

ITEM NO: 1

SUBJECT: ELECTION OF MAYOR

FILE NO: F04326

Recommendations:

- 1. *That Council elect the Mayor in accordance with Schedule 7, Local Government (General) Regulation 2005.*
- 2. *That the Council resolve on the type of election process: preferential ballot, ordinary ballot or open voting.*

Report by General Manager:

Background

As required by Section 290 of the Local Government Act, 1993 Council must elect the Mayor for the ensuing year within three weeks of the ordinary election of councillors. This matter is subject to Schedule 7 of the Local Government (General) Regulation 2005. Schedule 7 Election of Mayor by Councillors is set out in its entirety as an attachment to this report.

Process for electing the Mayor

The election is governed by the provisions of Schedule 7 for electing the Mayor.

The Local Government Act, Section 230 outlines the Mayoral term as 1 year and that the position commences on the day the person is elected to the office.

The first order of business is for Councillors to consider the method of voting as outlined in Schedule 7, Part 1 – Clause 3. This is followed by the nomination and voting processes.

Conclusion

The annual election is organised to proceed as outlined in Schedule 7 of the Local Government (General) Regulations 2005.

At the appropriate time during the electoral process, Council is required to resolve on the method for the election: preferential ballot, ordinary ballot or open voting;

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Attachment**Local Government (General) Regulation 2005**

Schedule 7 Election of mayor by councillors

(Clause 394)

Part 1 Preliminary**1 Returning officer**

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting**4 Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

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

11 Tied candidates

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

Part 4 General**12 Choosing by lot**

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

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

ITEM NO: 2

SUBJECT: ELECTION OF DEPUTY MAYOR

FILE NO: F04326

Recommendation:

That Council resolve to elect the Deputy Mayor for the term of 12 months.

Report by General Manager:

Introduction

Section 231 of the Local Government Act, 1993 allows Councillors to elect a person from among their number to be the Deputy Mayor, with this person being elected for the Mayoral term or a shorter term.

It has been the practice of the Council to elect a Deputy Mayor for twelve months.

Process for electing the Deputy Mayor

See section from election of Mayor.

Conclusion

That the Council elect a Deputy Mayor for the next 12 month period.

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ITEM NO: 3

SUBJECT: ACKNOWLEDGEMENT OF FORMER COUNCIL

FILE NO: F04326

Recommendations:

1. *That former Councillors Angel, Brown, Frappell, Henson, McInnes, O’Grady and Trindall be commended for their diligent and comprehensive civic service to the Blue Mountains City Council and the community and a thankyou be extended also to returning Councillors Creed, Hamilton, McLaren, Myles, Searle and Van der Kley.*
 2. *That the contribution of former Councillor Angel as Mayor of the Blue Mountains City Council for a period of nine years, be formally recognised and recorded.*
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Commentary

This report has been prepared to recognise the contribution and achievements of the outgoing Council whose term extended for four and a half years from March 2004 to September 2008.

Although the projects and accomplishments have been many, the following brief selection demonstrates the diversity of the Council’s involvement. Many of those listed are works in progress:

- Cultural Centre and surrounding precinct project;
- Lawson Town Centre Redevelopment including the purchase of Heatherbrae;
- Development of Sustainable Asset Management Plans across the city;
- Introducing and delivering on sustainability measures for Council facilities eg water and energy savings;
- Development and implementation of the Long Term Financial Strategy;
- United focus on asset renewal and maintenance;
- Major waste management projects;
- Review of the 25 Year City Vision and development of strong strategic plans;
- Acceptance of the Blue Mountains in the National Landscapes program; and
- Working co-operatively with the Aboriginal community including milestones relating to the management of The Gully.

The efforts and service of former Councillors Angel, Brown, Frappell, Henson, McInnes, O’Grady and Trindall, both individually and collectively, is formally recognised and recorded. All Councillors rendered dedicated service to their particular constituents and to all residents of the Blue Mountains. Recognition is also given to returning Councillors Creed, Hamilton, McLaren, Myles Searle and Van der Kley for their civic service in the term of the last Council.

The service of Councillor Angel as Mayor for a period of nine years is particularly acknowledged and is formally recognised and recorded.

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ITEM NO: 4**SUBJECT: COUNCIL REPRESENTATIVE TO SERVE ON THE PUBLIC LIBRARIES NSW, METROPOLITAN ASSOCIATION (INC)****FILE NO: F03644**

Recommendations:

1. *That Council appoint a representative to the Public Libraries NSW – Metropolitan Association (Inc) for the duration of their term of office.*
 2. *That Council thank Councillor Hamilton, for her contribution to library service in the Blue Mountains as Council representative on the Public Libraries NSW – Metropolitan Association (Inc).*
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Report by Group Manager, BM City Services:**Introduction**

The Council has held representative membership of the Public Libraries NSW – Metropolitan Association (Inc) (PLM) for a number of years with the retiring representative being Councillor Terri Hamilton. This report is provided to:

- Outline the benefits of membership of the Association;
- Elect a new Councillor representative to the Association; and
- Thank the outgoing Councillor member for their contributions

Background

The PLM is a representative body of the Greater Sydney Region, having an advocacy role on behalf of local government libraries to State and Federal Government, in local government forums, and where appropriate, to other bodies and the wider community. The Objectives of the Association are:

1. To represent the concerns and interests of local government public libraries in the Greater Sydney Region (as defined) to Federal, State and local government sectors.
2. To foster and encourage networking, collaboration and joint/collaborative projects in areas identified for research and development by the sector.
3. To participate in policy setting forums in relation to public library development.
4. To encourage, maintain, support and develop strategic alliances with the State Library of NSW and other key sector agencies.
5. To foster and develop programs that support skills development for members.
6. To research and develop marketing strategies that promotes the value of public libraries.

Membership of the PLM is open to all Councils in the Greater Sydney Region who have adopted the NSW Library Act (1939), as amended. Each member of the association is required to advise the Secretary of the names and addresses of two persons who will be its

authorised representatives at all meetings of the association. One of a member's two authorised representatives shall be an elected councillor of the member ("the councillor representative"), the other generally being the library manager.

The Executive of the Association is led by a President and Vice-President (eligibility restricted to those member representatives who are elected councillors of the member they represent) who are elected at the Association's AGM. Further details on the structure and function of the Executive are provided within the PLM Rules and PLM Procedures, available on the PLM website. (<http://www.mplansw.asn.au/>)

Time Allocated

The Association holds its Annual General Meeting within the period 1 August to 30 November of each year. The 2008 AGM will be held at the Warringah Council Chambers at 10.00am on Friday 21st November 2008.

Quarterly meetings are generally held in February, May and August of each year. Meeting duration is between 2-3 hours and meetings are held at various Sydney metropolitan public library locations. The Manager, Libraries & Family Day Care attends the Manager’s Regional meetings of the West South West Group.

Future Membership

The previous Councillor Representative on the *Public Libraries NSW – Metropolitan Association (Inc)* was Councillor Hamilton. This meeting will be required to re-elect one Councillor to the Association. The length of term on this Association will be for the term of the Councillors time in office.

Recognising previous contribution

Councillor Hamilton is thanked for her contribution to the Association.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

There is no budget allocated for representation on this Association. Expenses are met by the current budgets within the Library area.

Conclusion

The Blue Mountains City Council is an active member of the PLM and gains considerable benefit from membership, including information sharing, professional development, policy development, partnerships including grant applications and lobbying at a State and Federal

Government level. It is therefore recommended that a Councillor is nominated as the elected member representative of the Blue Mountains City Council membership of the PLM.

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ITEM NO: 5

**SUBJECT: COUNCIL REPRESENTATIVE TO SERVE ON BLUE MOUNTAINS
WORLD HERITAGE ADVISORY COUNCIL**

FILE NO: C01088/F01140

Recommendations:

1. *That the Council appoint one Councillor to the Blue Mountains World Heritage Advisory Council for the term of the Council, noting that the Councillor representative holds the position of Chairperson on this Committee.*
 2. *That the former Mayor, Councillor Jim Angel, as well as outgoing Committee members, be thanked for their contribution as the Council representative on the Blue Mountains World Heritage Advisory Council.*
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Report by General Manager:

Introduction

Following the Local Government elections held on 13 September, there is a requirement to appoint a Council representative to the Blue Mountains World Heritage Advisory Council (BMWHAC).

The BMWHAC was formed in 2001, following endorsement by Council on 13 February 2001. This report is provided to:

- Outline the achievement of the Committee during the last four year term;
- Elect new Councillor representatives to the Committee; and
- Thank those outgoing Councillors and Committee members for their contributions

Background

The Vision Statement of the BMWHAC is:

“To promote, foster and celebrate World Heritage and associated values for the Greater Blue Mountains area in harmony with the Blue Mountains City Strategy.

These purposes will be achieved by informing, consulting and seeking the views of the community, visitors and others.

The Blue Mountains World Heritage Advisory Council may provide independent advice to the Blue Mountains City Council and other relevant bodies.”

The Objectives of the BMWHAC are to:

- Foster the management of an integrated suite of ecosystems;
- Foster linkages between people and the parks;

- Determine ways to become broader than just advisor to Council, in accordance with the values espoused by City Strategy; and
- Identify a role in research.

In addition the BMWHAC seeks to:

- Identify, establish, maintain and foster linkages with other Local and State Government and other relevant organisations; and
- Act as a conduit with the business and tourism community to improve understanding of World Heritage values and Council understanding business and tourism needs of the community; and

The BMWHAC meets bi-monthly, generally on a Wednesday evening at 7:15pm at the Council office, Katoomba.

Achievements of the Committee

The BMWHAC supported a number of community initiatives and projects of member agencies that promoted World Heritage values, community education and research opportunities relating to the Greater Blue Mountains World Heritage Area.

Future Membership

The previous Councillor representative on the BMWHAC was former Mayor, Councillor Angel. This meeting will be required to re-elect one Councillor to the Committee for the term of the Council, noting that the Councillor representative holds the position of Chairperson on this Committee.

Integrate and strengthen linkages between the natural and cultural systems of the Blue Mountains in accordance with World Heritage and related values.

Recognising previous contribution

It is recommended that a letter of thanks be sent to the previous Councillor representative on the BMWHAC, the former Mayor, Councillor Angel, for his contribution to the Committee.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

The current budget allocation to this Committee is \$2,500. There are no additional funding implications associated with this Committee.

Legal and Risk management implications

Not applicable

Conclusion

The Blue Mountains City Council is an active and supportive member of the BMWHAC. It is therefore recommended that a Councillor be nominated as the elected member representative of the Blue Mountains City Council on the Blue Mountains World Heritage Advisory Council.

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ITEM NO: 6

SUBJECT: COUNCIL REPRESENTATIVE TO SERVE ON THE BOARD OF BLUE MOUNTAINS TOURISM LIMITED

FILE NO: F03376

Recommendations:

- 1. That the Council appoint a representative to serve on the Board of Blue Mountains Tourism Limited for the term of this Council.*
 - 2. That the Council thank Councillor Terri Hamilton for her contribution to tourism in the Blue Mountains as a Council representative on the Board of Blue Mountains Tourism Limited.*
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Report by Group Manager, BM City Services:

Introduction

Following the local government elections held on 13 September 2008, there is now a requirement to appoint a Council representative to the Board of Blue Mountains Tourism Limited (BMTL).

As a Participating Member Council, Blue Mountains City Council is entitled to nominate a representative to serve on the Board of BMTL. It is preferable that the representative would have a strong understanding of the tourism industry and ideally have a tourism background.

The Board of BMTL was formed in 1988.

This report is provided to:

- Elect new Councillor representatives to the Committee; and
- Thank those outgoing Councillors and Committee members for their contributions

Background

BMTL was formed in 1998, as a company limited by guarantee following the winding-up of the former Regional Tourism Organisation. BMTL is made up of eight elected members from various tourism industry sectors across the region, plus a nominated representative from each Participating Member Council (Oberon, Lithgow, Blue Mountains), and one nominated representative from National Parks and Wildlife Service.

BMTL's purpose is to promote the development of tourism within the region and in so doing:

1. Develop long-term sustainable strategies for tourism in the region;
2. Identify available resources within the region and co-ordinate the management of those resources for the betterment of tourism within the region, and to create jobs in the tourism industry;
3. Assess and respond to the needs and aspirations of the tourism industry within the region;

4. Foster and maintain consultation and co-operation between the Commonwealth Government, the State Government and local government authorities in relation to tourism development in the region;
5. Foster and maintain the financial and economic well-being and advancement of the region as a tourist destination.

The Executive of the Association is led by a Chairman and Vice-Chairman elected at the AGM. Eligibility for these roles is restricted to those Directors who are elected by industry members. Further details on the structure and function of the Executive are provided within BMTL’s constitution.

The Board meets monthly, during the daytime, generally on the third Wednesday of each month at various Blue Mountains Region (Blue Mountains, Lithgow, Oberon) locations. Meetings will take 2–4 hours. The next meeting of the Board is scheduled to take place on Wednesday, 15 October 2008.

The Manager Blue Mountains City Tourism is appointed as the Executive Officer of BMTL under the Secretariat Agreement between Blue Mountains City Council and BMTL.

Future Membership

The previous Councillor representative on the BMTL during the term of the last Council was Councillor Hamilton. This meeting will be required to re-elect one Councillor to the Board.

Recognising previous contribution

It is recommended that the Council send a letter of thanks to Councillor Hamilton for her contribution to the Committee.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

There are no additional funding implications associated with Council’s participation on the Board of the BMTL.

Conclusion

The Blue Mountains City Council is an active and supportive member of BMTL and gains considerable benefit from membership, including important destination marketing and media profile activities undertaken by BMTL. It is therefore recommended that a Councillor be nominated as the member representing Blue Mountains City Council on the Board of Blue Mountains Tourism Limited.

ITEM NO: 7

SUBJECT: KATOOMBA LIBRARY TECHNICAL ADVISORY PANEL

FILE NO: F01770

Recommendations:

1. *That Council appoint a representative on the Katoomba Library Technical Advisory Panel, noting that the Councillor nominated holds the position of Chairperson on this panel.*
 2. *That Council thank Councillor Hamilton for her contribution to library service in the Blue Mountains as Chairperson on the Katoomba Library Technical Advisory Panel.*
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Report by Group Manager, BM City Services:

Introduction

The Katoomba Library Technical Advisory Panel (KLTAP) was formed in March 2007, following endorsement by Council in November 2006. This report is provided to:

- Outline the purpose of the Committee;
- Adopt the revised Terms of Reference;
- Elect a new Councillor representative to the Committee; and
- Thank the outgoing Councillor for their contributions

Background

This committee has been chaired by Councillor Hamilton. The planning for the Blue Mountains Cultural Centre in Katoomba includes the provision of a new library as part of the development complex. The new library will be state of the art design providing modern library services that will meet the needs of the community over future decades.

The Katoomba Library Technical Advisory Panel (KLTAP) has a strong role to play in the planning of the new Library in the Cultural Centre precinct. The composition of the panel is representative of community needs with regards to Library Services.

On 7 November 2006, a Report was put to Council to determine the composition of the Katoomba Library Technical Advisory Panel. The Council resolved unanimously:

“1. That the Draft Terms of Reference as contained in this report be adopted as the Terms of Reference for the Katoomba Library Technical Advisory Panel.

2. That the composition of the Katoomba Library Technical Advisory Panel be:

- (a) Chairperson*
- (b) Cultural Centre Director*
- (c) Community & Corporate Group (Purchaser) representative*
- (d) Group Manager BM City Services*
- (e) Library Manager*

(f) Representative of Aboriginal Council or Tribal Authority

(g) Community member representing Friends of the Library interests

3. That the Council selects Option 1 (i.e. the Mayor or his nominee) as listed in the report regarding the appointment of a Chairperson.

4. That the Council write to the Wentworth Falls Friends of the Library Group and the Aboriginal Council inviting nominations to the advisory panel.

5. That the names of the nominees, once received, and final composition of the Katoomba Library Technical Advisory Panel then be reported back to the Council.”

(Minute No. 774, 7 November 2006)

Composition of the Katoomba Library Technical Advisory Panel

One of the general principles promoted in the overall project governance arrangements is that “there needs to be an authoritative voice for those with a stake in the project”. The composition of the Katoomba Library Technical Advisory Panel is representative of interest stakeholder groups who are able to make a positive contribution to the library development outcomes for the benefit of the whole community. The Council report of 13 March 2007 adopted the membership of the Panel as follows:

1. Chairperson (Councillor Terri Hamilton)
2. Group Manager Community & Corporate Group or his nominee (Maurice Brady)
3. Group Manager BM City Services (Dave Allen)
4. Library Manager (Vicki Edmunds)
5. Director, Katoomba Cultural Centre (Simon Ambrose)
6. Representative of Aboriginal Council or Tribal Authority (Merle Williams)
7. Community member representing Friends of the Library interests (Jean Nicholson)
8. Community member representing Neighbourhood Centre (Laurie Strathdee)

Terms of Reference

The following are the Terms of Reference of the Katoomba Library Technical Advisory Panel:

1. To act as a forum for those with an interest or expertise in library matters in the Blue Mountains.
2. As directed by the Cultural Centre and Katoomba Library Project Control Group (PCG), engage in information seeking or consultative exercises regarding the Library development.
3. To provide advice to the PCG on matters relating to the development and operation of the Katoomba Library in conjunction with the Cultural Centre.
4. To carry out any other matters that the PCG may require.

Time Allocated

The Panel currently meets for 1.5 hours at 11.00am, normally on a Thursday, once a month. There are occasional site visits requiring a full-day commitment, although now that the design consultant has been appointed the requirement for visits to other libraries will diminish.

Future Membership

The previous Councillor Representative on the *Katoomba Library Technical Advisory Panel* was Councillor Hamilton. This meeting will be required to re-elect one Councillor to the Panel. The length of term on this Panel will be until the new Library is commissioned.

Recognising previous contribution

It is recommended that Councillor Hamilton be thanked for her contribution to the Committee.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

There is no budget allocated for the Panel. Expenses are met by the current budgets within the Cultural Centre and Library areas.

Legal and Risk Management Issues

The ongoing operation of the Katoomba Library Technical Advisory Panel has been subject to probity audit as part of the overall project probity planning and audit.

Conclusion

The Katoomba Library Technical Advisory Panel has sound stakeholder representation and will ensure that the development of the new library will achieve the outcomes that best cater for the diverse needs of the community. While its work in preparing the design brief and monitoring the process for appointing the design consultant is now complete there still remains an ongoing important role for the Katoomba Library Technical Advisory Panel in terms of fulfilling the terms of reference through until the commissioning of the new library as part of the Blue Mountains Cultural Centre and Katoomba Library complex.

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ITEM NO: 8**SUBJECT: REPRESENTATION ON BUSHFIRE MANAGEMENT COMMITTEE****FILE NO: F04326**

Recommendations:

1. *That the Council appoints a Councillor as its representative and another Councillor as an alternate representative to the Blue Mountains Bushfire Management Committee for the term of this Council.*
 2. *That the Council thank Councillor Van der Kley for his contribution to this Committee.*
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Report by Group Manager, Community and Corporate:**Introduction**

The Blue Mountains Bushfire Management Committee was formed subject to the provisions of the Rural Fires Act 1997, Section 50. This report is provided to:

- Elect new Councillor representatives to the Committee; and
- Thank the previous Councillor appointee for his contribution.

Background

This committee has been chaired by Councillor Van der Kley over the past four years. The committee meets quarterly, (February, May, August & December) at the Emergency Services centre at Katoomba during working hours. The membership of the committee consists of Combat Agencies (as identified under the State Emergency Management Act of 1989), land managers, essential service providers, transport representatives and other agencies/organisations as determined by the committee.

Minutes of the committee's activities can be obtained through its Executive Officer (RFS District Manager). The committee is formed subject to the Rural Fires Act and pursuant to the guidelines of the State Bushfire Coordinating Committee.

In addition to the elected Council representative, Blue Mountains City Council has two other staff representatives on the committee. The staff representatives on the committee represent Council as a major landholder in the LGA and environmental science expertise.

Future Membership

This meeting is requested to appoint one Councillor and an alternative to the Committee. The staff representatives on the committee at this time are the Program Leader Bushfire and Emergency Management, Alan Holley and the Environmental Scientist, Matthew Chambers.

An information package will be supplied to the nominated Councillor by the RFS.

Recognising previous contribution

It is recommended that Councillor Van der Kley receives a letter thanking him for his contribution.

Sustainability Assessment

Criteria	Positive	Negative
Social	Close liaison with the RFS to ensure social outcomes are achieved in bushfire management activities.	Nil
Environmental	Close liaison with the RFS to ensure environmental outcomes are achieved in bushfire management activities.	Nil
Economic	Close liaison with the RFS to ensure economic outcomes are achieved in bushfire management activities.	Nil

Financial implications for the Council

The Committee should continue to be supported to ensure Council’s significant statutory and voluntary contributions are managed in the most efficient and effective manner, in accordance with the Bushfire Coordinating Committees guidelines.

All costs for the committee, outside of representatives’ time, are met by the RFS.

Legal and risk management issues for the Council

Council is required under the provisions of the Rural Fires Act, 1997; to provide representation to the committee. Council’s representation is a most cost effective way to assist in minimising fire risk to the community.

Conclusion

That the Blue Mountains Bushfire Management Committee, under the provisions of the Rural Fires Act 1997, Section 50, appoints a councillor representative and an alternative councillor representative.

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ITEM NO: 9**SUBJECT: REPRESENTATION ON THE RURAL FIRE SERVICE DISTRICT LIAISON COMMITTEE****FILE NO: F04326**

Recommendations:

1. *That the Council appoints a Councillor as its representative on the Blue Mountains Rural Fire Service (RFS) District Liaison Committee for the term of this Council with another Councillor being appointed as an alternate or proxy representative.*
 2. *That the Council thank former Councillor Frappell as well as Councillor Van der Kley for their contribution to this Committee.*
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Report by Group Manager, Community & Corporate:**Introduction**

The Blue Mountains RFS District Liaison Committee was formed in August 2007, This report is provided to:

- Appoint new Councillor representatives to the Committee; and
- Thank those previous Councillor appointees for their contributions.

Background

This committee has been chaired by a volunteer member of the Rural Fire Service since its inception in August 2007. The Committee does not have a scheduled timetable and meets when required. During the past twelve months it has met on four occasions. The meetings have occurred during working hours.

The Blue Mountains RFS District Liaison Committee is responsible for monitoring and reviewing the service level agreement (SLA) between the Council and the Rural Fire Service. The Council has not had a permanent SLA with the RFS since 2002. Short term temporary SLAs have been agreed to on several occasions. Preparation of a new SLA with the RFS is now underway. Negotiations around the new SLA focus on the level of financial support that the Council is able to offer the RFS. The draft SLA lists the function of the District Liaison Committee as follows.

“9.0 Liaison Committee

The Liaison Committee is to consist of 6 members as follows:

- *one Councillor from the Council appointed by resolution of the Council;*
- *the General Manager of the Council or his or her delegate;*
- *the Reporting Group Manager of the Council or his or her delegate;*

- *one volunteer rural fire fighter from the District appointed by the local branch of the NSW Rural Fire Service Association Inc ("the RFS"), or, in the absence of a local branch, elected in accordance with the applicable Service Standard;*
- *one member of the Service staff from the District nominated by the FCO and approved by the Commissioner, or, in the absence of any other Service Staff assigned to the District in addition to the FCO, an honorary DFCO; and.*
- *the Fire Control Officer who will be the committee's Executive Officer.*

The Commissioner, the Council and the groups or entities which appoint or elect members of the Liaison Committee pursuant to sub-clauses 9.1(c) and (d) respectively may appoint another person to attend any meeting of the Liaison Committee in the event that the person they have elected pursuant to clause 9.1 is unable, for any reason, to attend that meeting.

The Liaison Committee will:

- *monitor and periodically review the performance of this Agreement by the Council, the Commissioner and the Service;*
- *review the following documents prepared by the FCO prior to their submission to and consideration by the Council:*
 - *the annual budget and business plan; and*
 - *the quarterly financial and performance reports.*

The procedures for calling meetings and the conduct of business at those meetings shall be determined by the Liaison Committee.

Minutes of each meeting of the Liaison Committee must be circulated to each of the Council, the members of the Liaison Committee and the Commissioner within two weeks of the meeting.

The Liaison Committee is not a committee of the Council or the Service."

Future Membership

The previous Council representatives on the Blue Mountains RFS District Liaison Committee were former Councillor Frappell (representative) and Councillor Van der Kley (alternate). This meeting is requested to appoint a Councillor and alternate to the Committee. The staff representatives on the Committee have been the General Manager and the Manager, Environmental Management to date.

An information package will be supplied to the nominated Councillor by the RFS.

Recognising previous contribution

It is recommended that former Councillor Frappell as well as Councillor Van der Kley receive a letter thanking them for their contribution.

Sustainability Assessment

Criteria	Positive	Negative
Social	Close liaison with the RFS to ensure social outcomes are achieved in RFS activities.	Nil
Environmental	Close liaison with the RFS to ensure environmental outcomes are achieved in RFS activities.	Nil
Economic	Close liaison with the RFS to ensure economic outcomes are achieved in RFS activities.	Nil

Financial implications for the Council

The Council contributes 13.3% of the annual budget to the Blue Mountains RFS. It should continue to maintain a close liaison with the RFS in dealing with the management of the district.

All costs, for the committee, outside of representative’s time, are met by the RFS.

Legal and risk management issues for the Council

Council is required to make a statutory payment to support the response to the risk of rural fire within the LGA. The Council should continue to maintain its close and professional relationship with the District RFS to ensure effective rural fire risk management.

Conclusion

The liaison between bushfire response teams is extremely important in the Blue Mountains. There the Council should appoint a councillor representative to support this function and thank those councillors, both continuing and outgoing, for their contribution.

* * * * *

ITEM NO: 10**SUBJECT: WASTE AND RESOURCES REFERENCE GROUP****FILE NO: F04326**

Recommendations:

1. *That the Council appoints a Councillor to the Waste and Resources Reference Group.*
 2. *That the Council thank Councillor Van der Kley for his contribution to this Committee.*
 3. *That the Council adopt the revised Terms of Reference.*
-

Report by Group Manager, Community & Corporate:**Introduction**

The Waste and Resources Reference Group (WARRG) was formed on 5 June 2007, following endorsement by Council in 17 October 2006. The WARRG provides a forum for representatives of the Blue Mountains community to provide feedback to Blue Mountains City Council with regards to waste and resources initiatives in the city.

This report is provided to:

- Appoint a new Councillor representative to the Committee;
- Thank the previous Councillor appointee for their contribution; and
- Adopt the revised Terms of Reference.

Background

This committee is chaired by Frank Garofalow, Manager, Environmental Management Branch. Since the establishment of the group in June 2007, committee membership has been stable with meetings held on a quarterly basis in the evenings. Minutes have been circulated amongst committee members. The Waste Minimisation budget has covered costs associated with the committee including recruitment advertising, venue hire, catering and stationery.

Achievements of the Committee

Since the establishment of the WARRG, the committee has:

- Provided feedback and suggestions on the new recycling service advertising and promotion;
- Been updated and informed of the works/upgrades on both of the Waste Management Facilities;
- Assisted in the recruitment of businesses for the Waste Reduction Action Plan (WRAP) project;
- Discussed the Strategic Waste Action Plan (SWAP);
- Discussed the new Radio Frequency Identification Device (RFID) used in the new recycling bins and the promotion for their use;
- Considered incentives for residents to use the Eco Bin (140 litre);
- Raised concerns and discussed issues regarding waste management services and projects;

- Discussed and provided feedback on the recycling tender timeframe;
- Discussed the various options for the new recycling service;
- Considered the level and type of community consultation required for the new recycling contract; and
- Learnt about Material Recovery Facilities (MRF), Transfer Stations, Waste Treatment Facilities and Sell Centres in other areas.

Terms of Reference for the Committee

The Terms of Reference have been amended to include the appointment of a Councillor representative. The Council previously resolved to appoint a Councillor for a one year term and the amended Terms of Reference reflect this as an ongoing position.

Due to the difficulties experienced during the recruitment of the community members, the Term of Membership for community members has been extended from a one year period to three years. This will allow for consistency within the membership.

The review to be undertaken by Council after three years of continuous membership to determine whether a delegate should continue representing their sector or if a new representative should be sought, has been removed. This is to enable sectors with limited membership more flexibility and consistency with their representation. The Terms of Reference for the WARRG are attached.

Recognising previous contribution

It is recommended that Councillor Van der Kley receive a letter thanking him for his contribution to the Waste and Resources Reference Group.

Sustainability Assessment

Community involvement in the development and implementation of waste and resources initiatives is critical. Providing a forum for input from community representatives in balancing the environmental, social and economic implications of initiatives is essential to successfully delivering waste and resources outcomes.

Criteria	Positive	Negative
Social	The reference group will contribute to the quality and planning for waste management to maximise social outcomes.	Nil
Environmental	The reference group will contribute to the quality and planning for waste management to maximise environmental outcomes.	Nil
Economic	The reference group will contribute to the quality and planning for waste management to maximise economic outcomes.	Nil

Financial implications for the Council

The ongoing management of the WARRG will incur minor costs to the Council as follows:

- staff time (meeting preparation and attendance)
- stationery costs (letters, agendas and minutes etc)
- recruitment advertising costs
- venue hire for meetings
- refreshments for meetings

The current Waste Minimisation budget covers these costs.

Legal and risk management issues for the Council

Nil

Conclusion

The Waste and Resources Reference Group is an important forum of the Council and a Councillor representative is required.

* * * * *

Attachment**Waste and Resources Reference Group
Terms of Reference**

PREAMBLE

In August 2005, Blue Mountains City Council adopted the Strategic Waste Action Plan (SWAP) to guide the short to medium term management of waste by providing a prioritised program for waste and resource recovery actions.

The SWAP was developed using the Blue Mountains 25 Year Vision for the City as a foundation. This community endorsed vision states that in moving towards a more sustainable future, actions that are developed must:

- Be environmentally responsible;
- Use resources efficiently, wisely and effectively;
- Contribute to the creation of liveable vibrant, creative communities with a sense of place and belonging; and
- Be fair and equitable to others including future generations.

In adopting the SWAP, the Council also resolved that community involvement in the implementation of the SWAP be continued through a formalised reference group.

1. NAME

The name shall be the Waste and Resources Reference Group (the WARRG).

2. OBJECTIVES

- 2.1 Ensure the Blue Mountains community views regarding waste and resources issues are canvassed and conveyed to the Council
- 2.2 Foster better understanding between the Blue Mountains community and Blue Mountains City Council with respect to waste and resources issues
- 2.3 Act as a central point of communication between the Blue Mountains City Council and the Blue Mountains community with respect to waste and resources issues
- 2.4 To promote and involve the Blue Mountains community in the planning, development and implementation of waste and resources initiatives
- 2.5 To assist in achieving ownership in the local community of sustainable management of waste and resources

3. MEMBERSHIP

Members are appointed in the following way:

Community Members

- 3.1 One youth Councillor nominated by the Blue Mountains Youth Council by a formal resolution of the Youth Council;
- 3.2 Two representatives nominated by Chambers of Commerce, ensuring representation from both upper and lower Mountains;
- 3.3 One representative from Blue Mountains schools, nominated from the Schools Environment Network or Principal's network;
- 3.4 One representative from a local environment interest group, appointed by the Council from nomination from those groups;
- 3.5 Two representatives nominated from the Waste Management Facilities Neighbour's Group, ensuring one from the Katoomba and the Blaxland group;
- 3.6 One representative nominated from the Waste Management Facilities Users Group;
- 3.7 Four local residents, one from each ward, nominated from public advertisement. Blue Mountains City Council reserves the right to review and select a member if there is greater than one nominee from each ward.

Council Members

- 3.8 One Councillor representative appointed by the Council.
- 3.9 A member of staff appointed by the General Manager, to be the meeting convenor.

4. TERM OF MEMBERSHIP

The term of membership is three years. Membership shall be reviewed after three years at the annual general meeting with re-election on existing membership permitted.

5. MEETINGS

- 5.1 At least fourteen (14) days notice in writing shall be given for a meeting.
- 5.2 The WARRG shall decide the meeting schedule for itself, but meetings shall be held at least quarterly for the first year.
- 5.3 The WARRG may conduct site visits as required. Notice of such visits should be given to the General Manager in advance.

6. REPORTING TO THE COUNCIL

The Meeting Convenor shall report and make recommendations to the Council for their consideration no less than once a year.

7. AMENDING TERMS OF REFERENCE

Any member of the WARRG can request an amendment to the Terms of Reference however such a request should be tabled as a WARRG agenda item and any agreed changes recorded in the meeting minutes.

ITEM NO: 11**SUBJECT: HAWKESBURY NEPEAN CATCHMENT LOCAL GOVERNMENT
ADVISORY GROUP****FILE NO: F04326**

Recommendations:

1. *That the Council appoint a Councillor as its representative to the Hawkesbury Nepean Catchment Local Government Advisory Group for the term of this Council.*
 2. *That the Council thank former Councillor McInnes for her contribution to this advisory group.*
-

Report by General Manager:**Introduction**

This Advisory Group has the Vision of “a sustainable, healthy, diverse and productive Hawkesbury Nepean River system and catchment.” Its Mission is “to facilitate effective management of natural resources using a collaborative approach by local government within the hydrological catchment of the Hawkesbury Nepean.”

The Hawkesbury Nepean Catchment Local Government Advisory Group is an important committee which provides Council representatives with information on a range of catchment management issues as well as the opportunity to network with other Council representatives in the catchment. It also allows the Hawkesbury Nepean Catchment Management Authority to identify issues of concern to catchment member councils and provides opportunities to resolve these issues.

Background

The Hawkesbury Nepean Catchment Local Government Advisory Group requests an elected representative from Blue Mountains City Council as a member of their group. A package of information including the Terms of Reference for the group will be provided by the Local Government Advisory Group to the new representative. The group meets 4-6 times a year in the afternoon. The meetings are held in differing locations throughout the catchment.

Recognising previous contribution

It is recommended that the Council acknowledge the contribution of former Councillor McInnes to the Advisory Group.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

There are no funding implications associated with the committee except staff and transport costs.

Conclusion

It is requested that the Council appoint a Councillor as its representative to the Hawkesbury Nepean Catchment Local Government Advisory Group for the term of this Council, and that the Council thank former Councillor McInnes for her contribution to this advisory group.

* * * * *

ITEM NO: 12

**SUBJECT: SYDNEY CATCHMENT AUTHORITY (SCA) LOCAL GOVERNMENT
REFERENCE PANEL**

FILE NO: F04326

Recommendations:

1. *That the Council nominates a Councillor representative and an alternate/proxy Councillor as a representative for the Sydney Catchment Authority Local Government Reference Panel,*
 2. *That Councillor Hamilton is thanked for her contribution to this Panel.*
-

Report by General Manager:

Introduction

The Sydney Catchment Authority (SCA) has established the Local Government Reference Panel made up of an elected representative and a staff representative of each of the Councils within the SCA's operational area.

The panel's functions are to:

- Advise the Sydney Catchment Authority on perceptions and concerns on issues and programs of relevance to the Authority's obligations under its Operating Licence;
- Foster debate on catchment management and water quality matters; and
- Promote and provide opportunity for local government involvement in matters relating to the Authority's operating licence.

Background

The SCA Local Government Reference Panel requests an elected representative from the Blue Mountains City Council as a member of the panel. The staff representative is the Council's Manager - Environmental Management, Mr Frank Garofalow. A package of information including the Terms of Reference for the group will be provided by the Local Government Advisory Group to the new representative. The group meets 4-6 times a year on weekdays. The meetings are usually held in Mittagong with occasional meetings at other locations.

Recognising previous contribution

It is recommended that the Council acknowledge the contribution of Councillor Hamilton to the Reference Panel.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

There are no funding implications associated with the committee other than staff and transport costs.

Conclusion

That the Council nominates a Councillor representative and an alternate/proxy Councillor as a representative for the Sydney Catchment Authority Local Government Reference Panel and that Councillor Hamilton is thanked for her contribution to this Panel.

* * * * *

ITEM NO: 13**SUBJECT: YOUTH COUNCIL ADVISORY COMMITTEE****FILE NO: F04326**

Recommendations:

1. *That the Council appoints two Councillors to the Youth Council Advisory Committee for a four year term.*
 2. *That the Council thanks former Councillors McInnes, O'Grady and Trindall as outgoing members of the Advisory Committee, for their contribution to the Youth Council.*
-

Report by Group Manager, Community and Corporate:**Introduction**

The Youth Council Advisory Committee was established with the formation of the Blue Mountains Youth Council in July 2003. This followed the Council's adoption of a report recommending the establishment of a Youth Council (Minute No. 532, Ordinary Meeting 3/12/02).

This report is provided to:

- outline the achievements of the Advisory Committee during the last four year term;
- appoint new Councillor representatives to the Committee; and
- thank those outgoing Councillors for their contributions to the Youth Council.

Background

The Advisory Committee was formed to provide support and assistance to the Youth Council. The Youth Council consists of Young People aged 12-18 who go through a nomination process. The Advisory Committee attend Youth Council meetings where possible, to assist and provide information on issues and processes of the Council.

The Advisory Committee consists of:

- Two Councillors;
- Community representatives from Youth Services;
- The Council's Executive Officer; and
- The Council's Youth Services Development Officer.

The Advisory Committee has been chaired by the Council's YSDO over the past four years.

The committee meets on an as needed basis, however members are strongly encouraged to attend monthly Youth Council meetings to provide support and advice. This committee does not have a budget.

Meetings of the Youth Council Advisory Committee are minuted and distributed by the Council’s YSDO. Youth Council meetings are minuted, either by the YSDO or by a youth councillor, and are distributed via email.

Achievements of the Committee

The Youth Council Advisory Committee has provided significant support to the Youth Council since its establishment in 2003. As a result, the Youth Council has made recommendations to the Council on a range of issues, including supporting the installation of traffic lights at the pedestrian crossing on the Great Western Highway in Blackheath, and establishing the Youth Council Smartstart Grant to assist university students in the Blue Mountains with study expenses.

In addition, Youth Council members have participated at conferences and forums and represented the Blue Mountains on state and national advisory committees, including the Youth Action and Policy Association, the NSW Youth Parliament and The NSW Commission for Children and Young People. Recently the Youth Council endorsed the approval of the Summerhayes Park Skate Facility Development Application in Winmalee.

Terms of Reference for the Committee

The terms of reference for the Youth Council Advisory Committee state that the objects of the Advisory Committee are to:

- attend Youth Council meetings;
- provide advice, support and a mentor role to the Youth Council;
- provide specialist advice on meeting procedures and related protocols; and
- respect and value the Youth Council’s role to advise the Council on issues pertinent to young people in the City of Blue Mountains.

This is an advisory committee with members having no voting rights at Youth Council meetings.

Future Membership

It is recommended that the Council nominate two Councillors to the Youth Council Advisory Committee for a 4 year term.

Recognising previous contribution

It is recommended that the Council acknowledge the previous Councillor representation on the Youth Council Advisory Committee: former Councillors McInnes, O’Grady and Trindall.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

Not applicable.

Legal and risk management issues for the Council

Not applicable.

Conclusion

Supporting youth of the Blue Mountains is an important function of the Council. As such the Council is requested to provide two councillor nominations to the Youth Advisory Committee.

* * * * *

ITEM NO: 14**SUBJECT: WESTERN SYDNEY AREA ASSISTANCE SCHEME – BLUE MOUNTAINS LOCAL RANKING COMMITTEE****FILE NO: F04326**

Recommendations:

1. *That the Council appoints two Councillors to the Western Sydney Area Assistance Scheme Blue Mountains Local Ranking Committee, for a four-year term.*
 2. *That former Councillors McInnes and Trindall are thanked for their contribution to this Committee.*
-

Report by Group Manager, Community and Corporate:**Introduction**

The Western Sydney Area Assistance Scheme (WSAAS) is a NSW Department of Community Services (DoCS) funded Community Development Grants Program. Established in 1979, WSAAS has played an important role in establishing community services across the Blue Mountains.

The WSAAS Blue Mountains Local Ranking Committee assists in the assessment and prioritisation of local proposals. These recommendations are then considered by a Regional Ranking Panel convened by DoCS. Final funding decisions are made by the Minister for Community Services. Projects funded under WSAAS need to address the following DoCS priority outcomes:

- Communities are connected through partnerships
- Strong community leadership and capacity is built
- Safe and accessible communities are promoted

This report is provided to:

- Outline the achievements of WSAAS
- Appoint new Councillor representatives to the Committee
- Thank those outgoing Councillors and Committee members for their contributions

Background

The WSAAS Blue Mountains Local Ranking Committee is chaired by a community or government agency representative. In addition, the Committee is comprised of two Councillors and four community representatives.

The Local Ranking Committee considers all local WSAAS proposals at a meeting in November each year and makes recommendations on priorities to DoCS. The Council's Social Planner convenes and coordinates the Local Ranking Committee. WSAAS is funded by the NSW Government with no funding required to be provided by the Council.

Achievements of the Committee

The 2007-2008 WSAAS round funded four non-profit community organisations in the Blue Mountains, with projects valued at \$305,705 over two years. The table lists successful projects.

Funded projects 2007 – 2008

Project	Organisation	Term (years)	Amount
Healthy Young People, Building Our Future	Mountains Community Resource Network Incorporated	1	\$58,349
Blue Mountains Food Circle Project	Blue Mountains Food Services	2	\$90,318
Winmalee Community Garden	Winmalee Neighbourhood Centre	1	\$6529
Community Cultural Development Project	Blue Mountains Aboriginal Culture and Resource Centre	2	\$150,509
TOTAL			\$305,705

Other projects funded in the Blue Mountains through WSAAS over the last five years include:

Project	Organisation	Term (years)	Amount
Young Women’s Access and Advocacy. Groups for at-risk young women and parents’ forums	Blue Mountains Women’s Health Centre	2	\$165,123
Mountains Foodbank for food and household items	Another Way of Living and Learning	3	\$322,939
Blue Mountains Aboriginal Culture and Resource Centre coordinator (wages, administration, small project)	Blue Mountains Aboriginal Culture and Resource Centre	recurrent	\$100,000
Vocational Trainer Mental Health project to deliver food-based training for people recovering from mental illness	Blue Mountains Food Service	2	\$89,514
Toy storage facilities	Bungarrabee Centre for Children and Family Services	1	\$9683
Establish, facilitate and coordinate support for kinship carers and their children (regional)	Springwood Neighbourhood Centre	3	\$309,864

Project	Organisation	Term (years)	Amount
Blue Print Family Centre project to improve capacity of parents and develop model for capacity building	Disability Enterprises	3	\$266,959
Develop partnerships between community and public transport providers (regional)	GREAT Community Transport	4	\$380,760
Gunedoo group work for children 4-12 who have experienced family violence	Upper Blue Mountains Child Protection Service	4	\$212,059
Dads in Distress and Older Men New Ideas. Men's support and leadership programs	Springwood Neighbourhood Centre	4	\$105,771
BM Mental Health Community Project for people recovering from mental illness	Mountains Community Resource Centre	4	\$300,472
TOTAL			\$2,263,144

Terms of Reference for the Committee

The Local Ranking Committee's purpose is to make recommendations on Blue Mountains Community Development funding priorities to DoCS.

Future Membership

It is recommended that the Council nominate two Councillors to the WSAAS Blue Mountains Local Ranking Committee for a four-year term.

Recognising previous contribution

It is recommended that the Council acknowledge the representation of former Councillors McInnes and Trindall on the Local Ranking Committee.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

WSAAS is funded by the NSW Government and does not require funding from the Council.

External consultation

An information session for Blue Mountains Community Organisations is held as part of the WSAAS funding round.

Conclusion

Providing assistance to not-for –profit community organisations is an important function of the Council. Two councillor representatives are sought to assist the Local Ranking Committee.

* * * * *

ITEM NO: 15

SUBJECT: SISTER CITY COMMITTEE

FILE NO: F04326

Recommendations:

1. *That the Council appoint two Councillors to the Blue Mountains Sister Cities Committee for the term of this Council or until such time as the Committee is reviewed.*
 2. *That the Council review the Sister City relationships and their continued operations by March 2009 to inform the Annual Management Plan process for 2009-10.*
 3. *That former Councillor Jim Angel and Councillor Chris Van der Kley be thanked for their contribution as Council representative on the Blue Mountains Sister Cities Committee.*
-

Report by General Manager:

Introduction

The Sister City Committee was formed, following endorsement by Council in 1983. This report is provided to:

- Outline the achievement of the Committee during the last four year term;
- Adopt the revised Terms of Reference;
- Appoint new Councillor representatives to the Committee; and
- Thank those outgoing Councillors and Committee members for their contributions

The role of the Blue Mountains Sister Cities Committee is set out in Clause 2.1 of its constitution as follows:

“2.1 The object of the Committee shall be to promote sister city relationships that affiliate Blue Mountains with cities within Australia and other countries where such relationships have been approved and established by the Blue Mountains City Council.”

Council’s representation on the Committee is determined by the constitution in the following terms:

“3.1 The Committee shall include the Mayor Ex-Officio and two (2) Councillors appointed by Council.

The Councillor members appointed shall remain members of the Committee until such time as Council resolves otherwise or they cease to hold the office of Councillor.”

The former Mayor, Councillor Angel, and Councillor Van der Kley served on the Committee during the last term of Council.

The Blue Mountains City Council has Sister City Relationships with Flagstaff, Arizona spanning 41 years and Sanda, Japan spanning 20 years. Over the past term of Council the Department of Local Government has discouraged Councils from developing further Sister City relationships.

Background

This committee has been chaired by a member of the Sister City Committee and is currently chaired by Ms Chris Wenman.

Over the past four years the Committee has met monthly on the second Wednesday of the month at the Springwood Neighbourhood Centre. Minutes of the meetings are posted on the Council internet under the Sister City link.

The membership has been stable during the period of the previous Council however there has been a change to the Chairperson and Secretariat of the Committee.

The Annual Budget of the Committee is \$11,000. This budget is expended each year in furthering the relationship of the Blue Mountains local government area with both Flagstaff and Sanda.

Achievements of the Committee

Each year the Sister City Committee expends its Annual Budget on a number of key reciprocal activities:

- Exchange of marathon runners between Blue Mountains and Sanda;
- Facilitation of school exchanges and visitations eg Sanda Rugby in August 2008; and
- Council delegations to the two cities, for example, the Eco-Ambassador Program where two Environmental Council Officers are attending Sanda to mark the 20 year anniversary and provide for an exchange of environmental information; and

This Committee has been sustained over the last few years by the goodwill and participation of the Blue Mountains community. Such community involvement has seen the Sister City receive awards for their role in fostering international relationships and community engagement.

Terms of Reference for the Committee

At this time, the Terms of Reference for the Sister City Committee, hereafter called the Constitution, do not require any changes. The Constitution will be addressed at the Sister City Committee Annual General Meeting (AGM) in November 2008. If changes are required, as a result of the AGM, an additional report to the Council will be presented at that time.

Due to the position of the State Government on the development of Sister City relationships, it is worthwhile establishing an additional Term of Reference to establish a review of the Sister City relationships and their contribution to the principle activities and sustainability outcomes of the Blue Mountains local government area.

Future Membership

The previous Councillor Representative on the Sister City Committee was former Councillor Angel, in his ex-officio role as Mayor, and Councillor Van der Kley. As per the Constitution, the Council is required to appoint two Councillors to the Sister City Committee, and the Mayor ex-officio. Any further changes will be addressed following the Sister City Committee Annual General Meeting and be reported to the Council.

Recognising previous contribution

The Council thanks former Councillor Angel as well as Councillor Van der Kley for their contribution to the Sister City Committee.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

The current budget allocation to this committee is \$11,000. There are no additional funding implications associated with the committee.

Legal and risk management issues for the Council

There are no legal or risk management issues for the Council.

External consultation

Sister City Committee input to development of the Business Paper.

Conclusion

It is recommended that the Sister City Committee continue their operations for a further year to the period June 2009 and that a review of the continuation of the Sister City relationships be undertaken during the period and reported prior to the next financial year. It is recommended that a letter of thanks be sent to former Councillors Angel and Councillor Van der Kley for their contribution to the Committee.

* * * * *

ITEM NO: 16**SUBJECT: APPOINTMENT OF COUNCILLOR REPRESENTATIVE TO THE WESTPOOL BOARD****FILE NO: F04326**

Recommendations:

1. *That Council nominate one Councillor to be appointed to the Westpool Board and the United Independent Pool for the term of the Council.*
 2. *That Council thank Councillor Daniel Myles for his contribution to Westpool.*
-

Report by General Manager:**Background**

Westpool is a local government joint self insurance initiative currently comprising the Councils of the Cities of Blacktown, Blue Mountains, Fairfield, Hawkesbury, Liverpool, Parramatta and Penrith.

Through Westpool Council receives cover for Public Liability, Professional Indemnity, Industrial Special Risk (buildings and contents cover) and a range of associated risks. Motor vehicle cover is also obtained through Westpool under a bulk purchase arrangement and Council is able to participate in joint risk management initiatives and training opportunities.

Each Council is represented on the Westpool Board by two representatives - a Councillor appointed for the four year term of the Council and its General Manager or equivalent of Group Manager, Corporate Policy. Councillor Myles has been the Councillor Representative in the previous Council term whilst the General Manager is the staff delegate.

Board meetings are usually held bi-monthly on Mondays from 10:00am. The Board AGM is on 13 October 2008 at Fairfield City Council. Special meetings may be held as required and occasional weekend involvement may also be necessary, such as the annual Strategic Planning Workshop.

The Executive Officer of WESTPOOL is intending to organise an orientation seminar/forum for incoming Board Members at a time to be negotiated.

Role of the Councillor Representative

Board members typically deal with a range of claims management and risk issues. These include development of claims management strategy both at policy level and in relation to specific claims. Key issues that the Board addresses are:

- Input to particular claims and their impact on the member Councils;
- Determination of levels of self insured risk;
- Purchase of bulk cover beyond the levels of self insured risk;
- Development and promotion of risk management strategies; and

- Negotiations with underwriters and strategic financial and insurance pooling issues.

The Blue Mountains City Council representative is expected to:

- Accept responsibility for the provision of their Council’s views and position at meetings and planning workshops;
- Provide WESTPOOL with advice on the policy of position of the Council;
- Canvas relevant issues with the Mayor and other Councillors; and
- Provide feedback in general to the organisation through the provision of agenda papers; and
- Represent the Council in accord with the civic role of a Councillor

There is also the opportunity for the Councillor or Staff Representative to be nominated to the position of Chair or Deputy Chair of the Board.

Travel and attendance arrangements at meetings will be facilitated by the Council.

Recognising previous contribution

The Council thanks Councillor Myles for his contribution to the Westpool Board during the previous term.

Sustainability Assessment

Criteria	Positive	Negative
Social	<ul style="list-style-type: none"> • Potential for inclusion in activities which benefit the local government area • Provides for good governance 	Nil
Environmental	Potential for inclusion in activities which benefit the local government area	Nil
Economic	Nil	Nil

Financial implications for the Council

There are no additional funding implications from Council participation in WESTPOOL. However, there is the potential for ongoing reductions in insurance premiums.

Legal and risk management issues for the Council

There are no legal or risk management issues for the Council. However, there is the potential for significant assistance in legal and risk management activities.

External consultation

Nil.

Conclusion

This is a very important role for the Council and each member of the WESTPOOL Board is expected to have their Councillor Representative and General Manager in attendance at Board Meetings. The Council should consider and nominate the Councillor best placed to represent the Council, within their strategic leadership role as an elected member, in this important function of the Council.

ITEM NO: 17**SUBJECT: APPOINTMENT OF TWO DIRECTORS OF WESTERN SYDNEY
REGIONAL ORGANISATION OF COUNCILS (WSROC LIMITED)****FILE NO: F04326**

Recommendations:

1. *That the Council appoint two Councillors as Directors of the Western Sydney Regional Organisation of Councils (WSROC Limited) for the four year term of the Council.*
 2. *That in any circumstances whereby Council would be unable to exercise its two votes, the Director(s) who would be absent advise the General Manager as soon as possible and the General Manager, after discussion with the Mayor, be authorised to enable the appropriate proxy or proxies.*
 3. *That Councillors Searle and McLaren be thanked for their contributions as the previous Council representatives on WSROC.*
-

Report by General Manager:**Background**

WSROC is an important organisation for the Blue Mountains City Council and the last four year term of the Council has seen the role of Regional Organisations of Councils (ROC) expand under the Department of Local Government policy of resource sharing between Councils. This expansion of ROC role is expected to continue during this term of Council.

WSROC is a company limited, which means that the organisation and all its Directors are governed by the Corporations law. WSROC Delegates are known as Directors on the WSROC Board. It is important to note for interested Councillors that in joining the WSROC Board they will become Company Directors and will therefore be subject to both the WSROC Constitution and the Corporations Law.

All member Councils, must as soon as practicable after the local government elections, determine their two Directors to WSROC and expediently notify the WSROC Secretariat. The number of Directors for each Council is two and Alternate Delegates are provided for under the Constitution.

If a situation arises where a vote, or votes, from Council are unable to be exercised, it is recommended that the General Manager, after discussions with the Mayor be authorised to make any necessary proxy arrangements.

The term of new Directors will commence at the beginning of the Annual General Meeting to be held at 23 October 2008 at 6.30pm, at Penrith City Council and will be followed by the Board Meeting. Councillors nominate for the four-year Council term expiring in 2012.

It has been the practice of WSROC Board to meet bi-monthly on the third Thursday evening of every second month for approximately 1.5 hrs.

WSROC are providing an information pack on their responsibilities and operations to the Department of Local Government training program to be held in November 2008.

Council, in the previous term of the Council, was represented by Councillors Searle and McLaren.

Role of the Councillor Representative

Directors of WSROC participate in the following types of issues:

- Identifying opportunities for sharing of resources on issues which impact Councils in a similar manner;
- Providing submissions and responses to issues that impact member Councils to the Federal and State Governments as well as peak bodies;
- Nominating the Blue Mountains City Council to participate in joint activities which provide sustainability outcomes; and
- Representing the Council in accord with the civic role of a Councillor.

Councillors intending to nominate for WSROC are advised that Directors are expected to:

- Attend six WSROC Board meetings annually, unless special circumstances occur that prevent them from doing so, in which case they should advise their Council as soon as possible so a proxy can be arranged;
- Canvas relevant issues with the Mayor, Councillors and General Manager;
- Accept responsibility for representing their Council's views and position to WSROC; and
- Report to their councils on the outcomes of WSROC Board meetings

Travel and attendance arrangements at meetings will be facilitated by the Council.

Recognising previous contribution

The Council thanks Councillors McLaren and Searle for their contribution to WSROC during the previous term.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential for inclusion in activities which benefit the local government area	
Environmental	Potential for inclusion in activities which benefit the local government area	Nil
Economic	Potential for inclusion in activities which benefit the local government area	Nil

Financial implications for the Council

There ARE no additional funding implications from Council participation in WSROC other than the annual subscription of \$54,500. However, there is the potential for ongoing savings in activities such as joint procurement.

Legal and risk management issues for the Council

There are no legal or risk management issues for the Council.

External consultation

Nil.

Conclusion

This is a very important role to the Council and each Delegate to WSROC is expected to represent the Council relative to the strategic leadership role of an elected member. The Council should consider and nominate the Councillor best placed to represent the Council in this important function of the Council.

* * * * *

ITEM NO: 18**SUBJECT: BLUE MOUNTAINS EAST TIMOR FRIENDSHIP COMMITTEE****FILE NO: F01154**

Recommendations:

3. *That the Council seek nominations from the community for a chairperson of the Committee and that in the interim the Committee be chaired by the Mayor or a nominee.*
 4. *That the Council appoints either one or two Councillor representative to the Blue Mountains East Timor Friendship Committee.*
 5. *That the Council thanks former Councillors Angel and O'Grady, as well as outgoing Committee members, for their contribution to this Committee.*
-

Report by General Manager:**Introduction**

The Blue Mountains-Hato Builico Friendship Committee was established by unanimous decision of Blue Mountains City Council in January, 2005 following a recommendation by the Consul General of Timor-Leste, Senor Abel Guterres, in December, 2004. Since that time the Blue Mountains East Timor Friendship Agreement was signed in Hato Builico in December 2007.

This report is provided to:

- Outline the achievement of the Committee during the last four year term;
- Develop the process for electing the new community chairperson of the Committee;
- Appoint a new Councillor representative to the Committee; and
- Thank the outgoing Councillors and Committee members for their contributions.

Background

This committee has been chaired by former Councillor O' Grady on behalf of the Mayor.

The sub-district of Hato Builico is comprised of three villages and 21 sub-villages. The village of Hato Builico is at the foot of Mt. Ramelau, Timor-Leste's highest mountain (2,963 m). Mt. Ramelau is now protected above 2,000 m, together with approximately 20,000 hectares of surrounding forest.

Hato Builico, as part of the Ainaro District, which was at the centre of Falantil resistance during the Indonesian occupation of Timor-Leste suffered significant deforestation due to the slash-and-burn practices of the occupying forces as well as from traditional farming practices. Seasonal heavy rain causes additional degradation of the land and infrastructure, particularly roads which limits access to the area. Due to the condition of the road the farmers

(approximately 95% of the population of the estimated 12,000 population) walk around 24 km to take their produce to market.

In addition, there is no reticulated water or electricity, no land or mobile phone infrastructure, no cars, and the community is dispersed over a wide area. There is a nurse in the local clinic, but the clinic has no water, electricity or medical supplies. There are two primary schools and one junior high school. There is no senior high school.

Despite this, the community is working actively to regenerate the environment, the food supply and enormous potential exists for the development of eco-tourism. The Blue Mountains East Timor Friendship Committee can assist with these developments.

BMETFFC meets on a monthly basis between February and December each year. The Committee has a number of sub-projects that are aligned to the Strategic Plan provided in Attachment 1. Minutes are provided on the Council internet along with other strategic documents.

The Committee has had fairly stable membership over the past four years and includes not only community representatives but members from the Blue Mountains East Timor Sisters as well as a Staff Representative and a Council Officer who provides records management services to the Committee.

Prior to 2007-08 no annual budget provision was made to the Committee but funds were provided through the Executive Services budget.

Achievements of the Committee

The Committee operations and ability to assist in East Timor were impacted by the two significant civil unrest periods.

However, in the past Council term, the BMETFFC achieved the following:

- 2005 cash drive provided to Hato Bulico for rebuilding following destruction during the civil unrest;
- 2007 delegation to Hato Bulico for the signing of the Friendship Agreement between the Council and the District Administration. This agreement provides Hato Bulico, a sub-district of the District of Ainaro in the mountainous centre of Timor-Leste, 100 km south of Dili, with the Blue Mountains commitment to friendship and support;
- 2008 development of the BMETFFC Strategic Plan;
- 2008 delegation to the East Timor Friendship Committees Conference in Dili where input was received on the Strategic Plan; and
- 2008 the provision of a notebook computer for use by the District Administration to facilitate communications between the two friendship areas.

A further development in July 2008 has been the achievement of a grant from Alternative Technologies to provide solar power for the Community Centre building in Hato Bulico.

The Committee, prior to the 2008-09 Management Plan had received no dedicated funding. As the Friendship Agreement had been signed Council resolved to provide \$6,500 for this financial year to BMETFFC to assist in Community Development activities. The amount of funding will need to be applied for by BMETFFC in 2009-10 and then considered and reviewed as part of the 2009-10 Management Plan process.

Whilst there were no dedicated funds for BMETFC in 2007-08, an amount of \$12,848 was primarily expended on the two delegations to Timor-Leste with a smaller amount being provided to some advertising and event management.

In 2006-07 approximately \$2,500-\$3,500 was expended in supporting fund raising activities related to the community support groups for East Timor as well as the functioning of the BMETFC. A similar amount is thought to have been expended in 2005-06 although there was no dedicated funding to the BMETFC.

Future Membership

The previous Councillor representatives on the BMETFC were former Councillors Angel and O’Grady. This meeting will be required to re-elect one/two Councillors to the Committee dependent on whether the Mayor is to maintain an active membership of the Committee.

Changes to the general membership are also proposed as follows:

- Jasmine Payget – joins the Committee as a Community Representative following her resignation as the Staff Representative;
- Nominations are to be called for a staff representative on the Committee during October 2008; and
- A Committee membership remains available for a representative of the Springwood East Timor Support Group.

A process should be engaged to call for recommendations for nomination of suitably qualified and interested persons for the role of Community Chairperson of BMETFC. This process should take place over the next two months and be reported to the Council as soon as practicable, for adoption of the new chairperson.

Recognising previous contribution

The Council thanks former Councillors Angel and O’Grady for their contribution to the achievements of the BMETFC.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

The current annual allocation to the BMETFC is \$6,500. As part of the 2009-10 Management Plan process a review and consideration will need to be undertaken in relation to continued expenditure against the achievements of the BMETFC.

Legal and risk management issues for the Council

There are no legal or risk management issues.

External consultation

BMETFC provided input to the compilation of the Business Paper.

Conclusion

Timor-Leste is the poorest country in the Asia Pacific region and one of the poorest countries in the world. BMETFC provides an avenue, along with a number of other Councils and community organisations, in providing a level of community development assistance to the country.

The Council is asked to undertake a process to engage a Community Chairperson, nominate one/two Councillors to the BMETFC and thank former Councillors Angel and O’Grady, by letter, for their contribution to the Committee.

* * * * *

Attachment 1

**BLUE MOUNTAINS CITY COUNCIL HATUBUILICO FRIENDSHIP PROJECT
DRAFT STRATEGIC PLAN**

**Focus: 'Developing an achievable operational plan
for the BMCC-HB Friendship Project'.**

HATO BUILICO: IDENTIFIED NEEDS ANALYSIS:

1. CAPITAL WORKS INFRASTRUCTURE:

- Fitting out of Community Centre as a meeting place;
- Pousada: Government-owned facility for accommodation and tourism;
- Upgrading of Junction-Hato Builico access road – lobby Australian and Timor Leste Governments, NGOs and suitable joint venturers;
- Reliable phone system (land/mobile);
- Energy supply/communication with scattered villages;
- Reliable clean water supply;
- Sanitation system.

2. SUSTAINABLE ECONOMIC DEVELOPMENT:

- Support and finance for environment rehabilitation project;
- Preparation of seedlings and hedges etc (see proposal);
- Support for organic farming project – Rae Hato (training);
- Eco-tourism development e.g. promotion, training, English;
- Women's income generation projects.

3. HEALTH & WELL-BEING:

- Development of clinic with water, power and equipment;
- Child and maternal health / mother and baby packs / trained birth attendant;
- Health services for children/infants; women; men; all ages;
- Art and cultural activities e.g. history project, community cultural development.

4. CAPACITY DEVELOPMENT:

- Income generation: training and facilities;
- Support and capacity building – Community Centre, vehicle;
- Opportunities for skills development through international exchange;
- Education: facilities and courses;
- Encourage women's participation, income generation.

5. EDUCATION & TRAINING:

- Friendship Schools – program development;
- Children's education – access and resources.

6. GOVERNANCE & PARTNERSHIPS:

- Ensure our activities support Timor Leste Government policy and plans;
- Honest authentic communication processes;
- Need clarification of local BMET Sisters and BMCC Friendship's roles/tasks;
- Need to clarify roles of stakeholders: Blue Mountains City Council – Hato Builico Committee, Timor Leste Government, Australian Government and major aid organisations;
- Need to be aware of and work in relationship with other Local Government and shires Association Friendship Groups, especially Ballarat (Ainaro).

GOALS AND PRIORITIES:

Long Term Goals

Short/Medium Term Goals

1. CAPITAL WORKS INFRASTRUCTURE

- Reliable communication systems;
- Thriving Community Centre;
- Develop local community access;
- Safe drinking water;
- Access to electricity, power.

Assessment of communications options;
Refurbish Community Centre;
Assessment of the road access challenge;
Assessment of reliable water access;
Assessment of energy supply options.

2. SUSTAINABLE ECONOMIC DEVELOPMENT:

- Sustainable farming systems and markets;
- Develop viable tourism ventures.

Support H.B. Committee Farming Project, Rae Hato (Fr Barros' organic farming);
Explore & support women's economic ventures;
Liaise with NPWS/Bob Debus re training of guides including English courses.

3. HEALTH & WELL BEING:

- Operational clinic with electricity and running water;
- Localised ante natal care;
- Post trauma healing processes.

Research health systems, resources and medical needs in HB and Ainaro;
Research other midwifery projects e.g. Ballarat, Hunter;
History documentation.

4. CAPACITY DEVELOPMENT:

- Community organisations staffed by people with multiple skills;
- Develop transparent and accountable administrative capacity.

Identify training programs and people for training in Blue Mountains and HB;
Plan specific program with Jasmine for her stay in Timor;
HB & BM Committees to be represented at Friendship Conference in Dili in June, 2008.

5. EDUCATION & TRAINING:

- All children to have access to education;
- Value-add to schools;
- Create life-long study opportunities.

Research possibility of bringing a secondary high school teacher and determine Government requirements;
Develop relationships with Korowal and Mulo;
Explore Alola Foundation's new direction;
Work with Ballarat schools projects;
Fund scholarships for students beginning September, 2008;
Explore options for traineeships; short term visits.

6. GOVERNANCE & PARTNERSHIP

- Long term friendship between Hato Builico and Blue Mountains;
- Commitment from BMCC for long term relationship with Hato Builico Committee.

Develop detailed partnership plan and Strategic Plan;
Increase local BM membership – develop portfolios, targeted involvement;
Define governance structure including roles of various stakeholders;
Define different roles BMCC/BMETS group.

ITEM NO: 19

SUBJECT: BLAXLAND HIGH SCHOOL SPORTS CENTRE MANAGEMENT COMMITTEE

FILE NO: F02196-08/82295

Recommendations:

1. *That the Council receives a further report on the Council's involvement in the running of the Blaxland High School Sports Centre in May 2009.*
2. *That the Council's current nominees, former Councillor Kevin Frappell and Mr Tony Adamski remain the Council's representatives on the Management Committee until May 2009.*

Report by Group Manager, Community and Corporate:

Introduction

The Management Committee for the Blaxland High School Sports Centre was initiated through the Heads of Agreement signed following a resolution by the Council at the 9 October 2001 meeting (Minute No. 472). This report is provided to:

- Outline the achievements of the Committee during the last four year term;
- Flag potential changes to the Terms of Reference;
- Confirm the current Council representatives on the Committee; and
- Thank the Council's representatives on the Committee for their previous contributions.

Background

The Sports Centre at Blaxland High School was built to provide indoor sports courts for use by the Blue Mountains community, Springwood & Districts Basketball Club Inc and the High School. It was built in 2001 with input from the following:

Blue Mountains City Council (BMCC)	\$550 000
Blaxland High School (BHS)	\$200 000
Springwood & District Basketball Club Inc. (SDBC)	\$200 000
Department of Training and Education	\$400 000
Department of Sport and Recreation	\$150 000

BMCC, BHS and SDBC signed a Heads of Agreement Document, outlining how the Sports Centre was to be managed. The Heads of Agreement outlined a management committee that would include, among a total of seven, *“Two Council representatives nominated by Council”*. Terms of reference for the Management Committee have never been formalised.

Achievements of the Committee

Since the Sports Centre has opened it has been managed primarily by an employee of SDBC. However, there have been issues, with community access other than by SDBC members and management issues, that the Council would like to work through with the various stakeholders.

Terms of Reference for the Committee

The Council staff would like to review the Terms of Reference of the Management Committee with reference to the Heads of Agreement. Legal advice supports this approach. Former Councillor Kevin Frappell has already undertaken some work in this area. Further negotiations are required between all parties to ensure an amicable outcome with a workable new document which will allow for public access.

Future Membership

Currently former Councillor Frappell and Mr Tony Adamski are the nominated Council representatives. Ideally future membership representing the Council’s interests would include a staff member from the Council, a Councillor and a community representative other than a member of SDBC. This requires a change to the Terms of Reference from two Council nominees to three to be negotiated with the other members of the Management Committee. Such a change may take some time and until it is achieved it is proposed that former Councillor Frappell and Mr Tony Adamski will continue as community representatives until May 2009.

Recognising previous contribution

It is proposed to send letters to the former Councillor Kevin Frappell and Mr Tony Adamski thanking them for their contributions to-date and confirming their membership of the Committee until May 2009 when a further report will be presented to the Council.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

The Council does not provide any direct financial contributions to the operation and running of this Committee.

Legal and risk management issues for the Council

There are no legal or risk management issues.

Conclusion

It is proposed that a report come back to the Council once negotiations on the terms of reference and other management issues have significantly progressed. This is anticipated to be in May 2009. In the meantime, it is proposed that the Council’s current nominees, former Councillor Kevin Frappell and Mr Tony Adamski remain the Council’s representatives on the Management Committee until May 2009.

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ITEM NO: 20**SUBJECT: BLUE MOUNTAINS SPORTS COUNCIL****FILE NO: F01200-08/79621**

Recommendations:

1. *That the Council adopts the amended Sports Council Terms of Reference (see attached) and amended Sports Ground Hire and Use Handbook.*
 2. *That the Council appoints a minimum of one Councillor per Ward to the Sports Council for 2008/2009 and from the nominated Councillors, the Council appoints the Sports Council Chairperson.*
 3. *That the Council approves the proposed membership of the Blue Mountains Sports Council for 2008/2009.*
 4. *That the Council continue its financial support of the Western Sydney Academy of Sport for the 2008/2009 financial year.*
 5. *That the Council thank Councillors Hamilton and Myles and former Councillors Frappell and McInnes as well as outgoing Committee members, for their contribution to this Committee.*
-

Report by Group Manager, Community and Corporate:**Introduction**

The Blue Mountains Sports Council was formed on 10 December 2003. This report is provided to:

- Outline the achievements of the Committee during the last four year term;
- Adopt the revised Terms of Reference;
- Seek nominations for new Councillor representatives to the Committee; and
- Thank the outgoing Councillors and Committee members for their contributions.

Background

The function of the Sports Council is to provide a forum for the discussion of issues relating to the management and development of Council's sporting facilities. The Sports Council averages six meetings each year and these meetings usually occur bi-monthly on the last Monday evening of the month, alternating between the locations of Katoomba and Springwood.

Sporting code representative membership is for one year, however, there is no limitation to how many times a sporting code representative can be re-elected. Sporting code elections are held each year at the Sports Council Annual General Meeting (AGM) at the end of each financial year. A report, with details of the proposed membership for the following term, is presented to the Council following the Sports Council AGM. During its last term the Sports

Council consisted of 12 sporting code representatives, four Ward Councillors and one staff member of Council.

Each year the Council allocates the Sports Council \$20,000 to assist sporting clubs with Minor Capital Works projects. To date 26 projects have been funded under the Sports Council \$20,000 Minor Capital Works Budget. The budget for 2007/2008 was used to fund projects at the following sporting facilities:

- Lawson Oval Sports Precinct, Lawson
- Blackheath Oval, Blackheath
- Murray Park, Wentworth Falls
- Lapstone Oval, Lapstone
- Sun Valley Reserve, Sun Valley
- Lomatia Park, Springwood

The minutes of the Sports Council's meetings and other information are available on the Council's website.

Achievements of the Committee

During 2007/2008 the Sports Council was consulted and subsequently had input into the following Council adopted documents, policies and projects:

- The Blue Mountains Sports Ground Hire & Handbook
- Sports Ground Fees and Charges
- Five Year Sports Fees Expenditure Plan
- Annual expenditure of the \$20,000 Sports Council Minor Works Budget

Terms of Reference

The Sports Council Terms of Reference, adopted by the Council 25 May 2003, state that membership of the Sports Council is open to:

- Councillors, with no limit to how many, provided there is a minimum of one Councillor per Area Ward.
- Sporting codes, one representative per code.
- One Council staff member.

Amendment to Terms of Reference

During its last term, the Sports Council voted to change its Terms of Reference so as to incorporate the option of each delegate having an alternative delegate. The alternative delegate may be nominated each year at the Sports Council AGM. The alternative delegate can attend meetings in place of the regular delegate should the regular delegate be unable to attend. Please see attachment 1 for a copy of the amended Terms of Reference.

Amendments to Sports Ground Hire and Use Handbook

It has been necessary to update the Sports Ground Hire and Use Handbook to reflect the Council's introduction of sports fees. The section on Risk Management Insurance has also been changed to incorporate the following (in bold):

Documental evidence of appropriate Public Liability Insurance indemnifying Council against all claims arising from the booking and subsequent use of its facilities to the value of \$10 million is required. Council's Public Risk Insurance Policy does not extend to cover individuals/clubs/organisations/associations for accidental death/bodily injury and/or loss or damage to property arising out of the use of its facilities except to the extent that such accidental death/bodily injury and/or loss or damage to property is attributable to the negligence of Blue Mountains City Council, its employees, servants and agents.

Future Membership

At the Sports Council Annual General Meeting (AGM) held on 28 July 2008, the sporting code representation for 2008/2009 was decided. With the exception of Rugby League, where Kim Sewell replaces John Beazley, the proposed membership of the Sports Council for 2008/2009 remains unchanged and is as follows:

Code	Representative
<i>AFL</i>	<i>Paul Watson</i>
<i>Athletics</i>	<i>Brett Sowerby</i>
<i>Baseball/Softball</i>	<i>Andrew Bell</i>
<i>Basketball</i>	Vacant
<i>Cricket</i>	<i>Stephen Poole</i>
<i>Dog Training</i>	<i>David Brown</i>
<i>Netball</i>	<i>Estelle Godkin</i>
<i>Soccer</i>	<i>Ian Monaghan</i>
<i>Swimming</i>	<i>Walter Hitchell</i>
<i>Tennis</i>	<i>John Tremble</i>
<i>Touch Football</i>	<i>Rob Voura</i>
<i>Rugby League</i>	<i>Kim Sewell</i>
<i>Rugby Union</i>	<i>Chris Moloney</i>

Western Sydney Academy of Sport

At its 18 September 2007 Ordinary Meeting the Council resolved unanimously on the following motion of Councillors Van Der Kley and Hamilton:

- "1. That the Council continues to be a financial member of the Western Sydney Academy of Sport (WSAS), through the provision of a membership fee of \$12,000 for the 2007/08 financial year.*
- 2. That the Sports Council make recommendations to the Council on continuing financial support in June 2008 for the 2008/09 financial year."*

(Minute No: 254, 18/09/07)

On the 28 April 2008 the Western Sydney Academy of Sports (WSAS) Chief Executive Officer, Martin Bullock gave a presentation to the Sports Council. Subsequently the Sports Council voted in favour of the Council continuing its financial support for the WSAS in the 2008/9 financial year.

Recognising previous contribution

It is proposed to send letters to Councillors Hamilton and Myles, former Councillors Frappell and McInnes as well as outgoing Committee member, John Beazley, the representative for Rugby League, for their contribution to this Committee.

Sustainability Assessment

Criteria	Positive	Negative
Social	Potential involvement in local and regional partnerships to enhance social capital in the local government area	Nil
Environmental	Potential involvement in local and regional partnerships to enhance environmental outcomes in the local government area	Nil
Economic	Potential involvement in local and regional partnerships to enhance economic development in the local government area	Nil

Financial implications for the Council

There is currently operational budget allocated to support the Sports Council.

Legal and risk management issues for the Council

There are no legal or risk management issues.

Conclusion

The Sports Council has been in operation since December 2003; during this time the Sports Council has provided Council and the community with a forum to discuss the management, maintenance and development of its sporting facilities. The AGM held 28 July 2008 resulted in the election of 13 code representatives for the Sports Council for the 2008/9 financial year.

* * * * *

Attachment

Blue Mountains Sports Council Terms of Reference

1. Name

The name shall be the Blue Mountains Sports Council.

2. Objectives

The objectives of the Sports Council shall be to:

- 2.1 Act as a central point of communication between the Blue Mountains City Council and Sporting Clubs in the Blue Mountains.
- 2.2 Foster the appreciation, development and maintenance of sporting facilities, clubs and opportunities in the Blue Mountains.
- 2.3 To assist clubs where possible, in the application process for grants.
- 2.4 Make recommendations to the Blue Mountains City Council in respect to Council's Capital Works Program and in the selection of projects for the expenditure of Sports Fees.
- 2.5 Implement the Sports Fees Operational Plan by recommending to Council projects for the expenditure of the Sports Fees.
- 2.6 To assist in the promotion of sport in the Blue Mountains.

3. Membership

- 3.1 Membership of the Blue Mountains Sports Council shall consist of members approved and appointed by the Council.
- 3.2 Each sporting code admitted to membership shall be entitled to nominate one delegate to the Sports Council. Each sporting code is also entitled to nominate one alternate delegate who may represent the regular delegate should the regular delegate be unable to attend a Sports Council meeting. Membership is open to City Councillors with no limit to how many, provided there is a minimum of one City Councillor per Area Ward.
- 3.3 Membership is limited to one person per sport code, of codes with membership greater than 100 members.
- 3.4 It is the prerogative of the Council to accept or reject any application for membership without assigning any reason therefore.
- 3.5 Membership is open to the Mayor – regardless of Ward representation.
- 3.6 One Council staff.

4. Election of non Councillor Officer Bearers

Individual Sporting code representatives will be nominated from within their particular code. Where problems arise in electing a representative, Sporting codes can request the Sports Council to choose a representative from those nominated on the codes behalf – all decisions will be final.

5. Term of membership

Term of membership is one year. Membership shall be reviewed yearly at the Annual General Meeting with re election of existing membership permitted. After three years of continuous membership a review will be undertaken by the Council to determine whether the delegate should continue representing their sporting code or if a new representative should be sought.

6. Disqualification of members

If for any reason the majority of members consider that disqualification of any member is warranted, and if after mediation by the Chair the dispute hasn't been resolved, the facts shall be examined and a vote taken to determine the appropriate action. The decision by the vote majority will be final.

7. Resignation of membership

In the event of a member resigning a request will be made to the sporting code clubs seeking a new representative. All resignations must be in writing and addressed to the Sports Council convenor.

8. Chairmanship

A City Councillor, nominated through the Council at an Ordinary meeting, shall chair the Sports Council. The Councillor shall be a member of the Sports Council. The Deputy Chair likewise will be appointed.

The Chair is responsible for:

- 8.1 Directing the business of the Sports Council.
- 8.2 Ensuring the agenda is followed.
- 8.3 Ensuring there is fair discussion on each issue and that all points are expressed.
- 8.4 Ensures a true and correct record of meetings is kept.
- 8.5 In the event of a dispute between members of the Sports Council, the Chair shall act as a mediator to resolve the issue. Should a dispute not be resolved item 6 of the Terms of Reference will apply.

9. Convening of meetings and attendance

- 9.1 Convener – Council staff

- 9.2 Elected representatives are expected to attend all Ordinary General meetings and the Annual General meeting however apologies may be given prior to any meeting should the representative not be able to attend.
- 9.3 Should an elected representative be unable to attend a Sports Council meeting, an alternative representative may attend on their behalf. Notification of such should be made to the Sports Council convenor seven (7) days prior to the scheduled meeting.

10. Sports Council Meetings

General Meetings

- 10.1 At least fourteen (14) days notice in writing shall be given for an Ordinary General meeting.
- 10.2 A special Meeting of the Sports Council may be called by the Sports Council, or should the Convenor receive requisition in writing from no less than (5) members of the Sports Council he/she shall forthwith call a Special General Meeting provided that such requisition states the object of the meeting.
- 10.3 The Chair shall be chairperson at all General Meetings at which he/she is present and in his/her absence the Deputy Chair shall chair the meeting. In the case of an equal number of votes being recorded the Chairperson of the meeting shall have the casting vote.
- 10.4 Notice of a Special General Meeting shall be in writing and given at least (7) days before such meeting.
- 10.5 At any General Meeting of the Sports Council the presence of 30% of the members shall constitute a quorum. If no quorum is present within twenty (20) minutes of the advertised time of the meeting, such meeting shall be postponed for at least seven (7) days and not more than twenty one (21) clear days when due notice of at least forty eight (48) hours have been given, it shall then be held and irrespective of the number of members attending shall be empowered to transact legally the business for which the General Meeting was called.
- 10.6 Every resolution passed at any General Meeting of the Sports Council shall be binding on all members thereof, whether present there or not.

Annual General Meetings

Notice of the Annual General Meeting of the Sports Council shall be in writing and given at least twenty-eight (28) days before such meeting. Annual General Meetings will be held on the last Monday of July.

11. Voting

Members will pass all resolutions on a simple majority of votes cast - each Member has one (1) deliberative vote at all Meetings.

12. Code of conduct

Sports Council members when carrying out the tasks involved as members of the Sports Council are part of Council. Consequently they have the legal rights, duties and protections that come with being part of Council.

- 12.1 Council's Code of Conduct and supplementary standards and guidelines will apply in relation to the Sports Council dealings and members' participation and advice on Sporting matters.
- 12.2 The Pecuniary Interest provisions of the Local Government Act shall apply to all members of the Sports Council. Anyone with such interests must disclose the nature and extent of the interest and not take part in any deliberations on the matter
- 12.3 The minutes of the Sports Council must include a record of the nature and extent of the interest where a Member makes a disclosure about a conflict of interest.
- 12.4 The principles and procedures espoused in Council's Code of Conduct and Standards of Ethical Behaviour for Staff shall apply to Sports Council members wherever appropriate. Guidance may be sought from Council's Executive Officer.

13. Minutes

The Sports Council shall cause minutes to be made of all appointments to the sports council, all persons taking part in Sports Council meetings, of all proceedings at all general meetings. The chairperson is responsible for ensuring that recommendations of the Sports Council are minuted.

14. Reporting to Council

The Sports Council shall report and make recommendations to the Council for their consideration no less than once a year.

15. Liability

Refer item 12.

16. Amending the Terms of Reference

Any member of the Sports Council can request an amendment to the Terms of Reference however such a request should be tabled as a Sports Council agenda item and any agreed changes recorded in the meeting minutes.

ITEM NO: 21

SUBJECT: LOCAL GOVERNMENT ASSOCIATION OF NSW 2008 ELECTION OF EXECUTIVE COMMITTEE

FILE NO: F04613

Recommendations:

1. *That the Council nominate one or more Committee Members for the Local Government Association of NSW Executive Committee for a two year term.*
 2. *That the nominee/s complete the official nomination form with the signatures of two nominators.*
-

Report by General Manager:

Background

The LGA Executive Committee is recognised as the voice of Local Government in NSW. It aims to:

- Provide leadership to, and advocacy for Local Government, for the benefit of local communities;
- Deliver outstanding services to members; and
- Anticipate the needs and desires of Local Government in leading sustainable communities.

Process for nomination

The LGA Executive Committee is made up of:-

- A President and Treasurer from either a Country or Metro Council;
- A Vice President Country, Vice President Metro Council; and
- 10 Country and 10 Metro Councillors.

The members of the Committee are elected every two years.

On the 25 August 2008, Council received nomination forms for the Local Government Association of NSW 2008 Election of Executive Committee. There is the opportunity to provide details of Local Government service in the form of a Statutory Declaration and an information form which will be forwarded to constituent councils before the Annual conference.

Nomination forms need to be completed with the signatures of two Councillors.

Once completed nomination forms are returned to the Executive Officer no later than noon, Friday 10 October 2008 for forwarding to the LGA. The nominees to the LGA Executive are then voted on at the 2008 NSW LGSA Annual Conference in Broken Hill. Information on the LGSA can be found on their website at www.lgsa.org.au

Conclusion

It is recommended that Council nominate one or more Committee member at this meeting in order to meet the deadline and that each nominee completes the relevant paperwork and forwards to the Executive Officer for submission.

* * * * *

ITEM NO: 22

**SUBJECT: 2008 LOCAL GOVERNMENT ASSOCIATION CONFERENCE –
NOMINATION OF DELEGATES**

FILE NO: C06814

Recommendations:

1. *That the Council nominate four voting delegates for the 2008 Local Government Association Conference.*
 2. *That the Council representatives are authorised to attend the 2008 Local Government Association Conference to be held at Broken Hill, 25-29 October 2008.*
-

Report by General Manager:

Background:

The New South Wales Local Government Association Annual Conference is to be held in Broken Hill on 25-29 October 2008.

The Council is permitted four (4) voting delegates.

Nomination of Voting Delegates

Four Councillor registrations to the Conference have been undertaken and suitable accommodation booked for the four voting delegates. It is now necessary to identify the Council voting delegates.

There is provision in the Council budget for the attendance of four Councillors at the conference.

Nomination of Observers

Councillors should note that Broken Hill currently has a deficit in accommodation for the conference of approximately 60 places. If observers were to be voted to attend the Conference there will be issues in finding accommodation.

Conclusion:

That the Council:

- Note and authorise attendance at the 2008 LGA Conference on 25-29 October 2007 being held at Broken Hill for four voting delegates;
- That Council consider not sending Councillor observers to the Conference due to the limited availability of accommodation and the Council budget constraints.

* * * * *

ITEM NO: 23

SUBJECT: DISCONTINUATION OF COUNCILLOR REPRESENTATION ON COMMITTEES

FILE NO: F04326

Recommendations:

1. *That the Council endorse the report on the discontinuation of Councillor Representation on the Alliance of Western Sydney Councils – Western Sydney Airport Committee; Katoomba and Echo Point Implementation Advisory Taskforce and the Sydney Road Links Committee*

 2. *That Council thank the former and continuing Councillors for their contribution to these Committees.*
-

Report by General Manager:

Background

It was resolved at the Council Meeting of 13 April 2004 to endorse the Councillor representation for the term of the Council on the following Committees:-

- Councillor Hamilton for the Alliance of Western Sydney Councils – Western Sydney Airport Committee;
- Former Councillors Angel and O’Grady and Councillor Hamilton for the Katoomba and Echo Point Implementation Advisory Taskforce; and
- Councillor Myles and Van der Kley for the Sydney Road Links Committee.

Over the past four years, the projects the purpose for establishing Committees and Taskforce have either concluded or no longer have an impact on the Blue Mountains local government area.

Conclusion

That Council note the Committees are no longer in operation and therefore no Councillor representation is required. That Council thank the former councillors and continuing councillors for their valued contribution on the above Committees.

ITEM NO: 24**SUBJECT: SCHEDULE OF INVESTED MONIES****FILE NO: C00694**

Recommendations:

1. *That the Schedule of Invested Monies as at 31 August 2008 be received.*
 2. *That Council note, that in response to the current turbulence in global financial markets, active and prudent steps are being taken to secure the Council's investment portfolio and financial position as outlined in the report.*
-

Report by Group Manager, Community & Corporate:

This report is submitted for the purpose of financial accountability and in satisfaction of the investment reporting requirements of the Local Government (General) Regulation 2005 and the Local Government Act, 1993 (Section 625). The report also certifies that the Council investments comply with the forms of investment made by order of the Minister under section 625(2) of the Local Government Act 1993. The current Ministerial Order was issued under the Council Circular 08-48 on 18 August 2008.

The Schedule of the Council Invested Monies as at 31 August 2008 is attached for information (refer Table 1).

The increased returns, above budget as at 31 August 2008, on the Council investments are due to a greater than anticipated rise in interest rates and increased cash position for the financial year (refer Table 6).

Volatility continues to be experienced in global and Australian investment markets as a consequence of the prevailing global credit crisis. The Council invested funds are also not immune from this downturn in global investment markets.

In the reporting period of August 2008 the Council investment's fair value market valuation decreased by a further \$229,565 (refer Table 2). As previously advised this is a market valuation that would have specific effect if the Council was actively participating in the market. The Council receives security revaluations periodically (generally monthly) from relevant financial institutions where funds are held and these are reported each and every month to the Council.

The financial impact on the Council's investment portfolio is that the mark to market valuation of the Council investment securities, classified as fair value through the profit and loss statement, has now been reduced by a total of \$4.1m indicatively between 1 July 2007 and 31 August 2008. If the Council were forced to sell these securities for liquidity reasons it could potentially realise a loss based on current market conditions. However, on the basis of current projections, the Council investment portfolio is structured with adequate diversification to provide sufficient liquidity until the impaired investments mature.

The Council is in regular consultation with its independent investment advisor, Oakvale Capital and continues to closely monitor the portfolio in the current investment environment to ensure continued compliance and the management of exposure to risk.

To lessen the impact of the market volatility the Council has seized every viable opportunity to redirect investment funds towards bank bills and term deposits and accordingly \$6,700,000 funds were invested as such in August 2008. To further secure the Council financial position in this period of unprecedented uncertainty only investments in term deposits and bank bills with the Commonwealth Bank of Australia, Westpac Banking Corporation, National Australia Bank and ANZ Bank (i.e. "The Four Majors") will be made until the investment market stabilises. Additionally, as a result of the previous decision in 2007/2008 to adopt a prudent approach to the revaluation issue by establishing an Investment Revaluation Reserve an amount of \$2,000,000 has been set aside from working capital funds for this purpose.

Changes in investment strategies and investment portfolios have previously been raised with Council. Staff will continue to monitor and proactively recommend further changes based on advice and input from our investment advisors from time to time.

On 18 August 2008 the Minister of Local Government re-issued the Investment Order that details the basis on which councils may invest money and the Council's Investment Policy will be revised when the investment guidelines are received from the Department of Local Government. The Council investments are compliant with the forms of investments specified under the current Ministerial Order issued under Council Circular 08-48.

Lehman Brothers and recent developments

On Monday 15 September 2008, the Australian Securities Exchange suspended Lehman Brothers Australia Ltd as a market participant initially for one month, following the move by Lehman Brothers Holdings Inc to file for bankruptcy in the United States.

The Council investment portfolio partly comprises FRN (Floating Rate Note) and CDO (Collateralised Debt Obligation) investments. The portfolio consists of 24 financial products with an original face value of \$11.2M and Lehman Brothers Australia Ltd (formerly Grange Securities) arranged the purchase of these securities. It should be noted that Table 1 of the Schedule of Invested Money has been expanded to detail the individual investments arranged by Lehman Brothers Australia Ltd.

These securities are invested with a range of financial institutions and the Council has legal title and is the beneficial owner of these assets. Council's FRN and CDO investment portfolio is diversified and is not a single investment in Lehman Brothers Australia Ltd. Lehman Brothers Australia Ltd played the role of essentially facilitating the purchase of these securities from other financial institutions.

Council, in consultation with their independent investment advisor, is currently investigating any indirect impact of the Lehman Brothers Holdings Inc bankruptcy, on Council's investment portfolio.

There has been a great deal of attention given to Council's exposure to the global credit crisis, the US sub-prime market and the specific position in regard to Lehman Brothers. These matters are being closely monitored and various courses of action have been carefully considered over quite a number of months. The most recent events involving Lehman

Brothers Holdings Inc have also been scrutinised and are continuing to be closely monitored while taking advice from the Council independent investment advisers, Oakvale Capital.

Current advice in regard to the security of the Council \$11.2m investments in financial products invested through Lehman Brothers Australia Ltd, is that the majority of these funds are not directly impacted by the Lehman Brothers Holdings Inc bankruptcy. However, the Council has and continues to receive and assess financial advice as to potential exposure to Lehman Brothers and is closely monitoring developments and putting in place measures to mitigate the Council risk exposure, as a matter of urgency.

An analysis has been made of Council's liquidity position looking at different potential scenarios and based on cash flow projections, there is no short-term requirement to liquidate the long-dated investments for cash flow needs.

The Council is also analysing preliminary advice from its legal advisor and is monitoring the investigation into prospective litigation by other councils (notably Wingecarribee Council) to determine the viability of joining a representative action against Lehman Brothers Australia Ltd over the fair value loss in the Council investments marketed by Grange Securities (later bought by Lehman Brother Australia Ltd).

* * * * *

SCHEDULE OF INVESTED MONEY - 31 August 2008 (Table 1)							
Institution & Fund	Original Rating	Current Rating	Return for month	Face Value	Investment Valuation (Net)	Investment Valuation (Net) Previous Month	Comment on movements and valuation
Citybank Term Deposit (maturity 6/8/08)	A1+	A1+	8.03%	0	0	2,000,000	re-investment 17/9 (refer below)
Bankwest Term Deposit (maturity 10/9/08)	A1+	A1+	8.00%	1,000,000	1,000,000	1,000,000	no movement in Aug 2008
Bankwest Term Deposit (maturity 1/10/08)	A1+	A1+	7.67%	2,500,000	2,500,000		Cashflow investment in Aug 2008
Bankwest Term Deposit (maturity 15/10/08)	A1+	A1+	7.60%	1,000,000	1,000,000		Cashflow investment in Aug 2008
Citybank Term Deposit (maturity 17/9/08)	A1+	A1+	7.70%	2,000,000	2,000,000		Cashflow investment in Aug 2008
NAB Professional Funds A/C (at call)	n/a	n/a	7.20%	3,908,179	3,908,179	695,226	Cashflow investment in Aug 2008
Bendigo Bank FRII	BBB	BBB	9.04%	1,000,000	942,452	911,790	Valuation as at 31 Aug 2008
CBA – Palladin Portfolio Note	AA	BBB-	8.82%	500,000	106,650	103,500	Valuation as at 31 Jul 2008
Generator Income Notes (administered by Rim Securities Ltd)	AAA	AAA	9.89%	1,000,000	664,999	664,999	Valuation as at 31 July 2008
Macquarie Cash Management	AAA	AAA	6.89%	303,987	303,987	257,637	Coupons received for the month held in cash mgt. a/c
Averon Series AF7 Floating Rate Note (administered by ANZ Bank)	AAA	AAA	0.00%	500,000	387,500	387,500	Valuation as at 30 June 2008
CBA – Equity Linked Note	AA	AA	3.00%	1,000,000	929,750	932,200	Valuation as at 31 Aug 2008
CBA – Callable CPI Linked Note	AA	AA	1.35%	1,000,000	885,000	878,500	Valuation as at 31 July 2008
Athena Series 1 Camelot Notes (administered by ICAP)	AA-	AA-	8.32%	500,000	421,681	449,861	Valuation as at 31 Aug 2008
Aphex Pacific Capital Phoenix Notes (administered by ABN-AMRO Morgans)	AA1	AAA	9.91%	500,000	485,850	476,700	Valuation as at 31 Aug 2008
Investments arranged by Lehman Brothers:-							
CDO –“Federation”	AAA	CCC-	8.32%	250,000	10,500	11,250	Valuation 31/8/08
Adelaide Bank FR Sub Debt	BBB+	BBB+	8.13%	750,000	738,525	738,225	Valuation 31/8/08
Adelaide Bank FR Sub Debt	BBB+	BBB+	8.51%	1,500,000	1,459,350	1,458,450	Valuation 31/8/08
Aphex (Glenelg)	AA-	A-	9.09%	280,000	163,912	176,400	Valuation 31/8/08
ANZ Yeild Curve Note	AA	AA	8.25%	100,000	87,200	85,100	Valuation 31/8/08
BELO (Kalgoorlie)	AA+	AA+	8.49%	600,000	502,500	504,480	Valuation 31/8/08
Bendigo Bank FR Sub Debt	BBB+	BBB+	8.28%	500,000	484,050	483,500	Valuation 31/8/08
Bendigo Bank FR Sub Debt	BBB+	BBB+	8.04%	500,000	457,250	461,150	Valuation 31/8/08
Corsair (Torquay)	AA	AA	9.02%	300,000	154,500	163,950	Valuation 31/8/08
Corsair (Kakadu)	AA-	B+	8.82%	300,000	125,580	138,360	Valuation 31/8/08
Deutsche Bank Yeild Curve Note	AA-	AA-	8.25%	250,000	210,250	218,200	Valuation 31/8/08
Elders Rural Bank Sub Debt	BBB-	BBB-	8.65%	500,000	473,900	473,700	Valuation 31/8/08
Beryl (AAA Global Bank Note)	AAA	AAA	8.42%	350,000	273,280	282,695	Valuation 31/8/08
Helium (Esperance)	A+	BBB+	9.52%	450,000	253,035	269,055	Valuation 31/8/08
Helium(Scarborough)	AA	BBB+	9.14%	1,100,000	600,380	638,880	Valuation 31/8/08
Herald Limited (Quartz AA)	AA	A-	9.32%	250,000	176,625	179,575	Valuation 31/8/08
HSBC FRII	AA-	AA-	8.12%	1,000,000	908,000	917,800	Valuation 31/8/08
Lehman CPPI	AA-	AA-	6.45%	250,000	222,500	222,650	Valuation 31/8/08
Magnolia (Flinders)	AA	AA	9.32%	550,000	412,500	429,000	Valuation 31/8/08
MAS6-7(Parkes)	AAA	BBB	8.82%	250,000	85,250	98,600	Valuation 31/8/08
Start (Blue Gum) (Jun 13)	AA-	AA-	9.24%	300,000	152,220	164,640	Valuation 31/8/08
Zircon (Miami) (Mar 17)	AA	BB-	9.32%	95,000	38,019	40,489	Valuation 31/8/08
Zircon(Merimbula) (Jun 13)	AA	BB-	8.87%	400,000	117,800	158,200	Valuation 31/8/08
Zircon (Coolangatta) (Sept 14)	AA	B+	9.12%	450,000	143,550	184,725	Valuation 31/8/08
Total				27,987,166	23,786,724	17,256,987	

(Table 2)

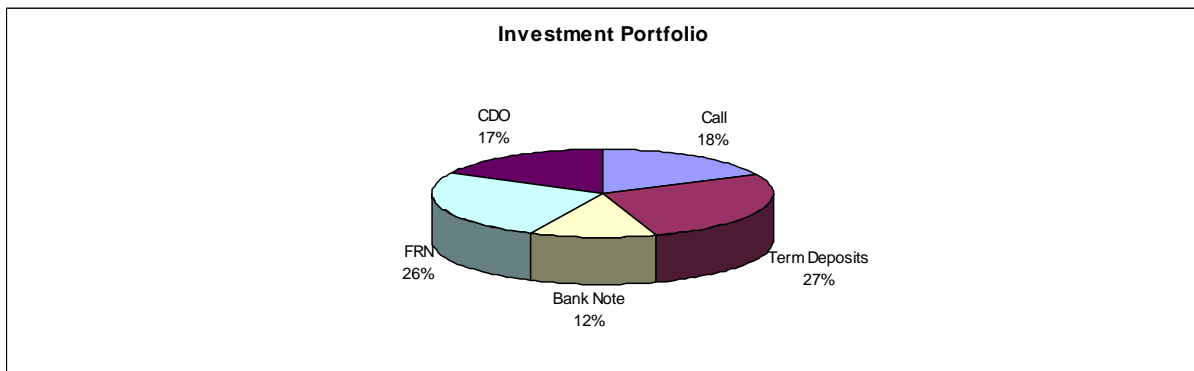
Balance of investments 1 August 2008 (Market Value)	17,256,987
Funds invested during month (Gross)	6,700,000
Funds withdrawn during month (Gross)	0
Interest re-invested during month	59,302
Revaluation of investments during month. Favourable/(Unfavourable)	(229,565)
Balance of investments 31 August 2008 (Market Value)	23,786,724

BBSW 30 Days 7.49%

Average Rate of Return for Month 7.65%

Current market valuations of all investments are as at 31 August 2008 or earlier as advised in the comments column in Table 1. It is also important to note that valuations are indicative only with no assurance that trades could be completed at such values.

(Table 3)



Call – Cash at Call

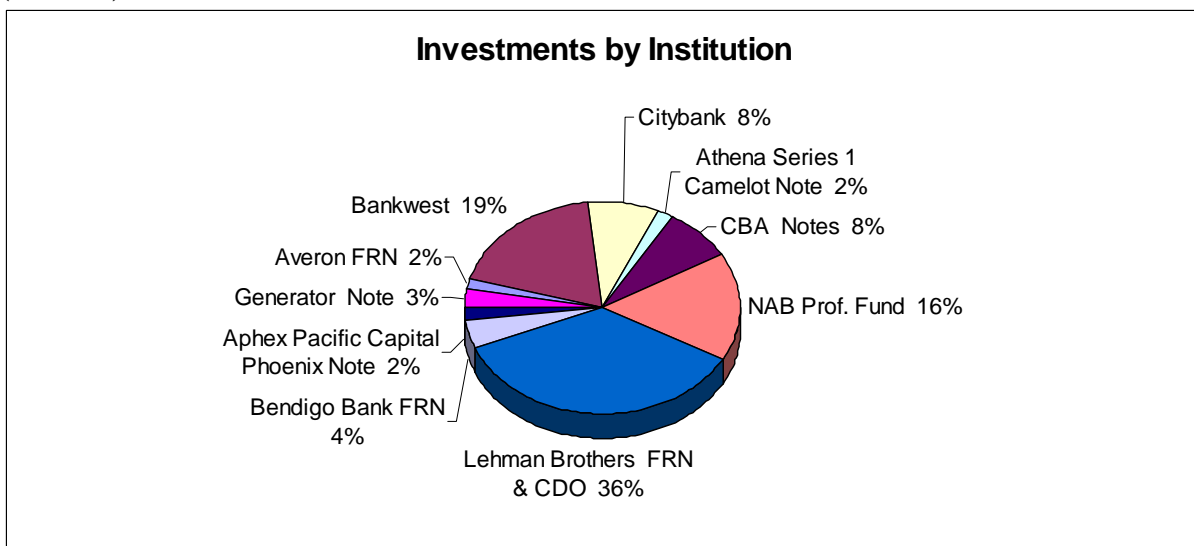
Term Deposits – Deposits for Fixed Term

Bank Note – Structured Notes

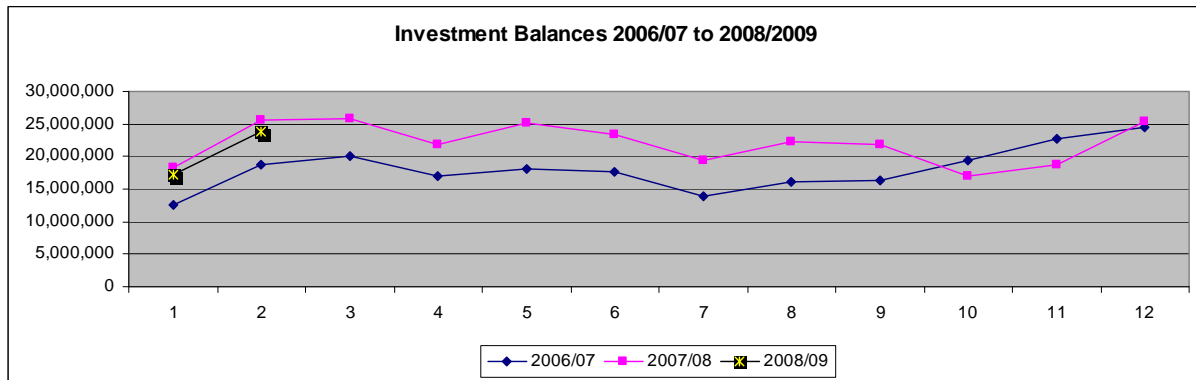
FRN – Floating Rate Note

CDO – Collateralised Debt Obligation

(Table 4)



(Table 5)



(Table 6)

Interest Income - Budget vs Actual

	Actual	Budget
Income to 31 July 2008	168,369	109,521
Income for month August 2008	151,151	109,521
Total Income to date	319,520	219,042
Estimated for remainder of year	994,730	1,095,208
Estimated total 2008/2009	1,314,250	1,314,250

I certify and report that the Schedule of Invested Monies listed above describes all the Council funds invested by virtue of Section 625 of the Local Government Act, 1993. The monies referred to in this Schedule are invested in accordance with the Local Government Act, 1993 (Section 625 and Order of the Minister dated 18/08/2008), and Local Government Regulation 1999 (Clause 16).

Neil Farquharson
Responsible Accounting Officer

ITEM NO: 25**SUBJECT: ADOPTION OF CHANGES TO THE 2008-2009 FEES AND CHARGES****FILE NO: F02965**

Recommendations:

1. *That the Council adopts the inclusions to the 2008-2009 Fees and Charges as follows:*
 - a) *Fee for Supply of Extra Bins for One-off Events to be included in the 'Events' section of the 2008-2009 Fees and Charges as follows:*
 - Planned requests per bin (240 litre) - \$35.20
 - Urgent requests per bin (240 litre) - \$46.20
 - b) *Fees for Blackheath Vacation Care Program be included in the 'Children, Family Day Care and Vacation Care' section of the 2008-2009 Fees and Charges as follows:*
 - Fee per day per child - \$32.00
 - Fee per day per child excursion rate - \$37.00
 - New child registration fee - \$15.50
 - Overtime / late fee - \$15.50 for every 15 minutes
 2. *That the fees be added to the 2008-2009 Fees and Charges schedule.*
-

Report by Group Manager, Community and Corporate:**Background**

Due to two fees being inadvertently omitted from the 2008-2009 Management Plan, at the Council meeting of 15 July 2008 it was resolved:

- "1. That the Council approves the following proposed inclusions to the 2008-2009 Fees and Charges for public exhibition:*
 - a) *Fee for Supply of Extra Bins for One-off Events to be included in the 'Events' section of the 2008-2009 Fees and Charges as follows:*
 - Planned requests per bin (240 litre) - \$35.20
 - Urgent requests per bin (240 litre) - \$46.20
 - b) *Fees for Blackheath Vacation Care Program be included in the 'Children, Family Day Care and Vacation Care' section of the 2008-2009 Fees and Charges as follows:*
 - Fee per day per child - \$32.00
 - Fee per day per child excursion rate - \$37.00
 - New child registration fee - \$15.50
 - Overtime / late fee - \$15.50 for every 15 minutes
2. *That the proposed changes be publicly exhibited for a period of 28 days from Wednesday 16 July to Tuesday 12 August 2008 via advertisement in the Blue Mountains Gazette .*

3. *That a further report come to the Council after the public exhibition, presenting any public submissions received.”*

(Minute No. 552, 15/07/08)

Having now been publicly exhibited as required by the Local Government Act, 1993 (Section 610F), these fees are now being recommended for adoption.

External consultation

These fees have been on public exhibition for a period of 28 days as required by the Local Government Act, 1993 (Section 610F) from Wednesday 23 July to Tuesday 19 August 2008. The fees were advertised in the Blue Mountains Gazette (23/07/08, 30/07/08 and 6/08/08) and on the Council’s website. No public submissions on these fees were received.

2008-2009 Fees and Charges Being Recommended for Adoption

Details of the two fees are provided below in the following sections:

- A. Inclusion of Fee for Supply of Extra Bins for One-off Events; and
- B. Inclusion of Fees for Blackheath Vacation Care Program.

A. Inclusion of Fee for Supply of Extra Bins for One-off Events

This fee was inadvertently omitted from the 2008-2009 Management Plan adopted by the Council on 24 June 2008. This fee is for the provision of additional litterbins and services not currently provided in the public precinct in which the event is being held. There have not been many calls for one-off events in the past, and a fee of \$30 per bin was included in previous Management Plans. However, there is raised community expectation in regards to events, and an increasing number of one-off community events being held.

It is recommended that the following fees be included in the ‘Events’ section of the 2008-2009 Fees and Charges.

		2008/2009			Pricing Policy	Comments
Type of Fee/Charge	2007/2008 Excl. GST	Fee	GST	Total Payable		
Bins for One-off Events						
<i>Planned requests Per bin (240 lt)</i>	\$27.27	\$32.00	\$3.20	\$35.20	FS/CS	This rate requires a minimum of one weeks notification of service requirements and includes the delivery, pick and disposal of waste material.
<i>Urgent requests Per bin (240 lt)</i>	New	\$42.00	\$4.20	\$46.20	FS/CS	This rate incurs additional costs for service delivery where the minimum of one weeks notification of

		2008/2009				
Type of Fee/Charge	2007/2008 Excl. GST	Fee	GST	Total Payable	Pricing Policy	Comments
						service requirements is NOT provided and includes the delivery, pick and disposal of waste material.

Sustainability Assessment (Triple Bottom Line Reporting)

Effects	Positive	Negative
Environmental	Good litter management preventing litter from entering the Council’s drainage network and / or ending up in the National Park or Sydney’s water supply.	No significant negative impacts.
Social	Enhances community amenity by keeping event areas clean and free of litter.	Events may be affected due to additional costs in bin provision and litter collection.
Economic	Improved event management encourages greater participation and economic return to the Blue Mountains.	Additional costs for community members to run events.

Financial implications for the Council

There have not been many calls for one-off events in the past, and a fee was included in previous Management Plans for single bins. However, due to raised community expectations in regards to events, and the increasing numbers of community events being held, the Council does not have the funding to be able to absorb the extra cost to provide these additional waste management services for the events. The Council has additional employment costs relating to overtime, (events are mainly on the weekend), vehicle operating costs, and waste disposal fees. These costs will be offset by the fee charged.

Legal and risk management issues for the Council

If bins are not provided at events, the potential legal and risk management issues are:

- EPA fines;
- Complaints by community members;
- Damage to council assets from inappropriate rubbish disposal;
- Potential health issues for the community and staff related to inadequate management of general waste; and
- Vermin problems.

B. Inclusion of Fees for Blackheath Vacation Care Program

Increases to fees and charges for Blackheath Vacation Care were not included in the 2008-2009 Management Plan adopted by Council on 24 June 2008, as it was anticipated that auspice of the service would be transferred to another organisation before the commencement of the 2008-2009 financial year. This transfer did not occur as expected. These recommended fees relate to the charges to families, which contribute to the costs of the Blackheath Vacation Care program (BVC). BVC is managed by the Council’s Family Day Care Scheme, and provides vacation care for children 5-12 years in the Blackheath area.

It is recommended that the following fees be included in the ‘Children, Family Day Care and Vacation Care’ section of the 2008-2009 Fees and Charges.

Type of Fee/Charge	2007/2008 Excl. GST	2008/2009			Pricing Policy	Comments
		Fee	GST	Total Payable		
<i>Vacation Care</i>						
Full day Per Child <i>Non Excursion Rate</i>	\$31.00	\$32.00	N/A	\$32.00	FS/CP	
Full day Per Child <i>Excursion Rate</i>	\$36.00	\$37.00	N/A	\$37.00	FS/CP	
New Child Registration Fee	\$10.50	\$15.50	N/A	\$15.50	FS/CP	
Overtime / Late fee	\$15.00	\$15.50	N/A	\$15.50	FS/CP	Per 15 minutes

Sustainability Assessment (Triple Bottom Line Reporting)

Effects	Positive	Negative
Environmental	There are no significant positive environmental impacts.	There are no significant negative environmental impacts.
Social	The fees are an essential component of the program budget which enables the provision of a Vacation Care Program in the Blackheath area.	There are no significant negative social impacts.
Economic	The fees contribute to the Blackheath Vacation Care program costs	There are no significant negative economic impacts.

Financial implications for the Council

The recommended fees contribute to the operational costs of running the Blackheath Vacation Care program.

Legal and risk management issues for the Council

There are no legal or risk management issues related to this fee.

Conclusion

It is recommended that the two amendments to the 2008-2009 Fees and Charges as outlined in the report are adopted and added to the 2008-2009 Fees and Charges schedule.

* * * * *

ITEM NO: 26

**SUBJECT: COMPLETION OF FINANCIAL REPORTS FOR THE YEAR ENDED
30 JUNE 2008**

FILE NO: C00738

Recommendations:

1. *That the Council form the opinion that:*
 - a) *The Annual Financial Reports and Special Purpose Financial Reports for the financial year ended 30 June 2008 have been drawn up in accordance with:*
 - *the Local Government Act, 1993 and Regulations,*
 - *the Local Government Code of Accounting Practice and Financial Reporting, and*
 - *the Australian Accounting Standards and Professional Pronouncements.*
 - b) *The Annual Financial Reports and Special Purpose Financial Reports present fairly the Council financial position and operating result for the year;*
 - c) *The Annual Financial Reports and Special Purpose Financial Reports accord with the Council accounting and other records;*
 - d) *There are no circumstances known that would make the Annual Financial Reports or Special Purpose Financial Reports false or misleading in any way.*
 2. *That the attached statement be made and signed on behalf of the Council by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer.*
 3. *That the 2007/2008 General Purpose and Special Purpose Financial Reports be forwarded to the Council external auditor for audit.*
-

Report by Group Manager, Community and Corporate:

Background

The Annual General Purpose Financial Reports and Special Purpose Financial Reports for the year ended 30 June 2008 have been completed and now need to be formally referred for audit to the Council auditors, Morse Group.

In accordance with Section 413(2)(C) of the Local Government Act 1993, the Council must prepare a statement on the General Purpose Financial Reports as to its opinion on the reports prior to referring them to audit. The signing of these statements is an administrative function that is required before the Council can formally call its external auditors in to audit the Financial Statements.

As required by the Local Government Act, 1993, the financial reports have been prepared in accordance with the Australian Accounting Standards, Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual.

A copy of the draft financial reports has been distributed to each Councillor in this Business Paper.

The financial reports have been prepared on the accrual basis of accounting, and except for those assets which are held at current cost or valuation, the reports have been prepared in accordance with the historical cost convention. They contain details of the Council financial transactions for the year to 30 June 2008 and have been prepared in a manner that satisfies the requirements as previously outlined.

On the basis that the Council passes the required resolution to form the opinion, a statement in the prescribed form (as attached to this report) must be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. The statement will then form part of the Annual Financial Reports. As indicated, this will allow the auditors to undertake the audit and present to the Council an audit report that will also form part of the Annual Financial Reports.

Format of Financial Reports

The financial reports comprise the following:

- a) General purpose financial reports consisting of a statement of financial performance, statement of financial position, statement of changes in equity, and statement of cash flows along with a number of explanatory notes. These are presented for audit by the Council independent external auditors;
- b) Special schedules which present financial information specifically required by the Department of Local Government, the Department of Public Works, the Department of Urban Affairs and Planning and the Australian Bureau of Statistics; and
- c) Special purpose financial reports consisting of an operating statement by business activity, a statement of financial position also by business activity, and appropriate explanatory notes. These are also presented for audit by the Council independent external auditors.

Statement of Financial Performance

This statement shows that operations for the year, including the charge of \$14,029,000 for depreciation on assets held during the year, resulted in an operating loss of \$1,325,000 including depreciation (compared to an operating loss of \$1,154,000 in the previous financial year). This also included capital grants and contributions of \$6,467,000 (compared to \$2,618,000 in the previous financial year). In the Statement of Financial Performance this is called the “surplus/deficit from ordinary activities” because it is the net amount by which equity (i.e. total assets less total liabilities) increases or decreases as a result of operations for the year. It is important to remember that the operating result is different to the budget result. It is simply the net increase or decrease in assets or liabilities after meeting operating expenses for the reported year.

Statement of Financial Position

The Statement of Financial Position, which is sometimes referred to as the Balance Sheet, discloses the Council assets, liabilities and equity as at the reporting date. Along with the explanatory notes, it provides information about the resources controlled by the Council, its financial structure and solvency.

The Statement of Financial Position can be summarised as follows:

	Current	Non-current	Net
	\$ '000	\$ '000	\$ '000
Assets	29,987	442,575	472,562
<i>Less:</i> Liabilities	18,137	34,048	52,185
Net Assets	11,850	408,527	420,377

The column headed “Current” generally refers to assets expected and able to be realised in the next twelve-month period and liabilities due during the next twelve-month period. The column headed “Non-current” generally refers to assets not expected or able to be realised during the next twelve-month period, or liabilities due beyond the next twelve-month period. The total net assets (total assets less total liabilities) may also be referred to as the accumulated surplus or equity of the Council.

Statement of Changes in Equity

Equity, which is the residual interest in the Council assets after deducting liabilities, increased by \$44,519,000. This is represented by a deficit of \$1,325,000 as a result of operations and a surplus of \$45,844,000 as a result of the revaluation of land and buildings to fair value as required by the adoption of International Financial Reporting Standards. The total equity of \$420,377,000 represents the accumulated surplus, or net assets, as shown in the statement of financial position.

Not all of the accumulated surplus is available for funding future operations. The following analysis identifies the proportion of the surplus that is working capital from a budgetary viewpoint:

	Current	Non-current	Net
	\$ '000	\$ '000	\$ '000
Non-current Receivables		352	
Investments accounted for using equity method		1,019	
Property, Plant & Equipment & Investment Property		441,204	
		442,575	
<i>Less:</i> Debt and Provisions		45,339	397,236
Restricted Investments			21,367
Working Capital *			1,774
Accumulated Surplus (Net assets)			420,377

*** Working Capital is a component of the above Accumulated Surplus amount and comprises:**

Cash and Investments		24,548	
<u>Less:</u> Overdraft			
Restricted Investments	<u>21,367</u>	<u>21,367</u>	3,181
Receivables		4,718	
Inventories		389	
Other assets		332	5,439
			<u>8,620</u>
<u>Less:</u> Liabilities		7,579	
<u>Add:</u> Liabilities		733	
(estimate payable after 12 mths)			<u>6,846</u>
			<u><u>1,774</u></u>

Statement of Cash Flows

The Statement of Cash Flows shows the nature and amounts of the Council cash inflows and outflows. The following summary shows in net terms the cash flows for the year:

	Current	Non-current	Net
	\$ '000	\$ '000	\$ '000
Cash at 30 June 2007	4,990		
Net Cash from Operations	<u>18,425</u>	23,415	
<u>Less:</u> Cash used to purchase assets	12,354		
Cash used to reduce Borrowings	<u>2,879</u>	<u>15,233</u>	8,182
Proceeds from loans and other sources			<u>3,185</u>
Cash at 30 June 2008			<u><u>11,367</u></u>

It should be noted that the cash on hand is not available for general purposes but is subject to restrictions as to its use as shown below:

	\$ '000
Restricted by Legislation for specific purposes	11,451
Restricted by Council for specific purposes	9,916
Operational Cash/Investments	<u>3,181</u>
	<u><u>24,548</u></u>

Specific details relating to restricted assets are contained within Note 6 of the General Purpose Financial Reports.

Actual Result & Budget Result

As already indicated in this report, the operating result is not the budget result for the year. The Statement of Financial Performance in the General Purpose Financial Report contains the cost of goods and services provided and the extent to which that cost has been recovered from revenues during the reporting period. As such, the operating result does not reflect the basis upon which rates have been levied for the year. The budget is prepared to plan the inflow of

funds from revenues, borrowings and sale of assets and the outflow of funds on operations, the acquisition of assets and the repayment of long-term debt. The budget result also excludes non-cash items such as depreciation, which is not cash funded.

Further Action

Following receipt of the Auditor’s reports the Council is required under the Act to take the following steps:

- a) Submit copies of the financial reports and the Auditor’s report to the Director General of the Department of Local Government and to the Australian Bureau of Statistics.
- b) Present the financial reports and Auditor’s reports to a meeting of the Council of which public notice has been given. The public notice must be given at least two weeks before the meeting and the meeting must be held not more than one month after the receipt of the Auditor’s reports. The auditor may attend the meeting and must do so if requested in writing by the Council.
- c) The public notice must specify that the financial reports and Auditor’s reports will be considered at the meeting and must indicate the right of any person to lodge submissions within 14 days after the meeting. The notice must include a summary of the financial reports.
- d) Consider submissions at a subsequent meeting of the Council and advise the Department of any matter which requires amendment to the financial reports.
- e) Have available for public inspection copies of the financial reports and Auditor’s reports.

A request has been made to the Auditor that they attend the Council Meeting at which the financial reports and Auditor’s reports will be formally presented.

* * * * *

Attachment

BLUE MOUNTAINS CITY COUNCIL

**ANNUAL FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2008**

**STATEMENT BY COUNCILLORS AND MANAGEMENT
MADE PURSUANT TO SECTION 413 (2)(c)
OF THE LOCAL GOVERNMENT ACT 1993 (as amended)**

The attached General Purpose Financial Report has been drawn up in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Local Government Code of Accounting Practice and Financial Reporting, and
- The Australian Accounting Standards and professional pronouncements.

To the best of our knowledge and belief, these reports

- Present fairly the Council financial position and operating result for the year, and
- Accord with the Council accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 30th September 2008

Signed.....
MAYOR

Signed.....
COUNCILLOR

Signed.....
GENERAL MANAGER

Signed.....
RESPONSIBLE ACCOUNTING OFFICER

ITEM NO: 27

SUBJECT: CODE OF CONDUCT

FILE NO: F00296

Recommendations:

1. *That the Council adopts the Draft Code of Conduct for the purpose of public exhibition.*
 2. *That the exhibition of the Draft Code be for a period of 28 days and be widely advertised and promoted with submissions being received for 35 days.*
 3. *That a report comes back to the Council following the public exhibition period and consolidation of submissions.*
-

Report by General Manager:

Background

The Model Code of Conduct for Local Councils in NSW first came into effect on 1 January 2005 and applies to general purpose councils and county councils.

Under Section 440 of the Local Government Act, councils must adopt a Code of Conduct that incorporates provisions that are consistent with the Model Code of Conduct – June 2008.

Councils are able to adopt this Model Code as a minimum and if they choose to do so, customise it for their purposes under the *Local Government (General) Regulation 2005*.

The Council adopted the Model Code of Conduct without variation and without public exhibition, on 5 August 2008.

Since that time the Model Code of Conduct has been customised to reflect not only relevant intersecting policy changes, but updated to reflect practices within Blue Mountains City Council that were included in the 2005 BMCC Code of Conduct. Tracked changes are highlighted within the document provided as a separate enclosure.

Process for adoption

The Council is requested to place the Draft BMCC Code of Conduct on Public Exhibition for a period of 28 days minimum with receipt of submissions for a minimum of 35 days:

- To inform the public of the Code of Conduct requirements; and
- Provide the public with an opportunity to raise any issues with the new Council relative to standards for behaviour.

The Public Exhibition process would be advertised in the Blue Mountains Gazette and on the Council Website.

Sustainability Assessment

Criteria	Positive	Negative
Social	Provides positive guidance to all identified parties and the community on acceptable standards of behaviour of Council officials and in identifying, resolving and managing alleged breaches of the Code of Conduct.	Nil
Environmental	Nil	Nil
Economic	Nil	Nil

Financial Implications

Nil

Legal and Risk Impacts

Adoption of the Draft BMCC Code of Conduct 2008 will assist the Council in:

- Raising awareness of the behavioural standards for all identified parties;
- Managing the exposure of Council when an alleged breach is identified; and
- Providing clear guidance on how to manage an alleged breach.

Conclusion

Following the recommendation of the Department of Local Government the Draft BMCC Code of Conduct September 2008 has been prepared for Public Exhibition.

* * * * *