



LITHGOW CITY COUNCIL

MINUTES

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

HELD ON

07 OCTOBER 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 7 OCTOBER 2008**

Meeting Commenced 6.30pm

Public Gallery: 14

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor J J McGinnes
Councillor W Marshall
Councillor C Hunter

APOLOGIES

An apology was received and leave of absence granted from Councillor G Danaher and Councillor R Thompson due to both being out of the City on business.

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

F08-114 RESOLVED

CARRIED

Also in attendance

General Manager, Mr Roger Bailey
Group Manager Regional Services - Mr Andrew Muir
Group Manager Community and Corporate - Ms Suzanne Lollback
Executive Assistant - Miss Cortney Wood

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Finance and Services Committee Meeting of Council held on the 2 September 2008 were taken as read and confirmed.

MOVED: Councillors H K Fisher

SECONDED: Councillor W McAndrew

F08-115 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor MF Ticehurst declared a pecuniary interest in item 1 of the agenda.

Councillor C Hunter declared a conflict of interest in Item 8 on the agenda as he is an Executive Member of the Rydal Village Association.

QUESTIONS FROM THE PUBLIC GALLERY

At 6.30pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -
Nil questions received.

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GENERAL MANAGER REPORTS

ITEM:1 NOTICE OF MOTION - 07/10/2008 - COUNCILLOR MF TICEHURST - LOCAL GOVERNMENT PECUNIARY INTEREST AND DISCIPLINARY TRIBUNAL 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)(e) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (e) information that would, if disclosed, prejudice the maintenance of law

Councillor MF Ticehurst declared a pecuniary interest in the matter and vacated the chambers at 6.32pm.

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

There were numerous objections received from the public gallery.

1. This has been through the local media, the Council needs to be more open.
2. I am a rate payer and would like to know where my money is going.
3. Do we pay for all the costs involved in the court proceedings?
4. The agenda is not complete, what is it about?
5. Where is the transparency?

Councillor JJ McGinnes moved a **MOTION** that Item 1 - Notice of Motion - Councillor MF Ticehurst - Local Government Pecuniary and Disciplinary Tribunal be considered in Open Council.

MOVED: Councillor JJ McGinnes

SECONDED: Councillor C Hunter

The Motion was put to a vote and **LOST**.

F08-116 RESOLVED

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

MOVED: Councillor W McAndrew

SECONDED: Councillor H K Fisher.

CARRIED

Councillor JJ McGinnis and Councillor C Hunter were against the motion.

Councillor MF Ticehurst returned to the Chamber at 6.44pm.

ITEM:2 GM - 07/10/08 - LITHGOW HEALTH COMMITTEE

REFERENCE

QWN - 06/05/08 - Councillor H K Fisher
Letter to Gerard Martin MP dated 19th June 2008

SUMMARY

Correspondence has been received from the Parliamentary Secretary for Health in relation to the Lithgow Health Committee.

COMMENTARY

The Local Member, Mr Gerard Martin MP received correspondence from the Parliamentary Secretary for Health in relation to representation to the Minister for Health, the Hon Reba Meagher MP on behalf of Lithgow City Council concerning the establishment of a Health Committee in Lithgow.

The Parliamentary Secretary has been advised by Professor Steven Boyages, Chief Executive, Sydney West Area Health Services (SWAHS) that the Area Health Service is willing to advance discussions on the finalisation of the Health Impact Assessment of the Lithgow Council Strategic Plan.

Although such discussions have been temporarily stalled due to the change of the Council General Manager, they have been informed that discussions will continue. This might ultimately take the form of a collaborative program aimed at addressing a set of agreed local health priorities with leadership from the Council.

Professor Boyages suggests that it may be more productive to identify ways of making the existing committees more transparent and locally active than trying to establish another committee such as a Lithgow version of an Area Health Advisory Council. The SWAHS Area Health Advisory Committee (AHAC) already has in a place a progress for local community meetings, the most recent of which was in Lithgow. In addition, SWAHS is further developing its own community consultation strategy, "Community First", which may also be beneficial to the Lithgow community once it is finished.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information regarding the Lithgow Health Committee be received.

F08-117 RESOLVED

THAT

1. The information regarding the Lithgow Health Committee be received.
2. Council establish a Lithgow Health Service Committee to be run by Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:3 GM - 07/09/07 PORTLAND POOL - REQUEST FOR FINANCIAL ASSISTANCE

REFERENCE

- Min 05-325: Extraordinary Meeting 27 June 2005
- Min 05-496: Council Meeting 04 October 2005
- Min 06-369: Policy and Strategy Committee Meeting 06 November 2006
- Min 07-99: Ordinary Meeting 19 March 2007
- Min 07-291: Ordinary Meeting 16 July 2007
- Min 07-367: Ordinary Meeting 20 August 2007
- Min 07-476: Finance and Services Committee Meeting 05 November 2007

SUMMARY

To advise of a request from Portland and District Olympic Pool for financial assistance.

COMMENTARY

Following a meeting with Portland and District Olympic Swimming Pool Committee correspondence has been received from the Committee seeking financial assistance. The request has been clarified with the Chairperson of the pool committee who has confirmed that the Committee seeks \$35,000 in this financial year and the \$30,000 per year from Council toward the ongoing operations and maintenance of the pool in line with 'traditional' assistance provided by Council prior to Council's major contribution of \$200,000 in 2007/2008 toward the re-lining of the pool. It should be noted that this \$200,000 is a Council contribution and was not the subject of a Sport and Recreation Grant as indicated in the committee's attached correspondence. This \$200,000 has been sourced from loan borrowings and the total project cost was \$194,500.

POLICY IMPLICATIONS

Policy 4.4 - Donations – Section 356 of the Local Government Act would apply should Council resolve to provide a donation to Pool Committee. Approximately \$12,000 remains in the donations program for the remainder of the 2008/2009 financial year.

Policy 4.5 - Financial Assistance to Community Groups and Organisations – Interest Free Loans could also potentially apply should Council resolve to provide assistance via an interest free loan. Should this occur Council would need to consider varying its policy in this instance as the premises is not located on 'Council owned community land.'

However, an agreement is in place should the Pool ever be voluntarily wound up its transfer its surplus assets, including the pool, to Council and Council shall classify the land as community land.

FINANCIAL IMPLICATIONS

Council has not budgeted any amount in the current financial year for Portland Pool. Should Council resolve to allocate additional funds then it would impact on Council's budget position unless funding was from the donations program or was transferred from other projects. One option, however, may be to allocate the remaining \$5,500 remaining from the \$200,000 loan already taken out to go toward improvements at the facility.

LEGAL IMPLICATIONS

No specific implications except that inferred in attached Council policies and that a private agreement applies.

RECOMMENDATION**THAT**

1. Council allocate \$5,500 remaining from the \$200,000 loan already taken out to go toward improvements at the facility.
2. Council determine what further level of assistance it wishes to provide to the Portland and District Olympic Pool in 2008/2009.
3. Any assistance beyond 2008/2009 be considered in the 2009/2010 draft budget process.

Councillor MF Ticehurst moved a **MOTION** that Council take no action at this stage and request that financial statements for the Portland and District Olympic Pool Association be provided for the past five (5) years.

MOVED: Councillor MF Ticehurst

SECONDED: Councillor JJ McGinnes

Councillor W Marshall moved an **AMMENDMENT** that Council request Financial Statements for the last three (3) years from the Portland and District Olympic Pool Association and money to be withheld until this documentation is received.

MOVED: Councillor W Marshall **SECONDED:** Councillor HK Fisher

This original **MOTION** was **WITHDRAWN**.

F08-118 RESOLVED**THAT**

1. Council release to the Portland and District Olympic Pool Association the \$5,500 remaining from the \$200,000 loan already taken out for improvements at the facility.
2. Council request that the Portland and District Olympic Swimming Pool Association provide financial statements for the past three (3) years and make no further allocation until this information has been received.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor W McAndrew.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:4 REG - 07/10/08 - LITHGOW LOCAL GOVERNMENT WATER USAGE

REPORT FROM: Group Manager Regional Services – Andrew Muir

SUMMARY

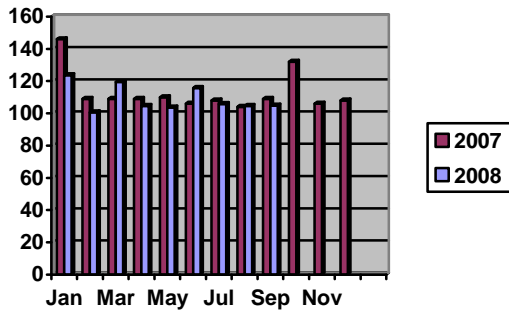
This report provides a comparison of water usage figures for 2007 and 2008 within the Lithgow Local Government area and provides information on drought management issues.

COMMENTARY

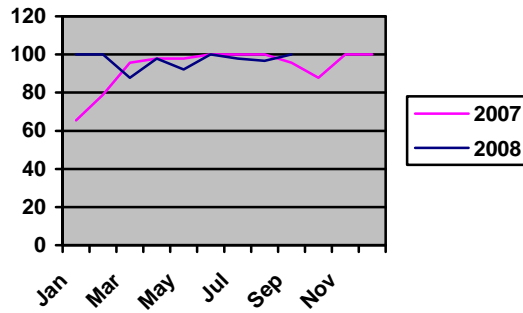
Lithgow Local Government Area Water Usage, including use from Farmers Creek Dam and Fish River Water Supply as at 30 September 2008. It should be noted that Council's maximum annual allocation of water from the Fish River Water Supply is 2,092 megalitres, and to date, Council has utilised 162 megalitres of water from this supply, equating to approximately 7.7% of its annual allocation (allocation issued per financial year, not calendar year).

	2007					2008				
	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	TOTAL (ML)	Farmers Creek Dam Level (%)	Oberon Dam Level (%)	Farmers Creek Dam (ML)	Fish River Water Supply (ML)	TOTAL (ML)
Jan	65.4	21.5	146.2	93.9	240.1	100	20.2	123.6	103.2	226.8
Feb	78.9	20.8	109.5	72.0	181.5	100	19.3	100.7	64.5	165.2
Mar	95.6	19.7	108.8	59.4	168.2	87.8	18.1	119.4	72.7	192.1
Apr	97.9	17.8	108.8	75.8	184.6	97.9	16.7	104.7	51.1	155.8
May	97.9	17.0	110.4	52.8	163.2	92.2	16.1	103.6	55.3	158.9
Jun	100	18.0	106.2	51.0	157.2	100	15.5	115.8	65.8	181.6
Jul	100	23.7	107.7	67.9	175.6	97.9	15.5	105.9	45.2	151.1
Aug	100	24.2	104.2	49.0	153.2	96.7	15.6	104.6	50.7	155.3
Sep	95.6	23.7	109.4	53.8	163.2	100	17.1	104.9	66.7	171.6
Oct	87.8	23.0	132.3	80.3	212.6					
Nov	100	22.4	106.5	53.9	160.4					
Dec	100	21.6	107.8	44.7	152.5					
TOTAL			1,357.8	754.5	2,112.3			983.2	575.2	1,558.4

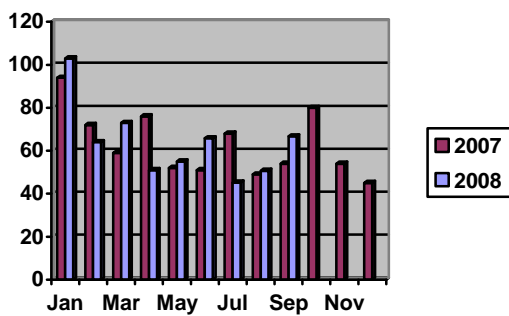
Farmers Creek Dam Usage (ML)



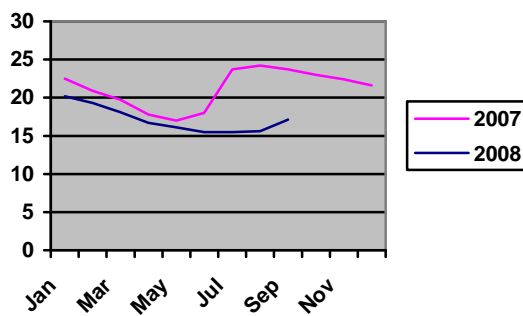
Farmers Creek Dam Storage Levels (%)



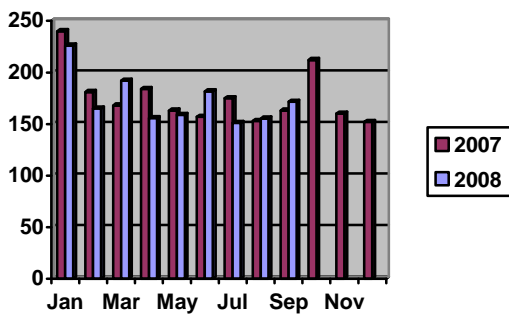
Fish River Water Supply Usage (ML)



Oberon Dam Storage Levels (%)



Total Water Consumption in Lithgow LGA (ML)



Drought Management

Farmers Creek Dam is currently at 100% capacity and Oberon Dam is 17.1% of its full capacity (as at 30 September 2008). Council’s current water restrictions are part of an overall Drought Management Strategy and are linked to the Fish River Water Supply Drought Management Strategy. As a result, restrictions over the Lithgow Local Government Area equate to the levels of the Oberon Dam. Fish River Water Supply services the communities of Portland, Wallerawang and other smaller villages within the Lithgow LGA. Lithgow itself is serviced by the Farmers Creek Supply although Fish River Water may be diverted into the Lithgow system if necessary, for example if the Oakey Park Water Treatment Plant requires a shutdown for maintenance purposes. Level 4 water restrictions are currently applicable across the Local Government area and “Summer” hours now apply. (1 September 2008 to 31 May 2009). For Council’s information, this means the following:

Residential: Sprinklers, hand held hoses & Micro Systems. (Odds & Evens System) 4 hrs per day between the Hours 6.00am - 8.00am & 5.00pm – 7.00pm

Bowling Greens/Motels/Nursing Homes/Schools: Hand held hoses 2 hrs/day on alternate days for 'in use' fields only Mon/Wed/Fri 8.00am – 10.00am (Odds & Evens System)

Public gardens and Sports grounds : Sprinklers 2 hrs/day 7.00am to 9.00am

Motor Vehicles: Buckets or Trigger Hoses only

What does odds & evens mean?

Watering may be carried out on odd & even dates matching the street numbering system. That is, a premises with an odd number can water on odd numbered days in the month & vice versa. For example, a property No.3 Smith Street can water on 1st, 3rd, 5th etc. whereas No.2 Smith Street may water on 2nd, 4th, 6th etc.

Examination of the comparative statistics from 2007 to 2008 indicates with some concern that overall consumption from the Fish River system has varied little in the same period but the level of Oberon Dam has dropped considerably this year by comparison. Whilst the level of restriction is considered to be appropriate, it appears that more work is necessary in community education in relation to the potential gravity of the situation at Oberon Dam, simple clarification of water restrictions and financial incentives offered for water tanks and water saving appliances. In this regard a media campaign is planned in the period leading up to summer.

Clarence Transfer System Upgrade and Transfer of Farmer Creek Water

Four million dollars has been pledged by the Commonwealth Government in the most recent Federal budget through the Department of Environment, Water, Heritage and the Arts toward the upgrade of the Clarence Transfer System. This funding is also to be used for examination and (subject to negotiations with the Fish River Water Supply) directing water from the Farmers Creek supply to towns and villages currently serviced through Council's access to the Fish River Water Supply system. As a result Council would then likely forego some of its Fish River allocation. Final access to this funding will be subject to the execution of formal agreements between the Commonwealth and Council and to this end meetings have been held and information gathered. Further discussions may be necessary to finalise the formal agreement, which, given the significant funding and importance of the project, will be reported to Council when ready for execution. Council has asked for an update in terms of estimated timelines for this project. Currently an options study has been commissioned in relation to the Clarence system and relationship to water 'made' by Clarence Colliery. Once this study has been prepared, it will assist in preparing a more accurate timeframe, but at this stage it appears that feasibility & possibly design will take place in 2008/2009 with tenders, construction and commissioning in 2009/2010. The Council will be kept informed when more accurate information is to hand.

POLICY IMPLICATIONS

Policy 12.2 applies in relation to non-compliance with water restrictions and includes possible restriction to the water supply, reconnection fees and possible punitive actions.

FINANCIAL IMPLICATIONS

Reducing the amount of water consumed may reduce revenue to Council, however a reduction in usage of Fish River water will result in a saving in usage charges paid to State Water. Nominal charges will be incurred in media campaigns and the financial implication of the Federal Government funding program is self evident although final costings will need to be estimated as the project proceeds.

LEGAL IMPLICATIONS

No specific legal implications arise at this stage except in relation to possible enforcement measure in regard to non compliance with water restrictions.

RECOMMENDATION

THAT the information regarding the Lithgow Local Government Water Usage be received.

F08-119 RESOLVED

THAT

1. The information regarding the Lithgow Local Government Water Usage be received.
2. A full report be provided to Council outlining what stage Council is up to in regards to connecting Wallerawang, Portland and surrounding areas to the Water Works Gully reservoir.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:5 REG - 07/10/08 - DEVELOPMENT AND CONSTRUCTION APPROVALS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES –ANDREW MUIR

SUMMARY

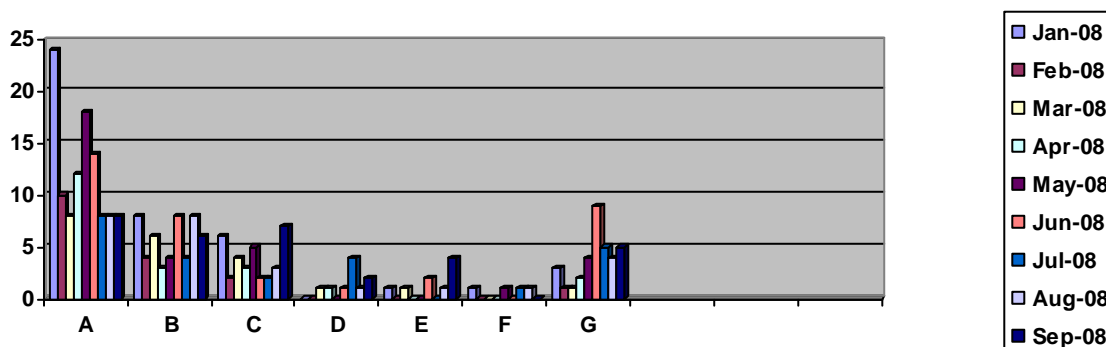
To provide statistical information on Development Applications and Construction Certificates processed.

COMMENTARY

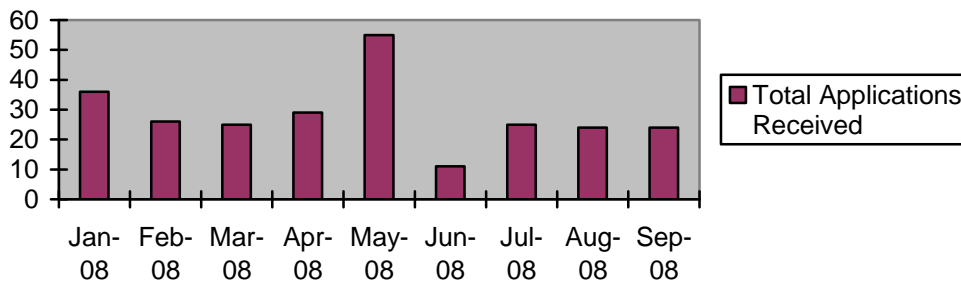
The following table indicates Development Applications and Construction Certificates approved in the period between Finance and Services Committee Meetings. A full list of individual applications received and approved is made available to Councillors and the press.

	Minor Development Approvals (including carports, garages and patios)	Dwelling Approvals	Dwelling Addition Approvals	Other Residential Applications (including Dual Occupancies, Flats)	Rural Subdivision Approvals	Residential Subdivision Approvals	Commercial/Industrial Approvals	Total Applications Received
	A	B	C	D	E	F	G	
June 2008	14	8	2	1	2	0	9	11
July 2008	8	4	2	4	0	1	5	28
August 2008	8	8	3	1	1	1	4	24
September 2008	8	6	7	2	4	0	5	24

* includes Approvals from 26/08/2008 TO 30/09/2008



APPROVALS



Total Estimated Cost:	\$6,221,358
Average Approval Time	14 DAYS
Total Cost of Approvals from 10/12/2007	\$11,570,823
No. of Applications from 10/12/2007 to 30/09/08	229

F08-120 RESOLVED

THAT the information provided on Development and Construction approvals be received.

Moved: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

F08-121 MATTER ARISING:

Councillor HK Fisher requested that Councillors be briefed on all Commercial and Industrial approvals every six (6) weeks.

Moved: Councillor HK Fisher
CARRIED

SECONDED: Councillor W McAndrew

**ITEM:6 REG - 07/10/2008 - UPPER MACQUARIE COUNTY COUNCIL -
AUGUST 2008 WEEDS REPORT**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

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

COMMENTARY

Attached is the Upper Macquarie County Council Chief Weeds Officer Report for July 2008.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

F08-122 RESOLVED

THAT the Upper Macquarie County Council Chief Weeds Officer's Report for August 2008 be received.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:7 COMM - 07/10/08 - LIQUID TRADE WASTE PROGRAM UPDATE

REPORT FROM: TRADE WASTE & ONSITE WASTEWATER MANAGEMENT OFFICER – C.HANRAHAN

REFERENCE

- Min 1505/2001: Ordinary Meeting of Council, 20 August 2001
- Min 04-905: Ordinary Meeting of Council, 22 November 2004
- Min 05-23: Ordinary Meeting of Council, 24 January 2005
- Finance and Services Committee, 7 August 2006
- Finance and Services Committee, 6 November 2006
- Min 06-461: Ordinary Meeting of Council, 18 December 2006
- A briefing for Councillors was held on Thursday, 13 March 2008
- Min 08-34 : Policy & Strategy Committee Meeting, 7 April 2008
- Min F08-109: Finance and Services Committee Meeting, 2 September 2008

SUMMARY

At the Finance and Services Committee meeting of 2 September 2008, the Council requested that *‘a report be brought back to the Council on the costings to Businesses and Council on inspections taken and advise what was compliant’*.

This report is to provide Council with an update on the progress of the implementation of Council’s Liquid Trade Waste Approvals Policy. The report includes information relating to the costs of the program to business, and what the program has achieved with regard to compliance and inspections in relation to the implementation strategy. There is also information relating to an upcoming change in staff responsible for the program.

Trade waste is liquid waste generated by businesses that is not of a domestic nature. Examples include kitchen waste from commercial kitchens, service station forecourt, and waste from hairdressers.

COMMENTARY

Introduction

An officer responsible for implementing Council’s Trade Waste Approvals Policy was employed in late 2007. A report to Council in early 2008 outlined changes to Council’s Trade Waste Approvals Policy. Prior to this report a Councillor briefing was undertaken, which outlined a strategy to assist the program move forward following previous implementation problems.

Fee holding

At the April 7 Policy & Strategy Committee meeting Council resolved to hold the non-compliant charge at \$7.26 for an additional 12 months to allow businesses being charged as non-compliant to become compliant with the assistance of Council. This 12 month period ended in August. All the listed non-compliant businesses were contacted and invited to contact Council’s trade waste officer to obtain assistance in becoming compliant.

Many of these businesses have done so and are now compliant or have been removed from the trade waste list (if they were found not to discharge trade waste). However, there are still a number of these businesses that remain non-compliant. All previously listed non-compliant businesses will now move to the full non-compliant rate of \$11/kL.

Implementation process

Implementation has commenced according to the implementation strategy. Current Category 1 dischargers have been inspected. These are considered low impact dischargers such as hairdressers and small laundries.

An audit has been conducted on the food industry in Lithgow. Applications have been requested from those food businesses requiring trade waste approval. There were a number of businesses that were not being charged for trade waste. Charging of these businesses has commenced. This process assisted in determining what businesses have the appropriate pre-treatment facilities and those that are required to install equipment. Those that are required to install equipment have been notified.

An environmental and trade waste audit has recently commenced on mechanical industries such as service stations and mechanics. Some of these businesses will be required to submit applications that need the concurrence of the Department of Water & Energy (DWE).

An audit of Council properties is to commence in early October. This will commence the process of identifying what works are required and what Council properties will attract trade waste charges. Any trade waste applications for Council properties must obtain concurrence from DWE.

The audits are to build a trade waste database as well as determine where pre-treatment facilities exist, their state, and what works are required. To be considered trade waste compliant an application form must be submitted to Council and approved (sometimes requiring concurrence from DWE). An inspection must also be undertaken to ensure that the required and approved trade waste pre-treatment facility has been installed and is being maintained as outlined in the approval conditions that are issued to the business.

Waste tracking system

Council's waste tracking system has been introduced. At this stage the program is to monitor waste collection from pre-treatment facilities of food businesses. As each business sector is completed they will be added to the list. The program is to assist in the monitoring of pre-treatment facilities, to ensure that they are maintained as outlined in their approval. Council provides the liquid waste removal contractors with a docket book which is filled out at a pump out and returned to Council. There is no additional work for businesses other than the liquid waste removal contractors – all who were consulted prior to the introduction of the program.

Education

Each business upon first contact is provided with general information regarding trade waste and their business type. This includes information about what trade waste is, the type of standard pre-treatment types used in their industry sector, and what charges can be expected. Information has also been developed to be put on Council's website.

Change of staff

The current officer responsible for trade waste will be on 12 months maternity leave from mid-November. A maternity leave position has been advertised in order to ensure continuity of the program.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council's Management Plan outlines the fees and charges for the program. Most businesses currently fall into charging Category 2. This category attracts the following charges:

Application fee \$55

Annual fee \$190

Usage (compliant) \$1.20

Usage (non-compliant) \$11

Reinspection fee (for businesses failing an inspection) \$55

Category 1 also has a large number of dischargers. This is the category of exempt dischargers. There is no usage fee for this category only an annual charge of \$128.

There are very few Category 3 dischargers in the Lithgow LGA. However, the following charges apply to these businesses.

Application fee \$111

Annual fee \$348

Usage fee – this depends on the nature of the waste. Sometimes a usage fee is not applicable eg in the case of large laundries and car washes (these are generally considered to be large dischargers with low impact waste). Other usage rates are determined as outlined in section 3.5 of the Trade Waste Approvals Policy.

LEGAL IMPLICATIONS

Council has legal obligations under the Protection of Environment Operations Act 1997 (pollution of waters, which includes sewer) and the Local Government Act 1993 to monitor, licence, and enforce trade waste discharges.

F08-123 RESOLVED

THAT Liquid Trade Waste Program Update Report be received.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:8 COMM - 07/10/08 - SECTION 356 DONATION 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 F08-92: Finance and Services Committee 5 August 2008
Minute O08-128: Ordinary Meeting 19 August 2008

SUMMARY

The report recommends that Council consider allocating funding for the following 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 of donations to not-for-profit community groups. This report outlines requests from the following organizations for donations.

First Australian Muzzleloading Gun Rifle and Pistol Club

The First Australian Muzzleloading Gun Rifle and Pistol Club have requested a rate rebate for their property at Browns Gap Road Hartley which is used by both the Muzzleloading Club and Lithgow Valley Archers. The allowable component of such a rebate is \$513.74. Council has provided a rate rebate to the Club in the past. The Club uses the savings from the rate rebate to undertake safety and maintenance initiatives required to comply with the NSW Police Firearms Registry requirements.

It is recommended that a rate rebate be provided to the First Australian Muzzleloading Gun Rifle and Pistol Club to the value of \$513.74.

Rydal Village Association

Council resolved at the 19th August 2008 Ordinary Meeting of Council, to sell two ride-on lawn-mowers to the Rydal Village Association. Resolution O08-128 stated ***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 year’s budget”*.

Rydal Village Association have since submitted an application to the value of \$1,200 for the cost of purchasing the mowers.

Council has previously approved a donation in the current financial year of \$1,000 to the Rydal Village Association to assist with the holding of their Daffodil festival. Council’s Donations Policy states that *“only one donation will be made to any particular organization within a financial year”*.

It is recommended that in view of the need by the Association to obtain the mowers for use during the summer season, Council consider making an exception to its Donations Policy and a donation be provided to the Rydal Village Association to purchase two ride-on mowers from Council to the value of \$1,200.

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 \$20,000 for distribution throughout the 2008/09 Financial Year. \$6,353 has been allocated to date leaving \$13,647 for distribution.

LEGAL IMPLICATIONS

Local Government Act NSW 1993, Section 356

RECOMMENDATION

THAT:

1. Provides \$513.74 to the First Australian Muzzleloading Gun Rifle and Pistol Club Inc towards a rate rebate which will allow the savings to be used to undertake safety and maintenance initiatives.
2. Provides \$1,200 to Rydal Village Association for the cost of two ride-on mowers.¹

Councillor C Hunter declared a conflict of interest in this item due to being an executive member of the Rydal Village Association and vacated the chambers at 7.17pm.

F08-124 RESOLVED

THAT Council provide \$513.74 to the First Australian Muzzleloading Gun Rifle and Pistol Club Inc towards a rate rebate which will allow the savings to be used to undertake safety and maintenance initiatives.

MOVED: Councillor M F Ticehurst
CARRIED

SECONDED: Councillor W Marshall

Councillor C Hunter returned to the Chambers at 7.19pm

¹ Note: In the Agenda for the Finance and Services Committee Meeting of 7 October 2008 - Item 8, the attachment for Rydal Village Association stated the incorrect document number and provided the incorrect attachment. The correct document number is: 448420.

ITEM:9 COMM - 07/10/08 - COUNCIL INVESTMENTS TO 31 AUGUST 2008

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min O 08-425: Council Meeting 19 August 2008 (July 2008)

SUMMARY

To advise Council of investments held for the 2008/09 financial year for the period ending 31 August 2008.

COMMENTARY

The amount invested as at 31 August 2008 when compared to 31 July 2008 has increased by \$3,079,798.76. This increase is due to incoming payments for the first 2008/09 rate instalment due on 31 August 2008, receipt of the first instalment of the 2008/09 Financial Assistance Grant on the 20 August 2008 and Federal Road Funding of \$1,600,000 for the Wolgan road project.

INVESTMENT REGISTER 2008/09								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.07.08	VALUE 31.08.08	% OF TOTAL
BANKWEST	TD	29.08.08	29.10.08	61	7.60	519,066.48	529,522.90	3.41%
	TD	02.06.08	02.09.08	92	8.09	519,228.93	519,228.93	3.34%
	TD	02.06.08	04.09.08	92	8.14	500,000.00	500,000.00	3.22%
CBA	CMS Nt	20.06.06	20.06.11	1,825	8.71	500,000.00	500,000.00	3.22%
	On Call				7.49	434,836.50	1,438,915.83	9.26%
	Ethical Nt	06.11.06	06.11.11	1,825	9.25	500,000.00	500,000.00	3.22%
	TD	11.08.08	10.09.08	30	7.49	542,579.97	546,031.52	3.52%
	TD	21.11.07	05.06.09	547	16.0	750,000.00	750,000.00	4.83%
CITIBANK	TD	12.08.08	14.11.08	92	7.51	560,603.10	571,850.79	3.68%
	TD	05.08.08	05.09.08	30	7.66	500,000.00	506,828.49	3.26%
LG FINANCIAL	On Call				8.18	278,943.43	278,943.43	1.80%
	TD	06.11.07	06.11.08	365	7.55	306,524.05	306,524.05	1.97%
	On Call				7.15	7,159.79	7,159.79	0.05%
IMBS	On Call				7.25	28,095.48	28,095.48	0.18%
	TD	06.08.08	08.11.08	92	7.70	1,135,522.75	1,158,477.11	7.46%
	TD	22.08.08	27.10.08	66	7.61	510,116.46	520,402.64	3.35%
	TD	03.06.08	03.09.08	92	7.90	832,104.76	832,104.76	5.36%
MACQUARIE	TD	30.06.08	30.10.08	92	7.90	2,000,000.00	2,000,000.00	12.88%
	TD	21.08.09	21.02.09	180	8.08	0.00	2,000,000.00	12.88%
ALLIANCE	Managed	28.02.08	28.02.09	365		1,000,000.00	1,000,000.00	6.44%
ST GEORGE	On Call	20.11.08	20.11.08	90	7.70	1,026,360.70	1,036,855.44	6.68%
			TOTAL			12,451,142.40	15,530,941.16	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 August 2008 is \$7,694.57 of an estimated \$788,728 for the 2008/09 financial year. 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 has 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 31 July 2008
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

F08-125 RESOLVED

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

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

QUESTIONS WITHOUT NOTICE

QWN - 07/10/08 - COUNCILLOR W McANDREW

1. Mr Mayor, Can Councillors be provided with a full report on the sewerage for Doctors Gap.

The Mayor deemed this as urgent business.

F08-126 RESOLVED

That: Councillors be provided a full report on the sewerage of the Doctors Gap area.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor HK Fisher

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

GENERAL MANAGER REPORTS

**ITEM:1 NOTICE OF MOTION - 07/10/2008 - COUNCILLOR MF TICEHURST -
LOCAL GOVERNMENT PECUNIARY INTEREST AND DISCIPLINARY
TRIBUNAL 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)(e) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (e) information that would, if disclosed, prejudice the maintenance of law

The meeting moved into closed committee at 7.21pm.

CLOSED REPORTS

GENERAL MANAGER REPORTS

ITEM:1 NOTICE OF MOTION - 07/10/2008 - COUNCILLOR MF TICEHURST - LOCAL GOVERNMENT PECUNIARY INTEREST AND DISCIPLINARY TRIBUNAL 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)
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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, 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)(e) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (e) information that would, if disclosed, prejudice the maintenance of law

Councillor MF Ticehurst declared a pecuniary interest in the matter and vacated the chambers at 7.21pm.

RECOMMENDATION

THAT the application by Councillor Martin Ticehurst under the Department of Local Government Circular 05/08 for the Lithgow City Council to indemnify his reasonable legal expenses to defend a legal action by the Director General of Local Government in the Local Government Pecuniary Interest and Disciplinary Tribunal be approved.

MOVED: Councillor JJ McGinnes

SECONDED: Councillor C Hunter

The motion was put to a vote and was **LOST**.

The Council

F08-127 RESOLVED to move back into open committee at 7.38pm.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

CARRIED

Councillor MF Ticehurst returned to the Chambers at 7.38pm.

The Mayor reopened the meeting to the public and the General Manager advised that the recommendation "that the application by Councillor Martin Ticehurst under the Department of Local Government Circular 05/08 for the Lithgow City Council to indemnify his reasonable legal expenses to defend a legal action by the Director General of Local Government in the Local Government Pecuniary Interest and Disciplinary Tribunal be approved", was lost.

The Meeting closed at 7.40pm.