

1<sup>ST</sup> JULY 2008

MINUTES - POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL



LITHGOW CITY COUNCIL

**MINUTES**

POLICY AND STRATEGY COMMITTEE  
MEETING OF COUNCIL

HELD ON

01 JULY 2008

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 1<sup>ST</sup> JULY 2008**

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Meeting Commenced 6.00pm

Public Gallery: 6

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
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**

An apology was received and accepted from Councillor B P Morrissey who was out of the City on business.

**MOVED:** Councillor H K Fisher **SECONDED:** Councillor W McAndrew.

**P08-65 RESOLVED**

**CARRIED**

**Also in attendance**

Acting General Manager, Mr Scott Greensill  
Acting Group Manager Regional Services, Mr Stephen Darlington  
Group Manager Community and Corporate Services, Suzanne Lollback  
Minutes Secretary, Miss Casey Clarke

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Policy and Strategy Committee Meeting of Council held on the 3rd June 2008 were taken as read and confirmed by Councillors M M Collins and M J Wilson

**P08-66 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

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

Stephen Darlington declared a non pecuniary interest in Item 8 citing a family relationship to the Estate. He did not vacate 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

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## **MAYORAL MINUTE**

### **ITEM:1            MAYORAL MINUTE - 01/07/08 - APPOINTMENT OF ACTING GENERAL MANAGER**

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#### **REFERENCE**

S334 of the Local Government 1993 – Appointment of General Manager.

#### **SUMMARY**

This report provides information for Council so as to fulfil its statutory obligations in relation to the appointment of an Acting General Manager in accordance with the Local Government Act 1993.

#### **COMMENTARY**

Council, at its meeting of 20<sup>th</sup> May 2008 resolved to appoint a locum to the position of Acting General Manager until such a time as permanent appointment to the position of General Manager occurs.

S334 of the Local Government Act 1993 requires Council to appoint a person to the position of General Manager. When a vacancy occurs in the position of General Manager, then Council in accordance with S345 of the Act, is further required to appoint a person “immediately” to either the vacated position or to appoint a person to act in the vacated position until such time as the position is permanently filled.

Following discussions between the Mayor and the LGSA, Mr. Scott Greensill was requested to fulfil the position of Acting General Manager and formally accepted this position effective from 23<sup>rd</sup> June 2008. It is envisaged that Mr. Greensill will be engaged for a period of approximately 8 weeks until the permanent position of General Manager is filled.

In order to satisfy the statutory requirements of the Local Government Act 1993, Council is now required to ratify the action of appointing Mr. Greensill to the position of Acting General Manager effective from 23<sup>rd</sup> June 2008.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Normal remuneration for the Acting General Manager will apply.

#### **LEGAL IMPLICATIONS**

Compliance with the Local Government Act 1993, so as the Acting General Manager has the relevant authority to undertake the duties of the position.

**P08-67 RESOLVED**

**THAT** the appointment of Mr. Scott Greensill to the position of Acting General Manager be endorsed effective from 23<sup>rd</sup> June 2008.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor A E Thompson.

**CARRIED**

## GENERAL MANAGER REPORTS

ITEM:2            GM - 01/07/08 - CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

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### REFERENCE

NIL

### COMMENTARY

Correspondence has been received from The Local Government Shires Association in relation to Constitutional Recognition of Local Government.

A circular advised that all Councils would now have received the Australian Local Government (ALGA) Constitutional Recognition package.

As Council may be aware ALGA is convening a summit in Melbourne in December this year to discuss and resolve a model to put forward to the Federal Government. In preparation for the December summit, the Associations will be meeting the LAGA and other State Associations with council's positions in August.

Constitutional recognition of local government is an opportunity for local government to gain some autonomy and the financial resources to survive and prosper. The Shire Association, at its Annual Conference on 2-4 June, resolved the following:

"That the Association propose a referendum of the people seeking full recognition of the role of Local Government as the Third Tier of executive Government in the body of the constitution, in the same way as the State are recognised at Chapter V of the Commonwealth of Australia Constitution Act 1900".

The Associations want to take a cohesive position to the August meeting and are anticipating a timely response from your council on this matter.

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

### P08-68 RESOLVED

**THAT** Council resolve to support the Constitutional Recognition of Local Government.

**MOVED:** Councillor H K Fisher **SECONDED:** Councillor W McAndrew.

**CARRIED**

## REGIONAL SERVICES REPORTS

**ITEM:3            REG - 1/07/2008 - LAKE LYELL CARETAKERS CONTRACT**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES - STEPHEN DARLINGTON**

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### REFERENCE

17 March 2008 - Ordinary Meeting of Council: Min O08-35

### SUMMARY

To finalise the contract for the Lake Lyell Caretaker's Position.

### COMMENTARY

Contract documentation for the Lake Lyell Caretaker's Position has now been finalised. The terms of this contract are largely unchanged from the previous contract. The documentation requires the Common Seal of Lithgow City Council to be affixed.

### POLICY IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Affixing of the Common Seal of Council requires a Council resolution.

### RECOMMENDATION

**THAT** the Common Seal of Council be affixed to the Lake Lyell Caretakers contract documentation.

### P08-69 RESOLVED

#### **THAT:**

1. The Common Seal of Council be affixed to the Lake Lyell Caretakers contract documentation.
2. A report be brought back to Council on how the new Caretakers of Lake Lyell are performing.

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:4            REG - 1/07/08 - TENDERS FOR CAPITAL WORKS AT CRYSTAL THEATRE, PORTLAND**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN DARLINGTON**

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**REFERENCE**

Nil.

**SUMMARY**

This report seeks a determination from Council to use the selective tendering process, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the procurement of suitable contractors for the capital works to the Crystal Theatre, Portland.

**COMMENTARY**

S166 of the Local Government (General) Regulation 2005 states that whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used.

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The preferred method of procurement due to the nature of the specific works to be undertaken at the Crystal Theatre is the selective tendering method pursuant to s168. It is intended to call expressions of interest for the work after which invitations to formally tender for the works will be called from suitable contractors.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**P08-70 RESOLVED**

**THAT** Council use the selective tendering method, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the capital works at the Crystal Theatre, Portland.

**MOVED:** Councillor M M Collins  
**CARRIED**

**SECONDED:** Councillor B S Moran.

**ITEM:5            REG - 01/07/08 - WALLERAWANG PUBLIC SCHOOL  
DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE  
159/07 FEES**

**REPORT FROM:    ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN  
DARLINGTON**

### **SUMMARY**

Submit a request from Wallerawang Public School for Council to waive Development Application/Construction Certificate fees for a project at Wallerawang Public School.

### **COMMENTARY**

Wallerawang Public School submitted a written request on 10/03/08 for a refund of fees paid on DA/CC 157/07 for works including earthworks, fencing, and building construction at the school. The fees totalled \$2,210.04 and included:

• Development Application Fee	\$694.16
• Plan First Fee	\$92.12
• Construction Certificate Fee	\$641.63
• Compliance Certificate Fee	\$195.43
• GST on Construction/Compliance Certificates	\$83.70
• Long Service Levy Fee	\$503.00
 Total	 <u>\$2,210.04</u>

The submission from Wallerawang Public School advises that the project has been fully funded by school and community fundraising along with a Federal Government Grant. They highlight that the school is a not for profit organisation and any refund of fees will go directly back into programs and resources for the children.

Previous advice had been provided to the school from Council's Community and Culture Manager that council had already provided a single donation to the school for 07/08 as per council policy, being \$50 for academic prizes.

Discussion with the School Principal indicated that a refund of about \$1,000 would assist the school to complete works which they have been unable to complete due to lack of funding. The Development Application assessment was the major component for council in processing this application. It is considered reasonable to refund an amount of \$1,012.88 to Wallerawang Public School from 08/09 donations comprising the Plan First fee (which can be taken from the DA fee), the Construction Certificate fee, Compliance Certificate fee, and the GST on these fees. The Long Service Levy is a State Government charge that is not refundable.

### **POLICY IMPLICATIONS**

A refund to the school from the 08/09 budget would constitute Council's donation to that organisation for the 08/09 financial year.

### **FINANCIAL IMPLICATIONS**

A reduction in income from fees in Councils 07/08 budget.

### **LEGAL IMPLICATIONS**

Nil

### **P08-71 RESOLVED**

**THAT** a refund in the amount of \$1,012.88 be provided to Wallerawang Public School comprising the Plan First fee, Construction Certificate fee, Compliance Certificate fee, and GST, being Council's donation to the school from the 08/09 budget.

**MOVED:** Councillor M M Collins  
**CARRIED**

**SECONDED:** Councillor W McAndrew.

**ITEM:6            REG - 01/07/08 - ROAD NAMING - 134/03 DA LIDSDALE 66/05DA  
                         AND 67/05DA STRATHLONE ESTATE**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN  
                         DARLINGTON**

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### **SUMMARY**

To advise Council of road naming proposal for Lidsdale & Strathlone Estate, and seek a resolution from Council to advertise these names in accordance with Council's Policy for Road Naming.

#### **Lidsdale:**

One road- DA134/03 - Lot 1, DP596248, Castlereagh Highway, Lidsdale.

#### **Strathlone Estate:**

Two roads- DA 66/05 & 67/05 - Strathlone Estate Pty Ltd, South Bowenfels

### **COMMENTARY**

Council has received a submission by the applicant and in accordance with development conditions on the naming of internal roads within a the Subdivisions at Lidsdale and South Bowenfels. The applicants have requested that Council name these roads as follows;

**Lidsdale:**

The new five lot subdivision at 1389 Castlereagh Highway Lidsdale, Lot 1, DP596248 propose the name 'Karawatha Drive' in reference to the original grazing property at this location and to the existing residence at 1389 Castlereagh Highway both named 'Karawatha'.

**Strathlone Estate:**

South Bowenfels new Strathlone Estate, propose the names 'Woodland Drive' and 'Sandalwood Drive' continuing the theme of plants, shrubs and tree names already used in the area.

**POLICY IMPLICATIONS**

These roads will be named in accordance with Council's Road Naming Policy.

**FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

**LEGAL IMPLICATIONS**

Nil

**P08-72 RESOLVED**

**THAT** in accordance with Council's Policy for the naming of roads, Council advertise the road names as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:7            REG - 01/07/08 - ROAD NAMING - 242/04DA - "THE RIDGES"  
SUBDIVISION - FOREST RIDGE ROAD WALLERAWANG**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN  
DARLINGTON**

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### **SUMMARY**

To update Council on a proposal to name the road at the 15 lot subdivision of Lot 2 DP 1050206 Forest Ridge Drive, Wallerawang.

### **COMMENTARY**

Following a report presented to the Ordinary Meeting of Council on 7 April 2008. Council resolved to call for submissions on the naming of the road in accordance with Council's Road Naming Policy. The proposed name for this road is 'West Ridge Road'. The road has been advertised in the Lithgow Mercury calling for submissions from the public for the statutory twenty eight (28) day period in accordance with the Policy.

Council notified the adjoining residents and advertised for the road naming in accordance with the Geographical Names Board guidelines.

### **Issues/Public Participation**

As a result of the notification Council received a suggestion as follows:

'Lilyvale Lane' in reference to the Lilyvale pipeline running through the subdivision.

The submission indicated that similar names existed in the district that could confuse the issue, such as Ridge Street, Portland – West Street, Lithgow & Forest Ridge Road, Wallerawang.

Although as this name would be considered suitable for the naming of the road Council officers support the name 'West Ridge Road' for the following reasons:

The owners TA & JA & GW & JL Clark proposed the name which was supported by the Geographical Names Board and adds the original subdivision being 'The Ridges'. Further the subdivision is situated on the western side of the Forest Ridge Estate subdivision undertaken by Council.

### **POLICY IMPLICATIONS**

That this road naming be carried out in accordance with Council's Road Naming Policy.

### **FINANCIAL IMPLICATIONS**

The applicant is to pay all costs associated with the acquisition and erection of signage.

### **LEGAL IMPLICATIONS**

Nil

## **P08-73 RESOLVED**

**THAT** the roads named by the applicant as West Ridge Road and listed above be adopted as the road name for The Ridges Subdivision and that Council advise the Emergency Services and Government Gazette of these road names.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor H K Fisher.

**CARRIED**

**ITEM:8            REG - 01/07/08 - ROAD NAMING - 335/05DA - SWEETBRIAR ESTATE**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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### **SUMMARY**

To advise Council of road naming proposal for 160 Lot subdivision of Lot 252 DP 1045308 Great Western Highway, Bowenfels.

### **COMMENTARY**

Following a report presented to the Ordinary Meeting of Council on 3 March 2008 regarding the proposed naming of the road at Sweetbriar Estate subdivision Council resolved to call for submissions on the naming of this road in accordance with Council's Road Naming Policy. The proposed name of this road was 'Josephine Crescent'. The roads have been advertised in the Lithgow Mercury calling for submissions from the public for the statutory twenty eight (28) day period in accordance with Council's Road Naming Policy.

### **Issues/Public Participation**

As a result of the notification Council received a suggestion as follows:

'Pentwyn Crescent' in reference to Mr William Daniel Lewis who owned the property years ago and called it 'Pentwyn'. This name was selected due to the finding that Josephine Crescent did not comply with the Geographical Names Board Guidelines No. ***4.2 A given name should only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names should generally be avoided.***

This is supported by the developers and hence would be considered suitable for the naming of the road, Council officers support the name 'Pentwyn Crescent'.

### **POLICY IMPLICATIONS**

These roads will be named in accordance with Council's Road Naming Policy.

### **FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

### **LEGAL IMPLICATIONS**

Nil.

### **P08-74 RESOLVED**

**THAT** in accordance with Council's Policy for the naming of roads, Council advertise the road names as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:9            REG - 01/07/08 - ROAD RENAMING**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN DARLINGTON**

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### **SUMMARY**

To advise Council of a road renaming proposal for:

Laneway between Cullen Street and Wolgan Street at Portland known as Williwa Street Lane from Mr Ron Bidwell of the Portland Development Association.

The Rydal/ Sodwalls/ Tarana Road from Sandra Laroche

### **COMMENTARY**

Council has received two submissions on the renaming of roads in Lithgow City Councils area. The applicants have requested that Council name these roads:

1. Williwa street Lane between Wolgan Street and Cullen Street at Portland as 'Scheidel Lane' in reference to Dr. Scheidel who was very prominent in the establishment of Portland Commonwealth Cement Company, which brought prosperity to the town for the best part of the 20<sup>th</sup> Century. Dr Scheidel died on the 2<sup>nd</sup> May 1932 and currently there is no recognition to his name in Portland and request a small tribute to his name with this laneway.

2. Rydal/ Sodwalls/ Tarana Road be changed to 'Sodwalls Road' which is the original name for the road twenty years ago. The current name is confusing and cumbersome to residents on the road and S. Laroche request a more suitable name be adopted.

**POLICY IMPLICATIONS**

These roads will be named in accordance with Council's Road Naming Policy.

**FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

**LEGAL IMPLICATIONS**

Nil.

**P08-75 RESOLVED**

**THAT** Council consider the significance of the roads being renamed in accordance with Council's Policy for the naming of roads and Council advertise the road names as indicated in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor W McAndrew.

**CARRIED**

## **COMMUNITY AND CORPORATE SERVICES REPORTS**

### **ITEM:10            COMM - 01/07/08 - HEALTH IMPACT ASSESSMENT REPORT**

**REPORT FROM: GROUP MANAGER COMMUNITY & CORPORATE SERVICES - SUZANNE LOLLBACK**

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#### **REFERENCE**

Min: 07-254 Council Meeting 18 June 2007  
Min: 07-543 Council Meeting 17 December 2007

#### **SUMMARY**

This report tables the Health Impact Assessment Report of Lithgow City Council Strategic Plan 2007 (HIA). The HIA project was led by the Sydney West Area Health Service (SWAHS) comprised of the SWAHS's departments of Population Health and Strategic Direction and the Centre for Population Health.

#### **COMMENTARY**

This report presents the findings of the HIA of the Lithgow City Council Strategic Plan. The primary output of the HIA is a set of evidence-based recommendations geared to informing the decision-making process of the implementation of the Lithgow City Council Strategic Plan. The recommendations aim to highlight practical ways to enhance the positive impacts or minimize any negative impacts on health, well being and health inequalities that might exist in response to the Lithgow City Council Strategic Plan.

A Steering Group consisting of the SWAHS's project team, Lithgow City Council Policy and Planning Manager and key community members oversaw the Lithgow City Council Strategic Plan HIA.

Recommendations have been developed in response to four of the key strategies contained within the Lithgow City Council Strategic Plan, namely: Health, Community, Transport and Environment. The HIA report contains a number of recommendations that the Council may wish to consider when reviewing its Social Plan and developing strategies that have been identified in the Social Plan such as Ageing Strategy, Cultural Plan, Crime Prevention Plan, Youth Plan, etc. Information will also inform the Land Use Strategy and Local Environment Plan. Actions arising may be considered when developing future Management Plans.

In December 2007, the Council adopted Terms of Reference for a Health Advisory Committee under section 355 of the Local Government Act. Membership of the Committee was advertised in February with only two nominations. The Committee has yet to be formed. A letter has now been forwarded to the local State Member Mr Gerard Martin requesting his assistance. The information contained in the HIA may inform the Health Advisory Committee when established.

To support the delivery of outcomes from recommendations, a grant of \$100,000 has been received to appoint a health project officer for one year. The funding comes from the Health Promotion Innovation and Enhancement Grant through SWAHS/NSW Health. The project is called 'Live Life Well in Lithgow'.

The project aims to increase community awareness in Lithgow of factors that contribute to unhealthy weight. Advertisements for the project officer will commence within the next two weeks.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The HIA was undertaken by SWAHS.  
Funding of \$100,000 has been received from SWAHS.

**LEGAL IMPLICATIONS**

NIL

**P08-76 RESOLVED**

**THAT** the Health Impact Assessment Report of Lithgow City Council Strategic Plan 2007 be received and information on the 'Live Life Well in Lithgow' project be noted.

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:11            COMM - 01/07/08 - REVISED MODEL CODE OF CONDUCT****REPORT FROM: GROUP MANAGER COMMUNITY & CORPORATE SERVICES,  
SUZANNE LOLLBACK**

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**REFERENCE**

Minute 07-453 – Council Meeting 15 October 2007

Minute O08-31 – Council Meeting 17 March 2008

**SUMMARY**

This report tables a copy of the revised *Model Code of Conduct for Local Councils in NSW June 2008* (Model Code) issued by the Department of Local Government. Also attached is a circular to councils outlining the changes to the previous Model Code.

**COMMENTARY**

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). A review of the Model Code by the Department of Local Government has taken place with the revised Model Code coming into place as of the 20 June 2008.

The Council may add provisions that supplement the Model Code and/or provisions that are more onerous than those contained in the Model Code. The council's code may include provisions that supplement the Model Code and provisions more onerous than those contained in the Model Code.

One of the major changes to the Model Code concerns the conduct review committee. Councils can now have conduct review committees or sole reviewers. These will now be independent of council and can act in the role for more than one council. The operating guidelines are provided in the Model Code. The general manager and Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer. Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council. The council must appoint 3 or more persons with a sole conduct reviewer being chosen from the appointed persons. Conduct reviewers may act in the role for more than one council. Council may determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

Of concern with the introduction of the Model Code is the need to re-form the Conduct Review Committee due to the Mayor and general manager no longer being eligible to be committee members. This matter is made difficult due to the limited time available prior to the forthcoming local government election in September. Whilst ideally Council should call Expressions of Interest from "qualified persons of high standing in the community", a temporary alternative would be to form a committee consisting of current eligible persons from the review committees established by Lithgow City Council, Mid-Western Regional Council and Oberon Shire Council in accordance with the alliance between the councils and potentially another councils if required.

Preliminary discussions had between Council's acting general manager and the general managers from Mid-Western Regional Council and Oberon Shire Council indicate a favourable response to such a proposal.

Clause 12.14 of the draft Code of Conduct allows for members of the conduct review committee to act for more than one council and as such this alternative is considered to provide a temporary solution where the matter can be re-considered following the completion of the September election. The review committee is required to function with a minimum three (3) people and as such it is recommended that at least five (5) people be appointed to allow for ease of formation when required.

Failing a solution being achieved by this process, the only remaining alternative is to call "Expressions of Interest" as previously mentioned.

It is recommended that the following actions be undertaken:

- The Model Code be adopted to replace the existing Code of Conduct as the Model Code has come into effect from the 20 June 2008
- Assess the Model Code in terms of including provisions that may supplement the Model Code specific to Lithgow City Council following the local government elections to be held in September
- Delegate to the acting general manager the responsibility of liaising with Oberon Shire Council, Mid-Western Regional Council and other councils should it be required to seek the services of five (5) eligible persons to fulfil the role of conduct review committee members.
- Failing the formation of a temporary Conduct Review Committee as above delegate to the general manager the calling for expressions of interest for persons to be appointed as conduct reviewers. This may include local persons as well as persons that may be shared with other councils.
- A report be provided to the council following the calling of expressions of interest, which identifies any costs/fees incurred in the provision of the service.

### **POLICY IMPLICATIONS**

The revised Model Code of Conduct for Local Councils in NSW replaces the Council's adopted Code of Conduct from 20 June 2008.

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

Councils under section 440 of the Local Government Act 1993 must adopt a code of conduct.

## **P08-77 RESOLVED**

### **THAT:**

1. Adopts the Model Code of Conduct for Local Councils in NSW (June 2008).
2. Reviews the Model Code of Conduct for Local Councils in NSW (June 2008) in terms of including provisions that may supplement the Model Code specific to Lithgow City Council following the local government elections to be held in September.
3. Delegate to the acting general manager the responsibility of liaising with Oberon Shire Council, Mid-Western Regional Council and other councils should it be required to seek the services of five (5) eligible persons to fulfil the role of conduct review committee members.
4. Failing a satisfactory outcome as per action three above Council Delegates the general manager to call for expressions of interest for persons to be appointed as conduct reviewers.
5. Appoints persons to be conduct reviewers following the calling of expressions of interest.
6. Determines any budget requirements, including fees, for the service once the matter has been investigated.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:12            COMM - 01/07/08 - LAND USE STRATEGY AND LOCAL ENVIRONMENT PLAN**

**Report From: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK**

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### **REFERENCE**

Min 07-518: Policy and Strategy Committee Meeting 3 December 2007

Min P08-20 Policy and Strategy Committee Meeting 3 March 2008

### **SUMMARY**

This report provides information on the development of a land use strategy and local environment plan for Lithgow City Council.

### **COMMENTARY**

At the Policy and Strategy Committee Meeting of the 3 March 2008, the Council resolved that:

*A Local Environmental Plan be prepared for the Lithgow Local Government Area in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 and repeal all existing environmental planning instruments.*

This report advises that a tender has been called for the development of the Lithgow City Council's Land Use Strategy and Local Environment Plan (LEP). The closing date for submission of tenders is 17 July with a report to go to the Council anticipated for Tuesday 5 August.

The Lithgow Local Government Area is currently governed by Environmental Planning Instruments from the 3 former Local Government Areas of Evans Shire, Rylstone Shire and Lithgow City. The completion of this project will involve the amalgamation of these Instruments into a single Local Environment Plan for the Local Government Area. The planned completion of the project will be 31 March 2009 with the gazettal of the Local Environment Plan.

To inform the Local Environment Plan, a Land Use Issues Paper and Land Use Strategy will firstly be prepared. The Land Use Issues Paper and Land Use Strategy will involve the implementation of the strategies in Council's Corporate Strategic Plan that relate to land use planning.

The Council has an MOU with the Department of Planning who are required to sign off on milestones of the project, including on the tender brief, Draft Land Use Issues Paper, the Draft Land Use Strategy and Draft Local Environment Plan.

A significant amount of work has already been undertaken that will contribute to the project. This includes the Local Profile, Corporate Strategic Plan, Draft Issues Paper, Marrangaroo Local Environmental Study and Structure Plan, Social Plan and Draft Cultural Plan.

### **POLICY IMPLICATIONS**

The development of the Local Environment Plan will set a framework for land use policy development for the Lithgow City Council.

### **FINANCIAL IMPLICATIONS**

To undertake the work Council has successfully obtained funding from Rounds 2 and 4 of the Planning Reform Funding Program. The aim of the Program is to support the development and implementation of reforms to the planning system, to streamline the planning process, make it more strategic, efficient and transparent while enhancing community involvement.

The costs of preparing the Local Environmental Plan will be ascertained in the tender process for the preparation of the Land Use Strategy and Local Environmental Plan which Council resolved to call for at its Policy and Strategy Committee Meeting of 3 December 2007. However, the Local Environmental Plan will be funded by a mixture of grant (\$100,000) and Council funding which has been allocated in the 2008/09-2010/11 Management Plan.

### **LEGAL IMPLICATIONS**

NSW Local Government Act 1993

Environmental Planning and Environment Act 1979

Environmental Planning and Assessment Regulation 2000

**P08-78 RESOLVED**

**THAT** the report be noted

**MOVED:** Councillor B S Moran

**SECONDED:** Councillor M J Wilson.

**CARRIED**

## QUESTIONS WITHOUT NOTICE

### QWN - 01/07/08 - COUNCILLOR H K FISHER

1. Mr Mayor can a report on the Development Application for the Lithgow Valley Shopping complex please be brought back to Council to check that all provisions are being adhered to? The Complex is in disarray and needs a lot of work to it.

*The Mayor deemed this as urgent and advised a report will be brought back to Council.*

### QWN - 01/07/08 - COUNCILLOR M J WILSON

1. Mr Mayor I refer to a burnt out house in South Littleton, located on Third and West's Streets, can Council please investigate if this can be removed?

*The Mayor deemed this as urgent and advised that Council will take it on Notice and investigate the issue.*

### QWN - 01/07/08 - COUNCILLOR M F TICEHURST

1. Mr Mayor is Council aware that the pedestrian crossing and stop sign located at the Lithgow Valley Shopping complex are non existent? Can this be looked into and can they be replaced?

*The Mayor deemed this as urgent and advised that Council will investigate this matter.*

### QWN - 01/07/08 - COUNCILLOR A E THOMPSON

1. Mr Mayor can Council please look into a rating issue with a resident in Sandford Avenue? This issue has been raised before as they are being billed for two separate titles.

*The Mayor deemed this as urgent and will have Council Officers investigate this issue.*

2. Mr Mayor I refer to a previous questions regarding a driveway at Girraween Drive, Marrangaroo, when will this be looked at?

*Through the Mayor, the Acting Group Manager Regional Services advised that the work will be completed this week on this driveway.*

The meeting closed at 6.20pm.