



LITHGOW CITY COUNCIL

MINUTES

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

HELD ON

04 FEBRUARY 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 4 FEBRUARY 2008**

Meeting Commenced at 6.00pm

Public Gallery: 14

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor B P Morrissey
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

NIL

Also in attendance

General Manager, Mr Paul Anderson
Group Manager Regional Services, Mr Andrew Muir
Minutes Secretary, Miss Casey Clarke
Policy and Planning Manager, Mrs Amanda Muir
Internal Services Manager, Mrs Carol Farnsworth

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Policy and Strategy Committee Meeting of Council held on the 3 December 2007 were taken as read and confirmed by Councillors M M Collins and M J Wilson

P08-01 RESOLVED

CARRIED

DECLARATION OF INTEREST

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

Councillor W McAndrew declared a Pecuniary Conflict of Interest in Item 7 as he is a member of the Board. He vacated the Chambers.

Councillor W McAndrew declared a Pecuniary Conflict of Interest in Item 8 as he has a relative applying for the Committee. He vacated the Chambers.

QUESTIONS FROM THE PUBLIC GALLERY

At 6.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

NIL questions were received.

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GENERAL MANAGER REPORTS

ITEM:1 GM - 04/02/2008 - OBERON COUNCIL PROPOSAL TO INCREASE CONTRIBUTIONS TO UPPER MACQUARIE COUNTY COUNCIL

REPOR BY: GENERAL MANAGER - PAUL ANDERSON

REFERENCE

Nil.

SUMMARY

To advise of correspondence from Oberon Council calling on increased contributions to Upper Macquarie County Council.

COMMENTARY

Correspondence has been received from Oberon Council advising of its intention to increase its contribution to Upper Macquarie County Council and calling on State and Federal Governments, as well as other councils, to increase their contribution to weed control in the next one to three years.

Given that the means of Upper Macquarie County Council funding their activities (eg direct rating of property owners in each LGA) has been on the agenda and as the matter should be considered as part of upcoming budget deliberations, it is premature to consider any possible increase, or otherwise, at this stage and it is suggested that Oberon Council be advised accordingly. Also the experiences of the current extraordinary growing season may highlight the preference for Council to provide any additional resources to its own roadside and reserve maintenance programs.

POLICY IMPLICATIONS

Nil at this stage.

FINANCIAL IMPLICATIONS

Nil at this stage.

LEGAL IMPLICATIONS

Nil.

P08-02 RESOLVED

THAT:

1. Correspondence be forwarded to Upper Macquarie County Council enquiring as to how it intends to fund its operations in the 2008/2009 financial year and whether rating of property is considered.
2. Oberon Council be advised that Council will not consider the suggestion of increased contributions until its upcoming draft budget considerations.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:2 GM - 04/02/08 - SISTER CITY COMMITTEE EXPRESSIONS OF INTEREST**REPORT BY: GENERAL MANAGER - PAUL ANDERSON**

REFERENCE

Min 07-254: Council meeting 18 June 2007

Min 07-467: Policy and Strategy Committee meeting 5 November 2007

SUMMARY

Council called for Expressions of Interest for participation in the Sister City Committee and this report provides Council with an update on the advertisement process.

COMMENTARY

Council advertised for Expressions for Expressions of Interest for parties to join the s355 Committee to re-invigorate Sister City relationships. The Terms of Reference for the Committee adopted by Council in November 2007 proposed membership as follows:

- 2 Councillors
- 2 members of Council staff and an alternate for each
- 1 member of the Lithgow Business Association
- 3 members of the community each from different industry sectors/companies

In October 2007, Council responded to the request from Shrewsbury and Atcham Borough Council advising that once the Committee was established, Council would consider negotiations to create a Sister City relationship.

Also in October, Council wrote to the Lithgow Business Association seeking interest in joining the Committee.

Unfortunately, Council has not received any Expressions of Interest to join the Committee.

Council may wish to readvertise the Committee to garner support or directly approach members of community to encourage participation.

It is however recommended that Council proceed with membership of the Committee limited to the two Councillors appointed in November 2007, being Councillor Castle and Councillor Wilson, and the staff appointed by the General Manger (being the General Manager and Group Manager – Community and Corporate) to develop the Sister City relationship already established with Huainan in China and to create the Shrewsbury and Atcham Borough relationship. While proceeding with these two projects, Councillors could be discussing with members of the Community who they feel would offer input for the Committee to encourage participation and seek responses. An Expression of Interest pack outlining responsibilities along with the Terms of Reference has already been created to provide additional background material to any community member Councillors feel would be able to assist in this project.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council proceed to establish the Sister City Relationship with Shrewsbury and Atcham Borough;
2. Council continue to develop the Sister City Relationship with Huainan Province;
3. Councillors identify and approach individual members of the Community and the LBA to seek acceptance of positions on the committee.

P08-03 RESOLVED

THAT:

1. Council proceed to establish the Sister City Relationship with Shrewsbury and Atcham Borough;
2. Council continue to develop the Sister City Relationship with Huainan Province;
3. Councillors identify and approach individual members of the Community and the LBA to seek acceptance of positions on the committee.
4. Council re-establish the Sister City Relationship with Bluefield in West Virginia.

MOVED: Councillor M M Collins

SECONDED: Councillor B S Moran.

CARRIED

ITEM:3 GM - 04/02/08 - COMMITTEES OF COUNCIL AND POTENTIAL ALTERATIONS TO CODE OF MEETING PRACTICE

REPORT BY: GENERAL MANAGER - PAUL ANDERSON

REFERENCE

Min 07-493: Council meeting 19 November 2007

SUMMARY

Council asked that the Committees be assessed regarding starting times at the November 2007 Council meeting. This report provides comments on options for Council's consideration. This report also provides Council with an update on the issues associated with business without notice and questions from the gallery without notice that Council has previously considered.

COMMENTARY

In terms of the Committees structure and start times, Council's Code of Meeting Practice dictates the manner in which the Committees operate. To alter the committee's starting times will require an amendment to the Code of Meeting Practice. Currently, the Policy and Strategy Meeting has been determined by Council and recorded in the Code of Meeting Practice to commence at 6pm on the first Monday and of the month. The Finance and Strategy Committee has been determined by Council and recorded in the Code of Meeting Practice to commence at 7pm on the first Monday of the month.

The recommendation to Council regarding the question about starting times for the Committees is that the Policy and Strategy Committee meeting continue to commence at 6pm with the Finance and Strategy Committee moving to a 6.30pm start. In this way the Council will not have the usual delays between committees. Should Policy and Strategy Committee meeting continue past 6.30pm, the Council would move the suspension of standing orders in order to continue with the meeting and when that meeting concluded could resume standing orders to commence the Finance and Strategy Committee.

In reviewing this issue, it is timely to also consider the day of the month meetings have been held. It is recommended that Council Committee meetings be held on the first Tuesday of each month. This will allow Mondays to be available for briefing sessions for Councillors on topics they wish to have more information upon. The provision of additional briefing sessions for Councillors is a recommendation in the Promoting Better Practice Review conduct by the Department of Local Government in June 2007. Moving the meetings to Tuesdays also eliminates the issues associated with public holidays that fall on Mondays.

It is further recommended to Council that considerations of changing the Council meeting day to the third Tuesday of each month and commencing the meeting at 6pm would offer greater consistency for Council's administration.

This report is also an opportunity to present to Council a letter of response forwarded from the State Member from the Minister for Local Government concerning public question time. The letter confirms that while public question time is not a requirement, it is good practice to allow questions from the public at Council meetings but the administration of such public interaction is a matter for each Council. The letter does confirm Council's position that business discussed in the meetings must have been afforded proper notice and hence the practice of allowing public questions in the meeting time only on matters included in the Council Business Paper, which has been given the appropriate notice, is recommended to be continued.

The letter from the Minister reiterates the recommendation from the Promoting Better Practice Review conducted in June 2007 regarding Councillor questions without notice and illustrates the process of only dealing with urgent business at meetings that Council has adopted is the correct procedure. The letter also reiterates that works requests should not be raised at council meetings but done through the existing works request system by reporting matters directly to Customer Services for assessment and allocation as appropriate for operational matters.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

P08-04 RESOLVED

THAT Council's Code of Meeting Practice be amended as follows and be placed on exhibition for a period of 28 days with comments received for 42 days from the date of exhibition in accordance with section 361 of the Local Government Act 1993:

1. Council's Policy and Strategy Committee commence at 6pm on the first Tuesday of each month;
2. Council's Finance and Services Committee commence at 6.30pm on the first Tuesday of each month;
3. The processes to suspend standing orders if Committee times need to be altered be included in the Code of Meeting Practice update;
4. Council meetings be held on the third Tuesday of each month commencing at 6pm;

MOVED: Councillor B S Moran**SECONDED:** Councillor M J Wilson.**CARRIED**

ITEM:4 GM - 04/02/08 - ASSETS DISPOSAL POLICY

REPORT BY: GENERAL MANAGER - PAUL ANDERSON

REFERENCE

Min 07-520: Policy and Strategy Meeting 3 December 2007

SUMMARY

The draft Assets Disposal policy has been on exhibition and the policy is now presented to Council for finalisation.

COMMENTARY

Council resolved to exhibit the draft policy on Asset Disposal on 3 December 2007.

No submissions were received and the policy is recommended to Council to be adopted unaltered.

POLICY IMPLICATIONS

The policy update will be added to Council's Policy register.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

P08-05 RESOLVED

THAT Council adopt the draft Assets Disposal Policy as exhibited as the Assets Policy and amend the Policy Register and the website accordingly.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:5 GM - 04/02/2008 - PURCHASING PROCESSES

REPORT BY: GENERAL MANAGER - PAUL ANDERSON

REFERENCE

Min 07-532: Ordinary Meeting 17 December 2007

SUMMARY

Further to the questions raised at the December 2007 Council meeting by Councillor Ticehurst regarding the Council's procedures for purchasing goods, a review of the previous policy has been undertaken and a proposed procedural document created to replace it.

COMMENTARY

In making a submission on the General Purpose Financial Reports, Councillor Ticehurst sought information on a policy Council had previously had in place on purchasing.

The Council is aware that following a substantial review of policies, all policies were rescinded and new policies adopted in October 2006. Over time since that date Council has continued to add and amend policies to ensure compliance and currency of policy positions.

In reviewing the rescinded policy document (attached) it was noted that the previous process of having standing orders with local businesses has been replaced with a fully automated ordering system which requires all orders to be processed through the Council's finance system thus enhancing the means to manage and monitor expenditure. This has been deleted to reflect the current operational procedures.

The contents of the former policy do not constitute a policy position and are operational in nature hence the document has been created as a Standard Working Procedure (SWP) in the format used for such documents. As such it is presented to Council for information only.

POLICY IMPLICATIONS

While the proposed document is not a policy it does provide the operational framework for the management of purchasing processes.

FINANCIAL IMPLICATIONS

Nil

P08-06 RESOLVED

THAT Council note that the Purchasing procedures of the Council are covered in the Standard Working Procedure for Purchasing.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:6 GM - 04/02/08 - SPECIAL RATE VARIATION AND LOAN FUNDS APPLICATION FOR THE PROPOSED INDOOR AQUATIC CENTRE

SUMMARY

This report seeks Council's resolution to seek a special rate variation and loan funds for the proposed Indoor Aquatic Centre.

COMMENTARY

The Department of Local Government is currently calling for applications for a special variation to general income. It is therefore considered appropriate that Council once again seek approval for a special rate variation to provide for the construction of the Indoor Aquatic Centre including loan repayments. The following special rate variation options are listed in the Special Variation Guidelines and are available for Council to consider:

What does Council want to do?	Relevant Section of Local Government Act	What are the consequences?	What is required to extend the special variation approval?
Increase the general income by more than the rate peg % in eg 2005/06 and then apply the rate peg on top of that figure each year thereafter for a number of fixed years.	508(2)	Council will be required to reduce its general income in the year after the approval period ends. The amount to be reduced will be the \$ amount of the special increase plus the equivalent cumulative proportion of the increase from any general or special variation increases approved during the approval period.	A new application would be required in the year that Council has to reduce its general income.
Increase the general income by more than the rate peg % in eg 2005/06 and then apply the rate peg on top of that figure each year thereafter on an ongoing basis (not for a fixed period).	508(2)	Council will never have to reduce its general income as the increase is ongoing.	Not applicable as the special variation approval was permanent/ongoing.
Increase the	508A	Council will never	A new application

<p>general income by a % which is higher than the rate peg % in each of the next number of years (up to a maximum of 7 years).</p>		<p>have to reduce its income. % increases approved for each year are cumulative. At the expiration of the approval period, the rate peg limit would apply to the level of income generated in the previous year.</p>	<p>would need to be submitted.</p>
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The Department of Local Government also advise in relation to section 508A that "where an application is lodged just prior to the commencement of the 2008/09 rating year, it is likely that the first year of approval under this section will be 2009/10. If a council lodging an application under section 508A wishes to increase rates in 2008/09, it will be required to complete an SV1 form in addition to its submission. This will allow the first year of the application to be assessed under section 508(2)". Therefore, it is suggested that Council submit a special rate variation application under sections 508(2) and 508A of the Local Government Act.

In addition, Council will also need to seek the Minister for Local Government's approval for the loan funds. These actions would also result in the inclusion of the project and subsequent rating models in the Draft Management Plan 2008/09 to 2010/11 which will be subject to Council's approval and further consultation with the community.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications are discussed above in terms of the application for a special rate variation and loan funds.

LEGAL IMPLICATIONS

The application for a special rate variation must be submitted to the Department of Local Government by 31 March 2008.

RECOMMENDATION

THAT

1. An application for a special rate variation for the construction of the Indoor Aquatic Centre be submitted to the Department of Local Government under sections 508(2) and 508A of the Local Government Act and included in the Draft Management Plan 2008/09 to 2010/11.
2. All necessary actions are undertaken regarding seeking the Minister for Local Government's approval for the loan funds for the project.

P08-07 RESOLVED

THAT:

1. An application for a special rate variation for the construction of the Indoor Aquatic Centre be submitted to the Department of Local Government under sections 508(2) and 508A of the Local Government Act and included in the Draft Management Plan 2008/09 to 2010/11.
2. All necessary actions are undertaken regarding seeking the Minister for Local Government's approval for the loan funds for the project.
3. The General Manager regularly advise Council of process and where it is up to.
4. A delegation to the Local Member and the relevant Minister to chase up the application.

MOVED: Councillor M M Collins

SECONDED: Councillor H K Fisher.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:7 AGENDA - POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 4 FEBRUARY 2008 (Minutes)

REPORT FROM: GROUP MANAGER, REGIONAL SERVICES - ANDREW MUIR

REFERENCE

DA 065/07

SUMMARY

To recommend the endorsement of a Planning Agreement prepared as part of a Development Application in the Lithgow area in relation to contributions for a proposed round-a-bout.

COMMENTARY

A planning agreement is a negotiated voluntary agreement or other arrangement between a planning authority and a developer under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

An explanatory note shall be prepared for each agreement which includes detail regarding the proposed planning agreement. The explanatory note accompanies the planning agreement and is exhibited and registered with the planning agreement.

Currently the agreement that is ready for endorsement by Council, subject to advertisement without objection, is as follows:

DA NO.	DESCRIPTION	NAMES OF PARTIES	LAND
065/07DA	For the construction of a round-a-bout	Mines rescue Pty Ltd	Lots 8 & 9 DP 856749, 3 Proto Avenue Lithgow

POLICY IMPLICATIONS

This planning agreement will provide a monetary contribution toward the construction of a round-a-bout at the Lithgow Street entry based on the potential for additional vehicles to utilise the site.

The Planning Agreement has been compiled in accordance with Council Planning Agreement Policy through negotiation. Normally negotiation would occur prior to issue of development consent. However, Council has the opportunity to process the agreements post consent as long as an offer has been made by the applicant. In this instance the consent has been issued with the agreement currently being advertised.

FINANCIAL IMPLICATIONS

The financial implications for Council are the receipt of a contribution of \$20,000 towards the provision of a material public benefit in the form of infrastructure.

LEGAL IMPLICATIONS

The Planning Agreement is subject to the requirements of the Environmental Planning & Assessment Act 1979, and the provisions of Council's Planning Agreement Policy.

Councillor W McAndrew declared an interest in this item and vacated the Chambers.

P08-08 RESOVED

THAT Council endorse the Planning Agreement as presented if no objections have been received following advertisement, and proceed to issue of the final documents, notifications and registration in Council's Public Register.

MOVED: Councillor B P Morrissey

SECONDED: Councillor H K Fisher.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:8 COMM - 04/02/08 - MEADOW FLAT HALL COMMITTEE
 EXPRESSIONS OF INTEREST**

REPORT FROM: POLICY & PLANNING MANAGER – AMANDA MUIR

REFERENCE

Min No 07-500: Council Meeting 19 November 2007

SUMMARY

This report provides the results of the Expression of Interest process for membership of the Meadow Flat Hall Committee.

COMMENTARY

At its meeting of 19 November 2007, Council resolved to call Expressions of Interest for 7 members of the Meadow Flat Hall Committee. At the time of closing, 7 Expressions of Interest were received from residents of the Local Government Area. All applicants reside within 20 kilometres of the Meadow Flat Hall and all but one applicant is a ratepayer (i.e. listed in Council's property system as a registered property owner within the Local Government Area). However, this applicant's husband is a ratepayer and therefore, it is appropriate that this application be considered. Therefore, it is recommended that the 7 applicants be appointed to the Meadow Flat Hall Committee.

Furthermore, the Meadow Flat School has been offered a position on the Committee, however, at the time of writing no reply has been received. If correspondence is received in the interim, Councillors will be updated by Memorandum.

POLICY IMPLICATIONS

Council's Community Representatives – Appointment to Committees or Working Groups Policy is applicable and therefore copies of the Expressions of Interest are provided confidentially to Councillors only.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

Councillor W McAndrew declared a pecuniary conflict of Interest in this item and vacated the Chambers.

P08-09 RESOLVED

THAT Mrs Ellen McManus, Mrs Maree Statham, Mrs Elizabeth Reen, Mr Bruce Gunning, Mrs Maureen Gunning, Mr Greg Scott and Mrs Annie Scott be appointed to the Meadow Flat Hall Committee.

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

QUESTIONS WITHOUT NOTICE

QWN - 04/02/08 - COUNCILLOR A E THOMPSON

1. Mr Mayor are you aware that there is a rabbit plague, particularly around Enfield Avenue and Rifle Parade, Lithgow? IS there anything that Council can do to rectify this problem?

The Mayor deemed this question urgent and advised that Council will contact the Rural Lands Protection Board and advise them of the problem and seek their help.

2. Mr Mayor I refer to the state of Coal Haul Road and ask if Council can meet with the Local Member and the Minister for Mineral Resources in relation to the closing of this road and as to why the public were not aware of the road closing?

The Mayor deemed this question urgent and advised that a delegation will be sought with the Local Member, the Minister for Mineral Resources, Centennial Coal, Pine Dale Coal Mine and Contractors as soon as possible in relation to the various issues.

QWN - 04/02/08 - COUNCILLOR B P MORRISSEY

1. Mr Mayor can a report come back to Council on the privatisation of the Power Industry and a submission to the State Member in relation to our objection to this happening in our Local Government area?

The Mayor deemed this question urgent and advised that a report will be brought back to Council and submissions forwarded to the Government.

QWN - 04/02/08 - COUNCILLOR W MCANDREW

1. Mr Mayor I refer to the explosion at Howard and Son's late last year and ask Council if the Company are fully operational once again and will Council be able to seek a copy of the findings from Work Cover?

The Mayor deemed this question urgent and advised that Council is unaware if the Company are fully operational but that the Wallerawang Garbage Tip is opened to the public once again. Council have not been given a copy of the findings from Workcover in relation to the cause of the explosion but have been advised that they will be a part of the debriefing with the Company.

The meeting closed at 6.59pm.