



LITHGOW CITY COUNCIL

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

19 FEBRUARY 2007

AT 7.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY

PRESENTATIONS - Lindsay Charles - Correctional Centre
Tim Putnam - Parole Office (questions only)

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF
COUNCIL HELD ON 18 DECEMBER 2006**

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICE OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Services Reports

CLOSED REPORTS - Gas Works

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - NIL

QUESTIONS WITHOUT NOTICE

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GENERAL MANAGER REPORTS

ITEM:1 GM - 19/02/07 - SECURED TAXI RANK

REFERENCE

NIL

SUMMARY

This report outlines a joint proposal for the trial establishment of a secured taxi rank in Main Street.

COMMENTARY

Council may recall the issue raised at the December PACT meeting regarding antisocial behaviours in the Central Business District vicinity of Lithgow and the perceived difficulties of gaining public transport in the late evening / early hours in Lithgow.

A meeting was recently held with representatives from PACT (NSW Police Department), Department of Transport (DOT), RTA, Lithgow Taxi Network and the Lithgow Liquor Accord to discuss the opportunities and issues relating to a secured taxi rank.

A secured taxi rank is fully funded by the Department of Transport from a levy applied to taxi operators and sees the employment of at least two (2) security guards to man a specified rank to facilitate the orderly distribution and collection of taxi travel. Although the guard's primary role is to control the rank and facilitate the orderly "moving on" of patrons, it is anticipated some surveillance of the Main Street in the immediate vicinity may also occur. A secured rank is normally "manned" between 10.30pm and 5.00am.

The Lithgow Taxi Network has agreed with the unanimous support of the DOT, Police, RTA and the Liquor Accord to make the application for a 3 month trial. At the completion of the trial, the DOT will evaluate the services and determine if full time funding may be provided.

The secured rank also gives Council the opportunity to apply for a grant from the DOT to upgrade the rank with respect to lighting and other facilities, if approved as a permanent facility.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

As the secured rank is fully funded by the DOT, there are no financial implications arising from this report.

LEGAL IMPLICATIONS

NIL

CONCLUSION

In an attempt to curb some antisocial behaviour and to assist in moving people from the CBD late at night the PACT, Council, Taxi Network, Liquor Accord, DOT and RTA are proposing a trial of a secured taxi rank in Main Street. This initiative has been supported in principle and will be monitored for a 3 month period to determine its effectiveness.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the incentive of a secured taxi rank and congratulate the Taxi Network and Liquor Accord for advancing the project.

REGIONAL SERVICES REPORTS

ITEM:2 REG - 19/02/07 - CENTRAL TABLELANDS MOUNTAIN BIKE CLUB - REQUEST FOR WAIVER OF INVOICE

REPORTED BY: WORKS ENGINEER – C Schumacher

SUMMARY

To advise Council of a request from the Central Tablelands Mountain Bike Club to waive an invoice for road grading works.

COMMENTARY

Central Tablelands Mountain Bike Club (CTMBC) have been holding regular meetings as part of the National Down Hill Mountain Bike Series. Road grading works were completed by Council late last year to a State Forests road (with their consent) at the top of Dobs Drift at the request of CTMBC to allow for the smooth transition of traffic to and from the event location.

Upon the works being requested CTMBC received an estimate of costs and subsequently an invoice totalling \$2,363.74 for the work carried out by Council. CTMBC have requested that Council consider the waiver of such charges.

CTMBC have stated that this has two ramifications:

- 1) CTMBC have less funds available to donate to other volunteer organisations, such as St Johns First Aid, and Lithgow VRA who helped out on the event weekend.
- 2) CTMBC would have to seriously reconsider the viability of attracting such events to the Lithgow area in the future.

POLICY IMPLICATIONS

Council has policies on Section 356 donations, financial assistance to community groups by interest free loans and requests for donations by waiving fees for council facilities. None of these policies entirely fit this situation. Should Council resolve to provide a donation back to the Club, it would not be strictly in accordance with the Section 356 policy as the donation would not be in accordance with the regime set out in the policy; however variance to a policy is a matter for the Council to consider.

FINANCIAL IMPLICATIONS

Should Council resolve to waive the invoice or part thereof, it would need to fund the works from another program or source funds from the Section 356 allocation. However, Council should refer to the report from the Community and Culture Manager in this business paper in relation to the current status of expenditure from the Section 356 vote.

LEGAL IMPLICATIONS

Section 356 of the Local Government Act 1993 states that:

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

- (3) However, public notice is not required if:
- (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.

ATTACHMENTS

1. CTMBC letter of acceptance for the engagement of Council to undertake the said work at Dobs Drift (24/10/2006).
2. CTMBC letter requesting the wavier of the Council invoice. (Received by Council 23/11/2006).

RECOMMENDATION

THAT Council advise the Central Tablelands Mountain Bike Club it is unable to waive the invoice for \$2,363.74 but is willing to allow the invoice to be paid off over an extended period ending on 30 June 2007. However, if the amount is not paid within the extended period, interest will be charged on the outstanding amount backdated to the date of Council carrying out the works.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:3 COMM - 19/02/07 - DEED OF ASSIGNMENT FOR 25 ESKBANK STREET, LITHGOW

REPORT FROM: ACCOUNTING SUPPORT OFFICER – S HALL

REFERENCE

Min 06-86: Council Meeting 20 March 2006

SUMMARY

This report seeks Council approval to attach the Common Seal to a Deed of Assignment for 25 Eskbank Street, Lithgow.

COMMENTARY

Council at its meeting of 20 March 2006 affixed the Common Seal to a lease for 25 Eskbank Street, Lithgow. Subsequently, the business has been sold and the new owner has assumed responsibility for the lease. Therefore, to formalise the transfer of business ownership in relation to the lease, a Deed of Assignment has been prepared and awaits Council's approval to affix the Common Seal.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

The Deed of Assignment has been prepared by Council's Solicitors.

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council affix the Common Seal to the Deed of Assignment for 25 Eskbank Street, Lithgow.

**ITEM:4 COMM - 19/02/07 - TRANSFER OF LOT 99 DP 1075659 TO COUNCIL
FROM BULLOCKY WAY PTY LTD**

REPORT FROM: ACCOUNTING SUPPORT OFFICER – S HALL

REFERENCE

Nil

SUMMARY

This report seeks Council approval to attach the Common Seal to a Transfer for Lot 99 DP 1075659 being land upon which a pump station is located.

COMMENTARY

A Transfer for Lot 99 DP 1075659 being land upon which a pump station is located has been received and awaits execution with the Common Seal. The pump station was installed and is operational as part of the Hillcrest subdivision development. Therefore, it is requested that the Common Seal be affixed to the Transfer.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The estate is being transferred in fee simple.

LEGAL IMPLICATIONS

The Transfer has been prepared by Cheney Wilson & Law Solicitors on behalf on Bullocky Way Pty Limited and will be forwarded to the Land Titles Office for registration if Council resolves to attach the Common Seal.

ATTACHMENTS

Nil

RECOMMENDATION

THAT Council affix the Common Seal to the Transfer for Lot 99 DP 1075659.

**ITEM:5 COMM - 19/02/07 - UPDATE ON LITHGOW CORRECTION CENTRE
EXPANSION**

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Minute 06-340: Council meeting 16 October 2006
Minute 06-262: Council meeting 21 August 2006
Minute 06-141: Council meeting 15 May 2006

SUMMARY

This report provides Council with the minutes of the Lithgow Correctional Centre Consultative Committee meeting of 13 December 2006 and the minutes of 3 October 2006 and also provides some additional information Council has gathered on the progress of the project.

COMMENTARY

Council received a report on the 16 October 2006 from the General Manager detailing the visit to John Moroney Centre. The minutes from the Department of Corrective Services which arrived after the presentation of the report are attached for Council's information.

The minutes of the 13 December 2006 Correctional Centre Consultative Committee are attached for Council's information.

Further updates on the project are provided to Council as follows:

- In January 2007, Council received the Preliminary Environmental Assessment (PEA) on the expansion to the facility from the Department of Planning who asked for Council's comments on the PEA;
- Council has been advised that the Department of Commerce who are preparing the architectural and designs works for the expansion of the Lithgow Correctional Centre, that the development application will be lodged in March 2007;
- As the development has been determined to be of state significance (being valued at over \$50+M) the Department of Planning is the determining authority not Council;
- The Department of Commerce has advised that the Correctional Centre in Wellington utilised 78% local resources in the construction phase and there is an expectation that a similar local content for the provision of labour would be sought for the Lithgow Centre expansion;
- The Department of Corrective Services has already advised Council in a previous presentation that the project is likely to employ between 80-100 people in the construction phase and will likely result in a further 40-80 additional staff. Of the existing staff employed at the centre, 81% live locally. Corrective Services further advised that the current facility generates \$13M wages p.a. and purchases \$6-7M local products.
- Construction of the 250 bed minimum security addition to the existing facility in Lithgow is expected to be initiated in mid 2007 with construction completion timetabled for mid 2009 and the extension being operational by late 2009.
- The Department of Commerce has advised that they will provide two shop front services to provide information to the community. The first will be for a 2 day period expected to be in March to provide information on the job opportunities and general scope of the project and a second more extensive exhibition period will be held locally when the development application is on public exhibition.

- An update to the 1998 Socio-Economic Impact Statement has been prepared and is attached to this report for Council's information. This report refers to the existing facility. The Department of Commerce has advised a similar assessment will accompany the Development Application for the extension impacts upon the community.
- The Department of Commerce have been invited to address the Council on 19 February 2007 to provide further information on the social impact study works which have been done to update the Impact Study produced in 1998 when the original centre was proposed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil for Council. There is an estimated impact brought about by the direct and indirect construction and ongoing management of the extended facility.

LEGAL IMPLICATIONS

Nil

CONCLUSION

The Minutes of the meetings of the Lithgow Correctional Centre provide Council with an update of the progress on the expansion project.

ATTACHMENTS

1. Minutes 3 October 2006 Correctional Centre Consultative Committee (hard copy)
2. Minutes 13 December 2006 Correctional Centre Consultative Committee (hard copy)
3. Lithgow Correctional Centre Interim Update of the 1998 Socio-Economic Impact Statement (hard copy)

RECOMMENDATION

THAT:

1. Council note the minutes of the Lithgow Correctional Centre Consultative Committee held on 3 October 2006 and 13 December 2006;
2. Council note the provision of the Lithgow Correctional Centre Interim Update of 1998 Socio-Economic Impact Assessment;
3. Council note the information pertaining to the process for the Department of Commerce to lodge the development application for the extension of the Correctional Centre in Lithgow to the Department of Planning and note that the Department of Commerce and Department of Corrective Services plan to host two public exhibition sessions to be conducted to update the community on the project.

ITEM:6 COMM - 19/02/07 - DRAFT LITHGOW CITY LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO. 12)

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

05-578: Planning, Policy and Development Committee, 14 November 2005
06-239: Finance and Services Committee, 7 August 2006
06-264: Council Meeting, 21 August 2006

SUMMARY

The Draft Lithgow City Local Environmental Plan 1994 (Amendment No. 12) has been prepared, exhibited and forwarded to the Department of Planning requesting that it proceed towards Ministerial Approval.

COMMENTARY

Council will recall that it has resolved to prepare amending draft local environmental plans (LEPs) regarding locational controls for home occupation (sex services), restricted premises, sex services premises and interim/transitional planning controls for part of the former Evans Local Government Area (LGA) which is now located in the Lithgow LGA. The Department of Planning (the Department) requested that the amending LEPs be combined and be known as draft Amendment No. 12. In addition, the Department requested that Council provide further advice on the prohibition of home occupation (sex services) in all zones. It was ascertained that a strict prohibition of home occupation (sex services) in the Lithgow LGA was not in line with State Government thinking and unlikely to be allowed. Therefore, it was negotiated that home occupation (sex services) be permitted in Zone No. 4 – Industrial, the same as sex services premises.

Subsequently, the Draft Lithgow City Local Environmental Plan (Amendment No. 12) (Draft LEP) was prepared and has been exhibited with no submissions being received. Therefore, the Draft LEP has been forwarded to the Department requesting that it proceed towards Ministerial Approval.

POLICY IMPLICATIONS

The Draft LEP proposes a policy direction.

FINANCIAL IMPLICATIONS

The cost of preparing and exhibiting the Draft LEP has been funded from the Policy and Planning Recurrent Budget.

LEGAL IMPLICATIONS

The Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 set out the legal process that must be followed for the preparation, exhibition and making of a LEP.

ATTACHMENTS

1. Lithgow City Local Environmental Plan 1994 (Amendment No.12)

RECOMMENDATION

THAT the information be received.

ITEM:7 **COMM - 19/02/07 - SEC 356 DONATIONS**

REPORT FROM: COMMUNITY AND CULTURE MANAGER – P. HALL

REFERENCE

Minute 06-162: Finance and Services Committee 5 June 2006
 Minute 06-183: Council Meeting 19 June 2006
 Minute 06-229: Finance and Services Committee 7 August 2006
 Minute 06-292: Finance and Services Committee 4 September 2006
 Minute 06-332: Finance and Services Committee 3 October 2006
 Minute 06-378: Finance and Services Committee 6 November 2006
 Minute 06-439: Finance and Services Committee 4 December 2006

SUMMARY

To advise Council of payments allocated in 2006/07 from Local Government Act Section 356 donations which have been approved by Council resolution or as previously approved through the process to adopt the Management Plan for 2006/07 and to further seek Council consideration for current requests.

COMMENTARY

Council allocated \$20,000 in the 2006/09 Management Plan for donations approved under Section 356 of the Local Government Act.

As at 4 December 2006 the following payments have been made:

DATE	ORGANISATION	ASSISTANCE	AMOUNT
Management Plan Allocation 2006/07			\$20,000.00
24.07.06	GLATSIC Naidoc Week	Cont :Min 06-162 05.06.06	500.00
04.08.06	Lithgow High School	Presentation Day : as per Policy	50.00
07.08.06	Bicentennial National Trail	Refund DA Fees: Min 06-229	261.95
04.09.06	Lithgow Country Women's Assoc	General Rate Component Min 06-292	417.21
04.09.06	Wallerawang Country Women's Assoc	General Rate Component Min 06-292	408.69
04.09.06	Portland Dist Motor Sports	Sponsorship (Following Advertising) Min 06-292	60.00
04.09.06	Lithgow & District Poultry Club	Sponsorship Min 06-292	300.00
04.09.06	Lithgow Golf	Sponsorship (Following Advertising) Min 06-292	1,000.00
04.09.06	Crystal Theatre Com Cinema	Sponsorship (Following Advertising) Min 06-292	500.00

04.09.06	Lithgow Greyhound Club	Sponsorship (Following Advertising) Min 06-292	4,350.00
03.10.06	Mitchell Conservatorium Inc	Scholarships for local students Min 06-332	275.00
03.10.06	Pied Piper Preschool	Assistance with equipment purchase Min 06-332	50.00
06.11.06	Blinky Bill Child Care	Assistance with Fundraising Min 06-378	50.00
06.11.06	Portland Golf Club	Sponsorship Min 06-378	750.00
06.11.06	Portland Central School	Annual Presentation Min 06-378	50.00
06.11.06	Ironfest	Assistance with rental 2005/06 Min 06-378	2,840.00
04.12.06	Cullen Bullen Progress Assoc	Rates assistance Min 06-439	\$313.21
04.12.06	Lithgow Small Arms Rifle Club	Open championship prize Min 06-439	\$50.00
04.12.06	Lithgow Workmen's Valley Women's Bowling Club	Assistance with Versatility Sixes Min 06-439	\$50.00
04.12.06	Rydal A H & P Society	Cash and in-kind – Heavy horses display Min 06-439	\$300.00
04.12.06	Xmas and Beyond	Xmas for disadvantaged Min 06-439	\$100.00
04.12.06	Cullen Bullen Public School	Annual Presentation Min 06-439	\$50.00
04.12.06	Zig Zag Public School	Annual Presentation Min 06-439	\$50.00
04.12.06	Cooerwull Public School	Annual Presentation Min 06-439	\$50.00
04.12.06	Lithgow Public School	Annual Presentation Min 06-439	\$50.00
Total: Sec 356 Donations to 04 December 2006			\$12,876.06
2006/07 Allocation Remaining			<u>\$7,123.94</u>

Council is in receipt of the following requests for assistance and determination is required:

- 1. First Portland Scout Group – Request not disclosed – \$50.00 donation recommended.**
Assistance for any financial help.
- 2. Capertee and District Progress Association Inc. – Request for assistance \$2,000 - Recommendation - \$0.00**
Financial assistance for beautifying the garden area around the hall is requested. The progress association has already been given \$771.95 for photo frames in 2006/07.
- 3. Lithgow District Volunteer Rescue Squad Inc – Request for assistance of \$55.00 – Recommendation no donation as contrary to Council's policy on waiving building rental fees**
A letter was received from the Lithgow District Volunteer Rescue Squad Inc. asking for consideration to waive the hiring fees for the Union Theatre for an "All Ages Concert" with the local band Pilot on the 12th or 19th May 2007 to raise funds for the Rescue Squad. The cost for the hall hire for four hours by a community group is \$55.00 as set in Council's Fees and Charges. However this request is contrary to the policy and is therefore not recommended.
- 4. Western Academy of Sport – Listed in the Section 356 Policy for recurrent funding in the Management Plan. Request reimbursement of \$138.60 pool entry fee.**
During the Western Region Academy of Sport Netball camp the Lithgow Olympic pool facilities were used for a recovery session for the athletes.

The cost of \$138.60 has been paid by the Academy but consideration is requested for a reimbursement of the pool entry fee for the athletes. Forty two athletes participated in the session at a cost of \$3.30 each.

**5. Lithgow Show Society Request for assistance of \$8,500-
\$8,000 recommended (assistance of \$1,000 provided in past years)
Listed in the Section 356 Policy for recurrent funding**

A letter has been received from the Lithgow Show Society requesting a partnership with Lithgow City Council to assist in the staging of the 2007 Show. The Society would like Council to sponsor the main event the SHOWTIME FMX the high flying large motorbikes on the Friday evening 30th March 2007.

6. Lithgow Enterprise Development Agency Inc - Assistance with final audit fees. Recommended donation of \$869.00 following appropriate advertising. Council is in receipt of a request from the Lithgow Enterprise Development Agency Inc (LEDA) requesting payment of \$869.00 for the final audit fees of the organisation. The request indicates all funds were transferred to Council following the winding up of the organisation and advise they no longer have the capacity to pay the account.

Council considered the transfer of funds from LEDA at the Ordinary meeting of 18 April 2006 and Minute 06-110 resolved:

06- 1 RESOLVED

THAT:

1. *Council agree to accept the liquid assets from LEDA and to internally restrict such funds for the purpose of:*
 - *To seek out and encourage the establishment of new business in the Lithgow region.*
 - *To assist existing business to prosper and expand.*
 - *To assist and encourage new development in the region.*
 - *To promote the advantages of living and working in Lithgow.*
2. *Council thank LEDA for its operations and benefits it has provided to the growth and development of Lithgow since its inception.*

A cheque for \$17,580.60 was received by Council on the 5 December 2006 and as resolved has been internally restricted for future economic development. Should Council wish to assist LEDA it is recommended this be by the way of a Section 356 donation following appropriate advertising.

Council has received an application to assist the Air League State Drill Competition to be held in September 2007. This will be represented to Council as part of requests received for the 2007/08 Management Plan.

POLICY IMPLICATIONS

Payments in accordance with Donations Policy are recommended.

FINANCIAL IMPLICATIONS

Donations of \$12,876.06 have already been approved from \$20,000 allocated in the 2006/07 Management Plan. \$9,057.60 is the additional allocation requested. The budget would then be overspent by \$1,933.66

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT:

1. Council note donations of \$12,876.06 made under Section 356 arising from previous resolutions or as included in the Council's Management Plan and those assessed in accordance with Council's Donations Policy;
2. Following appropriate advertising for donations to the following organisations, where necessary, Council grant funds from the budgeted Section 356 allocation as follows:

ITEM	ORGANISATION	AMOUNT
1)	First Portland Scout Group	\$50.00
2)	Capertee and District Progress Association	\$0.00
3)	Lithgow District Volunteer Rescue Squad Inc.	\$0.00
4)	Western Academy of Sport	\$138.60
5)	Lithgow Show Society	\$8000.00
6)	Lithgow Enterprise Development Agency Inc	\$869.00
	TOTAL	\$9,057.60

3. The \$20,000 Section 356 donations budget is now overspent by \$1,933.66 so there are no funds available for further donations to the community for the rest of the 2006/07 financial year.
4. An adjustment of \$1,933.66 be identified from an existing budget area and transferred to donations to balance the donations expenditure and reduce other expenditure for no net increase to Councils expenses.

ITEM:8 COMM - 19/02/07 - POLICIES UPDATE

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

- Minute 06-359: Policy and Strategy Meeting 6 November 2006
- Minute 06-414: Policy and Strategy Meeting 4 December 2006
- Minute 06-461: Ordinary meeting of Council 18 December 2006

SUMMARY

The policies for Customer Service, Lithgow Learning Centre Child Protection, Liquid Trade Waste Approvals, Removal of Trees from Public Lands, Excessive Water Usage Allowance for Breakages, Footpath Maintenance and Repair and Roadworks – Provision of Unusable Materials to Property Owners have completed exhibition and the report provides details of the only submission received on these policies and recommends their finalisation.

COMMENTARY

A number of policies have now completed their exhibition and are submitted to Council for finalisation.

Council resolved to place the Footpath Maintenance and Repair Policy on exhibition on 6 November 2006 (Minute 06-359) and no submissions were received on the policy so it is recommended to Council for adoption.

Council resolved at its meeting of 4 December 2007 (Minute 06-414) that the draft policies for Customer Service, Lithgow Learning Centre Child Protection, Removal of Trees from Public lands and Excessive Water usage Allowance for Breakages be placed on exhibition. Council is advised that during the exhibition period one (1) submission was received relating to the Customer Service Policy only.

The submission on the Customer Service Policy is summarised as follows:

Submission comments	Response
<p>Reads a bit like an anti - customer service policy because it contains some general statements about council's obligations, (a minor part of the document). The majority seems to be about how council can justify denying people access to council's services or officers</p>	<p>Disagree – Half of the bullet points in the draft document relate to the 4 Objective points and the first 7 numbered points in the draft document are concerned with establishing the services Council will offer its customers.</p> <p>However, a bullet point 8 has been inserted that indicates there is a requirement for observation of the Council's Code of Conduct and in particular, the obligations to observe the key principles of integrity, objectivity, accountability, openness and respect. It is shown in bold in the attached re-drafted policy.</p> <p>11 points in the Policy cover how Council will deal with Customers who feel they are not satisfied with the response given or act in a manner that requires Council to consider how it may effectively deal with them. The Council would</p>

	<p>always consider very carefully denying access for any purpose and the policy is explicit in illustrating that such actions would be taken only if other avenues had been exhausted or the customer's behaviour was such that they had become unreasonable to deal with.</p> <p>The further two points in the Policy are general in nature.</p>
A lot of problem complainants become so because of poor client service skills, and because their needs and expectations are not being met	Council's aim is to ensure there are policies in place to reduce the number of complainants who are not satisfied with the service offered to them. Implementing a Customer Service Policy and establishing a one stop shop approach to customer service has enhanced the levels of service offered by making it simpler for those asking questions of Council. The establishment and revisiting of Policies such as the Customer Service Policy will increase the levels of customer satisfaction.
... suggest your policy include a mandatory review by an independent and professionally skilled third party prior to imposing any denial of service. This third party would interview both council staff and the complainant. That way the complainant can be assured of fair and equitable treatment, and the third party might have some important continuous improvement suggestions to offer to council in order to improve their policies and/or client service.	<p>Agree – partially - an inclusion of a reference (into clause 12 (c)) provides how a customer can identify options which are detailed in Council's Code of Conduct for further actions has been added to the policy in the re-drafted version.</p> <p>Denial of service is an extreme and last resort step and requires the assessment of the General Manager and will result in a report to Council.</p> <p>However, arising from this suggestion, a process of defining the internal review process in more detail can be investigated to ascertain the extreme circumstances where the Council may restrict or deny further response to continued questioning on the same topic, particularly when no new information is available.</p>
The policy is short on measurable client service standards	<p>Agree – there is room to expand on the levels of service and turnaround times and this approach is being developed as part of an overall review of the key performance indicators Council will report on through the Management Plan process for 2007/08. It is anticipated the 2007/08 Management Plan which is currently being developed will be placed on exhibition in April/May of this year.</p> <p>This approach can also be worked on over time as Council is committed to reviewing the policies it has created on an annual basis.</p>
It does not mention access to staff at site visits and any fee that may apply	While this point is a little unclear, fees and charges are detailed in Council's Management Plan.
It references a complaints resolution policy, but the link on your website is inactive - do you have one?	There are several policies which supplement the Customer Service Policy including the Complaints – Disclosures of Identity – Freedom of Information Policy, Complaints and Procedures Policy, Code of Conduct and Protected Disclosures Policy. Clause 10 (c) has been adapted to list these policies in the attached revised version.

	<p>Council is in the process of getting all policies added to the website and all policies are available from the Customer Service centre in the Administration building or can be mailed upon request.</p>
<p>... the following references be included: Council's commitment to staff development and training in the delivery of customer service.</p>	<p>Council's commitment to the development of staff is reflected in the training plan which is required to be developed annually by all councils. Ongoing internal training is a commitment already made by Council.</p>
<p>... Access to an independent complaints resolution protocol, for example a community justice centre. I would certainly expect this to happen before you denied anyone access to council services or officers, to ensure accountability and prevent allegations of prejudice in the application of those protocols.</p>	<p>Disagree – it would be in exceptional circumstances as explained above where service would be denied.</p> <p>Denial would arise from vexatious behaviour and where all available and suitable information had been supplied but a customer remains un-accepting of the decision of Council. While rare, it is unfortunate that this situation can arise and hence the policy position is necessary.</p> <p>Allegations of prejudice or failure by staff to complete duties for which a customer considers the Council is accountable need to be referred to the General Manager for an internal review as dictated in Council's Code of Conduct.</p> <p>In any case, the Policy requires denial of service to be a decision of the General Manager after consideration of what had been supplied in response to inquiries and would be a decision that would be reported to Council.</p>
<p>... strongly suggest that your policy include a commitment that any decisions made by council be backed up by reference to a council policy or piece of legislation, if a client requests it. Otherwise your officers will appear to be making things up as they go along, and once again leave themselves open to allegations of partiality in the way they conduct council's business. If there is no legislation or policy in relation to the issue at hand, this should be explained to the client and council's decision justified. This is essential, as the client then has an opportunity to petition council to develop the relevant policy, and/or appeal any decision which was based on discretion alone.</p>	<p>Point 8 has been added with reference to this suggestion.</p> <p>Council staff must comply with the Council's Code of Conduct and must therefore execute their duties with accountability. It would be a breach of the Code of Conduct if Council staff were to "make things up" and any allegations of this sort of behaviour would be subject of internal investigations. A specific element of the Code of Conduct refers to the need for compliance with legislation and Council's administrative procedures.</p> <p>The Council has embarked on a broad reaching program of improving governance and has re-drafted in excess of 75 policies and codes to ensure compliance is with the Council's policy position and relevant legislation.</p>
<p>... suggest you provide access to other lines of complaint, including the Ombudsman and Minister for local government.</p>	<p>Council's Complaints and Procedures Policy is referred to in point 8 of the Customer Service Policy. These documents provide the necessary information but reference has also been added to clause 12 (c).</p>
<p>You should have the appropriate brochures on display in the office, and be prepared to mail them to complainants if necessary. Not everyone</p>	<p>Council has all policies available at the Administration office. Copies are also available to be mailed upon request.</p>

has access to the internet.	Any document which has a fee associated with its provision is identified in Council's Management Plan and those requesting copies of any document are advised of any charges which apply. Many of Council's documents, and all policies, are provided free of charge. Council's website is currently being reviewed to provide enhanced content and ease of usage. Ultimately all policies will be included.
The policy should include your officer's code of conduct guidelines if you have any.	Agree - the Policy has been updated with a section on the applicability of the Code of Conduct which is already in place in a number of places.
I would also suggest you review the draft policy document by reference to some very good guidelines on the NSW ombudsman's site.	Agree – review of the contents of other documents can be undertaken and a revised Policy re-presented to Council. The Council has committed to a 12 monthly review of policies as a general operational procedure. At this stage it is planned to update the policies required but a review using other aides can be accommodated in subsequent versions.
I think your document should be client service focussed and be 90% about the wonderful way council will meet the needs of ratepayers and citizens, and maybe 10% about the way it will deal with things when a complainant becomes difficult.	Agree – subsequent versions can consider inclusion of the sections on dealing with unsatisfied customers into other relevant policies and leaving the Customer Service Policy more as a charter.

Council resolved in the 18 December 2006 (Minute 06-461) to place the Draft Liquid Trade Waste Approvals Policy and the Road Works – Provision of Unusable Materials to Property Owners on exhibition. No submissions were received and it is presented to Council for endorsement.

POLICY IMPLICATIONS

The listed policies have recently completed exhibition and therefore will represent the policy position in each topic area.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

It is recommended that Council adopt those policies which have been exhibited without submissions having been received unchanged from the draft versions presented to Council on previous occasions. The Customer Service Policy is presented to Council after consideration and inclusion of some of the suggestions from a submission received and the revised version is recommended to Council to become the finalised version of the Policy.

ATTACHMENTS

1. Re-drafted Customer Service Policy

RECOMMENDATION

THAT:

1. Council adopt the following policies and place them into the Council's Policy register as they have completed exhibition and no submissions were received on them:
 - Liquid Trade Waste Approvals Policy
 - Lithgow Learning Centre Child Protection Policy
 - Roadworks – Provision of Unusable Materials to Property Owners Policy
 - Excessive Water Usage Allowance for Breakages Policy
 - Removal of Trees from Public Lands Policy
 - Footpath Maintenance and Repair Policy

2. Council endorse the proposed changes to the Customer Service Policy arising from the submission received as noted in the attached re-drafted policy provided to Councillors and that the re-drafted Policy be adopted as the Customer Service Policy and it be placed into the Council's Policy register;

ATTACHMENT

4.13 CUSTOMER SERVICE POLICY

OBJECTIVE:

- To provide guidance for staff and councillors in dealing with customers
- To ensure that Council resources are used efficiently and effectively when dealing with customers
- To ensure that all customers are treated fairly and reasonably
- To provide a mechanism for dealing with difficult customers having regard to staff wellbeing and safety

POLICY:

Service Commitment

1. Council staff and councillors shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service. Staff and councillors shall:
 - a) treat all customers with respect and courtesy
 - b) listen to what customers have to say
 - c) respond to customer enquiries promptly and efficiently
 - d) act with integrity and honesty when liaising with customers
 - e) consult customers about service needs

Standards of Service

2. Council staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days. An acknowledgement letter may be sent where investigations are such that more than 14 days is required to enact a response.
3. Telephone calls to Council's switchboard shall be answered as quickly and efficiently as possible.
4. Council staff shall answer incoming calls by clearly stating their name and position or branch/division. Unanswered calls shall divert to another member of staff or to voice mail.
5. Staff making outgoing calls shall identify themselves by name and council/division/branch, as appropriate, and shall clearly outline the purpose of the call.
6. Reception area and customer service centre staff shall greet customers as quickly as possible and in a professional and helpful manner.
7. Staff required to visit a customer external to Council facilities shall attempt to contact the customer first and make an appointment. At the beginning of a Council visit, staff shall clearly identify themselves and the purpose of the visit.
8. **Staff shall comply with Council's Code of Conduct in their dealings with customers and in particular conduct their exchanges with regard to the key principles in the Code of integrity, objectivity, accountability, openness and respect. Decisions and advice should be premised on relevant legislation and Council's administrative procedures.**

Customers Who Cannot Be Satisfied

9. Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.
10. If in the opinion of the General Manager a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council the following actions may be taken:
- a) the General Manager may write to the customer restating Council's position on the matter if necessary and advising that if the customer continues to contact Council regarding the matter Council may:
 - i) not accept any further phone calls from the customer
 - ii) not grant any further interviews
 - iii) require all further communication to be put in writing
 - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - the customer provides significant new information relating to their complaint or concern; or
 - the customer raises new issues which in the General Manager's opinion, warrant fresh action
 - b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 9(a)
 - c) the customer shall be given an opportunity to make representations about Council's proposed course of action **and customers may be provided with copies of relevant policies which may assist in determining future actions. These policies may include the Council's Code of Conduct, Complaints – Disclosures of Identity – Freedom of Information Policy, Complaints and Procedures Policy or Protected Disclosures Policy as relevant.**
 - d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points i) - iv) above will now apply

Customers Who Make Unreasonable Demands

11. Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
12. If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the agency the following actions may be taken:
- a) the General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation Council may:
 - i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
 - ii) only respond to a certain number of requests in a given period

- b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 4(a)
- c) the customer shall be given an opportunity to make representations about Council's proposed course of action **and will be referred to Council's Code of Conduct for options available to them by way of formal complaint about particular staff or via submissions they might make to the NSW Ombudsman, Department of Local Government or ICAC.**
- d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) - ii) above will now apply

Customers Who Constantly Raise The Same Issue With Different Staff

- 13. If in the opinion of the General Manager a customer is constantly raising the same issues with different staff the following actions may be taken:
 - a) the General Manager may notify the customer that:
 - i) only a nominated staff member will deal with them in future
 - ii) they must make an appointment with that person if they wish to discuss their matter; or
 - iii) all future contact with Council must be in writing
 - b) the General Manager shall advise councillors of any notification issued in accordance with clause 5(a)
 - c) the customer shall be given an opportunity to make representations about Council's proposed course of action

Customers Who Are Rude, Abusive or Aggressive

- 14. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, sarcastic remarks directed personally to officers, threatening or offensive behaviour, physical violence against property or physical violence against a person.
- 15. If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
 - a) warn the caller that if the behaviour continues the conversation or interview will be terminated
 - b) terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.
 - c) Call upon a supervisor, security staff or Police as appropriate if there is a perceived threat.
- 16. Where a conversation or interview is terminated in accordance with clause 7, the staff member must notify the General Manager or the relevant Executive Manager of the details as soon as possible.

17. If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

Vexatious Complainants

18. If in the opinion of the General Manager a person continues to make representation by way of correspondence, telephone, e-mail or personal representation, that has no basis in fact and/or is considered to be undertaken in with frivolous or mischievous motives then the General Manager may declare such person to be a vexatious complainant. The General Manager may then take the same action as outlined in clause 11.

General

19. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.
20. Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Department of Local Government and the NSW Ombudsman for information.

**ITEM:9 COMM - 19/02/07 - DRAFT LEASING OF COUNCIL PROPERTY
POLICY**

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Nil

SUMMARY

This report provides Council with a draft Leasing of Council Property Policy for consideration and placement on public exhibition.

COMMENTARY

Council will be aware that from time to time it considers reports requesting the Common Seal to be affixed to Deed of Leases. A problem arises when the negotiations are finalised but the Deed of Lease can not be executed until a Council meeting. Therefore, a legal opinion has been sought advising that it is not necessary for leases to be executed under the Common Seal. Subsequently, a draft Policy has been prepared which requires Council to set annually the rental amount for leasing properties and delegates to the General Manager authority to execute leases in accordance with the set rental amount by Council.

POLICY IMPLICATIONS

The draft Policy will form Council policy if adopted after consideration of any submissions received during the exhibition period.

FINANCIAL IMPLICATIONS

The draft Policy, if adopted will have financial implications for income received from leased property.

Also, the cost of advertising can be funded from the Policy and Planning Recurrent Budget.

LEGAL IMPLICATIONS

The draft Policy requires that standard leases be utilised which will comply with all legislative requirements.

ATTACHMENTS

1. Draft Leasing of Council Property Policy.
2. Advice from Le Fevre and Co.

RECOMMENDATION

THAT:

1. Council exhibit the draft Leasing of Council Property Policy for a period of 28 days and present the finalised policy back to Council for its further consideration;
2. Council delegate the General Manager to execute leases and the delegations register be updated accordingly.

ITEM:10 COMM - 19/2/07 - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICIES

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Minute 06-369: Ordinary Meeting of Council 16 October 2006

SUMMARY

Council considered the Payment of Expenses and Facilities to Councillors Policy and adopted the policy in October 2006. The Policy has been reviewed and some additions are provided to Council for consideration to clarify points contained in the policy and in the case of legal and insurance issues include details of what Councillors coverage exists.

COMMENTARY

The changes illustrated on the attached draft policy (shown in bold and italics) represent some proposed changes to the existing policy last considered by Council in October 2006. Further suggestions made in the Guidelines for the type of Policy have been considered.

The reviewed policy has been updated to reflect the following:

- Explicit reference to overseas travel of Councillors and the means of claiming expenses is made clearer and is more defined in addition to the express need for the identification of the benefit to the community and the nexus to Council policy
- Explicitly identifying no payment of expenses to spouses, partners or accompanying persons is permitted with the exception of purchase of tickets to the Lithgow Business Association Annual Awards dinner;
- Payment limits for telephone calls made from a councillor's private telephone are specifically included and limited to \$50 per financial year;
- Payment of special carer needs expenses have been added to ensure equity and access principles are provided for. An annual amount of up to \$250 is suggested to Council but this would only be available to individual councillors who are able to demonstrate that special care needs are required in order for them to execute their official Council functions and would require a resolution of Council to be enacted;
- Details of insurance and legal expenses coverage has been added as suggested in the guidelines;
- Inclusion of the Shires Association Conference has been included where references identified the LGA Conference however attendees would still be required to be specifically named by way of a council resolution to attend and payment would be from the Councillors Discretionary Vote thus not increasing the expenses already allocated.

The Department of Local Government circular Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors (06-57) has been consulted in making these suggestions to council.

POLICY IMPLICATIONS

The proposed changes constitute alterations to Council's policy position. While some changes can be considered to be minor it is recommended to Council that the policy be re-exhibited in the interests of transparency and openness.

FINANCIAL IMPLICATIONS

The inclusion of specific amounts for special needs and telephone accounts provides greater clarity and certainty in financial terms.

LEGAL IMPLICATIONS

NIL

CONCLUSION

The updated Payment of Expenses and Provisions of Expenses Policy is recommended to Council and following appropriate exhibition in accordance with the Local Government Act and the associated regulations it can be updated to ensure greater compliance with the Guidelines published by the Department of Local Government.

ATTACHMENTS

1. Draft Payment of Expenses and Provision of Expenses Policy

RECOMMENDATION

THAT:

1. Council place the reviewed draft Payment of Expenses and Provision of Expenses Policy on exhibition for 28 days;
2. At the conclusion of the exhibition period any submissions will be assessed and reported to Council;
3. The Department of Local Government will be provided with the updated draft and exhibition timeline and when concluded a copy of the finalised policy.

ITEM:11 COMM - 19/02/07 - CODE OF MEETING PRACTICE

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Minute 06-248: Policy and Strategy meeting 7 August 2006

Question without Notice: Councillor H K Fisher regarding complaints from the public in regards to the process for public questions at the council meetings.

Question from Councillor M Ticehurst: regarding the taping of meetings in the Chamber.

SUMMARY

The Council considered updates to the Code of Meeting Practice in August 2006, placing a revised version on exhibition.

Since this time discussions have arisen regarding the process for the public to address the gallery and the taping of meetings held in the Chamber.

Additionally, a process of reporting works requests has been formalised and identified in the Code to assist Councillors in ensuring matters brought to their attention are able to be logged and acted upon without having to wait for the next meeting of Council.

Templates for notices of motion, rescission motions and requests for extraordinary meetings of Council have also be developed and included as appendices.

It is also recommended to Council that the Code include the procedure for the withdrawal of items after publication in the Business Paper as this has arisen in the past.

COMMENTARY

The Code of Meeting Practice has been updated and a new version is attached. The Code has the following alterations which are recommended to Council arising from its reconsideration and debate in the Chamber from items raised by Councillors.

Presentations/questions from the public gallery:

Questions from the gallery are covered in clause 65 and specifics for the mechanics to be followed are included in subclauses (vi) and (x) of the Code of Meeting Practice which state:

- (vi) *The first 30 minutes of meetings of Ordinary Council Meetings, Extraordinary Council Meetings and meetings of the Council's Principal Committees are available for members of the public to address the Council or Principal Committee or submit questions, either verbally or in writing, on matters included in the Business Paper. Members of the public will be permitted a maximum of 3 minutes to address the Council or Principal Committee. An extension of time may be granted if deemed necessary by the Council or Principal Committee.*

...

- (x) *Members of the public wishing to address the Council, Extraordinary or Principal Committee Meetings are requested to contact Council prior to 12 noon on the day of the meeting and register their intention to address the Council or Principal Committee Meeting. [LP]*

No alteration to the current process as indicated in the extracts from the Code is recommended.

The clauses indicate that a member of the public should contact Council to book a time to address on issues contained in the Business Paper.

The process for raising items which would be better dealt with as submissions to the Customer Service Centre as Action requests rather than waiting until a Council meeting is held is covered later in this report. If a customer contacts Council seeking to make presentation of items not contained in the Business Paper for the meeting they seek to address they will be directed to the Customer Service centre and an Action Request will be raised to ensure the matter is processed appropriately.

Taping of meetings:

There are currently no facilities in the Chamber to tape record meetings. The Code deals with the taping of meetings in Clause 16.

It is recommended that the Code be adjusted to indicate should Council determine in setting expenditure through the Management Plan process to implement recording devices in the future, there is adequate provision for taping to occur. This has been achieved by altering the word "will" to "may" in Clause 16 so that should Council determine it will implement a recording system the Code does not have to be altered.

However, assessing this issue gave rise to some other recommended alterations to Clause 16. The recording of minutes is for the verification of official printed minutes only.

It is recommended that the Code be adjusted to illustrate that the purpose of taping is for confirmation of minutes and that the official printed minutes of any meeting remain the true record of the meeting. There is specification of who would have access to the tapes or other electronic recording media and that they would not be made available in general. They are to be destroyed within 3 months of the meeting occurring or before if Council has ratified minutes of a meeting.

It is noted that taping or recording of a Council or Committee meeting by the media is covered in clause 71 and 72 of the Code which prohibits recording of a meeting, other than by those institutions listed in Clause 72, without a specific resolution of Council to allow the recording to occur. This applies to video taping and any form of electronic recording.

It is recommended that Clause 16 be adjusted as follows:

16 MINUTES - SOUND RECORDING [LP]

- (i) Council's Principal Committees may be recorded electronically in "open committee" ;*
- (ii) Ordinary and Extraordinary meetings of the Council may be recorded electronically in "open Council".*

- (iii) A master recorded copy of Council and Committee Meetings will be retained in safe custody within the Council. The purpose of recording the minutes of a meeting are to provide a means to verify the official minutes when they are being prepared.*

- (iv) Recordings will be accessible to Council staff for the purpose of confirmation of the minutes and will not be made available to other persons.*

- (iv) The master copy will be destroyed after three (3) months of being made.*

- (v) Recordings do not replace the official minutes as adopted for any meeting held in the Chamber and once the official minutes have been endorsed recordings can be destroyed without waiting for the expiry of the 3 month period identified as the maximum retention timeframe in sub clause (iv) above.*

- (vi) Audio recording equipment may be made available for any other committee or working group upon request provided that the subject meeting is conducted in the Council Chambers.*

- (vii) Recording by external parties is dealt with in Clauses 71 and 72 of the Code.*

Withdrawal of items listed in the Business Paper:

It is recommended that an item be inserted into the Code that specifies how an item can be withdrawn from the Business Paper after it has been published and the following are the suggested criteria and processes for this to occur with Clause 19 subclause (v) to be inserted to read:

- (v) Items listed in the Business Paper for an Ordinary or Principal Committee meeting of the Council may be withdrawn under the following circumstances:*
 - The General Manager advises Council of the need to withdraw an item from the Business Paper of a Council or Committee meeting of Council where a report has been prepared by staff. The General Manager will advise Council of the reason for the withdrawal, such as new information having been obtained subsequent to the publication of the report on a matter;*
 - A Council resolution is moved and seconded and assented to in the normal manner which seeks to withdraw a report prepared and submitted by a Councillor as a delegate or other Councillor written report which has been published in the Business Paper of a Council or Committee meeting of Council.*

Additional appendices:

To assist in the lodging of Action requests for operational matters, it is proposed to attach to the Code of Meeting Practice a template which can be filled out at any time rather than waiting for a Council or Principal Committee meeting to occur when a councillor wishes to identify to staff an operational matter which requires attention. Clause 19 is recommended to be amended to accommodate the inclusion of the template as follows:

(vi) Requests for actions to be taken that are of an operational basis should be made via the established Actions Request process rather than tabled at Council meetings. Councillors may make use of the template for action requests attached as an appendix for operational items which they wish to have investigated or arise from representations from the community for works requests.

The second new attachment is a template for councillors seeking to call an extraordinary meeting of Council.

The third new attachment is a template for Councillors who wish to list a notice of motion which would be considered by the General Manager for inclusion in the Business Paper of the next most suitable meeting.

A fourth new attachment is a template for councillors who wish to list a rescission motion in accordance with Clause 38 of the Code and Section 372 of the Local Government Act 1993.

With reference to Section 362 of the Local Government Act 1993, Council should determine if it considers implementing the recommendations in the report or it wishes to place the Code back on exhibition prior to finalising the document. The recommended actions detailed in this report could be considered to be reflective of common practice the Council has operated under for some time for the most part. Council's determination of the need to exhibit or not should arise from which items Council considers need to be added to the Code and if the changes constitute substantial change to the Code.

POLICY IMPLICATIONS

The updates recommended alter a policy document of the Council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The Code of Meeting Practice can be updated and finalised with the suggestions made in the report and they are recommended to Council for endorsement.

ATTACHMENTS

1. Action Request template
2. Extraordinary meeting request template
3. Notice of Motion template
4. Notice of Motion to Rescind a resolution template

RECOMMENDATION

THAT the Code of Meeting Practice be finalised with:

1. the inclusion of the alterations to the clauses and subclauses as detailed in the report;
2. Determination by Council if it wishes to place the amended Code on exhibition;
3. Copies of the updated Code be distributed to all Councillors and Senior staff and be placed in the Council's Policy Register and upon the Council's website when finalised;
4. Action requests be lodged with Customer Service rather than through Council meetings to ensure actions can be investigated rapidly.

ATTACHEMENTS
APPENDIX FOUR (4) ACTION REQUEST

Date of request:	
Customer name:	
Customer Address:	
Customer telephone contact:	Home: Work:
If submitted by a Councillor for a Customer, Councillor name:	
Description of work being requested: Include address and as much detail as possible	

APPENDIX FIVE (5) REQUEST FOR AN EXTRAORDINARY MEETING OF COUNCIL

We the undersigned wish to seek an extraordinary meeting of Council to deal with the following topic:

SIGNED:

_____ DATE: _____
COUNCILLOR

_____ DATE: _____
COUNCILLOR

**APPENDIX SIX (6) NOTICE OF MOTION
MOTION**

TITLE/TOPIC:

Listed by Councillor _____

DATE:

BACKGROUND:

RECOMMENDATION:

That:

APPENDIX SEVEN (7) NOTICE OF MOTION TO RESCIND A RESOLUTION

In accordance with the provisions of Section 372 of the Local Government Act 1993 we, the undersigned Councillors, hereby provide notice of motion to rescind resolution Minute Number (_____ : _____) carried at Council's Meeting of _____ day of _____ in year _____ which resolved as follows:

We further move the following motion:

THAT:

SIGNED

Councillor name: _____ Signature:

Councillor name: _____ Signature:

Councillor name: _____ Signature:

DATE: _____

CLOSED REPORTS

ITEM:12 GM - 19/02/07 - CONFIDENTIAL REPORT - GAS WORKS SITE

Reason for Confidentiality

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

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

It is considered the discussion of this matter in Open Council would be contrary to the Public interest as it would prejudice Council's position in negotiating the matter, accordingly, it would not be in the public interest to discuss this matter in open Council.

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

REFERENCE

Min 05-545 - Ordinary Meeting of Council Meeting held 31 October 2005

Min 06-143 - Ordinary Meeting of Council Meeting held on 15 May 2006

Min 07-06 - Policy and Strategy Committee Meeting 5 February 2007

SUMMARY

This report provides an update to Council on the sale process with respect to the former Gas Works Site as resolved at the February 2007 Policy and Strategy Committee Meeting.

RECOMMENDATION

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

COMMITTEE MEETINGS

Nil.

QUESTIONS WITHOUT NOTICE

Nil.

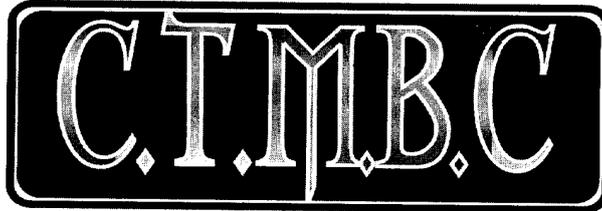
ATTACHMENTS

ITEM:2 REG - 19/02/07 - CENTRAL TABLELANDS MOUNTAIN BIKE CLUB -
REQUEST FOR WAIVER OF INVOICE

Lithgow City Council
Scanned

23 NOV 2006

Doc. No
GDA Ref.
Years



Central Tablelands Mountain Bike Club
26 Shaft St
Lithgow 2790
www.ctmbc.net
Ph 02 63513171
Fax 02 63531

Paul Anderson
The General Manager
City of Lithgow Council

Dear Sir,

I am writing on behalf of the Central Tablelands Mountain bike club. As you are aware we recently hosted round #1 of the 2006-2007 National Down Hill mountain bike series. This event attracted 308 riders and a range of media coverage across the country, it is also estimated to have brought between \$600 000 to \$800 000 into the Lithgow region over the event weekend.

In the lead up to the event our club made requests to council to see if road works could be organised to improve the state of "Dobs Drift" which is used as an access road to shuttle riders to the start area.

Unfortunately we never received an official response for these requests and in the week before the event, faced with the very real possibility of the bus companies refusing to use the road and thus needing to cancel the event, I was forced to make arrangements with Council's Dave Mitchel and Chris Shumacher to have the worst sections of road graded at the expense of the club even though the price quoted at the time was well out of the clubs budget.

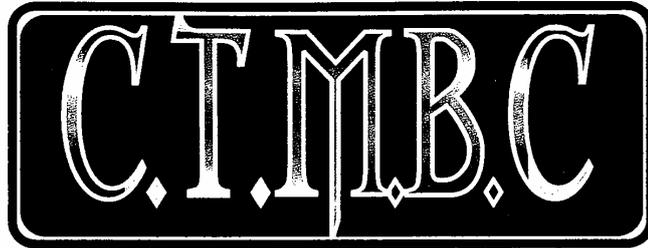
Even with the large number of entries this bill will still put the event into the negative. This has two ramifications.

- 1) We have less funds available to donate to other volunteer organisations, such as St Johns First aid and Lithgow VRA, who helped out on the weekend.
- and
- 2) The Club would have to seriously reconsider the viability of attracting such events to our area in the future.

We would therefore like to ask if Lithgow Council could cover the cost of this work on behalf of our club.

If this could be arranged it would be greatly appreciated
Yours sincerely


Craig Flynn
President CTMBC
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Mr Chris Schumacher

24.10.06

Futher to our conversaiton this morning I would like to accept the offer of your assistance in grading the Drift Rd and beginning section of the Fire rd leading across to our DH track. Our Club accept the discussed quote in relation to machine hire and operators rates of approx \$2400 for the full days work.

Thank you for your help in this

Craig Flynn
President CMBC