



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

13 AUGUST 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 JULY 2012

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 7 AUGUST 2012

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION

Clarence Road Funding – Councillor C Hunter

Revised Highway Upgrades between Lithgow and Katoomba - Councillor C Hunter

NOTICE OF RECISSION

Status of Sloggets Lane, Portland – Councillors H Fisher, M Ticehurst and J McGinnes

CORRESPONDENCE AND REPORTS

General Managers Reports

Environment and Development Reports

Operation Reports

Community and Strategy Reports

COMMITTEE MEETINGS

Traffic Authority Local Committee Meeting – 2 August 2012

Lithgow Indoor Aquatic Centre Committee

Youth Council Committee Meeting – 31 July 2012

Youth Council Committee Meeting – 26 June 2012

Sports Advisory Committee Meeting – 30 July 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 MOTION

ITEM-1 QWN - 13/08/12 - CLARENCE ROAD FUNDING - COUNCILLOR C
 HUNTER

COMMENTARY

Has there been any reply from the State Government or State Member or Department of Lands with any offer of assistance to legalise this road?

General Manager's Note:

February and March 2012 advice that there is no financial assistance available. General road funding came available in April 2012 on a 50:50 basis however this was considered too short of a timeframe in which to undertake the required transfers. This funding was to be expended by the end of the financial year.

**ITEM-2 NOTICE OF MOTION - 13/08/12 - REVISED HIGHWAY UPGRADES
BETWEEN LITHGOW AND KATOOMBA - COUNCILLOR C HUNTER**

COMMENTARY

The Evans and Peck independent review of upgrades of the Great Western Highway, west of Katoomba, has made a number of recommendations. These were put on display at the Hartley Community meeting on 1 August 2012, where there was strong community resistance to some of the proposals; mainly the realigning of the highway at Forty Bends.

These upgrades do not seem to give best value for money. There was very little in safety upgrades at major intersections such as Jenolan Caves Road, Browns Gap Road and Cox's River Road.

RECOMMENDATION

THAT Lithgow Council make a strong representation to State and Federal Governments for a greater share of the 250 million dollars to go to safety improvements at these major intersections.

GENERAL MANAGERS REPORTS

ITEM-3 GM - 13/08/12 - RECOGNITION OF SERVICE FOR RETIRING COUNCILLORS

SUMMARY

The elections in September 2012 will see the retirement of several councillors from the Lithgow City. Appropriate recognition should be made to thank these councillors for their service to the local community.

COMMENTARY

8 September 2012 will mark the end of the current Council term. At this point three current councillors have indicated that they will not be standing at this election, being Mayor Neville Castle, Deputy Mayor Howard Fisher and Councillor Danaher. Together these councillors represent a loss of well over 50 years of experience with Lithgow City Council.

Mayor Neville Castle was elected to Council in 1987 and was the Deputy Mayor for 7 1/2 years from September 1991 to April 1999. Cllr Castle was then elected Mayor on 6 April 1999 after the retirement of Gerard Martin, and has served as Mayor continuously since, a period of 13 1/2 years. This is a total Council service of 25 years on Lithgow City Council as well as being on numerous Council committees and other organisations.

In addition Cllr Castle has been an active member of the Centroc Group of Councils, including being on the Executive of the Group including holding the position of Chairman for three years Board for 13 years, He has also been Deputy Chair for six years with the Association of Mining Related Councils, on the Board of the Blayney Abattoir for four years and Western Research Institute for five years, and member of the NSW Country Mayors Association.

Deputy Mayor Howard Fisher was elected to Council in 1991, and in addition has served as Deputy Mayor for 2011/12. In his 21 years on Council Cllr Fisher has been on numerous Council committees.

In addition was appointed to the Upper Macquarie County Council since 1993 and has also held the position of Chairman since 2003.

In Cllr Fisher's contribution to the community it should be recognised that he is also a member of the Board of Westfund including having the position of Chairman.

Cllr Grahame Danaher is the third councillor indicating his retirement come September 2012. Cllr Danaher has served two non-consecutive terms on Lithgow City Council. During this time he has also served as Deputy Mayor in 2008/09 and also on a number of Council committees.

These councillors should all be recognised for the outstanding contribution they have made to the Lithgow City Council and the Lithgow Community as a whole.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funding will be required.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council recognises the outstanding contributions made by Mayor Neville Castle, Deputy Mayor Howard Fisher and Councillor Grahame Danaher and hold a Civic Reception.

**ITEM-4 GM - 13/08/12 - LOCAL GOVERNMENT ASSOCIATION
CONFERENCE MOTIONS**

REFERENCE

Min No 12-250: Ordinary Meeting of Council 23 July 2012

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 have been invited to submit motions to the Conference for consideration.

COMMENTARY

Councils have been invited to submit motions to this year's LGA Annual Conference. The LGA Executive have requested that motions be submitted and 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 that 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.

Council has indicated that it would like to submit a motion in relation to the Fly-in Fly-out mining approach taken by many areas. Motions are required to have a regional, state or national significance and should not be Council specific.

A proposed motion for the Conference to consider is:

Motion

That the Association call on the various levels of government to condition mining developments, except those considered remote, so as to prevent Fly-in Fly-out/Drive-in Drive-out employment arrangements.

Note from Council

It is well known they fly in, do their work, then fly back to their home to spend their money. This 'itinerant population' placed strains on the host community and local infrastructure with limited benefits for the local community. These working arrangements also place very significant strains on other areas of the local economies particularly the tourism industry.

POLICY IMPLICATIONS

The acceptance of the proposal by the Local Government Association of NSW would mean that it would become policy for the Association.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council submit the following motion to the Annual Conference of the Local Government Association of NSW:

That the Association call on the various levels of government to condition mining developments, except those considered remote, so as to prevent Fly-in Fly-out/Drive-in Drive-out employment arrangements.

REFERENCE

NIL

SUMMARY

The Mayor, Deputy Mayor and General Manager have recently had briefings from Centennial Coal in relation to the future of their Western Projects. This report provides an outline of those projects.

COMMENTARY

Briefings provided by Centennial Coal have indicated that there will be a number of projects to be progressed in the coming years with very favourable prospects for the Lithgow community. Centennial Coal have several major mining operations located within the Lithgow Local Government Area (LGA), including the Springvale, Angus Place, Clarence and Airly coal mines. Together these operations employ approximately 900 direct staff and provide economic drivers throughout the rest of the local economy. The wages from this employment represents approximately \$120 million per annum to the local economy.

In addition to the economic benefit brought to the LGA there are also other benefits contributed by Centennial such as the companies contribution to the Lithgow Aquatic Centre and to the Lithgow Flash Gift.

Separate briefings were provided by the General Manager Western Region and by the Chief Operating Officer of Centennial about the future projects proposed for its operations in the Lithgow LGA. The projects outlined by Centennial include:

- Airly Extension
- Angus Place Ventilation Facility
- Angus Place Extension
- Clarence Reject Emplacement Area
- Coal Service Upgrade
- Lidsdale Siding Upgrade
- Neubeck Coal Project
- Springvale Ventilation Fan Upgrade
- Springvale Bore 8
- Springvale Extension

Some of these projects have recently received approval with approvals for all projects expected to be granted by 2015. These projects will help ensure the continuation of their major mining operations here in the Lithgow LGA.

Councillors will also recall the advice from Enhance Place informing of the change in ownership with TRUenergy acquiring the mine.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Centennial Coal Letter dated 3 August 2012
2. Enhance Place Letter dated 5 June 2012

RECOMMENDATION

THAT Council note the advice on the Western Projects from Centennial Coal.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-6 ENVIRO - 13/08/12 - MODIFICATION OF CONSENT DA058/10 (S96 016/12) DWELLING ALTERATIONS, 4 CABINS AND A 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
Min No 12-256: Ordinary Meeting of 23 July 2012

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

It was resolved at Councils previous Council Meeting held on the 23 July 2012 that an onsite inspection of the proposed development involving all councillors, the applicant and affected landholders was to be undertaken. This meeting was held on Monday 6 August 2012, and as this was after the close of the business paper, there may be further information to verbally report from this inspection.

The modification application originally sought to modify several conditions as outlined below. Then as part of the referral process the Department of Roads and Maritime Services reviewed its previous requirements and will no longer require the access to be relocated from the existing access point to a Crown road reserve adjacent to the southern boundary of the property. Whilst not part of the original modification proposal, the applicant has agreed to this altered RMS requirement. The application as lodged seeks to modify the original conditions below with comments providing by assessing officers.

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 be 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 be 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.

Council's 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.
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ITEM-7 ENVIRO - 13/08/12 - CROWN ROAD ISSUES

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 12-232: Ordinary Meeting of 25 June 2012

Min No 12-233: Ordinary Meeting of 25 June 2012

SUMMARY

To provide advice to Council in relation to the status of Wattlemount Road, Crown Roads at Dargan, Clarence and Hughes Lane, Marrangaroo.

COMMENTARY

At Council's Ordinary Meeting of 25 June 2012 it considered a report in relation to a Crown Road known as Sloggets Lane, Portland. In response to this issue, the Council requested that a report be prepared in relation to the status of Wattlemount Road, Crown Roads at Dargan, Clarence and Hughes Lane, Marrangaroo. The Council also resolved to make representations to the State Government with regards to funding for maintenance of the Crown Roads. With regard to representations to the State Government, correspondence has been forwarded to the Member for Bathurst, Paul Toole, who has indicated he has raised the matter with the Deputy Premier, The Hon Andrew Stoner MP and will contact Council once a response is received. In relation to the roads which information has been sought by Council, the following is provided:

Wattlemount Road

This 'road' is located off the Portland/Cullen Bullen Road and is approximately 2.55km in total length. It is classified as a private right of carriageway for 886m and a Crown Road for the remainder of its length. It is generally in poor repair and for this reason if Council ever agreed to take over the right of carriageway and Crown Road as a public road, there would likely to be significant costs in its initial upgrade and given its length and likely traffic generation would require regular maintenance grading.

Dargan

The only issue that can be found in previous Council reports in relation to Dargan relates to a private right of carriageway that runs adjacent to the Chifley Road and provides access to a number of allotments. The road is generally in reasonable to poor repair and Council has previously resolved not to enter into discussions for the potential conversion of the private right of carriageway to public road. No other issues regarding Crown Roads have been found in relation to the Dargan area.

Clarence

This matter relates to issues at Clarence generally in the vicinity of Zig Zag Railway whereby a number of property owners do not currently have legal access. This is a very complex situation where the first section of what is an existing 'road' known as Newnes Forest Road is owned by Zig Zag Railway. The next section is owned by Council but is

not a dedicated public road. The next section is owned by a private landowner. There is a section of existing road believed to have been constructed by State Forests that traverses through Crown Land and then to get access up to three properties would require use of an existing Crown Road network.

Hughes Lane, Marrangaroo

This road is primarily a Crown Road except for a small section at the front running parallel to the Great Western Highway. No records can be found of any Council reports in relation to this matter, however, it does appear that in 2004, there may have been representation from one of the property owners off this road seeking it to be transferred to Council public road status. This appears to have been rejected.

Sloggets Lane, Portland

Council will recall this matter from the meeting of 25 June 2012. This lane appears to serve two existing residences of longstanding origin. There would appear to be potential for an additional three allotments that could gain access to this laneway. The lane is in good condition. It is clear in relation to allotments created by subdivision that all but possibly one lot were always intended to gain access to a new public road known as Ellen Close.

Legal Advice

Having regard to all issues associated with Crown Roads and the position that has been consistently taken by the Crown particularly in relation to development applications referred to the Department of Primary Industries (Crown Lands Division) legal advice was sought in relation to specific aspects:

- *Is the position taken by the Crown arguing that it is not a Road Construction Authority, under the provisions of the Roads Act correct in relation to its argument that it will only support development applications seeking access onto a Crown Road if the the road is to be transferred into Council's ownership as a Council public road?*
- *Does this position change if the application is of such a minor nature that the Council would not need to impose any conditions on the development requiring any work to be undertaken on the road?*
- *Should the Council not accede to the Crown's position and approve a development application accessing the Crown Road, would it place Council in a position where the development may be challenged?*
- *Would approving such a development application place Council in a position where the Crown could arbitrarily transfer the Crown Road into Council's ownership, with no recourse for Council?*
- *Should Council accept any Crown Road for dedication as a Council public road, does this automatically place obligations on the Council in relation to the maintenance of the road?*

This advice has been received and in summary provides:

- There is no statutory obligation which requires Council to consult with Crown Lands in respect of developments which do not take place on Crown Land itself. There is a requirement under Clause 49 of the Environmental Planning & Assessment Regulations that a development application be made with the consent of the owner of the land. Where a development is proposed to carry out
-

actual physical works on a Crown Road then the Crown would be required to consent to the development application. An owner of land (in this case, the Crown) cannot impose conditions on any consent that it gives.

- The mere use (or proposed use) of land as an access way to and from a development site does not give rise to the need for owner's consent pursuant to Clause 49. It will only be where the development seeks to carry out works on the Crown Road to improve its condition that Crown consent is required. Were the Crown to grant consent to the lodgement of the development application, then the obligation to carry out those works falls upon the developer.
- A Crown Road is a recognised entity under the Roads Act and the Minister for Roads is designated as the responsible roads authority under Section 7(2) of the Act. This brings into question the Department of Primary Industry's apparent position that it is not a roads authority and 'requires' the transfer of the Crown Road to Council as it is a roads authority under the Roads Act.
- There appears to be no statutory mechanism that entitles the Crown to require Council to acquire its road or allow it to arbitrarily transfer the road into Council's ownership.

Correspondence has been forwarded to the Department of Primary Industries providing the opportunity for it to clarify/justify its position. However, having regard to this advice, it is likely that the practice of referring development applications to the Department of Primary Industries for developments not requiring upgrade of the Crown Access Road will cease. Furthermore, there would appear to be no impediment to issuing development consent to the applicants for a single dwelling seeking to gain access off Sloggets Lane which was the matter that sparked the issue at first instance. This will be undertaken under delegated authority.

POLICY IMPLICATIONS

NIL at this stage.

FINANCIAL IMPLICATIONS

NIL at this stage.

LEGAL IMPLICATIONS

Discussed above.

ATTACHMENTS

1. Maps showing locations of Wattlemount Drive, Right of Carriageway at Dargan, Access Issues at Clarence, Hughes Lane and Sloggets Lane

RECOMMENDATION

THAT the report in relation to Crown Roads and related access matters be noted.

ITEM-8 ENVIRO - 13/08/12 - FOOD INSPECTION FEES SCHOOLS AND CHARITABLE INSTITUTIONS

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of requests for waiving of fees associated with food inspections at schools.

COMMENTARY

Council's adopted fees and charges for the inspection of food premises in 2012/13 provides the requisite fees as follows:

- P1 & P2 High Risk (First Hour) - \$186.50
- P3 Medium Risk - \$98.00
- P4 Low Risk - \$62.00
- P1 – P4 Reinspection - \$62.00

Following the recent completion of annual inspections which includes school canteens invoices were sent out to local schools. Depending on the circumstances of each canteen, they will usually be either category P3 or P4.

Correspondence has since been received from the Lithgow Public School, La Salle Academy and Zig Zag Public School requesting a waiver of these fees.

Whilst the levy of the fee is in line with the current fees and charges, there may be an unintended consequence of placing a financial impost on such organisations as schools and charitable institutions, therefore it would seem in order to provide a waiver for these fees for such inspections undertaken in 2011/12. It would also be reasonable to amend the Fees & Charges to remove the fee for school and charitable organisations. This will require an advertising process prior to final adoption. However, should a re-inspection be required it would not be unreasonable to charge a re-inspection fee.

FINANCIAL IMPLICATIONS

Council will forego \$62 or \$98 in inspection fees on each occasion a school or charitable institution is inspected.

LEGAL IMPLICATIONS

Council sets its fees in accordance with the provisions of the Local Government Act.

ATTACHMENTS

1. Correspondence from Lithgow Public School, La Salle Academy and Zig Zag Public School.
-

RECOMMENDATION

THAT:

1. The food inspection fees imposed in 2011/12 on schools and charitable organisations be waived.
 2. Council advertise for a period of 28 days its intention to amend its fees and charges proposing that no food inspection fees be charged for schools or charitable institutions for their initial inspection.
-

**ITEM-9 ENVIRO - 13/08/12 - MODIFICATION OF CONSENT DA07207
(S96024/12) ADDITIONS & ALTERATIONS - LITHGOW VALLEY
SHOPPING CENTRE - PART LOT 9 DP 1005128 - CNR BENT
STREET & LITHGOW STREET LITHGOW NSW 2790**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 09-57 - Ordinary Meeting of 16 February 2012

SUMMARY

To recommend determination of a Section 96 (1A) Modification to Development Application 072/07DA for the proposal for additions & alterations staging, of the Lithgow Valley Shopping Centre at Part Lot 9 in DP 1005128, Cnr Bent Street & Lithgow Street, Lithgow.

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

COMMENTARY

Original Approval

The original approval was by the elected Council on 16 February 2009 for the following works:

- An additional 4,055m² GLFA of retail floor-space is to be provided to accommodate a new supermarket, modified internal layout with new retail and additional speciality retail shops, and improved amenities. The two primary expansion areas are the central section along the eastern boundary, and a new southern wing.
- Reconfiguration and additional on-site parking, including internal circulation to improve efficiency.
- Improved bus and taxi parking arrangements.
- New "Entry Statement" on the Lithgow Street frontage.
- Provision of a formalised "on-grade" pedestrian access path connecting the southern entry of the Centre to Valley Drive and adjoining "Aldi" site.
- Improved built form and urban design outcomes through architectural features, screening devices and landscape treatments.
- The north-eastern (Bent Street) entry to the Centre will be redesigned, with an improved taxi and bus stop area.
- The southern facade and entry to the Centre is to be demolished and the building extended into the car-park.

Excavation, Demolition and associated Works

- Excavation and Bulk Earthworks involving excavation of sections of the eastern (rear) embankment the southern section of the south-eastern boundary which adjoins the "ALDI" supermarket.
-

- Demolition of north-western entry, eastern "back of house" area, and southern entrance areas to allow for the additions.
- Demolition of internal walls and structures as necessary.

When completed, the expanded Centre will have a total of 19,410m² GFA (16,175m² GLFA), retail floor space and on-site parking for six hundred and ninety-five (695) vehicles.

The proposed modification

The modification application seeks to break the development into two stages as follows:

Stage 1

- Proposed Façade works to the north western, western, south western facades;
- New entry statements to the existing three public entrances;
- Installation of a public bus shelter

Stage 2

- Alterations and additions as previously documented in DA No.072/07

Comments:

The proposal was forwarded to the Roads and Maritime Services, Mine Subsidence Board, Sydney Catchment Authority and Council's Engineer and Building Officer in which comments were received with no objection to the proposal.

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

Therefore, given the Section 96 Modification proposal is to simply stage the development and is of a minor nature not substantially changing the original consent, approval is recommended. However, some conditions have been removed or amended as outlined in the 79C report attached.

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. Revised elevations

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-10 ENVIRO - 13/08/12 - GREEN PAPER ON PLANNING REFORM
RELEASED**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

To advise Council of the release of a Green Paper by the NSW Government in relation to proposed reform of the NSW planning system.

COMMENTARY

On 14 July 2012, the NSW Government released *A New Planning System for NSW – Green Paper* with the aim of the development of a new planning system for NSW. The Green Paper outlines possible major changes in key areas of the NSW planning system. These would result in reforms across a number of areas including:

- Involving the community early in guiding planning decisions that will shape the growth and future of cities, towns and neighbourhoods
- Placing much more emphasis on preparing good policies upfront to guide growth and development
- Reducing red tape and delay for the assessment of development applications for all types of proposals
- Ensuring that infrastructure is planned and delivered to support new and existing communities
- Promoting a ‘can do’ culture in the planning system and ensuring that Councils and Governments are accountable for delivering the results they have committed to
- Providing greater access to information about planning policies, planning decisions, and individual rights in the planning process

Following an initial perusal of the Green Paper, some other recommendations of note appear to be:

- Removing the necessity for community involvement at the development assessment phase as the system will be set up to provide greater emphasis on community consultation in the preceding strategic planning phase
 - The introduction of three new zones:
 1. An ‘enterprise zone’ to capture investment opportunities
 2. A ‘future urban release zone’ to indicate future use prior to infrastructure investment
 3. A ‘suburb and character zone’ to give greater certainty in areas where the local community want to preserve local character
 - Retention of the Planning Assessment Commission and Joint Regional Planning Panels
 - The JRPP to determine Section 82A Reviews of Council Determinations of Development Applications
 - Reviews to JRPP in respect of re-zonings
-

- Council decisions on development applications to be determined under delegated authority by either Council staff or an expert panel. (NB - In attending a forum with the Minister for Planning it appears that the Minister is more likely to encourage elected Councils to refrain from determining development applications rather than mandate at this stage)

The Green Paper is on exhibition and submissions will now be received up until Friday 5 October 2012. A small staff working party has been set up to prepare Council's submission. Feedback is welcomed from Councillors.

POLICY IMPLICATIONS

None at this stage.

FINANCIAL IMPLICATIONS

None at this stage.

LEGAL IMPLICATIONS

Following the consideration of submissions on the Green Paper, a White Paper will be produced. Following this, an exposure draft bill will be produced and the Minister has indicated even at this stage that consultation will occur. Finally legislation will be introduced into the Parliament which will lead to legislative change.

ATTACHMENTS

1. Frequently asked questions for Councils

RECOMMENDATION

THAT Council note the report on the green paper in respect of the proposed new planning system for NSW.

OPERATION REPORTS

ITEM-11 OPER - 13/08/12 - WATER REPORT JULY 2012

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 12-264: Ordinary Meeting 23 June 2012

SUMMARY

This report provides an update on various water management issues as per Minute Number 12-264.

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 6 August was 100%. Oberon Dam capacity on Monday 6 August was 99.91%.

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)
July	149
August	119
September	112
October	105
November	118
December	109
January	113
February	99
March	138
April	166
May	110
June	105
July	100
Rolling 12 Month Total	1,394

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
May	3,558	0
June	3,510	0
July	3,243	0

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
					35.7
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
11/06/2012	94.19%	42164	87.63%	13.095	355.6
18/06/2012	95.92%	42937	89.35%	14.56	355.6
25/06/2012	97.21%	43512	90.64%	17.304	355.6
Total				690.059	

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 July. 1 Aesthetic-based ADWG Guideline value was exceeded for Aluminium. 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 July.

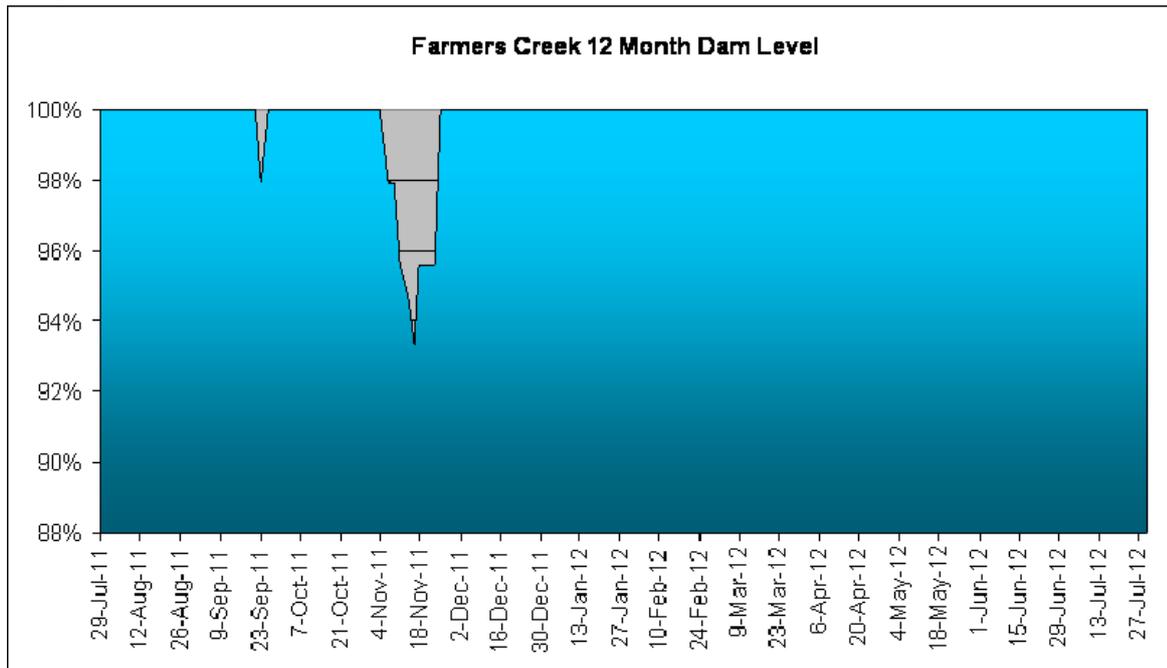
Current Water Restrictions Update

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.

Farmers Creek Dam 12 Month Levels

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

Graph 1 Farmers Creek Dam #2 over 12 Months



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-12 OPER - 13/08/12 - 2012-13 MANAGEMENT PLAN

REPORT FROM: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

2012/13 Management Plan

SUMMARY

To submit detailed Works programs for undefined programmes contained in the 2012/13 Management Plan.

COMMENTARY

The following items in the Capital Works section of the 2012/13 Management Plan were adopted with undefined works:

1. Bitumen Reseals Infrastructure Levy Program - \$101,000
2. Lithgow/Portland Lanes Bitumen Reseals Infrastructure Levy Programme- \$89,564.75
3. Urban reseals - \$245,000

Total available program \$435,564.75 say \$436,000

These proposed works are not affected by works being carried over from previous unfinished programs previously reported to Council.

The proposed works are as follows:

1. Portland

- (a) Williewa st approaches to crossing – 500m2 - \$2,500
- (b) Villiers St Lime to Cox – bitumen reseal - 800m2 - \$4,000
- (c) Villiers St west – bitumen reseal – 500m2 - \$2,500
- (d) Ilford St shoulders – bitumen seal – 200m2 -\$2,000
- (e) Wolgan St from Sunny Corner road to William St - bitumen seal – 500m2 - \$2,500
- (f) Laneway Ilford St to Falnash St gravel and seal 80 meters – 480 m2 - \$4,800
- (g) Laneway from Kiln St to Burton St gravel and seal 150 metres – 900m2 - \$9,000
- (h) Laneway behind Commonwealth Road gravel and seal – 150 metres – 900m2 - \$9,000
- (i) Laneway behind Wallerawang Rd between William and Bell St – 100 meters – 600m2 - \$6,000
- (j) Vale St bitumen reseal – 1800m2 – \$9,000
- (k) Tramway Ave bitumen reseal – 1200m2 - \$6,000

Total area – 8380m2

Total cost - \$57,300

2. Wallerawang

- (a) Brays lane reconstruction – 3000m² - \$30000
- (b) Cripps Ave bitumen reseal –2800 m² - \$14000

Total area – 5800 m²

Total cost - \$44,000

3. Lithgow

- (a) Davy street and Stephenson st – Bitumen Reseal - 4600m² - \$23,000
- (b) Fullagar Ave – Bitumen Reseal - 6824m² - \$34,120
- (c) Durie St and laneway– Bitumen reseal - 1343m² - \$6,715
- (d) Longworth St - reconstruction – 1430m² - \$14,300
- (e) Lithgow St – heavy patching – 200m² - \$40,000
- (f) Methven St heavy patching – 250m² - \$50,000
- (g) Geordie St approaches to crossing – reseal – 1000m² - \$9,000
- (h) King St lane reconstruction - 600m² - \$6,000
- (i) Second St dead end reseal - 500m² - \$5,000
- (j) Bikestop laneway reseal – 500m² - \$2,500
- (k) Enfield Ave laneway southern end reseal – 1300m² - \$6,500

Total area – 18547 m²

Total cost – \$197,135

4.RURAL ROADS

- (a) Back Cullen road - bitumen seal – 13600m² - \$68,000
- (b) Willowvale lane – bitumen seal - 7000m² - \$70,000

Total area – 20600m²

Total cost - \$138,000

TOTAL COST OF PROPOSED PROGRAMME - \$436,435

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the following works be adopted for completion during the 2012/13 Financial Year:

1. Portland

- (a) Williewa St approaches to crossing – 500m² - \$2,500
 - (b) Villiers St Lime to Cox – bitumen reseal - 800m² - \$4,000
-

- (c) Villiers St west – bitumen reseal – 500m² - \$2,500
- (d) Ilford St shoulders – bitumen seal – 200m² - \$2,000
- (e) Wolgan St from Sunny Corner road to William St - bitumen seal – 500m² - \$2,500
- (f) Laneway Ilford St to Falnash St gravel and seal 80 meters – 480 m² - \$4,800
- (g) Laneway from Kiln St to Burton St gravel and seal 150 metres – 900m² - \$9,000
- (h) Laneway behind Commonwealth Road gravel and seal – 150 metres – 900m² - \$9,000
- (i) Laneway behind Wallerawang Rd between William and Bell St – 100 meters – 600m² - \$6,000
- (j) Vale St bitumen reseal – 1800m² – \$9,000
- (k) Tramway Ave bitumen reseal – 1200m² - \$6,000

Total area – 8380m² Total cost - \$57,300

2. Wallerawang

- (a) Brays lane reconstruction – 3000m² - \$30,000
- (b) Cripps Ave bitumen reseal – 2800 m² - \$14,000

Total area – 4800 m² Total cost - \$44,000

3. Lithgow

- (a) Davy street and Stephenson St – Bitumen Reseal - 4600m² - \$23,000
- (b) Fullagar Ave – Bitumen Reseal - 6824m² - \$34,120
- (c) Durie St and laneway– Bitumen reseal - 1343m² - \$6,715
- (d) Longworth St - reconstruction – 1430m² - \$14,300
- (e) Lithgow St – heavy patching – 200m² - \$40,000
- (f) Methven St heavy patching – 250m² - \$50,000
- (g) Geordie St approaches to crossing – reseal – 1000m² - \$9,000
- (h) King St lane reconstruction - 600m² - \$6,000
- (i) Second St dead end reseal - 500m² - \$5,000
- (j) Bikestop laneway reseal – 500m² - \$2,500
- (k) Enfield Ave laneway southern end reseal – 1300m² - \$6,500

Total area – 18547 m² Total cost – \$197,135

4. RURAL ROADS

- (a) Back Cullen road - bitumen seal – 13600m² - \$68,000
- (b) Willowvale lane – bitumen seal - 7000m² - \$70,000

Total area – 20600m² Total cost - \$138,000

**ITEM-13 OPER - 13/08/12 - TENDERING FOR SUPPLY AND INSTALLATION
OF TWO (2) NEW SEWAGE PUMP STATIONS AT SOUTH
LITTLETON AND SOUTH BOWENFELS**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

NIL

SUMMARY

This report seeks a determination from Council to use the Selective Tendering process consistent with s166 (b) of the Local Government (General) Regulation 2005, for the construction of 2 new sewage pump stations at South Littleton and South Bowenfels and associated rising and gravity mains.

COMMENTARY

Whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used:

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The Selective tender will cover the installation of the 2 new sewage pump stations, rising and gravity mains including the supply of all plant, equipment, materials, supervision, testing and commissioning

The preferred method of procurement of a suitable contractor for the installation and supply of the 2 new sewage pump stations and associated works is by Selective Tender.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council use the Selective Tender Method for the installation and supply of 2 new sewage pump stations and associated pipelines, consistent with section 166 of the Local Government (General) Regulation 2005.

ITEM-14 OPER - 13/08/12 - VARIATIONS TO CONTRACT WITH GHD FOR ENVIRONMENTAL ASSESSMENT AND DESIGN OF THE CLARENCE COLLIERY WATER TRANSFER SYSTEM

REPORT FROM: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Ordinary Meeting of Council 13/12/2010

SUMMARY

This reported provides details on a number of variations to the original contract that was approved by Council, following the engagement of GHD to undertake an Environmental Assessment and Design for the Clarence Colliery Water Transfer System.

COMMENTARY

With reference to the attachments the total value of the contract variations being sought by GHD is \$104,500 and includes three separate items.

Two of these items were not included in the original Tender submitted by GHD and represent additional works over and above the works requested at the time of the Tender. These include the Tender package documentation which allows Council to proceed to call Tenders using prepared Contract documents and documentation valued at \$18,800 and the ecological study and amending existing draft Review of Environmental Factors (REF) for the section of pipeline between the Colliery pumping station and Council's receiving tanks valued at \$41,200.

The third variation involves a pump station design and rising main design for the section of the pipeline from the Colliery pump station to Council's receiving tanks valued at \$44,500. This variation is required as the original tender presented by GHD made the assumption that the existing pump station and the existing rising main would be capable of delivering the required design flows. A more detailed assessment of the existing infrastructure confirms that this is not the case, thus requiring a detailed design for a new pipeline and pump station. Completion of the works covered by these variations will place Council in a position to call tenders for the construction of all civil works associated with the upgrade by early October

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

These variations will be funded from the grants provided for this project from Federal Government

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Submission by GHD

RECOMMENDATION

THAT Council accept the following variations totalling\$104,500 excluding GST:

1. Pumping Station design and Rising Main design - \$44,500
 2. Ecological Study - \$19,120
 3. Amending existing Draft REF \$22,080
 4. Tender package documentation - \$18,800
-

COMMUNITY AND STRATEGY REPORTS

ITEM-15 COMM - 13/08/12 - MOBILE DEVICE APPLICATIONS FOR REPORTING ISSUES TO COUNCIL

REPORT BY: A SHELTON – IT MANAGER

REFERENCE

Minute 12-210 of the Ordinary Meeting of Council held 25 June 2012

SUMMARY

Snap, Send, Solve (SSS) is a free application (app) for iPhone or Android devices that allows users to immediately report issues (such as litter, graffiti, potholes, roaming or injured animals etc) to local councils. Council resolved at the Ordinary Meeting of Council held 25 June 2012 (Minute 12-210) that Council's IT Manager review this application and report back to Council as to whether this is viable.

The purpose of this report is to provide Council with the findings of this investigation into the Snap, Send, Solve mobile device applications.

COMMENTARY

Members of the public wanting to report a matter to Council, can use the Snap, Send, Solve app to select a category (litter, graffiti etc), take a photo and include written comments on the matter. These are then emailed to Council and SSS with a GPS generated Google map and address of the location.

The investigation of the Snap, Send, Solve application included testing the product, contacting the developers and contacting other councils in NSW for feedback on their use of the application.

The Snap, Send, Solve app uses a built-in GPS to identify the location and plots this on a Google map. During testing, whilst the location indicated on the map (Council administration building) was correct, both the street number and street name reported on the email received by Council were incorrect, as shown in screen shots at the end of the report.

Council contacted the developers of SSS, Outware, for further information about the application, and received a prompt reply from Director of the company.

Outware advises that there are currently no costs to councils, however a new version with some "paid for" features will be released in coming months.

The reporting categories within the app include references to issues that are not relevant to the Lithgow LGA such as beach clean up or use terminology that is not used such as

fire plugs. Outware advises that there is an option for the choices to be customised in future releases.

The email that is sent to Council containing the report is currently sent to Council's generic email address, however this can be changed at Council's request if required. An additional copy of the email is sent by default to reports@snapsendsolve.com for reporting purposes, however the user is able to remove this option for confidentiality reasons if they wish.

The screenshot below shows an example during testing. Note that while the map marker shows the correct location, the location field shows street number 162 State Route 40 when it is 180 Mort Street.

From: Ally Shelton
Sent: Monday, 9 July 2012 3:13 PM
To: Lithgow City Council; reports@snapsendsolve.com
Subject: Report from Snap Send Solve

I have created an incident report in your council using the Snap Send Solve iPhone app.

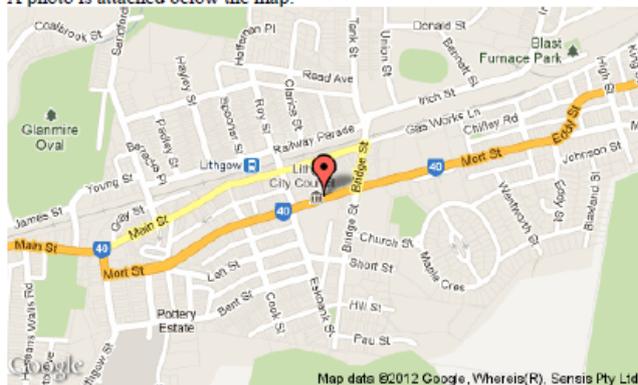
When: 09/07/2012

Incident Type: Litter

Location (see map below): 162 State Route 40, Lithgow, New South Wales, 2790, Australia

Notes: This is a test please forward to Ally

A photo is attached below the map.



This report was created using the iPhone application Snap Send Solve by [Outware Mobile](#).

If you would like to find out more about Snap Send Solve, and how your council can benefit from it, please visit [Snap Send Solve for Councils](#).



Sent from my iPhone

A request for feedback on the application was sent to other councils via professional networks. Responses received indicated most council's treat the emails as they would a normal complaint. Only one council actively advertised SSS, with other councils questioning the appropriateness of being seen to favour one product over another.

A search of iTunes for applications that aid in reporting issues to Council resulted in a number of alternate applications including iCouncil by Technology One, and MyHood by ASC software. These applications all use similar technologies.

Conclusion

The SSS application could be a useful tool for members of the public and councillors to quickly report matters of concern, together with a map and photo. As discussed above, SSS does not always provide an accurate address which may in some cases create delays in actioning the matter by Council staff.

There are no costs to Council from using this app.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. The feedback page of Council's website be amended to include links to both the iPad and android apps and to state "Please complete the form below. Alternatively you can use an iPad/android app like Send, Snap, Solve".

2. Council accepts emails created by apps such as Snap, Send, Save in the same manner as any email request.
 3. The Snap, Send, Solve app be placed on the Councillor iPads to be provided to Councillors in September following the Local Government elections to aid in their reporting of issues to Council staff.
-

COMMITTEE MEETINGS

ITEM-16 OPER - 13/08/12 - TALC MINUTES - 2 AUGUST 2012

REPORT FROM: I STEWART - GROUP MANAGER OF OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 2 August 2012.

COMMENTARY

At the Traffic Authority Local Committee held on 2 August 2012, there were several items discussed by the Committee.

1. Business arising from the previous minutes. – 4 Items
 - Reserve Road Marrangaroo- speed zone reduction request
 - Magpie Hollow Road- speed zone reduction request
 - Cox's River Road- speed zone reduction request
 - Thompson's Creek Road- speed zone reduction request
2. Ongoing business from previous meeting held on 3 May 2012. – 8 Items
 - Road safety issues- Good Forest
 - Suzuki Classic Dirt event
 - 2012 Alpine Classic Touring Road Event
 - Mountain Sports Tablelands Tour Bike Race
 - Landa Street Lithgow- Daruk and Jingai Crescent- request for speed humps
 - Aquatic Centre car park- revised plan
 - University of Western Sydney- traffic facilities
 - Mountain Sports-The Tablelands Triathlon event January 2012
3. New Business- 6 items
 - Request for No stopping zone- new car park Main Street Wallerawang
 - Guy Street Lithgow request for No Sopping zone
 - Road safety matters- Capertee
 - School zone road stencils 40km/h- Lithgow LGA Schools update
 - Black spot funding for Mort Street Lithgow
 - Mobile speed zone camera- list of new locations Lithgow LGA

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee meeting of 2 August 2012

RECOMMENDATION

THAT:

1. Council notes the minutes of the Traffic Authority Committee held on 2 August 2012.
 2. Council approve the RMS recommendation that the speed zone on Reserve Road Marrangaroo remain at 80km/h.
 3. Council approve the RMS recommendation that the speed limit on Magpie Hollow Road at Southbowenfels remain unchanged commencing from the Great Western Highway in the east through to a point 2.11 kilometres west where the speed changes to 100km/h
 4. Council approve the RMS recommendation that the 80km/h speed zone on Cox's River Road commencing at the Great Western Highway is extended to the Duddawarra Bridge over Cox's River in the south.
 5. Council approve the RMS recommendation for the speed limit to be reduced on the sealed section of Thompson's Creek Road at Portland to 80km/h from the existing 100km/h and that the unsealed section of road is sign posted with Reduce speed to conditions.
 6. Council approve the installation of;
 - A 40 km/h speed zone on George Coates Avenue
 - A shared 10km/h pedestrian and vehicle speed zone on Barton Street
 - The installation of two speed humps in Barton Avenue
 - Realignment to the corner of George Coates Avenue and Barton Street
 - No Stopping zones on both sides of George Coates Avenue
 - The installation of a pedestrian refuge on George Coates Avenue
 - Two disabled parking spaces and drop off/pick up parking spaces on the aquatic centre site
 - Fifty car parking spaces to be installed on either side of Barton Street
 7. Council approve the development application for the University of Western Sydney in Mort Street Lithgow in relation to the car parking and traffic entry/exit point proposed for the University.
 8. Council install No Stopping signage in Main Street Wallerawang commencing at the Black Bridge and continuing down Main Street to cover the entire car park adjacent to the bakery.
-

ITEM-17 OPER - 13/08/12 - LITHGOW INDOOR AQUATIC CENTRE ADVISORY COMMITTEE MEETING

REPORT FROM: L KEARNEY – ASSETS AND PROJECT ENGINEER

REFERENCE

A meeting of the Lithgow Indoor Aquatic Centre Advisory Committee was held on Thursday, 2 August 2012, however a quorum was not reached due the unavailability of members.

SUMMARY

To report to Council the items discussed by the Lithgow Indoor Aquatic Centre Advisory Committee at the meeting held on Thursday, 2 August 2012.

COMMENTARY

A meeting of the Lithgow Indoor Aquatic Centre Advisory Committee was held on Thursday, 2 August 2012, however a quorum was not reached due to the unavailability of members.

The Committee discussed the following items:

1. Official Opening

Council has commenced preparations for the official opening to be held at the end of August 2012. At this stage, Council has not been able to confirm a representative from the Department of Health or the Department of Sport and Recreation, however, it is hoped that a member of Parliament will be attending to officially open the Stage 1 works. Further details will be provided to the Committee and the community when preparations have been finalised.

2. Report to the Traffic Authority Local Committee

Mr Iain Stewart advised that Council's Traffic Authority Local Committee discussed a report regarding the proposed traffic options for pedestrians and vehicles provided by Council, and resolved to approve the following:

- (a) Reduced precinct speed zone of 40 km/h through George Coates Avenue
 - (b) New shared pedestrian and vehicle zone along Barton Street, with speeds reduced to 10 km/h within this zone. Inclusion of two (2) raised traffic calming devices (speed humps) will also be installed at either end of Barton Street, as well as realignment works at the intersection with George Coates Avenue to inhibit speeding through this area and increase safety.
 - (c) Car parking spaces (50) to be created on either site of Barton Street, and be linked to the entry of the Lithgow Aquatic Centre via a new footpath (linking from the existing footpath from Fred Burley Drive) .
 - (d) Through traffic to be encouraged to use Fred Burley Drive as the preferred route to Barton Street, reducing the traffic flows through George Coates Avenue and Barton Street to users of the Lithgow Sporting and Cultural Precinct.
-

- (e) No Stopping Zones to be implemented along both sides of George Coates Avenue to increase safety.
- (f) Onsite parking for disabled spaces, as well as a new drop off / pick up area to increase safety of patrons (temporary area located on proposed area of Stage 2 works). Works will include one way in (off George Coates Avenue), and one way out (into Barton Street).
- (g) Removal of fir trees and dilapidated fencing on the northern site boundary to cater for new linking footpath and car parking spaces on the southern side of Barton Street.
- (h) Installation of a pedestrian refuge in George Coates Avenue, in line with the new entry to increase safety of patrons crossing from Watsford Oval, Lithgow.

3. Construction Progress

Council is arranging for final works to be undertaken (not included as part of the construction contract), including:

- (a) Reinstallation of the walrus feature on the concourse between the new showers and the Hidroplay area, including new mounting and painting of feature;
- (b) Installation of two (2) new picnic shelters on the grassed area for patrons to utilise whilst supervising children in the Hidroplay area;
- (c) Safety painting of all steps, drains and concourse areas;
- (d) Decommissioning of the existing amenities to prevent access;
- (e) Installation of new garbage bins inside and outside the Centre;
- (f) Installation of two (2) bicycle racks; and
- (g) New café seating and tables for patrons to utilise in the indoor kiosk area

4. Contract Completion Date

Whilst the official contract completion date is listed as 13 August 2012, it is anticipated that the works will be finalised within the next week. The site offices have been removed, and final tidy up and connection works on site are commencing. With only minor fixings to be undertaken, it is expected that the contract will be completed by 10 August 2012, and keys will be officially handed to Council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the discussions of the Lithgow Indoor Aquatic Centre Advisory Committee held on Thursday, 2 August 2012.

**ITEM-18 COMM - 13/08/12 - YOUTH COUNCIL COMMITTEE MEETING
MINUTES - 31 JULY 2012**

REPORT BY: V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min – 11-58: Ordinary Meeting of Council 14 February 2011
Min – 11-508: Ordinary Meeting of Council 12 December 2011
Min – 12-54: Ordinary Meeting of Council 13 February 2012
Min – 12-100: Ordinary Meeting of Council 26 March 2012
Min – 12-138: Ordinary Meeting of Council 23 April 2012
Min – 12-198: Ordinary Meeting of Council 4 June 2012
Min – 12-222: Ordinary Meeting of Council 25 June 2012

SUMMARY

This report details the minutes of the Youth Council meeting held on 31 July 2012.

COMMENTARY

At the Youth Council meeting held on 31 July 2012 various items were discussed by the committee including planning for the Union Rock II music event in late September 2012 and the recent establishment of a Lithgow Youth Services Forum.

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 of Youth Council meeting 31 July 2012.

RECOMMENDATION

THAT Council notes the minutes of the Youth Council meeting held 31 July 2012.

**ITEM-19 COMM - 13/08/12 - YOUTH COUNCIL COMMITTEE MEETING
MINUTES - 26 JUNE 2012**

REPORT BY: V GULABOVSKI - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min – 11-508: Ordinary Meeting of Council 12 December 2011
Min – 12-54: Ordinary Meeting of Council 13 February 2012
Min – 12-100: Ordinary Meeting of Council 26 March 2012
Min – 12-138: Ordinary Meeting of Council 23 April 2012
Min – 12-198: Ordinary Meeting of Council 4 June 2012
Min – 12-222: Ordinary Meeting of Council 25 June 2012

SUMMARY

This report details the minutes of the Youth Council meeting held on 26 June 2012.

COMMENTARY

At the Youth Council meeting held on 26 June 2012 various items discussed by the committee.

Council's attention is drawn to discussion under Items 3 and 4 on progress for planning the drug and alcohol awareness raising Short Film Festival in September 2012.

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 of Youth Council meeting 26 June 2012.

RECOMMENDATION

THAT Council notes the minutes of the Youth Council meeting held 26 June 2012.

REPORT BY: ASSETS AND PROJECTS ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 30 July 2012 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 30 July 2012, there were nine (9) items discussed by the Committee, with all items except Item 6 being actioned under the Committee's delegated authority, and requiring Council to note the items.

Items discussed included:

- June 2012 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards – Junior and Senior
 - Booking Requests including:
 - Portland Community Group - Portland Spring Fair
 - Western School Sports Association - School Learn to Swim Program
 - Lithgow Flash Gift Committee – 2013 Lithgow Flash Gift
 - Lithgow Primary School – Touch Football Match
 - NSW Rural Fire Service – Cadet Graduation Display
 - Lithgow Show Society – 2013 Annual Lithgow Show
 - Lithgow Show Society – 2013 Annual Summer Horse Show
 - MET School – Fun Rub
 - New Members – Lithgow District Football Association Inc
 - New Members – Lithgow Athletics Club
 - General Business including
 - Thank you from Lynne and Rob Ritchie and family after the passing of Mr Eric Arnold
 - Thank you from Lithgow Hockey Association for maintenance assistance for the recent junior championships at Glanmire Oval, Lithgow
 - Progress report on lighting repairs at Tony Luchetti Sportsground, Lithgow
 - Progress enquiry on installation of security gates on cricket training nets at Watsford Oval, Lithgow
 - Maintenance request for cricket training nets at Glanmire Oval, Lithgow
 - Progress enquiry on construction of change rooms at Conran Oval, Lithgow
 - Request for sporting bodies to be provided with Council's policy in relation to alcohol consumption at sporting venues
 - Report on constant discovery of drug paraphernalia at Marjorie Jackson oval, Lithgow
 - Thank you for repairs undertaken at Lithgow City Tennis Club
 - Maintenance request for fencing at Lithgow City Tennis Club
-

- Request for sporting bodies to be provided with Council's policy in relation to no smoking at sporting venues
- Advice that Mr Eric Arnold has officially been awarded life membership from NSW Little Athletics, and thank you to Mr Ray Stoneley for instigating this award.
- Request for additional trophy to be awarded in honour of Mr Eric Arnold's contribution to local sport to be included in the annual LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards.
- Thank you to Miss Leanne Kearney for her efforts on the Committee for the past fifteen (15) years.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

For Item 6 – Booking Requests, the Committee recommends that Council consider providing a donation of \$430.00 (equivalent to the hire fees for Tony Luchetti Sportsground, Lithgow) to the NSW Rural Fire Service.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 30 July 2012.

RECOMMENDATION

THAT:

1. Council provide a donation of \$430.00 to the NSW Rural Fire Service toward the Cadet Graduation Display (equivalent to the hire fees);
 2. Council note the minutes of the Sports Advisory Committee meeting held on Monday, 30 July 2012.
-

ITEM-21 LATE ITEM – NOTICE OF RECISSION - 13/08/12 – STATUS OF SLOGGETS LANE, PORTLAND – COUNCILLOR H FISHER, COUNCILLOR M TICEHURST AND COUNCILLOR J MCGINNES

At the Ordinary Meeting of the Lithgow City Council on Monday 25 June 2012, the Council resolved as follows:-

ITEM- 2 ENVIRO – 25/06/12 – STATUS OF SLOGGETS LANE, PORTLAND

MOTION

THAT:

1. Council accept dedication of the Crown Road known as Sloggets, Lane, Portland as a Council Public Road
2. The relevant documentation be completed to allow dedication of the road and if necessary the Council Seal be approved to be applied to any such documentation
3. Owners of allotments of land gaining access to Sloggets Lane be advised that whilst Council will be accepting dedication of the laneway as a public road, it has no plans for the upgrade of the road and will only be carrying out minor maintenance to the road as required.

MOVED: Cllr HK Fisher

SECONDED: Cllr R Thompson

The matter was **PUT** and **LOST**

We the undersigned 3 Lithgow City Councillors lodge this formal notice for the above resolution of the Lithgow City Council to be immediately rescinded and re-submitted before the next Ordinary Meeting of the Lithgow City Council on Monday 23 July 2012 for further consideration by the Council.

This Notice of Rescission has been duly signed by 3 Lithgow City Councillors

Howard Fisher

Martin Ticehurst

Joe McGinnes

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.*
-