, 1 Busby Street, Lithgow.

The proposal involves the construction of a steel framed and glass enclosure over an existing patio on the back of the dwelling at 1 Busby Street, Lithgow.

POLICY IMPLICATIONS

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that any Development Application lodged where the applicant is a councillor must be referred to council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

Councillor H K Fisher declared an interest in this item and he vacated the Chambers.

O08-123 RESOLVED

THAT Development/Construction Certificate Application No.136/08 be approved subject to the following conditions:

1. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

2. That the glassed in verandah is finished to ensure compatibility with the existing development to the satisfaction of Council.
3. That Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
4. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - k) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

5. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) Which that person can be contacted outside working hours.
 - b) Stating that unauthorised entry to the work site is prohibited and
 - c) Showing the name, address and telephone number of the Principle Certifying Authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
6. All building work must be carried out in accordance with the requirements of the Building Code of Australia.
7. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

MOVED: Councillor M J Wilson

SECONDED: Councillor W McAndrew.

CARRIED

**ITEM:9 REG - 19/08/08 - TRANSFER OF A CROWN ROAD TO COUNCIL -
 OFF BAANERS LANE - LITTLE HARTLEY**

REPORT FROM: DEVELOPMENT ENGINEER- PAUL CREELMAN

REFERENCE

56/06DA

SUMMARY

To advise of a request for Lithgow Council to approve the transfer of a Crown Road off the end of Baaners Lane, Little Hartley to become a public road under Council's control.

COMMENTARY

As a part of Development Application 56/03 for the subdivision of 7 rural Lots off Baaners Lane Little Hartley, the applicant was required to dedicate a strip of unformed Crown Road as Council public road. A request has now been received from the applicant, Hartley Pastoral Company, for Council to accept the transfer of the relevant section of Crown Road. The road has been formed to Lithgow Council's standards as a part of the development and will be a side road on the western side of Baaners Lane 150metres from the end. All fees will be paid by the applicant. As part of this process Council will be required to place the Common Seal on the documentation.

POLICY IMPLICATIONS

Council Policy 1.2- Asset Acquisition applies as Council will be taking over ownership of the section of road. Under Councils code of meeting practice affixing of the common seal may only occur by resolution at an ordinary meeting of Council.

FINANCIAL IMPLICATIONS

Council will take on future maintenance of the road and obtain rate income from additional rateable properties created by the subdivision.

LEGAL IMPLICATIONS

Development Consent 56/06 places an obligation on the applicant to construct and dedicate the road to Council. The transfer of the Crown Road is undertaken under the provisions of the Roads Act 1993.

O08-124 RESOLVED

THAT Council formally agree to the transfer of the Crown Road as indicated on the attached mapping and the Common seal be affixed to the relevant documentation.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:10 REG - 19/08/08 - CULLEN BULLEN PUBLIC TOILETS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

Response to a Question Without Notice from Councillor H Fisher concerning the construction of the public toilet block at Cullen Bullen advising that construction has commenced.

COMMENTARY

Construction has commenced on the public toilet block at Cullen Bullen and is scheduled for handover on 1 September 2008. Difficulties have been experienced with the supply of steel to the project but assurances have been provided by the contractor that the timetable provided will be met.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funded from within the current budget.

LEGAL IMPLICATIONS

Nil

O08-125 RESOLVED

THAT the information be received and noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:11 REG - 19/08/08 - MINERS LAMP LIGHTING AND BADGE

REPORT FROM: REGIONAL SERVICES MANAGER - ANDREW MUIR

SUMMARY

Response to a Question Without Notice from Councillor M Collins on 15/07/08 concerning progress on the lighting and badge installation on the Miners Lamp at the Visitors Information Centre.

COMMENTARY

The Miners Lamp Badge has been fabricated and has been sent to Sydney to be polished. Installation should be completed by 31 August. It is proposed to complete the badge installation before finalising lighting of the lamp and surrounds to ensure the best lighting solution.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funded from existing budget.

LEGAL IMPLICATIONS

Nil

O08-126 RESOLVED

THAT the information be received and noted.

MOVED: Councillor M M Collins

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:12 REG - 19/08/2008 - CONFIDENTIAL - LITHGOW CITY COUNCIL V
 BARCLAY HOLDINGS PTY LIMITED 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)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

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

REFERENCE

Nil

SUMMARY

To advise Council of the progress of Court proceedings between Lithgow City Council and Barclay Holdings Pty Limited.

O08-127 RESOLVED

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

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:13 **COMM - 19/08/08 - OFFER THE RYDAL VILLAGE ASSOCIATION INC TO PURCHASE TWO OUT FRONT MOWERS**

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of an offer from the Rydal Village Association Inc for the purchase of two unused out front mowers.

COMMENTARY

Council has received an offer from the Rydal Village Association Inc for the purchase of two John Deere F1145 mowers for the sum of \$1,200 (GST Exc). Council has purchased new mowers and the discarded mowers were to be sold at a public auction later in the year.

The Association advise that their members maintain the village gardens to a high standard and perform months of planning and many hours of works to maintain and develop ever evolving gardens and parkland areas for the September 'Daffodils at Rydal Festival'. They further advise that the members are hardworking and keen to keep up the village beautification program and the prospect of being able to purchase industrial mowers from Council would help them immensely.

The mowers are in a state of disrepair and require repairs prior to use. As a condition of the sale Council will advise the Association that we will no longer service the mowers and recommend a risk assessment be carried out on the mowers prior to operating.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Sale of mowers for \$1,200 (GST Exc) proceeds to be returned to the plant replacement reserve to fund future purchases.

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT:

1. Council accept the offer from the Rydal Village Association Inc for the purchase of two John Deere F1145 mowers for the purchase price of \$1,200 (GST Exc)
2. The sale of the mowers be on a "as is, where is" basis and the Rydal Village Association confirm their acceptance of this condition prior to finalisation of the sale.
3. The Rydal Village Association Inc carry out a risk assessment prior to operating the mowers

O08-128 RESOLVED

THAT Council sell the mowers to the Rydal Village Association in accordance with the recommendation, with a report to come back to council on the possibility of a donation of the purchase amount to be given to the Association in next years budget.

MOVED: Councillor M M Collins **SECONDED:** Councillor B P Morrissey.

CARRIED

ITEM:14 COMM - 19/08/08 - EXCESSIVE WATER USAGE DUE TO BREAKAGES

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

To advise Council of correspondence from three property owners seeking an allowance to water accounts due to breakages.

COMMENTARY

Council has received three requests to consider relief to excessive water accounts due to water pipe breakages.

Council Policy 8.6 'Excessive Water Usage Allowance for Breakages' allows for breakages which occur on **residential properties** but does not make allowance for business premises.

The policy provides a concession for excessive water usage to residential landowners on the first occurrence that a breakage occurs which is beyond the owners control and causes excessive water accounts. The owner is requested to provide evidence of the breakage by the way of a plumbers account and an allowance is capped at \$200.

The policy states:

- 1. The policy applies to residential homes only and applicants must use the property as their principle place of residence;*
- 2. The policy applies once only for a particular property;*
- 3. If an application is received in writing for Council to determine an account as showing excessive water usage due to damage to infrastructure on property owner's side of the meter, Council may consider relief for the account if it is evident that the ratepayer will incur financial hardship;*
- 4. Applications should be addressed to the Internal Services Manager who will assess and determine the legitimacy of the application in accordance with investigation and with consideration of Council's Hardship Policy;*
- 5. Proof of the breakage in infrastructure will need to be substantiated by the way of a tradesman's account showing the date of repairs and or supply of goods.*
- 6. Council will average an account using the past four readings if it is determined the account is eligible for an excess water usage allowance;*
- 7. The allowance is capped at \$200 in total per property and is available in a one off instance per property only.*

The following three properties seek financial relief due to excessive water usage.

1) Property No 103436: Fitness Centre, Hoskins Ave, Lithgow

The agent acting on behalf of the owners advise they are seeking relief for the current water account of \$836.70 which is attributed to a disused water service leaking into a carpark area.

A plumber's account has been provided as evidence of the breakage and the agent points out that a sewer discharge factor is calculated on water usage for water leaving the property and being discharged into the sewer system. He continues that the bulk of the water which discharged via the carpark ran onto an adjoining grassed area and therefore had no impact on the sewer system and should not attract a sewerage discharge fee.

The account is made up of:

Water usage:	\$427.05
Sewerage Discharge:	\$433.85
Total:	\$836.70

The last water accounts issued on the property have been for \$76.58 and \$40.96. The breakage has occurred on private property and Council has purchased the water from Fish River Water Supply. In this instance Council is not at fault but may wish to consider an adjustment to the account as an act of goodwill.

The water usage for the property is 466 kls and this applied to the sewerage discharge factor would result in a write off of \$433.85 to the account.

2) Property No 100259: Restaurant, Main St Lithgow

The owner advises that the water pipe in the walkway between Main St and the laneway fractured and because of the location it was assumed that the problem was with the Council main and the breakage was reported to Council. This proved not to be the case and the location of the breakage was later established on private property.

The owner has provided a plumber's account showing repairs to the damaged pipe and has written to Council requesting relief for the last water account of \$2,951.14.

The account is made up of:

Water usage:	\$1,865.60
Sewerage Discharge:	\$1,085.54
Total:	\$2,951.14

The last three water accounts issued on the property have been for \$1,594.53, \$1,490.35 and \$1,705.90 respectively. The breakage has occurred on private property and Council has purchased the water from Fish River Water Supply. In this instance Council is not at fault but may wish to consider an adjustment to the account as an act of goodwill.

To be consistent with Property 1) the water usage for the property is 1,166 kls and this applied to the sewerage discharge factor would result in a write off of \$1,085.54 to the account.

3) Property No 104184: Private Lease of Crown Land for Residential use at Portland

The owner advised that a shed on the land was broken into and was the subject of a police report following the theft of equipment. A Council employee from the Portland Sewerage depot reported to the owner that water was running in the paddock towards the Sewerage Depot and upon investigation it was found a tap had been damaged and left turned on. It is assumed this action was a direct result of the break in on the property.

The water account issued totalled \$2,332.85 and Council officers advised that in this instance Policy 8.6 "Excessive Water Usage Allowance for Breakages" may apply and requested evidence by the way of a plumbers account. The owner replied that they are unable to produce a plumber's account as the repairs were undertaken by themselves and the water has resulted from vandalism and theft on the property.

The owner has replaced the existing fittings with a commercial garden tap that requires a key to operate to prevent excessive water usage occurring again.

The maximum allowance covered by Policy 8.6 is \$200 and Council resolution is required to consider a further reduction.

The residential water account is made up of:

(It should be noted that the sewerage discharge factor is not calculated on residential water accounts but is charged on the annual rate notice)

Water usage:	\$2,332.85
Total:	\$2,332.85

The last water accounts on the property have been \$39.95, 42.50 and \$162.35 respectively and the current account has been charged \$0.85 c per kl for water usage up to 500kl and \$1.60 per kl for the remaining 1,330 kls.

The breakage has occurred on private property and Council has purchased the water from Fish River Water Supply. In this instance Council is not at fault but may wish to consider an adjustment to the account as an act of goodwill. It may be appropriate to charge \$0.85c per kl on all usage which would result in a write off of \$977.50 to the account.

POLICY IMPLICATIONS

All Council policies will be reconsidered in October 2008 with the election of a new Council. Council will consider any changes to Policy 8.6 “Excessive Water Usage Allowance for Breakages” at this time.

FINANCIAL IMPLICATIONS

Write off of \$2,496.89 due to water breakages.

LEGAL IMPLICATIONS

Nil

O08-129 RESOLVED

THAT Council adjust water accounts as follows:

- 1) Business Property 100259: Write off of \$433.85
- 2) Business Property 103436: Write off of \$1,085.54
- 3) Residential Crown Lease Property 104184: Write off of \$977.50

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

CARRIED

ITEM:15 COMM - 19/08/08 - CONFIDENTIAL REPORT - PURCHASE OF TWO TRUCKS WITH TIPPING BODIES CONFIDENTIAL

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

Reason for Confidentiality

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

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

The matters and information are the following:

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

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

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

The Department of Local Government Tendering Guidelines for NSW Local Government states in Section 1.3 'Confidentiality' "*that council staff or councillors must not disclose information regarding the specific details of a tendering process, including recommendation of the tender evaluation or assessment panel before the Council has made a resolution on the matter at a Council meeting.*"

REFERENCE

Nil

SUMMARY

To advise Council of the assessment of tenders received for the supply and delivery of two trucks with tipping bodies with a recommendation for purchase and acceptance of a suitable purchase price for the items of plant.

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

Councillor M F Ticehurst moved an **AMENDMENT** that Council accept the offer from Gilbert and Roach as they are the lowest tender. This **LAPSED** due to no seconder.

O08-130 RESOLVED

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

MOVED: Councillor B S Moran **SECONDED:** Councillor W McAndrew.
CARRIED

ITEM:16 COMM - 19/08/08 - ARTS OUT WEST MEMORANDUM OF UNDERSTANDING AND BOARD MEMBERSHIP

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE SERVICES, SUZANNE LOLLBACK

REFERENCE

NIL

SUMMARY

This report recommends renewing the Memorandum of Understanding between Lithgow City Council and Arts OutWest for 2008/09 financial year and requests the nomination of a representative of the Council to the Board of Management.

COMMENTARY

Member Councils have agreed to manage the relationship with Arts OutWest as a regional service through the Memorandum of Understanding.

In August last year the organisation changed its Constitution to recognise Councils as a separate membership to ordinary organisational members and to give every member council the opportunity to appoint a representative to the Board of Arts OutWest. This position may be held by a Councillor, a council staff officer or a community member and would normally be made at the Annual General Meeting held in April-May each year. The former General Manager Paul Anderson was the Lithgow City Council appointed Board member and now that he has left the position needs to be refilled to ensure Lithgow continues to remain strongly represented in the regional program.

There are 12 Council positions, 1 from Charles Sturt University, and 3 elected community representatives. One of these positions is held by Wendy Carlson a resident of Wallerawang.

It is recommended that either a Councillor or General Manager or his nominee represent the Council. Should the Council determine that a Councillor be the representative, it is recommended that the Council determine which Councillor it will be after the Council elections to be held on 13 September 2008.

The Board of Management meets four times a year in February, May, August and November and over the past 3 years they have been held at 5pm on the second Tuesday of the month. The meetings are held in either Bathurst or Orange.

POLICY IMPLICATIONS

There are no policy implication.

FINANCIAL IMPLICATIONS

The Council has provided funding support for the 2008/09 financial year on the agreed rate of 0.48 per head of population calculated at 20,694 (ABS estimated population 2007) therefore a financial commitment of \$9933.12.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the Council:

1. Sign the Memorandum of Understanding between Lithgow City Council and Arts OutWest for 2008-2009
2. Nominates **(Councillor or General Manager or his nominee)** to represent the Lithgow City Council on the Arts OutWest Board of Management.

O08-131 RESOLVED

THAT the Council:

1. Sign the Memorandum of Understanding between Lithgow City Council and Arts OutWest for 2008-2009
2. Nominates a representative to represent the Lithgow City Council on the Arts OutWest Board of Management and advise the Arts Out West Board of Management after the Local Government Election who the representative will be.

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:17 COMM - 19/08/08 - SECTION 356 - DONATIONS TO COMMUNITY ORGANISATIONS

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Minute O08-72 - Extraordinary Meeting of Council 10 June 2008
Minute F08-88 - Finance and Services Committee 1 July 2008
Minute - Finance and Services Committee 5 August 2008

SUMMARY

This report outlines requests from the Portland Golf Associates and Wallerawang-Lidsdale P&C Association for donations. The report recommends that Council consider allocating funding for these not-for-profit organisations.

COMMENTARY

On the 10 June 2008 the Council adopted its Management Plan for 2008/09 – 2010/11 in which it identified its provision for donations to not-for-profit community groups.

Portland Golf Associates

The Portland Golf Associates will be hosting the NSW Sandgreen Championships in September this year. To make this event as successful as the last time they hosted the Championships in 1996, they are looking for sponsorship to offset the costs. This competition is for women golfers.

Portland Golf Club received \$750 for the men's competition.

As the NSW Sandgreen Championships do not occur often within the Lithgow City Council area, it is recommended that a donation towards sponsorship be provided to the value of \$250.

Wallerawang-Lidsdale P&C Association

The P & C Association is holding a fete on 7 November 2008 to raise funds to enclose the Wallerawang Public School's outdoor area to provide a more comfortable and healthy all-weather environment for students. This is particularly important during the winter period.

They have requested a donation from Council to assist with holding the fete. The fete is the major fund raising activity towards this project.

It is recommended that a donation to assist the school to hold their fete be provided to the value of \$500.

POLICY IMPLICATIONS

Donations are provided under Policy 4.4 Donations – Section 356 of the Local Government Act.

FINANCIAL IMPLICATIONS

The Council provides Financial Assistance to not-for-profit community groups. The Council has set aside some \$23,000 for distribution throughout the 2008/09 Financial Year. \$5,103 has been allocated to date leaving \$17,897 for distribution.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

RECOMMENDATION

THAT Council:

1. Provides \$250 to Portland Golf Associates
2. Provides \$500 to Wallerawang-Lidsdale P&C Association

O08-132 RESOLVED

THAT:

1. Council provide \$750 to Portland Golf Associates for the Women's NSW Sandgreen Championships
2. Council provides \$500 to Wallerawang - Lidsdale P&C Association

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:18 COMM - 19/08/08 - ECONOMIC DEVELOPMENT WORKING PARTY
AND ECONOMIC DEVELOPMENT OFFICER**

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

REFERENCE

NIL

SUMMARY

This report updates the Council on the recruitment of an economic development officer and recommends that the Council establishes an Economic Development Working Party in line with its funding agreement with the Department of State and Regional Development.

COMMENTARY

The Council has signed a funding agreement with the Department of State and Regional Development. The Department has agreed to provide \$100,000 over a three year period. This agreement outlines the need for the appointment of an economic development officer and the establishment of an Economic Development Working Party.

Economic Development Working Party

It is recommended to the Council that the membership of the Economic Development Working Party be by invitation only and specifically target a range of industry sectors and relevant skills. Following consultation with the Department of State and Regional Development it is recommended that membership of the Working Party be as follows:

- Councillor – Chairperson
- Lithgow City Council General Manager or his nominee
- Department State and Regional Development - Business Development Manager
- Area Consultative Committee
- Power Industry – Delta
- Mining/minerals Industry - Centennial Coal
- General Industry
- Finance/economic sector
- Tourism
- Education and Training
- Lithgow Business Association

Council officers (non-voting)

- Group Manager Community and Corporate or nominee
- Economic Development Officer (executive officer)

Terms of reference will include the principle responsibilities of:

- Provide input that assists Council in determining the long term economic development needs for the Lithgow City Council area
- Provide input that assists with the development of an Economic Development Strategic Plan for the Lithgow City Council area
- Provide input that assists with the identification of new business and growth opportunities for existing businesses
- Provide input into land use planning that will allow for and stimulate economic growth
- Consider social and environmental impacts of anticipated economic growth
- In conjunction with the Council identify, seek out and advocate for economic development opportunities for the area.

Full terms of reference will be developed and referred back to the Council.

Economic Development Officer

The position of Economic Development Officer was identified in the Management Plan for the 2008/2009 financial year. Some \$45,000 was included for salary, plus on-costs. It was recognised that this would not attract an experienced officer, so following a review of funding for the division, it was determined that a reallocation of salaries across some vacant positions within the unit could be achieved to boost the salary range to between \$56,000 and \$62,000.

In July the position was advertised. No suitable applications were received. It is considered that a salary in the range of \$70,000 - \$75,000 may be required if an experienced economic development officer is to be attracted to the position. The position is for a three year term.

As the position will now not be filled until at least October a saving in the budget will be made of approximately \$11,000 (salary). The Department of State and Regional Development have also agreed to *“the bulk of the funds be compressed into a 2 year period, so long as we retain a few thousand for year 3”*.

It is recommended that the position be readvertised with a salary in the range of \$70,000 - \$75,000.

In addition a letter has been forwarded to the Hon Bob Debus, Member for Macquarie requesting financial support from the Federal Government.

POLICY IMPLICATIONS

The report relates to Council's Policy 4.1 Community Representatives – Appointment of to Committees or Working Groups

FINANCIAL IMPLICATIONS

Financial implications have been outlined above.

LEGAL IMPLICATIONS

NSW Local Government Act 1993, Section 355

RECOMMENDATION

THAT:

1. Council readvertise the position of Economic Development Officer with a salary range of \$70,000 to \$75,000.
2. Council adopt the membership for the Economic Development Working Party.

O08-133 RESOLVED

THAT:

1. Council readvertise the position of Economic Development Officer with a salary range of \$70,000 to \$75,000.
2. Council adopt the membership for the Economic Development Working Party.
3. The new Council to nominate the new representatives for the Economic Development Working Party.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM:19 COMM - 19/08/08 - CONFIDENTIAL REPORT - TENDER 03/08 -
ENGAGEMENT OF CONSULTANT FOR THE PREPARATION OF
LAND USE ISSUES PAPER, LAND USE STRATEGY AND LOCAL
ENVIRONMENTAL PLAN CONFIDENTIAL**

REPORT FROM: STRATEGIC LAND USE PLANNER – S HANRAHAN

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

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

REFERENCE

Min 07-518: Policy and Strategy Committee Meeting 3 December 2007
Min P08-20 Policy and Strategy Committee Meeting 3 March 2008.

SUMMARY

This report outlines the process undertaken to assess tenders submitted for the above Project and to seek Council resolution to engage a Consultancy to undertake the work.

O08-134 RESOLVED

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

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:20 COMM - 19/08/08 - AMENDMENTS TO THE FOOD ACT

REPORT FROM: ENVIRONMENTAL HEALTH OFFICER – DAVID DURIE

REFERENCE

NIL

SUMMARY

This report provides information to the Council on changes to the *Food Act 2003 (NSW)* and *Food Regulations 2004* and Council's role as a Regulatory Authority.

COMMENTARY

Amendments to the *Food Act 2003 (NSW)* and *Food Regulation 2004* have seen Lithgow City Council appointed as a Category B Enforcement Agency by the NSW Food Authority. Under this new Food Regulation Partnership Council is now required to take a much more active role in food premise regulation.

As a consequence some businesses, such as restaurants and takeaway food bars, will be inspected more frequently, based on a generic risk assessment. It is expected that higher risk premises, such as these, will be inspected a minimum of once per year but potentially twice.

The primary reason for the inspection of a business is to assess the compliance of the premises with the Food Safety Standards. The New South Wales Food Authority has codified the criteria to be used by all Councils and as a consequence, if during future inspections, a food business fails to satisfy the requirements in regard to personal hygiene issues, time/temperature control of food, contamination or cross contamination, pest control, cleaning / sanitising and maintenance and unsafe or unsuitable food, the issue/s will be noted on the inspection report sheet as a failure and will generate at least a re-inspection by a council officer and possibly some form of enforcement action.

It should be noted that both inspections will generate an invoice in accordance with Council's annual schedule of fees and charges.

In addition, recent amendments to the Food Act in May 2008 permit penalty notices issued by Councils to be subject to publication on a register linked to the NSW Food Authority's website. This has been referred to as the, "name and shame legislation" and publicly makes known, food premises, that have failed to comply with the Food Standards Code and Act and have been fined or prosecuted.

These amendments have been made with the intention of providing consumers with additional information about food premises to assist them in making more informed decisions about where they purchase food. Note that the same publication arrangements apply to any successful prosecution undertaken by a Council under the Food Act in a Court of Law.

The aim of the amendments is to only publish those penalty notices that are related to public health and safety or misleading labelling. Once published, the information will remain on the register for 12 months. The publication of this information on the Food Authority's website commenced on the 1 July 2008. Information that will be published includes;

- trading name and address of the business
- name of person/company served
- local government area
- date and description of the offence

Council has provided information to food premises on the key changes to the legislation and is now engaged in routine inspection of high risk premises. To date Council's Environmental Health Officers have issued one penalty infringement notice that will be affected by the recent changes in legislation.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Environmental Health program is funded on an annual basis in the Management Plan

LEGAL IMPLICATIONS

Council has a responsibility to meet its requirements as Category B Enforcement Agency under the Food Act

O08-135 RESOLVED

THAT Council receive the information.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:21 COMM - 19/08/08 - COUNCIL INVESTMENTS TO 31 JULY 2008

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

2008/09 Nil

SUMMARY

To advise Council of 2008/09 investments held for the period ending 31 July 2008.

COMMENTARY

The amount invested as at 31 July 2008 when compared to 30 June 2008 has decreased by \$2,239,114.32.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.07.08	VALUE 30.06.08	% OF TOTAL
ANZ	TD					0.00	609,977.36	0.00%
BANKWEST	TD	30.05.08	29.08.08	91	8.08	519,066.48	519,066.48	4.17%
	TD	02.06.08	02.09.08	92	8.09	519,228.93	519,228.93	4.17%
	TD	04.06.08	04.09.08	92	8.14	500,000.00	500,000.00	4.02%
CBA	CMS Nt	20.06.06	20.06.11	1,825	8.71	500,000.00	500,000.00	4.02%
	On Call				7.49	434,836.50	728,081.82	3.49%
	Ethical	06.11.06	06.11.11	1,825	9.25	500,000.00	500,000.00	4.02%
	TD	11.07.08	11.08.08	30	7.49	542,579.97	539,158.90	4.36%
	TD	21.11.07	05.06.09	547	16.0	750,000.00	750,000.00	6.02%
CITIBANK	TD	12.05.08	12.08.08	90	7.96	560,603.10	560,603.10	4.50%
	TD	05.06.08	05.08.08	61	8.04	500,000.00	500,000.00	4.02%
LG FINANCIAL	On Call				8.18	278,943.43	275,148.64	2.24%
	TD	06.11.07	06.11.08	365	7.55	306,524.05	306,524.05	2.46%
	On Call				7.15	7,159.79	4,714.43	0.06%
IMBS	On Call				7.25	28,095.48	27,923.48	0.23%
	TD	06.05.08	06.08.08	92	8.02	1,135,522.75	1,135,522.75	9.12%
	TD	22.05.08	22.08.08	92	8.10	510,116.46	510,116.46	4.10%
	TD	03.06.08	03.09.08	92	7.90	832,104.76	832,104.76	6.68%
MACQUARIE	TD	30.06.08	30.10.08	92	7.90	2,000,000.00	2,549,551.37	16.06%
ALLIANCE	Managed	28.02.08	28.02.09	365		1,000,000.00	982,365.42	8.03%
ST GEORGE	On Call				7.30	1,026,360.70	1,019,972.60	8.24%
	TD					0.00	820,196.17	
			TOTAL			12,451,142.40	14,690,256.72	100.00%

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 31 July 2008 is \$62,417.59. 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 previously brought to account will be reversed.

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)

O08-136 RESOLVED

THAT Council's 2008/09 investments for the period ending 31 July 2008 be received

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

CARRIED

ITEM:22 COMM - 19/08/08 - CENTRAL WEST TRANSPORT NEEDS STUDY

REPORT FROM: STRATEGIC LAND USE PLANNER – S HANRAHAN

REFERENCE

Nil

SUMMARY

This report provides information regarding the Central West Transport Needs Study commissioned by Department of Infrastructure, Transport, Regional Development and Local Government and the Roads and Traffic Authority.

COMMENTARY

The Australian Government has committed funds for a study of the transport needs of the Central West. The study focuses on the transport needs of the local government areas forming the Central West Regional Organisation of Councils (CENTROC).

Sinclair Knight Merz (SKM) have been engaged by the Department of Infrastructure, Transport, Regional Development and Local Government and the Roads and Traffic Authority (RTA) to evaluate the appropriateness of existing land transport networks in meeting the short and long term transport needs of the Central West. CENTROC Council's were briefed in Orange on 31/7/08.

SKM are conducting a number of reference group meetings and invite all interested Mayors and General Managers (or their representatives) as follows:

- 13/8/08 Closed
- 28/8/08 (Venue – Grenfell Council Chambers) 10am -12 Noon
- 1/10/08 – (Venue – Cowra Council Chambers) 10am – 12 Noon.

A series of workshops will also be conducted for the purposes of gap analysis and options analysis. These workshops are open to not only Council representatives but also any special interest groups that rely on road transport or are affected by road transport issues. Council is invited to nominate any special interest group by providing contact details for SKM. These workshops will be conducted as follows:

21/8/08 Gap Analysis Workshop (Venue Sydney – Citigate Sebel) 10am – 3pm
22/8/08 Gap Analysis Workshop (Venue Orange – Turners Vineyard) 10am -3pm
11/9/08 Options Analysis Workshop (Venue Orange – Turners Vineyard) 10am -3pm.

Any person wishing to attend the above meetings must register with SKM and may do so by contacting the Policy and Planning Division of Council as soon as possible.

SKM have requested a substantial list of information pertaining to each Local Government Area in relation planning and land use zoning; relevant plans and strategies related to land use planning; population and employment forecasts; development trends and economic development. This information has been provided jointly by Council's Policy and Planning and Regional Services Division.

This Study represents a significant step in bringing the transport issues and needs of the Central West into political focus and it is strongly recommended that Council participate to the fullest extent possible within the Study to secure the best outcomes for the Lithgow Local Government Area. The findings of the study will feed into the development of the Land Use Issues Paper, Land Use Strategy and Local Environmental Plan as they become available.

Council will be further informed as more information becomes available.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

O08-137 RESOLVED

THAT the information be noted.

MOVED: Councillor M J Wilson

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:23 COMM - 19/08/08 - TRANSFER OF DRAINAGE EASEMENT ON LOT 22, DP 789285, WILLIWA STREET PORTLAND

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min O08-63: Council Meeting 20 May 2008
Min O08873: Council Meeting 17 June 2008

SUMMARY

This report recommends the releasing of a drainage easement on Lot 22 DP 789285, Williwa Street, Portland. This report also seeks Council's approval to affix the Common Seal to the Transfer Releasing Easement.

COMMENTARY

Council has received a request to release a 0.9 metre wide drainage easement on Lot 22 DP 789285, Williwa Street, Portland which Council is the beneficiary of. The subject land has been inspected and there is no evidence of any infrastructure within the existing easement and it is not required for any public purpose. Therefore, it is recommended that Council approve the releasing of the easement.

It should be noted that council recently approved the release of a separate 1.83 metre wide drainage easement at its meeting of 17 June 2008.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The releasing of the easement is proposed at a nominal figure of \$1.00.

LEGAL IMPLICATIONS

The transfer to release the easement is occurring under the Real Property Act 1900.

O08-138 RESOLVED

THAT:

1. The 0.9 metre wide drainage easement on Lot 22 DP 789285, Williwa Street, Portland be released for the nominal sum of \$1.00 and any legal costs be borne by the transferee.
2. Council affix the Common Seal to the Transfer Releasing Easement on Lot 22 DP 789285.

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

COMMITTEE MEETINGS

**ITEM:24 GENERAL MANAGER SELECTION COMMITTEE - 19/08/08 -
CONFIDENTIAL MINUTES OF THE FINAL SELECTION OF GENERAL
MANAGER COMMITTEE MEETING HELD ON 21ST JULY 2008
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: -

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

008-139 That this report be discussed in **OPEN COUNCIL** as there is no need for it to be confidential.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor B P Morrissey.

008-140 RESOLVED

THAT the minutes be noted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor B S Moran.

**ITEM:25 CODE OF CONDUCT COMMITTEE - 19/08/08 - CONFIDENTIAL
REPORT - COMPLAINT BY A STAFF MEMBER AGAINST
COUNCILLOR M F TICEHURST 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.

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- (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: -

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

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

O08-141 RESOLVED

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

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - 19/08/08 - COUNCILLOR W MCANDREW

1. Mr Mayor I refer to the recent passing of Mick Clough and ask Council for to send an acknowledgment letter to his family for the commitment and effort to this Council and Community whilst in local government.

O08-142 RESOLVED

THAT Council send a letter of acknowledgment to Mick Cloughs family and attend the memorial service to be held on Monday 25th August 2008.

MOVED: Councillor W McAndrew **SECONDED:** Councillor H K Fisher.

CARRIED

2. Mr Mayor I refer to the upcoming local government election and the four councillors that will be leaving the Council. I would like to take this opportunity to wish them all the very best for the future and to thank them for their commitment and support. I would also like to make special mention of Councillor Morrissey, who has served on Council for 30 years. This is an extremely long commitment and I have relied on his support and advice many times over the years. I would like to wish Brian all the very best away from Council.

The Mayor allowed Councillor Morrissey the right of reply. Councillor Morrissey thanked the Council for their wishes, especially Councillor McAndrew. He spoke of his first meeting of Council back in 1974 and wished all the other Councillors the very best.

QWN - 19/08/08 - COUNCILLOR B P MORRISSEY

1. Mr Mayor I refer to the two Council graders located at the top of Wolgan Valley. Is it possible for one of these graders to be positioned at the bottom of the Valley near the Emirates site, to be used for work at this location?

The Mayor deemed this as urgent and advised that this matter would be taken on notice and looked into.

2. Mr Mayor I refer to the road works at Tunnel Hill and advise that the road has deteriorated very badly. Can Council write to the State Member and request him to seek answers from the RTA as to why this project has been such a disgrace and when it will be rectified?

The Mayor deemed this as urgent and advised that investigations will be done immediately.

QWN - 19/08/08 - COUNCILLOR M F TICEHURST

1. Mr Mayor can Council please advise if there is any further updates on the gas Works Site and has any information been received from Ultra Services Pty Ltd?

The Mayor deemed this as urgent and advised that information had been given to the Solicitors of both parties and they are seeking whether a mediation / meeting can be arranged to discuss whether a rescission motion will be reported to Council.

QWN - 19/08/08 - COUNCILLOR M J WILSON

1. Mr Mayor I refer to the old petrol station located next to Coerwull School and ask as to whether a fence should be placed around the works taking place there? It is very dangerous as there have been students seen playing within the works.

The Mayor deemed this as urgent and advised that this matter would be looked into immediately.

QWN - 19/08/08 - COUNCILLOR M M COLLINS

1. Mr Mayor can Council please have the section of road located across from the Wallerawang Butchers and Hairdressers sealed?

The Mayor deemed this as a works request and will take it on notice.

QWN - 19/08/08 - COUNCILLOR H K FISHER

1. Mr Mayor I refer to the Bowenfels Station and Caddies Restaurant and understand there may be a possible sale of these buildings. Can Council please investigate whether there is a conservation order for heritage buildings on this site as I believe they should not be sold? Could Council seek advice from the State Member?

The Mayor deemed this as urgent and advised that there are also markets held on this site and the Tourism Centre use this site for parking.

008-143 RESOLVED

THAT Council write to the State Member seeking his advice on the possible heritage listing of these buildings and them not being sold.

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

QWN - 19/08/08 - COUNCILLOR B S MORAN

1. Mr Mayor I also refer to the road works at Tunnel Hill and agree with Councillor Morrissey, the road is in a very bad state and the potholes located at the bottom of Tunnel Hill and very dangerous. Can something be done?

The Mayor deemed this as urgent and advised that a letter will be sent to the State Member seeking his help.

The meeting closed at 7.05pm.

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

**ITEM:12 REG - 19/08/2008 - CONFIDENTIAL - LITHGOW CITY COUNCIL V
BARCLAY HOLDINGS PTY LIMITED 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.

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

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

ITEM:15 COMM - 19/08/08 - CONFIDENTIAL REPORT - PURCHASE OF TWO TRUCKS WITH TIPPING BODIES CONFIDENTIAL

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

Reason for Confidentiality

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

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

The Department of Local Government Tendering Guidelines for NSW Local Government states in Section 1.3 'Confidentiality' "that *council staff or councillors must not disclose information regarding the specific details of a tendering process, including recommendation of the tender evaluation or assessment panel before the Council has made a resolution on the matter at a Council meeting.*"

**ITEM:19 COMM - 19/08/08 - CONFIDENTIAL REPORT - TENDER 03/08 -
ENGAGEMENT OF CONSULTANT FOR THE PREPARATION OF
LAND USE ISSUES PAPER, LAND USE STRATEGY AND LOCAL
ENVIRONMENTAL PLAN CONFIDENTIAL**

REPORT FROM: STRATEGIC LAND USE PLANNER – S HANRAHAN

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.

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

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

**ITEM:25 CODE OF CONDUCT COMMITTEE - 19/08/08 - CONFIDENTIAL
REPORT - COMPLAINT BY A STAFF MEMBER AGAINST
COUNCILLOR M F TICEHURST 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.

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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: -

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

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

There was one objection received. Mr Len Ashworth of the Lithgow Mercury queried Council as to why there are so many reports go into closed Council. Is there really a need for this? In consideration of these objections the Council resolved that Item 24 should be determined in open Council.

CLOSED REPORTS

**ITEM:12 REG - 19/08/2008 - CONFIDENTIAL - LITHGOW CITY COUNCIL V
 BARCLAY HOLDINGS PTY LIMITED 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.

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O08-144 RESOLVED

THAT

1. Council issue delegated authority to Acting General Manger, Scott Greensill to participate in the without prejudice Conference with Barclay Holdings Pty Limited and its Solicitors with a view to reaching a reasonable settlement to the matter.
2. Council delegate all authority to Acting General Manager, Scott Greensill to settle matter at the without prejudice conference to the amount disclosed in the report.

MOVED: Councillor B P Morrissey

SECONDED: Councillor H K Fisher.

CARRIED

ITEM:15 COMM - 19/08/08 - CONFIDENTIAL REPORT - PURCHASE OF TWO TRUCKS WITH TIPPING BODIES CONFIDENTIAL

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

Reason for Confidentiality

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

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

The Department of Local Government Tendering Guidelines for NSW Local Government states in Section 1.3 'Confidentiality' "*that council staff or councillors must not disclose information regarding the specific details of a tendering process, including recommendation of the tender evaluation or assessment panel before the Council has made a resolution on the matter at a Council meeting.*"

Councillor M F Ticehurst moved an **AMENDMENT** that Council accept the offer from Gilbert and Roach as they are the lowest tender. This **LAPSED** due to no seconder.

O08-145 RESOLVED

THAT The tender received from Tracserv Trucks for the supply and delivery of two trucks with tipping bodies for the price of \$362,444.00 (GST Inc) be accepted

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor W McAndrew.

**ITEM:19 COMM - 19/08/08 - CONFIDENTIAL REPORT - TENDER 03/08 -
 ENGAGEMENT OF CONSULTANT FOR THE PREPARATION OF
 LAND USE ISSUES PAPER, LAND USE STRATEGY AND LOCAL
 ENVIRONMENTAL PLAN CONFIDENTIAL**

REPORT FROM: STRATEGIC LAND USE PLANNER – S HANRAHAN

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.

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

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

O08-146 RESOLVED

THAT:

1. Council offer Tender 03/08- Preparation of a Land Use Issues Paper, Land Use Strategy and Local Environmental Plan to Insite Planning Engineering Environmental for the tendered amount as outlined in this report.
2. Council resolve to make application to the Department of Planning for an extension to the notified Local Environmental Plan repeal timeframe of 31 March, 2009 until December 2009 to enable Council to complete their strategic land use planning process and deliver a robust Local Environmental Plan that has been duly consulted upon.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor M J Wilson.

**ITEM:25 CODE OF CONDUCT COMMITTEE - 19/08/08 - CONFIDENTIAL
REPORT - COMPLAINT BY A STAFF MEMBER AGAINST
COUNCILLOR M F TICEHURST 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.

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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: -

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

O08-147 RESOLVED

THAT:

1. Council finds that Councillor M F Ticehurst breached the Code of Conduct.
2. Council finds that Councillor M F Ticehurst has in fact breached the Code of Conduct Clause 5.1 and 11.1, no further action to be taken other than for Councillor Ticehurst to be counselled to make all future requests for information in accordance with the requirements of Councils Policy 9.10 and that Councillor Ticehurst should be offered Code of Conduct training, as it is imperative that Councillors know, understand and observe the Code and Policies under which Council is expected to operate
3. Council forward the resolution to the Department of Local Government.

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:12 REG - 19/08/2008 - CONFIDENTIAL - LITHGOW CITY COUNCIL V
BARCLAY HOLDINGS PTY LIMITED CONFIDENTIAL**

O08-144 RESOLVED

THAT

1. Council issue delegated authority to Acting General Manger, Scott Greensill to participate in the without prejudice Conference with Barclay Holdings Pty Limited and its Solicitors with a view to reaching a reasonable settlement to the matter.
2. Council delegate all authority to Acting General Manager, Scott Greensill to settle matter at the without prejudice conference to the amount disclosed in the report.

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor H K Fisher.

**ITEM:15 COMM - 19/08/08 - CONFIDENTIAL REPORT - PURCHASE OF TWO
TRUCKS WITH TIPPING BODIES CONFIDENTIAL**

REPORT FROM: INTERNAL SERVICES MANAGER - CAROL FARNSWORTH

O08-145 RESOLVED

THAT The tender received from Tracserv Trucks for the supply and delivery of two trucks with tipping bodies for the price of \$362,444.00 (GST Inc) be accepted

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor W McAndrew.

**ITEM:19 COMM - 19/08/08 - CONFIDENTIAL REPORT - TENDER 03/08 -
 ENGAGEMENT OF CONSULTANT FOR THE PREPARATION OF
 LAND USE ISSUES PAPER, LAND USE STRATEGY AND LOCAL
 ENVIRONMENTAL PLAN CONFIDENTIAL**

REPORT FROM: STRATEGIC LAND USE PLANNER – S HANRAHAN

O08-146 RESOLVED

THAT:

1. Council offer Tender 03/08- Preparation of a Land Use Issues Paper, Land Use Strategy and Local Environmental Plan to Insite Planning Engineering Environmental for the tendered amount as outlined in this report.
2. Council resolve to make application to the Department of Planning for an extension to the notified Local Environmental Plan repeal timeframe of 31 March, 2009 until December 2009 to enable Council to complete their strategic land use planning process and deliver a robust Local Environmental Plan that has been duly consulted upon.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor M J Wilson.

**ITEM:25 CODE OF CONDUCT COMMITTEE - 19/08/08 - CONFIDENTIAL
 REPORT - COMPLAINT BY A STAFF MEMBER AGAINST
 COUNCILLOR M F TICEHURST CONFIDENTIAL**

O08-147 RESOLVED

THAT:

1. Council finds that Councillor M F Ticehurst breached the Code of Conduct.
2. Council find that Councillor M F Ticehurst has in fact breached the Code of Conduct Clause 5.1 and 11.1, no further action to be taken other than for Councillor Ticehurst to be counselled to make all future requests for information in accordance with the requirements of Councils Policy 9.10 and that Councillor Ticehurst should be offered Code of Conduct training, as it is imperative that Councillors know, understand and observe the Code and Policies under which Council is expected to operate
3. Council forward the resolution to the Department of Local Government.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor M J Wilson.

The meeting closed at 7.45pm.