



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

14 SEPTEMBER 2009

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 14TH SEPTEMBER 2009**

Meeting Commenced at 7.00pm

Public Gallery: 37

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor C Hunter
Councillor W McAndrew
Councillor H K Fisher
Councillor J J McGinnes
Councillor W Marshall
Councillor R Thompson
Councillor G Danaher

APOLOGIES

NIL

OTHER ABSENTEES

Councillor M F Ticehurst (suspended)

Also in attendance

General Manager, Mr Roger Bailey
Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Suzanne Lollback
Finance Manager, Mrs Carol Farnsworth
Acting Operations Manager, Mr Chris Schumacher
Minutes Secretary, Miss Casey Clarke
Executive Assistant, Mrs Kim Neilson

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 24th August 2009 were taken as read and confirmed by Councillors H K Fisher and G Danaher with the following change:

09-372 THAT the minutes in the item labelled "PF - 24/08/09 - Bob Triming" paragraph 2 states that Mr Triming asked that handicapped parking zones be referred to as disabled car parks. Apart from this entry being totally incorrect there is also no mention of the main reason for Mr Trimings presentation and that was the request for the Traffic Committees decision to deny a request for an Accessible Car Park space be located at the Lithgow Railway Station be overturned. I ask that this sentence number three in this paragraph relating to the carpark terminology be altered to accurately state that Mr Triming requested the term "Accessible Car Park" be used and not "handicapped car park".

MOVED: Councillor J J McGinnes **SECONDED:** Councillor H K Fisher.

CARRIED

DECLARATION OF INTEREST

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

Councillor W McAndrew declared a pecuniary Conflict of Interest in Item 22 as his wife is an employee of the Lithgow Golf Club. He vacated the Chambers during the discussions on this item.

QUESTIONS FROM THE PUBLIC GALLERY

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

PF - 14/09/09 - MARTIN TICEHURST

1. Mr Mayor I refer to Item 2 of the agenda and ask for Council to investigate whether the Ambulance / First Response Services can be extended to other areas in our Local Government are such as Rydal, Capertee and Glen Davis?

PF - 14/09/09 - RON LEGGAT

1. Mr Mayor I have various issues I wish to raise in relation to the culture of our LGA area such as:
 - Can Council look to have a race to see who the fastest athlete in Lithgow really is? The top 20 athletes in our area can participate.
 - Can Council seek to have the pubs close at midnight voluntarily to save and change the culture in the town?
 - Is there any money to be saved in turning off lights?
 - If Lithgow residents could make their own Lithgow beer, I believe it will help to save money and to maybe cut our rates in half..

The Mayor advised that these ideas will be taken on notice and considered. The Question in relation to the Pubs closing at midnight, will be referred to the Liquor Accord Committee for consideration.

PF - 14/09/09 - MR BIRD

1. Mr Mayor can you please advise the public as to who selects members that go on the Community Consultative Committees?

The Mayor advised that this information could be obtained from the Department of Planning.

PF - 14/09/09 - DAVID SNOOK

1. Mr Mayor can Council look into controlling safety with regards to traffic / trucks and speed limits within the Wallerawang quarry and also within having to cross the Great Western Highway?

The Mayor advised that this was a matter of concern some years ago when the development application was under consideration by the Minister of Planning. Council had opposed the application which was approved by the Minister.

PF - 14/09/09 - ALAN BIRKLEY

1. Mr Mayor I refer to the Wallerawang Quarry and ask Council as to where the quarry will get its water and quantity? Will it impact on the current Wallerawang water supply?

The Mayor advised that the Council would seek this information.

PF - 14/09/09 - MARTIN TICEHURST

1. Mr Mayor I refer to Item 5 of the agenda and advise that Councillor Ticehurst has not been on the Central West Group Apprentices Committee for some time, can this please be changed?

The Mayor advised that this error had been discovered and would be rectified.

2. Mr Mayor I see that the Citizens Access Committee is not to be reformed by Council, can this be explained as to why? This is needed for the community.

The General Manager through the Mayor advised of the rationale for this recommendation but the final decision would be made by Council.

PF - 14/09/09 - BOB TRIMING

1. Mr Mayor I ask why does Council adopt the minutes of the previous General meeting before public question time?

The General Manager advised that it was appropriate meeting procedure.

2. Mr Mayor why has it take you as Mayor, in excess of One Thousand and Ninety Five days to act on your personal promise made to the Lithgow Croquet Club that adequate parking provision and access would be made available to our members?

The Mayor indicated that whilst he would stand corrected he did not recall such a promise. In any event, is such assurance was given it was unusual that the Croquet Club would wait 1095 days to follow up the "alleged" promise.

3. Mr Mayor the access door to the Council building for those people with disabilities, was locked.

The Group Manager Regional Services through the Mayor indicated that if the door was locked then this would be rectified for future meetings.

4. Mr Mayor why does the front entry area to these Chambers have dangerous pedestrian entry ways that do not conform to building codes and are a danger to both people with and without disabilities?

The Group Manager Regional Services advised that he was unaware of the this but would be prepared to meet with Mr Triming at the conclusion of the meeting to have this item identified.

PF - 14/09/09 - BRUCE GRAHAM

1. Mr Mayor would Council be prepared to appeal the Development Application for the Wallerawang quarry?

The Group Manager Regional Services through the Mayor advise that this would have to be taken on notice and further investigated.

PF - 14/09/09 - DAVID SNOOK

Mr Snook advised that he would have to disagree with the answer that the Mayor gave the question from Mr Graham.

PF - 14/09/09 - FAYE BIRKLEY

1. Mr Mayor will the water restrictions be reduced from Level 5 to 4 in Wallerawang?

The Group Manager Regional Services through the Mayor advise that this would have to be taken on notice and further investigated.

PF - 14/09/09 - MR BIRD

Mr Bird advised that residents did protest against the quarry and also complained about it from the start.

PF - 14/09/09 - BOB TRIMING

1. Mr Mayor I advise that I will be presenting the questions to Human Rights Commission which were not answered previously.

2. Mr Mayor why have I still not received a letter of reply to my letter sent to council on 25th August 2009 in regards to the Lithgow Railway Station Accessible parking, such subject which Council saw fit to not include in the draft copy of the minutes of the last general meeting?

The Mayor advised that this will be taken on notice and further investigated.

3. Mr Mayor why do Councillors and senior staff have microphones in order that they be heard and correctly recorded where as members of the public, who are softly spoken like me, are not given a hand held mike in order that we can be adequately heard by every one. This would also eliminate errors made by who ever formulates the minutes. This is, once again, a requirement under the Equal access to goods and services.

The General Manager through the Mayor advised that a new sound system was being put into place on Tuesday 15th September 2009.

PF - 14/09/09 - ALAN BIRKLEY

1. Mr Mayor can Council advise if there is a time limit that the quarry should commence operations? If there is an extension granted for this, are we able to oppose this?

The Group Manager Regional Services through the Mayor indicated that there is no provision in the legislation that provides for an extension of time.

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MAYORAL MINUTES

ITEM:1 MAYORAL MINUTE - 14/09/09 - CENTROC BOARD MEETING HELD ON 27TH AUGUST 2009

REPORT FROM: MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

The most recent Centroc Board meeting was held in the Blayney Shire at the Millthorpe Bowling Club on the 27th August 2009.

Centroc was welcomed to the Shire by the Mayor of Blayney who gave a brief history of the area and in particular Millthorpe. There were two guest speakers at this meeting, the first being Lois Gray who is the regional Manager for the Department of Planning from Dubbo. Ms Gray spoke on a number of issues and was happy to take questions at the end of her talk. One of the more interesting issues was the establishment of the Joint Regional Planning Panels (JRPP). These panels are coming to force in September and these panels will be looking to make assessments of development applications that are reasonably large in terms of Councils but smaller than those that are of State significance. These panels will be making the assessments of those development applications instead of the respective Councils. We will be interested to see the final set up of these panels and the outcome of their determinations.

The Second speaker was Mr Alan Dive who is the General Manager of Wellington Council. He spoke to the Centroc Delegates regarding “weight of loads”. This particular concept is jointly funded by some members of Centroc and the RTA and endeavours to try and make sure that trucks drivers who use the local roads do not overload their vehicles which can create significant damage to roads. The intention of this talk was to try to get some other councils that are affected by these policies to possibly join into the program so that a better overall service can be given.

At the Centroc meeting an update was given regarding the Great Western Highway and Bells Line of Expressway. The announcement regarding these was being made by the Minister in Lithgow at the same time as the Centroc Meeting in Blayney. The Centroc Group accepted the proposed alignment for the continuation of work between Mount Victoria and Lithgow as this had been agreed to by Centroc at its previous meeting as well as seeing that the Bells Line of Expressway is in deed a separate project and Centroc was pleased to see the Government is making a significant albeit a small step in recognising this significance of the need for that road to eventually happen and to start planning for the preservation of a corridor.

Centroc was presented with “the weather” report which makes a summary of the various weather conditions over the range of Centroc Councils during a period of approximately 3 months. It was interesting to note as I am sure that most people are aware that winter has seen a below average rainfall and generally higher maximum and minimum temperatures of approximately 1 to 2 degrees above the average for winter. This winter is following a trend of recent years of above average temperatures and below average rainfalls.

Some of the new member Councils to Centroc has expressed a generally positive feedback to now being part of Centroc. Some of the comments relate to cost savings in telephony and electricity, a significant user of the cheaper training services offered by Centroc as well as the new members being regularly associated with the new ideas and networks.

Finally it should be pointed out that there is a telecommunication survey that is being carried out across the region so that Centroc can point out to the Government decision makers where problems exist where the provision of these services. Correspondence has already come from Cowra Shire Council regarding problems that exist in the Darby Falls area of Cowra. I am sure that there are areas in our Council area that have difficulties in telecommunications and I hope people in these areas make them aware to Council so we can pass them on to Centroc.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

09-373 RESOLVED

THAT the report on the Centroc Board Meeting held on 27th August 2009 be noted.

MOVED: Councillor Neville Castle
CARRIED

SECONDED: Councillor H K Fisher.

**ITEM:2 MAYORAL MINUTE - 14/09/09 - AMBULANCE SERVICE IN
 PORTLAND**

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

COMMENTARY

I have recently received a petition regarding the possible location of an Ambulance Service in Portland.

The provision of an ambulance is of course a State matter and as such when I became aware of the existence of this petition some weeks ago, I have already informed the State Member, Gerard Martin and forwarded the petition to him.

The issue of an ambulance in Portland has been around for some time, including having a public meeting regarding the possibility of an ambulance service and/or a first response service some time ago. At that time there was little response from the local community

However a recent incident which required an ambulance in Portland precipitated the petition. As such I believe Council should support the community in their request for an ambulance and/or first response service.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council support the residents of Portland and ask the Government to investigate an Ambulance and/or first response service in Portland through the State Member, Gerard Martin.

09-374 RESOLVED

THAT:

1. Council support the residents of Portland and ask the Government to investigate an Ambulance and/or first response service in Portland through the State Member, Gerard Martin.
2. Council include in the request for an Ambulance and/or First Response Service other towns and villages in our Local Government Area.

MOVED: Councillor Neville Castle

SECONDED: Councillor G Danaher

CARRIED

GENERAL MANAGER REPORTS

ITEM:3 GM - 14/09/09 - NOMINATIONS FOR AND ELECTIONS FOR THE POSITION OF MAYOR 2009/10

REFERENCE

NIL

SUMMARY

Council is, each year, to elect a Mayor. This report provides the procedure for the election of Mayor for the coming 12 month period.

COMMENTARY

Where the Mayor is elected by the councillors the Council is required each year to elect a Mayor to preside over the Council for the coming 12 month term.

With the completion of the Council Elections Council now needs to elect a Mayor for the coming term, as described by Section 230(1) which provides that a mayor elected by councillors holds office for one year, subject to the Act.

Section 290(1)(b) of the Act requires the election of the mayor to be conducted at a meeting held during the month of September.

290 When is an election of a mayor by the councillors to be held?

- (1) *The election of the mayor by the councillors is to be held:*
 - (a) *if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
 - (b) if it is not that first election or an election to fill a casual vacancy-during the month of September, or**
 - (c) *if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
 - (d) *if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*
- (2) *If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.*

The election is to be conducted by the general manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The Mayoral Fee presently paid by Lithgow City Council is \$18,000pa plus private use of a motor vehicle with a lease fee of \$2,000pa. This is paid in addition to the fees paid to a councillor.

Nominations

Nominations are now invited for the Office of Mayor for the 2009/10 term (until September 2010). The elections of Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

In accordance with Section 227(a) of the Local Government Act, 1993 the Mayor of Lithgow City Council is elected by the councillors from among their number.

Schedule 7 of the Local Government (General) Regulation, 2005, outlines the following procedures for the election of Mayor.

Returning Officer

The General Manager (or a person nominated by the General Manager) is the Returning Officer.

Nomination

A councillor may be nominated without notice for election as Mayor. The nomination is to be made in writing by two (2) or more councillors (one of whom may be the nominee).

The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer, who shall announce the names of the nominees at the Council meeting at which the election is to be held.

Election

If only one councillor is nominated for the position of Mayor, that councillor is elected. If more than one councillor is nominated Council must determine if voting is to be by preferential ballot, by ordinary ballot (both secret ballots) or by Open Voting (voting by a show of hands or similar means). The elections of Mayor and Deputy Mayor are the only times Council can choose to vote by way of secret ballot. In **all** other matters open voting must be used. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.

2. a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
3. a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
b. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
c. If, after that, 3 or more candidates still remain, the procedure set out in subclause 3(b) is to be repeated until only 2 candidates remain.
d. A further vote is to be taken of the 2 remaining candidates.
e. Clause 2 of the above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
f. If at any stage during a count under subclause 3(a) or 3(b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Open Voting

Follows the same procedures as for ordinary ballot excepting it is by a show of hands or similar means.

Preferential Ballot

1. This part applies if the election proceeds by preferential ballot.
2. The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.

Count for Preferential Ballot

1. If a candidate has an absolute majority of first preference votes, that candidate is elected.
2. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.
3. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
4. In the clause “absolute majority” in relation to votes means a number which is more than one-half of the number of formal unexhausted ballot papers.

Preferential Voting – Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

General

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is **chosen**.

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Ordinary Council Meeting scheduled for Monday September 14 **OR** at this Ordinary Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) “Open Voting” means voting by a show of hands or similar means;
- (iv) “Ballot” has its normal meaning of secret ballot; and
- (v) “Ordinary Ballot” means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The returning officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee (s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 290 (1)(b) of the Local Government Act requires Council to hold the election for the position of Mayor by the Councillors during the month of September. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Local Government Act.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Councillor Martin Ticehurst has been suspended by the Pecuniary Interest and Disciplinary Tribunal for a period of one month expiring on September 27th, 2009. Only Councillors may be nominated to the position of Mayor or Deputy Mayor. A person suspended under Sec 482A(2)(c) of the Act is not entitled to be nominated to be Mayor or Deputy Mayor or nominate a Councillor to be Mayor or Deputy Mayor.

RECOMMENDATION

THAT:

1. Council proceed with the election of the Mayor; and
2. Council determines whether the vote is to proceed by ordinary ballot, preferential ballot or by open voting.

09-375 RESOLVED

THAT:

1. Council proceed with the election of the Mayor; and
2. The vote is to proceed by open voting.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

Mayor N L Castle vacated his Chair and the Returning Office proceeded with the Election.

The Returning Officer advised that he had received one nomination and called for further nominations. No further nominations were received.

The Returning Officer announced that a nomination had been received for Councillor Neville Castle, nominated by Councillors McAndrew and Thompson.

It was announced that Councillor Neville Castle had been elected to the position of Mayor for the 2009/2010 Mayoral term unopposed.

Mayor Castle assumed the Chair.

ITEM:4 GM - 14/09/09 - NOMINATION FOR THE ELECTION OF DEPUTY MAYOR

REFERENCE

NIL

SUMMARY

Council may, each year, elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor for the coming 12 month period.

COMMENTARY

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (s.231).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:-

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

This Council in the past has elected a Deputy Mayor for a term of 12 months, i.e. September to September.

The procedure for the election of Deputy Mayor is the same as the procedure for the election of Mayor.

Additional fees, if any, for holding the position of Deputy Mayor are **deducted** from payments to the Mayor. No fees are presently paid by Council for the holder of the position of Deputy Mayor.

Nominations forms for the position of Deputy Mayor are coloured **GREEN** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The Returning Officer will call for final lodgement of nominations at this meeting. After the final call for nominations, the Returning Officer will announce the names of nominee(s). If necessary an election will then be conducted.

Section 231 of the Local Government Act 1993 provides that the Councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Lithgow City Council for the position of Deputy Mayor to be exactly the same length of time as the position of Mayor as determined in Section 231 (2) of the Local Government Act 1993.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council:

1. Notes the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. Determine the fee that is to be paid to the Deputy Mayor.

09-376 RESOLVED

THAT:

1. Notes the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected from its number for the Mayoral term;
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position; and
4. The fee to be paid to the Deputy Mayor remains the same as it has been previously.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

The Returning Office proceeded with the Election.

The Returning Officer advised that he had received one nomination and called for further nominations. No further nominations were received.

The Returning Officer announced that a nomination had been received for Councillor Ray Thompson, nominated by Councillors McAndrew and Castle.

It was announced that Councillor Ray Thompson had been elected to the position of Deputy Mayor for the 2009/2010 term unopposed.

ITEM:5 GM - 14/09/09 - COUNCIL COMMITTEES AND EXTERNAL BODIES

REFERENCE

- Min 05-531 - Policy, Planning and Development Committee Meeting 17th October 2005
- Min 07-254 - Ordinary Meeting of Council 18 June 2007 (Review of Committees)
- Min 07-389 - Policy and Strategy Committee 3 September 2007
- Min 07-500 - Ordinary Meeting of Council 19 November 2007 (Meadow Flat)
- Min 07-543 - Ordinary Meeting of Council 17 December 2007 (Health)
- Min O08-71 - Extraordinary Meeting of Council 10 June 2008 (Indoor Aquatic Centre)
- Min 07-254 - Ordinary Meeting of Council 18 June 2008
- Min O08-133 - Ordinary Meeting of Council 19 August 2008 (Economic Development)
- Min P08-105 - Policy and Strategy Committee 2 September 2008 (Bracey Family)
- Min O08-153 - Extraordinary Meeting of Council 29 September 2008
- Min F08-117 - Finance and Services Committee Meeting 7 October 2008 (Health)
- Min O08-196 - Ordinary Meeting of Council 18 November 2008 (Economic Development)
- Min O08-242 - Ordinary Meeting of Council 15 December 2008 (Lithgow Flash Gift)
- Min O08-246 - Ordinary Meeting of Council 15 December 2008 (Civic Ballroom)
- Min O08-215 - Ordinary Meeting of Council 15 December 2008 (extended Bracey Family)
- Min O08-204 - Ordinary Meeting of Council 15 December 2008 (Street Tree Subcommittee)
- Min O08-238/9 - Ordinary Meeting of Council 15 December (Indoor Aquatic Centre)
- Min O18-09 - Ordinary Meeting of Council 27 January 2009 (Committees of Council)
- Min 09-49 - Ordinary Meeting of Council 16 February 2009 (Economic Development Shop Front Committee)
- Min 09-50 - Ordinary Meeting of Council 16 February 2009 (Economic Development Shop Front Committee)
- Min 09-72 - Ordinary Meeting of Council 16 February 2009 (Health Committee)
- Min 09-272 - Ordinary Meeting of Council 22 June 2009 (Health Committee)
- Min 09-274 - Ordinary Meeting of Council 22 June 2009 (Youth Advisory Committee)
- Min 09-337 - Ordinary Meeting of Council 3 August 2009 (Hassans Walls Committee)
- Min 09-353 - Ordinary Meeting of Council 24 August 2009 (Ageing Strategy Advisory Group)

SUMMARY

The purpose of this report is for Council to consider the appointment of delegates to s355 committees of Council and external (Non Principle) Committees, organisations and other working groups.

This report also provides an overview of the current status of s355 committees of the Council and makes recommendations on the Terms of Reference and establishment or otherwise of the committees.

COMMENTARY

Councillor Representation – s355 Committees

Currently the following Councillors represent Council on s355 Committees.

| Committees | 2008/09 Representative |
|---|--|
| <i>Citizens Access Committee</i> | <i>All Councillors</i> |
| <i>Environmental Advisory Committee</i> | <i>Councillor H K Fisher Councillor N L Castle</i> |
| <i>Lithgow Tourism Advisory Committee</i> | <i>Councillor G Danaher Councillor W Marshall</i> |
| <i>Sister Cities Committee</i> | <i>Councillor N L Castle Councillor R Thompson</i> |
| <i>Sports Advisory Committee</i> | <i>Councillor N L Castle Councillor R Thompson</i> |
| <i>Union Theatre Management Committee</i> | <i>Councillor J J McGinnes</i> |
| <i>Crystal Theatre Committee</i> | <i>Councillor N L Castle Councillor C Hunter</i> |
| <i>Meadow Flat Hall Committee</i> | <i>Councillor N L Castle Councillor C Hunter</i> |
| <i>Civic Ballroom Advisory Committee</i> | <i>Vacant – See note below</i> |
| <i>Community Recognition Committee</i> | <i>Councillor H K Fisher Councillor R Thompson Councillor J J McGinnes</i> |
| <i>Economic Development Advisory Committee</i> | <i>Councillor N L Castle Councillor G Danaher</i> |
| <i>Economic Development Shopfront Committee</i> | <i>Councillor N L Castle Councillor G Danaher</i> |
| <i>Lithgow Flash Gift</i> | <i>Councillor R Thompson Councillor W McAndrew</i> |
| <i>Wolgan Valley Railway Working Group</i> | <i>Councillor G Danaher Councillor H K Fisher</i> |
| <i>Marketing & Branding Committee</i> | <i>Councillor N L Castle Council G Danaher Councillor W Marshall</i> |
| <i>Indoor Aquatic Centre</i> | <i>Councillor W Marshall Councillor R Thompson</i> |
| <i>Youth Advisory Committee</i> | <i>Councillor G Danaher Councillor W Marshall</i> |
| <i>Ageing Strategy Advisory Group</i> | <i>Councillor G Danaher Councillor H K Fisher</i> |
| <i>Lithgow Crime Prevention Committee</i> | <i>New committee as per Agenda Item</i> |

Councillor Representation - External Committees and Organisations

Currently the following Councillors represent Council on external Committees and Organisations.

| Committees | 2008/09 Representative |
|---|--|
| Arts Out West Committee | General Manager |
| Bells Line of Road Motoring Tri-Partite Working Party | Mayor Neville Castle General Manager (alternate) |
| Blue Mountains Tourism Limited | Ms Kate Faithorne |
| Bush Fire Advisory Committee | Councillor C Hunter General Manager |
| District Liaison Bush Fire Committee | Mayor Neville Castle |
| Central West Group Apprentices | Cr M F Ticehurst |
| Cooinda Nursing Homes Management Committee | General Manager (NO LONGER REQUIRED) |
| Lithgow Business Association | Councillor G Danaher The Mayor The General Manager |
| Lithgow Information & Neighbourhood Centre Inc (LINC) | Councillor G Danaher |
| Upper Macquarie County Council | Councillor H K Fisher Councillor C Hunter |
| Tanderra Nursing Home Management Committee | Councillor R Thompson General Manager |
| Coleman House Portland | Councillor N L Castle |
| Centroc | Councillor N L Castle General Manager |
| Tabulam Management Committee | Councillor N L Castle |
| Pine Dale Coal Mine Community Committee | Councillor H K Fisher General Manager |
| Cullen Valley coal Mine Community Committee | Councillor W McAndrew General Manager |
| Lamberts Gully Coal Mine Community Committee | Councillor H K fisher General Manager |
| Invincible Coal Mine Community Committee | Councillor H K Fisher General Manager |
| Clarence Coal Mine Community Committee | Councillor W Marshall General Manager |
| Baal Bone Coal Mine Community Committee | Councillor H K Fisher General Manager |
| Angus Place Coal Mine Community Committee | Councillor H K Fisher General Manager |
| Mining Related Councils | Councillor N L Castle Councillor W McAndrew |
| Traffic Authority Local Committee | Councillor M Ticehurst General Manager |
| Lithgow Correctional Centre Committee | Councillor N L Castle General Manager |
| Kirk Connell Correctional Centre Committee | Councillor R Thompson General Manager |
| Traffic Authority Local Committee | Councillor M F Ticehurst General Manager |

Committees to Which All the Members are Councillors

The Council should be aware that s 9(1) of the Local Government Act states:

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.*

Reference is made to two committees that are impacted by this. They are the Citizens Access Committee and Marketing and Branding Committee.

Citizens Access Committee

It is recommended that the Citizens Access Committee not be a Committee of Council and thus not be reformed. From time to time there may be a need for Councillors to be invited to attend meetings to be informed of certain issues concerning the community whereupon all Councillors will receive an invitation to attend. Where there are meetings held on site councillors may still attend as part of a 'site meeting'.

Marketing and Branding Committee

It is recommended that for the duration of the short-term Marketing and Branding Committee that membership includes the General Manager and Group Manager Community and Corporate with the Committee undertaking the implementation of resolution 09-199 which states:

- 1. The development of a Marketing and Branding Strategy that considers the principal components of the Lithgow Local Government Area, Lithgow City Council, economic development and tourism.*
- 2. Allocating funds for the development of Marketing and Branding activities in the 2009/2010 budget.*
- 3. Council actively seeks and applies for funding for the development of the Marketing and Branding Strategy proposal.*

Terms of Reference – s355 Committees

In accordance with Council's Code of Meeting Practice and Regulation 268 of the Local Government (General) Regulations 2005, it is considered appropriate that all Terms of Reference for Council's Advisory Committees be updated to include:

"The meeting procedures outlined in Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below".

A member ceases to be a member of a Committee if the member (other than the Mayor)

- (a) Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the members absences; or*
- (b) Has been absent from at least half of the meetings of the Committee held during the immediately proceeding year without having given to the Committee acceptable reasons for the member's absence.*

Civic Ballroom Advisory Committee

At the Ordinary Meeting of Council held on 27 January 2009, Council considered a report on the “Committees of the Council established under s355 of the Local Government Act 1993”, and also the “Regional and Local Community Infrastructure Program 2008/09” these reports referred to the proposed formation of the Civic Ballroom Advisory Committee. Council should be noted that although this Committee has not officially convened, as part of the Regional Communities Local Infrastructure Program Council is liaising with key user groups during the construction period and a further report on the proposed establishment of this committee will be brought to Council in the future.

Cooinda Nursing Homes Management Committee

The Cooinda Nursing Homes Management Committee has advised that it no longer requires Council representation on the Committee.

Wolgan Valley Railway Working Group

At the Ordinary Meeting of Council held on 27 January 2009, Council considered a report on the “Committees of the Council established under s355 of the Local Government Act 1993”. Although it was recommended that “A report on the meeting held in November with Councillor Fisher and Council Officers with community members with interests in the Wolgan Valley Railway project be brought back to the Council with recommendations for the formal establishment of the Wolgan Valley Railway working Group” this group is still to be formed.

Hassans Walls Management Committee

On 3 August 2009 the Council resolved the following:

Council actively pursues identified measures in order to reform the Hassan's Walls Management Committee.

A report will come to the Council on the reformation of this committee in the near future.

POLICY IMPLICATIONS

Policy 4.1 Community Representatives – Appointment to Committees or Working Groups
Policy 9.2 Appointment of Mayor to Committees
Policy 9.5 Council Meetings – Appointment of Chairpersons of Council Committees/Working Groups
Code of Meeting Practice

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act 1993
Local Government (General) Regulations 2005

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council determines the appointments to be made to the s355 Committees of Council.

| Committees | 2009/10 Representative |
|---|---|
| <i>Citizens Access Committee</i> | <i>Determination required as per recommendation 3</i> |
| <i>Environmental Advisory Committee</i> | |
| <i>Lithgow Tourism Advisory Committee</i> | |
| <i>Sister Cities Committee</i> | |
| <i>Sports Advisory Committee</i> | |
| <i>Union Theatre Management Committee</i> | |
| <i>Crystal Theatre Committee</i> | |
| <i>Meadow Flat Hall Committee</i> | |
| <i>Civic Ballroom Advisory Committee</i> | |
| <i>Community Recognition Committee</i> | |
| <i>Economic Development Advisory Committee</i> | |
| <i>Economic Development Shopfront Committee</i> | |
| <i>Lithgow Flash Gift</i> | |
| <i>Wolgan Valley Railway Working Group</i> | |
| <i>Marketing & Branding Committee</i> | |
| <i>Indoor Aquatic Centre</i> | |
| <i>Youth Advisory Committee</i> | |
| <i>Ageing Strategy Advisory Group</i> | |
| <i>Lithgow Crime Prevention Committee</i> | |

2. Council determines the appointments to Committees external to the Council.

| Committees | 2009/10 Representatives |
|---|--------------------------------|
| Arts Out West Committee | |
| Bells Line of Road Motoring Tri-Partite Working Party | |
| Blue Mountains Tourism Limited | |
| Bush Fire Advisory Committee | |
| Rural Bush Fire District Liaison Committee | |
| Central West Group Apprentices | |
| Lithgow Business Association | |
| Lithgow Information & Neighbourhood Centre Inc (LINC) | |
| Upper Macquarie County Council | |
| Tanderra Nursing Home Management Committee | |
| Coleman House Portland | |
| Centroc | |
| Tabulam Management Committee | |
| Pine Dale Coal Mine Community | |

| | |
|--|--|
| Committee | |
| Cullen Valley coal Mine Community Committee | |
| Lamberts Gully Coal Mine Community Committee | |
| Invincible Coal Mine Community Committee | |
| Clarence Coal Mine Community Committee | |
| Baal Bone Coal Mine Community Committee | |
| Angus Place Coal Mine Community Committee | |
| Mining Related Councils | |
| Lithgow Correctional Centre Committee | |
| Kirk Connell Correctional Centre Committee | |
| Traffic Authority Local Committee | |
| Internal Audit Committee | |

3. The Citizens Access Committee not be reformed.
4. The General Manager and Group Manager Community and Corporate be members of the Marketing and Branding Committee for the duration of the Committee.
5. The Terms of Reference of all Council's Advisory Committees be updated to include:
"The meeting procedures outlined in Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below".

A member ceases to be a member of a Committee if the member (other than the Mayor)

- (a) *Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the members absences; or*
- (b) *Has been absent from at least half of the meetings of the Committee held during the immediately proceeding year without having given to the Committee acceptable reasons for the member's absence*

09-377 RESOLVED

THAT:

1. Council determines the appointments to be made to the s355 Committees of Council.

| Committees | 2009/10 Representative |
|---|--|
| <i>Citizens Access Committee</i> | <i>Determination required as per recommendation 3</i> |
| <i>Environmental Advisory Committee</i> | <i>Councillor H K Fisher Councillor N L Castle</i> |
| <i>Lithgow Tourism Advisory Committee</i> | <i>Councillor H K Fisher Councillor W Marshall</i> |
| <i>Sister Cities Committee</i> | <i>Councillor N L Castle Councillor R Thompson</i> |
| <i>Sports Advisory Committee</i> | <i>Councillor N L Castle Councillor R Thompson</i> |
| <i>Union Theatre Management Committee</i> | <i>Councillor J J McGinnes</i> |
| <i>Crystal Theatre Committee</i> | <i>Councillor N L Castle Councillor C Hunter</i> |
| <i>Meadow Flat Hall Committee</i> | <i>Councillor N L Castle Councillor C Hunter</i> |
| <i>Civic Ballroom Advisory Committee</i> | <i>Vacant</i> |
| <i>Community Recognition Committee</i> | <i>Councillor H K Fisher Councillor R Thompson Councillor J J McGinnes</i> |
| <i>Economic Development Advisory Committee</i> | <i>Councillor N L Castle Councillor G Danaher</i> |
| <i>Economic Development Shopfront Committee</i> | <i>Councillor N L Castle Councillor G Danaher</i> |
| <i>Lithgow Flash Gift</i> | <i>Councillor R Thompson Councillor W McAndrew</i> |
| <i>Wolgan Valley Railway Working Group</i> | <i>Councillor G Danaher Councillor H K Fisher</i> |
| <i>Marketing & Branding Committee</i> | <i>Councillor N L Castle Councillor G Danaher Councillor W Marshall</i> |
| <i>Indoor Aquatic Centre</i> | <i>Councillor W Marshall Councillor R Thompson</i> |
| <i>Youth Advisory Committee</i> | <i>Councillor G Danaher Councillor W Marshall</i> |
| <i>Ageing Strategy Advisory Group</i> | <i>Councillor Danaher Councillor H K Fisher</i> |
| <i>Lithgow Crime Prevention Committee</i> | <i>Councillor W McAndrew Councillor G Danaher</i> |

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor C Hunter

09-378 RESOLVED

THAT:

2. Council determines the appointments to Committees external to the Council.

| Committees | 2009/10 Representatives |
|---|---|
| Arts Out West Committee | <i>General Manager</i> |
| Bells Line of Road Motoring Tri-Partite Working Party | <i>Councillor N L Castle General Manager (alternate)</i> |
| Blue Mountains Tourism Limited | <i>Ms Kate Faithorne</i> |
| Rural Bush Fire District Advisory Committee | <i>Councillor C Hunter General Manager</i> |
| Rural Bush Fire District Liaison Committee | <i>Councillor N L Castle</i> |
| Lithgow Business Association | <i>Councillor G Danaher Councillor N L Castle General Manager</i> |
| Lithgow Information & Neighbourhood Centre Inc (LINC) | <i>Councillor G Danaher</i> |
| Upper Macquarie County Council | <i>Councillor H K Fisher Councillor C Hunter</i> |
| Tanderra Nursing Home Management Committee | <i>Councillor R Thompson General Manager</i> |
| Coleman House Portland | <i>Councillor N L Castle</i> |
| Centroc | <i>Councillor N L Castle General Manager</i> |
| Tabulam Management Committee | <i>Councillor N L Castle</i> |
| Pine Dale Coal Mine Community Committee | <i>Councillor H K Fisher General Manager</i> |
| Cullen Valley Coal Mine Community Committee | <i>Councillor H K Fisher General Manager</i> |
| Lamberts Gully Coal Mine Community Committee | <i>Councillor H K Fisher General Manager</i> |
| Invincible Coal Mine Community Committee | <i>Councillor H K Fisher General Manager</i> |
| Clarence Coal Mine Community Committee | <i>Councillor W Marshall General Manager</i> |
| Baal Bone Coal Mine Community Committee | <i>Councillor H K Fisher General Manager</i> |
| Angus Place Coal Mine Community Committee | <i>Councillor H K Fisher General Manager</i> |
| Mining Related Councils | <i>Councillor N L Castle Councillor W McAndrew</i> |
| Lithgow Correctional Centre Committee | <i>Councillor N L Castle General Manager</i> |
| Kirk Connell Correctional Centre Committee | <i>Councillor R Thompson General Manager</i> |
| Traffic Authority Local Committee | <i>Councillor G Danaher General Manager</i> |
| Internal Audit Committee | <i>Councillor G Danaher Councillor W Marshall</i> |

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

09-379 RESOLVED

3. All Councillors be appointed to form the Citizens Access Committee.

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

09-380 RESOLVED

4. The General Manager be included as a member of the Marketing and Branding Committee for the duration of the Committee.

MOVED: Councillor G Danaher **SECONDED:** Councillor C Hunter
CARRIED

09-381 RESOLVED

5. The Terms of Reference of all Council's Advisory Committees be updated to include:

"The meeting procedures outlined in Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below".

A member ceases to be a member of a Committee if the member (other than the Mayor)

- (c) Has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the members absences; or*
- (d) Has been absent from at least half of the meetings of the Committee held during the immediately proceeding year without having given to the Committee acceptable reasons for the member's absence.*

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

**ITEM:6 GM - 14/09/09 - OCCUPATIONAL HEALTH AND SAFETY (OHS)
POLICY**

REFERENCE

Min No 06-297 - Ordinary Meeting of Council held on 18th September 2006

SUMMARY

To advise Council that a review has been undertaken on Lithgow City Council's Occupational Health and Safety Policy.

COMMENTARY

The Occupational Health and Safety Policy forms part of Council's overall OHS Management System and is based on the requirements of the OHS Act 2000 and its subsequent Regulation 2001. The OHS Policy is the only document within the OHS Management System that requires formal approval by Council. All other documents contained within the OHS Management System take the form of Standard Working Procedures and are managed by the General Manager.

The OHS Policy has recently been reviewed in consultation with the OHS Committee and Council Management to ensure that it is reflective of Council's current workforce and procedures in relation to OHS. The Policy has been altered to better reflect the responsibilities of Managers, Supervisors and Employees in relation to OHS and outlines in more detail the activities undertaken by Council that support Council's overall OHS objective.

POLICY IMPLICATIONS

As per the above changes.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The document is required to be placed on public exhibition for 28 days.

09-382 RESOLVED

THAT:

1. Council adopts the revised OHS Policy in draft format and place the document on public exhibition for a period of 28 days.
2. Following public exhibition, comments from the public be reported to the Council, including a recommendation for adoption of the policy.

MOVED: Councillor R Thompson
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:7 GM - 14/09/09 - CODE OF CONDUCT COMPLAINTS RECEIVED 1 JULY 2008 TO 30 JUNE 2009

SUMMARY

The General Manager is to report annually on Code of Conduct complaints.

COMMENTARY

Council has in place an adopted Code of Conduct which includes the following at Clause 12.33:

“The General Manager must report annually to Council on Code of Conduct Complaints. This report should include, as a minimum, a summary of the:

- number of complaints received;
- nature of the issues raised by complainants, and
- outcomes of complaints.”

With regards to the above, the following is noted:

Number of complaints received: 2

Nature of the issues raised by complainant:

- Councillor behaviour

Outcomes of Complaints – Complaints, when they are assessed by the General Manager and Mayor, have regard to the following grounds in accordance with Clause 13.1 of the Code of Conduct:

“The General Manager or Mayor, in the case of a complaint about the General Manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the General Manager and Mayor will have regard to the following grounds:

- (a) whether there is any prima facie evidence of a breach of the code of conduct;*
- (b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as General Manager;*
- (c) whether the complaint is trivial, frivolous, vexatious or not made in good faith;*
- (d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct;*
- (e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police;*

- (f) *whether there is an alternative and satisfactory means of redress;*
- (g) *how much time has elapsed since the events the subject of the complaint took place;*
- (h) *how serious the complaint is and the significance it has for Council;*
- (i) *whether the complaint is one of a series indicating a pattern of conduct.”*

In accordance with the above criteria the one complaint was found to fall within the domain of 13.1(f) and one complaint was found to fall within the parameters of 13.1(c).

It is noted that the complaint received was NOT referred to Council's Conduct Committee. The complaint handled by the General Manager or Mayor, as appropriate.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the report on the Code of Conduct complaints received for 2008/09 be noted.

09-383 RESOLVED

THAT:

1. The report on the Code of Conduct complaints received for 2008/09 be noted; and
2. A further report be prepared outlining the requirements under the Code of Conduct

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:8 GM - 14/09/09 - LOCAL GOVERNMENT PECUNIARY INTEREST AND DISCIPLINARY TRIBUNAL

SUMMARY

This report provides formal advice to the Council of the suspension from civic office of Councillor Martin Ticehurst.

COMMENTARY

Council has received orders, dated 28 August 2009, from the Local Government Pecuniary Interest and Disciplinary Tribunal in relation to the matter PIDT No 1/2008 Director-General, Department of Local Government Re: Councillor Martin Ticehurst, Lithgow City Council.

The Tribunals Order's are as follows:

1. *Pursuant to s.482A(2)(c) of the Local Government Act, the Tribunal **ORDERS** that Councillor Martin Ticehurst be and is hereby suspended from holding civic office for a period of one (1) month commencing on 28 August 2009 and expiring on 27 September 2009.*
2. *The Tribunal's Statement of Decision and Order will be furnished to Councillor Martin Ticehurst and the Director General pursuant to s.484(1) forthwith.*
3. *Copies of the Tribunal's Statements of Decision and Order will be provided to the General Manager, Lithgow City Council pursuant to s.484(1).*
4. *The Tribunal's Determinations and Order will be made publicly available pursuant to s.484(3) at the expiry of 28 days from the date of this Determination.*

Since this time the Department of Local Government has placed the Determination and Order onto its website.

The PIDT has several options available to it if it finds that the behaviour concerned warrants action under Section 482A. Under this section the Tribunal may:

- (a) counsel the councillor, or
- (b) reprimand the councillor, or
- (c) suspend the councillor from civic office for a period not exceeding 6 months, or
- (d) suspend the councillor's right to be paid any fee or other remuneration, to which the councillor would otherwise be entitled as the holder of the civic office, in respect of a period not exceeding 6 months (without suspending the councillor from civic office for that period).

Under Section 440I:

(1) the grounds on which a councillor may be suspended from civic office under this Division are that:

- (a) the councillor's behaviour has:
 - (i) been disruptive over a period, and
 - (ii) involved more than one incident of misbehaviour during that period,

and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension, or

- (b) the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

(2) The process for the suspension of a councillor from civic office cannot be initiated by a request made by the council unless:

- (a) where subsection (1) (a) applies--the councillor has:
 - (i) on two or more occasions been formally censured for incidents of misbehaviour that occurred during the period concerned, or
 - (ii) on at least one occasion been expelled from a meeting of the council or a committee of the council for an incident of misbehaviour during the period concerned, or

- (b) where subsection (1) (b) applies--the councillor has:
 - (i) been formally censured for the incident of misbehaviour concerned, or
 - (ii) been expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

(3) Subsection (2) does not affect the Director-General's power to initiate the process for the suspension of a councillor from civic office.

(4) Furthermore, subsection (2) does not prevent the Director-General from initiating the process for the suspension of a councillor from civic office as a result of a request or report referred to in section 440H.

Appeals may be made to the Supreme Court against any decision of the Pecuniary Interest and Disciplinary Tribunal in the proceeding, other than a decision of the Tribunal determining an appeal to the Tribunal under section 440M. An appeal must be made within 28 days after the day on which the statement of the decision of the Pecuniary Interest and Disciplinary Tribunal is provided to the person making the appeal or within such further time as the Supreme Court allows.

The Supreme Court may stay any decision made by the Pecuniary Interest and Disciplinary Tribunal, on such terms as the Court thinks fit, until such time as the Court determines the appeal. On the hearing of an appeal, the Supreme Court may:

- (a) make an order reversing, affirming or amending the decision appealed against, or
- (b) remit the matter to the Pecuniary Interest and Disciplinary Tribunal for decision by the Pecuniary Interest and Disciplinary Tribunal in accordance with the order of the Court, or
- (c) make an order directing a rehearing of the proceedings in respect of which the decision appealed against was made, or
- (d) make such other order in relation to the appeal as the Court thinks fit.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The suspended councillor cannot part-take in the duties of civic office for the period of the suspension.

The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office. Hence the quorum number for a Council meeting remains at five (5) councillors. (s.368)

A decision of the Council is one that is supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the council. (S.371)

RECOMMENDATION

THAT Council note that the Local Government Pecuniary Interest and Disciplinary Tribunal has issued orders that Councillor Martin Ticehurst is suspended from holding civic office for a period of one (1) month commencing on 28 August 2009 and expiring on 27 September 2009.

09-384 RESOLVED

THAT:

1. Council note that the Local Government Pecuniary Interest and Disciplinary Tribunal has issued orders that Councillor Martin Ticehurst is suspended from holding civic office for a period of one (1) month commencing on 28 August 2009 and expiring on 27 September 2009.
2. A late motion be put to the Local Government Association Annual Conference requesting a review of the current legislation in relation to Councillor misbehaviour.

MOVED: Councillor G Danaher **SECONDED:** Councillor W McAndrew.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:9 REG - 14/09/09 - REPORT ON THE PROGRESS OF THE CLARENCE WATER TRANSFER SYSTEM UPGRADE

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Minute No O08-219 – Ordinary Meeting of 15 December 2009.

SUMMARY

To inform Council of the receipt of the final options report for the Clarence Water Transfer System and advise on the next stage of the process.

COMMENTARY

The final options report for the Clarence Water Transfer System has been received from consultants, Parsons Brinkerhoff. The study assesses the feasibility of sourcing additional water from the Clarence Colliery as a supplementary supply of water for Lithgow Council's potable water system. The major drivers of this project are the need to become less reliant on the drought affected Fish River Water Supply Scheme and future growth within the Local Government Area .

The study aims to identify a preferred option for transferring additional water from the worked Katoomba Coal Seam (currently being mined by Clarence Colliery) to the LCC water supply system.

Three options have been investigated to satisfy the objectives of this project. Each option has been sized to deliver 14 megalitres per day (ML/d):

- Option 1: Augmentation of the existing Clarence Colliery Transfer System. The existing system is operated by Centennial Coal's Clarence Colliery as part of their mine dewatering operations. Water from the mine workings is treated by the colliery and pumped across the Newnes Plateau to Farmers Creek Dam. This scheme was not considered feasible in the long term as the mine is likely to cease operation by approximately 2040. Estimated capital cost: \$3.0 million.
- Option 2: Installation of a new borehole pump station in the north east corner of the Clarence Colliery mine lease area, transferring this water by a 16 km long pipeline via the existing Clarence Transfer System settling ponds to Farmers Creek Dam. A treatment plant is proposed adjacent to the settling ponds to allow discharge into a tributary of Farmers Creek Dam. Estimated Capital Cost: \$23.0 million.
- Option 3: Installation of a new borehole pump station in the north east corner of the Clarence Colliery mine lease area, transferring this water by a 13km long pipeline via the Motor Cycle Club to Farmers Creek Dam. A treatment plant is proposed adjacent to the Motor Cycle Club to allow discharge into a tributary of Farmers Creek Dam. Estimated Capital Cost: \$21.9 million.

An analysis of options and prioritisation matrix identifies Option 3 as the preferred option. This option satisfies the objective of achieving a sustainable bulk water supply while minimising impacts to the environment. However, notwithstanding Option 3 being the preferred option, the capital cost brings into question the project viability given the current funding available, ie \$4 million in total. Therefore, Option 1 appears to be the most viable option in the short to medium term.

The project is to be undertaken in 2 stages under the Funding Agreement between the Commonwealth of Australia through the Department of the Environment, Water, Heritage and the Arts (DEWHA) and Lithgow City Council. Stage 1 includes the following activities;

- A study of the options available for the upgrade of the Clarence Colliery Water Transfer System including a recommendation of a preferred option
- Commissioning legal advice regarding the ownership of any Water Entitlements after the cessation of mining operations; and
- Assessment by DEWHA of the organisations water entitlements as suitable for its purpose and agreement by both parties on the volume of water to be transferred and a method by which transfer will be made to the Commonwealth.

Stage 2 will comprise construction of the upgrade to an operational state. Implementation of Stage 2 is subject to successful completion of Stage 1 and agreement between Council and the Commonwealth on a number of matters, including but not limited to;

- A preferred option for upgrading of the Clarence Colliery Water Transfer System;
- Finalisation of a Funding Agreement for Stage 2
- The volume and timing of water to be transferred to the Commonwealth and the method by which transfer will be made to the Commonwealth.

Stage 1 of the project is now complete and is under review by DEWHA. Further discussions are required to come to an agreement on the preferred option for the upgrading of the Clarence Water Transfer System that are inline with the project objectives.

Council will be aware that the Commonwealth Government will contribute up to \$4 million to this project. In return for this investment at least half of Council's water allocation under the Fish River Water Supply is proposed to be transferred to the Commonwealth. However, given that the only viable option requires the continued operation of Clarence Colliery it is strongly suggested that any surrender of allocation must be tied to the continued operation of the colliery or until future funding can be secured to implement one of the sustainable long term options. This has been the subject of informal discussions with departmental officers but now needs to proceed to formal negotiation and hopefully agreement.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Commonwealth Government will contribute up to \$4 million to this project

LEGAL IMPLICATIONS

Legal advice is being prepared by Council's Solicitors Lawyers regarding the ongoing access to and ownership of water contained in Clarence Colliery in the case of cessation of mining activities, and/or the expiry of the mining lease. This advice was not to hand when this report was in preparation but if Option 1 proceeds then this should not be an issue at least in the short to medium term.

09-385 RESOLVED

THAT:

1. Council acknowledge receipt of the options report for the Clarence Water Transfer System.
2. Council adopt Option 1 as the preferred option for the Upgrade of the Clarence Water Transfer System.
3. Discussions be held with officers of the Department of Environment, Water, Heritage and the Arts on the basis that Council can only forego up to half of its allocation from the Fish River Water Supply whilst Clarence Colliery remains operational and Council is able to access water from the operating mine.
4. Should discussions outlined in number 2 above be successful then Council formally enter into the Funding Agreement with the Commonwealth for Stage 2 works

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor W Marshall

ITEM:10 REG - 14/09/09 - 066/08DA - 49 ALLOTMENT SUBDIVISION - MOYNE FARM - LITTLE HARTLEY

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Council Meeting – 16 February 2009.

SUMMARY

This report assesses and recommends approval, subject to conditions, of Development Application No. 066/08.

COMMENTARY

Council is in receipt of a Development Application for the subdivision of rural/residential land on a predominantly rural property into 49 rural small holding allotments and a residual of approximately 366 hectares. The site is known as 302 Coxs River Road, Little Hartley Parish of Hartley, owned by Di Falco Brothers Pty Ltd. The property has a total area of 492.3ha and is open grazing land with intermittent water courses and drainage lines traversing the property. The property retains direct access onto Cox's River Road, and links with Baaners Lane.

The property is currently made up of 20 allotments the majority of which are old title portions. The proposed development will access (and construct a new road) off Coxs River Road that is currently used to access a number of other properties, and will be upgraded to a public road. The residual allotment accesses from Cox's River Road and is made up of rural zoned land.

Location

| | |
|---------------------|---|
| Legal Description : | Lot 28 DP 751644 Lot 35 DP 751644 Lot 42 DP 751644 Lot 43 DP 751644 Lot 106 DP 751644 Lot 118 DP 751644 Lot 121 DP 751644 Lot 124 DP 751644 Lot 170 DP 751644 Lot 184 DP 751644 Vol 13276 Fol 00065 Lot 185 DP 751644 Vol 13276 Fol 00065 Lot 245 DP 751644 Vol 4251 Fol 00208 Lot 351 DP 751644 Vol 13276 Fol 00059 Lot 172 DP 751644 Vol 13276 Fol 00063 Lot 173 DP 751644 Vol 13276 Fol 00063 Lot 174 DP 751644 Vol 13276 Fol 00064 Lot 175 Sec L DP 751644 Lot 176 DP 751644 Vol 13276 Fol 00064 Lot 181 DP 751644 Vol 13276 Fol 00061 Lot 182 DP 751644 Vol 13276 Fol 00062 Lot 183 DP 751644 Vol 4329 Fol 00141 |
| Property Address : | 302 COXS RIVER ROAD LITTLE HARTLEY NSW 2790 |

Zoning

The land, subject of the 49 new allotments is zoned 1(c) Rural Small Holdings under Council's Local Environmental Plan 1994 and consists of approximately 103 hectares. The residual allotment is zoned Rural - General 1 (a) and is approximately 366 hectares. Whilst the application is split zoned, all development relevant to the application is within the 1(c) Rural Small Holdings zone.

POLICY IMPLICATIONS

Council Policy 7.7 for Calling in Development Applications by Councillors is applicable to this application. The application was called in by Council at its ordinary meeting of 16 February 2009.

FINANCIAL IMPLICATIONS (eg Section 94)

The development will be required to contribute \$269 per new allotment in accordance with Council's Rural Fire Service Section 94 Contribution Plan, and \$4080 per new allotment in accordance with Council's Rural Roads Section 94 Contribution Plan. All monies will be required to be paid prior to the release of the subdivision certificate. A linen release fee will also be payable, at time of approval this is likely to be \$150.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The matters for consideration are attached in a separate assessment report attached to the business paper.

RECOMMENDATION

THAT:

A. Development Application 066/08 be approved subject to condition highlighted in Council's Section 79C assessment, attached.

B. A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

09-386 RESOLVED

THAT:

1. Development Application 066/08 be approved subject to condition highlighted in Council's Section 79C assessment, and additional conditions be placed in the approval requesting that access be given to the public cemetery
2. A division be called in accordance with the requirements of section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor R Thompson

A **DIVISION** was held and that vote was **UNANIMOUS**

**ITEM:11 REG - 14/09/09 - DEVELOPMENT APPLICATION 033/09
 AMUSEMENT CENTRE CALLED CR MCGINNES**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW
MUIR**

REFERENCE

Development Application No.033/09.

SUMMARY

To inform Council that this development application has been called in pursuant to Council policy.

COMMENTARY

A Development Application has been received for the establishment of an amusement centre at 1 Naomi Street Lithgow. This application is currently under assessment. The application has been called in for determination by Council by Councillor J McGinnes.

POLICY IMPLICATIONS

The application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors” Item 3 that states:

Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:

- Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and
- Reported to an Ordinary Meeting of Council for determination.

This application is reported pursuant to the first dot point.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

No specific implications at this point of the process.

09-387 RESOLVED

THAT the action of calling in development application No 033/09 by Councillor J McGinnes be noted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

ITEM:12 REG - 14/09/09 - DROUGHT MANAGEMENT UPDATE

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Min 09-06 Council Meeting 9 March 2009
Min 09-20 Council Meeting 30 March 2009
Min 09-136 Council Meeting 30 March 2009
Min 09-160 Council Meeting 20 April 2009
Min 09-185 Council Meeting 11 May 2009
Min 09-220 Council Meeting 1 June 2009
Min 09-261 Council Meeting 22 June 2009

SUMMARY

This report provides an update to Council on drought management issues.

COMMENTARY

The following report provides an update on drought management issues:

Drought Relief Project

Since the matter was previously reported to Council, pressure testing of the 300mm main has successfully occurred. Two trial runs to 'push' water as far as Glen Davis were subsequently attempted. On each occasion unexpected pressure reduction was experienced at Portland. A meeting was held with key operational State Water and Council staff. Issues identified included possible impediments in the reticulation network, such as meters that may need to be removed and re-installed to cater for water coming in the opposite direction. Upon investigation and rectification of these matters another trial will be attempted. This should occur within the next week and given pressure reductions did occur with previous trials, public notifications will be required.

Further work on charging and risk assessment also needs to be undertaken prior to the system running on a more permanent basis and this can occur independently of the trials. Pending successful trials, Council will also need to consider how operation of the system will impact on water restrictions on areas other than Marrangaroo and Lithgow. Whilst alteration to the same level as Lithgow and Marrangaroo residents should be the goal, it is suggested that a cautious approach needs to be taken to monitor the 'draw down' of the Farmers Creek dam and the replenishment time from the Clarence Transfer System. This matter will require further consideration.

Clarence Water Transfer Scheme

A separate report in the business paper details progress on this project.

POLICY IMPLICATIONS

Policy No. 12.2 - Water Restrictions sets out Council's response to non-compliance with water restrictions.

FINANCIAL IMPLICATIONS

Council has been allocated \$400,000 in drought relief funding.

LEGAL IMPLICATIONS

Issues of risk assessments, repair responsibilities and charging still need to be addressed as part of the process for the drought relief project.

ATTACHMENTS

Nil

09-388 RESOLVED

THAT The report on drought management be noted.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

**ITEM:13 REG - 14/09/09 - ROAD NAMING - CULLEN BULLEN PARK -
CARSON SIDING ROAD - CULLEN BULLEN**

REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

To advise Council of a park naming proposal for Lot 144 & 145 DP 755769, Carson Siding Road, Cullen Bullen.

COMMENTARY

Council has received a submission on the naming of the Cullen Bullen Park, from Cullen Bullen Tidy Towns who have requested that Council name this park 'Merv Crane Memorial Park' which is a reference to Mr Merv Crane who was a resident of Cullen Bullen for over 50 years and made many community contributions:

- Foundation and Life Member of Cullen Bullen Bushfire Brigade
- Life Member Cullen Bullen Parents and Citizens Association
- Life Member Portland swimming pool
- 45 years as President Cullen Bullen Progress Association
- Life Member Australian Labour Party
- Trustee Cullen Bullen Cemetery
- Trustee Cullen Bullen Sports Ground
- Member Portland/ Cullen Bullen Motor Car Club
- Member Portland Show Society

POLICY IMPLICATIONS

This park will be named in accordance with Council's Naming of Council Facilities Policy 10.4.

FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Naming of Council Facilities Policy 10.4, and should the proposal proceed, there would be costs associated with new signage.

LEGAL IMPLICATIONS

Nil.

09-389 RESOLVED

THAT in accordance with Council's Policy for Naming of Council Facilities, Council will advertise the park name as indicated in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor H K Fisher.

ITEM:14 REG - 14/09/09 - LITHGOW TOWN CLOCK

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Notice of Motion Councillor Ticehurst Minute No.PO8-125.

SUMMARY

To recommend extra funds be allocated to replace the Town Clock.

COMMENTARY

An amount of \$14,000 has been allocated in the budget for 2009/10 for replacement of the town clock. The existing location has been inspected by Andrew Markerink Master Clockmakers who advise that total replacement of the clock is necessary due to the poor condition of any remaining parts of the installation. This company has been recommended by Blue Mountains City Council.

An upgraded quotation has been provided in an amount of \$18,695 ex GST plus crane hire at \$240 per hour (estimated 4 hours). There is an option of a GPS satellite correction system for \$1,750 plus GST. Including this option which eliminates any manual adjustment of the clock the total cost is **\$21,405**. This results in a funding shortfall of **\$7,405**.

Part of the previous Council resolution was to hold discussions with City Rail to determine if they were prepared to put one of their timekeepers in Main Street. City Rail has advised that they are not prepared to do this as the clock would not be located on their infrastructure.

The existing location is considered to be the most suitable and an agreement is in place with the owner for ongoing maintenance of the installation.

FINANCIAL IMPLICATIONS

It is necessary to allocate an additional \$7,405 for installation of the new town clock to proceed. Savings to offset this additional amount would be identified in conjunction with the September 2009 Quarterly review.

LEGAL IMPLICATIONS

Confirmation of the access agreement will be made prior to any work proceeding on the installation.

RECOMMENDATION

THAT providing one additional quotation cannot be obtained, Council accept the quotation from Andrew Markerink Master Clockmakers for the replacement of the Lithgow Town Clock in its present location and the necessary budget adjustment be made in the September Quarterly budget review.

09-390 RESOLVED

THAT:

1. Providing one additional quotation cannot be obtained, Council accept the quotation from Andrew Markerink Master Clockmakers for the replacement of the Lithgow Town Clock in its present location and the necessary budget adjustment be made in the September Quarterly budget review.
2. A final design be brought back to Council for consideration.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor H K Fisher.

OPERATIONS DEPARTMENT REPORTS

**ITEM:15 OPER - 14/09/09 - RTA TRANSFER OF CROWN PUBLIC ROAD TO
 THE LITHGOW CITY COUNCIL, LIDSDALE**

REPORT FROM: ACTING MANAGER OPERATIONS – CHRIS SCHUMACHER

REFERENCE

NIL

SUMMARY

This report advises Council of the Roads and Traffic Authority (RTA) intent for the transfer of Crown Public Road to Lithgow City Council at Lidsdale.

COMMENTARY

As Council would be aware the RTA has recently finalised Highway No.18 (Castlereagh Highway) deviation through the Lidsdale area of the Lithgow City Council Local Government Area. As part of the new highway deviation upgrade of the old section of Highway now known as Ian Holt Drive was undertaken, this section of road is no longer used as part of the RTA Castlereagh Highway alignment.

The old highway alignment now forms part of a main local collector road providing access to Wolgan Road and adjoining residential streets throughout Lidsdale. The RTA request that Council accept the transfer of Lots 14 & 18 DP 1088207 as part of the local Council road network.

Subject to Council approval the RTA will arrange for Transfer of the Public Crown Road covering in full the \$220.00 fee for processing by the Department of Lands.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

No financial implications, the Roads and Traffic Authority will pay \$220.00 transfer fee to the Department of Lands, subject to the approval of Council, signing and affixing of Council common seal to legal documentation.

LEGAL IMPLICATIONS

Roads and Traffic Authority to submit all necessary survey plans, land transfer documentation at their full cost.

09-391 RESOLVED

THAT:

1. Council accept the transfer of Lots 14 & 18 (DP 1088207) of Crown Public Road to Local Council Road.
2. The Roads and Traffic Authority pay \$220.00 transfer fee to the Department of Lands in submission of relevant survey and legal documentation.
3. Council approve of the Mayor and the General Manager to affix the Council Common Seal of Approval and undertake signing of legal documents for the land transfer.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor G Danaher

ITEM:16 OPER - 14/09/09 - PROPSOED RECLASSIFICATION OF WATTLEMOUNT ROAD TO PUBLIC ROAD STATUS

REPORT FROM: ACTING MANAGER OPERATIONS – CHRIS SCHUMACHER

REFERENCE

Min No. 09-348 & 09-349 Council Meeting 24 August 2009

SUMMARY

This report advises Council of the requests from several residents on Wattle Mount Road pursuing Council to consider reclassification of the existing 'Crown Road' and private right of carriageway to a local 'Public Road' status under the ownership, control and maintenance of Lithgow City Council.

COMMENTARY

Council is requested to consider reclassification of rural/residential road known as 'Wattle Mount Road' at Portland. This road is located off the Portland to Cullen Bullen Road, and is approximately 2,550 metres in total length or 2.55km. Wattle Mount Road is classified as a private right of carriageway for a distance of 886m and a 'Crown Road' controlled by Department of Lands, the number of residents whom reside along this road is currently six (6). Council has been requested to consider taking ownership of this road by reclassifying it to a 'Public Road' through an application process with the Department of Lands.

This road does not receive any maintenance work from the Department of Lands, requiring the residents to resource their funds together for its ongoing upkeep. As advised by the residents, this is proving a very difficult challenge to find in-kind monies for maintenance, whilst the argument has been that these residents pay rates and believe that they are not receiving a fair go from Council.

Traffic volumes and types have marginally increased along this road over the several years requiring residents to provide for more frequent grading, this proving cost prohibitive to the average rate payer.

If Council were to take control of Wattle Mount Road, Council costs of maintaining this road would be acquired through its ongoing rural roads maintenance program. This program is funded through the federal assistance grant funding that all Councils receive on an annual basis. This funding is also subject to minor incremental increases each financial year of approximately \$4,000 or 3.5% of the total funding received.

Council should note that the first 886 metres of the road is a private right of carriageway and other examples exist where Council has been requested to take over such private roads. The point of difference in this case is the connection to the existing Crown road network. It would not serve a useful purpose to take on the section of Crown road with an intervening section of right of carriageway. It would appear most appropriate if Council were to take total control of both the Right of Carriageway and Crown Road totally formalising the 2.55km section of Wattle Mount Road as a public road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

That Council would be required to forward a \$220.00 application fee to the Department of Lands for reclassification of Wattle Mount road to a local Public Road. That Council cover the cost of maintaining this road through its ongoing maintenance program, as such can be funded through the “Federal Assistance Grant” funding that Council receives on an annual basis.

LEGAL IMPLICATIONS

1. Lithgow City Council would be required to make the necessary arrangements with the Department of Lands for the existing survey plans and land transfer documentation to reclassify Wattle Mount Road as a public road under Lithgow City Council.
2. Negotiations would need to take place with those property owners that benefit from the private right of carriageway.

RECOMMENDATION

THAT Council:

1. Make application for Wattle Mount Road to be reclassified to a local public road;
2. Meet all transfer costs of the Department of Lands and legal transfer expenses for the reclassification of the Crown Road section of Wattle Mount Road and;
3. Advise the property owners benefited by the private right of carriageway that it is willing to take on ownership of that section for conversion to public road provided they upgrade the road to Council’s satisfaction and cover all survey and legal costs.

4. Cover the cost of maintaining Wattle Mount Road through its ongoing rural road maintenance program, as such can be funded through the “Federal Assistance Grant” funding that Council receives on an annual basis.
5. Authorise the affixing of the Council Common Seal of Approval and undertake signing of legal documents for the road transfer.

09-392 RESOLVED

THAT this matter be deferred to a future Council meeting to allow for the costs to be investigated and reported.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

INTERNAL SERVICES REPORTS

ITEM:17 INTS - 14/09/09 - COUNCIL INVESTMENTS HELD TO 31 AUGUST 2009

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Min 09-299 - 13 July 2009 (June 2009)
Min 09-354 - 24 August 2009 (July 2009)

SUMMARY

To advise Council of investments held as at 31 August 2009 for the 2009/10 financial year.

COMMENTARY

Council's total investment portfolio, as at 31 August 2009 when compared to 31 July 2009, has increased by \$559,776.00.

| INVESTMENT REGISTER 2009/10 | | | | | | | | |
|-----------------------------|------------|-------------|--------------|-------|------|----------------------|----------------------|----------------|
| INSTITUTION | INV TYPE | DATE LODGED | DATE DUE | DAYS | INT | VALUE 31.07.09 | VALUE 31.08.09 | % OF TOTAL |
| ANZ | TD | 17.08.09 | 12.02.10 | 179 | 4.00 | 510,415.46 | 513,587.03 | 3.18% |
| BANKWEST | TD | 04.05.09 | 04.08.09 | 92 | 4.00 | 500,000.00 | 0.00 | 0.00% |
| | TD | 12.08.09 | 11.09.09 | 30 | 3.75 | 530,910.27 | 536,146.65 | 3.32% |
| | TD | 10.08.09 | 09.11.09 | 90 | 4.00 | 506,765.07 | 508,379.08 | 3.14% |
| | TD | 24.08.09 | 23.11.09 | 91 | 4.00 | 500,000.00 | 503,082.19 | 3.11% |
| CBA | On Call | | | | 2.95 | 22,305.62 | 1,025,129.24 | 6.34% |
| | Ethical Nt | 06.11.06 | 06.11.11 | 1,825 | ** | 56,500.00 | 56,500.00 | 0.35% |
| CITIBANK | TD | 10.08.09 | 10.11.09 | 92 | 4.30 | 281,337.80 | 283,187.69 | 1.75% |
| | TD | 17.08.09 | 16.10.09 | 60 | 4.21 | 500,000.00 | 505,609.59 | 3.13% |
| | TD | 24.08.09 | 24.11.09 | 92 | 4.38 | 500,000.00 | 503,698.50 | 3.11% |
| | TD | 25.06.09 | 23.09.09 | 90 | 4.50 | 500,000.00 | 500,000.00 | 3.09% |
| LGFS | On Call | | | | 2.90 | 7,159.79 | 7,159.79 | 0.04% |
| IMBS | TD | 04.06.09 | 02.09.09 | 90 | 4.25 | 1,472,324.33 | 1,472,324.33 | 9.10% |
| | TD | 05.08.09 | 03.11.09 | 90 | 4.30 | 911,476.94 | 920,466.85 | 5.69% |
| NAB | TD | 14.08.09 | 14.11.09 | 90 | 4.00 | 1,000,000.00 | 1,010,676.72 | 6.25% |
| | TD | 17.08.09 | 17.11.09 | 90 | 4.00 | 750,000.00 | 757,767.13 | 4.69% |
| WESTPAC | TD | 15.05.09 | 15.09.09 | 120 | 4.00 | 1,000,000.00 | 1,000,000.00 | 6.18% |
| | TD | 29.05.09 | 29.09.09 | 120 | 4.33 | 750,000.00 | 750,000.00 | 4.64% |
| MACQUARIE | TD | 19.05.09 | 19.11.09 | 180 | 4.10 | 2,000,000.00 | 2,000,000.00 | 12.37% |
| ST GEORGE | TD | 19.05.09 | 19.11.09 | 180 | 4.10 | 750,000.00 | 750,000.00 | 4.64% |
| | TD | 04.08.09 | 04.11.09 | 90 | 4.15 | 500,000.00 | 505,041.10 | 3.12% |
| | On Call | | | | 3.20 | 46,991.99 | 47,207.38 | 0.29% |
| | TD | 25.06.09 | 07.10.09 | 104 | 4.10 | 500,000.00 | 500,000.00 | 3.09% |
| SUNCORP | TD | 04.06.09 | 04.09.09 | 92 | 4.02 | 1,005,041.10 | 1,005,041.10 | 6.21% |
| | TD | 18.06.09 | 19.09.09 | 90 | 4.14 | 511,478.56 | 511,478.56 | 3.16% |
| | | | TOTAL | | | 15,612,706.93 | 16,172,482.93 | 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

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2.

FINANCIAL IMPLICATIONS

Interest received to 31 August 2009 is \$112,978.86 of an estimated of \$525,000.00 shown in the 2009/10 Management Plan. Interest is paid on the maturity date of the investment.

** As highlighted at the Council meeting of 24 August 2009 the CBA Ethical note showed interest of 9.25% in previous months which changed to 8.71% at the end of June 2009. The interest on the investment is subject to the global financial markets and therefore interest is subject to change. 9.25% and 8.71% were quoted as the average interest received for the 2007/08 and 2008/09 financial years.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this 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)

09-393 RESOLVED

THAT Investments of \$16,172,482.93 for the period ending 31 August 2009 be noted.

MOVED: Councillor G Danaher **SECONDED:** Councillor H K Fisher.

CARRIED

**ITEM:18 INTS - 14/09/09 - SALE OF LAND FOR UNPAID RATES 26TH
 SEPTEMBER 2009**

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Minute No 09-94 - Ordinary Meeting of Council 9th March 2009

SUMMARY

This report requests Council finalise the sale of land for unpaid rates pursuant to Division 5, Sect 713 of the Local Government Act 1993 on the 26 September 2009.

A recommendation is included for Council to sell the listed properties and purchase those not sold during the course of the auction.

COMMENTARY

Pursuant to Division 5, Section 713 of the Local Government Act 1993 Council has pursued the required legal requirements in order to offer, by public auction, 14 properties in the local government area which have accrued rates and charges in excess of five years.

Division 5: Sale of land for unpaid rates and charges, Section 713 states:

- (1) For the purposes of this Division, a rate or charge is overdue if:
 - (a) in the case of vacant land, it has remained unpaid for more than one year, or
 - (b) in the case of any other land, it has remained unpaid for more than 5 years, from the date on which it became payable.

- (2) A council may, in accordance with this Division:
 - (a) sell any land (including vacant land) on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable, and
 - (b) sell any vacant land on which any rate or charge has remained unpaid for more than one year but not more than 5 years from the date on which it became payable, but only if:
 - The council obtains a valuation of the land from the Valuer-General
 - (ii) the total amount of unpaid rates or charges on the land exceeds the valuation, and
 - (iii) the council sells the land within 6 months after the date when the council received the valuation.

- (3) The council must not sell any such land unless the general manager or the public officer certifies in writing:
 - (a) what rates and charges (including overdue rates and charges) are payable on the land, and

- (b) when each of those rates and charges was made and how it was levied, and
 - (c) when each of those rates and charges became payable,
 - (d) what amounts are payable by way of overdue rates and charges on the land,
 - (e) what amounts are payable by way of rates and charges (other than overdue rates and charges) on the land.
- (4) The council may, in the case of adjoining parcels of land (whether in the same or different ownerships) each of which may be sold under this Division:
- (a) sell them separately or as a single parcel and under whatever conditions of sale it considers proper, and
 - (b) do such things as it considers appropriate for the purpose of selling the land at its full value.

The properties to be included in a proposed sale are listed below:

| PROP | DESCRIPTION | ADDRESS | PROPERTY BALANCE DUE |
|-------------|--|----------------------------|-----------------------------|
| 30820 | Lt 2 DP 229751 | 7-9 Main St, Lithgow | 36,200.37 |
| 36740 | Lt 22 DP 26281 | 51 Musket Pde, Lithgow | 19,157.18 |
| 60840 | Lt 1 DP 793509 | Hazel St, Portland | 20,402.29 |
| 71850 | Lt 35 Sec 4 DP 758446 | Naroo Circuit, Glen Davis | 10,553.11 |
| 80340 | Lt 58 DP 28254 | 2 Third St, Lithgow | 25,241.29 |
| 99872 | Lt 8 DP 834415 | 7 Ivatt St, Lithgow | 16,379.22 |
| 101109 | Lt13 Sec11 DP 758855 | Lime St, Portland | 14,108.75 |
| 101111 | Lt 12-13 DP 251935 | Great Western Hwy, Lithgow | 5,115.14 |
| 101538 | Lt 1 DP 134204 Lt 1 DP 134205 | Ernest St, Lithgow | 17,455.19 |
| 82780 | Lt 98 DP 237413 | Donald Rd, Clarence | 7,654.06 |
| 96640 | Lt 1-2 Sec 15 DP 758890 Lt 11-12 Sec 15 DP 758890 | Quarry St, Rydal | 3,983.92 |
| 101982 | Lt 5 DP 755770 | Dulabree Rd, Dark Corner | 4,014.35 |
| 102747 | Lt 1 DP 911661 | Bells Rd, Lithgow | 2,916.42 |
| 103096 | Lt 7 Sec 28 DP 758770 | Glenowlen St, Newnes | 2,564.92 |

In accordance with the Act, Council has performed the following actions prior to sale:

- (1) (a) fixed a convenient time (being not more than 6 months and not less than 3 months from the publication in a newspaper of the advertisement referred to in paragraph (b)) and a convenient place for the sale, and
- (b) given notice of the proposed sale by means of an advertisement published in the Gazette and in at least one newspaper, and
- (c) taken reasonable steps to ascertain the identity of any person who has an interest in the land, and
- (d) taken reasonable steps to notify each such person (and the Crown if the land concerned is owned by the Crown) of the Council's Intention to sell the land under this Division.

Properties have and will continue to be withdrawn from the sale:

(2) *If, before the time fixed for the sale:*

- (a) *all rates and charges payable (including overdue rates and charges) are paid to the council, or an arrangement satisfactory to the council for payment of all such rates and charges is entered into by the rateable person, the council must not proceed with the sale.*

All recorded land owners and known interested parties have been advised that their properties will be listed for auction and may only be withdrawn should payment of all outstanding rates and charges be received prior to auction date.

At the commencement of the auction the terms of the sale will be read by the auctioneer and the applicable contract will be noted for each item. All intending purchasers have been advised they must make their own inquiries with regard to the land prior to bidding.

It is recommended that:

- the 'Sale of Land for Unpaid Rates' auction be conducted at 10.00am on 26 September 2009 at the Lithgow City Council Administration Centre, 180 Mort St Lithgow
- Councils Solicitors, LeFevre & Co and Auctioneers, L J Hooker will be present on the day, 26 September 2009
- a reserve on all vacant land, be set, as determined by the Valuer General
- a reserve on all occupied land, be set. as determined by a licenced valuer at market valuation
- the General Manager be authorised to sign all sale documentation in relation to the sale properties
- Council resolve to purchase all properties, which do not reach sale reserve, for the value of rates owing plus a \$1.00
- the General Manager be authorised to sign all purchase documentation should Council purchase a property in relation to resolution 4) VI)
- Council place any land purchased on the open market for resale as soon as possible after the sale

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Recovery of outstanding rates and charges in excess of five years with a current value of \$185,746.21

Council note recovery of \$37,054.76 from properties originally included to be auctioned.

LEGAL IMPLICATIONS

Sale of Land for unpaid rates pursuant to Division 5, Section 713 of the Local Government Act 1993

09-394 RESOLVED

THAT:

1. Pursuant to Division 5 Section 713 of the Local Government Act Council conduct the Sale of Land for unpaid rates at 10.00 am on Saturday 26 September 2009 at 180 Mort St Lithgow NSW 2790
2. Council note 14 properties to be included in the sale as:

| PROP | DESCRIPTION | ADDRESS | RATES DUE |
|-------------|--|----------------------------|------------------|
| 30820 | Lt 2 DP 229751 | 7-9 Main St, Lithgow | 35,289.47 |
| 36740 | Lt 22 DP 26281 | 51 Musket Pde, Lithgow | 19,157.18 |
| 60840 | Lt 1 DP 793509 | Hazel St, Portland | 17,957.36 |
| 71850 | Lt 35 Sec 4 DP 758446 | Naroo Circuit, Glen Davis | 10,553.11 |
| 80340 | Lt 58 DP 28254 | 2 Third St, Lithgow | 25,241.29 |
| 99872 | Lt 8 DP 834415 | 7 Ivatt St, Lithgow | 16,379.22 |
| 101109 | Lt13 Sec11 DP 758855 | Lime St, Portland | 14,108.75 |
| 101111 | Lt 12-13 DP 251935 | Great Western Hwy, Lithgow | 5,115.14 |
| 101538 | Lt 1 DP 134204 Lt 1 DP 134205 | Ernest St, Lithgow | 17,455.19 |
| 82780 | Lt 98 DP 237413 | Donald Rd, Clarence | 7,654.06 |
| 96640 | Lt 1-2 Sec 15 DP 758890 Lt 11-12 Sec 15 DP 758890 | Quarry St, Rydal | 3,983.92 |
| 101982 | Lt 5 DP 755770 | Dulabree Rd, Dark Corner | 4,014.35 |
| 102747 | Lt 1 DP 911661 | Bells Rd, Lithgow | 2,916.42 |
| 103096 | Lt 7 Sec 28 DP 758770 | Glenowlen St, Newnes | 2,564.92 |

3. Properties will continue be withdrawn from the sale:
 - i. If, before the time fixed for the sale:
all rates and charges payable (including overdue rates and charges) are paid to the council, or
 - ii. an arrangement satisfactory to the council for payment of all such rates and charges is entered into by the rateable person
4. Council further resolve that:
 - I) the 'Sale of Land for Unpaid Rates' auction be conducted at 10.00am on 26 September 2009 at the Lithgow City Council Administration Centre, 180 Mort St Lithgow
 - II) Councils Solicitors, LeFevre & Co and Auctioneers, L J Hooker will be present on the day, 26 September 2009
 - III) a reserve on all vacant land, be set, as determined by the Valuer General
 - IV) a reserve on all occupied land, be set. as determined by a licenced valuer at market valuation
 - V) the General Manager be authorised to sign all sale documentation in relation to the sale properties
 - VI) Council resolve to purchase all properties, which do not reach sale reserve, for the value of rates owing plus a \$1.00
 - VII) the General Manager be authorised to sign all purchase documentation should Council purchase a property in relation to resolution 4) VI)
 - VIII) Council place any land purchased on the open market for resale as soon as possible after the sale

MOVED: Councillor H K Fisher **SECONDED:** Councillor G Danaher
CARRIED

ITEM:19 INTS - 14/09/09 - IPART REVIEW "REVENUE FRAMEWORK FOR LOCAL GOVERNMENT"

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

Nil

SUMMARY

This report is to advise Council that the Independent Pricing and Regulatory Tribunal (IPART) have undertaken a review of the regulations for determining the revenue framework, specifically annual rates and charges for Local Government.

The review examined the setting of annual rates by councils in NSW and a recommendation is included that Council lodge as submission on the review prior to the closing date of 18 September 2009.

COMMENTARY

The Independent Pricing and Regulatory Tribunal (IPART) have undertaken a review of regulations for determining Local Government rates and charges.

The review examined the revenue framework for councils in NSW to make the process of determining rates more transparent and objective, while continuing to protect ratepayers from excessive rate increases.

As part of the review, IPART investigated the impact that rate pegging in NSW has had on council revenue and its ongoing ability to provide infrastructure.

Rate pegging has been in place in NSW since 1977 and it is the process whereby the NSW Government determines the maximum amount a council can increase their annual general income each year. It is based on recommendations from the Department of Local Government and NSW Treasury and councils then adjust their rates so the general income increase is to this maximum amount and / or they may also seek a special variation to further increase the amount.

The NSW Government has a long standing commitment to its policy of rate pegging, mainly because of the discipline it places on councils. However rate pegging also places councils under financial pressure by preventing them from charging rates that reflect local community needs such as improvements to infrastructure.

IPART released the following major findings from the review.
(Please note this list is not exhausted and is provided as a summary only):

- Overall revenue and expenditure growth has been strong in NSW
- The debt levels of the majority of councils has been contained
- The average financial position of councils in NSW is no worse than other states

- Capital expenditure by NSW councils on infrastructure improvements is lower than other states.
- There appears to be a backlog of infrastructure works in NSW but it is noted that similar situations exist in other states and evidence suggests that it is no worse in NSW
- Councils in NSW have generated large annual surpluses and are tending to accumulate less debt (per capita) than interstate. This suggests that scope exists for debt financing infrastructure programs within the current rate pegging framework
- There is significant variation between councils and their financial capabilities. This is evident between rural and remote councils, whereby rural councils have a lower ability to generate revenue and less flexibility than their metropolitan counterparts
- The process of rate pegging or applying a special rate variation is not transparent and does not accurately reflect the expenses of a council
- Rate pegging acts to constrain revenue, but revenue growth in NSW is not been below the overall Australian average

IPART released 45 recommendations in relation to the Local Government revenue framework and rating regulation review and from these they have produced two options for further consideration:

OPTION A

- Involves the continuation of regulated annual increases in rates and charges. The increase would be based on Local Government Cost Index (LGCI) and a Local Government Productivity Factor (LGPF)
- IPART would calculate the LGCI and LGPF on changes in costs using annual data sourced from the Australian Bureau of Statistics
- IPART have determined the LGCI would be a state wide index due to the fact that multiple indexes would be difficult to apply because of varying council groups eg city, suburban, regional and rural
- The Minister for Local Government will set the annual rate increase taking into account the LGCI and LGPF
- Councils would be required to have a four year management plan in place
- Applications for Special rate variations would still apply, but would be limited to a maximum of four years

- The Minister for Local Government will continue to determine applications for a special rate variation using clear and transparent criteria which will be predetermined prior to the evaluation process.
- The Minister will issue clear and consistent reasons for approval or rejection of an application

OPTION B

- IPART has suggested two processes for demonstrating community acceptance of a proposed rate increase which are :
 - A community survey whereby 25-30% of Local Government residents are surveyed and at least 50-60% agree to the proposed plan for a rate increase.

Problems are perceived with this proposal because it may be difficult to survey a large number of ratepayers / residents and past history shows that generally only those people opposed to a rate increase will complete the survey
 - A Councillor / or Councillors may express the view of the general public in relation to proposed revenue and expenditure plans.
- Option B will only apply if a Council can demonstrate to the Minister that:
 - The community is in favour of a proposed rate increase
 - The Council demonstrates a high standard of financial management
 - A track record of positive operating results
 - A reasonable liquidity ratio
 - Sustainable levels of debt
 - Compliance with the Local Government Code of Accounting Practice and Financial Reporting
 - A reasonable funding policy
 - A demonstrated track record of asset management
 - A comprehensive asset management plan
 - On limited occasions council may be permitted to set rates by democratic process in accordance with a four year revenue plan.

IPART recognises that some councils, mainly those in rural areas, may have problems increasing rates using Option B due to the extensive area maintained and infrastructure they cover.

Councillors may also use low rate increases or a reduction in rates as a critical campaigning tool prior to a local government election and this may be detrimental to both the community and council.

Review Evaluation:

Option A dictates little change from the current rating system of increasing rates by the allowed annual rate pegging percentage and additional revenue raised by the way of an application for a special rate variation to the Minister.

The main difference to the current system is the fact that a special rate variation, if approved, will only apply for a four year period rather than the current seven year approval, or in some circumstances variations are approved as ongoing depending if the application is made under Sec 508 or 508(A) of the Local Government Act 1993.

Option A is included in Option B but Option B may be restricted by Councillor/s involvement requesting rates to be lowered, not applying rate pegging increases, or not wishing to apply for special rate variations all of which may be from influence by electors, especially at election times.

The IPART review does not address what and how remedial action should be taken to improve the infrastructure backlog in NSW but it does suggest that the situation is similar in all local government areas whether they are in the city, regional or rural areas and may be addressed by a special rate variation application to the Minister.

Conclusion:

CENTROC and the Local Government Shires Association, on behalf of member councils, have lodged submissions during the development of the review and it is noted that further submissions will be considered by IPART prior to the 18 September 2009.

It is recommended that Council make a submission based on the following concerns:

That:

- i) IPART has not considered an option to dismiss rate pegging from the current revenue framework
- ii) Approved special rate variations are restricted to four years
- iii) The Department of Local Government guidelines for 'Integrated Management Plans' require councils to prepare long term; ten, twenty or twenty five years plans, but IPART recommend a special rate variation will only be approved for four years making long term planning difficult
- iv) IPART have considered metropolitan and regional councils similar when it may be argued that major differences are evident due to area covered and the age, quantity and condition of infrastructure

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

09-395 RESOLVED

THAT:

1. Council note the IPART review 'Revenue Framework in Local Government'
2. Council note that CENTROC and the LGSA will make a submissions to the review
3. Council make a submission to IPART by the 18 September based on the following concerns:
 - i) IPART has not considered an option to dismiss rate pegging from the current revenue framework
 - ii) Approved special rate variations are restricted to four years
 - iii) The Department of Local Government guidelines for 'Integrated Management Plans' require councils to prepare long term; ten, twenty or twenty five years plans, but IPART recommend a special rate variation will only be approved for four years making long term planning difficult
 - iv) IPART have considered metropolitan and regional councils similar when it may be argued that major differences are evident due to area covered and the age, quantity and condition of infrastructure

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:20 **COMM - 14/09/09 - DRAFT CRIME PREVENTION PLAN AND DRAFT CRIME PREVENTION COMMITTEE TERMS OF REFERENCE**

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

SUMMARY

This report recommends that Council receive the attached Draft Crime Prevention Plan and adopt the attached Terms of Reference for the Crime Prevention Committee.

COMMENTARY

1. Crime Prevention Plan

The development of a Crime Prevention Plan (CPP) for Lithgow was an identified action in Council's 2006-11 Social Plan and 2007/08 Management Plan. Community consultation on the plan commenced towards the end of 2007/08 and continued into 2008/09. Council has undertaken the development of the plan in response to widespread concerns within the community about crime rates in the Lithgow community and a desire by Council to take a lead role in the development and implementation of crime prevention strategies.

Through development of the Crime Prevention Plan, Lithgow City Council has gained a better understanding of community safety concerns and has begun to build partnerships with the community and other key agencies.

Key Findings of the Crime Prevention Plan

Crime data from the NSW Bureau of Crime Statistics shows that rates of criminal incidents in the Lithgow LGA are in some cases, significantly above the NSW average and the average of a number of Central West LGA's.

In particular, Lithgow stands out in relation to crimes against the person, including:

- Non - domestic violence related assault and,
- Domestic violence related assault

Rates of malicious damage to property in Lithgow are also well above the NSW average.

Incident rates in Lithgow are in some cases increasing, against the trend of NSW as a whole and a number of other Central West LGA's.

Extensive community and agency consultation was undertaken in the development of the Crime Prevention Plan. Community concerns raised in the consultations were generally consistent with the crime data.

Crime Prevention Strategies

Draft Action Plans have been identified in the Crime Prevention Plan in relation to crime issues that are having the most impact on the community. These are:

Alcohol Related Violence and Related Behaviours

This strategy involves developing a strong partnership between licensed premises, Lithgow Liquor Accord, Police, Crime Prevention Committee, the local community and local business to address alcohol related violence and related issues in the Lithgow CBD.

Malicious Damage and Harrassment

Targeting underage drinking, vandalism, harassment, street bullying and gang behaviours. This is a multi-pronged strategy which aims to target the underlying causes and manifestations of youth alienation in the Lithgow local government area.

Domestic Violence

The strategy will build partnerships between the Crime Prevention Committee, Council, schools, business, licensed premises and organisations that work with domestic violence victims to develop a social marketing campaign and other initiatives targeting Domestic Violence.

The Draft Action Plans will be further refined through consideration by the Crime Prevention Committee and in consultation with key local agencies. The final Crime Prevention Plan will then be brought back to Council for adoption and for placing on public exhibition. Council will then seek endorsement of the Action Plans by the NSW Attorney General's Department as a Safer Community Compact. Once endorsed, Council will be able to seek funding from the Attorney General's Department to implement strategies in the Crime Prevention Plan.

Strategies in the Crime Prevention Plan will also be considered in future Council Management and Operational Plans.

2. Crime Prevention Committee Terms of Reference

The attached draft Terms of Reference for the Lithgow Crime Prevention Committee are presented for Council adoption. Formation of the Committee is a key recommendation of the Crime Prevention Plan. The committee will play a key role in advising Council on crime and crime prevention issues and in the implementation of the Crime Prevention Plan.

The principal responsibilities of the Committee are to:

- To provide advice to Council on crime issues in Lithgow.
- To assist in the identification and implementation of crime prevention strategies.
- Provide input into the implementation of the Lithgow Crime Prevention Plan.
- Monitor the implementation of the Lithgow Crime Prevention Plan
- To actively contribute and participate in local crime prevention initiatives.

The Committee will be comprised of the following representation:

- Two Councillors
- Lithgow City Council General Manager or his nominee
- Lithgow Police
- Lithgow Information and Neighbourhood Centre

- Lithgow Community Projects
- Lithgow Business Association
- Lithgow Liquor Accord
- Lithgow Community Health Centre
- NSW Department of Housing
- Lithgow Youth Council
- 3 community representatives

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

LEGAL IMPLICATIONS

Local Government Act NSW 1993

09-396 RESOLVED

THAT:

1. Council receives the Draft Lithgow Crime Prevention Plan.
2. Council adopts the Draft Terms of Reference for the Lithgow Crime Prevention Committee.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

09-397 RESOLVED

THAT Councillors G Danaher and W McAndrew be appointed as the Councillor representatives to the Lithgow Crime Prevention Committee

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor R Thompson.

ITEM:21 COMM - 14/09/09 - UPDATE ON PROMOTING BETTER PRACTICE REVIEW

REPORT BY: DEBORAH MCGRATH – CORPORATE PLANNING & COMMUNICATIONS OFFICER

REFERENCE

Min 07-286: Council Meeting 16 July 2007
Min 07-465: Policy and Strategy Committee Meeting 5 November 2007
Min 09-65: Council Meeting 16 February 2009

SUMMARY

This report provides an update on the action list that arose from the Department of Local Government Promoting Better Practice review completed in June 2007 and the subsequent progress report, which was reported to Council in February 2009.

COMMENTARY

The Local Government Reform Program – Promoting Better Practice had a number of objectives including:

- *To generate momentum for a culture of continuous improvement and greater compliance across local government*
- *To provide an ‘early intervention’ option for councils experiencing operating problems*
- *To promote good governance and ethical conduct principles*
- *To identify and share innovation and good practice in local government*
- *To enable the department to use review information to feed back into its work in identifying necessary legislative and policy work for the local government sector.*

The Promoting Better Practice review generated a list of 38 recommendations for Lithgow City Council and the attached list and responses indicates the significant progress made on items on the list. It is a requirement of the Review that the Council reports on progress. In response, reports have been provided in November 2007, January 2009 and on 4 September 2009. Attached is a copy of the September progress report for the information of Council.

Further advances have been made in the areas of long term financial planning, Business Continuity Planning, Community Lands Plans of Management, Internal Auditing, participation in Joint Regional Planning Panels, Environmental and Compliance Monitoring, and reviewing of property and land use practices and community engagement processes.

Although Council is still working towards achieving outcomes in the areas noted above, ongoing development has been identified and achievable timeframes established for implementation. In addition to this Council is working towards the implementation of the Integrated Planning and Reporting Framework which will further advance Council’s better practice compliance.

Overall, Council's progress on the majority of the recommendations indicates an ongoing commitment to the improvement of the operations of the Council and illustrates the approach Council is taking in improving its performance.

POLICY IMPLICATIONS

A Draft Companion Animals Policy has been developed and will be reported to Council in due course. The Draft Notifications Policy is currently being reviewed in line with recent changes in legislation and will be completed by December 2009.

FINANCIAL IMPLICATIONS

The financial implications have been accommodated in successive management plans for the actioning of the recommendations.

LEGAL IMPLICATIONS

Nil

09-398 RESOLVED

THAT Council notes:

1. The actions achieved to date arising from the recommendations in the Department of Local Government's Promoting Better Practice Review.
2. That a copy of the updated action list has been provided to the Department of Local Government.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W Marshall

ITEM:22 COMM - 14/09/09 - LEASE FOR LITHGOW GOLF COURSE

REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Min 07-519: Policy and Strategy Committee, 3 December 2007

Min 05-09: Ordinary Meeting of Council, 27 January 2009

Min 09-162: Ordinary Meeting of Council, 20 April 2009

Min 09-301: Ordinary Meeting of Council, 13 July 2009

Min 09-351: Ordinary Meeting of Council, 24 August 2009

SUMMARY

This report recommends that:

- a lease be put in place over Lot 1 DP 840412, commonly known as the Lithgow Golf Course and Club House.
- the Council identify the Lithgow Golf Club Limited as the preferred lessee.
- discussions be held with the Lithgow Golf Club regarding possible conditions of a lease.
- a draft lease be put to the Council meeting of 5 October 2009 prior to the proposal being advertised for public comment.

COMMENTARY

On the 27 January 2009 the Council resolved the following:

That a meeting be held as a matter of urgency with the Golf Club Management Committee to immediately put in place a long term lease agreement.

On the 24 August 2009, the Council adopted the Lithgow Golf Course Plan of Management which states:

This Plan of Management expressly authorises the provision of a lease and associated licenses over the golf course and club house with the permitted uses of: public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.

Sections 45 – 47A of the Local Government Act 1993 (the Act) outlines the conditions and processes for granting of leases, licences or other estate in respect of community land.

It is permissible for Council to grant a 'lease, license or other estate' over community land, however, the Act contains restrictions on the granting of such leases.

The Act states that community land cannot be leased or licensed for more than 21 years and must have a Plan of Management. Council is required to call for tenders for leases over 5 years, unless the lease is to be granted to a non-profit organization. (s46A)

Sections 47A and 47 (1-4) of the Act apply to leases of five years or less. Section 47 (5-10) may apply at the Minister's request.

Section 47 (1-10) of the Act applies to leases of more than five years.

Section 47C of the Act allows subleases for the same purposes as the original lease.

The Public Land Management Practice Note No.1 (page 23) clarifies the question of whether commercial use is allowed. It states:

"If a venue or other commercial use is contemplated by council, it should be included in a plan of management, in order to remove doubt about any authorisation and to properly inform the public."

The Plan of Management allows for this in the authorisation of the lease and associated licenses (see above).

Process

Sections 47 and 47A outline the processes to be undertaken should a lease be proposed for five years or less, or greater than five years.

| Five years or less | Greater than five years |
|--|---|
| <p>s47A (1-3) and s47 (1-4) apply</p> <ul style="list-style-type: none"> - give public notice of the proposal - exhibit notice of the proposal on the land to which the proposal relates - notify owners/occupiers adjoining the land - notify persons living in the vicinity of the land if the council believes that the land ‘is the primary focus of the persons enjoyment of community land” - allow not less than 28 days for public submissions <p>Any person may make a submission in writing to the council.</p> <p>Council must consider all submissions made.</p> <p>The proposal may be required to be referred to the Minister upon request.</p> <p>Minister may determine if s47 (5-10) then applies.</p> | <p>s47 (1-10)</p> <ul style="list-style-type: none"> - give public notice of the proposal - exhibit notice of the proposal on the land to which the proposal relates - notify owners/occupiers adjoining the land - notify persons living in the vicinity of the land if the council believes that the land ‘is the primary focus of the persons enjoyment of community land” - allow not less than 28 days for public submissions <p>Any person may make a submission in writing to the council.</p> <p>Council must consider all submissions made.</p> <p>If any objection to the proposal, the council must not grant the lease, etc, without the Ministers consent. s47 (5)</p> <p>S47 (6-10) then applies.</p> <p>All information to be forwarded to the Minister</p> <p>Minister must request Director of Planning to furnish report</p> <p>Minister may/may not consent</p> |

Lease and Proposed Lessee

The current lease is held by the Lithgow Golf Club Limited. The current lease commenced on 1 May 2004 with the terminating date being 30 April 2009. Clause 12.4 currently applies. The Clause states:

12.4 If the landlord allows the tenant to continue to occupy the property after the end of the lease period (other than under a new lease) then –

12.4.1 The tenant becomes a monthly tenant and must go on paying the same rent and other money the same way that the tenant had to do under this lease just before the lease period ended ...

The Lithgow Golf Club Limited was founded in 1905. In 1947 the Club acquired the property that is now the Lithgow Golf Course. The Council took ownership of the golf course and club house in 1980 with the first lease of 21 year being granted to the Club in February 1981. In effect the Club has either owned or leased the Golf Course since 1947.

This report recommends that the Lithgow Golf Club Limited be identified as the preferred lessee.

It is recommended that a draft lease be developed in consultation with the Lithgow Golf Club Limited with the draft lease being put back to the Council for consideration prior to the proposal being advertised for public comment as per the Local Government Act requirements.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The Council currently provides an allocation for the on-going maintenance of the golf course in the Council's Management Plan.

The rent under the current lease is valued at \$2563.53 per annum and is subject to CPI increase per year for the term of the lease.

LEGAL IMPLICATIONS

Local Government Act 1993

RECOMMENDATION

THAT:

1. A lease be put in place over Lot 1 DP 840412, commonly known as the Lithgow Golf Course and Club House.
2. The Council identify the Lithgow Golf Club Limited as the preferred lessee.
3. Discussions be held with the Lithgow Golf Club Limited regarding possible conditions of a lease.
4. A draft lease be put to the Council meeting of 5 October 2009 prior to the proposal being advertised for public comment.

Councillor McAndrew declared an interest and vacated the Chambers at 8.17pm

Councillor J J McGinnes sought and was granted permission to leave the meeting and left the meeting at 8.28pm.

09-399 RESOLVED

THAT:

1. A lease be put in place over Lot 1 DP 840412, commonly known as the Lithgow Golf Course and Club House.
2. The Council identify the Lithgow Golf Club Limited as the preferred lessee.
3. Discussions be held with the Lithgow Golf Club Limited regarding possible conditions of a lease.
4. A draft lease be presented to a future Council meeting prior to the proposal being advertised for public comment.

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor R Thompson

Councillor McAndrew returned to the Chambers at 8.30pm.

ITEM:23 COMM - 14/09/09 - REVIEW OF CODE OF CONDUCT

REPORT BY: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Minute 07-453 – Council Meeting 15 October 2007
Minute 08-31 – Council Meeting 17 March 2008
Minute P08-77 – Policy and Strategy Committee 1 July 2008
Minute P08-88 – Policy and Strategy Committee 5 August 2008

SUMMARY

This report recommends that Council readopts *Model Code of Conduct for Local Councils in NSW June 2008* (Model Code) issued by the Department of Local Government. It also recommends that Council writes to all of the representatives to its Conduct Committee to confirm their ongoing involvement.

COMMENTARY

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). A review of the Model Code by the Department of Local Government took place in 2008 with the revised Model Code coming into place as of the 20 June 2008. The council at its Policy and Strategy Committee meeting held on 1 July 2008 adopted the Model Code to replace the Council's code at that time.

The Council is required to review its Code of Conduct within 12 months of an ordinary election. The Council's Code may include provisions that supplement the Model Code and provisions more onerous than those contained in the Model Code. The Council has not included any additional provisions.

It is recommended that the Council readopt the Model Code of Conduct that was introduced on the 20 June 2008, and which Council subsequently adopted on 1 July 2008.

Guidelines for the Model Code of Conduct were issued in October 2008 and are available on the Department of Local Government website: www.dlg.nsw.gov.au.

One of the major changes to the Model Code concerned the conduct review committee. Councils can have conduct review committees or sole reviewers. These are independent of council and can act in the role for more than one council. The operating guidelines are provided in the Model Code. The General Manager and Mayor are not members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer. Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council. The council must appoint 3 or more persons with a sole conduct reviewer being chosen from the appointed persons. Council may determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

The Council determined at the Policy Strategy Committee Meeting of 1 July 2008 to contact Oberon Shire Council and Mid-Western Regional Council to appoint eligible people from each council area. Council resolved at the Policy and Strategy Committee held on 5 August 2008 to endorse the following people as reviewers:

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

It is recommended that the Council contact the above people to confirm their continuing commitment.

POLICY IMPLICATIONS

The revised Model Code of Conduct for Local Councils in NSW came into effect on 20 June 2009. Council adopted the Model Code of Conduct on 1 July 2008

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Councils under section 440 of the Local Government Act 1993 must adopt a code of conduct and review the code within 12 months of an election.

09-400 RESOLVED

THAT the Council:

1. Readopts the Model Code of Conduct as the Code of Conduct for Lithgow City Council
2. Contacts Oberon Council and Mid-Western Council along with Mr Tim Le Fevre and Mr Ian Woodward of Lithgow to confirm the ongoing commitment of the conduct review committee members.

MOVED: Councillor G Danaher
CARRIED

SECONDED: Councillor W Marshall

ITEM:24 COMM - 14/09/09 - COMMENCEMENT OF WESTERN REGION JOINT REGIONAL PLANNING PANEL

REPORT FROM: STRATEGIC LAND USE PLANNER – SHERILYN HANRAHAN

REFERENCE

Min 09-260 Ordinary Council Meeting 22/06/2009

SUMMARY

This purpose of this report is to advise Council of the commencement of joint regional planning panels for the Western Region of NSW that includes the Lithgow City Local Government Area.

COMMENTARY

Background

As reported to Council on 22 June 2009, on the 1 July 2009 amendments were made to the Environmental Planning and Assessment Act 1979 to introduce provisions for joint regional planning panels (regional panels) – independent bodies that will determine regionally significant development applications.

The regional panel will consist of three State Government and two local council members. Council has nominated the Mayor and Group Manager Regional Services as its representatives along with two alternatives. Council has not been informed by the Department if these nominations have been successful.

The Department of Planning has advised that the appointment of State members to this panel will occur shortly.

Commencement Date

The Western Region Joint Regional Planning Panel commenced on 1 September 2009. Savings and transitional provisions have been provided to enable development applications that have been made, but not yet determined by 1 September 2009, to still be determined by Council.

Regionally significant development applications lodged on or after 1 September will be required to be referred to the regional panel for determination.

POLICY IMPLICATIONS

Policy 7.6 - Development applications by Councillors, staff and relatives or on Council owned land and Policy 7.7 – Calling in of development applications by Councillors will be affected by this legislation and will require amendment to exclude applications involving regionally significant development. These minor amendments will be made and referred to Council at a later meeting.

FINANCIAL IMPLICATIONS

Whilst the State will fund the operation of the Joint Regional Planning Panels, Council will be required to fund the costs associated with its representation on the Panel.

LEGAL IMPLICATIONS

The implementation of the Joint Regional Panels has been implemented through amendments to the Environmental Planning and Assessment Act, 1979.

09-401 RESOLVED

THAT Council note the information on the commencement of joint regional planning panels for the Western Region of NSW including for the Lithgow City Local Government Area.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor G Danaher

ITEM:25 COMM - 14/09/09 - RESIGNATIONS ON THE TOURISM ADVISORY COMMITTEE

REPORT BY: TOURISM MANAGER – JODIE RAYNER

SUMMARY

Resignations have been received from two members of the Tourism Advisory Committee. This report recommends that expressions of interest for the two positions be advertised for membership on the committee.

COMMENTARY

The Tourism Advisory Committee is a committee of Council established under section 355 of the Local Government Act 1993.

The principal responsibilities of the Committee are to:

- Provide input that assists Council in determining the long term tourism development needs for the Lithgow City Council area.
- Provide input that assists with the development of a Tourism Development Plan for the Lithgow City Council area.
- Provide input that assists with the identification of new tourism businesses and product and growth opportunities for existing tourism businesses.
- Consider potential social, environmental and economic impacts of anticipated tourism growth.
- Provide advice on and input into marketing and promotion of tourism in the Lithgow LGA
- In conjunction with the Council identify, seek out and advocate for tourism development opportunities for the area.

Committee Membership

The Tourism Advisory Committee is comprised of the following representatives:

- Two Councillors (Chairperson and Deputy Chairperson)
- Lithgow City Council General Manager
- Council's Representative on Blue Mountains Tourism Limited
- Six community representatives
- Council officers (non voting positions)

Resignations from the Committee

The Tourism Advisory Committee has received the following resignations:

- Mrs Janelle Johnson
- Mr Peter Phillips

Both positions are community representatives.

It is recommended that the two vacant positions on the Tourism Advisory Committee be advertised and filled in accordance with the Tourism Advisory Committee Terms of Reference.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council note the resignation of Mrs Janelle Johnson and Mr Peter Phillips from the Tourism Advisory Committee
2. Council call for Expressions of Interest for membership of the Tourism Advisory Committee following the resignation of two committee members.
3. Letters of appreciation be sent to Ms Janelle Johnstone and Mr Peter Phillips thanking them for their involvement in the Tourism Advisory Committee.

09-402 RESOLVED

THAT:

1. Council note the resignation of Mrs Janelle Johnson and Mr Peter Phillips from the Tourism Advisory Committee
2. Council call for Expressions of Interest for membership of the Tourism Advisory Committee following the resignation of two committee members.
3. Letters of appreciation be sent to Ms Janelle Johnstone and Mr Peter Phillips thanking them for their involvement in the Tourism Advisory Committee.
4. Council encourage the Hartley Historic Village provide an application for a member on this Committee

MOVED: Councillor W Marshall
CARRIED

SECONDED: Councillor G Danaher

COMMITTEE MEETINGS

ITEM:26 OPER - 14/09/09 - SPORTS ADVISORY COMMITTEE - MINUTES 31
AUGUST 2009

REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 31 August 2009 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 31 August 2009, there were twelve (12) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's resolutions.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Dot Point 2 of Item 12 will require Council to include \$ in future budgets for annual top dressing of all sporting fields on a rotational basis to be undertaken.

LEGAL IMPLICATIONS

Nil.

RECOMMENDATION

THAT

1. Council include \$30,000.00 in future budgets for annual top dressing of all sporting fields on a rotational basis;
2. the Minutes of the Sports Advisory Committee meeting on 31 August 2009 be noted.

09-403 RESOLVED

THAT

1. Council consider \$30,000.00 in future budgets for annual top dressing of all sporting fields on a rotational basis;
2. the Minutes of the Sports Advisory Committee meeting on 31 August 2009 be noted.

MOVED: Councillor W McAndrew
CARRIED

SECONDED: Councillor R Thompson

ITEM:27 COMM - 14/09/09 - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

REPORT FROM: ECONOMIC DEVELOPMENT OFFICER – ARABELLA PERUGINI-SHEERE

REFERENCE

Nil

SUMMARY

This report provides the Minutes of the Economic Development Advisory Committee Meeting held on 26 August 2009.

COMMENTARY

At the Economic Development Advisory Committee Meeting held on 26 August 2009, there were (9) nine items discussed by the Committee:

- ITEM 1: Confirmation of minutes from previous meeting
- ITEM 2: Business arising from previous minutes
- ITEM 3: University of Western Sydney update
- ITEM 4: Marketing and Branding Strategy
- ITEM 5: Banner Sponsorship – World Masters Games and Christmas
- ITEM 6: Lithgow Minerals and Industry Park update
- ITEM 7: Economic Development Grant Applications
- ITEM 8: Economic Development Website
- ITEM 9: Business Retention and Expansion Surveys
- ITEM 10: Economic Development Strategy – key tasks update
- ITEM 11: Other Business

The minutes contain full details on the Economic Development Advisory Committee meeting with recommendations for Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

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

09-404 RESOLVED

THAT Council notes the minutes of the Economic Development Advisory Committee held on 26 August 2009.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor W McAndrew.

MOVED

09-405 THAT Council Change the **ORDER OF BUSINESS** to deal with questions of an urgent nature before going into closed council.

MOVED: Councillor W McAndrew

SECONDED: Councillor R Thompson

CARRIED

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

UB - 14/09/09 - COUNCILLOR H K FISHER

1. Mr Mayor I refer to the issues Bob Triming raised regarding the Croquet Club and the Council Administration building and as a matter of urgency, seek for a meeting with the Councillors, Council, Mr Triming and the Croquet Club to discuss these issues.

09-406 RESOLVED

THAT the issues raised by Mr Triming be declared as urgent and dealt with at this meeting.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

CARRIED

The Mayor declared the matter to be of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

09-407 RESOLVED

THAT a meeting be convened as a matter of urgency between Council, the Councillors, the Croquet Club and Mr Triming in relation to the issues of the Council Administration building and the Croquet Club.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew

CARRIED

UB - 14/09/09 - COUNCILLOR G DANAHER

1. Mr Mayor I refer to the Wallerawang Quarry and request for a report to come back on the possible ramifications.

09-408 RESOLVED

THAT the request for a report to come back to Council be declared as urgent and dealt with at this meeting.

MOVED: Councillor G Danaher **SECONDED:** Councillor H K Fisher

CARRIED

The Mayor declared the matter to be of great urgency in accordance with clause 241 of the Local Government (General) Regulations.

09-409 RESOLVED

THAT a report be prepared for Council on the possible ramifications of the Wallerawang Quarry.

MOVED: Councillor G Danaher **SECONDED:** Councillor H K Fisher

CARRIED

The Mayor asked if there were any objections from the Public with regards to the confidential reports being in closed council.

ONE submission was received from Sue Graves.

1. Mr Mayor can Council advise if the Glanmire Working Group were advised of this confidential recommendation before it being reported to Council? If not, why is it classed as Confidential?

The Mayor advised that the Glanmire Working Group had been informed of the recommendation and was also advised that it was confidential until discussed at this meeting.

Mrs Graves lodged her objection on this report being dealt with in closed Council.

09-410 RESOLVED

THAT Council move into Closed Council to consider the confidential report.

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

CARRIED

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

ITEM:28 OPER - 14/09/09 - CONFIDENTIAL REPORT - TENDER 05/09 - RESURFACING OF THE SAND BASED HOCKEY TURF, GLANMIRE OVAL, LITHGOW CONFIDENTIAL

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

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

09-411 RESOLVED

At 8.51pm the Council resolved for Council Staff to vacate the Chambers for discussion Item 28 to take place of closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

CARRIED

Closed Council started at 8.53pm

ITEM:28 OPER - 14/09/09 - CONFIDENTIAL REPORT - TENDER 05/09 - RESURFACING OF THE SAND BASED HOCKEY TURF, GLANMIRE OVAL, LITHGOW CONFIDENTIAL

09-412 RESOLVED

THAT:

1. Council accept the tender submitted by Sports Technologies International for the replacement of the sand based hockey turf at Glanmire Oval, Lithgow. Tender No 05/09, for \$691,300.00 (excluding GST), with an additional \$48,000.00 allocated for surface contingencies.
2. The mayor and General Manager be authorised to sign the relevant documentation associated with the replacement of the sand based hockey turf at Glanmire Oval, Lithgow; and
3. The use of the Common Seal be authorised for contract documentation in relation to the replacement of the sand based hockey turf Glanmire Oval, Lithgow.

MOVED: Councillor H K Fisher

SECONDED: Councillor W Marshall

CARRIED

09-413 RESOLVED

At 9.00pm the Council resolved to refer to open Council and recommend the resolution of Closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

CARRIED

The General Manager announced the recommendation of the Closed Council.

09-414 RESOLVED

THAT Council adopt the recommendation of the closed Council.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

CARRIED

Meeting closed at 9.01pm