



LITHGOW CITY COUNCIL

*A CENTRE OF REGIONAL EXCELLENCE*

**AGENDA**

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

24 JANUARY 2011  
AT 7.00pm

# AGENDA

---

## APOLOGIES

## PRESENT

## CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 13<sup>TH</sup> DECEMBER 2010

## DECLARATION OF INTEREST

## PUBLIC FORUM

## PRESENTATIONS - NIL

## MAYORAL MINUTES - Queensland Flood Appeal

## NOTICES OF MOTION -

- Councillor W McAndrew - Sale of Land by Council for Unpaid Rates
- Councillor G Danaher - Seat of Macquarie
- Councillor M F Ticehurst - Clean up of Farmers Creek
- Councillor M F Ticehurst - Calling in of DA 10/070
- Councillor M F Ticehurst - Ashley Grandstand
- Councillor M F Ticehurst - Wolgan Gap

## NOTICE OF RESCISSIONS - NIL

## CORRESPONDENCE AND REPORTS

General Managers Reports  
Regional Services Reports  
Operation Services Reports  
Community and Corporate Services Reports  
Internal Services Reports

**COMMITTEE MEETINGS**

Tourism Advisory Committee  
Lithgow Flash Gift Committee  
Sports Advisory Committee

**REPORTS FROM DELEGATES - NIL**

**BUSINESS OF GREAT URGENCY**

As identified by Clause 241 of the Local Government (General) Regulations 2005

---

# TABLE OF CONTENTS

---

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>MAYORAL MINUTES</u>	<u>5</u>
<u>ITEM: 1</u>	<u>MAYORAL MINUTE - 24/01/11 - QUEENSLAND PREMIERS FLOOD RELIEF APPEAL</u>	<u>5</u>
	<u>NOTICES OF MOTIONS</u>	<u>7</u>
<u>ITEM: 2</u>	<u>NOTICE OF MOTION - 24/01/11 - COUNCILLOR W. MCANDREW - SALE OF LAND BY COUNCIL FOR UNPAID RATES</u>	<u>7</u>
<u>ITEM: 3</u>	<u>NOTICE OF MOTION - 24/01/11 - SEAT OF MACQUARIE - COUNCILLOR DANAHER</u>	<u>8</u>
<u>ITEM: 4</u>	<u>NOTICE OF MOTION - 24/01/11 - CLEAN UP OF FARMERS CREEK - COUNCILLOR M F TICEHURST</u>	<u>10</u>
<u>ITEM: 5</u>	<u>NOTICE OF MOTION - 24/01/11 - CALLING IN OF LITHGOW CITY COUNCIL DA 10/070 PLACE OF WORSHIP AT SOUTH BOWENFELS - COUNCILLOR M F TICEHURST</u>	<u>10</u>
<u>ITEM: 6</u>	<u>NOTICE OF MOTION - 24/01/11 - ASHLEY GRANDSTAND, LITHGOW - COUNCILLOR M F TICEHURST</u>	<u>11</u>
<u>ITEM: 7</u>	<u>QUESTION WITH NOTICE - 24/01/11 - WOLGAN GAP - COUNCILLOR M F TICEHURST</u>	<u>13</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>15</u>
<u>ITEM: 8</u>	<u>GM - 24/01/11 - BELLS LINE OF ROAD - STRATEGIC LONG TERM CORRIDOR PLAN SUBMISSION</u>	<u>15</u>
<u>ITEM: 9</u>	<u>GM - 24/01/11 - NOTICE OF MOTIONS 2008 TO PRESENT</u>	<u>18</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>19</u>
<u>ITEM: 10</u>	<u>REG - 24/01/11 - WATER REPORT</u>	<u>19</u>
<u>ITEM: 11</u>	<u>REG - 24/01/11 - DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE 228/10DACC - CONSTRUCTION OF SHED ADJACENT TO EXISTING CLUBHOUSE - GLANMIRE OVAL, LITHGOW</u>	<u>22</u>
<u>ITEM: 12</u>	<u>REG - 24/01/11 - DEVELOPMENT APPLICATION NO 021/10 PROPOSED RETAIL BUILDING CONSISTING OF TWO UNITS - MAIN STREET, LITHGOW</u>	<u>23</u>
<u>ITEM: 13</u>	<u>REG - 24/01/11 - DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE 193/10 DUPLEX DWELLING - CALLING IN OF APPLICATION</u>	<u>26</u>

<u>ITEM: 14</u>	<u>REG - 24/01/11 - NEWNES KAOLIN SAND QUARRY COMMUNITY CONSULTATION COMMITTEE ADDITIONAL INFORMATION</u>	<u>28</u>
<u>ITEM: 15</u>	<u>REG - 24/01/11 - HARTLEY RHYOLITE QUARRY MODIFICATION APPLICATION</u>	<u>30</u>
	<u>OPERATION SERVICES REPORTS</u>	<u>33</u>
<u>ITEM: 16</u>	<u>OPER - 24/01/11 - MAINTENANCE - CROWN ROADS</u>	<u>33</u>
<u>ITEM: 17</u>	<u>OPER - 24/01/11 - FLOOD DAMAGE TO COUNCIL'S ROAD INFRASTRUCTURE</u>	<u>34</u>
<u>ITEM: 18</u>	<u>OPER - 24/01/11 - ADOPTION OF NEW SPECIFICATION FOR THE CONSTRUCTION OF DRIVEWAYS, FOOTPATH / GUTTER CROSSING AND FOOTPAVING</u>	<u>36</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>37</u>
<u>ITEM: 19</u>	<u>COMM - 24/01/11 - DRAFT LITHGOW LAND USE STRATEGY 2010-2030</u>	<u>37</u>
<u>ITEM: 20</u>	<u>COMM - 24/01/11 - CLASSIFICATION OF LAND AND IMPLICATIONS FOR THE LITHGOW GOLF CLUB</u>	<u>42</u>
	<u>INTERNAL SERVICE REPORTS</u>	<u>50</u>
<u>ITEM: 21</u>	<u>INTS - 24/01/11 - MINISTERS APPROVAL FOR A VARIATION OF GENERAL RATE INCOME FOR 2011/12 OF 2.8%</u>	<u>50</u>
<u>ITEM: 22</u>	<u>INTS - 24/01/11 - AUDIT RESPONSE TO A SUBMISSION RECEIVED TO THE 2009/10 GENERAL PURPOSE FINANCIAL REPORTS</u>	<u>52</u>
<u>ITEM: 23</u>	<u>INTS - 24/01/11 - GENERAL INFORMATION (PUBLIC ACCESS) ACT 2009 PUBLICATION GUIDE AND DRAFT POLICY 9.17 - ACCESS TO INFORMATION HELD</u>	<u>56</u>
<u>ITEM: 24</u>	<u>INTS - 24/01/11 - COUNCIL INVESTMENTS HELD TO 31 DECEMBER 2010</u>	<u>58</u>
<u>ITEM: 25</u>	<u>INTS - 24/01/11 - VALUER GENERAL'S ADVICE OF REVALUATIONS FROM 1 JULY 2011</u>	<u>60</u>
	<u>COMMITTEE MEETINGS</u>	<u>63</u>
<u>ITEM: 26</u>	<u>OPER - 24/01/11 - SPORTS ADVISORY COMMITTEE MEETING - MINUTES 13TH DECEMBER 2010</u>	<u>63</u>
<u>ITEM: 27</u>	<u>COMM - 23/01/11 - LITHGOW FLASH GIFT COMMITTEE MEETING - 9 DECEMBER 2010</u>	<u>64</u>
<u>ITEM: 28</u>	<u>COMM - 17/01/2011 - TOURISM ADVISORY COMMITTEE MEETING MINUTES - 7 DECEMBER 2010</u>	<u>65</u>
	<u>BUSINESS OF GREAT URGENCY</u>	<u>67</u>

## MAYORAL MINUTES

### ITEM: 1            MAYORAL MINUTE - 24/01/11 - QUEENSLAND PREMIERS FLOOD RELIEF APPEAL

#### REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

---

## REFERENCE

NIL

## SUMMARY

Many Queensland communities have been very severely affected by the recent devastating floods. A Flood Appeal has been established by the Queensland Premier.

## COMMENTARY

As we are all very well aware there have been devastating floods recently in Queensland. It is understood that three-quarters of the state has been declared a disaster zone with declarations having been made for the Brisbane, Bundaberg, Dalby, Gladstone, Gold Coast, Gympie, Ipswich, Logan, Maryborough, Rockhampton, Roma, Sunshine Coast, Toowoomba, Warwick and Redcliffe districts.

Council has received a message from the NSW Local Government and Shires Associations:

*"The best way for individuals, families and businesses to help affected communities is by making a financial donation to the [Premiers Flood Appeal](#).*

*The LGAQ is not in a position to act as a broker for private offers of assistance, such offers are best emailed to the State Disaster Coordination Centre.*

*For those who live outside of affected areas please refrain from telephoning councils directly with offers of assistance. Email contact is preferred - [find a council's email address](#) "*

A message has been sent to effected areas from Lithgow City Council that offers our support:

*Like all Australians the thoughts of the Lithgow City Council and its community are with your community in these very difficult times. We truly hope that the recovery from the damage caused by the devastating floods is swift and that your residents prosper in the times ahead.*

*Our thoughts and prayers are with you.*

The Queensland Premier has launched an appeal to help Queenslanders affected by the recent floods. Many communities have been devastated and some families have lost everything.

At this time, the Queensland Government is inviting financial donations only. The appeal cannot accept donations of goods or services.

Council can help and make a donation to the Queensland Premier's Flood Relief Appeal and I urge the Council to do so.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

Donation by Council to the Queensland Premier's Flood Relief Appeal from Lithgow City Council funds.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** Council make a donation to the Queensland Premier's Flood Relief Appeal of \$2,000.

## NOTICES OF MOTIONS

### ITEM: 2 NOTICE OF MOTION - 24/01/11 - COUNCILLOR W. MCANDREW - SALE OF LAND BY COUNCIL FOR UNPAID RATES

---

#### COMMENTARY

As a result of ongoing problems arising from the sale of land by Council for unpaid rates, I propose that a review of the process in which Council conducts its sale of land for unpaid rates occurs with a report to be presented to Council, which considers the following issues for future sales:

1. The manner of advertising lots/parcels across the LGA.
2. The display of "For Sale" signs on all individual lots/parcels.
3. The physical inspection of the individual lots/parcels and clear
4. Identification of property boundaries.
5. The notification to adjoining neighbours to proposed land sales
6. The identification of potential issues of rights of access, existing roads and laneways etc associated with the sale.
7. Councillors to be provided with a report outlining any known or perceived problems with any lot/parcel before the sale process is finalised.

#### RECOMMENDATION

**THAT** Council consider the following issues for future sales:

1. The manner of advertising lots/parcels across the LGA.
2. The display of "For Sale" signs on all individual lots/parcels.
3. The physical inspection of the individual lots/parcels and clear
4. Identification of property boundaries.
5. The notification to adjoining neighbours to proposed land sales
6. The identification of potential issues of rights of access, existing roads and laneways etc associated with the sale.
7. Councillors to be provided with a report outlining any known or perceived problems with any lot/parcel before the sale process is finalised.

**ITEM: 3 NOTICE OF MOTION - 24/01/11 - SEAT OF MACQUARIE - COUNCILLOR DANAHER**

---

**REFERENCE**

Listed by: Councillor Grahame Danaher  
Date of council meeting: 24<sup>th</sup> January 2011  
Date submitted: 17<sup>th</sup> January 2011

**COMMENTARY**

The Electoral Commissioner when he next considers the redistribution to take place in NSW there are various reasons to consider for Lithgow's reestablishment in the Macquarie Electorate from Calare.

The Australian Electoral Commission in 2006 considered Lithgow and Oberon as part of the Blue Mountains and defined the area as a strong link between coastal hinterland and the western areas of NSW.

Issues for consideration:-

**Community Interest**

**Macquarie:**

- Population movements are largely from the Lindsay/Macquarie Electorates to Lithgow.
- Local Area Health Network of Nepean largely is represented in seat of Macquarie.
- Lithgow is two (2) hours by road to Sydney airport and 1½ hours drive to the extremities of the seat of Macquarie.
- Lithgow currently has proposals to establish a Western Sydney campus
- Notre Dame which is based in Sydney has established a campus in Lithgow.

**Calare:**

- Little in the way of population movement to/from the Electorate of Calare.
- Charles Sturt University is not proposing a campus in the Lithgow area.

**Travel within the Division**

**Macquarie:**

- Lithgow is part of metro train link.
- 1½ hours by car across electorate, rail transport available through much of the electorate.

**Calare:**

As Lithgow is on the extremity of the Electorate, it makes it difficult for local Federal Members of Parliament to travel within the area over three (3) hours from one to the other by car.

### **Physical Features**

#### **Macquarie:**

Lithgow remains on the eastern side predominantly of the Blue Mountains, is often referred to the Blue Mountains, part of tourist area with Oberon and Katoomba. Most of our area has a significant catchment water area for Sydney water collection and is largely mountainous.

### **Tourism**

#### **Macquarie:**

Connection with the Blue Mountains which is largely to do with the physical features of the mountains, lakes and bush walks.

#### **Calare:**

- Little or no water connection, Calare is largely on the Central Tablelands slopes and plains.
- Undulating land is mostly usable in rural pursuits.

### **Boundaries and Division**

#### **Macquarie:**

Largely urbanised with focus towards Sydney, Lithgow remains within two (2) hours of Sydney cbd.

#### **Calare:**

Quite diverse area with regional areas and rural remote areas difficult for a local member to represent diverse interests, farming v. mining v. environmental v. small business.

### **CONCLUSION**

There are little, if any, issues that meet the Electoral Commission's criteria for inclusion in the Calare Electorate. Conversely, it is very clear that the criteria satisfies the criteria for the seat of Macquarie.

There is little doubt Lithgow was very well represented while in the Macquarie electorate over the last three (3) years, it will be somewhat difficult for the reasons outlined for the local member to provide similar support

### **RECOMMENDATION**

**THAT** Council seeks the Electoral Commission to consider a distribution of Lithgow to the Macquarie Electorate at the next redistribution, giving consideration to the points made in this report.

Signed:



Councillor Grahame Danaher

**ITEM: 4 NOTICE OF MOTION - 24/01/11 - CLEAN UP OF FARMERS CREEK -  
COUNCILLOR M F TICEHURST**

---

**COMMENTARY**

- Q. Following the recent major flooding of the Farmers Creek in Lithgow, could the General Manager or Operations Manager provide the Council with a written report over ratepayers and residents concerns of the substantial excess vegetation that is currently located within the Farmers Creek, in particular in the area upstream of the Watsford Oval and what arrangements are in place or proposed for its future removal?

**RECOMMENDATION**

**THAT** the General Manager provide the Council, Councillors and ratepayers with a written response to the above Question with Notice.

**ITEM: 5 NOTICE OF MOTION - 24/01/11 - CALLING IN OF LITHGOW CITY  
COUNCIL DA 10/070 PLACE OF WORSHIP AT SOUTH BOWENFELS  
- COUNCILLOR M F TICEHURST**

---

**COMMENTARY**

- Q. The Council is asked to resolve to “call in” under Lithgow City Council Policy 7.7; Development Application 10/070 for a Place of Worship in Hassan Street South Bowenfels, so as to allow the application to be referred to an Ordinary Meeting of Council for determination.

**RECOMMENDATION**

**THAT** Council “call in” under Lithgow City Council Policy 7.7; Development Application 10/070 for a Place of Worship in Hassan Street South Bowenfels, so as to allow the application to be referred to an Ordinary Meeting of Council for determination.

**ITEM: 6 NOTICE OF MOTION - 24/01/11 - ASHLEY GRANDSTAND, LITHGOW  
- COUNCILLOR M F TICEHURST**

---

**REFERENCES**

Resolution 10 – 57: Development Application 002-10 Improvement and Upgrades to the Tony Luchetti Showground (Ashley Grandstand)

Resolution 10-150: Tender 05/10 Structural Rectification Works – Ashley Grandstand, Lithgow.

Agenda Item 1 Ordinary Meeting of the Lithgow City Council 3 May 2010.

**COMMENTARY**

I have been reminded by ratepayers and residents and inform the Council and Councillors, that they may well remember the 1985 English Bradford City Football Grandstand fire disaster of which 56 people lost their lives.

With respect to the works proposed for the Ashley Grandstand, Lithgow it is vitally important that with the introduction of the new 974 fixed seats, additional hand rails and crush railing, the installation of two Coaches Boxes at the rear and a new Broadcast Booth at the front of the of the old wooden Grandstand, that the future and ongoing public safety of any patrons, particularly the aged and those with disabilities who may wish to access and use the new seating in Grandstand is paramount.

Following the recent raising of these public concerns, further public information is being sought with respect to the proposed Structural Rectification Works as indicated to be undertaken on the historic Ashley Grandstand.

With respect to the Lithgow City Councils Submission to the Federal Government under the RLCIP Grant Program for the following upgrading works to the Ashley Grandstand at the Tony Luchetti Showground,

- Plumbing and electrical modification and improvements
- Dressing shed modification and improvements
- Canteen modification and improvements
- Club storage area improvements
- Flooring/seating improvements

Q. What if any consideration was given to the patrons accessing and exiting the proposed new 974 fixed seating Grandstand to immediately egress the old wooden Grandstand the case of an immediate emergency, such as that caused by smoke, fire or flares?

Q. What if any consideration was given to the patrons accessing and exiting the proposed new 974 fixed seating Grandstand, in particular patrons with all forms of disabilities and will the proposed new modern works comply with the Building Code of Australia Guidelines for people with disabilities?

- Q. Can the Council confirm if it is correct that patrons accessing and exiting the proposed new 974 fixed seating Grandstand, in particular patrons with all forms of disabilities, will be legally required to be provided with a large Public Lift at the rear of the Grandstand to allow for people with disabilities to access the rear and higher areas of the Grandstand and the new Coaches Boxes and alternatively to exit the Grandstand to access the Public Toilets, Dressing Rooms and Canteen which are all located under the Grandstand?
- Q. Will the Lithgow City Council seek the professional advice of Disability Advocate, Mr Bob Trimming who has previously provided updated advice to the Lithgow City Council on access issues for people with disabilities?
- Q. Does the Ashley Grandstand, which is substantially a mostly old wooden and iron structure, have any approved Fire Rating and if so, what is it?
- Q. Does the Lithgow City Council currently have a Fire Evacuation or Emergency Plan for the Ashley Grandstand, and if so, will this be upgraded to reflect the new works for the installation of 974 fixed seats and the associated crush barriers and hand rails in the Ashley Grandstand?
- Q. How will any Lithgow City Council Fire Evacuation or Emergency Plan for the Ashley Grandstand be enforced by the Lithgow City Council upon the Hirers of the Showground precinct, such as Ironfest, Show, Rugby League?
- Q. How many Fire Exits does the Ashley Grandstand currently have and with the new works for the installation of 974 fixed seats and associated crush barriers and hand rails; how many more Fire Exits will have to be installed, where will they need to be installed in the Grandstand and what will be the final cost?
- Q. Will the Lithgow City Councils Public Liability Insurers be satisfied with and sign off (like the Wolgan Gap) on that the Lithgow City Council complies with and has catered for all known public risks to future patrons accessing and egressing the new 974 fixed seated capacity Ashley Grandstand?

## **RECOMMENDATION**

**THAT** the General Manager provides the Council, Councillors and ratepayers with a written response to the above Question with Notice.

**ITEM: 7            QUESTION WITH NOTICE - 24/01/11 - WOLGAN GAP - COUNCILLOR  
                         M F TICEHURST**

---

**REFERENCES**

Min No 008 – 50:            Ordinary Council Meeting on the 21 April 2008.  
Min No 008 – 224:        Ordinary Council Meeting of the 15 December 2008.  
Min No 09 – 188:        Ordinary Council Meeting of the 11 May 2009.

**COMMENTARY**

In early December 2010 residents and visitors of the Wolgan Valley were stranded after a serious major landslide that was estimated to be as much as 5000 tonnes of debris falling from the high cliff side and which carried away a large portion of the Wolgan Gap Road. The landslide followed saturation from the recent rainfalls.

Further to the above references, the Lithgow City Council has received three prior consultants reports on the cliff face of the Wolgan Gap.

2006 Golder and Associates Report, a hazard risk assessment using the RTA Slope Risk Assessment criteria.

2007 Pells Sullivan Meynink Engineering Consultants Report specialising in rock, soil and water.

2009 Golder and Associates Reports on the instability of the rock face on the Wolgan Gap section of the Wolgan Road which included two Reports titled, 'Road Slope Instability Risk Management Plan' and "Road Slope Instability Remedial Options Study".

Both reports were in response to concerns raised by the Council, ratepayers, residents and the Councils Insurers to the serious risks and likelihood of possible rock falls on the section of road known as Wolgan Gap.

Q.     Could the General Manager provide a report to the Council on what road works, rock stabilization works, etc have recently been undertaken as a result of the early December 2010 major rock fall and what future road works, rock stabilization works, etc are proposed to be undertaken on the 3.1 kilometre section of Wolgan Road, from the Top of the Gap to the Bottom of the Gap?

Q.     Could the General Manager provide a report to the Council on whether, given the result of the early December 2010 major rock fall, the Council should immediately engage their previous consultants, Golder and Associates to re-visit their previous Reports and conduct another onsite examination of the Wolgan Gap for an update Report to be presented for the further consideration of the Lithgow City Council?

- Q. Could the General Manager provide an immediate verbal report to the Council on whether the Councils Insurer, given its past concerns over the condition of the Wolgan Gap, is happy for the Lithgow City Council to keep the road open for access through the Wolgan Gap and that the Council is compliant with its due diligence and corporate governance on the Wolgan Gap?

### **RECOMMENDATION**

**THAT** the General Manager provide the Council, Councillors and ratepayers with a verbal response at this Council Meeting to the above Questions with Notice.

## GENERAL MANAGERS REPORTS

**ITEM: 8            GM - 24/01/11 - BELLS LINE OF ROAD - STRATEGIC LONG TERM  
CORRIDOR PLAN SUBMISSION**

---

### REFERENCE

NIL

### SUMMARY

The RTA is seeking community comment in relation to the Long Term Strategic Plan for the future of the Bell's Line of Road.

Comment for this will close on 31 January 2011.

### COMMENTARY

On 9 November 2009, the Australian and NSW Governments announced the commencement of a Long Term Strategic Corridor Plan for Bells Line of Road. The purpose of the Long Term Strategic Corridor Plan is to outline a process to guide the development and reservation of a road corridor for a future upgraded Bells Line of Road. It is also intended to recommend measures and priorities for the short, medium and long term future development of this important road corridor.

The intention of this Plan is to allow both the Australian and NSW Governments to engage with the community about the future of the Bells Line of Road. Hopefully it will provide an outcome that will be beneficial to the people of the Central West of NSW and beyond, as well of course for the Greater Sydney metropolitan area.

The RTA has started work on the Long Term Strategic Corridor Plan under the Terms of Reference agreed between the NSW and Australian governments in March 2010. The RTA is seeking community input on what we value most in our area, what are the constraints and opportunities for planning along the corridor and what needs to happen in the short, medium and long term.

The Terms of Reference for the Long Term Strategic Corridor Plan clarify the purpose, approach and scope of the project. The Long Term Strategic Corridor Plan is to be developed through consultation with local communities and stakeholders about the future of the Bells Line of Road corridor.

The Bells Line of Road Long Term Strategic Corridor Plan aims to establish broad options and recommend a process for identifying a preferred corridor. The stages of the Plan will include:

- Identification of the short, medium and long term objectives for the Bells Line of Road corridor, taking into account expected future transport requirements and land use.
- Community consultation and strategic investigations to identify constraints, values and opportunities along the Bells Line of Road corridor.

- Identification of strategic corridor opportunities and provision of commentary on potential options for the future upgrade of the Bells Line of Road corridor.
- Recommendations on the process to identify and select preferred corridors.

The Plan will cover three distinct sections:

- Eastern Section – from Bells Line of Road near Kurrajong Heights to the Sydney Motorway Network.
- Central Section – from Kurrajong Heights to Bell.
- Western Section – from Bell to the Great Western Highway near Lithgow.

A Background summary and corridor objectives report reviewing previous studies relevant to planning for the Bells Line of Road corridor has been prepared by the RTA. The report provides detail on the scope and methodology involved with the Plan's development, key findings and recommendations from previous studies. Preliminary key issues and objectives for the Bells Line of Road corridor have been developed as part of the report.

The Roads and Traffic Authority (RTA) has announced an extension of the community consultation period regarding the Bells Line of Road Long Term Strategic Corridor Plan till 31 January 2011.

A draft submission has been prepared for Council consideration.

#### **POLICY IMPLICATIONS**

Identifies Council's position in relation to the future of the Bell's Line of Road.

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

NIL

#### **ATTACHMENTS**

1. Draft Bells Line of Road - Long Term Strategic Corridor Plan Submission

## RECOMMENDATION

**THAT** Council:

1. Formally resolve to support the long term development of the Bell's Line Expressway; and
2. Make a submission to the RTA in relation to the Bell's Line of Road, Long Term Strategic Corridor Plan with the following priorities:
  - a) Short-term
    - Immediate identification and reservation of the eastern corridor for the Bell's Line of Road
    - Improved alignments to identified dangerous sections of the road along with the addition of further overtaking lanes
  - b) Medium-term
    - Construct the eastern section of the BLoR (Kurrajong to the M7) to an expressway standard
  - c) Long-term
    - The Bells Line Expressway be constructed to a 100-110 kph four lane route with an gradient generally of less than seven percent.
    - The Expressway be suitable for all types of vehicles including B-Doubles.

**ITEM: 9            GM - 24/01/11 - NOTICE OF MOTIONS 2008 TO PRESENT**

---

**REFERENCE**

NIL

**SUMMARY**

Council previously request that a quarterly report be provided on Notices of Motion and the progress made in relation to those items.

**COMMENTARY**

Council resolved that:

**THAT** at least quarterly, Council report to our Ordinary Meeting of Council of its outstanding motions from the commencement of the current Council term.

Attached to the Business Paper is a table of notices of motion resolved by Council since October 2008 along with resolutions from Business of Great Urgency for Council consideration. Included in the tables is information on action taken to implement the Council resolutions.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

Table of Notices of Motion adopted by Council since October 2008.

Table of resolutions of Council from Business of Great Urgency since October 2008.

**RECOMMENDATION**

**THAT** Council note the report on Notices of Motion from 2008 to the present

## REGIONAL SERVICES REPORTS

ITEM: 10      REG - 24/01/11 - WATER REPORT

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

---

### REFERENCE

Min No 10-03: Ordinary Meeting of Council 18<sup>th</sup> January 2010

### SUMMARY

This report provides an update on various drought and water management issues as per Minute Number 10-03.

### COMMENTARY

In relation to current water management issues the following information is provided.

### CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

Farmers Creek Dam #2 capacity on Monday 4 January 2011 was 97.9%. Oberon Dam capacity on Monday 10 January 2011 was 52.31%.

### CURRENT WATER USAGE FROM EACH SUPPLY

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer System for 2010 up to 31 December.

Table 1 - Oakey Park Output and Clarence Transfer

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)
January	109.99	80
February	100.07	20
March	120.5	0
April	113.01	73
May	125.15	7
June	126.42	0
July	127.18	35
August	121.26	71
September	122.72	34
October	109.2	50
November	114.62	33
December	121.62	0
<b>Total 2010</b>	<b>1411.74</b>	<b>403</b>

Table 2

2010/11	Water Consumption (ML)					
	Delta Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consum	Total
Jul	425	50	0	55	20	550
Aug	768	54	0	66	20	907
Sep	603	51	0	51	20	725
Oct	555	75	3	50	20	703
Nov	585	74	155	66	20	900
Dec	199	44	40	45	20	348
Jan						0
Feb						0
Mar						0
Apr						0
May						0
Jun						0
<b>Total</b>	<b>3,134</b>	<b>349</b>	<b>198</b>	<b>333</b>	<b>120</b>	<b>4,134</b>
1998	7,243	970	3,003	827	192	12,235
1999	7,204	898	3,317	855	171	12,445
2000	7,294	858	3,468	767	179	12,567
2001	8,640	998	3,913	921	180	14,652
2001/2	8,359	1,019	3,677	838	180	14,073
2002/03	8,303	1,183	4,390	911	237	15,023
2003/04	6,734	968	3,005	732	216	11,655
2004/05	4,960	735	1,878	677	162	8,412
2005/06	6,367	959	2,098	725	228	10,378
2006/07	6,590	795	3,115	749	218	11,468
2007/08	4,367	747	1,077	601	150	6,942
2008/09	3,356	699	208	583	240	5,086
2009/10	<b>2,856</b>	<b>554</b>	-	<b>590</b>	<b>158</b>	<b>4,158</b>
<b>MAQ</b>	<b>8,184</b>	<b>2,092</b>	<b>3,650</b>	<b>750</b>	<b>200</b>	<b>14,876</b>

**CURRENT WATER RESTRICTIONS UPDATE**

Level 2 water restrictions are now in place for all residents through Lithgow and villages receiving water from Lithgow and the Fish River Potable Water Supply. If Oberon dam capacity approaches 60% then a trigger point for further easing water restrictions would be achieved.

### **WATER SAVING SCHEMES OR PROCESSES UPDATE**

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in December with Council receiving 6 applications for a household appliance repair and 1 application for a water tank rebate.

### **ALTERNATE WATER SOURCES UPDATE**

#### Drought Relief Project

The pipeline below Cook Street High Level Reservoir has been laid and fittings to enable the completion of the connection have been delivered on-site. Given that the final connection and pressure testing could result in service interruption or temporary pressure losses in the system it is considered prudent to await commencing trials at least until the 2nd week of the new year.

#### Clarence Transfer System

Consultants GHD are the successful tenderer for environmental studies and design for this project. They have just commenced their hydrogeological assessment on the available transfer supply as well as their hydrology investigation into sustainable yield from Farmers Creek Dam #2.

### **POLICY IMPLICATIONS**

No specific policy issues arise as a result of this report.

### **FINANCIAL IMPLICATIONS**

No specific financial issues arise as a result of this report.

### **LEGAL IMPLICATIONS**

No specific legal issues arise as a result of this report.

### **RECOMMENDATION**

**THAT** the information in relation to water management issues be noted.

**ITEM: 11      REG - 24/01/11 - DEVELOPMENT APPLICATION / CONSTRUCTION  
CERTIFICATE 228/10DACC - CONSTRUCTION OF SHED ADJACENT  
TO EXISTING CLUBHOUSE - GLANMIRE OVAL, LITHGOW**

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

---

**SUMMARY**

To advise Council of the submission of a Combined Development / Construction Certificate Application 228/10DACC for Lithgow Hockey Association for the erection of a new shed at Lot 45 DP 171393, Glanmire Oval, Lithgow.

The application is recommended for approval, subject to conditions.

**COMMENTARY**

The proposal involves the erection of a Colorbond clad steel framed shed and attached roofed awning having external dimensions of 12m x 3m x 2.69m high to be sited 2m from the southern end of the existing Hockey Clubhouse building.

**POLICY IMPLICATIONS (OTHER THAN DCP's)**

Council's Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

**FINANCIAL IMPLICATIONS (eg Section 94)**

None. (NB: The construction is not being funded by Council)

**LEGAL IMPLICATIONS**

All matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979 have been taken into consideration.

**ATTACHMENTS**

A Section 79C report pursuant to the Environmental Planning and Assessment Act 1979

**RECOMMENDATION**

- A. **THAT** combined Development / Construction Certificate Application 228/10DACC be approved subject to conditions specified in the attached Section 79C assessment.
- B. **THAT** a division be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM: 12      REG - 24/01/11 - DEVELOPMENT APPLICATION NO 021/10  
PROPOSED RETAIL BUILDING CONSISTING OF TWO UNITS - MAIN  
STREET, LITHGOW**

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

---

**REFERENCE**

Min No 10-541:            Ordinary Meeting of Council 13<sup>th</sup> December 2010

**SUMMARY**

To assess and recommend determination of 021-10DA. Recommendation will be for approval subject to substantial conditions.

The application has been assessed by the Sydney Catchment Authority (SCA), and the Roads and Traffic Authority (RTA). There have been numerous negotiations with the applicant which have resulted in the current plans which comply with Council's parking requirements and have less of an impact on existing heritage streetscape of Main Street than originally proposed.

**COMMENTARY**

Council is in receipt of DA 021/10 from Fingrowth Pty Ltd on behalf of Mr K Doonan for the construction of a substantial commercial development including the construction of two separate commercial developments within the same building complex. The development proposes the following use:

Unit 1

- To be occupied by Supercheap Auto a commercial retailer who sells car parts and accessories;
- Hours of operation proposed are for 7 day a week trading between 8am and 5pm with the inclusion of a 9pm closure on Thursdays;
- Truck movements from a delivery perspective will require once a week truck deliveries form an articulated 11m rigid truck.

Unit 2

- To be occupied by Beer Wine & Spirits (BWS) a commercial retailer who is a licensed alcohol retailer;
- Hours of operation proposed are for 7 day a week trading between 9am and 10pm;
- Truck movements from a delivery perspective will require the need for 8 movements a week;
- It is expected that the use will provide for approximately 1500 movements a week with peaks perceived on Thursdays, Fridays & Saturdays.

The site is known as Lot 1 DP 1041160, being on the corner of Mort, Main and Lithgow Streets, Lithgow. The site is currently vacant however a prominent site within Lithgow's Main Street precinct.

The development application was lodged in April 2010 and within this period a number of reviews have been considered, with the application being several times before the applicant settled on this proposal which has been attached as part of this assessment (Appendix A).

The existing site is vacant and consists of an area of 2833m<sup>2</sup>, with the site being encapsulated by surrounding commercial ventures, with an existing service station to the southwest of the proposed development.

The site is surrounded by Main, Mort and Lithgow Streets with the development proposed to access off both Main and Mort Streets.

### Proposed Development

Provision of two large commercial premises within the footprint of one large tilt up building. The Gross Floor Area (GFA) of the two buildings is as follows:

Unit 1 – 591m<sup>2</sup> GFA

Unit 2 – 385m<sup>2</sup> including 185m<sup>2</sup> of GFA. The other 200m<sup>2</sup> of unit 2 is awning for undercover/drive thru service.

The development has been proposed to be situated on the southwestern end of the land to minimise the potential heritage impact of Lithgow's Main Street, with additional architectural treatment being proposed as part of Councils negotiations throughout the assessment process.

The development seeks to incorporate new commercial development within an existing commercial zone that is currently vacant. Other like activities exist on the surrounding lands and it is considered that this 'type' of development is compatible with those surrounding like uses.

When completed, the development will have a total of 778m<sup>2</sup> GFA and on-site parking for thirty four (34) vehicles.

The site has been identified in the Draft Heritage DCP Study as being a 'Gateway' site however this information was not available prior to substantial negotiation between the applicant and Council concerning the design of the building. The applicant has provided additional architectural design to be incorporated into the development, provided sympathetic colouring to the development that is consistent with colouring of Main Street (in contradiction to originally proposed 'corporate colouring') and substantial landscaping proposed for the new development. Also, the applicant has provided additional heritage information from Caste STUDIO Heritage Consultants. This advice outlined that the development allowed for key heritage building landmarks to retain their pre-eminence and the proposed development in its proposed arrangement would act as a visual funnel from the west and east approaches to the Main Street/Lithgow Street intersection.

However, at its meeting on 13 December 2010 it was resolved by Council to;

1. Support, as recommended in the Draft Heritage DCP Study, the fundamental approach to management of the Lithgow LGA heritage inventory, through:
  - Identification of Heritage Conservation Areas
  - Development Control Plan provisions
  - Local Environmental Plan standard heritage provisions
2. Endorse the Draft Heritage Development Control Plan Study to allow it to be publically exhibited at the same time as the Draft Land Use Strategy.

Thus, a draft document exists for the abovementioned area that contradicts the current application in terms of setbacks to Main Street.

It must be stated that the amended plans have been provided and updated by the applicant through substantial negotiation between Council Officers prior to the Draft DCP being produced. It would be at Council discretion should it choose to take into consideration the weight of the draft document over the negotiated outcomes provided within the amended plans

The draft document indicates that the site could be used for a future 'gateway' site for Lithgow and as such should consider the principles outlined within the draft document. However, again the current proposal has been amended through the justification of heritage advice and through negotiation with Council officers. It is considered that the amended proposal does not detract from the existing Main Street precinct and proposes to use landscaped mechanisms to enhance the streetscape rather than built form.

As such, given the information provided and the additional modifications made through the assessment process it is considered that the development can be supported in this instance.

#### **POLICY IMPLICATIONS (OTHER THAN DCP's)**

The application was called in under Policy 7.7 – Calling in of Development Applications by Councillors. Accordingly, the application requires determination by the elected Council.

#### **FINANCIAL IMPLICATIONS (eg Section 94)**

Given the nature of the development and if deemed appropriate Council could seek to negotiate with the applicant to enter into a Planning Agreement to contribute towards the cost of community facilities as did other developments in the vicinity. The applicant would need to indicate that they would be willing to enter into negotiations regarding a Planning Agreement, accordingly it is considered appropriate that if the application is approved, a condition be imposed requiring particulars of a Planning Agreement be finalised.

#### **LEGAL IMPLICATIONS**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979.

## ATTACHMENTS

1. Complete 79C Assessment in accordance with the Environmental Planning & Assessment Act 1979.

## RECOMMENDATION

- A. **THAT** Development Application 021/10DA be approved subject to conditions specified in the attached Section 79C assessment.
- B. **THAT** a division be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM: 13          REG - 24/01/11 - DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE 193/10 DUPLEX DWELLING - CALLING IN OF APPLICATION**

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

## REFERENCE

Development Application/Construction Certificate No.193/10

## SUMMARY

To inform Council that this Development Application/Construction Certificate has been called in pursuant to Council policy.

## COMMENTARY

A Development Application has been received for the establishment of a dual occupancy at the subdivision of Part Lot 12 DP 1077891 being Lot 2 Ivatt Street, Lithgow . This application is currently under assessment. The application has been called in for determination by Council by Mayor Neville Castle.

## POLICY IMPLICATIONS

The application has been called in pursuant to Policy 7.7 'Calling in of Applications by Councillors' Item 3 that states:

*Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:*

- *Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been "called in"; and*
- *Reported to an Ordinary Meeting of Council for determination.*

This application is reported pursuant to the first dot point.

**FINANCIAL IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

No specific implications at this point of the process.

**ATTACHMENTS**

Nil.

**RECOMMENDATION**

**THAT** the action of calling in the Development Application/Construction Certificate No 193/10 be noted.

**ITEM: 14            REG - 24/01/11 - NEWNES KAOLIN SAND QUARRY COMMUNITY  
CONSULTATION COMMITTEE ADDITIONAL INFORMATION**

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

---

**REFERENCE**

Min No 10-533:            Ordinary Meeting of Council 13<sup>th</sup> December 2010

**SUMMARY**

To advise Council of further information on nominations received by the Department of Planning for the chair and community representatives on the Newnes Sand & Kaolin Project Community Consultative Committee.

**COMMENTARY**

Previously Council resolved to defer any endorsement for the Newnes Kaolin CCC until such time as further information has been attained in relation to those residents put forward by the company to sit as community representatives on the CCC.

As previously advised the Applicant, Newnes Kaolin Pty Ltd has notified the Director General of nominations for members of the CCC at the instruction of the Department. In correspondence received from the NSW Department of Planning it has been indicated that the following two representatives have been endorsed by the Director General, being:

- Mr Sean Butler
- Mr David McConnell

Council is now in receipt of additional information supporting the recommendations for both proposed community representatives.

In correspondence received (by the companies consultants) it is indicated that Mr Sean Butler is a permanent resident of Newnes Junction whose land adjoins the proposed development. Additionally, at the time of writing Mr Butler is the only permanent resident within Newnes Junction.

Mr McConnell owns a house in the Newnes Junction locality which he visits from time to time however permanently resides in Sydney.

It is further commented within the correspondence that neither proposed representative has any involvement in the project.

Finally, the correspondence indicates that the company would be happy to consider further members should any further interest be shown.

Moreover, Council is yet to nominate an appropriate Councillor to elect as its representative to the CCC.

Finally, as previously indicated Condition 9(b) in Schedule 5 indicates that the CCC shall be chaired by an independent chairperson, whose appointment has been endorsed by the Director General.

Within the correspondence received by the NSW Department of Planning it has been advised that Ms Sue Graves has been accepted in the position of independent chair by the Director General.

### **LEGAL IMPLICATIONS**

The Community Consultative Committee is a requirement of the Development Consent.

### **RECOMMENDATION**

#### **THAT:**

1. Council indicate that it has no objections to the community nominees to the Newnes Sand & Kaolin Project Community Consultative Committee being Mr Sean Butler and Mr David McConnell.
2. Council nominate a Councillor to sit on the Newnes Sand & Kaolin Project Community Consultative Committee.
3. Council indicate to the Director General that whilst it does not object to the resident endorsement, it reserves the right to seek further community representation should it require.
4. Council indicate to the Director General that it will not support any meeting held prior to Council's endorsement of CCC representatives, as no prior consultation has been sought with Council.

**ITEM: 15            REG - 24/01/11 - HARTLEY RHYOLITE QUARRY MODIFICATION APPLICATION**

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

---

**REFERENCE**

Min No 10-173 – Ordinary Meeting of 3 May 2010  
Min No 10-351 – Ordinary Meeting of 23 August 2010  
Min No 10-476 – Ordinary Meeting of 22 November 2010

**SUMMARY**

At Council's previous meeting held on 22 November 2010, it resolved:

THAT:

1. The report be deferred until further discussions are held with relevant stakeholders.

The purpose of this report is to assess and determine the modification consent application of DA 103/94 for operating hours of the existing Hartley Rhyolite Quarry and the replacement of Condition 5(b) within the original consent condition.

In accordance with Council's resolution a meeting was held on 20 December 2010 with the relevant stakeholders. The meeting involved clarification of the Development Application and the issues raised by objectors. The issues involved the speed limit along Jenolan Caves Road, the safety of traffic on the Glenroy Bridge during early hours of the morning, specifically on icy winter days and noise from the empty trucks returning to the quarry.

It was decided from the information discussed at the meeting that Council would make a submission to the RTA to reduce the current speed limit of 80 km/h to 40 km/h for trucks and buses on that section of the main road. The speed limit signs are recommended to be located at the turnoff from the Great Western Highway onto Jenolan Caves Road to the Hartley Quarry entrance gates. This will help to reduce noise on the Glenroy Bridge and ensure more safety precautions on icy mornings.

The meeting also considered the issue of hours of operation and discussed the possibility of reducing the proposed hours operation being 5.00am to 10.00pm. Local residents considered 5.00am was too early because of climatic conditions in winter, while the operators said they were not prepared to negotiate a later start but would consider an earlier finish.

**The applicant has as a result of discussion at this meeting advised in writing that they now request in the modification that the hours of operation are reduced to 5.00am to 9.00pm Monday to Friday with no change on weekends.**

The residents were concerned with noise on the Glenroy Bridge. To reduce noise on the Glenroy Bridge, a new condition is recommended that the applicant investigate options to upgrade the bridge in accordance with the RTA controls.

It is recommended that DA 103/94 modification is approved subject to conditions.

## **PROPOSAL**

In 1995 the original Development Application 103/94 for establishment of the quarry was approved with the operating hours being 6.00am to 6.00pm Monday to Friday and 6.00am to 3.00pm on Saturdays. The proposal is to vary the normal span of hours for the loading of trucks at the quarry and transport movements of materials from the quarry to the Sydney markets. The proposed operating hours are from 5.00am to 9.00pm Monday to Friday and 5.00am to 3.00pm on Saturdays.

The change of hours represents a minor variation to the existing development consent (DA 103/94) and will not involve the expansion of the scale of activities. It is intended that the number of transport movements will also not be affected.

The expected outcome may result in lower truck operating hours on less congested roads, with a consequence of improving the scheduling time into the Sydney markets, including greater flexibility in situations during peak demand or recovery from maintenance downtimes.

It is emphasised that the modification for the variation of operating hours does not involve increasing the number of transport movements but to expand the existing truck movements over a longer period of time.

Two notification and advertising periods were undertaken as part of the assessment process. During this time period, two submissions were received; one from a neighbouring landowner and one from Blue Mountains City Council (BMCC). The main resident concern involved the noise on the Glenroy Bridge during the early hours of the morning and late at night. The concerns from BMCC related to early and late truck movements through their area.

The modified DA was sent to the RTA for comments relating to the noise impacts and potential impacts on the road. The RTA inspected the site and recommended the erection of noise warning signs on the Glenroy Bridge. The approach to the bridge from the east and the north is a downhill slope and trucks can be heard on both sides of the bridge. The need for trucks to slow down within the vicinity of the bridge is due to the width restrictions and the lack of widening on tight curves on the approach. This will also result in further use of exhaust brakes unless signs are installed.

The RTA recommended that 'Reduce Noise' signs (G9-191) size A, be placed on the east and the west of the bridge, as suggested below:

1. On the eastern approach approximately 55m east of the eastern abutment of Glenroy Bridge.
2. On the western approach approximately 1.44km west of the eastern abutment of Glenroy Bridge.

The supply and installation of the required signs can be carried out by RTA at full cost to the Developer.

**The applicant has also offered to provide double glazing to the residence owned by the nearest affected neighbour to reduce the impact of truck noise on Glenroy Bridge**

Over the current life of the quarry, neither Council nor the quarry management have received a complaint from residents within the locality regarding the operations of the quarry.

The replacement of Condition 5(b) was sought within the original DA 103/94 as the condition was found to be unreasonable in regards to the quarry operations.

Condition 5(b) states:

*5(b) Imposition of a 40km/h speed restriction on trucks and buses on the section of Jenolan Caves Road, from its intersection with the Great Western Highway to the haul road intersection.*

The RTA has agreed that it no longer requires this condition as the quarry driver work plan includes a requirement that haul trucks do not exceed 40km/h when travelling on the Jenolan Caves Road between the quarry access and the Great Western Highway.

The issue of the speed limit on this section of the main road is being pursued through Council's written submission to the RTA for a truck and bus limit of 40km/h.

**LEGAL IMPLICATIONS**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979.

**ATTACHMENTS**

1. A complete Section 79C report for the Modification of Operating Hours for DA 103/94. The report involves consent conditions which have resulted from documentation that was submitted through the audit process for the original consent conditions of DA 103/94.

**RECOMMENDATION**

**THAT**

1. Council approve the modification to Development Application 103/94 in accordance with the conditions outlined in the attached Section 79C report.
2. Council pursues its submission to the RTA and to the Local Member if necessary for a 40km speed sign for trucks and buses to be installed from the turnoff from the Great Western Highway onto Jenolan Caves Road to the Hartley Quarry entrance gates.
3. A division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

## **OPERATION SERVICES REPORTS**

### **ITEM: 16      OPER - 24/01/11 - MAINTENANCE - CROWN ROADS**

#### **REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS**

---

##### **SUMMARY**

Residents of both Old Cottage Road Cullen Bullen and Hughes Lane Marrangaroo are concerned about the condition of the existing gravel road payments that are currently classified as Crown Roads. Residents have requested Council to undertake some frequent grading maintenance upon these roads.

##### **COMMENTARY**

A petition letter has been received from the residents of Old Cottage Road Cullen Bullen requesting Lithgow City Council to take control of the annual maintenance of this road. The residents have concerns relating to the on-going uneven surface and associated erosion issues that continue to make traversing this road difficult for both the pedestrian and motorist alike.

Furthermore a letter from Mr Gerard Martin M.P Member for Bathurst has been received that states that he has had representations from residents of Hughes Lane Marrangaroo who are concerned about the condition of the roadway which is a Crown Road Reserve.

Mr Gerard Martin is requesting Council to consider doing some minimal maintenance on the road which has been damaged by the recent rainfall and much of the road service has been washed down the hill onto other properties.

##### **POLICY IMPLICATIONS**

These requests for maintenance works on crown roads/private roads/rights of carriageways are ever increasing and Council will recall similar requests for works on Wattlemount Road, Williewa Creek Road , Clarence Service Road, Doctors Gap Road, and Windy Gully Road, to name just a few.

The policy implications involve the possible transfer of these roads to Council if any work is undertaken and the obvious resulting financial burden to Council

##### **FINANCIAL IMPLICATIONS**

Council would need to provide additional funds for these works the amount being determined by the adopted service level for each road

##### **LEGAL IMPLICATIONS**

That if Council is to perform any maintenance be it one off or on a frequent basis upon Crown roads, then Council may be forced to take full control and revert these roads to Public Road status under care and control of Lithgow city Council.

## **ATTACHMENTS**

1. Petition Letter from the residents of Old Cottage Road, Cullen Bullen.
2. Letter from Mr Gerard Martin, M.P Member for Bathurst

## **RECOMMENDATION**

**THAT** Council not accede to the recent requests to perform maintenance works on Hughes Lane Marrangaroo and Old Cottage Road Cullen Bullen.

## **ITEM: 17        OPER - 24/01/11 - FLOOD DAMAGE TO COUNCIL'S ROAD INFRASTRUCTURE**

### **REPORT FROM: IAIN STEWART – GROUP MANAGER OPERATIONS**

---

## **SUMMARY**

Following the recent heavy rains in December and January, Council will recall that the Lithgow City Council area has been declared a Natural Disaster area. This enables Council to seek funding for restoration and emergency repairs to Council's Infrastructure, in particular its road network.

## **COMMENTARY**

Advice has been received from the Roads and Traffic Authority that funding for the restoration of roads will include:

- Emergency Works - 100% of the approved actual cost for both classified and local roads
- Restoration work on Regional Roads – 100% of the assessed cost
- Restoration Work on Local Roads – 75% up to \$116000 and 100% there after.

Council's road network most severely affected included the Wolgan Gap Road, Capertee Valley, including Glen Davis and Glen Alice, Palmers Oakey area, Bingle Tree and a number of other isolated locations.

Major damage was caused by erosion at crossings and bridges, build-up of flood debris on crossings and bridges, erosion of road surfaces particularly on the Glen Davis Road, land Slip on the Wolgan Gap Road., and blocked culverts and washaways at specific locations

All unsealed roads suffered considerable damage due to the wet weather and Council officers are currently still assessing the ultimate cost of restoration for the entire road infrastructure.

With regard to the advice from the Roads and Traffic Authority, it would appear that Council's maximum commitment to this restoration will be \$29,000 and the balance will be funded by the State and/or Federal Government.

Council has lodged a preliminary application and the Roads and Traffic Authority representatives will be inspecting flood damage locations in due course which has been well documented and only partially restored at this stage.

It should be noted that commitment of resources to finalising restoration of flood damage may seriously impact on the 2010/2011 capital works programme.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Copy of Flood, Storm and Bushfire Damage restoration Proposal
2. Natural Disaster Arrangements

**RECOMMENDATION**

**THAT** Council note the current information and that a further report will be submitted upon completion of the Flood Damage application.

**ITEM: 18            OPER - 24/01/11 - ADOPTION OF NEW SPECIFICATION FOR THE  
CONSTRUCTION OF DRIVEWAYS, FOOTPATH / GUTTER  
CROSSING AND FOOTPAVING**

**REPORT BY: MADDISON BAILEY – TRAINEE CIVIL ENGINEER**

---

**REFERENCE**

Nil

**SUMMARY**

A new specification for the construction of driveways, footpath/gutter crossings and footpaving document has been prepared and is submitted for adoption by Council as a policy document.

**COMMENTARY**

Council's Operations Division has prepared a new "Specification for the Construction of Driveways, Footpath/Gutter Crossings and Footpaving" standard document, including 4 Standard Detail engineering drawings, a copy of which is attached.

This document will replace the current "Standards for Constructing Special Footpath Crossing" and the associated Standard Details engineering drawing, which was long overdue for review.

This Policy will be available for distribution from the front counter to developers, builders and the general public for any person interested in constructing a driveway or footpath. The document will also be listed on Council's website for ease of access

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Specification for the Construction of Driveways, Footpath/Gutter Crossings and Footpavings.

**RECOMMENDATION**

**THAT** Council adopt the Specification for the construction of driveways, footpath/gutter crossings and footpavings as a standard document.

## COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM: 19            COMM - 24/01/11 - DRAFT LITHGOW LAND USE STRATEGY 2010-2030**

**REPORT FROM: STRATEGIC LAND USE PLANNER - SHERILYN HANRAHAN**

---

### REFERENCE

Min No 07-518:            Policy and Strategy Committee Meeting 3 December 2007  
Min No 07-519:            Policy and Strategy Committee Meeting 3 December 2007  
Min No 08-78:             Policy and Strategy Committee Meeting 1 July 2008  
Min No 08-134:            Ordinary Meeting 19 August 2008  
Min No 10-138:            Ordinary Meeting 12 April 2010  
Min No 10-160:            Extra Ordinary Meeting 27 April 2010

### SUMMARY

This report introduces the Draft Lithgow Land Use Strategy 2010-2030 (LUS), including its key findings and recommendations.

The purpose of the report is to:

- Seek Council resolution to refer the strategy to the Department of Planning for endorsement for public exhibition; and
- Place the document on public exhibition following receipt of such endorsement.

This Strategy is significant to Council and the community because it will set directions and policy for the LGA's settlement and land use management for the next 20 years. The Strategy will be reviewed throughout this period every five (5) years to ensure that its findings and recommendations remain relevant in a constantly changing social, economic and environmental context.

A full hard copy of the LUS has been circulated to all Councillors and senior Council officers for information. The executive summary of the strategy has been provided as an attachment to this report.

### COMMENTARY

#### THE STRATEGIC PLANNING PROCESS

The development of a comprehensive Land Use Strategy is necessary to conform to the planning reforms introduced by the State Government in 2005/6 that resulted in the introduction of the Standard Instrument Local Environmental Plan (LEP).

The Land Use Strategy identifies strategies and actions that will assist in:

- Planning and managing growth
- Encouraging settlement in and around existing towns and villages
- Providing lifestyle choice
- Allowing for the sustainable provision of services and infrastructure

- Allowing for the protection of environmentally sensitive land and resources
- Providing opportunities for the provision of new employment lands
- Providing for consolidation of commercial and business areas

The Land Use Strategy has been prepared for a 20 year planning horizon. The Land Use Strategy, once endorsed by the Department of Planning, will underpin all future land use planning decisions in the Local Government Area.

It will principally be implemented through the development of a new comprehensive Local Environmental Plan. All future planning proposals (rezoning and/or changes to land use provisions within the LEP) will be considered against the adopted directions and recommendations of the endorsed strategy.

The strategic process involved in the preparation and implementation of the Land Use Strategy and its relationship to the Local Environmental Plan is illustrated in Attachment A and includes the following:

- The Lithgow City Local Profile provides a snapshot of the social, economic and environmental profile of the Lithgow LGA was completed in 2007, the findings of which have been utilised to inform the preparation of the Land Use Strategy for the area.
- The Lithgow Land Use Strategy 2010-2030, is a combined Land Use Issues Paper and Strategy. It explores the issues that currently face the Lithgow LGA and recommends a revised planning approach to address these issues. Appendix 1 of the Strategy provides a Supply and Demand/Constraints Analysis that informs the Strategy.
- The Strategy will be implemented through the planning system; primarily through a new Local Environmental Plan (LEP) and Development Control Plan (DCP), as well as Council's other policy, regulatory and governance functions.
- The Strategy will be reviewed every five years to ensure its findings and recommendations remain relevant; are in keeping with sound planning principles; and are continuing to meet the needs and expectations of the community.

### **KEY STRATEGY FINDINGS OF THE LITHGOW LAND USE STRATEGY**

The key findings of the Draft Lithgow City Council Land Use Strategy 2010-2030 are summarised below.

- There is a need to revise down the ambitious target annual growth rate adopted in the 2007 Strategic Plan from 1-2% to 0.5% -1% to ensure growth occurs in a sustainable manner and does not place an undue burden on the existing community to meet the costs associated with growth. This growth rate is still quite ambitious for our LGA, having regard to population modelling and anticipated population growth based on these modelled scenarios.

- A defined settlement hierarchy is required to establish the foundation for future planning and governance decisions. This hierarchy supported by the implementation of sound growth management and sustainability principles will facilitate sound planning outcomes across all four sustainability considerations (social, economic, environmental and governance).
- There is a need to recognise the size and structure of the towns of Portland and Wallerawang and provide appropriate land use planning and zoning in these areas commensurate with their role in the settlement hierarchy.
- There are sufficient residential, commercial and open space lands within the LGA to cater for estimated demand over the life of the Strategy. Some modification of these areas is required to reflect the findings of the primary constraints and infrastructure analysis and strategic planning studies such as the 2010 Business and Retail Strategy and Open Space and Recreational Needs Study.
- There is a need to consolidate the commercial centre of Lithgow and differentiate between the Main Street commercial precinct and the out of centre Plaza development to maintain the future viability of the Main Street.
- There is a lack of suitable industrial zoned lands in the LGA to accommodate an increase in modern industrial land uses. The Strategy recommends the zoning of two new significant sites being the Minerals Processing Park and land to the north of Reserve Road Marrangaroo. The Strategy also identifies further strategic industrial parcels for consideration beyond the new LEP.
- The Marrangaroo Study Area remains the preferred area for future urban growth opportunities for the LGA as identified in the adopted Marrangaroo Structure Plan. Zoning of this area has been recommended to be deferred until at least the new LEP.
- The trend towards rural living is unsustainable and should be resisted. This will require a new rural planning approach designed to limit further rural living opportunities and to assist with the protection of the natural and primary resource base of the LGA. The strategy recommends a significantly increased rural minimum lot size for dwellings within the primary production areas of the LGA of 400ha from the existing 40ha.
- It also recommends “sun setting” existing dwelling entitlements for a period of two (2) years, following gazettal of the new LEP, with the intent to extinguish these provisions after this period. Effectively the two (2) year “sunset” period enables applicants a seven (7) year window (2 years to obtain consent and 5 years to activate consent) in which to construct a dwelling.
- There is sufficient supply of lands to cater for large lot residential land use within current land zonings without the need to consider rezoning of rural lands for this purpose in the new LEP.

- There is a need to statutorily protect the LGA's identified items and places of environmental heritage in the new LEP through a combination of individual listing and conservation area controls.

### **STRATEGY RECOMMENDATIONS OF THE LITHGOW LAND USE STRATEGY**

A full list of strategy recommendations and actions are provided in an executive summary, which has been provided as an attachment to this report. The key recommendations have been divided into the following categories:

- Growth Management
- Land Use Planning
- Infrastructure Provision
- Environmental Protection and Natural Resource Management
- Heritage Protection and Management

### **SUPPORTING STUDIES**

The Draft Lithgow Land Use Strategy 2010-2030 has been informed by the following strategic planning studies recently undertaken by Council such as:

- Lithgow Local Profile 2007
- Economic Development Strategy 2010-2014
- Business and Retail Strategy 2010
- Cultural Precinct Study
- Draft Open Space and Recreational Needs Study 2010
- Draft Heritage DCP Study 2010
- Social Plan updated 2009

The Draft Open Space and Recreational Needs Study and Draft Heritage DCP Study 2010 are proposed to be placed on joint public exhibition with the Draft Land Use Strategy. The Draft Open Space and Recreational Needs Study will be reported to the Ordinary Meeting of Council on 14 February 2011.

### **CONSULTATION REQUIREMENTS**

Following Council's consideration and endorsement of this strategy for public exhibition purposes, the document is also required to be endorsed by the Department of Planning. Following the Department's endorsement the strategy will be placed on public exhibition to obtain wider community input on its findings and recommendations.

A consultation plan is to be developed to manage the strategy exhibition, to obtain the views and comments of the wider community, including government departments. The consultation plan will include newspaper notices, media releases, consultation with government authorities, information/consultation sessions in Lithgow, Wallerawang, Portland, Capertee, Rydal and Hartley and web-based displays and information sources.

Details of the consultation plan will be made available to Council prior to commencement of the exhibition period.

Following the consultation, the strategy will be reviewed having regard to the comments and views of the wider community. The document will then be reported back to Council for final consideration and adoption, prior to forwarding the strategy to the Department of Planning for final endorsement.

### **POLICY IMPLICATIONS**

The information contained within this strategy document will inform the preparation of Council's comprehensive Development Control Plan; Section 94 - Developer Contributions Plan; Section 64 – Servicing Plan, Council's Management Plan and the review of Council's Community Strategic Plan currently under development.

### **FINANCIAL IMPLICATIONS**

The project is jointly funded by Council and the Department of Planning through the Planning Reform Fund.

### **LEGAL IMPLICATIONS**

This strategy underpins the preparation of Council's Comprehensive Local Environmental Plan which is the instrument that legislates land use management and control for the LGA.

### **ATTACHMENTS**

1. Strategic Process diagram
2. Draft Lithgow Land Use Strategy 2010-2030 Executive Summary

The Draft Land Use Strategy has been circulated to Councillors and is available on the Council's website.

### **RECOMMENDATION**

**THAT** Council:

1. Forwards the Draft Lithgow Land Use Strategy 2010-2030 to the Department of Planning for endorsement for exhibition purposes.
2. Provides the General Manager with delegated authority to make any minor amendments (that do not substantially alter the recommendations) to the Draft Strategy should they be required by the Department of Planning, and to place the Draft Lithgow Land Use Strategy 2010-2030 on public exhibition, following its endorsement by the Department of Planning.

**ITEM: 20            COMM - 24/01/11 - CLASSIFICATION OF LAND AND IMPLICATIONS  
FOR THE LITHGOW GOLF CLUB**

**REPORT FROM: GROUP MANAGER COMMUNITY & CORPORATE – SUZANNE  
LOLLBACK**

---

**REFERENCE**

Min No 07-519:            Policy and Strategy Committee Meeting 3 December 2007  
Min No 10-473:            Ordinary Meeting of Council 22 November 2010

**SUMMARY**

This report provides information on the differences between land classified under the Local Government Act 1993 as “Operational” and that classified as “Community”. In addition information is provided on how this may affect the classification and use of Lot 1 DP 840412, commonly known as the Lithgow Golf Course.

**COMMENTARY**

**Background**

At Council’s Ordinary Meeting of 22 November 2010 it was resolved:

***THAT** a report be provided to Council regarding the pro’s and con’s between the classification of community and operational land.*

This resulted from a Notice of Motion being tabled at the meeting by Councillor Hunter as follows:

**BACKGROUND**

*There has been much discussion on land classification of Lithgow Golf Course and Club House. For the present lease it will be community. I do not believe this is appropriate for premises operated as a licensed club with a liquor license and gaming facilities.*

**RECOMMENDATION**

***THAT** a subdivision of lot 1 DP 840412 into two lots. Comprising of one portion being the actual golf course, which would remain community land. The other portion being the club house, car park and surrounds which could then be re classified operational.*

On the 3 December 2007 the Council resolved:

*That a Local Environmental Plan be prepared for the reclassification of the Union Theatre Stables as illustrated on the plan, Lithgow Golf Club, Fire Control Centre and Meadow Flat Rural Fire Service lands.*

The report of the 3 December 2007 recommends that these lands be reclassified from ‘community’ to ‘operational’ land.

### **Local Environmental Plan and Classification of Lands**

A review has been undertaken of all of Council owned 'community' classified lands. The aim of this review was two fold:

1. To consider which parcels of 'community' classified lands may be more appropriately classified 'operational', and
2. To determine a process and timeframe for the development of outstanding Plans of Management for 'community' classified lands.

Should Council determine to reclassify any lands, it is recommended that the process be undertaken concurrently with the Local Environmental Planning process.

A report will be put to the Council regarding this matter as part of the LEP development.

The development of Plans of Management is scheduled to commence February with a timeframe established for completion to be in 2012.

### **Classification of Land**

The following acts, regulation and practice notes provide information relating to the classification of land:

- Local Government Act 1993 - Part 2 Public land, Sections 25-47 and Schedule 7.s6
- Local Government (General) Regulation 2005
- Public Land Management – Revised Practice Note (Department of Local Government May 2000)
- Environmental Planning and Assessment Act 1979

### Local Government Act 1993 - Part 2 Public land, Sections 25-47

See Attachment for a copy of the above.

The Local Government Act 1993 provides the following explanation of the key differences between the classifications of 'community' and 'operational':

#### ***Part 2 Public land***

**Note.** *This Part requires all land vested in a council (except a road or land to which the Crown Lands Act 1989 applies) to be classified as either "community" or "operational".*

*The classification will generally be achieved by a local environmental plan but may, in some circumstances, be achieved by resolution of the council (see sections 31, 32 and 33).*

*The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.*

*Community land must not be sold (except in the limited circumstances referred to in section 45 (4)). Community land must not be leased or licensed for more than 21 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister’s consent is obtained. No such restrictions apply to operational land.*

*Classification or reclassification of land does not affect any estate or interest a council has in the land.*

*Community land would ordinarily comprise land such as a public park. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.*

*The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.*

The Local Government Act 1993 at the end of s54 provides the following Note:

**How do councils manage public land?**

<b>Land owned or controlled by councils consists of</b>		
<ul style="list-style-type: none"> <li>• Public roads</li> <li>• Land to which the <i>Crown Lands Act 1989</i> applies</li> <li>• Commons</li> <li>• Land subject to the <i>Trustees of Schools of Arts Enabling Act 1902</i></li> </ul>	<ul style="list-style-type: none"> <li>• All other land</li> </ul> <p>(It is this other land that this Act defines to be public land.)</p>	
<b>What regulates this land?</b>	<b>This land may be classified by a local environmental plan or council resolution as</b>	
<ul style="list-style-type: none"> <li>• PUBLIC ROADS—<i>Roads Act 1993</i></li> <li>• CROWN LANDS—<i>Crown Lands Act 1989</i></li> <li>• COMMONS—<i>Commons Management Act 1989</i></li> <li>• MECHANICS’ INSTITUTES AND SCHOOLS OF ARTS—<i>Trustees of Schools of Arts Enabling Act 1902</i></li> </ul>	Community	
	Operational	
	<b>MANAGEMENT PLAN REQUIRED?</b>	
	YES	NO
	<b>IS USE RESTRICTED?</b>	
<ul style="list-style-type: none"> <li>• Use must not change until management plan adopted</li> </ul>	NO	

	<ul style="list-style-type: none"> <li>• Use and management must be in accordance with: <ul style="list-style-type: none"> <li>— plan of management adopted by council</li> <li>— provisions of any relevant law</li> </ul> </li> </ul>	
<b>IS DISPOSAL RESTRICTED?</b>		
	<ul style="list-style-type: none"> <li>• Sale prohibited</li> <li>• No lease or licence over 21 years</li> <li>• Leases or licences over 5 years only with Minister's consent if anyone objects to the lease or licence</li> </ul>	NO
<b>RECLASSIFICATION?</b>		
	By local environmental plan or, in some circumstances, by council resolution	By council resolution

**NOTE:** Distinction should be made between the 'classification' and 'categorisation' of land. That is, should land be 'classified' as 'community' then s36 of the Local Government Act 1993 requires that the land then be 'categorised' as one or more of the following:

- *A natural area (bushland, wetland, escarpment, watercourse, foreshore, a category prescribed by the regulations)*
- *A sportsground*
- *A park*
- *An area of cultural significance*
- *General community use*

#### Local Government (General) Regulation 2005

The Regulation provides clarification on particularly the categorisation of community lands. It also provides a guideline (cl. 113) for when land is categorised in more than one category.

*A draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).*

#### Public Land Management Practice Notes

The Department of Local Government *Public Land Management Practice Notes* provide further clarification of the Local Government Act 1993 and processes to be used. The following extracts are relevant to this report:

*Classification as 'community' land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. Community land:*

- *Cannot be sold*
- *Cannot be leased, licenced or any other estate granted over the land for more than 21 years*
- *Must have a plan of management prepared for it...*

*The minimum requirements under the Act are that a plan of management must:*

- *categorise the land in accordance with s.36(4) and (5)*
- *contain objectives for the management of the land*
- *contain performance targets*
- *specify the means of achieving the objectives and performance targets*
- *specify how achievement of the objectives and performance targets is to be assessed (s.36(3))....*

*For plans that are specific to one area of land made after 1 January 1999, the plan must also:*

- *describe the condition of the land as at the adoption of the plan*
- *describe the buildings on the land as at adoption*
- *describe the use of the buildings and the land as at adoption*
- *state the purposes for which the land will be allowed to be used, and the scale and intensity of that use (s.36(3A)).*

### ***Categorisation of Community Land***

*Community land must be categorised according to the list in the Act, s.36(4). The categories reflect land use and/or describe the physical characteristics of the land. Categorisation is intended to focus council's attention on the essential nature of the land and how that may best be managed. ...*

### ***Significance of categorisation***

*Categorisation of community land has always been an effective way in which to focus on the essential aspects of each area of land. ....*

*First, community land must be managed in accordance with the core objectives for the relevant category. They apply as a result of the legislation and are not optional. Other objectives may be nominated by council, but neither these nor any other part of a plan of management should be inconsistent with the core objectives. ...*

*Second, a council may only grant a lease, licence or other estate in community land if the purpose of the grant is consistent with the core objectives for the category. This applies regardless of the actual authorisation for leases etc contained in a plan of management.*

### Environmental Planning and Assessment Act 1979

With regards the classification of land, this Act, under Division 4, provides the processes of developing a Local Environmental Plan. Should Council determine to reclassify land under a local environmental plan (s27 Local Government Act) then s29 of the Local Government Act requires that “A council must arrange a public hearing under section 57 of the Environmental Planning and Assessment Act 1979. Sections 57 of the Environmental Planning and Assessment Act 1979 outlines the community consultation process that needs to be undertaken including for a public hearing.

S94 of the Environmental Planning and Assessment Act 1979 relates to the dedication of land free of cost, as part of a development proposal, as a contribution towards the provision or improvement of public amenities or services. It should be noted that the Local Government Act 1993 (s32) states that “A council may resolve that land dedicated in accordance with a condition imposed under section 94 of the Environmental Planning and Assessment Act is to be reclassified as operational”, and that “A council may make such a resolution only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services”.

### **Classification of the Lithgow Golf Course**

The land, Lot 1 DP 840412, commonly known as the Lithgow Golf Course is currently classified as ‘community’ land under the Local Government Act 1993 (Act). As per the resolution of the Council of 3 December 2007, consideration will be given to changing the classification of the land to ‘operational’ as part of the development of a comprehensive Local Environmental Plan for the Council.

In response to Councillor Hunter’s Notice of Motion of 22 November 2010, the Council could determine to subdivide Lot 1 DP 840412 and seek to reclassify only part of the land to ‘operational’.

Council could also consider managing Lot 1 DP 840412 under two different categories. For example, that land being used for the playing of golf could be categorised as ‘sportsground’; the land containing the existing club house, carpark and non-playing area could be categorised as ‘general community use’. This would allow a wider range of activities to occur, however, these activities would need to be included in a Plan of Management and would be subject to community consultation. In such a case, the Local Government (General) Regulation 2005 requires that council ‘clearly identifies’ where each category applies on a map of the land, contained in the plan of management (cl 113). Council is not required to formally subdivide or survey the land in order to do so. The following table outlines some differences between the classifications and some examples of what this may mean for the subject land.

<b>DIFFERENCES BETWEEN OPERATIONAL AND COMMUNITY</b>	
<b>OPERATIONAL</b>	<b>COMMUNITY</b>
<ul style="list-style-type: none"> <li>• Can be sold and used for any purposes subject to zoning and approval by Council.</li> <li>• Does not require a plan of management.</li> <li>• Can have a lease of any length put over it.</li> <li>• Does not have restrictions on the type of use (unless established by Council).</li> <li>• Only requires a resolution of the council to change from 'operational' classification to 'community'.</li> </ul>	<ul style="list-style-type: none"> <li>• Cannot be sold.</li> <li>• A plan of management is required that clearly sets out the category, or categories, of the land and the allowable uses which must align to the category. The Plan of Management must be developed with community consultation and should a change or additional categories be considered, a public hearing would be required.</li> <li>• Can have a lease of up to 5 years or up to 21 years subject to conditions.</li> <li>• Requires community consultation to change from 'community' to operational.</li> </ul>
<b>EXAMPLES OF POTENTIAL DIFFERENCE</b>	
<p><b>Example 1</b> The upstairs flat of the existing club house could be leased out to anyone, and for any council approved purposes such as offices, bed and breakfast, private rental, etc.</p>	<p>The upstairs flat can only be sub-leased or used for the purposes of that stated in the Plan of Management and with such purposes being <i>'incidental and ancillary'</i> to the category of the land, ie sportsground and in this case golf. Thus it could be subleased to the Golf Club Pro or Manager or used as an office for the Golf Club.</p>
<p><b>Example 2</b> The land can be developed for commercial and non public purposes. Eg a motel could be built on part of the land and be used for any purposes.</p>	<p>A motel could be built on the land, however the use would have to be closely aligned to the categorisation of land and/or as stated in any plan of management.</p>
<p><b>Example 3</b> The existing Club House building itself could be used for any purposes. Eg the building could be used primarily for the purposes of functions that do not relate to the categorisation of sportsground. For instance the building could be a dedicated function and conference centre catering to a wide range of markets.</p> <p>Note: Should the land be sold, or used for purposes other than a golf club, consideration may need to be made regarding the housing of the Lithgow</p>	<p>The club house building can cater for functions, but the building must primarily be used for the purposes related to the categorisation of a sportsground and uses set out in the Plan of Management. In this case the Plan of Management has stipulated golf. Therefore functions such as weddings and birthday parties can be catered for, however, the building must primarily be used for the purposes of a club house, pro shop, etc.</p>

Golf Club Limited and player amenities, should that use not be compatible.	
<p><b>Example 4</b> Should Council retain ownership of the land, the club house could be leased and be managed exclusively by a club or private operator holding a liquor and/or gaming licence.</p>	<p>Section 47D of the Local Government Act allows for '<i>exclusive occupation ... in accordance with a lease, licence or estate</i>'.</p> <p>The Council is permitted to authorise a lease over the premises as long as it is authorised in the Plan of Management. In this case a lease and associated licenses may be issued for the use as <i>public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office</i>.</p> <p>In other words, the premises can be managed exclusively by a club with a liquor and/or gaming licence.</p>

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

- Local Government Act 2003 - Part 2 Public land, Sections 25-47
- Local Government Act 2003 – Schedule 7
- Local Government (General) Regulation 2005
- Public Land Management – Revised Practice Note (Department of Local Government May 2000)
- Environmental Planning and Assessment Act 1979

**ATTACHMENTS**

1. Local Government Act 2003 - Part 2 Public land, Sections 25-47

**RECOMMENDATION**

**THAT** Council reaffirms its motion of the 3 December 2007 "*That a Local Environmental Plan be prepared for the reclassification of the Union Theatre Stables as illustrated on the plan, Lithgow Golf Club, Fire Control Centre and Meadow Flat Rural Fire Service lands*".

## INTERNAL SERVICE REPORTS

**ITEM: 21           INTS - 24/01/11 - MINISTERS APPROVAL FOR A VARIATION OF  
GENERAL RATE INCOME FOR 2011/12 OF 2.8%**

### **REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH**

---

#### **REFERENCE**

Nil

#### **SUMMARY**

To advise Council that on 10 December 2010, IPART announced that the rate peg for NSW Local Government for the 2011/12 rating year is a maximum increase of 2.8% on the general rate with a recommendation that Council approve the increase for inclusion in the 2011/12 Management Plan.

#### **COMMENTARY**

The Minister for Local Government delegated the rate pegging determination and part of its function relating to special rate variations to IPART. Previously the decisions have been made by the Minister for Local Government and the rate pegging decision was received much later in the budgeting process.

The announced permitted maximum increase due to rate pegging is 2.8% in terms of section 506 of the Local Government Act 1993 and will apply to the rating year commencing 1 July 2011.

IPART advise they have based the decision on the increase in the Local Government Cost Index, which IPART has developed and which is being released with this decision. The index increased by 3.0% in the year to September 2010 and they have then subtracted a productivity adjustment of 0.2% from the increase in the index to determine a rate peg amount of 2.8%.

IPART argue that the use of the index and a productivity factor provide a clear basis for determining the size of the annual rate peg. This approach will see general revenues increase in line with an index that reflects Council costs and will encourage local government to continue to improve the efficiency of their operations.

Rate pegging increases over previous years are as follows:

- 2006/07: 3.6%
- 2007/08: 3.4%
- 2008/09: 3.2%
- 2009/10: 3.5%
- 2010/11: 2.6%
- 2011/12: 2.8%

For the Lithgow local government area the increase will specifically allow Council to achieve additional estimated general rate income of \$294,298 which is calculated by application to the 2010/11 notional yield and it is recommended that Council adopt the rate peg increase for the 2011/12 Management Plan.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Additional general rate income of 2.8%, estimated at \$294,298 for the 2011/12 rating year.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** Council note the 2011/12 rate pegging increase of 2.8% in terms of s 506 of the Local Government Act 1993.

**ITEM: 22           INTS - 24/01/11 - AUDIT RESPONSE TO A SUBMISSION RECEIVED  
TO THE 2009/10 GENERAL PURPOSE FINANCIAL REPORTS**

**REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH**

---

**REFERENCE**

Min 10-453:    Ordinary Meeting 1 November 2010  
Min 10-468:    Ordinary Meeting 22 November 2010

**SUMMARY**

To advise Council of a response received from Council Auditors, the Morse Group, in relation to a submission from Councillor M Ticehurst following the presentation of the 2009/10 General Purpose Financial Reports (GPFRs) with a recommendation that the information be received.

**COMMENTARY**

A submission was received on 29 November 2010 from Councillor Martin Ticehurst in relation to the 2009/10 General Purpose Financial Reports. As required under Section 420 of the Local Government Act 1993 the submission was forwarded to auditors, the Morse Group for comment.

Section 420 of the Local Government Act 1993 states:

*Submissions on financial reports and auditor's reports:*

- (1) Any person may make submissions to the council with respect to the council's audited financial reports or with respect to the auditor's reports.*
- (2) A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.*
- (3) The council must ensure that copies of all submissions received by it are referred to the auditor.*
- (4) The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the council's financial reports.*

Section 420(4) advises Council may take such action as it considers appropriate should the financial reports require amendment.

The submission was forwarded to the Morse Group on the 1 December 2010 and a copy of their response and the original submission are provided below.

The submission related to the Portland Pool and the Lithgow Golf Club. The Auditors response indicates of they have answered the same questions in the past and have previously audited Council records in relation to these matters.

**From:** Martin Ticehurst [karmar2790@bigpond.com]

**Sent:** 29 November 2010 3:53:11 PM

**To:** Barbara Perry Minister; Department of Premier and Cabinet (Local Government); Lithgow City Council; Casey Clarke

**Subject:** Public submission under Section 420 of the Local Government Act 1993, with respect to the Lithgow City Council's 2009/2010 Financial Reports audited by the Morse Group, Bathurst.

Roger Bailey  
General Manager  
Lithgow City Council  
180 Mort Street  
LITHGOW NSW 2790

**Re:** Public submission under Section 420 of the Local Government Act 1993, with respect to the Lithgow City Council's 2009/2010 Financial Reports audited by the Morse Group, Bathurst.

Dear General Manager

On behalf of Lithgow City Council ratepayers, under Section 420 (1) of the Local Government Act 1993, I wish to make both a formal submission with regard to the Lithgow City Council's 2009/2010 Financial Reports.

The Financial Reports were audited by and publicly presented by Mrs Leanne Smith on behalf of the Morse Group Accountants and Advisors Bathurst to the Council, Councillors and ratepayers and residents at the Ordinary Meeting of the Lithgow City Council on Monday 22 November 2010.

I understand that under Section 420 (3), the Lithgow City Council must ensure that this formal submission is referred to the Council's Auditors, Morse Group Bathurst and further under Section 420 (4), that the Council may take such action as it considers appropriate with respect to this submission, including the giving of notice to the Director-General of Local Government of any matter that appears to require amendment of the Lithgow City Council's Financial Reports.

#### **LITHGOW CITY COUNCIL 2009/2010 FINANCIAL REPORTS.**

- 1.** Could the Auditors, Morse Group Bathurst provide further detailed written comment on the Lithgow City Council's ongoing financial accounting of the Portland & District Olympic Pool Association Incorporated's owned and operated Portland Swimming Pool as a 'controlled asset' of the Lithgow City Council owing to a Deed of Agreement existing between the Lithgow City Council and the Portland & District Olympic Pool Association Incorporated in light of the following attached documentation:
  - 1.1. Minutes of the Ordinary Meeting of the Lithgow City Council held on 2 November 2009 – Item 1 Mayoral Minutes 02/11/09 – Portland District Olympic Pool – Request for Financial Assistance – Pages 8 – 11.
  - 1.2. Minutes of the Ordinary Meeting of the Lithgow City Council held on 2 November 2009 – Item 3 Notice of Motion 02/11/09 – Portland Pool – Councillor M F Ticehurst. – Pages 14 – 15.
- 2.** Could the Auditors, Morse Group Bathurst provide detailed written comment on the contents of Agenda and Minutes Item 4 Notice of Motion 22/11/10 – Draft Lithgow Golf Course Plan of Management – Councillor M F Ticehurst at the Ordinary Meeting of the Lithgow City Council of 22 November 2010?
- 3.** Could the Auditors, Morse Group Bathurst provide detailed written comment on the contents of the attached Lithgow City Councils financial report outlining it's ongoing past financial commitment of some \$1.65 million dollars to the ASIC listed, liquor and gaming venue and NSW Registered Club, the Lithgow Golf Club Ltd, over the nearly 6 year term of the Lithgow City Councils 2004 Lease with the Lithgow Golf Club Ltd.?
- 4.** Could the Auditors, Morse Group Bathurst provide detailed written comment on why the Lithgow City Councils 2004 Lease with Lithgow Golf Club Ltd. and it's attached income and some \$1.65 million dollars of ratepayers financial expenditure was not audited financially or accounted for under AASB 117 Leases with respect to the Lithgow City Councils General Purpose Financial Reports from 2004/2005 onwards to 2009/2010?

6 / JAN 2011

Doc. No.....  
GDA Ref.....  
Years.....

6 January 2011

General Manager  
Lithgow City Council  
PO Box 19  
LITHGOW NSW 2790

Dear Roger

**RE: 2010 FINANCIAL STATEMENTS SUBMISSION**

We refer to your letter dated 1 December 2010 and respond as a matter of record in relation to the issues raised by Mr Ticehurst.

The specific issues referred to in section one of Mr Ticehurst's submission dated 29 November 2010 have been considered. We are unaware of any substance to the matters referred to in sections 1.1 to 1.2 inclusive and believe they have been dealt with.

In relation to sections 2 and 3, these matters appear to be referring to administrative and operational matters which are within the authority of Council in the normal course of business. As such, we are not in a position to comment on these items.

In relation to section 4, we note that the lease revenue received by Council from the Lithgow Golf Club Ltd has been accounted for in accordance with AASB 117, which requires the systematic recognition of income over the term of the lease.

The expenditure incurred by Council in relation to maintenance of the site on which the golf club is located was included in Council's General Purpose Financial Reports for the period 1 July 2004 to 30 June 2010.

Should you require any further information or require specific work undertaken in relation to the matters raised, please call me.

Yours faithfully  
**MORSE GROUP**

Per:



LEANNE SMITH  
PARTNER



Chartered Accountants



COVER OF EXCELLENCE

Liability limited by a scheme approved under Professional Standards Legislation

266 Howick Street, Bathurst NSW 2795  
PO Box 690, Bathurst NSW 2795 DX: 3114  
t 02 6339 9200 f 02 6331 9068

bathurst@morsegroup.com.au [www.morsegroup.com.au](http://www.morsegroup.com.au)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** Council note the submission from Councillor Ticehurst on the 29 November 2011 and the audit response from the Morse Group on 6<sup>th</sup> January 2011 and no further action be taken.

**ITEM: 23            INTS - 24/01/11 - GENERAL INFORMATION (PUBLIC ACCESS) ACT  
2009 PUBLICATION GUIDE AND DRAFT POLICY 9.17 - ACCESS TO  
INFORMATION HELD**

**REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH**

---

**REFERENCE**

Nil

**SUMMARY**

To advise Council of the Draft Publication Guide and Policy 9.17 Access to Information Held, as required by the General Information (Public Access) Act 2009, (GIPA Act) with a recommendation that the Publication Guide be placed on Councils website and the Draft Access to Information Held Policy be advertised for a period of 21 days.

**COMMENTARY**

On 1 July 2010 the General Information (Public Access) Act legislation came into effect, replacing the former Statement and Summary of Affairs under the Freedom of Information law and s 12 of the Local Government Act that outlined the types of documents which are to be made available to the public and recorded in a 'Publication Guide' to be produced by Council.

The new Government Information (Public Access) Act 2009 provides for access to information designed to meet the community's expectation of a more open and transparent government.

*General Information (Public Access) Act 2009 states:*

***Division 2 – Publication guides***

***20 Agencies must have publication guide***

*(1) An agency (other than a Minister) must have a guide (its "**publication guide**") that:*

- (a) describes the structure and functions of the agency, and*
- (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and*
- (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and*
- (d) identifies the various kinds of government information held by the agency, and*
- (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and*
- (f) specifies the manner in which the agency makes (or will make) government information publicly available, and*
- (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.*

*(2) An agency must make government information publicly available as provided by its publication guide.*

*(3) The Director-General of the Department of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the publication guide of local authorities. The publication guide of a local authority must include any such mandatory provision unless the Director-General otherwise approves in a particular case.*

**Division 3 – Policy documents**

**23 What constitutes an agency's policy documents**

*An agency's "policy documents" are such of the following documents as are used by the agency in connection with the exercise of those functions of the agency that affect or are likely to affect rights, privileges or other benefits, or obligations, penalties or other detriments, to which members of the public are or may become entitled, eligible, liable or subject (but does not include a legislative instrument):*

- (a) a document containing interpretations, rules, guidelines, statements of policy, practices or precedents,*
- (b) a document containing particulars of any administrative scheme,*
- (c) a document containing a statement of the manner, or intended manner, of administration of any legislative instrument or administrative scheme,*
- (d) a document describing the procedures to be followed in investigating any contravention or possible contravention of any legislative instrument or administrative scheme,*
- (e) any other document of a similar kind.*

In compliance with the GIPA Act Council has created a 'Draft Publications Guide,' which was endorsed by the Office of the Information Commission in December, and 'Draft Policy 9.17: Access to Information Held.'

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Lithgow City Council Publication Guide
2. Policy 9.17 Access to Information Held

## RECOMMENDATION

### THAT:

1. Under the provisions of s 20 of the Government Information (Public Access) Act 2009 Council endorse the Publication Guide.
2. The Publication Guide be posted on the Right to Information page of Lithgow City Council's website
3. Council advertise Draft Policy 9.17 Access to Information Held for a period of 21 days prior to further consideration by Council at a future meeting.

## ITEM: 24      INTS - 24/01/11 - COUNCIL INVESTMENTS HELD TO 31 DECEMBER 2010

### REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH

---

#### REFERENCE

Min No 10-308:	02 August 2010 (June 2010)
Min No 10-400:	20 September 2010 (July 2010)
Min No 10-401:	20 September 2010 (August 2010)
Min No 10-428:	13 October 2010 (September 2010)
Min No 10-490:	22 November 2010 (October 2010)
Min No 10-543:	13 December 2010 (November 2010)

#### SUMMARY

To advise Council of investments held as at 31 December 2010 for the 2011/12 financial year.

#### COMMENTARY

Council's total investment portfolio, as at 31 December 2010 when compared to 30 November 2010, has decreased by \$2,990,661.42 from \$17,967,992.59 to \$14,977,331.17.

Investments fluctuate as part of the normal process depending on the particular month and the extent of expenditure on major works.

<b>INVESTMENT REGISTER 2010/11</b>								
<b>INSTITUTION</b>	<b>INV TYPE</b>	<b>DATE LODGED</b>	<b>DATE DUE</b>	<b>DAYS</b>	<b>INT</b>	<b>VALUE 30.11.10</b>	<b>VALUE 31.12.10</b>	<b>% OF TOTAL</b>
ANZ	TD	08.11.10	07.02.11	91	5.55	1,012,968.57	1,012,968.57	6.76%
	TD	15.11.10	14.02.11	91	5.58	2,044,504.21	2,044,504.21	13.65%
BANKWEST	TD	16.09.10	15.12.10	90	5.70	1,014,367.12	0.00	0.00%
CBA	On Call				4.70	1,217,361.93	170,770.54	1.14%
	Ethical Nt	06.11.06	06.11.11	1,825	**	0.00	0.00	0.00%
	TD	02.12.10	04.01.11	31	5.62	1,000,000.00	1,013,762.19	6.77%
	TD	19.11.10	17.02.11	90	5.51	1,009,090.41	1,009,090.41	6.74%
LGFS	On Call				4.40	7,159.79	7,159.79	0.05%
IMBS	TD	29.11.10	28.02.11	91	6.00	1,029,640.94	1,029,640.94	6.87%
	TD	09.09.10	09.12.10	91	5.75	1,004,586.30	0.00	0.00%
	TD	01.12.10	01.03.11	90	6.00	1,000,000.00	1,000,000.00	6.68%
NAB	TD	07.10.10	07.01.11	90	5.53	250,000.00	250,000.00	1.67%
	TD	13.12.10	11.02.11	60	5.77	1,014,005.48	1,028,057.10	6.86%
	TD	02.12.10	02.03.11	90	5.90	0.00	800,000.00	5.34%
WESTPAC	TD	08.12.10	08.07.11	212	6.20	264,488.47	266,799.30	1.78%
	TD	08.12.10	08.07.11	212	6.20	528,976.96	533,598.63	3.56%
	TD	17.09.10	17.04.11	212	6.00	1,069,994.05	1,069,994.05	7.14%
	TD	08.12.10	08.07.11	212	6.20	801,031.60	808,030.20	5.40%
ST GEORGE	TD	10.10.10	10.12.10	60	5.50	792,125.05	0.00	0.00%
	On Call				4.70	49,581.80	49,772.66	0.33%
	TD	10.12.10	12.01.11	30	5.90	1,018,480.72	1,028,149.31	6.86%
	TD	16.09.10	15.11.10	61	5.51	0.00	0.00	0.00%
	TD	19.06.10	19.02.11	252	5.85	770,547.94	770,547.94	5.14%
SUNCORP	TD	08.12.10	09.03.11	90	5.70	1,069,081.25	1,084,485.33	7.24%
			<b>TOTAL</b>			<b>17,967,992.59</b>	<b>14,977,331.17</b>	<b>100.00%</b>

I, Carol Farnsworth, Lithgow City Council's Internal Services Manager (Responsible Accounting Officer) certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

### **POLICY IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2.

### **FINANCIAL IMPLICATIONS**

Interest received to 31 December 2010 is \$384,737.71 of an estimated \$553,375.00 shown in the 2010/11 Management Plan. Interest is paid on the maturity date of the investment.

### **LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 October 2008 Council adopted the current version of the Investment Policy as Policy 8.2 and all future investments will comply with this Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 31 July 2008
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** Investments of \$14,977,331.17 for the period ending 31 December 2010 be noted.

**ITEM: 25           INTS - 24/01/11 - VALUER GENERAL'S ADVICE OF REVALUATIONS FROM 1 JULY 2011**

**REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH**

---

**REFERENCE**

Nil

**SUMMARY**

To advise Council of new valuations from the Valuer General applicable from the 2011/12 rating year.

**COMMENTARY**

During November 2010 the Valuer General (VG), provided Council with new rating values for all properties in the Lithgow City Council local government area. The valuations will apply for the rating year commencing 1 July 2011 and the 2011/12 Management Plan.

The values apply to 11,011 properties with a total land value of \$1,473,043,521. This is an increase of \$57,062,795 on the 1 July 2007 valuations of \$1,415,980,726.

NB: The categories provided by the Valuer General are not the rating categories determined by Lithgow City Council.

COMPARISON NEW VALUATIONS 1.7.11 TO PREVIOUS 1.7.07							
Category	No	Prior Values		New Values		% Variation	
		UCV	Avg	UCV	Avg	Total UCV	Avg UCV
<b>BUSINESS</b>							
Lidsdale	4.00	275,400	68,850	293,600	73,400	6.61%	6.61%

Lithgow	288.30	56,183,320	194,878	56,503,500	195,989	0.57%	0.57%
Portland	33.09	1,629,908	49,257	2,040,646	61,670	25.20%	25.20%
Rural Area	110.58	27,084,955	244,935	28,366,868	256,528	4.73%	4.73%
Wallerawang	38.06	7,543,096	198,190	7,379,556	193,893	-2.17%	-2.17%
<b>FARMLAND INTENSE USE</b>							
Intense Use	109.00	57,577,900	528,238	60,971,000	559,367	5.89%	5.89%
<b>FARMLAND</b>							
Farmland	1,073.35	356,252,846	331,907	406,819,320	379,018	14.19%	14.19%
<b>MINING</b>							
Mining	13.00	14,845,500	1,141,962	21,480,500	1,652,346	44.69%	44.69%
<b>RESIDENTIAL</b>							
Lidsdale	129.00	8,562,950	66,379	10,249,260	79,452	19.70%	19.70%
Lithgow	4,807.70	359,102,450	74,693	369,042,310	76,761	2.77%	2.77%
Marrangaroo	86.00	13,981,000	162,570	14,336,000	166,698	2.54%	2.54%
Portland	920.91	52,923,242	57,468	43,516,284	47,254	-17.71%	-17.71%
Strathlone	140.00	16,469,200	117,637	15,785,400	112,753	-4.15%	-4.15%
Strath\Littleton	313.00	38,071,800	121,635	34,521,400	110,292	-9.32%	-9.32%
Wallerawang	818.94	62,067,304	75,790	52,645,244	64,285	-15.18%	-15.18%
<b>RESIDENTIAL / RURAL</b>							
Rural Area	2,126.07	343,409,855	161,523	349,092,633	164,196	1.66%	1.66%
<b>Grand Total</b>	<b>11,011.00</b>	<b>1,415,980,726</b>	<b>128,597</b>	<b>1,473,043,521</b>	<b>133,779</b>	<b>4.03%</b>	<b>4.03%</b>

The land value provided by the VG is the value of the land only and does not include structural improvements and the legal effect of encumbrances such as easements, but does include clearing, filling, draining and retaining walls.

An easement is an acquired legal right used by the owner of the land over the land of another. Land valuations do not take easements into account, as the valuations are required to be made on the hypothetical basis that the land is free of impediments to title. However, the physical effects of an easement, for example transmission lines, access roads and pipes laid for drainage will be reflected in the land value.

Properties listed on the State Heritage Register are valued under the provisions of s 124 and 125 of the Heritage Act 1977. The value is known as the heritage value and takes into consideration the impact of the heritage listing for rating and taxation purposes.

The land value of properties that are heritage restricted by a planning instrument such as a local or regional environmental plan is determined in accordance with s 14G of the Valuation of Land Act 1916. The heritage restriction is considered when determining the land value used for rating and taxing purposes.

The Valuer General will individually notify each property owner of their valuation during January - February 2011. The notification will include steps that can be taken by the owner should they wish to enquire or object to the valuation, Council is not involved in this process.

Media coverage has been prepared by Council to advise residents of the revaluations and contact details for the Valuer General should they have enquiries or objections.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Rate modelling to be completed for the Draft 2011/12 Management Plan.

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

Nil

#### **RECOMMENDATION**

**THAT** Council accept the advice from the Valuer General of new land valuations from 1 July 2011 for 11,011 properties with a land value of \$1,473,043,521.

## COMMITTEE MEETINGS

ITEM: 26      OPER - 24/01/11 - SPORTS ADVISORY COMMITTEE MEETING -  
MINUTES 13TH DECEMBER 2010

**REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY**

---

### SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 13 December 2010 for Council adoption.

### COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 13 December 2010, there were thirteen (13) items discussed by the Committee, with all items being actioned under the Committee's delegated authority, and requiring Council to note the items.

### POLICY IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil.

### ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 13 December 2010.

### RECOMMENDATION

**THAT** Council note the minutes of the Sports Advisory Committee meeting held on Monday, 13 December 2010.

**ITEM: 27            COMM - 23/01/11 - LITHGOW FLASH GIFT COMMITTEE MEETING - 9  
DECEMBER 2010**

**REPORT BY:    EVENTS CO-ORDINATOR - ROBERT PARKS**

---

**REFERENCE**

Min No 09-235:	Ordinary Meeting of Council dated 1 June 2009.
Min No 09-305:	Ordinary Meeting of Council dated 13 July 2009.
Min No 09-462:	Ordinary Meeting of Council dated 2 November 2009.
Min No 09-514:	Ordinary Meeting of Council dated 23 November 2009.
Min No 09-514:	Ordinary Meeting of Council dated 23 November 2009.
Min No 10-22:	Ordinary Meeting of Council dated 18 January 2010.
Min No 10-43:	Ordinary Meeting of Council dated 8 February 2010.
Min No 10-75:	Ordinary Meeting of Council dated 1 March 2010.
Min No 10-146:	Ordinary Meeting of Council dated 12 April 2010.
Min No 10-147:	Ordinary Meeting of Council dated 12 April 2010.
Min No 10-362:	Ordinary Meeting of Council dated 23 August 2010
Min No 10-455:	Ordinary Meeting of Council dated 1 November 2010
Min No 10-548	Ordinary Meeting of Council dated 13 December 2010

**SUMMARY**

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 9 December 2010.

**COMMENTARY**

At the Lithgow Flash Gift Committee held on 9 December 2010, there were ten (10) items discussed by the Committee.

1. Present and Apologies.
2. Confirmation of Minutes from the Previous Meeting.
3. Business Arising from Previous Minutes.
4. Report from NSW Athletic League.
5. Lithgow Triathlon.
6. Report from Little A's.
7. Update on Sponsorship.
8. Marketing and Expenditure Plan.
9. Childrens entertainment and activities for the event.
10. General Business.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

## ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting of 3 December 2010.

## RECOMMENDATION

**THAT** Council notes the minutes of the Lithgow Flash Gift Committee meeting held on 3 December 2010.

## ITEM: 28      COMM - 17/01/2011 - TOURISM ADVISORY COMMITTEE MEETING MINUTES - 7 DECEMBER 2010

### REPORT FROM: TOURISM MANAGER - KELLIE BARROW

---

## REFERENCE

Min No 09-234 -	Ordinary Meeting of Council 1 June 2009
Min No 09-338 -	Ordinary Meeting of Council 3 August 2009
Min No 09-381 -	Ordinary Meeting of Council 14 September 2009
Min No 09-338 -	Ordinary Meeting of Council 14 September 2009
Min No 09-463 -	Ordinary Meeting of Council 2 November 2009
Min No 09-464 -	Ordinary Meeting of Council 2 November 2009
Min No 09-515 -	Ordinary Meeting of Council 23 November 2009
Min No 10-21 -	Ordinary Meeting of Council 18 January 2010-06-30
Min No 10-74 -	Ordinary Meeting of Council 1 March 2010
Min No 10-210 -	Ordinary Meeting of Council 24 May 2010
Min No 10-311 -	Ordinary Meeting of Council 2 August 2010
Min No 10-363 -	Ordinary Meeting of Council 23 August 2010
Min No 10-458 -	Ordinary Meeting of Council 1 November 2010
Min No 10-492 -	Ordinary Meeting of Council 22 November 2010

## SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 7 December 2010.

## **COMMENTARY**

At the Tourism Advisory Committee Meeting held on 7 December 2010, there were seven (7) items discussed by the Committee.

1. Present and apologies.
2. Confirmation of minutes from the previous meeting.
3. Business arising from previous meeting.
4. Development of information.
5. Tourism achievements for 2010.
6. Tourism Manager's report.
7. General business.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **LEGAL IMPLICATIONS**

Nil.

## **ATTACHMENTS**

1. Minutes from the Tourism Advisory Committee meeting of 7 December 2010.

## **RECOMMENDATION**

**THAT** Council notes the minutes of the Tourism Advisory Committee held on 7 December 2010.

## **BUSINESS OF GREAT URGENCY**

*In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:*

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*