



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

07 APRIL 2008

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY - NIL

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 3 MARCH 2008

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICES OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports

Community and Corporate Services Report

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - NIL

CLOSED REPORTS - Gas Works Site

QUESTIONS OR AN URGENT NATURE

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NOTICES OF MOTION

ITEM:1 NOTICE OF MOTION - 07/04/08 - COUNCILLOR M F TICEHURST - PROPOSED IMPLEMENTATION OF CLAUSE 11 OF THE LITHGOW CITY COUNCIL CUSTOMER SERVICE POLICY UPON A LITTLE HARTLEY RATEPAYER

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NOTICE OF MOTION

Lithgow City Council
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01 APR 2008

MOTION TITLE/TOPIC:

Proposed implementation of Clause 11 of the Lithgow City Council's Customer Service Policy upon a Little Hartley ratepayer.

Doc No
GDA Ref
Years

Listed by Councillor Martin Ticehurst

Date: 31 March 2008.

REFERENCE/S:

General Managers letter of 5 March 2008 to all Lithgow City Councillors, ICAC, Department of Local Government and the NSW Ombudsman.
Little Hartley ratepayers letter of 24 March 2008 addressed as having been forwarded to all Lithgow City Councillors and the DLG.

BACKGROUND

Is as set out in the attached General Managers letter of 5 March 2008 to Lithgow City Councillors. ICAC, Department of Local Government and the NSW Ombudsman.

A formal written response has been received from related Little Hartley ratepayer.

This Notice of Motion seeks to have the Council immediately provide all Councillors with:

1. All correspondence, letters, emails, notes, etc. between the Lithgow City Council, it's Officers and the Little Hartley ratepayer.
2. All correspondence, letters, emails, notes, photos, surveys and maps relating to the public rural road adjacent to the property of the Little Hartley ratepayer.

ATTACHMENTS

General Managers letter of 5 March 2008 to all Lithgow City Councillors. (Councillors only)

RECOMMENDATION

THAT prior to any proposed Council implementation of Clause 11 of the Lithgow City Council's Customer Service Policy upon a Little Hartley ratepayer, the Council immediately provide all Councillors, ICAC, Department of Local Government and NSW Ombudsman with:

1. All correspondence, letters, emails, notes, etc. between the Lithgow City Council, it's Officers and the Little Hartley ratepayer.
2. All correspondence, letters, emails, notes, photos, survey reports and maps relating to the public rural road adjacent to the property of the Little Hartley ratepayer.

Signed: _____

**ITEM:2 NOTICE OF MOTION - 07/04/08 - COUNCILLOR M F TICEHURST -
CONFIRMATION OF SECTION 245 LG REGULATIONS AND
PARAGRAPH 23 LITHGOW CITY COUNCIL CODE OF MEETING
PRACTICE**

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NOTICE OF MOTION

01 APR 2008

MOTION TITLE/TOPIC:

Doc. No
GDA Ref.
Years

Confirmation of Section 245 of Local Government (General) Regulations and related paragraph 23 (i) of the Lithgow City Council Code of Meeting Practice, June 2007 v4 with respect to Notice of Motions.

Listed by Councillor Martin Ticehurst

Date: 31 March 2008.

REFERENCE/S:

1. Section 245 of Local Government (General) Regulations.
2. Paragraph 23 (i) of Lithgow City Council Code of Meeting Practice, June 2007 v4.

BACKGROUND

With respect to Notice of Motions, I refer Council and Councillors to Section 245 of Local Government (General) Regulations and paragraph 23 (i) of the Lithgow City Council Code of Meeting Practice, June 2007 v4.

Local Government (General) Regulation 2005

245 Notice of motion—absence of mover

In the absence of a Councillor who has placed a Notice of Motion on the Agenda for a Meeting of a Council:

- (a) any other Councillor may move the Motion at the meeting, or
- (b) the Chairperson may defer the motion until the next meeting of the Council at which the Motion can be considered.

Lithgow City Council Code of Meeting Practice – June 2007 v4

23 Notice of Motion – Absence of Mover [LGGR 245]

In the absence of a Councillor who has placed a Notice of Motion on the Agenda for a Meeting of the Council:

- (i) any other Councillor may move the motion at the meeting; or
- (ii) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

ATTACHMENTS

Nil.

RECOMMENDATION

THAT Council note Section 245 of the Local Government (General) Regulations and related paragraph 23 (i) of the Lithgow City Council Code of Meeting Practice, June 2007 v4 with respect to Notice of Motions.

Signed: _____

MT Ticehurst

**ITEM:3 NOTICE OF MOTION - 07/04/08 - COUNCILLOR M F TICEHURST -
MATTER OF BERRYMAN V'S SONNENCHEIN IN THE NSW
SUPREME COURT - RIGHT OF CARRIAGEWAY**

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NOTICE OF MOTION

01 APR 2008

Doc. No
GDA Ref.
Years

MOTION TITLE/TOPIC:

**Matter of Berryman Vs Sonnenchein in the NSW Supreme Court (NSWSC 213) –
'Right of Carriageway'**

Listed by Councillor Martin Ticehurst

Date: 31 March 2008.

REFERENCE/S:

NSW Supreme Court (NSWSC 213) 14 March 2008.

BACKGROUND

The Sunday Telegraph of 23 March 2008 reported of public interest, 'Big Bill for Tiny Block' on a recent NSW Supreme Court decision relating to the legal rights on 'Rights of Carriageway'.

The newspaper report referred to related to the NSW Supreme Court matter of Berryman Vs Sonnenchein, NSWSC 213. (www.lawlink.nsw.gov.au)

The legal determination of the NSW Supreme Court may have some implications for Local Government in NSW and possibly the Lithgow City Council.

It is requested that Senior Council Officers provide a report on this matter in due course for the information of Councillors, including any possible legal or financial implications for Lithgow City Council.

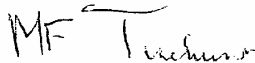
ATTACHMENTS

Copy of Sunday Telegraph of 23 March 2008 report, 'Big Bill for Tiny Block'.

RECOMMENDATION

THAT Council Officers provide a report on this matter in due course for the information of Councillors, including any possible or probable legal or financial implications for Lithgow City Council.

Signed: _____



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A cure for cancer distress in the playground



Guidance: The Waalkens children of Coogee with the booklet

By health writer CLAIR WEAVER

IT'S the disease no one in the playground wants to talk about.

But children will be taught what to expect if a friend, parent or teacher is diagnosed with cancer under a new plan to boost support networks at NSW schools.

The move comes after principals and teachers sought advice on dealing with cancer in classrooms and homes.

It also tackles the playground bullying of young cancer victims, who may be targeted because of their appearance, unfounded fears they could be contagious, or a lack of understanding among their peers.

This week, all of the state's 2500 public and private schools will have received the Cancer Council of NSW's new booklet, *Cancer In The*

School Community, which covers issues such as how to talk to someone with cancer, explaining cancer to young children and how to prepare for a cancer death.

Illustrated with cartoons, it includes quotes and advice from people in schools affected by cancer.

"The hardest thing is speaking to her classmates," John, the primary school teacher of a student with cancer, said.

"We can't ignore the physical side effects. The class is very aware that something's going on and they're worried about her."

On bullying, the booklet advises: "The best way to prevent bullying is to be as open as possible about a student's cancer."

Gill Ball, director of cancer information and support services at the Cancer Council of NSW, said the

booklet was intended to provide reassurance and advice to schools.

Sydney mother Michelle Waalkens, whose 26-year-old husband Craig died from aggressive bowel cancer six years ago, was touched by the way her young son's school handled the death.

Her son, Josh, was seven and her daughters, Hannah and Rebecca, nearly five and three when their dad died.

"Josh had a fantastic, wonderful, clever teacher who just made things so much easier," Mrs Waalkens said.

"One of the things the teacher did was to do a book of how the kids felt when they heard Josh's dad died."

"I really appreciated the fact that she'd brought it out into the open and didn't try to hide it."

Big bill for tiny block

By MARNIE O'NEILL

A PETTY dispute between two wealthy families over an adjoining driveway is likely to result in a legal bill of more than \$100,000 in the NSW Supreme Court.

Bellevue Hill couple Richard and Kay Berrymans and their neighbours Robert and Susan Sonnenschein have been fighting over the tiny parcel of land between their Cranbrook Rd mansions.

"They've really put us through the wringer," a distressed Mrs Sonnenschein told *The Sunday Telegraph*.

"But this is not something we want to publicise. We're quiet people and we'd rather not discuss this in the public arena."

The dispute began two years ago when the Berrymans, who have right of carriage-way, called on the Sonnenscheins, who own the land on which the driveway sits, to give consent to a development application to alter and maintain the driveway.

The application, which will be considered by Woollahra Council, proposes building a turning circle for cars

and a gate that would sit predominantly on the Berrymans' land.

Last week, Justice Clifford Einstein ruled that the Sonnenscheins must consent to the application, as the Berrymans had right of way.

"I don't know what kind of legal advice the Sonnenscheins were receiving, but any lawyer worth his salt knows that right of carriage-way wins (over ownership of the land)," the Berrymans' lawyer, Stephen Wawn, said.

The Sonnenscheins own the land, but my clients have the right to build on, and maintain, the driveway — and Justice Einstein made orders to that effect."

Justice Einstein is listed to finalise the orders in a Supreme Court hearing at the end of this month.

Mr Wawn said expensive neighbourhood disputes were increasing in Sydney's well-heeled suburbs.

The Berrymans last week refused to comment on the dispute, or their win, and the Sonnenscheins' legal counsel did not return calls.

The final say on whether the work goes ahead, however, rests with Woollahra Council.

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GENERAL MANAGER REPORTS

ITEM:4 GM - 07/04/08 - PARKES SHIRE COUNCIL - SECOND SYNTHETIC HOCKEY TURF

REFERENCE

NIL

SUMMARY

This report relates to correspondence received from Parkes Shire Council in relation to a second synthetic hockey turf.

COMMENTARY

Correspondence has been received by Council from Parkes Shire Council in relation to a second synthetic hockey turf.

Parkes Shire Council is assisting the Parkes Hockey Inc in their endeavour to secure State and/or Federal Funding for provision of a second synthetic hockey turf in Parkes.

The cost of the facility is around \$1million, of which Parkes Hockey Inc is prepared to commit \$420,000 and Parkes Shire Council \$180,000. The remaining \$400,000 is the basis of applications through Regional Partnerships and the Regional Sports Facilities Program.

Provision of a second turf is paramount if Parkes is to regain its status as an elite hockey centre and enhance its potential to attract representative fixtures. Moreover, its provision is regarded as a valuable addition to the regional infrastructure and will do much to strengthen the Western Premier League Competition.

Given regional importance, Parkes Shire Council is seeking a letter of support from Lithgow Council to clearly demonstrate the project's long term importance.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council have a letter of support forwarded to Parkes Shire Council in support of a second synthetic hockey turf.

**ITEM:5 GM - 07/04/08 - UPPER MACQUARIE COUNTY COUNCIL -
 CONSTITUENT MEMBERS**

REFERENCE

NIL

SUMMARY

Lithgow City Council is in receipt of an email from the Department of Local Government in relation to the Constituent Member numbers of the Upper Macquarie County Council.

COMMENTARY

An email has been received by Council from the Department of Local Government in relation to the proposed change to constituent member numbers in relation to Upper Macquarie County Council.

A proposal was received from Upper Macquarie County Council to vary its constitution by reducing the number of members elected to the governing body from 10 members to 8 members.

The constituent member councils are all in agreement with the proposal to reduce the number of elected members from Bathurst Regional Council from the current 4 members to 2 members.

The amendment is to come into effect immediately after the next ordinary local government elections on 13th September 2008.

Submissions are welcomed by the County Council concerning this proposal.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information be noted.

ITEM:6 GM - 07/04/08 - CONFIDENTIAL - GAS WORKS SITE

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It is not in the public interest to reveal all details of these Expressions of Interest. The Companies have provided sensitive information about their proposed operations in the confidence that their details will not be made public by council. The practice of publication of sensitive information provided in an Expression of Interest could result in the withholding of such information by further expressions and reduction in the provision of information relevant to council's decision.

REFERENCE

- 06-143 - Ordinary Council Meeting held on 15/05/06
- 07-06 - Policy and Strategy Committee Meeting held on 5/2/07
- 07-57 - Ordinary Council Meeting held on 19/02/07
- 07-161 - Policy and Strategy Committee Meeting held on 7/5/07
- 07-347 - Policy and Strategy Committee Meeting held on 6/8/07
- 07-429 - Ordinary Council Meeting held on 17-9/07
- P08-23 - Policy and Strategy Committee Meeting held on 03/03/08

SUMMARY

This report is to seek a determination from Council with respect to the Former Gas Works Site.

RECOMMENDATION

THAT Council consider this report in closed Council pursuant to Section 10A(2)(c) of the Local Government Act 1993.

**ITEM:7 GM - 07/04/08 - CENTROC SUBMISSION - DROUGHT PROOFING
FEASIBILITY STUDY**

REFERENCE

NIL

SUMMARY

This report provides advice on the Centroc Regional Drought Proofing Feasibility Study initiative.

The report outlines the background to the current request for funding to the State Government for \$550,000 for which no matched funds are required from Centroc member Councils.

It is noted that the Centroc project runs concurrently with the Inquiry into Water Utilities where the information in the feasibility study will be useful to the State and to members.

The report recommends Council endorse the project.

COMMENTARY

Centroc is making an application to the State Government for a Drought Feasibility Study.

The current drought has seriously affected all water users in the region. It has particularly highlighted deficiencies in the security of bulk water supplies and the infrastructure reliant on the permanency of those water supplies, leaving communities, industry and irrigators in jeopardy.

In response to community concerns regarding the drought, the study takes a scientific approach to examining a higher order of water security to the region. In the first instance it will undertake a high level audit of water resources and then look more closely at water supplies for urban communities.

The audit is intended to identify the problems that need to be solved. Options can then be developed to mitigate the problems in a manner that best suit the needs of the region.

The State Government has been very receptive to this idea. In consultation with Minister Nathan Rees he has stated that for 100% funding to come from State Departments, Councils in the region must clearly indicate their support for the project for it to proceed.

Further information about Centroc and the project, including the project brief and mapping, form an attachment to this report.

PROJECT MANAGEMENT

The Centroc Board made up of Mayors and General Managers of the region will direct the project. Project management will be co-ordinated by the Centroc Executive.

In accordance with Minister Nathan Rees' request and reflecting that the project is region wide, engagement has been sought with major water users in the community. The Centroc Executive will develop a reference group including irrigators to advise the project.

BACKGROUND

About Centroc

Centroc is the Regional Organisation of Councils made up of 17 members of which this Council is a member.

The organisation exists to provide advocacy services, aggregated purchasing and project development where members derive a benefit from acting in unison. Every dollar Council spends on fees is multiplied by five from other income streams to deliver a wide range of services including regional contract development. Current regional contracts are electricity, phones, bitumen, road signs, clothing, valuations services etc. Cost savings to Council are substantial and available upon request. The Annual Report for Centroc is also available upon request.

Centroc as regional advocate

After regional consultation, in 2006 the Centroc Board resolved to ramp up its advocacy role. Six priorities were identified including Bells Line of Expressway, health, roads & transport, telecommunications and water.

Centroc regularly attends meetings with relevant State and Federal Ministers to progress improvements in its priorities and supports these with a growing media profile where at least one press release is sent from the organisation per week. Centroc also proffers submissions and regional responses when State and Federal agencies call for such.

Centroc has a growing profile in this sector and its successes in advocacy include the NSW Regional State Environmental Planning Policy into minimum rural lot sizes with a dwelling entitlement.

Further, it should be noted that both the State and Federal Governments have expressed an interest in working with Local Government at the regional level and are funding regional programming that has individual member benefit.

The \$486,000 grant through the Department of the Environment and Climate Change is one example along with the recent dialogue with the Federal Government and others.

Where the idea for a Drought Proofing Feasibility Study came from

The Mid Lachlan Alliance (MLA) approached Centroc for greater levels of support regarding the drought. Accordingly the Centroc Executive included in its lobbying material a greater emphasis on drought mitigation using the material provided by the MLA.

This material was taken to the then Coalition Federal Government seeking pre-election commitments in the second half of 2007. Of interest was the Federal Government's proposed funding of urban water supplies.

Feedback from the Federal Government suggested they were interested in receiving submissions for regional drought proofing programming that offered heightened security to urban water supplies.

A regional team from member Councils including Parkes, Bathurst, Mid Western, Orange and Central Tablelands Water met to discuss the best way forward and subsequently developed a submission and brief.

The brief recognised that in a rural context, much more than urban water supplies needed to be taken into consideration.

The submission and brief were subsequently sent to the State Department of Commerce for costings as they provide this service. Costings came in at \$550,000.

THE SUBMISSION FOR A DROUGHT PROOFING FEASIBILITY STUDY

On 6 December 2007 the Centroc Board resolved to seek funding a Drought Proofing Feasibility Study at both the State and Federal levels.

Meetings with State and Federal representatives were organised accordingly.

The State Government has been particularly enthusiastic and follow-up lobbying is being undertaken. Given their feedback, rescoping of the project is being undertaken and the funding requested may vary accordingly.

The submission is predicated on the following heads of consideration:

- Ensuring the security of urban water supply across several catchments;
- Consider the impact of weather pattern changes particularly changes in temporal storm patterns;
- Considering the needs of irrigators and high-end agriculture;
- Managing corporate risk in climate change;
- Considering the needs of mining operations;
- Considering the needs for communities downstream;
- Considering the needs for environmental water;
- Considering predicted increases in electricity charges will also have an affect where communities such as Parkes spend \$1.2m per year on electricity alone where a majority of the expense is on pumping water up-hill from the Lachlan.

Dam levels remain low despite recent rains:

- As of 6 March Burrendong it at 21% and Windamere is at 24%
- As of 7 March Wyangala is at 13.8% and Carcoar 9.69%

Not all Centroc communities are on rivers and the Centroc Board is looking for ways it can minimise the risk of water shortages in the region. The Centroc Board has noted that members are far from comfortable about water supply, economic prosperity and our future given these figures and projections about water security. Given increasing concern in the community regarding possible impacts of climate change, a higher level of security for water in the region is seen as a priority.

Members have been surveyed regarding further possible projects and it became apparent that a regional solution required considerable investigation and had significant merit. The responses to the survey are available upon request.

The Problem

Communities in Central NSW are experiencing new levels of concern regarding water provision as dam levels remain low. This, in combination with concerns regarding possible weather pattern changes, have led to a need for a higher level of water security across Central NSW.

While solutions for managing water supply will involve demand management and evolving better practices for water use, concurrently there are significant developments particularly in the mining sector which will have ongoing needs for water. Better levels of redundancy in water security are required to sustain and grow Central NSW.

There is already significant piping in the region and potential for further reticulation that could deliver water between catchments offering a quantum improvement in security of supply. This would ensure both a reduction in transmission losses and the capacity for flows to be based on needs other than those of urban communities on rivers.

Some mapping has already been undertaken. While this mapping is very preliminary, it begins the work of looking at piping and other solutions to provide vastly improved water security. The map attached identifies all storages and supply points within this region, as well as identifying the network of existing pipelines which link the various centres of population. As can be seen, there are a number of possibilities to provide linkages between systems.

A number of potential opportunities to link key parts of these existing water supply networks have been discussed by a working group of engineers from member Councils of Centroc. More options for linkages are anticipated with further time and discussions. Some of these ideas have been mapped and these are available upon request. Further, State agencies have also provided some advice regarding possible piping options.

The aim of any such scheme would be to provide a robust network, with significant inbuilt capacity and redundancy to maintain adequate urban water supplies throughout a wide range of worst case scenarios, including drought or failure of key components of the system, as well as have the capacity to meet the needs of the entire service area well into the future.

While the focus has been on urban water supply, there are also opportunities afforded for irrigators, mining and environmental waters that can be harnessed throughout this project and these have been included in the heads of consideration.

THE BRIEF

A draft brief for a consultancy that provides advice regarding the feasibility of drought proofing programming as outlined can be provided upon request. Terms of reference for this brief include the following;

The feasibility study will have two components:

Component 1: An audit of existing infrastructure for water supply and management in Central NSW including demand management and structural arrangements. An audit of bulk water use across the region.

Component 2: Options paper for drought proofing feasibility giving consideration to:

- Cost benefit analysis including reference to demand management and the “do nothing” option
- Barriers and enablers to delivering regional drought proofing
- Specific commentary on the costs of electricity into the next five years
- Detailed analysis of infrastructure costs
- Commentary on structural arrangements
- Climate Change Modeling
- Changing community expectations for security of supply and the statistical assessment criteria used to design water supply systems.
- Needs now and into the future of irrigators, mining and other industry including commentary on demand management
- Needs now and into the future of for environmental water and riverine environments
- Needs now and into the future of downstream including commentary on demand management
- Prioritised staged works

The methodology will include consultation with stakeholders including water authorities, industry and State Water. The brief is available upon request.

REGIONAL SUPPORT TO DATE

Mindful of Minister Rees’ concerns regarding securing the support from communities before committing such significant sums of money not requiring matched funds, Centroc has undertaken media activity and other representations to secure regional support.

To date positive feedback and/or evidence of support has been either received or committed by:

- Central Tablelands Water
- The Central NSW Area Consultative Committee
- The Central West Regional Development Board
- Lachlan Valley Water
- The Belubula Landholders
- Various environmental groups

Further, advice has been received from the Lachlan Water Users Group that they are seeking this type of work to be done in the region. Please find a copy of their submission attached.

OPTIONS

Minister Rees has stated that it is a requirement of the 100% State funding of this activity that it receive the support of participating Councils.

To that extent Council must either agree to the recommendation or not.

POLICY IMPLICATIONS

This report recommends supporting the regional project and as such satisfies Council's policy position on being an active participant in regional issues.

FINANCIAL IMPLICATIONS

Council pays membership fees to Centroc. The administration for this project will form part of Council's annual subscriptions.

From time to time Centroc projects are part funded by Council contribution and part funded from grants and elsewhere.

In the case of this project, 100% funding is being sought.

Minister Rees has stated that the payments may be staged with 50% payment on completion of the project. Members may wish to take this into consideration in their deliberations.

LEGAL IMPLICATIONS

NIL

CONCLUSION

Centroc has an opportunity to proactively address the serious water resource issues that have manifested as a consequence of the continuing extreme drought event.

The State and Federal Governments have both expressed a willingness to engage with local government at a regional level and Centroc members have the resources to progress regional initiatives.

The feasibility study aims to identify regional drought proofing initiatives. Water supply security will be very important to underpin continued regional growth, sustainability and profitability.

Indicative costings are \$550,000 where this would commission a consultancy to provide the study. Centroc will meet all project directorship, administrative and other costs.

This is an important step to ensure water security for Central NSW. The study is unlikely to proceed without Council's support.

ATTACHMENTS

1. The Lachlan Water Users Group Submission to Centroc.
2. A map of existing regional water supplies and piping.
3. A variety of other maps exploring possible piping options have been developed and continue to be developed by the engineers in the region. They provide broad brush preliminary thoughts about infrastructure and are available upon request.

RECOMMENDATION

THAT:

1. The report be noted.
2. Council supports the Centroc submission for a Drought Proofing Feasibility Study.
3. A letter of support for funding the Drought Proofing Feasibility Study be forwarded to Centroc with copies to the relevant Ministers.

**ITEM:8 GM - 07/04/08 - QUARTERLY PERFORMANCE REPORT ON
MANAGEMENT PLAN 2007/08 - 2009/10 FOR THE PERIOD OF 1
JANUARY TO 14 MARCH 2008**

REFERENCE

Min 07-258: Extraordinary Meeting 28 June 2007
Min 07-502: Council Meeting 19 November 2007
Min 008-12: Council Meeting 18 February 2008

SUMMARY

This report provides the Quarterly Performance Report on the Management Plan 2007/08 to 2009/10 for the period of 1 January to 14 March 2008.

COMMENTARY

The Quarterly Performance Report on the Management Plan 2007/08 to 2009/10 for the period of 1 January to 14 March 2008 has been prepared and is provided within Councillor's Business Paper Packages. It details the achievement of activities identified in the Management Plan and provides the budget review statement.

The Report provides a number of variations to the activities listed in the Management Plan and the Budget Review Statement notes a surplus of \$37,106 after completion of the budget review which includes the actioning of changes on the Quarterly Performance Report. This compares to the deficit of \$343,691 reported in the December Quarterly Review.

Copies of the report are also available for viewing at Council's Administration Centre and the website.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications are reported in the Quarterly Performance Report on the Management Plan 2007/08 to 2009/10 for the period of 1 January to 14 March 2008.

The Internal Services Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2007/08 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter. This report and attachment achieves these requirements.

ATTACHMENTS

1. Quarterly Performance Report on the Management Plan 2007/08 – 2009/10 for the period of 1 January to 14 March 2008.

RECOMMENDATION

THAT the surplus of \$37,106 and changes to the Management Plan 2007/08 to 2009/10 as detailed in the Quarterly Performance Report for the March quarter of 2007/08 be noted.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:9 COMM - 07/04/08 - DRAFT DONATIONS SECTION 356 OF THE LOCAL GOVERNMENT ACT POLICY

REPORT FROM: POLICY & PLANNING MANAGER – AMANDA MUIR

REFERENCE

Min 07-501: Council Meeting 19 November 2007

SUMMARY

This report recommends adoption of the Draft Donations Section 356 of the Local Government Act Policy following consideration by the Sports Advisory Committee and public exhibition.

COMMENTARY

Council at its meeting of 19 November 2007 resolved to place on public exhibition the Draft Donations Section 356 of the Local Government Act Policy (Draft Policy) after the Sports Advisory Committee had reviewed the Draft Policy. At the conclusion of the public exhibition period, no submissions were received.

The Sports Advisory Committee discussed the Draft Policy at its meeting of 10 December 2007 and recommended that the Draft Policy be adopted with the inclusion of the existing form used for the nomination for the Reg Cowden Memorial Sports Star of the Year Award as an attachment to the Policy for the Award only. As a result the form has been included into the Draft Donations Program, Guidelines for Reg Cowden Sports Star Award.

Additionally the following 3 changes have been made to the Draft Policy:

- The public liability insurance requirements have been increased on the Draft Donation Program Application Form from \$5M to \$10M in accordance with Council's normal insurance requirements.
- Point 9 in the Draft Donations Program Funding Agreement for Donations of \$10,000 or more has been altered to require Council's approval prior to the release of any advertising or promotional material which features Council.
- Point 13 has been added to the Draft Donations Program Funding Agreement for Donations of \$10,000 or more requiring that all outstanding invoices are to be paid prior to the allocation of any Council funds.

POLICY IMPLICATIONS

In addition to the above proposed changes, the Draft Policy will alter Council's current policy position as outlined in the following:

- The time of year for Council to consider donations changes from February to October/November.

- Applications for donations of \$10,000 and more will only be considered as part of the budget preparations for the next financial year and that they must be received in October/November.
- The addition of guidelines, application forms and funding agreements.
- Additional criteria for donations for sporting achievements.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Draft Donations Section 356 of the Local Government Act Policy.

RECOMMENDATION

THAT the Draft Donations Section 356 of the Local Government Act Policy be adopted.

ITEM:10 COMM - 07/04/08 - LIQUID TRADE WASTE APPROVALS POLICY REVIEW

Report From: TRADE WASTE & ONSITE WASTEWATER MANAGEMENT OFFICER – C.HANRAHAN

REFERENCE

A briefing for Councillors was held on Thursday, 13 March 2008
Min 06-461: Ordinary Meeting of Council, 18 December 2006
Finance and Services Committee, 6 November 2006
Finance and Services Committee, 7 August 2006
Min 05-23: Ordinary Meeting of Council, 24 January 2005
Min 04-905: Ordinary Meeting of Council, 22 November 2004
Min 1505/2001: Ordinary Meeting of Council, 20 August 2001

SUMMARY

This report outlines the proposed implementation strategy for Council's Liquid Trade Waste Approvals Policy, recommends amendments to Council's policy, and requests the writing off of disputed trade waste charges. Information on these issues was outlined at the briefing on Thursday 13th March 2008.

COMMENTARY

Introduction

Since the original inception of the Liquid Trade Waste Policy in 2004, it is reasonable to say that there have been a number of issues that have resulted in the process not running as smoothly as it could. With the employment of an officer with responsibility for trade waste and onsite wastewater management, it has been possible to review the program and suggest a number of actions for Council's consideration to improve the process and rectify some existing problems.

The majority of proposed changes to the Trade Waste Approvals Policy for Council to consider are due to changes and updates from the Department of Water & Energy, including the inclusion of a new discharger category and minor changes to the details within each of the current categories. Other proposed changes are for the food industry (including businesses that produce fatty/oily wastes), and minor dischargers that are community groups or charity organisations. These proposed changes are outlined below in *Waste Monitoring for grease traps* and *Fee Reimbursement for Charities and Community Groups*.

A strategy to implement the Trade Waste Approvals Policy has been proposed. The need for an implementation strategy has arisen due to conflicts arising from the past implementation of the program. It has also been recognised that there needs to be a clear strategy for Council and the Trade Waste & Onsite Wastewater Management Officer to follow to prevent future problems arising from the implementation of the program. The results of the strategy have been incorporated into this report.

One of the main requests within the proposed strategy is for Council to consider the holding of usage charges at the current non-compliant level for the listed businesses (see below) for a period of 12 months. This is suggested in order to assist with and overcome, past implementation issues. Details of this proposal are outlined in *Fee Holding*.

Some information on the upgrade to Council facilities is also included below.

Fee Holding

Council will recall how the Policy currently implements usage fees incrementally over a 3 year period. It is requested that Council consider the proposal outlined in the implementation strategy that Council hold the Trade Waste Category 2 non-compliant charging rate at \$7.26/kl for an additional 12 month period for the businesses listed below in *Financial Implications*. This is to provide these businesses with a reasonable opportunity to become compliant with Council assistance.

Fee Reimbursement for Charities and Community Groups

A proposed addition to the policy is the inclusion of a provision for small dischargers that are a charity or community organisation. It is proposed that they can apply to Council to have Trade Waste Fees and any associated usage charges reimbursed. It would be necessary for them to apply on an annual basis for the reimbursing of Trade Waste Fees and Charges. It is suggested that guidelines for reimbursement be written to make it clear as to what type of organisation may be eligible to apply for reimbursement of Trade Waste Charges and to what extent they may be reimbursed.

Waste Monitoring for Grease Traps

Businesses that require grease traps as a pre-treatment system are required to have these pumped out at regular intervals, as specified in the conditions of their Trade Waste Approval. Council has been required in the past to inspect these premises 4 times per year to ensure grease traps are being pumped out and maintained. The proposed change to the policy stipulates that food businesses with grease traps are to have their pump out receipt forwarded to Council (from a DECC licensed contractor) within 14 days and will only require 1 to 2 trade waste inspections. Any businesses not forwarding their receipts would require additional inspections at additional cost (proposed to be the reinspection fee). Businesses have been surveyed about the idea, with most feedback being positive. Further consultation will be required with both the food businesses and the pump-out contractors as to the details of the receipt system.

Council Properties

Council is required to be compliant with its Trade Waste Policy and may require upgrading pre-treatment systems, installation of pre-treatment systems, upgrade of roofing, bunding and other infrastructure, to become compliant. The Department of Water & Energy would be the Consent Authority. It is proposed that Council engage a hydraulic engineer, external plumber, or trade waste specialist to assess Council properties and prepare the applications so that the process is transparent.

Proposed Account Adjustments

GE Grove in Portland closed over 12 months ago. The property has been charged an annual Trade Waste Fee during the time since the property has been closed.

They have been removed from the discharger list for the future, however Council is being asked to consider writing off the previous charge.

Gearside Printing in Lithgow does not discharge liquid trade waste to sewer. The owner has stated that he has previously contacted Council regarding this. The charges to the business have also not been consistent. Council is being asked to consider writing off all their Trade Waste Fees. The business has subsequently closed.

Courthouse Hotel in Lithgow has been charged an “inspection fee” when there was no inspection undertaken. Council is being asked to consider writing off this charge.

Access Industries in Lithgow is a Classification C trade waste discharger. They have been considered compliant by Council since their Trade Waste Application Form was received on 3 July 2006. Council responded to this application on the 3 July 2007. However, a letter was received by Council on 12 December 2005 requesting financial assistance in implementing the upgrade. They are a not-for-profit organisation employing people with disabilities. The Department of Water & Energy is currently questioning the sizing of their pre-treatment system. Access has paid all bills at the compliant charging rate of \$1.20/kl, with the difference between the compliant rate and non-compliant rate remaining. It is requested that the full amount be written off.

POLICY IMPLICATIONS

Proposed changes to the Trade Waste Approvals Policy are to be considered as outlined in this report and in related attachments. It is also proposed that the Policy relating to the reading of water usage meters be reviewed, as there have been past disputes with businesses becoming compliant part way through meter reads. There have also been changes within the Department of Water & Energy guidelines relating to the acceptance of Septic Wastes. The Policy relating to this may need to be reviewed based on this information.

FINANCIAL IMPLICATIONS

Fee Holding

Should Council approve the holding of the Trade Waste Category 2 non-compliant charging rate at \$7.26/kl for an additional period of 12 months, the estimated maximum potential dollar gap to Council would vary depending on how many of these businesses are found to already be compliant, or if and when they become compliant. Based on the previous 12 months discharge volumes an estimate of \$13,700 could potentially be written off, should Council approve the proposal. It is to be noted that \$11.00/kl charging rate has already commenced. If the proposal is adopted then some fees may require reversing (the dates are outlined below).

Details of the proposed fee holding – the proposed fee holding would only apply to the following businesses:

- Styles Smash Repairs
- Lansdowne Hotel
- Portland Golf Club
- Wallerawang Bakery

- Hicks Automotive
- Lithgow Marine Hire-Outboard Motors
- Henry Plant & Equipment Hire
- Red Rooster
- Caltex Service Station
- Coronation Inn
- Imperial Hotel
- Black Rock Café
- United Petroleum
- Tattersalls Hotel
- Pizza Hut
- Eves Butchery
- Something Nice Bakery
- Shell Garage
- Chi Chong Hot Bread Shop

The proposed fee holding period would be from 14/08/2007 to 14/08/2008 (due to meter read periods).

If the proposed Trade Waste Category 2 non-compliant charging rate is not approved to be held at \$7.26/kl for the 12 month period, the charge would remain at \$11/kl for these businesses until they gain compliance. It should be noted that the compliant discharge charging rate is currently \$1.20/kl for Trade Waste Category 2 dischargers.

Update to Charges in the Management Plan

Following are the updates that would be required to Council's Fees and Charges should the proposals be adopted.

Category 1A application fee - \$55

Category 1A annual fee - \$190

Category 1A non-compliance - As per schedule 3.5 in the Trade Waste Approvals Policy

Category 2: without approved treatment – add a note: for conditions refer to section 3.5 in the Trade Waste Approvals Policy

Change all references to “schedule 5” to “schedule 3.5”

Category 3: under annual fees remove “Not preparing hot food”

Category 3: under annual fees remove “Preparing hot food”

Discharge of stormwater to the sewerage system - As per schedule 3.5 as per Council's adopted Liquid Trade Waste Approvals Policy

LEGAL IMPLICATIONS

Council has legal obligations under the Protection of Environment Operations Act 1997 (pollution of waters, which includes sewer) and the Local Government Act 1993 to monitor, licence, and enforce trade waste discharges.

ATTACHMENTS

1. Lithgow City Council Liquid Trade Waste Approvals Policy Draft V2

RECOMMENDATION

THAT:

1. That the Trade Waste Category 2 non-compliant charging rate be held at \$7.26/kl (66% of the full non-compliant rate) and written off for the listed businesses if already invoiced for an additional 12 month period.
2. Trade Waste Fees and charges be written off for Groves, Gearside Printing, and Access Industries to a total of \$18,618.31.
3. Council to investigate and report the costs involved in works potentially required to upgrade its trade waste facilities, at all Council premises discharging Liquid Trade Waste, to be undertaken by a hydraulic engineer, external plumber, or a trade waste specialist.
4. That the proposed Policy changes be approved by Council and the revised Policy advertised in the Council Column for a period of 28 days.
5. That the Liquid Trade Waste Fees and Charges updates, contained within Section 3.5 and outlined above be advertised in the Draft Management Plan 2008/09 to 2010/11.

ITEM:11 COMM - 07/04/08 - DRAFT MOUNT YORK PLAN OF MANAGEMENT

REPORT FROM: POLICY & PLANNING MANAGER – AMANDA MUIR

REFERENCE

Min 05-504: Council Meeting 4 October 2005

Min 06-194: Policy and Strategy Committee Meeting 3 July 2006

Min 07-75: Policy and Strategy Committee Meeting 5 March 2007

SUMMARY

This report provides the draft contents of a submission on the Draft Mount York Plan of Management should Council resolve to make a submission.

COMMENTARY

As Council would be aware, Blue Mountains City Council (BMCC) has for some time been preparing a Plan of Management for Mount York. Recently, BMCC advised that the Draft Mount York Plan of Management (Draft Plan) is on public exhibition until 4 April 2008. However, Council has written to BMCC requesting an extension of time to make a submission, to allow for Council to consider the matter at this meeting. In addition, it is noted that the exhibition period for the Draft Plan under the Crown Lands Act 1989 concludes on 10 April 2008.

Draft Mount York Plan of Management

The following points are made to provide an introduction and context to the main discussion points which are proposed to comprise Council's submission on the Draft Plan:

- It incorporates 28 parcels of Crown Land (known as the 'Reserve') which are reserved for a variety of purposes such as public recreation, future public requirements, Crown road reserves, soil conservation, access and a quarry and are located across the local government areas of Blue Mountains and Lithgow.
- There are a variety of land managers for the parcels of land included in the Draft Plan i.e. BMCC, the Department of Lands and a private licensee.
- The formal gazettal of the parcels as the Mount York Reserve with a single reserve trust being Blue Mountains City Council are being proposed as priority 1 actions.
- A review of the licenced parcel of Crown land which is located within the Lithgow Local Government Area (LGA) is proposed to be undertaken annually including an assessment of land management practices and advertising. This is identified as a priority 1 action.
- The Reserve also shares the boundary between the Blue Mountains and Lithgow Rural Fire Service Districts.
- Clarification of whether Blue Mountains City Council is able to issue approvals in relation to fire use and management for that part of the Reserve that is within the Lithgow LGA is proposed as a priority 1 action for 2007/08.

Public Meeting

A public meeting was held on 19 March 2008 and was attended by approximately 3 residents of the Lithgow LGA and staff. The issues raised by these residents included:

- Questions regarding public liability on a currently licensed parcel of Crown Land.
- The future new highway. The meeting noted that the then candidate for the Macquarie seat, Bob Debus did make an announcement about the Great Western Highway prior to the election.
- The inability to now view the Obelisk from the Hartley Valley.
- The need to provide a track off the main walking track so that visitors may take photographs of the wall.
- One resident stated that he would prefer any land in the Lithgow LGA to be managed by Lithgow City Council.

Comments

The following comments are made with the intention of these comments forming the basis of a submission from Council should such a resolution be made:

- Licensed Parcel – the Draft Plan states that the parcel of Crown Land which is licensed by the Department of Lands and located in the Lithgow LGA is not affected by the management direction and actions of the Draft Plan until and unless the licensed land is vested with the Reserve Trust or the Department of Lands. It indicates that the land is included in the Draft Plan as it is an integral part of the Reserve and also the State Government has proposed that it be managed by BMCC in the future. However, the Draft Plan also proposes as a priority 1 action that there will be an annual review of this licence including an assessment of land management practices and advertising if renewal is proposed. Therefore, Council requests that the licensees of the Crown Land be consulted on an individual basis, so that they may fully understand the implications of the Draft Plan and the subsequently made Plan of Management should BMCC resolve to make the Plan of Management and also understand any future management arrangements for the parcel of land.
- Resident Details - The comment about Council not making resident details available in relation to the first meeting be removed as personal information about residents was not able to be released at that time. It should be noted that Council has written to all Lithgow landowners of parcels which BMCC has recently identified regarding the exhibition of the Draft Plan.
- Bushfire – The issue of bushfire management in this area has been of concern for some period of time. The Draft Plan proposes as a priority 1 action that the responsibility for approval of fire management activities for the part of Reserve in the Lithgow LGA be resolved and it implies that BMCC be the responsible agency. Council notes that in a meeting held between numerous parties on 30 August 2005 that it resolved that bushfire responsibilities in the Lithgow LGA are that of the Lithgow Rural Fire Service. However, as the Draft Plan is implying otherwise, a meeting between the parties is recommended to occur as soon as possible.
- Management of Crown Land by BMCC – The Draft Plan proposes that BMCC be appointed the trustee of all lands within the Reserve, including those within the Lithgow LGA. It notes that BMCC is already the trustee of 3 parcels of land in the Lithgow LGA.

As Council will recall this issue has been of concern since 2005 when Council sought further information on the Public Lands Rationisation Project from both BMCC and the former Department of Environment and Conservation to enable the proposed management of lands within the Lithgow LGA by BMCC to be publicly commented upon. Unfortunately, no information has been forthcoming and the consultation has not been undertaken to date. However, Council at its meeting of 3 July 2006, stated its objections.

Section 95 of the Crown Lands Act 1989 states that the Minister may appoint a Council to manage a reserve trust, however, a Council may not be appointed to manage a reserve trust if the reserve is wholly or partly within the area of another Council, except with the consent of the other Council. Therefore, Council has a role in determining the appropriate land manager should the Reserve be gazetted and it is suggested that Council make comment as to whether or not it supports BMCC being a land manager within the Lithgow LGA as part of the submission.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

The legal implications regarding the appointment of a reserve trust in local government areas is discussed above.

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council determines whether or not it supports Blue Mountains City Council as a trustee of parcels of land within the Lithgow LGA.
2. A submission be made highlighting the points in the report.

**ITEM:12 COMM - 07/04/08 - DRAFT MANAGEMENT PLAN 2008/09 - 2010/11 &
 DRAFT 10 YEAR FINANCIAL PLAN**

**REPORT FROM: INTERNAL SERVICES MANAGER – CAROL FARNSWORTH AND
POLICY & PLANNING MANAGER – AMANDA MUIR**

REFERENCE

Min P08-07: Policy and Strategy Committee Meeting 4 February 2008

SUMMARY

The Draft Management Plan 2008/09 – 2010/11 has been prepared and is provided for the consideration of Council to place on public exhibition. Furthermore, as a requirement for Council's application for a special rate variation for the indoor aquatic centre, a Draft 10 Year Financial Plan is being prepared and is submitted for Council to note.

COMMENTARY

The Draft Management Plan 2008/09 – 2010/11 has been prepared and details Council's activities for the next 3 years and the Revenue Policy for 2008/09. It incorporates the strategies of Council's Strategic Plan for the first year as noted as an action in the Management Plan 2007/08 – 2009/10 and the Promoting Better Practice Review Report. The Draft Management Plan is provided for Council's consideration to place on public exhibition for a period of 37 days from 10 April to 16 May 2008.

The Draft 10 Year Financial Plan is being prepared and the work to date is provided for Council to note. It is suggested that the General Manager be authorised to complete the Draft 10 Year Financial Plan to enable its submission with the special rate variation application for the indoor aquatic centre to demonstrate Council's commitment to long term financial planning. A further report will be presented to Council following advice on the outcome of the indoor aquatic centre special rate variation application. At this time, Council will have an opportunity to review and consider the Draft 10 Year Financial Plan.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Funding for the Draft Management Plan preparation and exhibition is provided in the 2007/08 Recurrent Budget.

The financial implications of the Draft 10 Year Financial Plan are detailed in the budget which is provided as an attachment to Councillor Business Paper Packages.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 outlines requirements for the preparation, exhibition and adoption of management plans. The Draft Management Plan must be exhibited for a minimum period of 28 days.

ATTACHMENTS

1. Draft Management Plan 2008/09 – 2010/11 is provided in Councillor Business Paper Packages.
2. Draft 10 Year Financial Plan is provided in Councillor Business Paper Packages.

RECOMMENDATION**THAT:**

1. The Draft Management Plan 2008/09 – 2010/11 be placed on public exhibition for a period of 37 days from 10 April to 16 May 2008.
2. The progress on the Draft 10 Year Financial Plan be noted and that the General Manager be authorised to complete the Draft 10 Year Financial Plan to enable its submission with the application for the indoor aquatic centre special rate variation.
3. A further report be provided to Council on the Draft 10 Year Financial Plan in conjunction with the outcome of Council's application for the indoor aquatic centre special rate variation.

QUESTIONS OF AN URGENT NATURE