



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

EXTRA ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

28 SEPTEMBER 2016

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

DECLARATION OF INTEREST

COUNCILLOR OATH OR AFFIRMATION OF OFFICE

STAFF REPORTS

General Managers Reports

BUSINESS OF GREAT URGENCY

as identified by Clause 241 of the Local Government (General) Regulations 2005

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>3</u>
<u>ITEM-1</u>	<u>GM – OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS</u>	<u>3</u>
<u>ITEM-2</u>	<u>GM – NOMINATIONS FOR AND ELECTION FOR THE POSITION OF MAYOR FOR THE PERIOD 2016 to 2018</u>	<u>5</u>
<u>ITEM-3</u>	<u>GM – NOMINATIONS FOR AND ELECTION FOR THE POSITION OF DEPUTY MAYOR FOR THE PERIOD 2016 TO 2018</u>	<u>10</u>
<u>ITEM-4</u>	<u>GM – DELEGATIONS TO MAYOR AND DEPUTY MAYOR</u>	<u>12</u>
<u>ITEM-5</u>	<u>GM – COUNCIL MEETING SCHEDULE FOR 2017</u>	<u>15</u>
<u>ITEM-6</u>	<u>GM - COUNCILLORS' WORK HEALTH AND SAFETY OBLIGATIONS</u>	<u>18</u>
<u>ITEM-7</u>	<u>GM – LOCAL GOVERNMENT NSW ANNUAL CONFERENCE</u>	<u>20</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>22</u>

ITEM 1 GM – OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

REPORT BY: RW BAILEY – GENERAL MANAGER

SUMMARY

A recent change to the Local Government Act 1993 now requires that councillors to take an oath or affirmation at the first meeting of Council.

COMMENTARY

As a result of the recent amendments to the *Local Government Act 1993*, councillors (including mayors) are now required to take an oath or affirmation of office. Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

According to the Circular:

- Each council will need to make arrangements for the oath or affirmation to be taken by each councillor at the first meeting of a newly-elected council or at a newly-elected councillor's first meeting following a by-election.
- Councillors should be made aware of this requirement prior to the first meeting of a newly-elected council or the newly-elected councillor's first meeting following a by-election.
- An oath or affirmation should be taken by each councillor as the first item of business for the meeting.
- The general manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting.
- If the councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in front of the general manager.
- The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.
- The taking of the oath or affirmation outside a council meeting must be publically recorded by the council.
- Where an oath or affirmation is taken outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.

It should also be noted that:

- A councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.

- If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

The Oath and Affirmation are:

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of Lithgow City and the Lithgow City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Lithgow City and the Lithgow City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

A councillor who fails to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.

ATTACHMENTS

1. LGNSW Circular No 16-32 / 9 September 2016 / A511602

RECOMMENDATION

THAT Council note the councillors that took the Oath or Affirmation of Office at the commencement of the meeting.

**ITEM 2 GM - NOMINATIONS FOR AND ELECTION FOR THE POSITION
 OF MAYOR FOR THE PERIOD 2016 to 2018**

REPORT BY: R BAILEY – GENERAL MANAGER

SUMMARY

Council is required to elect a Mayor. This report provides the procedure for the election of Mayor for the coming two year period.

COMMENTARY

Where the Mayor is elected by the councillors the Council is required to elect a Mayor to preside over the Council for the ensuing two year period.

The NSW Parliament recently passed amendments to the *Local Government Act 1993* (the LGA) known as the Phase 1 reforms, focussing mainly on improving council governance and strategic business planning. Part of these amendments provide that under Section 230(1) a mayor elected by councillors holds office for two years, subject to the Act.

Section 290(1)(a) of the Act requires the election of the mayor to be conducted at a meeting held within 3 weeks after the Ordinary election.

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

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

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

The Mayoral Fee presently paid by Lithgow City Council is \$21,865 pa, plus \$10,325 pa Councillor Fee totalling \$32,190 pa. Plus private use of a motor vehicle is also provided.

Nominations

Nominations are now invited for the Office of Mayor for the 2016 to 2018 term (until September 2018). The elections of Mayor of Lithgow City Council must be held in accordance with Schedule 7 of the Local Government (General) Regulation, 2005 and Council's Code of Meeting Practice.

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

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

Returning Officer

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

Nomination

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

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

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

Election

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

Ordinary Ballot

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot papers.
- 2a. If there are only 2 candidates, the candidate with the higher number of votes is elected.
- 2b. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.
- 3a. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

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

Open Voting

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

Preferential Ballot

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

Count for Preferential Ballot

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

Preferential Voting - Tied Candidates

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

Lithgow City Council has traditionally held the vote by the 'Open Voting' method.

General

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

Notes:

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for Wednesday 28th September 2016 **OR** at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Lithgow City have been conducted under the Open Voting system in recent years;
- (iii) "Open Voting" means voting by a show of hands or similar means;
- (iv) "Ballot" has its normal meaning of secret ballot; and
- (v) "Ordinary Ballot" means indicating the name, or if applicable the placing of the number 1 only against the name, of your preferred candidate.

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

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

Section 290 (1)(a) of the Local Government Act requires Council to hold the election for the position of Mayor by the Councillors within 3 weeks after the ordinary election. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Local Government Act.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined in the report.

ATTACHMENTS

1. Nomination Forms (blue)
2. LGNSW Circular No 16-30 / 2 September 2016 / A512827

RECOMMENDATION

THAT Council proceed with the election of the Mayor using the Open Voting method.

**ITEM 3 GM – NOMINATION FOR AND ELECTION FOR THE POSITION
 OF DEPUTY MAYOR FOR 2016 TO 2018**

REPORT BY: R BAILEY – GENERAL MANAGER

SUMMARY

Council may elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor, if so decided, for the coming two year period.

COMMENTARY

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

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

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

This Council in the past has elected a Deputy Mayor for the same term as the Mayor.

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

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

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

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

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined in the report.

ATTACHMENTS

1. Nomination Forms - Green

RECOMMENDATION

THAT Council:

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

ITEM 4 GM – DELEGATIONS TO MAYOR AND DEPUTY MAYOR

REPORT BY: RW BAILEY – GENERAL MANAGER

SUMMARY

This report is for Council to give consideration to the granting of Delegations of Authority to the Mayor and Deputy Mayor to assist them in performing their roles with Council.

COMMENTARY

Section 226 of the Local Government Act 1993 outlines the role of the Mayor. Section 226 provides:

The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

These additional proposed delegations for the **Mayor** are:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

3. Temporary General Manager

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

5. General Manager's Performance Review

In conjunction with the Deputy Mayor the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

The additional proposed delegations for the **Deputy Mayor** are:

1. Function of the Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

2. General Manager's Performance Review

In conjunction with the Mayor the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

These additional functions are practical delegations which assist the smooth functioning of the Council. Such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

POLICY IMPLICATIONS

As outlined in the report.

FINANCIAL IMPLICATIONS

As outlined in the report.

LEGAL IMPLICATIONS

Council is limited in the functions that can be delegated. This is provided for in Section 377 of the New South Wales Local Government Act 1993.

RECOMMENDATION

THAT Council, in addition to the functions outlined in Section 226 of the New South Wales Local Government Act 1993, delegate the following:

1. To the Mayor of Lithgow City Council:
 - a. **Donations**
To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Delivery Program and Operational Plan. Such

donations may only be made to community based, not for profit, groups functioning in the Lithgow Local Government Area.

b. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Delivery Program and Operational Plan.

c. Temporary General Manager

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint a temporary General Manager, either during the absence of the General Manager on leave or otherwise.

d. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

e. General Manager's Performance Review

In conjunction with the Deputy Mayor the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

2. To the Deputy Mayor of Lithgow City Council:

a. Function of the Mayor

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

b. General Manager's Performance Review

In conjunction with the Mayor the authority to conduct the performance reviews of the General Manager. The outcome of such reviews are to be reported to Council.

3. These delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine.

ITEM 5 GM – COUNCIL MEETING SCHEDULE FOR 2017

REPORT BY: R BAILEY – GENERAL MANAGER

SUMMARY

This report outlines the proposed dates for the Ordinary Council Meetings for 2017.

COMMENTARY

Council has a program of holding Council meetings on a general **three** weekly basis and on a Monday. The use of a three weekly meeting rotation involves a greater level of planning on the Council's behalf and a schedule of meetings needs to be made. Items that need to be considered when planning the council meetings include:

- Conferences
- Public holidays
- Possibly school holidays

The Local Government NSW Annual Conference in 2017 will be held in Darling Harbour, Sydney from Monday 4 December to Wednesday 6 December 2017.

Council is required under section 365 of the Local Government Act to meet at least 10 times per year, each time in a different month.

Public Holidays in 2017 will include:

	2017
New Year's Day	Monday, 2 January*
Australia Day	Thursday, 26 January
Good Friday	Friday, 14 April
Easter Saturday	Saturday, 15 April
Easter Sunday	Sunday, 16 April
Easter Monday	Monday, 17 April
Anzac Day	Tuesday, 25 April
Queen's Birthday	Monday, 12 June
Labour Day	Monday, 2 October
Christmas Day public holiday	Monday, 25 December
Boxing Day	Tuesday, 26 December
*Additional Day	

With NSW School holidays to be held on:

NSW Government School Holidays 2017		
Summer Holidays	Wednesday 21 December 2016	Thursday 26 January 2017
Autumn Holidays	Saturday 7 April 2017	Sunday 23 April 2017
Winter Holidays	Saturday 1 July 2017	Sunday 16 July 2017
Spring Holidays	Saturday 23 September 2017	Sunday 8 October 2017
Summer Holidays	Wednesday 20 December 2017	Monday 29 January 2018

The proposed dates for the Ordinary Meetings of Council for 2017 are as follows:

Ordinary Council Meetings for 2017

- 6 February
- 27 February
- 20 March
- 10 April
- 8 May **
- 29 May
- 26 June **
- 17 July
- 14 August **
- 4 September
- 25 September
- 23 October **
- 13 November
- 11 December**

** Represents 4 weeks between meetings

2016 Meeting Schedule

Meetings for the remainder of 2016 include Mondays:

- 10 October
- 31 October
- 21 November
- 12 December

POLICY IMPLICATIONS

Policy 9.6 provides that Council will not have a meeting during the month of January.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council hold the Ordinary Council meetings during 2017 on the following dates:

- 6 February
- 27 February
- 20 March
- 10 April
- 8 May
- 29 May
- 26 June
- 17 July
- 14 August
- 4 September
- 25 September
- 23 October
- 13 November
- 11 December

**ITEM 6 GM - COUNCILLORS' WORK HEALTH AND SAFETY
 OBLIGATIONS**

REPORT BY: R BAILEY – GENERAL MANAGER

SUMMARY

Legal advice had previously been received by Local Government NSW confirming that councillors have obligations under the WHS Act in the Council workplace. Council was previously advised of this advice however with a new Council now in place it is appropriate that councillors be made aware of this obligation.

COMMENTARY

To assist councillors in their role legal advice was sought by Local Government NSW (LGNSW). The legal advice provided to LGNSW confirmed that councillors are covered by the *Work Health and Safety Act 2011* (the "WHS Act").

The WHS Act imposes a range of duties and obligations on various people, however, it is sometimes assumed incorrectly, that councillors are not covered by the Act.

The confusion had arisen due to the fact that, although the WHS Act imposes a duty on an "officer" and a "person conducting a business or undertaking", the definitions of "officer" and "person conducting a business or undertaking" include exclusions for an elected member of a local authority in that capacity.

However, legal advice sought by LGNSW specifies that section 29 of the WHS Act imposes a health and safety duty on all persons at a workplace, including councillors. Section 29 is in the following terms:

"29 Duties of other persons at the workplace

A person at a workplace (whether or not the person has another duty under this Part) must:

take reasonable care for his or her own health and safety, and take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act."

A councillor may be in breach of section 29 of the WHS Act if, by act or omission, they adversely affect their health and safety or the health and safety of other persons at a workplace.

A health and safety duty is enforceable by fine under sections 31, 32 and 33 of the WHS Act, and if recklessness is established and serious injury or illness results then the penalty may also include a prison term of up to five years.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

As outlined above.

ATTACHMENT

1. LGNSW – Item 15 Councillor's Work Health and Safety Obligations.

RECOMMENDATION

THAT Council note the report in relation to Councillors' Work Health and Safety Obligations.

ITEM 7 GM – LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

REPORT BY: RW BAILEY

SUMMARY

The Local Government NSW's conference will be held at Wollongong from Sunday 16 to Tuesday 18 October 2016.

COMMENTARY

LGNSW is the peak industry association that represents the interests of NSW general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

Formerly known as the Local Government and Shires Associations of NSW (LGSA), the two organisations officially became Local Government NSW on 1 March 2013, thus uniting and strengthening the voice of the local government sector in NSW.

LGNSW's objective is to strengthen and protect an effective, democratic system of Local Government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.

LGNSW achieves this by:

- Actively and persuasively representing the views of Local Government to the NSW and Australian Governments
- Providing effective, responsive and accountable leadership to member councils
- Providing a comprehensive range of high-quality services and policy advice to our members
- Increasing the capacity of Local Government to deliver quality services and meet the needs of local communities across NSW
- Enhancing the profile and building community trust in and awareness of Local Government.

Each year the Association holds an annual conference to formulate policy and to advance local government in NSW.

The Local Government NSW will be holding the 2016 Annual Conference at Wollongong from 16 – 18 October 2016.

This year the Conference will cover a range of issues pertinent to all councils including concurrent sessions on natural resources and the environment, infrastructure and planning, and capacity building and diversity.

Each member council is entitled to send delegate(s) to the conference. The number of delegates varies according to the council's size and membership category of the Association. Lithgow City Council is entitled to send three delegates. In the past

these delegates have typically included the Mayor, Deputy Mayor and one other. Councils may also send observers which may include other councillors or council staff.

Council previously resolved to:

16 – 201 RESOLVED

THAT Council:

1. Appoint the Mayor, Deputy Mayor as voting delegates to the Conference.
2. Appoint another councillor as a delegate at a future Council meeting.
3. Authorise the General Manager to attend the Conference as an observer.
4. Authorise the Mayor to appoint alternate delegates or additional observers if required.

Council now needs to appoint the additional delegate (excluding the Mayor and Deputy Mayor) to attend the conference.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Conference registrations

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council nominate a councillor (excluding the Mayor and/or Deputy Mayor) a voting delegate to the LGNSW 2016 Annual Conference to be held in Wollongong.

BUSINESS OF GREAT URGENCY

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

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