



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

AGENDA

**POLICY AND STRATEGY COMMITTEE MEETING
OF COUNCIL**

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

02 DECEMBER 2008

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY - NIL

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 4TH NOVEMBER 2007

DECLARATION OF INTEREST

NOTICES OF MOTION - Councillor M F Ticehurst - Portland Olympic Pool

NOTICES OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports - NIL

Regional Services Reports - NIL

Community and Corporate Services Report

REPORTS FROM DELEGATES - Mining Related Councils Meeting
Inaugural Australian Council of Local Government

COMMITTEE MEETINGS - Tourism Advisory

CLOSED REPORTS - NIL

BUSINESS OF GREAT URGENCY (as identified by Clause 241 of the Local Government (General) Regulation 2005

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NOTICES OF MOTION**ITEM:1 NOTICE OF MOTION - 02/12/08 - COUNCILLOR M F TICEHURST - PORTLAND OLYMPIC SWIMMING POOL****NOTICE OF MOTION****MOTION TITLE/TOPIC:**

Application to engage Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.

Listed by Councillor Martin Ticehurst

Date: 24 November 2008.

BACKGROUND

Councillors would be aware of past serious financial concerns that have been expressed publicly and in this Council over the Council's alleged accounting and 'control' of the \$320,000 Portland Olympic Pool asset under Section 3. Asset Control and Ownership of the Department of Local Government Asset Accounting Manual. Relevant information attached.

The issue has also been raised in State Parliament and the transcript of one Hansard report is attached for the information of all Councillors.

Councillors would be aware that recently at the Councils Finance & Services Committee Meeting on 7 October 2008, (Item 3) the new General Manager reported that, "the (Portland Olympic Pool) premises is not located on 'Council owned community land' ". Further, the new General Manager reported that, "However, an (Deed of) agreement is in place (that) should the Pool ever be voluntarily wound up (to) its transfer its surplus assets, including the Pool, to Council and Council shall classify the land as community land."

As an Attachment to the new General Managers report was a two-page letter from Mr Richard Fewkes, the Chairperson of the Portland & District Olympic Swimming Pool Committee. A copy of the General Manager's report to the Council, along with the letter submitted to Council by the current President of the Portland & District Olympic Swimming Pool Committee which sets out the original and current objectives of his incorporated association is attached.

For the information of all Councilors, a copy of the Department of Lands Title Search relating to Portland Olympic Swimming Pool in Portland is attached.

The Councils Auditors, MorseGroup (formerly Alan Morse & Co.) has provided additional financial advice on the Portland Olympic to the Council at the Finance and Services Committee Meeting on 5 June 2006 and is attached.

Additionally, Councillors particularly new Councillors should note that the only previous 'Independent' audit as publicly stated was undertaken by a fellow Senior Partner of the Council's Auditors, Alan Morse & Co. and is attached.

In light of the recent report by our new General Manager and the President of the Portland & District Olympic Swimming Pool Committee, it is apparent that there is now new Council evidence and public statements in the public domain that seriously contradicts the previous public information on Hansard, Council Minutes and the media.

As part of the Councils due diligence and corporate governance, this Notice of Motion seeks that the Council engage Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.

ATTACHMENTS

Department of Local Government Asset Accounting Manual related materials.
Legislative Council Hansard Question & Answers No. 19 28 September 2006.
Agenda Item 3 of LCC Agenda and Minutes of 7 October 2008.
Land & Property Information NSW Title Search Portland Olympic Pool.
Alan Morse & Co letter of 22 May 2006.
Alan Morse & Co. letter under the hand of Senior Partner, John O'Malley.
Deed of Agreement. between Lithgow City Council and the Portland & District Olympic Swimming Pool Inc..
Property Valuation (\$320,000) of the Portland Olympic Swimming Pool.

RECOMMENDATION

THAT Council engage Senior Auditors to conduct and provide an independent legal and financial opinion of the Lithgow City Council's financial accounting 'control' of the Portland Olympic Pool.

Signed: _____

MF

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:2 COMM - 02/12/08 - UPDATE OF SOCIAL PLAN 2006-2011

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min 06-347: Council Meeting 16 October 2006

Min 06-392 Council Meeting 20 November 2006

SUMMARY

The report recommends that Council receive the updated Social Plan 2006-2011. The 2008 update uses data from the 2006 Australian Bureau of Statistics Census of Population and Housing, data that was not available at the time the Council's Social Plan was developed in 2006.

COMMENTARY

The Social Plan was first prepared for the Lithgow Local Government Area (LGA) in accordance with the Social and Community Planning and Reporting Guidelines 2002 and adopted by Council on 20 November 2006. The Social Plan:

- describes the community of the Lithgow LGA
- summarises the key issues facing the LGA, and
- recommends strategies that Council and other agencies could implement to address the identified needs.

The inclusion of data from the 2006 Census means that the Social Plan provides a more up to date picture of the Lithgow Community which will assist Council, other government agencies and the community to better understand and plan for the future of Lithgow.

The Social Plan has identified community strengths, such as a friendly and close knit community with a range of quality community services and facilities. It also acknowledges the existence of significant areas of community disadvantage. The 2008 Social Plan Update identifies that Lithgow continues to have a low rate of population growth, an increasingly ageing population and that in general the numbers of children and young people continue to fall. These factors will present challenges to Council and other agencies concerned with planning for Lithgow's future.

Most data in the Social Plan has been updated with the following exceptions:

- Department of Planning Population Projections have not been updated as at the present time, updates to the Department's 2005 Population Projections are not available.
- Some data in the People with Disabilities target group profile remains unchanged as 2006 updates are not yet available.
- The Health Characteristics section has not been updated as updates are not yet available.
- The Social Advantage and Disadvantage Index of Disadvantage produced by the Jesuit Social Services has not been updated as Jesuit Social Services have not produced an update using 2006 Census data.
- Community consultation outcomes and action plans have not been updated from the 2006 originals.

Service Inventories have been updated.

POLICY IMPLICATIONS

The Social Plan provides recommended actions for the development of policies, standard work procedures and consideration of issues in plans such as the Strategic and Management Plans.

FINANCIAL IMPLICATIONS

The Social Plan contains estimated costs of each action listed. These actions are to be recalculated in each applicable management planning process for consideration by Council.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out a requirement for councils to develop a social/community plan.

ATTACHMENTS

1. Social Plan 2008 Update

RECOMMENDATION

THAT:

1. The updated Lithgow City Council Social Plan 2006-2011 be received by the Council.
2. Be placed on the Council's website and be available to the public at Council's Administration Centre, Lithgow Library Learning Centre, Portland and Wallerawang Libraries.
3. A copy of the updated Lithgow City Council Social Plan be sent to the Department of Local Government.

ITEM:3 COMM - 02/12/08 - DRAFT CULTURAL PLAN**REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON**

REFERENCE

NIL

SUMMARY

This report recommends that Council adopt the Draft Cultural Plan 2008-2013 to enable it to be advertised calling for public comment, and be placed on public exhibition for a period of 28 days.

COMMENTARY

The Draft Cultural Plan has been the subject of a comprehensive community consultation process throughout the Lithgow LGA including Portland, Wallerawang, Rydal and Cullen Bullen. The community was also offered the opportunity to provide their comments in writing, via Councils website, place cards on an information notice board at the Lithgow Library and Learning Centre or to arrange a one-on-one interview with the Cultural Development Officer.

The Draft Cultural Plan provides a framework for cultural development in the Lithgow local government area over the next five years from 2008 – 2013.

The final plan acknowledges the recommendations from the recent Lithgow Jobs Summit. It focuses on providing a way forward for promotion of cultural activities, economic sustainability through creative industries and recognition of the history and heritage of the Lithgow local government area and its people.

In summary, the Draft Cultural Plan provides a framework for:

- Promoting ecologically sustainable development in the Lithgow Local Government Area
- Implementation of the Cultural Plan over the next five years by Council, the community and other partners
- Aims to achieve positive progress in addressing the need to diversify Lithgow LGA's skills base through infrastructure development, cultural development and learning opportunities in the following areas:
 - Sustainable Economic Development through the creation of infrastructure, creative business opportunities, mentoring programs, education and skills development.
 - The implementation of a sustainable approach to placemaking through cultural, heritage, Main Street and Village Enhancement Programs.
 - Investigation and development of feasibility studies into Cultural Precincts for Lithgow, Wallerawang and Portland.
 - Plans of Management for Eskbank House & Museum, Lake Wallace, Crown Lands and local streetscapes.

- The identification and recognition of cultural landscapes, both built structures and significant environmental corridors in relation to Development Control Plans. Advancing the Learning Cities program by seeking new learning opportunities and partnerships.
- Cultural Mapping to identify current cultural activities, facilities audits and the direct and indirect benefits to the community of cultural programs.
- Recognition of indigenous culture through the development of cultural programs, dual naming and cultural awareness.

POLICY IMPLICATIONS

The Draft cultural Plan provides recommended actions for the development of policies, standard work procedures and consideration of issues in plans such as the Strategic and Management Plans.

FINANCIAL IMPLICATIONS

Although the Draft Cultural Plan contains estimated costs of each action listed many will need to be identified and costed in relation to the various project stages within the plan. These actions are to be recalculated in each applicable management planning process for consideration by Council.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out a requirement for councils to develop a social/community plan.

ATTACHMENTS

1. Draft Cultural Plan 2008-2013

RECOMMENDATION

THAT:

1. The Lithgow City Council Draft Cultural Plan 2008-2013 be advertised calling for public submissions and placed on public exhibition for a period of at least 28 days at Council's Administration Centre, Lithgow Library Learning Centre, Portland and Wallerawang Libraries and on Council's website.
2. Prior to the report coming back to Council, a Councillor Workshop or Information session be held on the Draft Cultural Plan and revised Social Plan.
3. A report be provided back to the Council informing the Council of the public submissions, and with a recommendation for the adoption of the Draft Cultural Plan.

ITEM:4 COMM - 02/12/08 - NOTICE OF GAZETTAL OF LITHGOW CITY LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO 12)

REPORT FROM: STRATEGIC LAND USE PLANNER – SHERILYN HANRAHAN

REFERENCE

Min 05-578 Policy and Development Committee 14/11/05

Min 06-239 Finance and Services Committee 7/08/06

Min 06- 264 Council Meeting 21/08/06

Min 07-50 Council Meeting 19/02/2007

SUMMARY

The purpose of this report is to advise that Lithgow City Local Environmental Plan (Amendment No 12) has been made by the Minister of Planning and duly gazetted to take effect from 7th November, 2008.

The report also seeks a council resolution:

- to repeal related Development Control Plans being:
 - Shire of Evans Exempt and Complying Development Control Plan
 - Shire of Evans Rural Subdivision and Erection of Dwellings Development Control Plan
 that are now obsolete, and
- to review Policy 7.8 – Restricted and Sex Services Premises Requirements to ensure consistency with the Local Environmental Plan.

COMMENTARY

Lithgow City Local Environmental Plan (Amendment No 12) amends Lithgow City Local Environmental Plan, 1994 and has the following aims:

- To provide interim planning controls for the City of Lithgow following the transfer to the City of certain land that was in the former local government area of Evans Shire, and
- To control the location of home occupation (sex premises), restricted premises and sex services premises in the City of Lithgow.

The amendment repeals Interim Development Order No -1 Shire of Evans and introduces a new rural zone – Zone 1(e) – Outer Rural maintaining the 100ha minimum rural lot size in this area.

The amendment amends the land use tables of Lithgow City Local Environmental Plan, 1994 and effectively prohibits sex services premises (brothels) and home occupation (sex services) in all zones except for Industrial 4 zone and restricted premises (sex shops) in all but the Industrial 4 zone, Business 3 zone and Village zones. Locational restrictions apply to those areas of the Business 3 zone outside a core business district (area in Lithgow surrounding Main Street, between its intersections with Lithgow and Bridge Streets) and the Village zones.

DEVELOPMENT CONTROL PLANS

The following two development control plans were prepared under the planning instruments of the former Evans Shire which have been repealed by the Lithgow City Local Environmental Plan (Amendment No 12):

- Shire of Evans Exempt and Complying Development Control Plan
- Shire of Evans Rural Subdivision and Erection of Dwellings Development Control Plan.

Therefore the development control plans are obsolete and require formal repeal.

POLICY IMPLICATIONS

In 2006 Council adopted Policy 7.8 – Restricted and Sex Services Premises Requirements. This Policy was prepared in accordance with the Draft Local Environmental Plan at that time. However in 2007, at the request of the Department of Planning the Draft LEP was amended to allow home occupation (sex services) within the Industrial 4 zone. The Policy will now be required to be reviewed and amended to reflect the gazetted Local Environmental Plan amendment. The amended Policy will be reported to Council when a new Draft is completed.

FINANCIAL IMPLICATIONS

The advertising of the repeal of the two obsolete Development Control Plans and review of Policy 7.8 will be taken from the Policy and Planning recurrent budget.

LEGAL IMPLICATIONS

The amendment to Lithgow City Local Environmental Plan 1994 took effect from 7th November, 2008 and is required to be implemented in accordance with the Environmental Planning and Assessment Act, 1979.

The amendment will require changes to Council's Section 149 Certificates.

ATTACHMENTS

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

RECOMMENDATION

THAT Council:

1. Notes that Lithgow City Council Local Environmental Plan (Amendment No 12) has been made by the Minister of Planning and gazetted taking effect from 7/11/08.
2. Resolves to repeal Shire of Evans Exempt and Complying Development Control Plan and Shire of Evans Rural Subdivision and Erection of Dwellings Development Control Plan by way of a public notice in a local newspaper in accordance with Cl 22 and Cl 23 of the Environmental Planning and Assessment Regulation 2000.
3. Reviews and amends Policy 7.8 to be consistent with the amended Lithgow City Local Environmental Plan in accordance with the relevant legislative requirements.

COMMITTEE MEETINGS

ITEM:5 COMM - 02/12/08 - TOURISM ADVISORY COMMITTEE

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

MIN F08: Finance and Services Committee 04 November 2008

SUMMARY

This report recommends the adoption of Terms of Reference for the Tourism Advisory Committee under the NSW Local Government Act 1993, Section 355.

COMMENTARY

A tourism committee, established by the Council, has been meeting for at least 28 years with evidence of a Tourism Management Committee being established in October 1980 and a Tourism Advisory Committee being established in 1987. However, to date, no Terms of Reference for past committees have been found. This report puts forward Draft Terms of Reference for Council's Tourism Advisory Committee.

At the Finance and Services Committee Meeting of 4 November 2008 the Council resolved to declare all positions vacant and advertise seeking expressions of interest for board members for the Tourism Advisory Committee.

Advertisements calling for expressions of interest for the new committee were placed in the Council's Column in the Lithgow Mercury on Thursday 13 November and again on Thursday 20 November. Expressions of Interest close on Friday 28 November. It is anticipated that the names of those people submitting expressions of interest will be put to the Ordinary Council Meeting to be held on Monday 15 December. The Council may wish to appoint a number of Councillors (3) to review the expressions of interest prior to the Council Meeting with the Group Manager Community and Corporate convening such a meeting.

The adoption of Terms of Reference for the Tourism Advisory Committee will allow Council to consider Expressions of Interest against the Committee Responsibilities and Membership criteria as set out in the Terms of Reference. The Draft Terms of Reference include the following:

Committee's responsibilities

The principal responsibilities of the Committee are to:

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

Committee membership

The Committee will be comprised of the following sector representation:

- *One Councillor*
- *Lithgow City Council General Manager or his nominee*
- *Blue Mountains Tourism Limited (staff)*
- *Department of Environment and Climate Change (National Parks and Wildlife Service)*
- *Accommodation sector*
- *Creative/cultural industry sector*
- *Retail sector*
- *Attractions sector*
- *Events sector*
- *Tour operators sector*
- *Licensed venues/clubs*
- *A Greater Lithgow local government area group/organisation*

Council officers (non-voting)

- *Group Manager Community and Corporate*
- *Tourism Manager*

Other industry representatives may be called upon as and when required.

At the Extraordinary Meeting of the Council held on 29 September, the Council resolved that Councillor Danaher be the Council representative to the Committee.

The Mayor by virtue of holding the office of Mayor, is appointed as a member of all committees established by Council. The appointment of the Mayor as a member of any committee established by the Council need not be taken into account when determining a Quorum for a meeting of the Committee. (Council policy 9.2)

POLICY IMPLICATIONS

The report relates to Council's:

Policy 4.1 Community Representatives – Appointment of to Committees or Working Groups

Policy 9.2 Appointment of Mayor to Committees

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NSW Local Government Act 1993, Section 355

ATTACHMENTS

1. DRAFT Terms of Reference Lithgow City Council Tourism Advisory Committee

RECOMMENDATION

THAT:

1. The name of the committee be the Tourism Advisory Committee.
2. The Council adopt the Terms of Reference to the Tourism Advisory Committee.
3. The Council appoint a Councillor to be the Chairperson of the Committee.
4. Three Councillors meet to review the expressions of interest prior to the Council Meeting of 15 December 2008 with a recommendation to be put to the meeting regarding the membership of Tourism Advisory Committee.

DELEGATES REPORTS

ITEM:6 DELEGATES REPORT - 02/12/08 - MINING RELATED COUNCILS MEETING HELD ON 14TH NOVEMBER 2008

REPORT FROM: THE MAYOR - NEVILLE CASTLE

REFERENCE

NIL

COMMENTARY

The most recent Mining Related Councils Meeting was hosted in Lithgow on Friday 14th November 2008.

The meeting itself was preceded on the afternoon before with a visit to Springvale Colliery. For people new to our area it gave them an insight into underground mining and in particular they looked at the long wall mining at Springvale. The Association and myself wish to thank the people from Centennial Coal who organised the visit and in particular Greg Shields and Mark Seckold for their efforts in taking us underground.

It was certainly an interesting experience being approximately 11km from the mine entrance and about 400m directly below the surface. The workings of the approx 300m of long wall was particularly fascinating and the people who came from either open cut coal mining areas or mines that had gold or other metals found the experience very interesting.

At the meeting itself the first task was the election of officers, in which John Davis from Orange was elected the Chairman with Ken Bates from Narrabri and myself being elected the Deputy Chairs of the Association.

The Association received the research project on the effect of mining on communities and families which is certainly made greater in some areas through longer working hours and in some isolated areas particularly with “fly in – fly out” method of being able to have staff at the various mines.

There was also a report on a Regional Water Study in the Gunnedah Basin as far as potential mining goes. A mine has been planned in the Caroonna area, however, the local farmers and graziers are concerned with the possible use of ground water which may otherwise be used for agriculture. We do not seem to face those problems here where the mine water, once pumped out, is actually seen as quite beneficial to our area and in particular our water supply.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the Delegates report on the Mining Related Councils Meeting.

**ITEM:7 DELEGATES REPORT - 02/12/08 - INAUGURAL AUSTRALIAN
COUNCIL OF LOCAL GOVERNMENT CONFERENCE****REPORT FROM: THE MAYOR NEVILLE CASTLE**

REFERENCE

NIL

COMMENTARY

The Australian Council of Local Government met for the first time in Canberra at the invitation of the Prime Minister, the Hon Kevin Rudd.

Kevin Rudd and his Government are keen to see a greater focus on local government and believe with local government being in that sphere of government closest to the people it is often more responsive.

In what appears to be a genuine attempt to have local government recognised in the Australian constitution, the Government has set no firm timetable because they don't believe the whole process needs to be rushed to meet a deadline, especially in view of the fact that two previous referendums on the issue have failed.

It would certainly appear to be a wise move to get the entirety of local government onside and with the support of local government it may well eventually come to being that local government is then recognised in the constitution.

During the conference it was possible to talk to Minister Albanese and his chief of staff, Daniel Cheterton regarding the Central West Transport Study. It was agreed that the central west and in particularly Centroc would be able to get a briefing on the transport study in the very near future from the group that did the study.

The Centroc submission on broadband was seen by Senator Conroy as one of the three best examples of groups understanding and making submissions on the government's broadband proposal. He believes that the Centroc proposal along with one of the Sunshine Coast and one in Western Australia should be taken by others as an example of ways to try to get their local community connected to broadband. The Broadband Connect program is worth \$4.4 billion which will be rolled out over five years. The government is hoping to have the contracts for this signed off in February with work to start reasonably soon after that. It is hoped that because of the significant work Centroc has done in this regard, that we may be one of the first recipients of broadband for our area.

Other ideas from other councils as far as economic development was concerned, was that Forbes has incentives for businesses who employ more than five people, if they stay for more than three years in that area. Tax incentives in general were suggested as a way to help decentralisation and Alice Springs has recently had a forum for business called "Small Ideas Big Results", the results of which are yet to be finalised.

As people are I'm sure now aware the government also announced \$300M program for regional infrastructure. This figure can either be for new projects or for repairs to other infrastructure (it appears that the program is not to be used for road works at this stage, especially in view of the fact that the commonwealth already give money for roads in the Roads to Recovery Program). This money of course is over and above any payment that any government has given. In Lithgow's case we will receive \$529,000 and the projects that this can be spent on can be varied through sportsgrounds, pools, skate parks, libraries and the like.

These programs must follow the guidelines which have been set down by the government and must be council projects not from groups apart from council. The other bottom line of the program is that the money must be spent by September 2009.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION**THAT:**

1. Council note the Delegates report on the Inaugural Australian Council of Local Government Conference.
2. Council note the progress towards the possible constitutional recognition of local government
3. A report be brought back by the General Manager as to possible projects that Lithgow Council can apply the \$529,000 to, along with the guidelines as to how the money can be spent.

BUSINESS OF GREAT URGENCY