



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

23 JULY 2012

AT 7.00pm

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# AGENDA

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## **APOLOGIES**

## **PRESENT**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 JUNE 2012**

**CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 5 JULY 2012**

## **DECLARATION OF INTEREST**

## **PUBLIC FORUM**

## **PRESENTATIONS**

NIL

## **MAYORAL MINUTES**

NIL

## **NOTICES OF MOTION**

Recognition of Joseph Cook – Councillor C Hunter  
Communication of events for the area – Councillor G Danaher  
Bracey's Lookout – Councillor G Danaher

## **NOTICE OF RECISSIONS**

NIL

## **CORRESPONDENCE AND REPORTS**

General Managers Reports  
Environment and Development Reports  
Operation Services Reports  
Community and Strategy Reports  
Finance Reports

## **COMMITTEE MEETINGS**

Crime Prevention Committee Meeting – 25 June 2012  
Disability Access Committee Meeting – 10 July 2012  
Sports Advisory Committee Meeting – 25 June 2012  
Indoor Aquatic Centre Committee Meeting – 5 July 2012

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Traffic Authority Local Committee Meeting – 7 June 2012  
Environmental Advisory Committee Meeting – 20 June 2012

## **REPORTS FROM DELEGATES**

NIL

## **BUSINESS OF GREAT URGENCY**

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

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## NOTICE OF MOTIONS

### ITEM-1 NOTICE OF MOTION - 23/07/12 - RECOGNITION OF JOSEPH COOK - COUNCILLOR C HUNTER

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## COMMENTARY

Joseph Cook: coalminer, preacher, union leader, parliamentarian and prime minister from 1913-1914.

As we are approaching the centenary of his Prime Ministership, we should do more to recognise the contribution Joseph Cook made to the Lithgow District and Australia.

Cook Street is named after him, but many people assume that it is named after Captain James Cook.

## RECOMMENDATION

**THAT** Cook Street Plaza be renamed Joseph Cook Plaza and appropriate signage be installed.

General Managers Comment - See Item 21 of the Business Paper

**ITEM-2 NOTICE OF MOTION - 23/07/12 - COMMUNICATION OF EVENTS FOR THE AREA - COUNCILLOR G DANAHER**

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**COMMENTARY**

The Lithgow area has a lot of events and meetings going on and we often hear the comment “I would have went if I knew that was on”. Many of these events need the patronage to survive and many are good community organisations that will flourish with additional attendees.

**CONCLUSION**

Collation and distribution of events information will assist in our support of those organisations as we lack a Community Noticeboards (web, press, radio and physical notice boards) of stature.

Key features:-

1. A Notice Board of a size that can attract attention placed in main community areas, eg: Cook Street Plaza etc, that is refreshed with each months’ events.
2. Once collated the information can also be distributed through the Council website, mail outs and the press, radio and television. Information would need to be provided to the relevant Council officers 10 days before the end of the month to allow collation, printing, distribution to the website and for mail outs.

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Review and report to Council on the current methods of advertising/displaying community events; and
2. Develop a Social Media proposal to promote such community events.

**ITEM-3 NOTICE OF MOTION - 23/07/12 - BRACEYS LOOKOUT -  
COUNCILLOR G DANAHER**

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## **COMMENTARY**

As Councillors we have long been derelict, in my view, in not following up on bringing Bracey's Lookout up to reasonable standard.

Firstly, I would like to compliment the staff on the work already carried out but more needs to be done. Council needs to quickly move ahead with plans, particularly those which were dumped under the previous Council with sandstone pillared gates to restrict vandals and rubbish dumpers.

It is obvious to all, to have such an impressive lookout of our city is quite unique feature and represents an area that should be the gateway lookout for tourists and should be maintained as a place that can be used to make various presentations and awards as well as the obvious recreation benefits for residents and tourists.

The main problems are a lack of general maintenance. The area remains largely unpaved, there is little shelter, no toilets and access is difficult due to the road being in poor repair and difficult to find.

## **CONCLUSION**

We develop a plan and costings to turn Bracey's Lookout into a show piece for Lithgow.

Key features:-

1. Sandstone lockable gates
2. Develop foot access from Cook Street to the lookout (see attached map) with a sign made out of plants to showcase a Lithgow sign on the embankment.
3. Pave the current area at the lookout.
4. Erect a flagpole large enough to carry a flag (20 feet across) to be seen from town, with the flag to be highlighted at night with suitable lighting.
5. Further development of awning, seating and toilets.

## **ATTACHMENTS**

1. Four photos of Bracey's Lookout

## **RECOMMENDATION**

**THAT** Council report on the plan and costings to allow establishment incorporating the key features outlined in the report.



## GENERAL MANAGERS REPORTS

### ITEM-4 GM - 23/07/12 - SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS - USE OF COUNCIL RESOURCES AND MATERIAL

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## REFERENCE

NIL

## SUMMARY

With the upcoming local government elections on 8 September 2012 the Division of Local Government has provided a reminder of the obligations of council officials in relation to the use of council resources and the potential for council publications to be considered 'electoral material'.

## COMMENTARY

The Division of Local Government has provided a Councillor Circular (No. 12-20) outlining the issues and requirements of Council officials in relation to the use of council resources in the lead up to the Council elections on 8 September 2012.

Council officials need to observe their obligations in relation to the use of Council resources to ensure transparency, accountability and community confidence in councils during local government elections.

The Circular reminds council officials of a number of things, including;

- All council officials must use council resources ethically, effectively and carefully. They must not use resources for private purposes unless the use is lawfully authorised and proper payment is made where appropriate.
- The Model Code of Conduct deems the interest of a councillor in their re-election to public office to be a personal interest.
- Council resources must also be used in accordance with council policies such as the Council's policy on the payment of expenses and the provision of facilities to mayors and councillors.
- Council should also be aware that publications that promote the current elected council's policies or emphasises the achievements of an elected member or group may potentially fall within the definition of "electoral matter" and thereby constitute "electoral material" under clause 356A of the Local Government (General) Regulation. "Electoral material" is subject to certain regulatory requirements during the 40 days preceding the election.

Note: The 40 Day regulated period commences from Monday 30 July 2012.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENT**

1. DLG Circular 12-20 – September 2012 Local Government Elections – Use of Council resources and Electoral Material

**RECOMMENDATION**

**THAT** Council:

1. Note the information outlined in Circular 12-20 from the Division of Local Government
2. Note that councils must not issue publications that fall within the definition of 'electoral material' during the 40 day regulated period prior to the elections (commencing Monday 30 July 2012).

**ITEM-5            GM - 23/07/12 - STATE EMERGENCY FUNDING ALLOCATION  
2012/13**

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**REFERENCE**

NIL

**SUMMARY**

The NSW State Government has committed additional funding over the next five years to the NSW SES in the 2012/13 NSW State Budget as part of the Strategic Disaster Readiness Package.

**COMMENTARY**

The Strategic Disaster Readiness Package delivered to the SES is in response to recommendations from the Commission of Inquiry into the Queensland Floods, and in recognition of the outstanding work the NSW SES and its volunteers have done in response to the devastation caused by recent NSW Floods.

The two key components of this package are:

**Fleet Management** - a five year project to standardise and centralise the SES operational vehicle fleet, the majority of which is currently owned and managed by local government. This will result in significant cost savings to Local Government across New South Wales.

**Unit Support Funding** - a support funding package to the 228 volunteer NSW SES units to assist them in their day to day operating costs.

These two components of the Strategic Disaster Readiness Package will be of significant benefit to local government in support of the long standing partnership arrangements between local government and their volunteer NSW SES units. The current arrangements and support between Lithgow City Council and the SES units in the Lithgow LGA should remain in place at this time.

A meeting between Lithgow City Council and the SES Region Controller is occurring on Friday, 20<sup>th</sup> July 2012. This meeting will discuss the Strategic Disaster Readiness Package and its effects on the current partnership arrangements between Lithgow City Council and the SES unit as well as the changes occurring in relation to the ownership and management of the NSW SES operational vehicle fleet.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**  
NIL

**ATTACHMENTS**

1. List of FAQs and summary of the benefits of the *Strategic Disaster Readiness Package*.

**RECOMMENDATION**

**THAT** Council note the report on the NSW SES *Strategic Disaster Readiness Package*.

**ITEM-6            GM - 23/07/12 - LOCAL GOVERNMENT ASSOCIATION  
CONFERENCE MOTIONS**

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**REFERENCE**

NIL

**SUMMARY**

The Local Government Association is an association of councils representing metropolitan and large regional councils to provide leadership and advocacy for the benefit of the community. Over 600 delegates from member councils as well as representatives of County Councils meet to discuss and set policy for the coming year.

This year Dubbo City Council will be host of the 2012 LGA Conference to be held from Sunday 28 October to Tuesday 30 October 2012.

Councils are invited to submit motions to the Conference for consideration.

**COMMENTARY**

The Local Government Association of NSW have written to all Council's detailing the guidelines for submitting a motion to the Annual Conference. The LGA Executive have requested that motions submitted would prefer motions focused on strategic issues and matters of significant policy.

Motions submitted for the 2012 conference should be written to address strategic Local Government sector issues rather than specific single local issues.

Motions for the 2012 Conference will be considered under one of four subject headings;

1. **Services** (Human services, environmental services, library services, cultural programs, recreation programs, health protection and promotion, development approvals, environmental regulatory activity)
2. **Infrastructure** (issues relating to transport, roads, bridges, footpaths, open spaces, water and sewerage facilities, waste facilities and services, recreation facilities, arts facilities, civic buildings)
3. **Finance** (revenue raising, government funding, cost shifting, emergency services levy, waste levy, carbon tax, economic development)
4. **General** (land use planning, development approvals, environmental regulatory activity, workforce planning and development, industrial issues)

Motions will be determined to be either Category 1 or Category 2.

Category 1 motions must seek to establish a new policy or position or amend existing policy AND it must be of regional, state or national significance.

Category 2 motions are motions which are already covered by existing policy or subject to ongoing lobbying and/or representation. Category 2 motions will be dealt with by the Executive and not by the Conference.

Late motions will not be accepted unless the motion is both urgent and emergent. If Council's submit similar motions on related topics, these motions may be grouped and the strategic issue debated at conference to arrive at a 'Local Government Industry' position.

Motions are to be submitted by COB Wednesday 15 August 2012.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Local Government Association of NSW instructions on how to structure a motion.

**RECOMMENDATION**

**THAT** Council note the guidelines and deadlines for submitting motions to the 2012 Local Government Association Conference.

**ITEM-7            GM - 23/07/12 - LOCAL GOVERNMENT ELECTIONS - CARETAKER PROVISIONS**

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**SUMMARY**

To advise of recent changes to the Local Government Act providing for a 'Caretaker' period in the lead up in the lead up to the Council elections.

**COMMENTARY**

In April 2012 several amendments were made to the Local Government Act 1993 providing that for four weeks preceding ordinary council elections that councils would have their functions limited. Effectively this four week period becomes a 'caretaker' period, a similar arrangement to that of the State and Federal governments for their election periods.

Further legislation has now been passed that provides the details of the limitations. Clause 39B of the Act requires that the Council, the General Manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the four weeks preceding an ordinary election (caretaker period):

- Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger). *Lithgow's rate revenue for the 2011-12 financial year was \$10.959M, 1% is therefore \$109,590 hence the larger limit of \$150,000 applies.*
- Determining a controversial development application, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made submissions by way of objection.
- Appointing or renewing the appointment of the General Manager or terminating their employment. (This does not include the appointment of an acting or temporary General Manager).

It should be noted however that in particular cases these functions may be exercised with the approval of the Minister.

Council has the following meetings scheduled for the remainder of this Council term:

- Monday 23 July 2012 (this meeting)
- Monday 13 August 2012
- Monday 3 September 2012

Local Government Elections are to be held on Saturday 8 September 2012.

Under the provisions of Section 365 of the Local Government Act 1993:

**365 How often does the council meet?**

*The council is required to meet at least 10 times each year, each time in a different month.*

Thus far Council has met in each month so far this calendar year, hence including this meeting totals seven (7) with meetings scheduled in each month for the remainder of the calendar year. Hence should Council feel the need it could resolve not to hold either, or both, the August and/or September meeting.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Division of Local Government Circular 12-12 Amendments to the Local Government Act
2. Division of Local Government Circular 12-19 September 2012 Local Government Elections – Caretaker Provisions

**RECOMMENDATION**

**THAT** Council note the caretaker provisions as outlined in the Division of Local Government Circular 12-19 September 2012 *Local Government Elections – Caretaker Provisions*.



## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-8            ENVIRO - 23/07/12 - DEVELOPMENT APPLICATION 062/11 BOUNDARY ADJUSTMENT - WARDS ROAD MEGALONG VALLEY

#### REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

## SUMMARY

To assess and recommend determination of 062/11DA proposed, which is a boundary adjustment at 57 Wards Road, Megalong Valley. Recommendation will be for **refusal** based on a non-compliance with Lithgow's Local Environmental Plan 1994 (LEP) and State Environmental Planning Policy (Rural Lands) 2008 (SEPP).

## COMMENTARY

Council is in receipt of a Development Application 062/11 for a boundary adjustment on land known as Lot 54 DP 1061006 and Lots 51 & 52 DP 1035370, Wards Road, Megalong Valley NSW.

The proposal includes a State Environmental Planning Policy No 1 (SEPP1) objection to request the following:

- Lot 51 DP 1035370 currently **43.37ha** adjusted to **2ha**;
- Lot 52 DP 1035370 currently **40.14ha** adjusted to **2.03ha**; and
- Lot 54 DP 1031006 currently **269.20ha** adjusted to **346.68ha**.

Lots 51 & 52 currently have grazing licence over a portion of each lot to allow for the utilisation of the land for grazing of cattle in the applicants favour. Accordingly, this boundary adjustment is requested to allow ownership of the land covered in those licences to be transferred to the applicants, which would result in the creation of 2 smaller allotments, each retaining the existing dwelling on Lots 51 & 52. Lot 54 also retains a dwelling and ancillary buildings.

The proposal was notified to adjoining and adjacent land owners for a period of 14 days in which no submissions were received.

The proposed 'boundary adjustment' would effectively be creating 2 concessional allotments and a large residual lot. However, there are no current provisions within the LEP that allows for the creation of concessional lots. Further the SEPP (Rural Lands) 2008 specifically states in Clause 9(3) that subdivision for agricultural purposes can not be undertaken to create lots smaller than the minimum lot size if an existing dwelling is on the lot and that a SEPP No 1 objection can not apply to this standard.

## FINANCIAL IMPLICATIONS

Whilst not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act, If the proposal is refused, the applicant may proceed to appeal the determination in a Land and Environment Court. This would inevitably lead to potentially substantial costs.

## 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. A full assessment is provided as an attachment to this report.

It is noted that although this application is for a 'boundary adjustment', subdivision is defined under Clause 4B of the *Environmental Planning & Assessment Act 1979* which states: 'Subdivision of land means the division of land into two or more parts'. This definition does not specify that the number of parts being created must be greater than the original 'land'. Accordingly, a boundary adjustment falls within this definition and is considered to be a subdivision.

The 79C assessment concluded that the proposal should be refused for the following reasons:

- **The proposal does not comply with Lithgow Local Environmental Plan 1994, Clause 9 and 12.**

### **Clause 9 - Zone No 1 (a) Rural (General)**

#### **1. Objective of the zone**

*The objective of the zone is to promote the proper management and utilisation of natural resources by:*

- (a) protecting, enhancing and conserving:*
  - (i) rural land, in particular prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential,*
  - (ii) soil, by controlling and locating development in accordance with soil capability,*
  - (iii) forests of existing and potential commercial value for timber production,*
  - (iv) valuable deposits of minerals, coal and extractive materials, by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,*
  - (v) trees and other vegetation in environmentally sensitive areas, where the conservation of the vegetation is significant for scenic amenity or natural wildlife habitat or is likely to control land degradation,*
  - (vi) water resources for use in the public interest, preventing the pollution of water supply catchment and major water storages,*
  - (vii) localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat, and*
  - (viii) items of heritage significance,*
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,*
- (c) facilitating farm adjustments,*
- (d) minimising the cost to the community of:*
  - (i) fragmented and isolated development of rural land, and*

- (ii) *providing, extending and maintaining public amenities and services,*
- (e) *providing land for other non-agricultural purposes, in accordance with the need for that development, and*
- (f) *providing for the separation of conflicting land uses.*

The proposal does not 'provide for the separation of conflicting land uses'. In this proposal, the applicant would be creating 2 rural residential style allotments that could potentially conflict with the surrounding agricultural/rural land without an adequate land buffer separating the residential land uses. The agricultural/rural land uses may potentially include grazing, agricultural machinery, cropping, intensive agriculture and other rural uses.

### **Clause 12 - Subdivision in Zone No 1 (a)**

#### **(1) General restriction**

*The Council may consent to a subdivision of land within Zone No 1 (a) in accordance with subclause (2). Such a consent can be granted only if the land to be subdivided does not comprise the whole or any part of an allotment or portion of land previously subdivided in accordance with a consent granted after the commencement of this plan. However, a further subdivision under subclause (2) may be permitted to a parcel of land notwithstanding that a previous subdivision has been approved under that subclause.*

#### **(2) Creation of "40 hectare allotments"**

*The Council may consent to a subdivision of land within Zone No 1 (a) if each allotment to be created by the subdivision will have an area of not less than 40 hectares.*

#### **(3)–(5) (Repealed)**

#### **(6) Exception for subdivisions to allow agriculture**

*Nothing in this clause prevents the Council from granting consent to the creation of an allotment of vacant land of any area if the Council is satisfied that the allotment will be used for the purpose of agriculture. The Council may decline to grant consent pursuant to this subclause if it has not been satisfied that agricultural production will be viable on any proposed allotment that will have an area of less than 40 hectares.*

**Note.** Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) also enables the subdivision of lots for the purposes of primary production.

The development does not comply with 12(1) as the land has been previously subdivided and does not comply with 12(2) being the minimum allotment size of 40ha. No further subdivision of the land can be considered unless it meets the requirements of 12(2). Additionally the proposal can not be considered under 12(6) as Council would not be satisfied that 'agricultural production will be viable on any proposed allotment that will have an area less than 40ha'. This is due to 2 of the allotments being only 2ha and for rural residential purposes.

- **The proposal does not comply with State Environmental Planning Policy (Rural Lands) 2008, Clause 8, 9 & 10.**

### **Clause 8 - Rural Subdivision Principles**

*The Rural Subdivision Principles are as follows:*

- (a) *the minimisation of rural land fragmentation,*
- (b) *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) *the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*
- (d) *the consideration of the natural and physical constraints and opportunities of land,*
- (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

**Note.** Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to changes in minimum lot sizes under local environmental plans in accordance with the Rural Planning Principles and the Rural Subdivision Principles. Under section 55 of the Act, the Minister may also direct a council to prepare a local environmental plan.

It is considered the proposal would be increasing 'rural land fragmentation' and creating 'land use conflicts, particularly between residential land uses and other rural land uses'. This is through the creation of two rural residential style allotments of 2ha in an area where 40ha or greater is required for rural purposes. The proposed strategy for the future of the area is also identified as for rural land uses with a minimum of 40ha (as outlined in the adopted Lithgow City Land Use Strategy 2010-2030). This highlights that there are no future plans for large lot residential zoning in this locality as demand is low and infrastructure within the locality is limited.

#### **Clause 9 - Rural subdivision for agricultural purposes**

- (1) *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) *Land in a rural zone may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.*
- (3) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (4) *A dwelling cannot be erected on such a lot.*
- (5) *[State Environmental Planning Policy No 1—Development Standards](#) does not apply to a development standard under this clause.*

A subdivision for agricultural purposes can not be undertaken to create lots smaller than the minimum size 'if an existing dwelling would, as a result of the subdivision, be situated on the lot'. The two allotments that would be smaller than the 40ha would retain dwellings if the subdivision was approved and therefore is not compliant with this clause. Additionally, under Clause 9(5), a SEPP1 objection 'does not apply to a development standard under this clause' and therefore cannot be varied. The development does not comply with Clause 9 given the proposed smaller allotments to be created by the applicant through a SEPP1 objection, would retain dwellings.

#### **Clause 10 - Matters to be considered in determining development applications for rural subdivisions or rural dwellings**

- 
- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
  - (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
    - (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
    - (b) *erection of a dwelling.*
  - (3) *The following matters are to be taken into account:*
    - (a) *the existing uses and approved uses of land in the vicinity of the development,*
    - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
    - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
    - (d) *if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
    - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

The proposal will effect the 'predominant land uses in the vicinity of the development' given the proposal is creating two rural residential style allotments surrounded by rural land uses and 'is likely to be incompatible' due to a lack of land buffer around each dwelling. The land is 'not situated within a rural residential zone', any there are no measures to mitigate land use conflicts.

- **The proposal does not comply with Council's recently endorsed Land Use Strategy (LUS) retaining the minimum lot size of 40ha within the 1(a) Rural (General) zoning.**

The adopted LUS recommends the retention of minimum allotment size of 40ha for 1(a) Rural (General) zoning within the area of Megalong Valley until 2030. Therefore, no changes in regards to allotment sizes in the future are proposed in this area and the application is not consistent with the strategic principles. This document has now been accepted by the Department of Planning for the drafting of the new Local Environmental Plan.

## ATTACHMENTS

1. Complete 79C Assessment in accordance with the Environmental Planning & Assessment Act 1979.
2. Plans of the proposed development.

## RECOMMENDATION

### THAT:

1. Development Application 062/11 be REFUSED given the assessment and reasoning specified in the attached Section 79C assessment.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-9            ENVIRO - 23/07/12 - TENDERS FOR CONSTRUCTION OF QUEEN  
ELIZABETH PARK TOILETS**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 11-184 – Ordinary Meeting of 9 May 2011  
Min No 11-462 – Ordinary Meeting of 21 November 2011

**SUMMARY**

This report provides an outline of the tender process undertaken for the construction of the new toilet block in Queen Elizabeth Park.

**COMMENTARY**

Council resolved at its meeting of 21/11/2011 not to accept any of the tenders submitted as part of the selective tender process previously conducted for the construction of this building and to call for new tenders by open tender following amendment of the design to reduce costs.

As a result tenders were called which closed on 29 June 2012. Nine (9) building companies subsequently tendered on the project.

Tenders ranged in price from \$262,758 to \$472,350 (ex GST). Tenders were received from:

<b>Company</b>	<b>Tender</b>
• Peter O'Brien Constructions - Blayney	\$262,758.05
• Alpall Pty Ltd – Springwood	\$264,000.00
• M.Bruton Building Co. – Annangrove	\$281,535.46
• DSL Construction – Bathurst	\$297,815.50
• Dean Horton Builder - Lithgow	\$300,000.00
• Paintrite Management P/L – Dubbo	\$303,150.00
• Hines Constructions – Bathurst	\$310,546.00
• Keystone Projects Group – Homebush	\$334,585.00
• Avant Constructions Pty Ltd – Blacktown	\$472,350.00

The lowest tender for the previous occasion was \$276,815.45.

Council's current budget for this project in the Management Plan is **\$135,000**. This is a shortfall of **\$127,758.05** between funds available and the total project cost based on the lowest tender. There was originally a budget of \$150,000 in the Management Plan but \$15,000 has been spent on document and architectural and structural plan preparation. The original budget was based on cost estimates determined using Cordell's Commercial Building Cost Guide.

The brief to the Architect was for a high quality building that would complement the location in Council's most prominent park. It may be necessary to further modify the design based on budget constraints. Whether this can reduce the costs to within the budget provided appears most unlikely.

### **Tender Evaluation**

It has been determined that O'Brien Constructions provided not only the best price, but the most definitive delivery of all of their inclusions and exclusions. Refer to the attached Tender evaluation matrix for details.

### **Options**

The shortfall in the budget is still substantial even after design changes had been made to the building that have reduced the cost. It is considered that Council has the following options in relation to this project:

1. Cancel the project until sufficient funds can be made available
2. Allocate additional funds to the project
3. Totally reassess the project and consider the installation of a prefabricated self cleansing toilet block.

The project is important. Many travellers stop at Queen Elizabeth Park to take a rest break and the current facilities are not of a high standard. Queen Elizabeth Park is a very attractive asset and the experience of stopping at such a beautiful park should not be spoiled by poor toilet facilities. Under these circumstances Option 2 is considered to be the most appropriate. A building reserve of \$800,000 has been established in 2012/2013 to be utilised on future building projects. It is considered appropriate to source \$135,000 from this reserve so the toilets may be constructed in this financial year. This would allow some additional funds over and above the \$127,758.05 shortfall to cover contingencies.

### **FINANCIAL IMPLICATIONS**

Insufficient funds exist to complete the project based on tenders received. However, additional funds can be allocated from the building reserve.

### **LEGAL IMPLICATIONS**

Clause 178 of the Local Government Act (General) Regulation states:

#### 178 Acceptance of Tenders

- (1) After considering the tenders submitted for a proposal contract, the council must either:
  - (a) Accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
  - (b) Decline to accept any of the tenders

Council, if it was not to award the contract, would need to comply with the provisions of Clause 178(3) of the Regulation by resolving to do one of the following:

- a. postpone or cancel the proposal for the contract
- b. invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- c. invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- d. invite, in accordance with clause 169, fresh applications from persons interested in tendering for contract of the same kind as the proposed contract,
- e. enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- f. carry out the requirements of the proposed contract itself.

However, given the importance of the project, it is recommended that Council accept the lowest tender submitted by O'Brien Constructions.

## **ATTACHMENTS**

1. Tender evaluation form.

## **RECOMMENDATION**

### **THAT:**

1. That the tender submitted by O'Brien Constructions in the amount of \$262,758.05 (Ex GST) be accepted.
2. The General Manager be authorised to execute the contract documentation.
3. An additional \$135,000 be allocated to the project from the Building Reserve.



**ITEM-10            ENVIRO - 23/07/12 - MODIFICATION OF CONSENT DA058/10  
(S96016/12) DWELLING ALTERATIONS, 4 CABINS AND SHED, LOT  
122 DP 757063, 769 JENOLAN CAVES ROAD GOOD FOREST NSW  
2790**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

**REFERENCE**

Min No 11-236 - Ordinary Meeting of 20 June 2011  
Min No 11-394 - Ordinary Meeting of 10 October 2011

**SUMMARY**

To recommend determination of a Section 96 (1A) Modification to Development Application 058/10DA for the proposal for dwelling alterations, a shed and four tourist cabins on land described as Lot 122 in DP 757063, 769 Jenolan Caves Road, Good Forest.

The Modification is recommended for approval, subject to amended conditions outlined in the attached Section 79C report.

**COMMENTARY**

The application seeks to modify the following conditions:

The Department of Roads and Maritime Services (RMS) Conditions:

*Condition 23: The intersection treatment is to be completed prior to any physical works being undertaken on the site; prior to the issue of Stage 1 Construction Certificate.*

**Officers comment:** It will be recommended that this condition remain but will be incorporated with Condition 26. Condition 26 will be amended to read:

Condition 26: The rural property access to the existing property is to be sealed (stage 1). The intersection of the property to the existing access is to be upgraded to conform to the standard basic rural intersection treatment as detailed in Figure 4.5.2 of the RTA Road Design Guide. This is to be completed prior to any physical works being undertaken on the site..

*Condition 24: The existing access on the property is to be permanently removed before the construction deliveries and works commence; which is to be done prior to Stage 1 Construction Certificate.*

**Officers comment:** It will be recommended that this condition is to be deleted as the access will now be off the existing access.

*Condition 25: All access on the property is to be via the public crown road adjacent to the southern boundary of Lot 122 DP 757063.*

**Officers comment:** It will be recommended that this condition is to be deleted as the access will now be off the existing access.

*Condition 26: The intersection of the property and the crown road is to be upgraded to conform to the standard basic rural intersection treatment as detailed in Figure 4.5.2 of the RTA Road Design Guide.*

**Officers comment:** It will be recommended that this condition be reworded. See above..

*Condition 27: The right turn treatment of the 'Type BAR' (Basic Right Turn) to be constructed adjacent to the north bound lane is to be sealed. (This is required to provide a reasonable level of safety for traffic turning right into the access and to allow traffic an area to pass the right turning vehicle on the left hand side).*

**Officers comment:** It will be recommended that this condition be amended to read:

The right turn treatment of the 'Type BAR' (Basic Right Turn) to be constructed adjacent to the north bound lane is to be sealed. (This is required to provide a reasonable level of safety for traffic turning right into the access and to allow traffic an area to pass the right turning vehicle on the left hand side); The right turn treatment of the 'Type BAR' (Basic Right Turn) to be constructed for Stage 2 adjacent to the north bound lane is to be sealed. (This is required to provide a reasonable level of safety for traffic turning right into the access and to allow traffic an area to pass the right turning vehicle on the left hand side). This is to be completed prior to any physical work being undertaken as part of Stage 2.at the site.

*Condition 29: The public road is to be sealed for a minimum of 20 metres from the edge of the south bound traffic lane of the property.*

**Officers comment:** It will be recommended that this condition be deleted as the Crown Road will no longer be used for this development.

*Condition 32: The intersection should be formed so as to provide a layby on the departure of the south eastern part of the intersection to be used also as a school bus stop/mail service shelter.*

**Officers comment:** It will be recommended that this condition be deleted as the Crown Road will not utilised for this development.

*Condition 33: The applicant is required to demonstrate that safe intersection site distance (SISD) will be achieved from the intersection of the crown road with the property for a 100kilometer per hour zone in accordance with the RTA Road Design Guide. In this respect an adjustment of the cut batter to the north of the intersection may be required.*

**Officers comment:** It will be recommended that this condition be deleted as the Crown Road will not utilised for this development.

*Condition 39: The above intersection treatment is to be completed prior to any physical work being undertaken at the site; as part of Stage 2.*

**Officers comment:** It will be recommended that this condition will be incorporated with Condition 27 above.

*Condition 64: The applicant is to submit a Construction Certificate for Stage 1 regarding the upgrading of the Crown Road.*

**Officers comment:** It will be recommended that this condition be deleted as the Crown Road will not be utilised for this development.

The modification also seeks to delete the following conditions:

Council's Building Surveyors Conditions:

*Condition 46: Given the scale and nature of the proposed alterations and additions to the existing building, the existing building is to be brought into conformity with the provisions of BCA2010 (applicable at the date of lodgement).*

**Officers comment:** It will be recommended that this condition be deleted.

*Condition 47: Supportive documentation, prepared by a competent person, should be submitted with Stage 1 Construction Certificate application to demonstrate how the existing building will be brought into conformity with such provisions, particularly in relation to the following:*

- *Natural light and ventilation to habitable rooms*
- *Termite protection measures to AS3660.1*
- *Internal ceiling heights*
- *Waterproofing of concrete floor and external walls*
- *Sub-floor ventilation*
- *Capability of the structure to be able to withstand likely forces acting upon it (e.g. wind, snow, earthquake).*

**Officers comment:** It will be recommended that this condition be deleted.

Section 94 Contributions:

*Condition 68: Section 94 Contributions of \$4080 for the dwelling will need to be paid to Council for Rural Roads prior to the release of the Stage 1 Construction Certificate.*

**Officers comment:** It will be recommended that this condition be deleted as access will not be off a Council Road.

The modification also involves a temporary transportable structure, that was located on the property early in 2012 and prior to Council approval. The structure is proposed to be utilised as being a portable ablution and office facility.

It is to be noted that from the modification, the Department of Roads and Maritime Services (RMS) re-assessed the development and conditioned that the existing and current access is in a safer location than the Crown Road. Therefore all conditions, including Councils Engineering Conditions that are related to the Crown Road are to be deleted if the application is approved.

Accordingly, the modification was referred to RMS, Councils Engineers and Building Surveyor. The application was also referred to the adjoining neighbours twice for a period of 14 days each.

### **Roads and Maritime Services**

RMS does not object to the modification and makes the following comments:

- Under the proposed modification, Stage 1 is for improvements to an existing dwelling. There will be no increase in traffic generation, or changes to access.
- The traffic generation of the site is expected to increase as part of Stage 2.
- The previous requirements have been reviewed and RMS will no longer require the access to be relocated to the Crown road reserve.
- For Stage 1, as the access is for an existing single dwelling and there will be no increase in traffic generation at the site. RMS will not require the Basic Right Turn (BAR) intersection treatment for stage 1. The requirement for a sealed rural property access still stands. As such a Works Authorisation Deed will not be required for roadwork.
- RMS will not object to removal of conditions 24, 25 and 29 in the Notice of Determination dated 12 October 2011.

### **Council's Building Surveyor**

Comments are provided in relation to the relevant matters:

Suitable construction details have been provided to satisfy the provisions of the BCA in respect to any new building work proposed. The construction of the existing dwelling (albeit a crudely built dwelling commonly referred to as the 'shack') has inherent non-compliances when compared to the current BCA provisions; however this is not an uncommon occurrence with alterations and additions to existing dwellings.

Notwithstanding the unauthorised nature of the existing portable ablution/office structure that has been installed on this land, the installation of a temporary structure is an activity for which development consent (S96) must be obtained from Council.

No objections are raised to approval being granted for the purpose sought subject to additional conditions being imposed.

### **Council's Engineers**

As the RMS requirements for the proposed modification will result in the upgrade of the existing property access, and will no longer require the dedication and formation of the existing Crown Road, there are no engineering conditions regarding 058/10 DA.

### **Adjoining Neighbours**

The application was referred twice to the adjoining owners. Two submissions were received from the first neighbour notification. The second notification period was necessary after the Roads and Maritime Services re-assessed the application and

amended their conditions for the applicant to get access from the current access and not utilise the Crown Road. Three submissions were received for the second notification period. The main concerns include;

*Having multiple structures on the property all at once,*

It will be a condition of consent that all temporary structures will need to be removed from the property prior to the issue of the Occupation Certificate for Stage 1. The temporary structures on the property at present consist of: an office and ablution block and shipping containers.

*The shack is in an unsalvageable state therefore conditions relating to the structure should remain.*

Councils building surveyor has re-inspected the building structure and made the following response:

*“Suitable construction details have been provided (vide 040/11CC) to satisfy the provisions of the BCA in respect to any new building work proposed. The construction of the existing dwelling (albeit a crudely built dwelling commonly referred to as the ‘shack’) has inherent non-compliances when compared to the current BCA provisions; however this is not an uncommon occurrence with alterations and additions to existing dwellings.”*

*The 10,000 litre water tank is said to be temporary but later will be connected to the 100,000 litre tank which is the main water supply. The 10,000 litre tank will therefore not be temporary.*

The water tank will be only temporary otherwise it will not meet Councils requirements for the development. A larger water tank will need to be provided and as such this will be reflected within the conditions of consent if approved.

*The septic system has been installed but the cabins are to be located further down the property therefore the waste would be pumped up the hill. Another Geotechnical report and disposal system may need to be submitted, approved and installed.*

A new Geotechnical Report will need to be submitted with the proposed cabin site. It will further need to be assessed by the Sydney Catchment Authority (SCA) to ensure that the effluent disposal System is compatible with the land and the development. This was previously noted to the applicant on the original consent conditions.

*The construction of the left hand turn as it is noted that from the edge of the road to the fence there is a sloping bank. The bank contains a survey marker and a cement power pole which is located on the verge close to the gate way.*

Any construction on Jenolan Caves Road will need to be approved by Roads and Maritime Services (RMS). As such the RMS have inspected the property and believe that here is sufficient space for the right hand turn to be satisfactory for the development.

*Visibility of the driveway onto the road.*

The RMS has conditioned that the road way will need to be visible from the driveway by removing vegetation on the road reserve.

*The safety on Jenolan Caves Road as it is still a 100km zone.*

Council has referred these submissions to the RMS and who have not made a comment in relation the development and the speed zone.

### **Response to submissions and support for the proposal**

The applicant has also provided a response to submissions and emails from other members of the community supporting the proposal. These are attached to the business paper.

### **Impacts**

The development will not be modifying the building line that was previously approved.

**Access and Road Impacts:** This has been addressed under the sections **Roads and Maritime Authority and Councils Engineers.**

**Amenity:** The temporary building structure has been located behind the existing dwelling and can only be slightly seen from Jenolan Caves Road. The building structure can not be seen from adjoining dwellings as they are located over 500 metres away. This building structure will only be temporary and will be conditioned if approved to be removed once occupation of the dwelling has been granted. Whilst clearly designed for residential use, this building structure will only be used as an office and ablution block and not for sleeping purposes.

The proposed modification will therefore not create any additional impacts to the original application and it has been assessed that the modification application can be supported.

### **POLICY IMPLICATIONS**

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

### **LEGAL IMPLICATIONS**

In determining a Modification, 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.
2. Email dated 9 July 2012 regarding applicant's response to submissions and supportive responses from adjoining landowners..

## RECOMMENDATION

### THAT:

1. The Section 96 1 (A) modification be approved and that the conditions of consent be amended as detailed in the Section 79C Assessment report.
2. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-11            ENVIRO - 23/07/12 - PROPOSED STORMWATER DRAINAGE  
EASMENT - LOT 2 DP 302240 - 43 CASTLEREAGH HIGHWAY  
CULLEN BULLEN**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

## **SUMMARY**

To seek Council endorsement of a proposed stormwater easement at 43 Castlereagh Highway, Cullen Bullen.

## **COMMENTARY**

Council has recently been approached by the owner of the property at 43 Castlereagh Highway, Cullen Bullen in relation to a number of issues in the area. One of these issues relates to a stormwater pipe which traverses through the owner's property and currently does not have the benefit of a formal easement. Council has sought legal advice on the matter and whilst there is some authority to indicate that some protection is afforded under Section 59a of the Local Government Act, there is unclear evidence as to the origins of the stormwater pipe and Council's solicitor has advised that it would be in Council's interest to take out an easement over the said infrastructure.

The stormwater pipe has been in place apparently for many years and passes diagonally through the land in question. It also traverses adjoining land and it would be advisable that if the matter was to be rectified that the easement be taken out up until the physical termination of the stormwater pipe. A plan of the location of the pipe in question is attached to the business paper. Council's legal advice is that as the pipe consists of underground drainage works that it is exempt from paying compensation under Section 62 of the Land Acquisition (Just Terms Compensation) Act 1991, should it wish to proceed through a compulsory process. However, it is also advisable to firstly endeavour to take out the easement by agreement with the owner and in the interests of saving additional legal costs through a compulsory acquisition process, it would not be unreasonable to offer some compensation to the owner to allow the easement to be taken out by agreement.

Council's advice is that as a first step it should seek to acquire an easement across the property under Section 30 of the Land Acquisition (Just Terms Compensation) Act by seeking to enter into an agreement with the owner of the land. Should these negotiations not be successful then Council could proceed to acquire the land via compulsory acquisition process.

## **FINANCIAL IMPLICATIONS**

Should Council proceed to acquire the easement by agreement then it would be suggested that the General Manager be delegated authority to negotiate a settlement. It would not be envisaged that such an offer would be excessive but would be made in consideration of saving additional legal costs by going through a compulsory acquisition process. There would also be costs associated with survey, legal costs and registration of the easement.



### **LEGAL IMPLICATIONS**

Council's solicitor has advised that various provisions of the Local Government Act 1993 and Land Acquisition (Just Terms Compensation) Act apply in this instance.

### **ATTACHMENTS**

1. Map of approximate location of storm water pipe.

### **RECOMMENDATION**

#### **THAT:**

1. Council acquire an easement for the drainage of stormwater through underground pipes over Lot 2 DP 302240, Castlereagh Highway, Cullen Bullen.
2. At first instance, Council propose to the owner of the land that acquisition of the easement be through negotiation and agreement and the General Manager be delegated authority to hold such negotiations and to offer such compensation most beneficial to Council.
3. Should negotiations with the property owner be unsuccessful, that Council move to acquire the easement through the compulsory acquisition process.

**ITEM-12            ENVIRO - 23/07/12 - REPLACEMENT OF FUEL TANKS FUEL SHED  
STORAGE SHED AND AWNING - 36-40 MAIN STREET  
WALLERAWANG NSW**

**REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

**SUMMARY**

Council is in receipt of a combined Development Application/Construction Certificate from Lithgow City Council (Operations Department) who is seeking development approval for the replacement of fuel tanks, a shed and awning at Council's Wallerawang Works Depot, 36-40 Main Street Wallerawang NSW 2790.

**COMMENTARY**

The site currently retains three underground storage tanks which are proposed to be replaced with new above ground tanks. The existing tanks currently consist of:

- 4,000L of Litres of Unleaded Petrol,
- 11,000L of diesel in volume.
- The other tank is currently not in use and has a volume of 20,000L for leaded petrol.

The petrol tanks are estimated to have been installed 40 years ago and the diesel tank 15 years ago.

In place of the three storage tanks, it is proposed to install a 30,500L diesel above ground self bunded storage tank. It is not proposed to install a tank for petrol.

New fuel bowsers are also proposed on the site are expected to make it easier for vehicles to refuel. Above this refuelling area it is proposed to construct a 13.2m by 9.6m awning.

The development also involves the construction of a 30m by 13.5m plant storage shed (540m<sup>2</sup>) at the south western corner of the site. The building will be constructed out of painted zincalume and will consist of a unisex/disabled bathroom. Two 5,000L rainwater tanks off the shed will be provided to supply the toilet and for other water usages such as the washing down of trucks etc.

A 2m by 2m "AdBlue" Fuel Shed (concrete block and colourbond roof) is proposed to be located adjacent to the new fuel tank. This will involve the storage of non hazardous and non combustible fuel additive for the diesel plant, as its storage requires it to be unaffected by sunlight.

A 10 space car park including a disabled parking space is also proposed to be located on Daintree Lane side of the property. The car parking area will be sealed with part of the existing kerb to be removed so that there will be a smooth transition from the parking area to the existing road. The car spaces will be at a 45 degree angle and 2.5m in width.

Lot 101 DP 773811 retains an area of 2950m<sup>2</sup> and contains the Wallerawang Library and other industrial sheds, workshops etc. Lot 1 DP 217370 retains an area of 2019m<sup>2</sup> and contains the shire office as well as other buildings.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

Council will bear the cost of the proposed development; however no contributions are required as a result of this Development Application.

### **LEGAL IMPLICATIONS**

The proposal will enable Council to meet its requirements under the Protection of Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.

In determining a development application, a consent authority is also 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.

### **RECOMMENDATION**

#### **THAT:**

1. Council APPROVE DACC 008-12 in accordance with the conditions outlined in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-13            ENVIRO - 23/07/12 - REPLACEMENT OF FUEL TANKS AND NEW  
                          AWNING - MORT STREET LITHGOW NSW 2790**

**REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**SUMMARY**

Council is in receipt of a combined Development Application/Construction Certificate from Lithgow City Council (Operations Department) who is seeking development approval for the replacement of fuel tanks and an awning at Council's Works Depot, Mort Street Lithgow NSW 2790.

**COMMENTARY**

The site currently retains three underground storage tanks which are proposed to be replaced with new above ground tanks. The existing tanks currently consist of:

- 4,200 Litres of Unleaded Petrol
- 16,400 Litres of diesel in volume.
- The other tank is currently not in use and has a volume of 2,200 Litres for leaded petrol.

The petrol tanks are estimated to have been installed 40 years ago and the diesel tank 30 years ago.

In place of the three storage tanks, it is proposed to install a 30,500 Litre diesel above ground self bunded storage tank and a 6000 Litre above ground self bunded tank for unleaded petrol.

New fuel bowsers are also proposed on the site and are expected to make it easier for vehicles to refuel. Above this refuelling area it is proposed to construct a 13.2m by 9.6m awning.

A 2m by 2m "AdBlue" Fuel Shed (concrete block and colourbond roof) is proposed to be located adjacent to the new fuel tank. This will involve the storage of non hazardous and non combustible fuel additive for the diesel plant, as its storage requires it to be unaffected by sunlight.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Council will bear the cost of the proposed development; however no contributions are required as a result of this Development Application.

### **LEGAL IMPLICATIONS**

The proposal will enable Council to meet its requirements under the Protection of Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.

In determining a development application, a consent authority is also 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.

### **RECOMMENDATION**

#### **THAT:**

1. Council APPROVE DACC 009-12 in accordance with the conditions outlined in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

**ITEM-14            ENVIRO - 23/07/12 - REPRESENTATION ON WESTERN JOINT  
REGIONAL PLANNING PANEL**

**REPORT FROM: A MUIR – GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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**REFERENCE**

Min No 09-260 – Ordinary Meeting of 22 June 2009

**COMMENTARY**

Correspondence has been received from the Hon Brad Hazzard MP, Minister for Planning & Infrastructure, in relation to the reappointment of State Members to the Western Joint Regional Panel. The Minister has advised Gabrielle Kibble AO, Mr Gordon Kirkby & Ms Ruth Fagan have been reappointed as State Members and that Ms Kibble is endorsed as the Regional Panel Chair.

The Minister has also taken the opportunity to remind Councils that they are required to nominate two (2) persons as Council nominees to the Regional Panel. In accordance with Schedule 4 of the Environmental Planning & Assessment Act 1979, at least one (1) of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. Council currently has nominated to the Western Joint Regional Planning Panel, the Mayor, Neville Castle and Andrew Muir, Group Manager Environment and Development as members and Councillors Danaher & Hunter as alternates. These nominations took place in July 2009 and the term of membership is three (3) years. Therefore, it will be necessary to renominate members to the Panel. It is noted that the timing is inconvenient in that the Council elections will take place in September 2012 thus necessitating the potential for membership to cease due to retirement of members or perhaps non election. It should be noted that the membership of the panel, separate to the nominee with the professional expertise, need not necessarily be Councillors but may be members of the community recommended by the Council. Under the circumstances, the Council may wish to nominate the existing membership on the proviso that new members will be nominated following the Council elections. Alternatively the Council may consider an option to ask one or both of the retiring Councillors if they are interested in continuing their role on the panel for another 3 year term.

The Department of Planning has also advised that amendments were recently made to the Local Government (General) Regulation 2005 in June 2012 that confirms the regional panels continue to determine development applications during the caretaker period for local government elections. Any Councillor who is appointed to the regional panel should continue to take part in any regional panel meeting, both in the caretaker period and after the local government elections, as memberships to the regional panel is separate to the Councillor's role as a Councillor.

**POLICY IMPLICATIONS**

Policy 7.6 – Development Applications by Councillors & Staff & Relatives or on Council Owned Land and Policy 7.7 – Calling in of Development Applications by Councillors are most likely to be affected by an application going to the Joint Regional Planning Panel.

**LEGAL IMPLICATIONS**

Joint Regional Planning Panels are established through the provisions of the Environmental Planning & Assessment Act.

**RECOMMENDATION****THAT:**

1. For the period up until the Council elections in September 2012, the following Councillors be nominated to the Western Joint Regional Planning Panel:
  - Mayor Neville Castle
  - Councillor Graham Danaher (alternate)
  - Councillor Col Hunter (alternate)
2. The Panel Secretariat be advised that Council will provide fresh nominees to the Western Joint Regional Planning Panel following Council elections in September 2012.
3. The Group Manager Environment and Development, Andrew Muir, be nominated to the Western Joint Regional Planning Panel for the requisite term.

**ITEM-15 ENVIRO - 23/07/12 - ROAD NAMING - 523/02DA AND 519/02DA - OFF RESERVE ROAD MARRANGAROO**

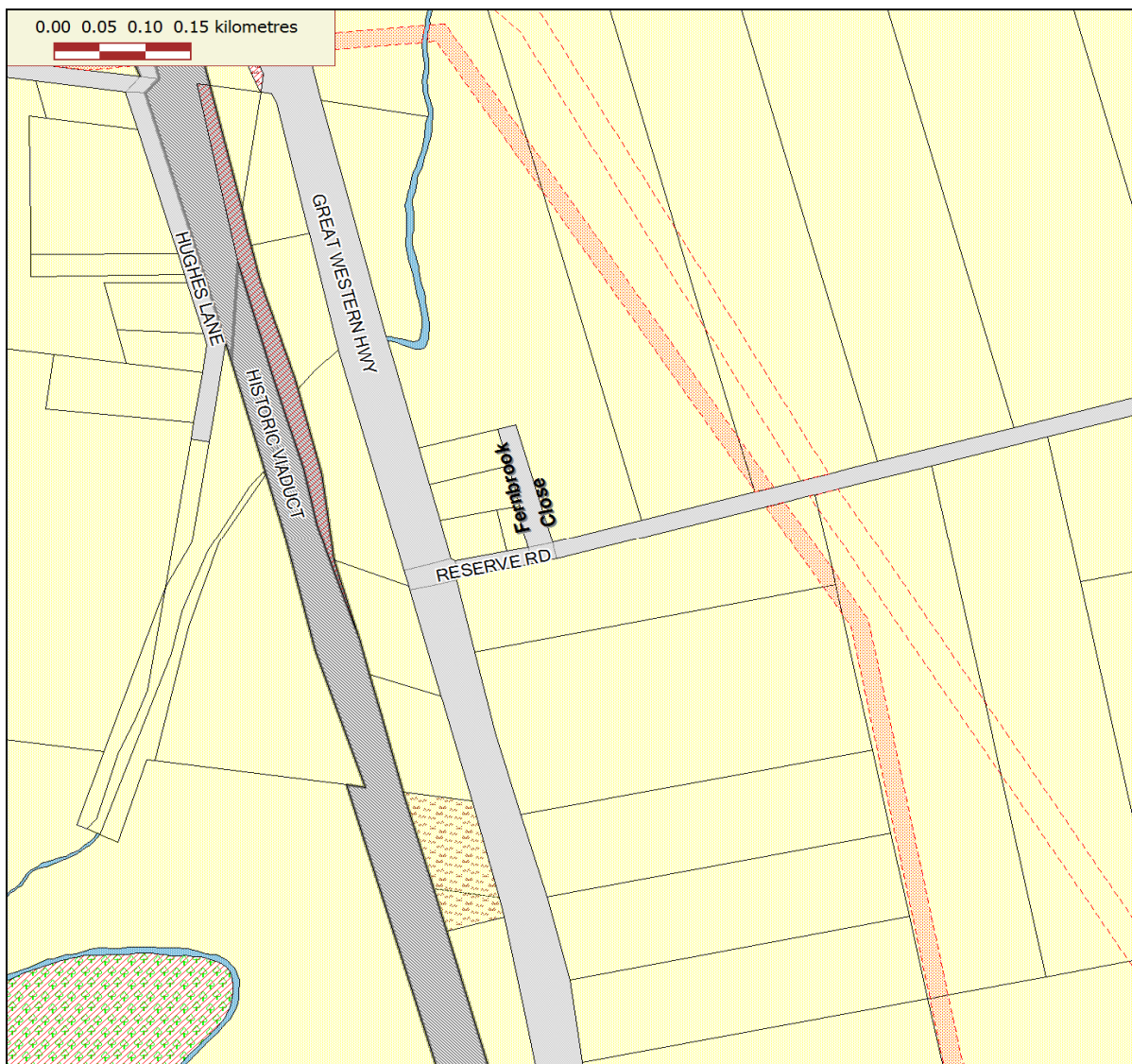
**REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT**

**SUMMARY**

To advise Council of a road naming proposal for a road off Reserve Road, Marangaroo.

**COMMENTARY**

It has been proposed that the naming of an internal road within a subdivision off Reserve Road be considered. The name suggested for the new road name is 'Fernbrook Close' which is a reference to the old mine within the Marrangaroo area.



**POLICY IMPLICATIONS**

This road would be named in accordance with Council's Road Naming Policy.



**FINANCIAL IMPLICATIONS**

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

**RECOMMENDATION**

**THAT** in accordance with Council's Policy for the naming of roads, Council advertises the road name 'Fernbrook Close' in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**ITEM-16            ENVIRO - 23/07/12 - UNION THEATRE IMPROVEMENT PROGRAM**

**REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**SUMMARY**

To obtain the agreement of Council to a request received from Lithgow Musical Society for the provision of temporary dressing rooms for the Union Theatre and recommend demolition of the stables building subject to agreement through the NSW Office of Environment & Heritage (OE&H).

**COMMENTARY**

A letter has been received from Lithgow Musical Society, the primary tenant of the Union Theatre, requesting that a proportion of the funds available for improvements to the Union Theatre be used to provide temporary dressing rooms. The proposal is for Council to purchase two portable buildings that can be used as temporary dressing rooms until sufficient funds are available for building improvements at the back of the theatre. This is necessary as dressing rooms were previously located in the Hoskins Building that is to be used by the University of Western Sydney.

The proposal would involve demolition of the old stable building adjacent to the theatre to allow positioning of the temporary dressing room buildings. The corrugated iron section at the front of the stables is currently used by the musical society and the Tin Shed for storage.

The stables building is not identified in the Lithgow Local Environmental Plan 1994 list of heritage items, but is identified on the Local Heritage Inventory of the Office of Environment & Heritage. As this building has been identified as an item of possible heritage significance, it is advisable to obtain the agreement of the Office of Environment & Heritage for demolition of the building.

The Inventory identifies that the stables were constructed in 1870 to house pit ponies for a new coal mine opened by Thomas Brown in 1873 on the south side of the railway line. It states that the item has historic local significance.

It will be necessary for justification for demolition of this building to be presented to OE&H. Justification will include current photographs showing the deteriorated condition of the building since a structural engineering report in 2005 stated that the building is structurally inadequate, unserviceable and unsafe.

**FINANCIAL IMPLICATIONS**

The purchase of two potentially suitable portable buildings has been costed at approximately \$35,000 and with transport and installation should be no more than \$50,000. Demolition costs for the stable building have been roughly costed to be between \$6,000 and \$8,000. If approved, both the demolition and installation of the temporary buildings could be funded from the 2012/2013 budget for the Union Theatre capital improvements.

### **LEGAL IMPLICATIONS**

Whilst the stables don't appear to be formally listed on Lithgow's LEP or the State Heritage Register, they have been flagged on a Local Heritage Inventory held by the Office of Environment and Heritage. Consequently, Council would be well advised to consult with the NSW Office of Environment & Heritage prior to any demolition works.

### **ATTACHMENTS**

1. Copy of the letter, photographs and site plan from Lithgow Musical Society.

### **RECOMMENDATION**

#### **THAT:**

1. Council agree to purchase and placement of temporary dressing rooms and the demolition of the old stables building and attachments subject to endorsement of demolition by the NSW Office of Environment & Heritage.
2. These works be funded from existing allocations/Reserves for the Union Theatre.
3. A development application for the demolition of the old stables be prepared and referred to the NSW Office of Environment & Heritage for comment.

## OPERATION SERVICES REPORTS

### ITEM-17 OPER - 230712 - WATER REPORT JULY 2012

**REPORT BY: I STEWART - GROUP MANAGER OPERATIONS**

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## REFERENCE

Min No 11-208: Ordinary Meeting 30 May 2011

## SUMMARY

This report provides an update on various 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 9 July was 100%. Oberon Dam capacity on Thursday 12 July was 99.72%.

Under the FRWS, the reduction in carryover is directly proportional to the volume that spills. Therefore if the total bank of carryover is 4,000 ML and the dam spills 1,000 ML the carry over of each customer is reduced by 25%. FRWS will prepare a report on the carry over volume for Lithgow CC and advise on a regular basis of the percentage volume reduction of carry over.

### **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 2011/12.

**Table 1 - Oakey Park Monthly Output and Clarence Transfer**

Month Total	Oakey Park WTP (ML)	Dam Yield (ML)
July	149	
August	119	
September	112	
October	105	
November	118	
December	109	
January	113	
February	99	

March	138	
April	166	
May	110	
June	105	
<b>2011/12 Monthly Avg.</b>	<b>121</b>	
<b>Rolling 12 Month Total</b>	<b>1,446</b>	<b>1,446</b>

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
May	<b>3,558</b>	<b>0</b>
June	<b>3,510</b>	<b>0</b>

Table 3 2011/2012 Water Consumption for Fish River Water Scheme

Week Ending	Oberon Dam Level	Oberon Dam Volume in ML	Oberon Dam % Corrected for Carryover	LCC	
				Total Use	Total Carryover balance
					<b>35.7</b>
4/07/2011	53.09%	23763	51.68%	2.96	66.9
11/07/2011	53.39%	23897	51.44%	2.96	98.1
18/07/2011	53.51%	23951	50.99%	14.666	117.7
25/07/2011	54.05%	24193	50.97%	18.289	133.6
1/08/2011	54.29%	24302	50.75%	12.763	155.0
8/08/2011	54.59%	24438	50.48%	12.693	176.5
15/08/2011	54.84%	24547	50.15%	12.976	197.7
22/08/2011	56.25%	25180	51.06%	13.072	218.8
29/08/2011	57.07%	25544	51.36%	11.09	241.9
5/09/2011	57.32%	25657	51.25%	12.329	263.8
12/09/2011	57.32%	25657	51.18%	14.284	283.7
19/09/2011	57.95%	25940	51.75%	15.039	302.9
26/09/2011	57.89%	25911	51.64%	17.528	319.5
3/10/2011	58.91%	26369	52.60%	14.029	339.7
10/10/2011	59.75%	26745	53.39%	12.242	355.6
17/10/2011	60.07%	26890	53.70%	13.429	355.6
24/10/2011	60.14%	26920	53.76%	15.337	355.6
31/10/2011	60.40%	27037	54.01%	13.327	355.6
7/11/2011	60.33%	27007	53.92%	14.764	355.6
14/11/2011	60.33%	27007	53.91%	16.121	355.6
21/11/2011	60.33%	27007	53.89%	13.834	355.6
28/11/2011	62.59%	28016	56.14%	13.033	355.6
5/12/2011	62.79%	28106	56.33%	13.602	355.6
12/12/2011	63.13%	28257	56.65%	13.572	355.6
19/12/2011	63.13%	28257	56.64%	12.527	355.6
26/12/2011	63.80%	28560	57.29%	0	355.6
2/01/2012	63.87%	28591	57.33%	28.352	355.6
9/01/2012	63.80%	28560	57.24%	11.305	355.6
16/01/2012	63.53%	28439	56.97%	13.588	355.6
23/01/2012	63.40%	28378	56.83%	12.5	355.6
30/01/2012	63.46%	28408	56.90%	13.654	355.6

6/02/2012	63.94%	28621	57.37%	16.279	355.6
13/02/2012	64.21%	28744	57.65%	16.411	355.6
20/02/2012	64.28%	28774	57.72%	15.188	355.6
27/02/2012	64.56%	28897	57.99%	12.865	355.6
5/03/2012	79.99%	35805	73.42%	12.461	355.6
12/03/2012	85.99%	38491	79.42%	12.517	355.6
19/03/2012	88.20%	39482	81.64%	13.028	355.6
26/03/2012	89.33%	39985	82.76%	13.685	355.6
2/04/2012	90.20%	40375	83.63%	15.795	355.6
9/04/2012	90.72%	40610	84.16%	14.474	355.6
16/04/2012	90.99%	40728	84.42%	10.752	355.6
23/04/2012	91.52%	40965	84.95%	12.62	355.6
30/04/2012	91.69%	41044	85.13%	11.228	355.6
7/05/2012	91.87%	41123	85.30%	12.511	355.6
14/05/2012	91.78%	41084	85.21%	11.149	355.6
21/05/2012	91.87%	41123	85.30%	14.33	355.6
28/05/2012	92.94%	41601	86.37%	11.036	355.6
4/06/2012	93.47%	41842	86.93%	12.88	355.6
<b>Total</b>				<b>645.1</b>	

### **Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in June. Monitoring results for the licence to operate the water treatment plant have been published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

### **Fish River Water Scheme Water Quality Summary**

The FRWS is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG guideline values were exceeded in June. Total Coliforms exceeded recommended levels once.

### **Current Water Restrictions Update**

Level 1 water restrictions are in place for all residents throughout Lithgow and villages receiving water from both the Lithgow and the Fish River water supplies.

### **Water Saving Schemes or Processes Update**

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in June with Council receiving 4 applications for a household appliance rebate and no applications for a water tank rebate.

The National Water Account Automation Suite application used by the Bureau of Meteorology to coordinate the collection of information and online publication of the National Water Account has been reviewed and updated for Lithgow City Council's individual sub-account that make up the National Water Account 2011 publication.

### **Fish River Water Scheme**

The current status of the major items are:

**Major Projects Status****2412 - Duckmaloi - Upgrade Chlorinator**

- Tender specifications have been completed by State Water and Dept of Commerce.
- Tenders have been called.

**2413 - Oberon Dam - Chlorinator Upgrade**

- Tender specifications have been completed by State Water and Dept of Commerce.
- Tenders have been called.

**2362 – Rydal Dam Fencing Upgrade**

- Fence relocated to correct boundaries and complete.

**2031 – Rydal replacement of pipeline**

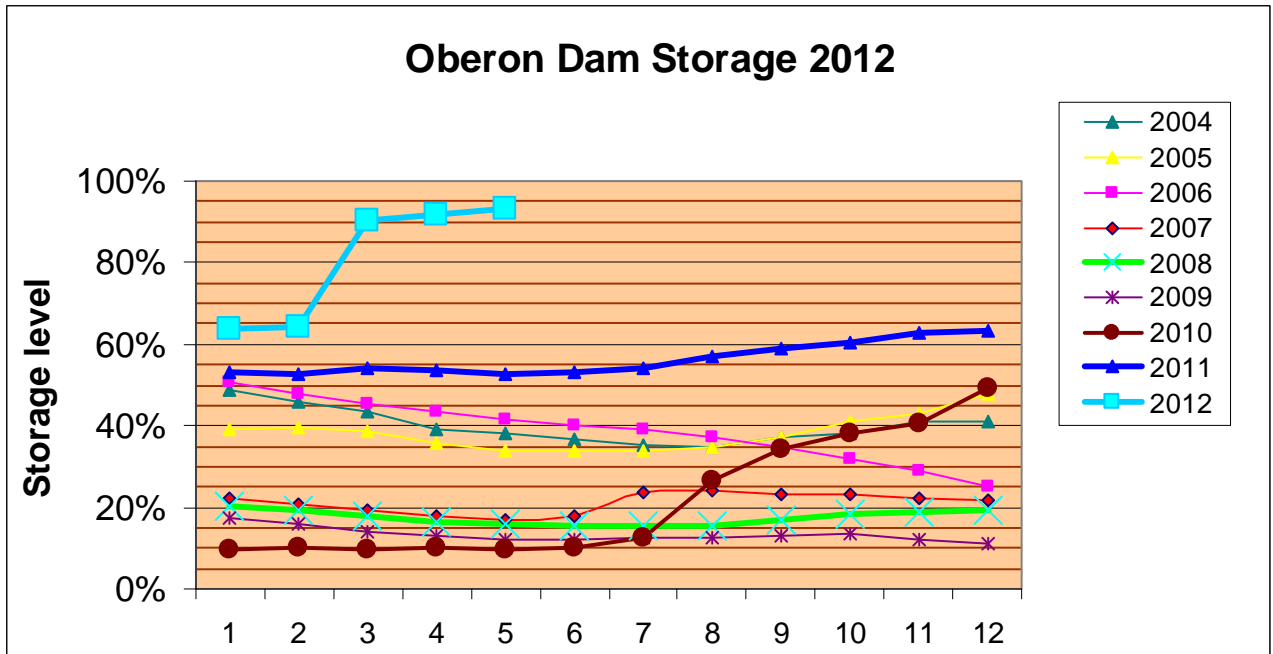
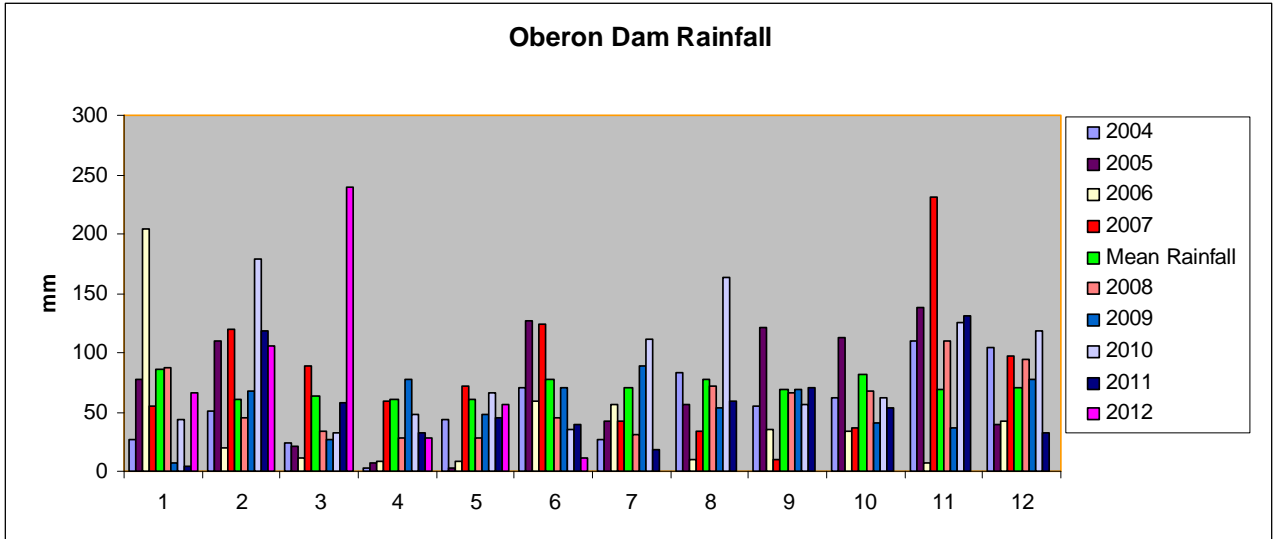
- TCM Civil have completed the construction works on the 3.8 km pipeline replacement. During construction, the pipeline route was redesigned to make the pipeline construction safer but this increased the pipeline length.
- Bypass pipework is now operational and is supplying water to Rydal Dam.
- Some planned shutdowns of the water mains have been completed.
- Restoration work on the site is complete.

**OBERON DAM STORAGE**

Total rainfall at Oberon Dam from 1 July 2011 to 31 May 2012 has been 862mm. This is equal to 112% of the mean rainfall for July 2011 to May 2012.

Oberon (Spring Bank Station No. 63063), which is a BOM station, has registered a total of 935.9mm of rainfall from 1 July 2011 to 31 May 2012. This is about 122% of the mean rainfall for July 2011 to May 2012 period at this station. Of the total about 324mm fell in Feb and March 2012. The rainfall in April and May has totalled only about 64% of the mean rainfall for the two months.

A total of about 2,509 ML and 22,555 ML of inflows have gone into Oberon Dam in 2009-10 and 2010-11 respectively. Inflows to Oberon Dam from July to end of May in 2011-12 have been about 20,921 ML. Historically this inflow has been exceeded only about 30% of the years.

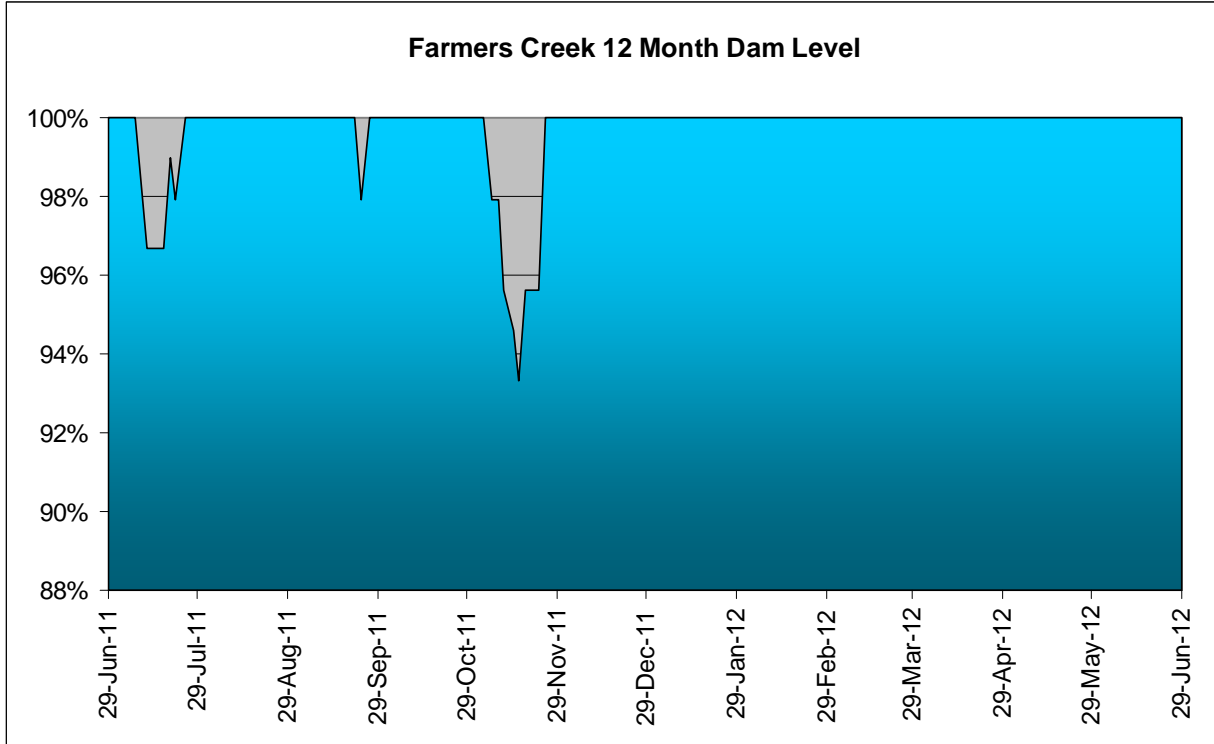


**FARMERS CREEK DAM 12 MONTH LEVELS**

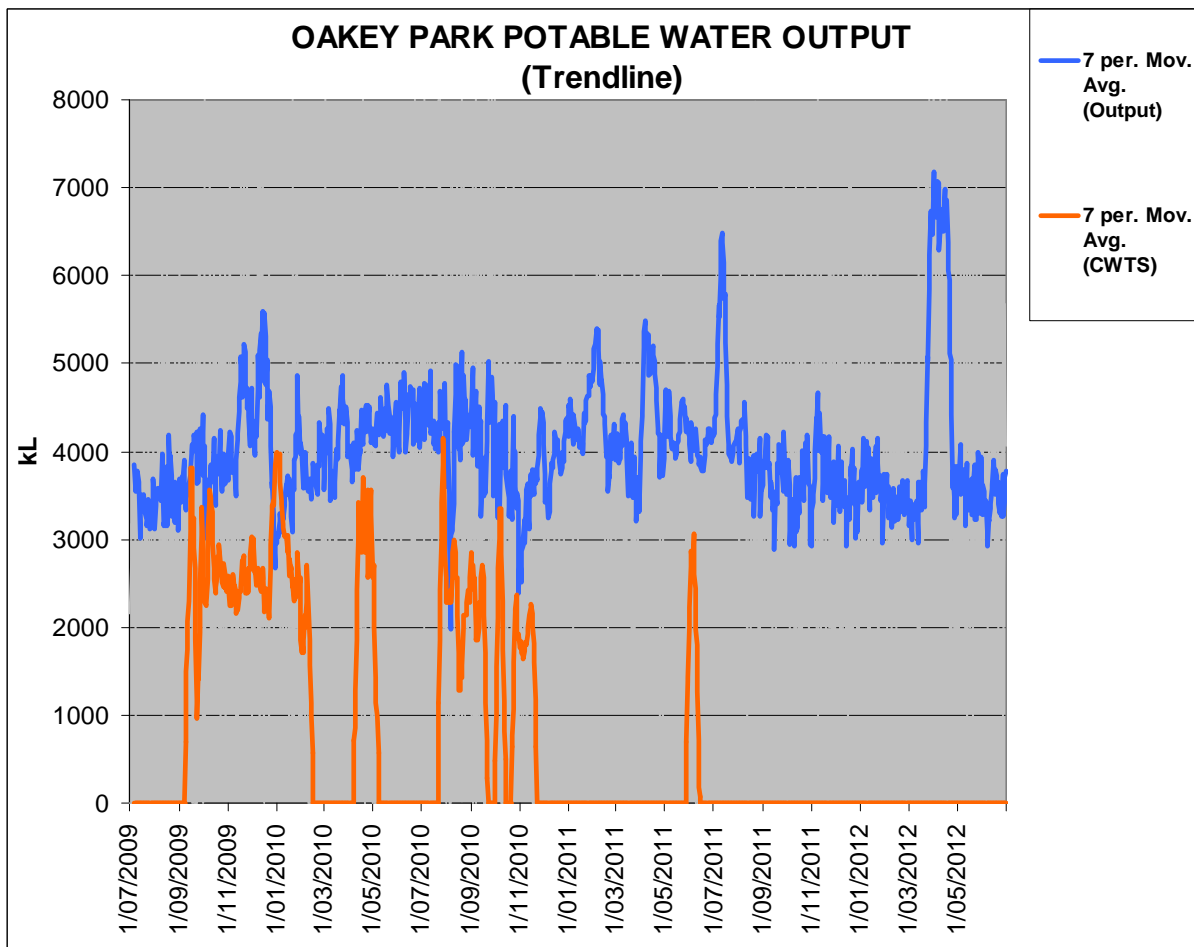
The attached chart shows the storage data to date for the last twelve months.



**Graph 2 Farmers Creek Dam #2 over 12 Months**



**Graph 3 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use**



### **FARMERS CREEK DAM #2 STORAGE OUTLOOK**

The southeast Australian outlook for mid-winter to early spring (July to September) indicates that a drier than normal season is favoured for northeastern NSW, southeastern SA, southwest Victoria and northern Tasmania

The outlook is a result of warmer than normal waters in the eastern Indian Ocean with some influence from neutral conditions in the central Pacific Ocean. Over the rest of southeastern Australia, the chances of receiving above average rainfall are similar to the chances of receiving below average rainfall.

Routine dam inspections continued throughout June.

### **ALTERNATE WATER SOURCES UPDATE**

The Lithgow villages and Marrangaroo Zone are currently being supplied from FRWS.

### **RESERVOIRS**

Some modifications have been made to South Bowenfels Reservoir in order to better seal the walls and joints. This is progressing towards final commissioning.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **RECOMMENDATION**

**THAT** Council note the Water report.

**ITEM-18            OPER - 23/07/12 - PROPOSED CROWN ROAD CLOSURE, HARTLEY**

**REPORT BY: I STEWART – GROUP MANAGER OPERATIONS**

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**REFERENCE**

NIL

**SUMMARY**

The Department of Primary Industries have requested that Lithgow City Council pass a resolution in regard to the proposed Crown Road Closure to the west of Lot 22 DP 867803.

**COMMENTARY**

Council has received correspondence from the Department of Primary Industries regarding an application made by a local resident to permanently close a section of the Crown Road to the west of his property Lot 22 DP 867803. The Department of Primary Industries notes that the applicant has been paying Enclosure Permit Rent for this section of road for a number of years.

Council received notice of intent to object to the application from the owner of an adjoining property, due to access concerns for a possible future subdivision of their property, Lot 1 DP 1045717. Council wrote to the concerned resident in May 2010 supporting their objection.

Council has previously contacted the Department of Primary Industries regarding concerns over the closure, including the impact of the proposed closure on the potential subdivision of Lot 1 DP 1045717. The Department of Primary Industries are requesting a formal objection to the application to be made by Council prior to their assessment.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Map showing proposed Crown Road closure
2. Letter from Lithgow City Council to objecting resident, May 2010
3. LPMA correspondence, March 2010

## RECOMMENDATION

**THAT** Council OPPOSE the application and submit a formal objection to the Department of Primary Industries for the proposed Crown Road Closure west of Lot 22 DP 867803.

## COMMUNITY AND STRATEGY REPORTS

### ITEM-19            **COMM - 23/07/12 - PRELIMINARY CENSUS 2011 TRENDS IMPACTING LITHGOW LOCAL GOVERNMENT AREA**

**REPORT FROM:            M BREWSTER – ECONOMIC DEVELOPMENT OFFICER**

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#### **SUMMARY**

The purpose of this report is to highlight key social and economic trends impacting on the Lithgow Local Government Area (LGA) identified through the release of preliminary data from the 2011 Census undertaken by the Australian Bureau of Statistics (ABS).

#### **COMMENTARY**

On June 21 2012 the Australian Bureau of Statistics distributed first release data from the 2011 Census. A presentation by the NSW Client Services Branch of the Australian Bureau of Statistics at the Central NSW Economic Development Managers Forum held on Thursday 12 July 2012 at Lithgow City Council provided additional insights about census results across the Central West region. This data and commentary has been used to provide a snapshot of emerging economic and community trends within the Lithgow LGA and with comparative reference to surrounding LGA's in some instances.

The ABS is proposing to distribute second release data from 30 October 2012 and third release data from 28 March 2013.

Lithgow City Council's online Profile and Atlas is managed by Profile ID and an updated Lithgow data base reflecting the 2011 Census first release data will be provided by September 2012.

#### **KEY TRENDS WITHIN THE LITHGOW LGA**

##### **Lithgow's population continues to increase**

Between 2006 and 2011 there was a 2% increase in Lithgow's population from 19,759 to 20,160 persons. This rate of growth is slower than the Bathurst LGA at 7.5%, but faster than the Oberon LGA at 0.2%. Overall the census figures demonstrate a 10 year upward growth trend in Lithgow's population from a base of 19,197 in 2001.

##### **Lithgow's population continues to age**

The median age of Lithgow's population increased to 42 years from 40 years between 2006 and 2011. In 2011, the median age in the Bathurst LGA was 36 and 41 in the Oberon LGA. The largest age group in Lithgow's population in 2011 were those aged between 50 and 54. This compares to 20 to 24 years in the Bathurst LGA and 60 to 64 years in the Oberon LGA.

##### **Lithgow's indigenous population continues to grow**

Between 2006 and 2011 there was a 41% increase in indigenous persons residing in Lithgow to total of 905 persons. In 2001 there were 558 indigenous persons residing in Lithgow. Overall 4.5% of the Lithgow's LGA population is indigenous compared to 3.2% in the Oberon LGA and 4.2% in the Bathurst LGA.

#### **Lithgow's average weekly median income continues to increase**

Between 2006 and 2011 total median weekly personal income increased by 27% to \$450 per week, total family income grew by 16% to \$1,190 and total weekly household income increased by 21% to \$896. In 2001 the median weekly household income was \$642.

#### **Lithgow's mortgage and rent payments continue to rise**

Between 2006 and 2011 the median mortgage repayment increased by 31% to \$1,452 per month and the median rent increased by 26% to \$170 per week. In 2011 the Bathurst LGA had a median rent of \$220 per week while the median rent in the Oberon LGA was \$170.

#### **Lithgow's take up of Broadband increases**

Between 2006 and 2011 the number of households connected to Broadband increased by 36% to a total of 58% of all households. This compares to 66% in the Bathurst LGA and 60% in the Oberon LGA. Overall household connection to the internet reached 65.4% in 2011, which means only 7.4% of households are still using a dial up connection.

### **POLICY IMPLICATIONS**

Council has recently completed a number of strategic documents that enable it to respond effectively to the key trends identified in the report. These strategies include:

- Economic Development Strategy 2010 - 2014 which identifies priority actions to continue the sustainable expansion of Lithgow's population, development of required infrastructure and delivery of land for residential and employment purposes.
- Investment Prospectus which identifies opportunities for investment across a range of market sectors including health services and aged housing. It would be appropriate to update and incorporate the 2011 Census data within the Economic Development Strategy and Investment Prospectus to ensure these documents remain up to date.
- Council's Aging Strategy 2012 which enables Council to respond effectively to the issues arising from Lithgow's ageing population.
- Council's Consultation with Aboriginal People Policy which enables Council to consult and support Lithgow's emerging Aboriginal community.

### **FINANCIAL IMPLICATIONS**

The update of the Economic Development Strategy and Investment Prospectus can be achieved within existing 2012/13 Council funding allocations.

### **LEGAL IMPLICATIONS**

NIL

## RECOMMENDATION

### THAT:

1. Council note the key social and economic trends apparent within the LGA confirmed by the first release of the 2011 Census data
2. Council update the Economic Development Strategy and Investment Prospectus to relevant data from the 2011 Census.

**ITEM-20            COMM - 23/07/12 - SECTION 356 FINANCIAL ASSISTANCE TO  
COMMUNITY ORGANISATIONS**

**REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE**

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**REFERENCE**

Min No 11-02:	Ordinary Meeting of Council 24 January 2011
Min No 11-74:	Ordinary Meeting of Council 7 March 2011
Min No 11-211:	Ordinary Meeting of Council 30 May 2011
Min No 11-212:	Ordinary Meeting of Council 30 May 2011
Min No 11-339:	Ordinary Meeting of Council 22 August 2011
Min No 11-405:	Ordinary Meeting of Council 10 October 2011
Min No 11-468:	Ordinary Meeting of Council 21 November 2011
Min No 12-164:	Ordinary Meeting of Council 5 March 2012
Min No 12-193:	Ordinary Meeting of Council 4 June 2012

**SUMMARY**

This report considers a request from Lithgow Community Private Hospital for Financial Assistance.

**COMMENTARY**

Council resolved at the Ordinary Meeting of Council held 5 March 2012 (Min 12-164) THAT:

1. Council consider a donation in the 2012/13 Management Plan for Prostate Cancer Biopsy equipment to be located at the Lithgow Community Private Hospital.
2. Council approach local businesses for a donation for this equipment.

As this matter was overlooked in the formulation of the 2012/13 budget, it is presented now for Council's consideration.

Lithgow Community Private Hospital is currently fundraising to purchase specialised equipment to assist in the diagnosis of prostate cancer locally. This equipment is a memorial to the late Councillor Wayne Marshall and will be located in the surgical theatres of Lithgow Private Hospital for use with both private and public patients.

As part of their fundraising plan, a Spring Ball will be held at the Civic Ballroom on Saturday 1 September 2012.

Civic Ballroom hire costs for the event will be \$715. It is recommended that Council allocate a total of \$2,000 to the Lithgow Community Private Hospital for their prostate cancer fundraising effort including the waiver of the Civic Ballroom hire charges.



**POLICY IMPLICATIONS**

Financial Assistance is provided under Policy 4.4 Financial Assistance – Section 356 of the Local Government Act.

**FINANCIAL IMPLICATIONS**

Council provides Financial Assistance to not-for-profit community groups and organisations under Section 356 of Local Government Act, 1993.

Council has allocated a total of \$134,400 Financial Assistance in the 2012/13 Management Plan.

At the Ordinary Meeting of Council held 4 June 2012 (Min 12-193), Council voted to change the Council officer's recommendation to include additional funding towards the Lithgow City Band and the Hampton Cricket Association resulting in \$80,500 being allocated for Recurrent Financial Assistance and \$56,140 for Non-Recurrent Financial Assistance for distribution throughout the 2012/13 Financial Year. This left a shortfall of \$2,240.

Allocation of a further \$2,000 to Lithgow Community Private Hospital will increase the shortfall to \$4,240. This shortfall can be addressed in the mid year financial review.

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

**RECOMMENDATION**

**THAT** Council provides \$2,000 to Lithgow Community Private Hospital for their prostate cancer fundraising effort including the waiver of Civic Ballroom hire charges to the value of \$715.

**ITEM-21            COMM - 23/07/12 - PROPOSED RENAMING OF COOK PLAZA TO  
                         SIR JOSEPH COOK PLAZA**

**REPORT BY: A SHELTON – ACTING GROUP MANAGER COMMUNITY AND  
STRATEGY**

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**REFERENCE**

Public Forum 23/4/12 – Mr Jeff Thurlow

**SUMMARY**

To provide information regarding a request to alter the name of the area known as Cook Street Plaza to Sir Joseph Cook Plaza in commemoration of the 100<sup>th</sup> Anniversary of his swearing in as Prime Minister next year.

**COMMENTARY**

Council has been approached to investigate the renaming of Cook Street Plaza to Sir Joseph Cook Plaza.

Sir Joseph Cook settled in Lithgow in 1887 and worked in the mines here as a pit boy. He began his political career in the area when elected to the seat of Hartley in 1891 in the Legislative Assembly elections. He went on to become Prime Minister of Australia on 24 June 1913, remaining in the position until 17 September 1914. He was knighted in 1918 and retired from politics in 1921.

2013 sees the 100<sup>th</sup> anniversary of Sir Joseph Cook's swearing in as Prime Minister and a group of local historians have commenced planning commemorative projects for this occasion.

There are no properties that would be affected by the proposed plaza name change.

**RECOMMENDATION**

**THAT:**

1. Council advertise the proposed renaming of Cook Street Plaza to Sir Joseph Cook Plaza calling for submissions to be made for the statutory period of twenty-eight (28) days.
2. If the name change receives no submissions, then Council is to proceed with Government Gazette, otherwise a report will be returned to Council for further consideration.

**ITEM-22          COMM - 23/07/12 - DRAFT MEDIA AND SOCIAL MEDIA POLICY**

**REPORT BY: A SHELTON – ACTING GROUP MANAGER COMMUNITY & STRATEGY**

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**REFERENCE**

NIL

**SUMMARY**

To advise Council that a Draft Media and Social Media Policy has been prepared for adoption by Council.

**COMMENTARY**

A Draft Media and Social Media Policy has been prepared by Council's Community and Strategy division. Whilst Council has actively promoted its activities through traditional media outlets via media releases, interviews and its website, it has not participated in social media forums.

The objectives of the policy are:

1. To provide a policy for the release of information relating to Council business through media outlets.
2. To endorse Council's use of social media for the dissemination of information and to facilitate discussion as part of a community engagement strategy.
3. To clearly identify authorised spokespersons on behalf of Council.
4. To provide guidelines to those authorised spokespersons when making statements regarding Council business.

**'Media'** is the term commonly given to various means of communication that reaches a broad cross-section of the community such as television, radio and newspaper

Council uses media to:

- Disseminate information pertaining to Council business.
- Ensure all communication with the community is consistent, informative, timely, professional and appropriate.
- Improve communication with customers and enhance Council's public image.

**'Social media'** is the term commonly given to web-based tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and

interests online. As the name implies, social media involves the building of online communities or networks to encourage participation and engagement. This includes blogs, message boards, social networking websites (such as [facebook](#), [twitter](#), [linkedin](#), [MySpace](#)), content sharing websites (such as [flickr](#), [YouTube](#)) and many other similar online channels.

Australian social media statistics for June 2012 showed there were 11,010,980 Australian Facebook user accounts, an increase of 42,000 accounts on the previous month. In the same period, Twitter accounts in Australia remained steady at 1,800,000.

Social media provides a cost effective means of communication for Council, and can target sectors of the community that traditional forms communication such as media releases and Council's website do not reach.

Should Council endorse the policy, it is proposed that Facebook and Twitter accounts be established for Council, the Library, Tourism and Eskbank House. A social media planning calendar has been developed and will be maintained by relevant Council officers. Planned messages will be subject to approval by the General Manager on a monthly basis. Additions to the Council's website such as media releases and the release of Council agendas and minutes will be promoted via these forums with links to the relevant information as a matter of standard procedure.

Council may use social media forums to facilitate discussion as part of a community engagement strategy. This form of engagement allows residents to participate at a time and in a form that is convenient to them.

It is important that potential risks are managed, and to assist in this process, standard working procedures for media and social media have been developed to guide staff in the conduct of Council business.

#### **POLICY IMPLICATIONS**

As above

#### **FINANCIAL IMPLICATIONS**

NIL

#### **LEGAL IMPLICATIONS**

The document is required to be placed on public exhibition for 28 days.

#### **ATTACHMENTS**

1. Draft Policy 9.18 Media and Social Media Policy

#### **RECOMMENDATION**

##### **THAT:**

1. Council adopt the Draft Media and Social Media Policy to be placed on exhibition for a period of 28 days.
2. Following public exhibition, comments from the public be reported to Council including a recommendation to adopt the policy.

## FINANCE REPORTS

### ITEM-23          FINAN - 23/07/12 - COUNCIL INVESTMENTS HELD 30 JUNE 2012

**REPORT BY: C FARNSWORTH – FINANCE MANAGER**

## REFERENCE

Min No 11-342:	Ordinary Meeting of Council 22 August 2011 (July 2011)
Min No 11-374:	Ordinary Meeting of Council 12 September 2011 (Aug 2011)
Min No 11-411:	Ordinary Meeting of Council 10 October 2011 (Sept 2011)
Min No 11-474:	Ordinary Meeting of Council 21 November 2011 (Oct 2011)
Min No 11-501:	Ordinary Meeting of Council 12 December 2011 (Nov 2011)
Min No 12-28:	Ordinary Meeting of Council 23 January 2011 (Dec 2011)
Min No 12-50:	Ordinary Meeting of Council 13 February 2012 (Jan 2012)
Min No 12-98:	Ordinary Meeting of Council 26 March 2012 (Feb 2012)
Min No 12-136:	Ordinary Meeting of Council 23 April 2012 (Mar 2012)
Min No 12-169:	Ordinary Meeting of Council 14 May 2012 (April 2012)
Min No 12-220:	Ordinary Meeting of Council 25 June 2012 (May 2012)

## SUMMARY

To advise Council of investments held as at 30 June 2012 in the 2011/12 financial year.

## COMMENTARY

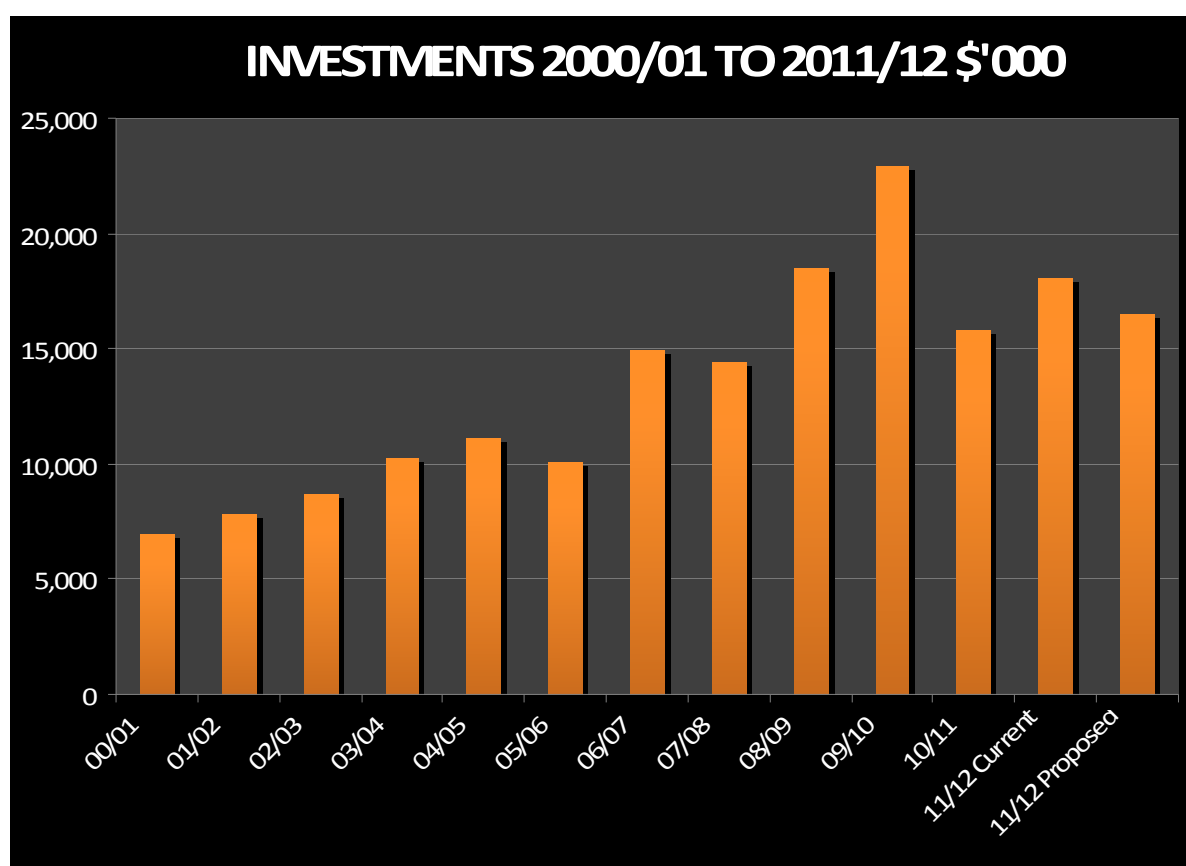
Council's total investment portfolio, as at 30 June 2012 when compared to 31 May 2012, has increased by \$1,193,271.57 from \$16,819,002.05 to \$18,012,273.62.

INVESTMENT REGISTER 2011/12								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.05.12	VALUE 31.05.12	% OF TOTAL
ANZ	TD	11.06.12	10.08.12	60	4.65	828,010.36	839,384.95	4.66%
	TD	13.06.12	11.09.12	60	4.65	0.00	500,000.00	2.78%
	TD	29.06.12	30.07.12	30	4.10	500,000.00	501,787.67	2.79%
CBA	On Call				3.45	1,988,603.67	1,163,603.67	6.46%
IMBS	TD	28.05.12	27.08.12	91	5.15	1,123,238.04	1,123,238.04	6.24%
	TD	29.05.12	27.08.12	90	5.15	744,616.05	744,616.05	4.13%
	TD	14.06.12	12.09.12	90	5.10	1,044,525.74	1,000,000.00	5.55%
NAB	TD	06.06.12	04.09.12	90	5.10	1,097,827.44	1,119,008.60	6.21%
	TD	25.01.12	25.07.12	180	5.91	1,000,000.00	1,000,000.00	5.55%
	TD	24.04.12	23.07.12	90	5.55	507,138.36	507,138.36	2.82%
WESTPAC	TD	13.06.12	11.09.12	90	5.06	0.00	500,000.00	2.78%
	TD	08.01.12	08.07.12	180	5.80	569,560.51	569,560.51	3.16%
	TD	30.05.12	30.11.12	180	5.10	1,156,955.66	1,179,546.09	6.55%
	TD	12.01.12	11.07.12	180	5.80	250,000.00	250,000.00	1.39%
	TD	12.06.12	11.12.12	179	5.00	405,484.93	411,279.92	2.28%
	TD	13.06.12	12.12.12	179	5.00	0.00	1,000,000.00	5.55%
ST GEORGE	On Call				3.50	21,315.80	21,384.27	0.12%
	TD	04.01.12	04.07.12	180	5.94	522,047.36	522,047.36	2.90%

	TD	19.04.12	19.10.12	180	5.75	857,565.97	857,565.97	4.76%
	TD	12.03.12	12.10.12	214	5.91	506,930.96	506,930.96	2.81%
	TD	10.02.12	09.08.12	180	5.78	504,347.95	504,347.95	2.80%
	TD	18.05.12	19.11.12	180	5.10	509,386.62	509,386.62	2.83%
	TD	25.01.12	25.07.12	180	5.83	1,000,000.00	1,000,000.00	5.55%
SUNCORP	TD	08.05.12	08.08.12	92	4.90	1,174,850.74	1,174,850.74	6.52%
	TD	24.04.12	24.07.12	91	5.55	506,595.89	506,595.89	2.81%
			<b>TOTAL</b>			<b>16,819,002.05</b>	<b>18,012,273.62</b>	<b>100.00%</b>
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

I, Carol Farnsworth, Lithgow City Council's Finance 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.

On the graph below historical and current investments are shown for 2011/12 to 30 June 2012.



As at 30 June 2012 the total investments held have increased by \$1,521,000 on the expected amount as a result of the advance payment of the 2012/13 Financial Assistance Grant, reported to the meeting of 25 June 2012.

### POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 November 2011 Council adopted a draft of the Investment Policy as Policy 8.2 which includes the Ministers Investment Order of 12 January 2011.

**FINANCIAL IMPLICATIONS**

Interest received to 30 June 2012 is \$665,582.28 with accrued interest of \$173,441.89, calculated for accounting purposes to the 30 June. Total interest received has increased on original 2011/12 Management Plan estimate of \$550,802.00.

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 November 2011 Council adopted a draft of the Investment Policy as Policy 8.2 and investments will comply with this Policy which includes the following:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2012
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

**RECOMMENDATION**

**THAT** Investments of \$18,012,273.62 for the period ending 30 June 2012 be noted.

## COMMITTEE MEETINGS

### ITEM-24            **COMM - 23/07/12 - CRIME PREVENTION COMMITTEE MEETING MINUTES - 25 JUNE 2012**

**REPORT FROM:            V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER**

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## REFERENCE

Minute 11-123:	Ordinary Meeting of Council held 28 March 2011
Minute 11-157:	Ordinary Meeting of Council held 18 April 2011
Minute 11-218:	Ordinary Meeting of Council held 30 May 2011
Minute 11-511:	Ordinary Meeting of Council held 12 December 2011
Minute 12-53:	Ordinary Meeting of Council held 13 February 2012
Minute 12-78:	Ordinary Meeting of Council held 5 March 2012
Minute 12-141:	Ordinary Meeting of Council held 23 April 2012

## SUMMARY

This report details the Minutes of the Crime Prevention Committee Meeting held 25 June 2012.

## COMMENTARY

At the Crime Prevention Committee held on 25 June 2012, there were various items discussed by the Committee including:

- A report on the seven (7) week pilot late night transport service which ran from 30 March 2012 to 11 May 2012 as discussed in Item 5.
- Discussion under Item 6 of domestic violence issues
- Discussion under Item 7 that Inspector Richard Maddox will be leaving the Lithgow Command with Inspector Christopher Sammut taking his place
- Discussion under Item 8 of issues related to CCTV cameras in Main Street Lithgow. Council's Building and Development Manager has advised since the 25 June meeting as follows:

An additional CCTV camera is to be installed in the near future on the corner of Main and Eskbank Streets (Grand Central/ Busy corner intersection) and another in Cook Street Plaza (making it two at Cook St Plaza)

Further, Council's maintenance contractors are investigating some of the technical issues that have occurred in the past with the existing CCTV cameras.

## POLICY IMPLICATIONS



In accordance with the terms of reference of S355 Committees of Council.

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993

**ATTACHMENTS**

1. Minutes from the Crime Prevention Committee meeting of 25 June 2012.

**RECOMMENDATION**

**THAT** Council:

1. Notes the minutes of the Crime Prevention Committee meeting of 25 June 2012
2. Notes the report on the seven (7) week pilot late night transport service
3. Notes the advice on installation of two new CCTV cameras in Main Street and Cook Street Plaza Lithgow.

**ITEM-25            COMM - 23/07/12 - DISABILITY ACCESS COMMITTEE MEETING  
MINUTES 10 JULY 2012**

**REPORT BY: V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER**

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**REFERENCE**

Min – 12-224 Ordinary Meeting of Council 25 June 2012.

**SUMMARY**

This report details the minutes of the Disability Access Committee meeting held on 10 July 2012.

**COMMENTARY**

At the Disability Access Committee meeting held 10 July 2012 there were various items discussed by the committee including the Pedestrian Access and Mobility Plan and the Disability Action Plan.

**POLICY IMPLICATIONS**

In accordance with the terms of reference of S355 Committees of Council.

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

**ATTACHMENTS**

1. Minutes of the Disability Access Committee meeting held 10 July 2012.

**RECOMMENDATIONS**

**THAT** Council notes the minutes of the Disability Access Committee meeting held 10 July 2012.

**ITEM-26            OPER - 23/07/12 - SPORTS ADVISORY COMMITTEE MINUTES 25  
                          JUNE 2012**

**REPORT BY: L KEARNEY - ASSETS AND PROJECTS ENGINEER**

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## **SUMMARY**

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 25 June 2012 for Council adoption.

## **COMMENTARY**

At the Sports Advisory Committee Meeting held on Monday, 25 June 2012, there were nine (9) items discussed by the Committee, with all items being actioned under the Committee's delegated authority, and requiring Council to note the items.

Items discussed included:

- Passing of Mr Eric Arnold OAM
- 2012 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards – May 2012
- Booking Requests including:
  - Department of Sport and Recreation (Lithgow War Memorial Olympic Swimming Pool)
  - Wallerawang Public School (Wallerawang Oval)
- Booking Cancellation (Namaste 22)
- Lithgow City Tennis Club Inc – New Members
- Maintenance issues – Marjorie Jackson Oval, Lithgow (Lithgow District Football Association Inc)
- Electronic Scoreboard – Ashley Grandstand, Lithgow (Lithgow Bears RLFC)
- Maintenance issues – Jim Monaghan Athletics Oval, Lithgow (Lithgow Athletics Club)
- Possibility of hosting 2014 Regional Little Athletics Carnival (Lithgow Athletics Club)
- Maintenance issues – Glanmire Oval, Lithgow (Lithgow Hockey Association)

## **ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 25 June 2012.

## **RECOMMENDATION**

**THAT** Council note the minutes of the Sports Advisory Committee meeting held on Monday, 25 June 2012.

**ITEM-27            OPER - 23/07/12 - INDOOR AQUATIC CENTRE COMMITTEE  
REPORT 5 JULY 2012**

**REPORT FROM:        L KEARNEY – ASSETS AND PROJECT ENGINEER**

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**SUMMARY**

This report details the Minutes of the Lithgow Indoor Aquatic Centre Advisory Committee Meeting held on 5 July 2012.

**COMMENTARY**

At the Lithgow Indoor Aquatic Centre Advisory Committee meeting held on site on 5 July 2012, there were various items discussed by the Committee, including;

1. Construction Progress Report / Tour of the Site;
2. Variations and Extension of Time
3. Expression of Interest – Existing Buildings
4. Revision of Business Plan

**ATTACHMENTS**

1. Minutes from the Lithgow Indoor Aquatic Centre Advisory Committee meeting of 5 July 2012.

**RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Aquatic Centre Working Party meeting held on 5 July 2012;
2. Approve Variations 6 to 20 resulting in a net saving of \$22,108.62 ex GST in the total contract package.
3. Engage Montemare Consulting to undertake a revision of the Business Plan to assist in securing funding for the remaining Stages of the development at a cost of (\$17,820.00 ex GST).

**ITEM-28            OPER - 23/07/12 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING - 7 JUNE 2012****REPORT FROM: I STEWART - GROUP MANAGER OF OPERATIONS**

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**SUMMARY**

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 7 June 2012.

**COMMENTARY**

At the Traffic Authority Local Committee held on 7 June 2012, there were several items discussed by the Committee.

1. Business arising from the previous minutes. – 0 Items
2. Ongoing business from previous meeting held on 3 May 2012. – 18 Items
  - Intersection of Cox, Lett, Vale and Tramway Streets Portland
  - Sunny Corner and Portland Road speed statistics.
  - Reserve Road Marrangaroo.
  - Magpie Hollow Road South Bowenfels.
  - Speed Limit reduction request – Cox’s River Road
  - Speed limit Browns Gap Road Hartley
  - First Street Lithgow-request for traffic calming devices
  - St Pats School Crossing Request – Bent Street Lithgow
  - Request for speed humps- Coalbrook Street Lithgow.
  - Request for pedestrian crossing - Mort Street Lithgow.
  - Request for resident only parking spaces and steps to be installed- Chifley Road Lithgow
  - Road safety issues- Good Forest
  - Resident issues with heavy vehicles- Cullen Bullen
  - Request for update to signage-Cook Street Lithgow
  - Coorwull School laneway- traffic mirror
  - Suzuki Classic Dirt No 9- September 2012
  - 2012 Alpine Classic Touring Road Event- October
  - Mountain Sports Tableland Tour Bike Race
3. Browns Gap Road and Fields Road intersection
4. Landa Street-Daruk and Jingai Crescent Lithgow-request for speed humps
5. Railcorp access to property- State Debt Recovery Office car park- Railway Parade Lithgow
6. Lithgow City Go Kart Club- Request for use of land as a car park- State Titles
7. Aquatic Centre car park-revised plan
8. Cancer Council walk- Portland to Wallerawang
9. University of Western Sydney- Lithgow
10. Heavy vehicle movements- Lithgow local government area
11. Tableland’s Triathlon- Mountain Sports January 2012

## ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee meeting of 7 June 2012

## RECOMMENDATION

### THAT:

1. Council notes the minutes of the Traffic Authority Committee held on 7 June 2012.
2. Council install rumble strips on both approaches to the children's crossing in Bent Street Lithgow in conjunction with a raised crossing and adequate lighting.
3. Council install "No stopping emergency personnel excepted" signage in Cook Street Lithgow in the vicinity of the fire station to allow 5 emergency personnel vehicles parking in an emergency.
4. Council approve the installation of reduce speed warning signage at the intersection of Brown's Gap Road and Field's Road at Hartley and that the existing Give Way sign is replaced with a Stop sign.
5. Council remove the two car parking spaces located closest to the RailCorp access gate in the State Debt Recovery Office building car park in Railway Parade Lithgow.

**ITEM-29            ENVIRO - 23/07/12 - ENVIRONMENTAL ADVISORY COMMITTEE  
MINUTES - 20 JUNE 2012**

**REPORT FROM: A MUIR - GROUP MANAGER ENVIRONMENT AND  
DEVELOPMENT**

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**SUMMARY**

This report details the minutes of the Environmental Advisory Committee meeting held 20 June 2012.

**COMMENTARY**

At the Environmental Advisory Committee held on 20 June 2012 a number of items were discussed including:

- A presentation by guest speaker, Mr John Asquith from Community Environment Network Inc on the Land for Wildlife program
- The increasing litter problems in the vicinity of Farmers Creek - upstream from Tank St Bridge
- Hassan's Walls Downhill bike track completion

Matters requiring a resolution of Council are recommended accordingly.

**POLICY IMPLICATIONS**

In accordance with the terms of reference of S355 Committees of Council.

**LEGAL IMPLICATIONS**

Local Government Act NSW 1993

**ATTACHMENTS**

1. Minutes of the Environmental Advisory Committee held 20 June 2012.

**RECOMMENDATION**

**THAT:**

1. Council note the minutes of the Environmental Advisory Committee Meeting held on 20 June 2012.
2. Council support the promotion of the Land for Wildlife Program and provide details in the next available Council Connections and provide a point of contact for interested landholders.

## **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.*



**ITEM                    LATE REPORT - MAYORAL MINUTE - 23/07/12 -  
LITHGOW GAOL – EMPLOYMENT AND SERVICE  
OPPORTUNITIES**

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**COMMENTARY**

Following the recent publicity regarding the downgrading of the Grafton Gaol I believe that we too should seek for Government jobs for our local area. The decision by the NSW State Government in response to the Grafton issue has been to provide for possible government jobs being deployed to Grafton. With the Closure of the Kirkconnell Correctional Centre Lithgow too should be considered in the same position as Grafton.

As we are well aware at the time of the closure of the Kirkconnell prison there were approximately 60 full time jobs available in the area and it is our understanding that approximately half of those people lived in the Lithgow area. The value of those pay packets to the Lithgow area would be approximately \$2 million per year which of course would have the roll on effect through the Lithgow economy.

It has also been noted that the Bathurst Gaol now houses the additional service of the Dog training unit. At this point in time I am not aware of any additional service/employment that has come to Lithgow Gaol.

Council has previously enquired with the Government through State Member Paul Toole to see if any additional Government services/employment would be able to be relocated to our area.

It is also noted that it is State Government policy for the decentralisation of government services and government employment.

To this end I believe and particularly in following the recent Grafton case that the Government should see what can be done to relocate additional government employment into the Lithgow area.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Lithgow Council make representations to the state member Paul Toole to relocate government services into the Lithgow area.

## **ITEM                    LATE REPORT - MAYORAL MINUTE - 23/07/12 - UPGRADE OF THE GREAT WESTERN HIGHWAY**

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### **COMMENTARY**

The NSW Minister for Roads and Ports has announced the outcome of the review into the upgrade of the section of the Great Western Highway between Mount Victoria and Lithgow. As part of this announcement he re-announced previous commitment of \$250M in funding for the upgrade of the Highway.

The works are well overdue and this announcement is welcomed. As all councillors would be well aware there have been many accidents along this stretch of road over the years resulting in many deaths. Very regrettably this has not improved in recent years even after there have been a number of attempts at some significant improvements to the section of road. This was even highlighted during the actual announcement on Tuesday when we saw yet another truck turn over at the base of Mount Victoria.

Our community will be very relieved for the upgrade improvements to proceed at the Forty Bends (\$120M) as well as safety works to the intersections along the Great Western Highway at Little Hartley and River Lett Hill (\$83M).

At the same time I feel that we should be disappointed that part of the funding is proposed to be diverted from this area to an area east of Mount Victoria when there is still so much to do in the area originally targeted for this funding.

Representations should be made to have the funds, as they were originally committed, spent on upgrades and safety improvements to the section of the Great Western Highway between Mount Victoria and Lithgow.

It should be noted that the commitment is that these works will be completed by 2016.

#### **Concept Design for Community Comment**

In addition to the announcement that the above upgrade and safety works are to proceed the State Government has announced that they are finalising the concept design for the upgrading of the Highway between Mount Victoria and Lithgow.

This concept design and proposed road boundaries for the future upgrade of the Highway are to be on display for comment until Friday 26 October 2012. The RTA (now Roads and Maritime Services [RMS]) engaged with the local community starting with the route options development process in 2008.

The RMS has developed a concept design for the longer-term upgrade of the Highway to identify road boundaries that can be reserved for long-term improvements. The proposed road boundaries include the road formation and other structures.

The concept design for the road boundaries has been identified from between Soldiers Pinch, about 400 metres east of Browntown Oval at Mount Victoria and Magpie Hollow Road, South Bowenfels.

The concept design has been primarily developed within the preferred route buffer zone displayed in May 2010 which we have all identified as the 'Orange Corridor'. Though it

seems that the route will go beyond this buffer zone in some instances for improved road alignment purposes.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council:

1. Generally support the announcement of the upgrade and safety works to the Great Western Highway between Mount Victoria and Lithgow;
2. Object to the proposed transfer of funds from the above section of the Great Western Highway to an area(s) of Highway east of Mount Victoria;
3. Authorise the Mayor and Deputy Mayor to make a submission on behalf of the Lithgow Council in relation to the concept design for the upgrading of the Great Western Highway from Mount Victoria to Lithgow.