



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

04 FEBRUARY 2008

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 3 DECEMBER 2007

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICES OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Services Report

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - NIL

CLOSED REPORTS - NIL

QUESTIONS WITHOUT NOTICE

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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.

ATTACHMENTS

1. Letter from Oberon Council. (Doc No. 388628)

RECOMMENDATION

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.
2. Oberon Council be advised that it will not consider the suggestion of increased contributions until its upcoming draft budget considerations.

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

ATTACHMENTS

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.

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

ATTACHMENTS

1. Letter to Lithgow Business Association (DW 379398)
2. Letter from Minister Paul Lynch to State Member Gerard Martin (DW 373621)

RECOMMENDATION

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;

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

ATTACHMENTS

Nil

RECOMMENDATION

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

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

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Purchase and Supply of Goods and Services – Policy and Procedure - Adopted March 2003, Rescinded Oct 2006
2. Standard Working Procedure – Purchasing

RECOMMENDATION

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

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.

ATTACHMENTS

Nil

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.

REGIONAL SERVICES REPORTS

ITEM:7 REG - 04/02/08 - ENDORSEMENT OF DRAFT PLANNING AGREEMENT

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.

ATTACHMENTS

1. Draft Planning Agreement

RECOMMENDATION

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.

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.

ATTACHMENTS

1. Copies of the Expressions of Interest are provided within Councillor Business Paper Packages.

RECOMMENDATION

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.

COMMITTEE MEETINGS

Nil.

QUESTIONS WITHOUT NOTICE

ATTACHMENTS

**POLICY AND
STRATEGY
COMMITTEE
MEETING**

4 FEBRUARY 2008

OBERON COUNCIL

137-139 Oberon Street
PO Box 84
OBERON NSW 2787
ABN 13 632 416 736



Telephone: (02) 6336 1100
Fax: (02) 6336 2061
email: council@oberon.nsw.gov.au

Contact: Lee Dickson
Your Ref: E39.6 LD:LD
Our Ref: **Lithgow Council**
Scan.

13 December 2007

Mr Paul Anderson
General Manager
City of Lithgow Council
PO Box 19
LITHGOW NSW 2790

13 Dec 2007
Doc. 1
GDA
Years
.....

Dear Paul

Increase in contributions to control of weeds in rural areas

At its Ordinary Meeting held on 11 December 2007, Oberon Council resolved to call on other councils and State and Federal Governments to recognise the fact that the easing of the drought in rural areas has led to a significant increase in weeds.

The weed problem has slipped under the radar during the drought. The welcome rains have, however, highlighted the importance of investing in prompt and consistent weed control. Oberon Council is increasing its contribution to weed control through the Upper Macquarie County Council and is calling on State and Federal Governments and other councils to increase their contribution to weed control over the next one to three years.

Yours sincerely,

Bruce Fitzpatrick
General Manager

Reference: KW

31 October 2007

Mrs Janelle Johnstone
President
Lithgow Business Association
PO Box 239
LITHGOW NSW 2790

Dear Janelle;

RE: MEMBERSHIP ON COUNCIL'S SISTER CITY COMMITTEE

Council determined in June 2007 it would create a Sister City Committee.

The aim of the Sister City Committee is to advise Council on sister city issues, to draft and propose policy positions on sister city establishment issues to Council, to assess and provide information to Council on the benefits and opportunities of creating new sister city relationships and to manage the sister city relationships

Council will consider Draft Terms of Reference (attached) which will be the basis for membership and operation of the committee.

The recommendation to Council in the report to be discussed at the Policy and Strategy Meeting to be held at 6pm on 5 November 2007 is that Council seek a member of the Lithgow Business Association to participate in the committee in addition to 3 business community members from different industry sectors.

If Council resolves the draft Terms of Reference on 5 November 2007, the Committee membership would be formed after an Expression of Interest process, advertised through the local media.

Assessment of applications to join the Committee would be done by the Councillors appointed to the Committee by the Council (the Mayor, Councillor Castle, and Councillor Wilson), the General Manager and the Group Manager – Community and Corporate.

Council is interested in seeking your comment as to the interest from the LBA to participate in the Committee. The involvement of the LBA and industry sector representatives is aimed to provide input from the community into the types of Sister City relationships that will offer the greatest benefit to the community through common issues and opportunities to learn from, and teach, our Sister city partners.

The suggested meeting timetable for the Committee is on a quarterly basis and in the initial stages the Committee would be looking at the Sister City issues from a strategic point of view in order to establish what opportunities the community would benefit from through developing relationships.

Could you please consider this suggestion and if acceptable advise any nominations for the position of Lithgow Business Association member of the Council's Sister City Committee. Council would be seeking a response and potential nomination(s) by 7 December 2007 to allow time for the Association's consideration of the matter.

If you wish to discuss this issue please contact the undersigned on 6354 9999 or email to my attention on council@lithgow.nsw.gov.au.

If you would like to address Council on this issue, Council provides an opportunity for the public to address the Council at the start of its meetings on topics on each meeting's agenda. As the Draft Terms of Reference and the calling of Expressions of Interest for Committee membership will be discussed on 5 November 2007, if the LBA would like an opportunity to address the council on this matter, please contact the Executive Secretary, Ms Casey Clarke, to book a presentation time by 4pm on 5 November 2007.

Yours sincerely



KATHY WOOLLEY
GROUP MANAGER – COMMUNITY AND CORPORATE

Encl. Draft Terms of Reference for the Sister City Committee

Fax



Lithgow City Council
PO Box 19
Lithgow NSW 2790
Phone: (02) 6354 9999
Fax: (02) 6351 4259

TO:	Janelle Johnstone	FROM:	Kathy Woolley
COMPANY:	LBA	DATE:	1 Nov 2007
FAX NUMBER:	6351 3251	TOTAL NO. OF PAGES INCLUDING COVER:	5
PHONE NUMBER:	6351 3251	SENDER'S REFERENCE NUMBER:	
RE:	Sister City Committee	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE Recycle

NOTES/COMMENTS:

Hi Janelle

As per our phone conversation this morning, attached is the letter and draft terms of reference for the Sister City Committee Council has determined it will create.

The Council will consider the recommendation to form this committee using the attached Terms of Reference as guidelines and seek expressions of interest for community participation at the meeting on Monday 5 November.

There is an notification in the attached letter of the availability of time for LBA to address the Council on this issue if someone wishes to attend but as I said in our phone conversation I'm recommending that we advertise for Expressions of Interest for the 3 other industry representatives to assist in determining what we want to get out of Sister City partnerships and would need to know by the close of the EOI process – on 7 December – if the LBA wishes to participate.

Many thanks

Kathy Woolley

GROUP MANAGER – COMMUNITY AND CORPORATE

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New South Wales

The Hon. Paul Lynch MP

Minister for Local Government
Minister for Aboriginal Affairs
Minister Assisting the Minister for Health (Mental Health)

SEARCHED
SERIALIZED
INDEXED
FILED
Doc No
CD & Ref
Year

Ref: eA1199551
MIN: A113498
Doc ID:

Mr G F Martin MP
Member for Bathurst
PO Box 712
BATHURST NSW 2795

25 SEP 2007

Dear Mr Martin

I am writing in reply to your letter of 17 August 2007 (your reference LCC:07) regarding public question time at meetings of Lithgow City Council.

I have noted your comments that you believe Lithgow City Council has autonomy about whether or not to allow public question time at a Council meeting.

Council meetings are to be conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the Council's adopted Code of Meeting Practice. The Code is determined by the Council after public consultation, but cannot contain any provision inconsistent with the Act or the Regulation.

I note that there is no right in the Act or the Regulation for the public to participate in a council meeting either by written submission or oral presentation, including being able to ask questions or address council meetings or comment on matters during meetings.

Both my position and that of the Department of Local Government on public participation in council meetings is that it is good practice to allow it. The Department issued a Meetings Practice Note in November 2005, which provides assistance to councils (at clause 2.12, page 17) as to how to manage public participation in council meetings. The Meetings Practice Note is available on the Department's website at www.dlg.nsw.gov.au.

Each council can decide whether its Meeting Code should provide for public participation and how that is to occur. This would include how and when any questions are to be tabled and discussed at council meetings. It would also include deciding if and when members of the public are allowed to speak, and any limitation on the number of speakers or time for speeches.

This position is reflected in the Department's Promoting Better Practice Report in relation to Lithgow City Council dated June 2007 at page 31.

Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 3333 Fax: (61 2) 9228 5551

I note the report has also recommended that Councillors should make works requests using Council's established processes for doing so and to desist from doing so in meetings. This is a different issue to public participation at Council meetings.

The Department has advised me that the recommendation was made in response to a concern that a number of Councillors make a number of minor works requests at meetings. If Councillors wish to make works requests, they should do so using the process established under Council's policy on the interaction between Councillors and staff.

It is important to maintain a balance between allowing Councillors sufficient access to information to enable them to carry out their civic functions and preventing Councillors from intruding into the day-to-day operations of the Council. This includes putting questions to Council staff at council meetings where the staff has not been notified that the issue will be raised.

Allowing staff adequate opportunity to prepare for Council meetings can only enhance the quality of the information provided at those meetings.

Councils transacting 'general business without notice' at council meetings is, except in the limited circumstances prescribed by clause 241 of the Local Government (General) Regulation 2005, inconsistent with the Local Government Act and the Regulation.

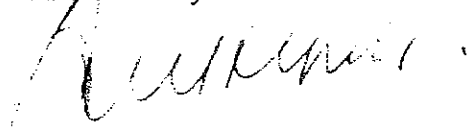
Any matters of interest that a councillor may wish to raise at a council meeting or any questions that a councillor may wish to put to other councillors or council employees (through the mayor or general manager) should be in relation to the business before council.

In this regard, clause 249 of the Regulation makes it clear that the right to ask questions at council meetings is to be used appropriately and not as a device to raise, promote or question matters outside the business of the council meeting of which proper notice has been given.

Business that can be discussed and dealt with at council meetings without notice is set out in clause 241. I refer you to the Department's circular to councils 07/14, which can be found on the Department's website at www.dlg.nsw.gov.au. For your assistance, I have attached a copy of the Circular.

I trust this information is of assistance.

Yours sincerely



Paul Lynch MP
Minister

LITHGOW CITY COUNCIL



PURCHASE AND SUPPLY OF GOOD AND SERVICES POLICY AND PROCEDURES

Amended 10 March 2003

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APPENDIX

1. Authorised Council Employees Approval Limits
2. Companies which hold Monthly Standing Orders

2. POLICY STATEMENT

Lithgow City council will be committed to obtain the best possible value for the locality through the implementation and management of an appropriate purchasing system that will:

- ▶ Promote organisational efficiency
- ▶ Minimise administrative costs associated with procurement
- ▶ Ensure accountability of Council officers
- ▶ Maximise value obtained for monies expended.

This will be achieved through:

- ▶ Use of appropriate purchasing tools and technology
- ▶ Training of staff
- ▶ Continual management and review of associated administrative systems
- ▶ Review of store inventories
- ▶ Ongoing review of purchasing arrangement and continual renegotiation with suppliers

Nominated Council officers will be empowered to purchase goods and services in accordance with this policy and procedures.

3. LEGISLATIVE FRAMEWORK

Council will purchase goods and services in accordance with:

- ▶ Local Government Act (NSW) 1993 and
- ▶ Local Government (Tendering) Regulations
- ▶ Lithgow City Council defined policies.

4. EXCLUSIONS TO THE POLICY

The policy will not apply to purchases:

- ▶ Greater than \$100,000 in value or the amount set from time to time as the required by the tendering threshold determined by the Local Government (Tendering) Regulations.
- ▶ To legal or ongoing consulting services as determined by the General Manager in instances where it is necessary for service providers to have an ongoing knowledge of the affairs of Lithgow City Council in order to provide an effective and informed service.
- ▶ Purchases under the NSW State purchasing / contacting arrangement.

5. PURCHASING AUTHORISATIONS

Appendix 1 lists authorisations for Council purchasing staff.

No staff may exceed their nominated limit.

Obtaining Quotes and Calling for Tenders:

\$1 to \$50	Petty Cash
\$1 to \$100	Monthly standing orders with defined businesses
\$100 to \$5,000	One verbal quote
\$5,000 to \$10,000	Two verbal quotes
\$10,000 to \$50,000	Two written quotes
\$50,000 to \$149,999	Three written quotes
\$150,000	Call for tenders

6. PURCHASE OF ITEM LESS THAN \$100.00

► MONTHLY STANDING ORDERS:

Goods and services with a value of less than \$100.00 per item may be purchased using the monthly standing order system with the nominated businesses.

Appendix II provides a listing of organisations that will be used under this method. Council employees to use the standing order system will be allocated an identification card, by Finance Officers. It will show their photo employee no. and signature. The shop will write the employee no. on the docket and have the employee sign. The employee MUST write the correct account no on the docket and return it to Finance for payment.

This system provides the advantages of:

- Improved customer service – through the ability to respond to requests that require minor expenditure immediately
- Reduced administrative effort and cost saving – through reduced numbers of requisitions and purchase orders.

Standing orders will be supplied for the forthcoming month by Councils Finance Department by the 25th of the month in readiness for use on the 1st day.

► PETTY CASH:

Petty Cash is available for expenditure to the value of \$50.00 per transaction upon the production of a receipt authorised by the employees' supervisor and quoting a valid accounts no.

7. PROHIBITED USES OF PURCHASING

Purchase using petty cash / monthly orders / purchasing cards / requisitions and orders may not be for:

- ▶ Goods available from the Council store – works are to be planned in advance and lack of planning is not an acceptable reason for not obtaining goods from the store.

- ▶ Goods and service covered by a Council contract

- ▶ Private purchases of any description

- ▶ Purchases split for the purpose of acquiring goods or services above the maximum limit of \$100.00 or to avoid the necessity to obtain an order, quote or call for tenders.

The employee must obtain a 'Tax Invoice' for each transaction to enable Council to claim back input tax credits that have been paid for GST.

All tax invoices must be endorsed with the relevant account no for costing purposes.

Abuse of purchases or incorrect methodology used will result in the cancellation purchasing authority or further action depending on the incident.

8. EMERGENCY PURCHASING PROCEDURES:

Other than in emergency situations, no Council officer is authorised to incur expenditure with a supplier prior to a requisition being completed and a purchase order being issued.

An emergency situation is defined as one where an immediate risk of damage or harm exists for people or property.

Under emergency circumstances, the requisition is to be supplied within 24 hours and noted that the goods or services have already been received.

9. PURCHASE OF RECURRENT SUPPLIES:

Contracts for eg office cleaning, fuel contracts shall be tendered and let for periods of time following procedures as defined in the Local Government Act and Regulations and defined in our own purchasing policy.

The finance departments will liaise with the program officer to call for the necessary tenders and upon receipt prepare evaluations and recommendations for submission to Council.

10. INSURANCE / GST / SAFETY REQUIREMENTS:

All suppliers of goods and services to Council must provide upon request:

- ABN details and 'Tax Invoices'
- Safety and operating information as applicable
- Evidence of workers compensation insurance for providers of services
- Evidence of a minimum of \$10 million public liability insurance cover.

Should a supplier not be able to provide evidence of the above, **NO GOODS OR SERVICES ARE TO BE PURCHASED FROM THEM UNDER ANY CIRCUMSTANCES.**

11. QUOTATIONS

Requests for quotations must include, as a minimum:

- Details of the works, goods, facilities, services to be rendered / supplied.
- Criteria upon which quotation assessment will be based.
- Name of the person / Department to whom requests for further information may be addressed and contact telephone number.
- Safety and insurance information requirements as detailed above.

Obtaining Quotes and Calling for Tenders:

\$1 to \$50	Petty Cash
\$1 to \$100	Monthly standing orders
\$100 to \$5,000	One verbal quote / Purchasing Card
\$5,000 to \$10,000	Two verbal quotes
\$10,000 to \$50,000	Two written quotes
\$50,000 to \$99,999	Three written quotes
\$100,000	Call for tenders

12 RECEIPT OF GOODS:

Once goods are received at the depot or any other Council office they should be forwarded directly to the requisitioning department. The delivery docket and triplicate order must be checked by the requisition officer, signed to confirm its accuracy and forwarded to the Accounts Payable Officer for payment.

► RECEIPT OF PART ORDER ONLY:

Should only part of an order be received, the invoice / delivery docket should be noted to that effect and signed. If a part order is received at the store, the storekeeper will photocopy the order, note the quantity of goods received and sign.

The photocopy order will be processed for part payment. A copy will be retained until the balances of the goods are received.

The order files held by the Accounts Payable Officer will be checked on a regular basis and any 'old' or 'stale' orders will be pursued.

LITHGOW CITY COUNCIL
PURCHASING
STANDARD WORKING PROCEDURE



Amendment history

Please note that amendments have been made to this procedure document/ form as detailed below. This page will be re-issued every time amendments are made to controlled documents. Amendment documents will have their revision status and issue date updated accordingly.

Amendment tracking

Revision Number	Clause Page(s) where changes made	Description	Approved By	Issue Date
V2		Draft EMT – updated version 1 May 2003 – made SWPP as operational not strategic in nature		
		sent to CMT – changes made	7June2007	
		final version to EMT		

Attachments

1. Authorities
2. List of businesses with monthly standing orders

1. OBJECTIVE

Lithgow City Council is committed to obtaining the best possible value for the locality through the implementation and management of an appropriate purchasing system that will:

- Promote organisational efficiency
- Minimise administrative costs associated with procurement
- Ensure accountability of Council officers
- Maximise value obtained for monies expended.

This will be achieved through:

- Use of appropriate purchasing tools and technology
- Training of staff
- Continual management and review of associated administrative systems
- Review of store inventories
- Ongoing review of purchasing arrangements and continual negotiation with suppliers

Nominated Council officers will be empowered to purchase goods and services in accordance with this SWP. Authorised levels of expenditure is provided to individual members of staff in writing as a component of their position description.

2. POLICY IMPLICATIONS

SWP Cash Handling
SWP Delegations and Authority Form
SWP Tendering
Tendering Policy

3. PROCEDURE

3.1 EXCLUSIONS TO THE SWP

The SWP will not apply to purchases:

- Greater than \$15,000 in value or the amount set from time to time as the required by the tendering threshold determined by the Local Government Act 1993 and relevant regulations;
- To legal or ongoing consulting services as determined by the General Manager in instances where it is necessary for service providers to have an ongoing knowledge of the affairs of Lithgow City Council in order to provide an effective and informed service;
- Purchases under the NSW State purchasing / contracting arrangement as updated from time to time.

3.2 PURCHASING AUTHORISATIONS

Authorisations are provided to every member of staff delegated to authorise expenditure or to correspond on Council's behalf.

No staff may exceed their nominated limit.

Current authorisations for positions within the Council's organisational structure are provided in Attachment 1.

Staff will be provided with written authority signed by the General Manager as an attachment to their position description and a copy of the authority shall be placed on the employee's file.

3.3 OBTAINING QUOTES AND CALLING FOR TENDERS

Requests for quotations when called must include, as a minimum:

- Details of the works, goods, facilities, services to be rendered / supplied.
- Criteria upon which quotation assessment will be based.
- Name of the person / Department to whom requests for further information
- May be addressed and contact telephone number
- Safety and insurance information requirements as detailed above.

The following is provided to determine actions with regard to purchasing amounts when considering quotation or tendering options:

Amount	Procedure
\$1 to \$50	Petty Cash
\$1 to \$100	Monthly standing orders with defined businesses
\$100 to \$5,000	One verbal quote
\$5,000 to \$10,000	Two verbal quotes
\$10,000 to \$50,000	Two written quotes
\$50,000 to \$149,999	Three written quotes
\$150,000 +	Call for tenders – see SWP Tendering and Tendering Policy for instruction on tendering

3.4 PETTY CASH

Petty Cash is available for expenditure to the value of \$50.00 per transaction upon the production of a tax invoice/tax receipt authorised by the employee's supervisor and quoting a valid account number.

3.5 PROHIBITED USES OF PURCHASING

Purchase using petty cash, requisitions and orders may not be for:

- Goods available from the Council store – works are to be planned in advance and lack of planning is not an acceptable reason for not obtaining goods from the store.

- Goods and service covered by a Council contract
- Private purchases of any description
- Purchases split for the purpose of acquiring goods or services above the maximum limit approved for individual officers.

3.6 TAX INVOICES

The employee must obtain a 'Tax Invoice' for each transaction to enable Council to claim back input tax credits that have been paid for GST.

All tax invoices must be endorsed with the relevant account no for costing purposes.

Abuse of purchases or incorrect methodology used will result in the cancellation of purchasing authority or further action depending on the incident.

Staff who do not obtain a Tax Invoice will be charged the GST applicable.

3.7 EMERGENCY PURCHASING PROCEDURES:

Other than in emergency situations, no Council officer is authorised to incur expenditure with a supplier prior to a requisition being completed and a purchase order being issued.

An emergency situation is defined as one where an immediate risk of damage or harm exists for people or property.

Under emergency circumstances a requisition is to be supplied within 2 working days noting that the goods or services have already been received. If this timeframe can not be honoured, the authorising the order must advise their own Manager or the Internal Services Manager of the delay.

3.8 PURCHASE OF RECURRENT SUPPLIES:

Recurrent orders shall be placed for annual contracts.

Any contract which extends for multiple years must be undertaken in compliance with the Local Government Act 1993 and its Regulations.

3.9 INSURANCE / GST / SAFETY REQUIREMENTS:

In order to establish trade with any supplier, all suppliers must be able to provide to Council upon request:

- ABN details and 'Tax Invoices'
- Safety and operating information as applicable
- Evidence of workers compensation insurance for providers of services
- Evidence of a minimum of \$10 million public liability insurance cover.
- Consultation with Council's Organisational Development section with regard to the use of contractors is recommended.

Should a supplier not be able to provide evidence of the above, **NO GOODS OR SERVICES ARE TO BE PURCHASED FROM THEM WITHOUT THE GENERAL MANAGER'S WRITTEN APPROVAL.**

3.10 RECEIPT OF GOODS:

Once goods are received at the depot or any other Council office they should be forwarded directly to the requisitioning department.

The delivery docket and triplicate order must be checked by the requisition officer, signed to confirm its accuracy and forwarded to the Internal Services for payment.

3.11 RECEIPT OF PART ORDER ONLY:

Should only part of an order be received, the invoice and delivery docket should be noted to that effect and signed. If a part order is received at the store, the storekeeper will photocopy the order, note the quantity of goods received and sign.

The photocopy order will be processed for payment. A copy will be retained until the balances of the goods are received.

The order files held by the Accounts Payable office will be checked on a regular basis and any 'old' or 'stale' orders will be pursued.

4. REVIEW

This SWP will be reviewed by the Internal Services Manager every year in June.

DRAFT

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