



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

07 AUGUST 2006

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY

PRESENTATIONS

**CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY
COMMITTEE MEETING OF COUNCIL HELD ON 3 JULY 2006**

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICES OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Services Reports

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - NIL

QUESTIONS WITHOUT NOTICE

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GENERAL MANAGER REPORTS

ITEM:1 GM - 07/08/06 - ARTS OUT WEST JUNE 2006 REPORT

REFERENCE

NIL

SUMMARY

This report outlines the correspondence received from Arts OutWest regarding their June 2006 Report.

COMMENTARY

The letter from Arts Out West reads in point "it gives us pleasure to provide Lithgow City Council a copy of the arts OutWest June 2006 report for Councils in line with the agreements set out in the Memorandum of Understanding.

The Board of Art OutWest last met on 11 July 2006 and was delighted to be once again including the Forbes Shire Council and community as key stakeholders.

The report outlines progress in the core service delivery and regional project activities for the region and for each Council. Special items to note are the significant use of the website over the past 12 months, the regional projects which have been having a great impact particularly in the Lachlan and Forbes shires with the Pilot Youth Media project and the current Celebrate Ability workshop program running in the Blayney Shire, Cowra Shire and Orange City communities. The Final exhibitions under the banner of CreateAbility will be highly stimulating.

We hope to be able to build on these projects in other areas as well.

Thank you to all those councils that have provided letters of support for our triennial funding application with Arts NSW and for the Creative Industries Strategy. This is looking extremely positive at this stage.

Thank you for your continuing support of the arts of the Central region of NSW".

This letter satisfies Arts Out West obligation under the Memorandum of Understanding signed in 2005.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. June 2006 Report (hard copy received with business papers)

RECOMMENDATION

THAT the information be received.

ITEM:2 GM - 07/08/06 - LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES 2006 ELECTION OF EXECUTIVE COMMITTEE

REFERENCE

NIL

SUMMARY

This report outlines correspondence received from the State electoral Office in regards to the 2006 Election of the Executive committee for the Local Government Association of NSW.

COMMENTARY

Please find attached an Election Notice, a Nomination Form and Statutory Declaration in support of Candidature relating to the 2006 election of the executive Committee of the Local Government Association of NSW.

Councillors requiring any further information should contact Diana Kosseifi at the Association on 02 9290 5924.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Election Notice, Nomination Form and Statutory Declaration

RECOMMENDATION

THAT the information be received.

**ITEM:3 GM - 07/08/2006 - LOCAL GOVERNMENT ASSOCIATION OF NSW
ANNUAL CONFERENCE 2006**

REFERENCE

NIL

SUMMARY

The Local Government Association Annual Conference will be held in the Blue Mountains between 28 October and 1 November 2006.

This report provides a summary of items Council has previously identified as potential motions to be submitted from Council for consideration at the Council.

The report also seeks for Council to determine which Councillors wish to attend the Conference and which three councillors will be determined to be the voting delegates in accordance with the criteria for the number of voting delegates based on the Council's population.

COMMENTARY

As Council is aware Blue Mountains City Council is hosting the Local Government Association of NSW Annual Conference from 28 October to 1 November 2006 in Leura. The theme of the conference is "Community: A Sense of Place" to reflect the need for **unity** in our **community**.

Please find tabled the registration brochure and program, which includes a brief run-down on what to expect in the business sessions. In the year prior to the State elections, we will be especially interested in the forward projections of Ministers and Shadow Ministers as they look to the future.

The Saturday forum is a "must attend" part of the conference and will follow the format of the ABC's "Hypothetical" series with panel members invited from state government and industry. Further details will be advised on the website when finalised.

The tours and partners programs of the conference will showcase why the Blue Mountains achieved its World Heritage listing and is one of Australia's most popular destinations with its gardens, galleries and antiques. You will experience this breathtaking and unique landscape in the midst of their glorious spring.

The Local Government Association has advised that submissions for motions must be received by 21 August 2006.

The following items raised either through Council business sessions or by individual councillors are presented for Council's consideration. The Association requires a resolution of Council on motions proposed.

FROM: LITHGOW CITY COUNCIL
Subject Pensioner Rebates

That the Association call on the State Government to review the level of rebate applicable to pensioners for the payment of rates and charges.

Note from Council:

While the LGA's policy position is to seek 100% refund of compulsory pensioner rebates, the level of rebate must also be reviewed to assist those receiving pensioner rebates to be adequately acknowledged.

FROM: LITHGOW CITY COUNCIL
Subject Shopping Trolley recovery

That the Association:

1. Call upon the State Government to implement legislation requiring shopping trolleys to be fitted with appropriate locking devices to inhibit their transport along public roads and footpaths;
2. Calls upon NSW State Government to introduce legislation for mandatory monetary deposits for the use of shopping trolleys within a council area;
3. Promote a minimum impounding fee of \$75 per abandoned trolley to be paid by the owner of the trolley prior to release within a specified period. After this specified time, councils would be entitled to destroy or sell the trolleys.

FROM: LITHGOW CITY COUNCIL
Subject Rural Fire Service

That the Association seek a review of the funding mechanism for the Rural Fire Service (RFS) and in particular the amount of money being spent on executive services versus the spending by the RFS on local brigades and on the ground fire fighting.

Note from the Council:

The Association's stance on the level of funding and the need to ensure that funding is adequate but not pushed further onto local councils should be extended to include an assessment of the spend by function to determine the level of local monies which are supporting administrative services rather than more appropriately paying for fire fighting services at the local level.

FROM: LITHGOW CITY COUNCIL
Subject Weed control

That the Association call on the State government for the Department of Primary Industry to allocate sufficient funds to Local Government for the provision of roadside weed control programs in upcoming budgets.

Note for Council: The proposed motion is a development of the Association's policy statements on the need for a combined effort in controlling weeds as a component of natural resource management.

FROM: LITHGOW CITY COUNCIL
Subject Local Environmental Plan (LEP) templates

That the Association call on the State Government to review the standard LEP template solution to ensure its relevance to differing Local Government areas across the State.

Note for Council: A single solution can not be the answer when considering local planning issues. Each Council should be entrusted with the responsibility the community has obviously supported through the democratic process of election in the assessment of local planning matters.

Council is also asked to determine which Councillors will attend the Conference. Council has accommodation in a 2 bedroom suite booked which can accommodate up to 4 persons. The Association identifies that the Council is entitled to 3 voting delegates at the Conference. Other Councillors may attend but may not vote on motions.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The budget and Council's Management Plan contain sufficient funds to provide for attendance at the Conference. Council has accommodation for 4 persons booked for the conference, if needed.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Registration Brochure and Program (tabled at meeting)

RECOMMENDATION

THAT:

1. Council nominate three (3) voting delegates for the 2006 Local Government Conference and the Local Government Association be advised.
2. Any additional non-voting Councillor delegates indicate their attendance.
3. One place be reserved for staff including one place for the General Manager.
4. Registration and accommodation be arranged having regard to the number of Councillor and Staff attendees.
5. Council resolve to submit the proposed motions as detailed in this report to the Association for consideration;

ITEM:4 GM - 07/08/06 - SYDNEY WEST AREA HEALTH SERVICE - HEALTH STATUS DATA

REFERENCE

Question from Councillor Brian Morrissey at the Ordinary Meeting of Council - 19 June 2006 and the Policy and Strategy Committee Meeting held on 3 July 2006.

SUMMARY

This report outlines correspondence received from Professor Steven Boyages, Chief Executive of Sydney West Area Health Service in relation to requests from Council for clarification of the source and implication of the health status data discussed at the recent Health Futures Forum at Lithgow Hospital.

COMMENTARY

Information provided came from a number of sources. Rates of smoking, physical activity and nutritional intake were from the NSW Health survey. This is a well designed population based telephone survey conducted by the NSW Health Department across NSW on a random selection of residents aged 16 years and older.

Hospital data is collected routinely for all people admitted to hospital in NSW (including private hospitals). This data are is available for analysis for all NSW residents wherever they are admitted. Hospital utilisation reports generally refer to what are called separations, i.e. discharges from hospitals, rather than individual people (one person may be admitted and discharged more than once in a particular year). This provides a better index of health service need.

Cancer incidence data (i.e. new cases of cancer diagnosed) come from a registry maintained by the NSW Cancer Institute and available for analysis by health services.

Data on deaths are also available for analysis and come from the Registry of Births, Deaths and Marriages via the Australian Bureau of Statistics (who code the information provided on death certificates).

These are all well regarded and extensively used population based data sources. This means that they provide information on all NSW residents, wherever they are admitted to hospital, diagnosed with cancer or die. In contrast, the information referred to by Westfund in a recent Lithgow Mercury article derives from claims data for procedures and hospital episodes covered by one private insurance company. The Westfund data, although of interest to them for financial and business planning, tells us little of relevance to the health of the Lithgow community. In particular it provides no basis for comparison with other communities.

The data provided to Council show that the Lithgow Local Government Area (LGA) has a pattern of illness and major health risk factors often seen in communities with at least pockets of relative disadvantage (i.e. with higher rates of low income households, unemployed, etc). Although the absolute number of Lithgow residents responding to the Health Survey or being admitted to hospital may not be large, the findings of elevated risk, especially for cardiovascular and respiratory disease are consistent across time and between the various data sources. This means that, even though a small number of additional hospital admissions or deaths in any year may have a big impact (up and down) on the rate in that year, there is no question that the rates are high and the health issues very real.

Lithgow residents report higher rates of current smoking, lower rates of adequate physical activity and higher rates of overweight and obesity than the average for Sydney West and NSW overall.

These observed lifestyle and socioeconomic risk factors undoubtedly explain the observed morbidity and mortality profile. In the past air quality in Lithgow seems to have been a matter of concern. This may have been related to the nature of the topography as well as the policy of providing free coal to families working or attached to the mines.

The latter is no longer the case and the Environmental Protection Authority has not considered air quality monitoring necessary for some time. The pattern of respiratory illness seen among Lithgow residents is now reflective of the prevalence of tobacco smoking.

Elevated hospital separation rates (adjusted for age and sex) reflect at least partly local clinical practice and admission policy but are also impacted by underlying morbidity. The Lithgow all cause hospital separation rate ratio (i.e. the ratio of the local separation rate to the NSW average that is set at 100) is elevated compared to NSW and to Sydney West overall. Of particular note are the separation rate ratios for diabetes (203, i.e. twice the rate for NSW) and asthma (180 i.e. 1.8 times the NSW rate). High hospitalisation rates for these conditions are often an indication of frequent presentations to Emergency Departments (ED) where people are treated and discharged without actually spending time in a hospital bed. The incidence of these conditions is no doubt elevated in Lithgow (this would be consistent with the observed high rates of smoking and obesity) but the very high hospitalisation rates probably also reflect individual residents attending ED on multiple occasions for short stay management of acute exacerbations of their illness.

The all cause premature (i.e. deaths before age 75 years) mortality rate ratio (132) is also high compared to that for NSW and Sydney West (and for rural NSW overall).

Some cancer incidence rates are elevated, notably lung cancer (the incidence rate ratio on males is 164 and in females 118). This also reflects the higher smoking prevalence among residents of Lithgow. Mortality from cancer in Lithgow is high compared to NSW overall but comparable to rural NSW (mortality rate ratio for Lithgow is 113 and rural NSW 105).

Lithgow was included in the new Sydney West Area Health Service from January 2005. Substantial local investment in services has already occurred. This includes improvement in information technology and, importantly, the collegial support of local clinicians by from SWAHS Clinical Networks. Although planning for the new Portland facility commenced prior to the formation of SWAHS, this was accelerated following the merger and construction commenced. In addition:

- The specialist psychiatrist clinic has increased from one day a fortnight to one day a week;
- There has been some improvement in recruiting for allied health, and therefore improvement in physiotherapy waiting lists.
- Access to hospital bed management resources in SWAHS has improved access for patients requiring transfer, especially to Nepean Hospital.
- An additional radiographer has been employed, reducing waiting lists. Digital imaging processing has been installed.
- A high risk antenatal pregnancy clinic has been established
- A renal staff specialist now has private rooms in Lithgow once a month
- A Palliative Care CMO has been appointed and a Palliative Care Staff Specialist visits regularly

Potential local responses to the adverse health risk factor profile are being reviewed through the SWAHS Centre for Population Health (CPH) and Primary and Community Health Services. An exciting opportunity exists to work with the Sydney West Area Health Service in the development

of the local strategic plan. Communication between the CPH and Council has already occurred and the Centre has collaborated with staff to facilitate two successful applications for funding of projects under the NSW Healthy Local Government Grants Program.

A Lithgow/Portland Healthcare Service Plan is also being developed. The Planning process will make recommendations regarding:

- The range and level of health services to be provided within the Lithgow LGA
- The models of care that will best meet the health service needs of local residents
- Clear definition of the role of Lithgow Hospital within the Sydney West Area Health Service to guide further service development
- By August 2006, requirements for medical appointments at Lithgow and Portland, credentialing etc prior to advertising for the next round of VMO applications there. In addition, the impact on medical appointments in the rest of SWAHS in relation to supporting Lithgow and Portland will be considered.
- The support services to be provided by networks to health services in Lithgow LGA.

In addition, Council has received a request from Dr Stiles and some other local doctors to address Council regarding these health statistics.

Therefore, it is suggested that Council convene a workshop with local doctors and the Sydney West Area Health Service to further explore the health statistics. This workshop can also address the options for a local Community Health Advisory Committee.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT a workshop with local doctors and the Sydney West Area Health Service be convened to explore the health statistics.

ITEM:5 GM - 07/08/06 - GARDENS OF STONE STAGE 2

REFERENCE

NIL

SUMMARY

This report outlines correspondence received from The Association of Mining Related Council Inc in relation to a letter by Minister Debus in regards to the Gardens of Stone Stage 2 project.

COMMENTARY

The Minister of the Environment has advised that the Department of Environment and Conservation (DEC) has advised that it is currently considering the proposal in detail, and will report to the Minister on the proposals feasibility as soon as possible.

The Associations and Councils comments on the proposal will be reviewed as part of this process.

Once the DEC has thoroughly considered the proposal and advised the Minister, Council will be informed of the outcomes of the assessment.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter From Minister Debus (hard copy)

RECOMMENDATION

THAT the information be received.

REGIONAL SERVICES REPORTS

ITEM:6 REG - 07/08/06 ADI CHIMNEY - INTERIM CONSERVATION ORDER

REPORT FROM: Planning and Development Manager – Ian Rufus

REFERENCE

EPS – 03/07/06

SUMMARY

Council resolved on 03/07/06 to place a conservation order over the chimney at Australian Defence Industries in Methven Street, Lithgow and grant the General Manager delegated authority to finalise the process.

COMMENTARY

Council has been authorised by the Minister for Planning to make an Interim Heritage Order over an item while it considers if statutory protection is warranted via a listing in the heritage schedule of a local environmental plan.

Council can only make Interim Heritage Orders (IHO) where a potential heritage item, place or area:

- is or is likely to be of heritage significance
- is under threat of demolition or unsympathetic alteration
- does not have statutory heritage protection under the Environmental Planning and Assessment Act 1979 or the Heritage Act 1977.

Council has received an application for demolition of the Chimney. The whole site is listed as having heritage significance in Council's draft heritage study. LEP1994 can be amended to include items that are only temporarily protected by an Interim Heritage Order.

A number of conditions have been attached to the use of Interim Heritage Orders. One specific condition is that Council gives consideration to a preliminary heritage assessment report prepared by a person with appropriate heritage knowledge, skills and experience. This report is to determine that the item is at risk and is or may be of heritage significance, before the process can proceed.

The General Manager has given consideration to a report from Council's suitably qualified person, Ian Rufus, and has determined that the process proceed to finalisation. A copy of this report is attached for Council's information.

POLICY IMPLICATIONS

Following issue of the Interim Heritage Order Council will need to further consider a full heritage assessment and resolve make a resolution to either list the Chimney in its local environmental plan or nominate the item for inclusion on the State Heritage Register. The Interim Heritage Order will remain effective for a period of twelve months. The Heritage Office considers that by the end of that period a local environmental plan should have been prepared, exhibited and gazetted. Alternately, the item should have been included on the State Heritage Register. If Council does not resolve to list the item, the Interim Heritage Order will expire six months from the date that it was made.

FINANCIAL IMPLICATIONS

Council (not the Heritage Office) is also liable for any costs for defence in any legal challenge to the order, as it would be with any order placed by Council. There are also some costs involved in Council staff time and compliance requirements.

LEGAL IMPLICATIONS

Affected property owners or occupiers may lodge an appeal with the Land and Environment Court against the making of an Interim Heritage Order by council. The appeal must, however, be made within twenty-eight days after the Interim Heritage Order takes effect.

Council must also consider the preliminary heritage assessment of the site, attached to the report. This has been prepared by Ian Rufus of Council, who holds the Degree of Master of Heritage Conservation from the University of Sydney.

ATTACHMENTS

1. Preliminary Heritage Assessment of Chimney at ADI, Methven Street, Lithgow by Ian Rufus.

RECOMMENDATION

THAT the action of the General Manager be noted.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:7 COMM - 07/08/06 - AMENDMENTS TO THE LOCAL GOVERNMENT ACT AND PROPOSED CHANGES TO CODE OF MEETING PRACTICE

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – K WOOLLEY

SUMMARY

The attached circular from the Department of Local Government details recent amendments to the Local Government Act 1993 via the Local Government Amendment (Miscellaneous) Act 2006 and the Local Government Amendment (Waste Removal Orders) Act 2006.

The circular is provided to council for its information.

REPORT

The information is supplied to Council as an attachment for consideration of the changes by Councillors in their entirety; however the following item has a recommendation specifically relating to updates to Council's Code of Meeting Practice:

Attendance by Councillor at Council Meetings when Councillor is on Leave of Absence

The Council may consider that it is necessary to update its Code of Meeting Practice to incorporate the requirement that a leave of absence can now only be granted following a specific resolution of Council.

Additionally, that should a councillor, who has been granted a leave of absence, indicate their attendance and in fact attend a meeting during the leave of absence, the leave of absence they have been granted is rescinded and a new specific resolution of council to create a new leave of absence would be required.

This alteration impacts upon clause 234 of the Local Government Act 1993 and clause 235A of the Local Government (General) Regulation 2005.

The Council's current Code of Meeting Practice as updated 4 January 2006 relates the following with regard to leave of absence:

Clause 10A LEAVE OF ABSENCE FROM COUNCIL MEETINGS [S 234]

- (1) A civic office becomes vacant if the holder is absent from three consecutive ordinary meetings of the Council unless the holder is absent because he or she has been suspended from office under Section 482 [S 482] without:
 - (i) Prior leave of the Council, or
 - (ii) Leave granted by the Council at any of the meetings concerned.
- (2) For the purpose of Clause (1)(i) & (ii), a Councillor applying for leave of absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.

In broader terms, absence from Committee meetings is considered in Council's Code of Meeting Practice as follows:

Clause 53 ABSENCE FROM COMMITTEE MEETINGS [LGGR 268]

- (i) 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 member's absences; or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (ii) Clause 53(i) does not apply if all of the members of the Council are members of the committee.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.

Council may note that while the Local Government Act allows for minor changes to the Code of Meeting Practice without re-exhibition of the Code, it is recommended that the Code should be updated and prepared in draft format and re-exhibited to allow for any public comment as part of an overall review of the Council's policies which is currently underway.

Additionally, staff have contacted the Department of Local Government and they advised that re-exhibition of an amended Code of Meeting Practice to reflect the proposed changes is a suitable action.

There is also an opportunity to prepare some other updates to the Code brought about by the re-naming and updating of the Regulation to the Local Government Act 1993 as the Regulation referred to in the document are done so in a superseded form. Additionally, it is opportune to update the definitions section and the references to Council's principal committees which have also changed.

The proposed changes to the Code are as follows:

Clause 2 DEFINITIONS

Amend (f) to read "the Act means the Local Government Act 1993 (referenced in the format [S X] where X represents a specific clause number);"

Amend (g) to read "the Code means Lithgow City Council Code of Meeting Practice; and the Regulation (referenced in the format [LGGR X] where X represents a specific clause number) means the Local Government (General) Regulation 2005 inclusive of subsequent amendments and modifications to the Regulation as adopted;"

Add "(h) LP refers to Local Practice and refers to council meeting practice as exercised by Lithgow City Council;"

Add "(i) Principal committee's means the Committees referred to in the Appendices."

Clause 5 FREQUENCY OF MEETINGS OF THE COUNCIL

...

Amend to reference sub clause (ii) of this clause of the Code:

- (iii) The Council may, by resolution, vary the time, date and place of ordinary meetings should extenuating circumstances exist which would prevent the ordinary meetings of the Council being held in accordance with clause (ii).

Clause 10A LEAVE OF ABSENCE FROM COUNCIL MEETINGS [S 234]

Amend as follows, correcting an error in the reference to the Local Government Act in subclause 1 and amending with the alterations to accommodate the changes to the leave of absence provisions in subclause 2:

- (1) A civic office becomes vacant if the holder is absent from three consecutive ordinary meetings of the Council unless the holder is absent because he or she has been suspended from office under Section 440 [S 440] without:
 - (i) Prior leave of the Council, or
 - (ii) Leave granted by the Council at any of the meetings concerned.
- (2) For the purpose of Clause (1)(i) & (ii), a Councillor applying for leave of absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor however the absence must be granted through a formal resolution of Council and the absence is rescinded upon the first attendance of the Councillor at a meeting of the Council.

Clause 11 CHAIRPERSON OF COUNCIL MEETINGS

Correcting the referencing to the new Regulation

...

- (ix) The Councillor appointed as Mayor and Deputy Mayor from time to time under section 369 [S 369] of the Local Government Act 1993 to preside at Council Meetings is authorised, to exercise the power of expulsion of a Councillor from a Council Meeting for engaging in or have engaged in disorderly conduct at the meeting, such disorderly conduct being in the nature identified in clause 256(1) [S 256(1)] of the Regulation.

Clause 32 VOTING AT COUNCIL MEETINGS

The NOTE reference to the Regulation should be updated to read:

Note. Part 11 of the Regulation provides that a council is to resolve whether an election by the councillors for Mayor or Deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7) [LGGR 394 and Schedule 7 Clause 3]. Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

Clause 52 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES [LGGR 267]

...

- (iv) The Councillor appointed from time to time as chairperson and deputy chairperson under clause 267 of the Regulation [LGGR 267] of the Council's Principal Committees is authorised, to exercise the power of expulsion of a Councillor from a Committee Meeting for engaging in or have engaged in disorderly conduct at the meeting, such disorderly conduct being in the nature identified in clause 256 of the Regulation [LGGR 256].
- (vi) The Councillor appointed from time to time as chairperson and deputy chairperson under clause 267 of the Regulation [LGGR 267] of the Council's Principal Committees authorised, to exercise the power of expulsion of a member of the public engaging in or have engaged in disorderly conduct at the meeting.

65 ATTENDANCE AT COUNCIL ORDINARY, EXTRAORDINARY AND COMMITTEE MEETINGS

Amend reference to the name of Principal Committees so that, should Council wish to alter the Committees in the future, the Appendices (which will have the words “Principal Committee” included in the Appendix title) only need to be changed:

...

- (v) Council’s Principal Committees comprise those as listed in the Appendices.

69 INFORMATION RELATING TO PROCEEDINGS AT CLOSED MEETINGS NOT TO BE DISCLOSED

Amend reference to the clause number in the Regulation as follows:

...

- (iv) For the purpose of clause 69 (iii) (c), any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Local Government Act 1993 prescribed circumstance. [LGGR 412]

It is further recommended to Council that minor changes be made to indicate both male and female gender where references do not cover both genders (for example clause 11 (vi) references “his nominee”) and a standardisation of the name “Lithgow City Council” be applied throughout the document.

ATTACHMENTS

1. Department of Local Government Circular 06-39 dated 3 July 2006 (hard copy)

RECOMMENDATION

THAT

1. Council note the alterations to the Local Government Act 1993 as listed in the Department of Local Government circular number 06-39;
2. That the recommended changes be made to Council’s Code of Meeting Practice and the Code be placed on exhibition in accordance with the provisions of the Local Government Act regarding exhibition of such Codes;
3. Council receive a report on any comments made on the Code of Meeting Practice and consider these in finalising a new version of the Code.

ITEM:8 COMM - 07/08/06 - MARRANGAROO LOCAL ENVIRONMENTAL STUDY AND STRUCTURE PLAN

REPORT FROM: – Environmental Planner - I Rufus

REFERENCE

Planning, Policy and Development Committee

- 7/2/05
- 27/6/05
- 22/8/05
- 12/12/05

Policy and Strategy Committee

- 1/5/06
- 5/06/06
- 19/6/06

SUMMARY

To inform Council of the progress of the draft Marrangaroo Local Environmental Study and Structure Plan.

COMMENTARY

Exhibition of Draft Local Environmental Study & Structure Plan

Council exhibited the draft Marrangaroo Local Environmental Study and Structure Plan for 28 days from Thursday 22 June to Friday 21 July 2006. An Open Day was held at the Lithgow Golf Club on Thursday 29 June 2006. Approximately 35 people attended on the day to view and discuss the draft Study and Plan.

In addition, a meeting was held with a number of residents of Oakey Forest Road on 18 July 2006, to discuss specific issues with the proposal. The exhibition period for these residents was extended until Tuesday 1 August 2006.

At the time of writing, Council has received 21 submissions from the public and 9 from government authorities. These submissions are currently being reviewed and will be presented to the Marrangaroo Working and Community Groups for consideration prior to being reported to Council for final determination of the draft Study and Plan with/without alterations.

Information Memorandum for the Sale of Lot 2 DP 1048324 & 63/64 DP 249335, Marrangaroo

It has come to Council's attention that Barclay Family Holdings Pty Ltd currently has an Information Memorandum and Due Diligence documents for the sale of Lot 2 DP 1048324 and Lots 63/64 DP 249335 through Colliers International. These lots are currently included in the Marrangaroo Study Area. A preliminary review of part of the documentation has revealed the following:

- Material prepared for Council for strategic planning purposes of the Marrangaroo Study Area has been reproduced without the permission of Council.

- The Information Memorandum implies that a re-zoning is proposed which is incorrect and misleading.
- The Information Memorandum provides incorrect and inconsistent information such as the current zoning of the subject land.

In response, correspondence has been forwarded to both Barclay Family Holdings and Colliers International demanding that they immediately cease utilising any material sourced from Council's strategic planning documents for the Marrangaroo Study Area. Furthermore, the following statement is to be issued to all parties who have received a copy of the Information Memorandum and Due Diligence documents, "Lithgow City Council has made no decision on whether or not to proceed with the draft Marrangaroo Local Environmental Study, draft Marrangaroo Structure Plan and Structure Plan Guidelines. No re-zoning of the Marrangaroo Study Area is proposed at this point in time".

POLICY IMPLICATIONS

The policy implications will depend upon the direction Council wishes to take following the completion of this project.

FINANCIAL IMPLICATIONS

The preparation of the Marrangaroo Local Environmental Study and Structure Plan are within the allocated budget.

LEGAL IMPLICATIONS

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

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information be received.

ITEM:9 COMM - 07/08/06 - LGSA FINANCIAL SUSTAINABILITY FINAL REPORT

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

SUMMARY

Council is advised that the final report arising from the Local Government and Shires Association inquiry into Local Government is available.

The Council is also advised that the Local Government Conference for 2006 will start with a session to workshop the recommendations of the Inquiry which may be of interest to Councillors attending the Conference.

REPORT

The final report from the LGSA contains 49 recommendations having assessed if the NSW local councils are sustainable as presently formed and constituted.

The recommendations cover a wide range of matters across all of local government but while the report is comprehensive and not summarised in entirety here, the report identifies the following key issues:

Infrastructure

- The level of funding for the renewal and maintenance of infrastructure is identified as an issue of great concern for local government and the inquiry estimates that a \$900 M per annum shortfall in funding exists which is required to fund their estimated backlog of works urgently required and to service the narrowing of the ongoing shortfall in funding they have identified each year;
- The Infrastructure funding shortfall indicated above, they recommend, should be met through a tiered government approach and be addressed by increases in State and Federal funding to local government (an additional \$200M p.a.) in addition to savings made by local government (\$200M) and the generation of additional revenue by local government (\$500M);
- There is a suggestion that all councils should be assessing and recording asset conditions in a standardised manner to assist in the management of assets and infrastructure.

Relationships with other tiers of government

- The report acknowledges that local government needs to build its relationship with the Federal and State tiers – particularly to address issues of cost shifting between the tiers.

Future planning

- The report identifies the criticality for councils in planning for the future in strategic plans and programs covering financial and land use matters, in particular, to determine future needs of residents and to adequately assess the assets needed to provide for those needs;
- The report identifies financial management techniques that ensure the reserve position and cash backing of depreciation on assets is essential for local government survival;

Revenue and financial management

- The report suggest rate pegging be abolished. This has been a long standing position of the Local Government and Shires Association yet one that has not to date been supported by the State Government;
- The report recommends that the annual Federal financial assistance grants program be calculated as a percentage of gross domestic product (GDP) to increase payment to a higher level and have it incrementally increased as GDP rises;
- The report recommends the development of standardised reporting processes across local government.

Should Councillors require a full copy of the report Council has a number of copies on hand and can obtain extra copies as required. Electronic copies are available on the Inquiry website (<http://www.lgi.org.au/>).

Council is also advised that an information session on the report and workshops sessions to discuss the recommendations will be held at the Local Government Association conference to be held in the Blue Mountains on 28 October between 1.30pm and 4.30pm. The Conference continues on the following day until 1 November 2006.

RECOMMENDATION

THAT:

1. Council note the contents of the report and that any Councillors wishing to attend the workshop session on 28 October 2006 advise the General Manager to facilitate bookings.
2. Council make a submission to the Federal Government via the Member for Calare for a larger proportion of funding to be made available to local government via the NSW Grants Commission and the FAG program.

ITEM:10 COMM - 07/08/06 - COUNTRY WEEK

**REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE –
K.WOOLLEY**

SUMMARY

Council has considered the benefits and costs of attending Country Week in 2006.

It is recommended to Council that the allocated funds be utilised for an alternate promotion of the Lithgow area specifically.

COMMENTARY

Council allocated \$5,000 in the 2006/07 Management Plan for the promotion of the Council area with the intention of reviewing the benefits and possibly attending Country Week or expending the funds on another form of promotion.

The assessment of the Country Week event, particularly following the decision from CENTROC not to attend in 2006, has been considered and it is recommended that Council not participate in the event.

The review of Council's promotional activities is currently underway to ensure a common approach is taken to promotional pursuits. This will increase the effectiveness of Council's expenditure and it is recommended to Council that rather than expend the limited funds on attending this event, the monies would be better used in a promotion where the campaigns promoting the Lithgow area are not competing with other areas' promotional activities.

The limited attendance at the 2005 event of just below 11,000 people prevents adequate returns for the necessary investment. Council's attendance in 2005 cost in excess of \$13,000.

A low return on the investment Council makes is concerning particularly when our area would be competing with many other areas in NSW and consumers risk becoming confused with the multitude of options available to them at the event.

It is recommended to Council that a better return on the limited funds could be achieved by targeting our promotional expenditure in a campaign which does not have to compete with other regional areas simultaneously in programs designed to promote the significant attractions the Lithgow area has to offer.

RECOMMENDATION

THAT Council not attend Country Week and expend funds on specific Lithgow area promotional activities.

COMMITTEE MEETINGS

Nil.

QUESTIONS WITHOUT NOTICE

Nil.

ITEM:2 GM - 07/08/06 - LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES 2006 ELECTION OF EXECUTIVE COMMITTEE



24 JUL 2006

Our Ref: 06/1124

To the General Manager

Doc. No
GDA Ref.
Years

24 July 2006

Dear Sir/Madam

**Local Government Association of New South Wales
2006 Election of Executive Committee**

Please find attached an Election Notice, a Nomination Form and Statutory Declaration in Support of Candidature relating to the 2006 election of the Executive Committee of the Local Government Association of NSW.

Could you please arrange for these to be placed before Council.

Should you require further information please contact Diana Kosseifi of this Office on telephone (02) 9290 5924.

Yours sincerely

Brian DeCelis
for Colin Barry
Electoral Commissioner for NSW and Returning Officer

LOCAL GOVERNMENT ASSOCIATION OF NSW
2006 ELECTION OF THE EXECUTIVE COMMITTEE
Statutory Declaration in Support of Candidature



THE FOLLOWING INFORMATION WILL BE REPRODUCED AS IS.
PLEASE REFER TO THE IMPORTANT INFORMATION ON THE BACK OF THIS FORM BEFORE COMPLETING.

I, _____ of _____
(Full Name of Candidate) (Residential address)

do solemnly and sincerely declare that:

1. I am a serving member of _____ COUNCIL

2. COUNCIL SERVICE: Year first elected (list any breaks in service); year/s as Mayor and/or Deputy Mayor.

3. COUNTY COUNCIL SERVICE: Name of council, year first elected (list any breaks in service); years as Chairman and/or Deputy Chairman.

4. SERVICE ON ASSOCIATION'S EXECUTIVE AND COMMITTEES: year first elected (list any breaks in service) to Executive and any Standing Committees.

5. SERVICE ON OTHER LOCAL GOVERNMENT ORGANISATIONS: please list them and years of service.

6. POLITICAL AFFILIATIONS DURING THE LAST 2 YEARS:

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Declared at _____ this _____ day of _____ 2006

before me:

Justice of the Peace

Candidate's signature

COMPLETED STATUTORY DECLARATIONS MUST BE RECEIVED BY THE RETURNING OFFICER, STATE ELECTORAL OFFICE NOT LATER THAN **NOON, MONDAY 28 AUGUST 2006**. THEY MAY BE HAND DELIVERED TO LEVEL 25, 201 KENT STREET, SYDNEY, POSTED TO PO BOX 693, GROSVENOR PLACE NSW 1220, OR FAXED TO (02) 9290 5939.

IMPORTANT INFORMATION FOR COMPLETION OF THIS FORM

This Statutory Declaration in Support of Candidature form is provided for completion in accordance with Local Government Association policy. Completion of the form or any part thereof is optional. Details supplied by candidates will be forwarded to all member Councils prior to the Annual Conference. Please note that details of service on Council Internal Committees should not be included.

The Statutory Declaration in Support of Candidature will be reproduced (printed) as completed by you. It will not be retyped.

It will be important, therefore, that you either print or write all information clearly. Alternatively, you may prepare your statement in support of candidature on word processor and adhere that to the defined space on this form.

There is no word limit, however all information **must** be restricted to the defined space allocated for each of the headings, **ie not more than 3 lines per heading**. Annexures will **not** be accepted.

If faxing this form to the Returning Officer it would be advisable to deliver or post the original to the Returning Officer at the address at the bottom of the form, immediately after faxing.

LOCAL GOVERNMENT ASSOCIATION OF NSW
2006 ELECTION OF THE EXECUTIVE COMMITTEE



NOMINATION FORM

**A COMPLETED NOMINATION FORM MUST BE RECEIVED BY THE RETURNING OFFICER, STATE ELECTORAL OFFICE, NOT LATER THAN NOON, MONDAY 28 AUGUST 2006.
IT MAY BE HAND DELIVERED TO LEVEL 25, 201 KENT STREET, SYDNEY OR POSTED TO PO BOX 693 GROSVENOR PLACE 1220 OR FAXED TO (02) 9290 5939. (The original of a faxed nomination must be received by the Returning Officer by Noon, Monday 23 October 2006.)**

We, the undersigned, being elected members of financial ordinary member councils of the Local Government Association of New South Wales, hereby nominate:

Surname _____ Given Names _____

of _____ Residential Address _____ Postcode _____

a serving member of _____ Council

Home Phone _____ Work Phone _____ Mobile Phone _____ Email Address _____ Date of Birth _____

as a candidate for the Office of _____

To be elected: 1 President 1 from country council or incumbent president
1 Treasurer 1 from country council or metropolitan council
2 Vice-Presidents 1 from a country council, 1 from a metropolitan council
20 Committee Members 10 from country councils, 10 from metropolitan councils

Full Name of Nominator(s)	Residential Address	Council	Signature

NOTE: This nomination must be made by at least TWO elected members of financial ordinary member councils, other than the candidate. No person may nominate more candidates than the number to be elected for each position.

CANDIDATE'S CONSENT

In accordance with rule 44(e) of the Association's rules, all candidates shall declare any current or recent (within the past 2 years) membership of a registered political party on their nomination forms and on all "how-to-vote" material. Ballot papers will show candidates declared current registered party memberships.

I declare I am currently, or recently have been (within the past 2 years) a member of the following registered political party/parties:

I, being a serving member of a financial ordinary member council of the Local Government Association of New South Wales do hereby consent to the nomination and declare that I am eligible to be elected (see Part 2 of the Election Notice).

My name should appear on the ballot paper as: _____
Surname (One) Given Name

Only one given name and surname will appear on the ballot paper. Recognised abbreviations or derivatives of given names are acceptable, but nicknames are not.

(Signature of Candidate)

(Date)

ELECTION NOTICE
LOCAL GOVERNMENT ASSOCIATION OF NSW
2006 ELECTION OF THE EXECUTIVE COMMITTEE



Pursuant to the Industrial Relations Act 1996 and the Regulations thereunder, the Electoral Commissioner for New South Wales will be the Returning Officer for the election of the Executive Committee of the Local Government Association of NSW.

Part 1 - Nominations

Nominations are hereby invited for the following positions:

- President (1 from a country council or from the incumbent president)
- Treasurer (1 from a country council or metropolitan council)
- 2 Vice-Presidents (1 from a country council, 1 from a metropolitan council)
- 20 Committee Members (10 from country councils, 10 from metropolitan councils)

Nomination forms and Statutory Declarations in support of candidature are attached. They may be photocopied as required, or additional copies may be obtained from the State Electoral Office, phone (02) 9290 5924.

Part 2 – Nomination Qualifications

Nominations on the prescribed form must be in writing, signed by the candidate and at least two nominators other than the candidate. No person may nominate more candidates than the number to be elected for each position.

Candidates must be serving members of councils which are financial ordinary members (not associate members) of the Association. Nominators must be elected members of councils which are financial ordinary members (not associate members) of the Association.

Rule 23(a) requires that the office of President alternates between members of country councils and members of metropolitan councils. To be eligible to be elected, candidates for the position of President at this election must be members of country councils but may also include the incumbent President.

Candidates for the positions of Vice-President and Committee Member must be from the respective country or metropolitan councils for which the nomination is made.

Part 3 - Lodgement Of Nominations

Lodgement of a correctly completed nomination form, by the specified time, is the responsibility of the candidate.

Nomination forms can only be lodged with the returning officer:

- by hand: State Electoral Office, Level 25, 201 Kent Street, Sydney; or
- by post: GPO Box 832 Sydney NSW 2001; or
- by fax: 9290 5939

and must be received by the returning officer no later than **NOON, MONDAY 28 AUGUST 2006**. Any anomaly in the form must be rectified before this time. The original of a faxed nomination must be received by the Returning Officer by Noon, Monday 23 October 2006.

Should the election be contested a draw will be conducted to determine the order of candidates' names on the ballot paper at the State Electoral Office at 2.00pm, Monday 23 October 2006. Candidates or their representatives are invited to witness the draw.

Part 4 - Withdrawal Of Nominations

A candidate may only withdraw his/her nomination in writing so as to be received by the Returning Officer prior to Noon, Monday 23 October 2006.

Part 5 - Candidate Profiles

Candidates will be given the opportunity to provide details of Local Government service, in the form of a Statutory Declaration, information from which will be forwarded to constituent councils before the Annual Conference. Any defect in a Statutory Declaration must be rectified by the candidate prior to the close of nominations.

Part 6 - Voting

Councils must be financial ordinary members of the Association as at the close of roll ie Monday 24 July 2006 to be eligible to vote in the election.

Voting will be conducted at the Annual Conference of the Local Government Association of NSW. Voting for President, Vice-Presidents and Treasurer will be conducted on Monday 30 October 2006 and for Executive Committee on Tuesday 31 October 2006. The method of voting to be observed for this election will be optional preferential for the election of President, Treasurer and Vice-Presidents, and proportional representation for the election of Executive Committee members.

Any enquiries concerning this election should be directed to Diana Kosseifi at the State Electoral Office, telephone (02) 9290 5924.

Colin Barry
Electoral Commissioner for NSW and Returning Officer