



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

03 SEPTEMBER 2012

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 13 AUGUST 2012

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES

Contract of Employment - General Manager
Sunny Corner Road

NOTICES OF MOTION

Section 94A Contributions Levy - Councillor W McAndrew

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports
Environment and Development Reports
Operations Reports
Community and Strategy Reports
Finance Reports

COMMITTEE MEETINGS

Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting - 1 August 2012

Crime Prevention Committee - 13 August 2012

Crystal Theatre Management Committee - 15 May 2012 and 14 August 2012

REPORTS FROM DELEGATES

Centroc Meeting on 16 August 2012

NSW Mining Related Councils on 10 August 2012

BUSINESS OF GREAT URGENCY

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

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MAYORAL MINUTE

ITEM-1 **MAYORAL MINUTE - 03/09/12 - CONTRACT OF EMPLOYMENT -
GENERAL MANAGER**

REPORT BY: MAYOR NEVILLE CASTLE

REFERENCE

Minute No 12-107: Ordinary Meeting of Council

COMMENTARY

Earlier this year Council resolved to offer a new employment contract for Mr Bailey. The contract has been drawn up by LGSA Employment Solutions a resolution of Council is now required to affix the seal to the contract.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

See Clause 400 Local Government (General) Regulations 2005

RECOMMENDATION

THAT Council authorise the affixing of the Council seal to the new contract of employment for Mr Roger William Bailey.

ITEM-2 MAYORAL MINUTE - 03/09/12 - SUNNY CORNER ROAD

REPORT BY: MAYOR NEVILLE CASTLE

COMMENTARY

There have been a number of concerns raised regarding the possibility of changing the Sunny Corner Road in and near Portland.

Whilst I agreed with the need to change some road names in our area because of the possible confusion for emergency services with similar names I am not aware of any confusion with Sunny Corner Road.

There are many arguments that can be mounted regarding cost and inconvenience for people to have their address changed. All of which are valid here.

The Geographical Names Board has certain criteria for the naming of roads. One of those is for roads not to be named after living people however in the area of Parklea in Sydney there is a Samantha Riley Drive (unless there is another who the road is named after) was well and truly alive during the recent broadcast of the Olympics.

This being said there is already precedent for not following the guidelines in all cases.

Whilst the road may be officially known as the Portland – Sunny Corner Road it is known locally as Sunny Corner Road. The “Navman” in the Council car also indicates the road to be Sunny Corner Road not Portland-Sunny Corner Road.

The road from an intersection at Meadow Flat, near the School, to Sunny Corner and from Sunny Corner to the Great Western Highway (past the former Kirconnell Correctional Centre) is also known as Sunny Corner Road. This road traverses through the Bathurst Local Government Area. See attached Map.

Council could advertise its intention to rename the Portland-Sunny Corner Road as Sunny Corner Road. During this process, the Geographical Names Board is also notified as a matter of course. If the Board raises no objections then the road naming could proceed to gazettal.

Whilst it would not be ideal to have two Sunny Corner Roads in the Local Government Area, if there is a strong feeling from those on the Portland-Sunny Corner Road that this road has long been known as the Sunny Corner Road, which is even supported by Council signage at one location, then this name should remain. If this was successful, then correspondence and mapping could be provided to emergency services and Australia Post to assist resolving any confusion.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council place on exhibition for a period of 28 days its proposal to rename Portland-Sunny Corner Road from Portland to Sunny Corner Road intersection as Sunny Corner Road; and
2. Property owners along this road and relevant government authorities be notified and be given the opportunity to comment; and
3. Should no objection be received, then Council proceed with gazettal of the name Sunny Corner Road.

ITEM-22 MAYORAL MINUTE - 03/09/12 - RURAL FIRE SERVICE

REPORT BY: MAYOR NEVILLE CASTLE

SUMMARY

The NSW State Government is proposing to cut some \$11.7M from the NSW Rural Fire Service budget. This potentially may have a very serious impact on the Lithgow Local Government Area. A submission should be made to the NSW State Government expressing Council's concerns for these cutbacks.

COMMENTARY

Recent news items have indicated that the NSW State Government is proposing to reduce Rural Fire Service staffing by 12.5% in order to achieve savings of \$11.7M in staff savings. It has been estimated that 120, or one in eight, jobs are at risk, though none of these are to be front line positions.

This creates a real concern for the residents of NSW but more specifically for the Lithgow Local Government area. With the unprecedented amounts of rain that we have had in recent years there has been a corresponding increase in fuel loads. This of course translates into a potential horror fire season ahead.

With a reduced RFS there are potentially very significant risks for those communities that live near or adjacent to bushland, obviously Lithgow falls into this category. With the potential for our communities to be affected a submission should be written to the NSW State Government outlining that there be:

- No reduction in training staff for RFS volunteers.
- No reduction in hazard reductions.
- No reduction in fire trail maintenance.
- No increase in financial contributions required from local councils.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council express concern to the Member for Bathurst, Paul Toole, and the Emergency Services Minister for the reduced staffing levels within the NSW Rural Fire Service and highlight the following specific areas:

- No reduction in training staff for RFS volunteers.
- No reduction in hazard reductions.
- No reduction in fire trail maintenance.
- No increase in contributions required from local councils.

ITEM-23 MAYORAL MINUTE - 03/09/12 - PORTLAND GOLF CLUB

REPORT BY: MAYOR NEVILLE CASTLE

REFERENCE

11-111 Ordinary Meeting 28 March 2012

SUMMARY

The Portland Golf Club is presently suffering some difficulties with finances. It is proposed that a meeting be held by the General Manager with members of the Board of the Club

COMMENTARY

Council will recall that it previously resolved (March 2011) to provide financial assistance of up to \$10,000 of in-kind works in the 2010/11 budget to assist with maintenance of the Portland Golf Course.

The Portland Golf course is an 18 hole sand green course that is presently maintained by volunteers. The Portland Golf Club is now proposing to reduce the number of playing holes to nine to also reduce maintenance costs.

The Club also has received development consent to subdivide several parcels of land from the site. These shall be for residential purposes.

It was reported in the Lithgow Mercury that the land had been originally been donated by the Tweedie family in 1924 for the purposes of a golf club. It would be disappointing for the local community if this facility were to be lost.

Given that this is now the last meeting of the current term of the Council I will be recommending that the General Manager meeting with members of the Board of the Portland Golf Club to determine if assistance can be provided by Council and that this be reported back to the new Council for action.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council authorise the General Manager to meet with members of the Board of the Portland Golf Club to determine what assistance, if any, can be provided and that this be reported to Council.

NOTICE OF MOTIONS

ITEM-3 NOTICE OF MOTION - 03/09/12 - SECTION 94A CONTRIBUTION LEVY - COUNCILLOR W MCANDREW

COMMENTARY

Further to Council adopting the new Section 94A Development Contributions Plan, I have become aware that there is an issue arising from the savings and transitional provisions relating to development applications lodged but not determined prior to the plan commencing. As these applications had not been determined by the 19th July, the new contribution levy would be applied despite other plans being in place at the time of DA lodgement. This raises the issue that applications lodged under one set of circumstances is determined under another without the applicant being made aware of that change.

I find this unfair and unjustified.

I note that the Plan provides Council with the power to exempt development applications from the application of the levy where such exemption is considered warranted. This circumstance, I believe warrants consideration.

RECOMMENDATION

THAT Council utilise the provisions of Section C7 (n) of the Lithgow Section 94A Development Contributions Plan to exempt all development applications that were in the 'pipeline' and being processed as at 19 July 2012.

GENERAL MANAGERS NOTE:

As at 19 July 2012, the date the Plan came into effect, there were 77 DAs awaiting determination by Council. Many of these have been undetermined while further information is to be provided by the applicant. Of these only 19 would have been required to make a section 94 contribution and the total contributions would have been less than \$72,000.

The remaining DAs would have been exempt by their nature, i.e. value is less than \$100,000, land subdivisions, universities, dwelling additions, no further intensification of industry, previously paid S.94 contributions etc.

If the motion is successful then any payments already made would be refunded.

GENERAL MANAGERS REPORTS

ITEM-4 GM - 03/09/12 - QUARTERLY PERFORMANCE REPORT ON 2011/12 TO 2014/15 MANAGEMENT PLAN FOR THE PERIOD 1 APRIL TO 30 JUNE 2012

REPORT BY: C FARNSWORTH - FINANCE MANAGER AND D MCGRATH - CORPORATE STRATEGY AND COMMUNICATIONS OFFICER

REFERENCE

Min No 11-211: Ordinary Meeting of Council 30 May 2011
Min No 11-326: Ordinary Meeting of Council 22 August 2011
Min No 11-457: Ordinary Meeting of Council 21 November 2011
Min No. 12-39: Ordinary Meeting of Council 13 February 2012
Min No. 12-156: Ordinary Meeting of Council 14 May 2012

SUMMARY

This report provides the Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan for the period of 1 April to 30 June 2012 with a recommendation that the adjusted **deficit** of \$5,084 be noted.

COMMENTARY

The June Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan has been prepared and details are provided with the attachment to the Business Paper.

It details the achievement of activities identified in the Management Plan and provides information on variations to activities and provides information on variations to activities.

2011/12 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	66,461	66,461	0
September Quarter	71,460	71,268	192
December Quarter	72,019	71,965	54
March Quarter	74,218	74,251	-33
June Quarter	76,244	76,239	-5

The revised June quarter of the 2011/12 Management Plan has been adjusted and is detailed in the following table. The major changes are the advance payment of the 12/13 financial Assistance Grant, which has previously been reported to the meeting of 23 July 2012, and the transfers to reserve for 2011/12 works in progress.

Council is in the process of preparing the 2011/12 General Purpose Financial Reports which will finalise end of year entries and reporting.

2011/12 June Works in Progress to Reserves	
Budget	To Reserve(\$)
EXECUTIVE	
Executive Promotion	20,000
Elections	26,728
Corporate Training	11,500
TOURISM	
Tourism Promotion Material	7,780
Tradeshows	5,371
Signage Tourism	34,478
Flash Gift	4,978
Marketing	3,500
Online Resources	8,000
Shade Shelters	14,694
TV Advertising	12,480
Photographic Library	45,770
Tourism Promotion Strategy	27,362
Signage Tablelands Way	10,640
Forto Funding	25,000
GENERAL PURPOSE REVENUE	
Financial Assistance Advance	2,315,197
OPERATIONS	
Rural Road Construction	247,608
RTA Coxs River Rd	67,951
Browns Gap Remediation (Ln)	385,225
Infrastructure Improvements – Rds	296,806
Infrastructure Improvements – Blds	141,067
Lithgow Fuel Bowsers	197,318
Wallerawang Fuel Bowsers	197,318
Lithgow Depot Store Floor	7,500
Lithgow Depot Seal	60,000
Lithgow Depot 2 way radios	80,000
Master key System	200,000
Lithgow Workshop light hoist	15,000
Lithgow Depot Improvements	53,000
Flood Mitigation Grt	195,758

Hassans Walls Reserve Improvements	233,217
Lithgow Cemetery Improvements	25,000
Rydal Toilets	50,000
Crystal Theatre	20,000
Admin Centre Improvements	70,000
Main Street Cameras	8,475
QE Toilet Construction	135,000
Hartley Building Painting	11,000
DEVELOPMENT	
Sec 94 11/12	280,503
POLICY & PLANNING	
Develop Sec 94 Plans	25,816
Economic Development	20,000
PORTS – Promote Regional Towns	25,000
Review 149 system	10,000
Community Banners Program	3,000
Strategic Water & Wastewater Plans	24,184
Open Space & Rec Study	38,713
Heritage Strategy & Policy	58,376
Community Plans of Management	22,000
Xmas Decorations	1,200
Land Use & Property	1,550
Economic Dev implementation Strategy	7,439
Economic Promotion Strategy	40,000
Corporate Publications	8,506
INFORMATION TECHNOLOGY	
Email Archiving	3,770
Asset Management	25,496
COMMUNITY	
Cultural Precinct Grt	108,357
Cultural Precinct Grt	28,600
Xstrata Coal Improvements	50,000
Museum Advisor	11,000
Crime Prevention	42,378
Library Books (Inc Special Grt)	11,772
Library Homework Centre	10,000
WATER	
Reservoir Improvements	120,000
Backwash Return System	200,000
Lithgow Water Shared Mains	83,000
Desludge Lagoons	5,000
Pumping Stations	80,000
Trunk Pipeline Sth Bowenfels Res	7,500
Treatment Plant Improvements	415,000

WASTEWATER	
Portland Desludge Lagoons	11,773
Sewerage Land Acquisition	150,000
Mains Root Cut and Foam	10,000
Pumping Station Access Upgrades	200,000
Pumping Stations Upgrades	100,000
Pumping Stations Safety upgrades Port / Wang	10,000
Portland STP Buildings	20,000
Plant 4wd	40,000
Lithgow Shared Mains Renewal	200,000
Wallerawang T/ Plt STP	1,418,502
Telemetry	93,000
Pumping Stations	225,000
Equipment – Jet Spray	70,000
WASTE	
Lithgow Tip Weighbridge	80,000
Tip Cameras	16,391
Waste & Recycle Strategy	1,991
New Waste & Recycle Contract	20,000
Angus Place Tip	441,678
Tarana Transfer Station	22,700
Rydal Tip	20,000
Lithgow Resource Recovery	200,000
Waste Education and Promotion	16,921

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the June Quarterly Performance Report on the 2011/12 to 2014/15 Management Plan.

The Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2011/12 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Quarterly Report 1 April – 30 June 2012

RECOMMENDATION

THAT:

1. The deficit of \$5,084 for the 2011/12 to 2014/15 Management Plan as detailed in the Quarterly Performance Report for the period 1 April to 30 June 2012 be noted;
2. Council authorise the variations to the Council budget as outlined in the report; and
3. Council authorise the funds listed in June 2011/12 Work in progress to reserve for 2012/13.
4. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2010/11 to 2014/15 Management Plan has been reviewed and the financial position of Council is satisfactory.

ITEM-5 GM - 03/09/12 - DRAFT WORK HEALTH AND SAFETY (WHS) AND RISK MANAGEMENT POLICY

REPORT BY: M MCGRATH - ORGANISATIONAL DEVELOPMENT MANAGER

SUMMARY

To provide Council with the Draft Policies for 'Work Health and Safety WHS' and 'Risk Management'.

COMMENTARY

Work Health and Safety (WHS) Policy

Lithgow City Council has an obligation as the Person Conducting a Business or Undertaking (PCBU) to ensure the health and safety of all people employed or visiting Council workplaces.

Council must comply with current Legislation Work Health and Safety Act and Regulation 2011 outlining above mentioned obligations.

Risk Management Policy

Provide documented evidence of Council's commitment to adopting risk management principles as an integral part of operations and decision making;

Promote an atmosphere of risk awareness and willingness to manage risk at all levels of the organisation;

Provide opportunities for continuously improving performance at all levels of the organisation.

Draft WHS Policy and Risk Management Policy are provided as an attachment for Council consideration.

POLICY IMPLICATIONS

Draft Policy 9.19 Work Health and Safety and 9.20 Risk Management

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

WHS Act 2011

WHS Regulation 2011

ATTACHMENTS

1. Draft 9.19 WHS Policy
2. Draft 9.20 Risk Management Policy

RECOMMENDATION

THAT Council adopt Draft Policy 9.19 Work Health and Safety and 9.20 Risk Management.

**ITEM-6 GM - 03/09/12 - NSW INDEPENDENT LOCAL GOVERNMENT
REVIEW PANEL - STRENGTHENING YOUR COMMUNITY**

SUMMARY

As an outcome of the Destination 2036 an Independent Local Government Review Panel has been established to develop proposals to create stronger, more efficient councils that can in turn promote stronger local communities.

The Panel is now calling for submissions from the community on three key questions.

COMMENTARY

The Division of Local Government commenced the Destination 2036 process with the commissioning of the discussion paper: "Our Communities, Our Councils, Our Future". This paper brought together key ideas from a range of work on local government in NSW and Australia done by a large number of organisations and individuals in recent years.

Through the Destination 2036 process it was outlined that over the next 10, 20 and 25 years, the population, technologies and economy are going to change dramatically. It was further outlined that as the providers of core services to our communities that it was incumbent upon local government to consider what these changes will mean, both for our communities and for the councils that serve them.

Representatives from every council in the State gathered in Dubbo in August 2011 to begin the process of creating a strong and viable local government sector.

The first initiative out of the Destination 2036 Action Plan was announced by the Minister on 20 March 2012. This was the establishment of the independent Local Government Review Panel, which has responsibility for a number of actions in the plan relating to governance, structure and financial sustainability. The Terms of Reference for the Panel includes:

The Panel is to investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW, taking into consideration:

1. *Ability to support the current and future needs of local communities*
2. *Ability to deliver services and infrastructure efficiently effectively and in a timely manner*
3. *The financial sustainability of each local government area*
4. *Ability for local representation and decision making*
5. *Barriers and incentives to encourage voluntary boundary changes*

The Panel has issued a Consultation Paper and called for submissions in relation to key questions for the future of local government. These questions are:

1. What are the best aspects of NSW local government in its current form?
2. What challenges will your community have to meet over the next 25 years?
3. What 'top 5' changes should be made to local government to help meet your community's future challenges?

A draft submission has been prepared in consultation with the Mayor and Deputy Mayor.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Draft submission to the NSW Independent Local Government Review Panel.

RECOMMENDATION

THAT Council:

1. Make a submission to the NSW Independent Local Government Review Panel along that outlined in the attachment; and
2. Authorise the Mayor and Deputy Mayor to make changes to the submission.

ITEM-7 GM - 03/09/12 - ONE ASSOCIATION

SUMMARY

The members of the LGSA have overwhelmingly voted to form a single Association to represent the views and policies of Local Government in NSW.

COMMENTARY

The Local Government Association of NSW (LGA) was established in 1883, primarily to promote the interests of metropolitan councils.

Currently there are 74 councils in NSW as members of the LGA. The NSW Aboriginal Land Council and two county councils are also members. The Association is governed by an Executive of 25 councillors who are elected every two years.

Every two years the annual conference elects a President, the office bearers, and the Executive. The current President is the Mayor of Coffs Harbour, Councillor Keith Rhoades AFSM, who was re-elected in 2011.

Members are classified as either metropolitan or country councils. Metropolitan councils are those that are located wholly within the county of Cumberland or are considered a 'Category 2' council. The Local Government Remuneration Tribunal classifies councils in one of five categories by looking at demographics such as population and expenditure in the Local Government Area.

The Shires Association of NSW (SA) was established in 1908 primarily to promote the interests of rural councils. Presently there are 78 councils that are members of the Association plus 10 county councils.

The Association is governed by an Executive of 11 councillors who are elected every two years. Every two years the Annual Conference elects a President, the office bearers, and the Executive. The current President, Councillor Ray Donald from Bogan Shire Council, was elected in May 2011.

Members of the Shires Association are grouped into nine divisions which are based on the location of the Local Government area.

A ballot to decide whether the Local Government and Shires Associations of NSW should merge was conducted by the Australian Electoral Commission from Thursday 12 July to Tuesday 7 August 2012. The Mayor, Deputy Mayor and Cllr Thompson were appointed by Lithgow Council to vote in the ballot.

In an historic decision by NSW councils, members of the LGSA voted overwhelmingly 'YES' to form a single, united Association to represent the views and policies of Local Government in NSW.

The Shires Association of NSW has voted 59 – 13 in favour, with the Local Government Association of NSW voting 161 – 53 in favour of forming a single Association.

The LGSA are now to work with Fair Work Australia and the NSW Industrial Registry to complete all administrative steps and set a date for amalgamation, which will most likely occur in early 2013.

Following the amalgamation date, an Interim Board will take over from the current Shires Association and LGA Executive Boards until all members gather together for their first conference as One Association. It is at this first Conference that members will elect the new Association Executive Board and the first President.

The structure of the new NSW Association will be broken up into regions – a metropolitan/urban region and a rural/regional region. This will ensure the new Association fairly represents the interests of all councils across NSW irrespective of their geographical location.

When voting at conferences, each region will have an equal number of votes, distributed proportionally among member councils within each region according to population, and all member councils will receive a minimum of one vote.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note that the members of the Local Government and Shires Association have voted to form a single local government association in NSW.

LATE REPORT

ITEM-24 GM - 03/09/12 - CORRECTION TO COUNCIL PUBLIC FORUM

SUMMARY

To correct an inaccuracy reported in the Council minutes.

COMMENTARY

Council has received representations from the State Member for Bathurst, Paul Toole, in relation to commentary made during the Public Forum at Council meetings earlier this year on the sell-off of the State's power generators. At the time it had been incorrectly indicated that a letter had been sent to Mr Toole in relation to this sale, whilst oral representations had been made expressing concern about the sell off and the impact of this on the local economy, it has now been pointed out that at the time a letter had not been sent requesting an economic impact statement be undertaken.

The formal written request was sent to Mr Toole on 17 May 2012.

Council has since received a response from the NSW via Mr Toole on the transfer of the ownership of the power stations.

POLICY IMPLICATIONS

Policy 9.1 Apologies by Council

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter from Paul Toole with the Treasurer's response.

RECOMMENDATION

THAT Council:

1. Note that a written request for an economic impact study on the proposed sell off of the power generators was to State Member for Bathurst, Paul Toole, was made on relation to the sell-off of the power generators did not occur until 17 May 2012;
2. Acknowledge and apologise to Mr Paul Toole for the error; and
3. Acknowledge and apologise to Mr Anthony Craig for the error.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-8 ENVIRO - 03/09/12 - FOOD INSPECTION FEES - SCHOOLS AND CHARITABLE INSTITUTIONS

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min. 12-292: Ordinary Meeting of 13 August 2012

SUMMARY

To advise Council of requests for waiving of fees associated with food inspections at schools and recommend that no fee be charged for Schools, Charitable institutions or not for profit organisations providing the kitchen is not run by a contractor.

COMMENTARY

At its Ordinary meeting of 13 August 2012 Council resolved to defer a decision on this matter until a further report be provided to Council advising of all bodies being charged in relation to this fee.

From 1 January 2008, through a partnership with the NSW Food Authority, all local Council's have been required to:

- carry out routine inspections of retail food businesses, and
- have the ability to charge fees & charges for food safety activities under the *Food Act 2003 (NSW)*

Businesses affected include those which:

- sell or serve food directly to consumers
- produce food for direct sale to consumers as their main food-related activity.

The Food Act provides that activities of a charitable or community nature are still food businesses, however through the fees and charges process, councils would have the discretion as to whether or not charge such institutions.

Each year, through its Food Regulatory Partnership with the NSW Food Authority Council conducts at least one inspection of each food premises within the Lithgow Local Government Area. The premises are ranked according to the potential level of risk and the fees are set accordingly.

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

A high risk premise is that which prepares food ready to eat usually via preparation from its raw state and an example would be a restaurant or take away café. A low risk premises would be one that sells pre packaged foods, eg chips.

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. Correspondence has now also been received from the Lithgow Tennis Club.

Whilst it is easier to define and identify a school for the non charging of fees, Examples of not-for-profit community and charitable organisations would be a tennis club canteen, soccer club canteen, Hospital kiosk and the like. It may be useful to include a definition of 'charitable institution and 'not for profit' organisation' and under what circumstances fees will not be charged. Definitions have been drawn from the Australian Tax Office and the *Inquiry into the Definition of Charities and Related Organisations (June 2001)* and adapted for the purposes of food inspections. In addition to schools & charitable organisations there would only be a handful of sporting clubs with canteens that would be affected such as Lithgow Tennis Club, Hockey Club canteen, soccer canteen. The hospital auxiliary kiosk should also be exempted.

Whilst the levy of the fee for fees for schools, charitable institutions and not for profit organisations is in line with the current fees and charges, there may be an unintended consequence of placing a financial impost on such organisations. 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, charitable organisations and not for profit organisation. 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 inspection fees on each occasion a school, charitable institution or not for profit organisation is inspected. However, a fee would still be applied to a premises where the kitchen/catering facilities are provided by a commercial contractor.

LEGAL IMPLICATIONS

The Food Act defines a food business as a business, enterprise or activity that involves:

- (a) the handling of food intended for sale, or
- (b) the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

ATTACHMENTS

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

RECOMMENDATION

THAT:

1. The food inspection fees imposed in 2011/12 for schools, charitable organisations and not for profit organisations be waived for the initial inspection only and not for any reinspection that is required.
2. That for the interpretation purposes the following definitions are adopted:
 - School – School canteens (unless run by a private contractor)
 - Charitable institution - a religious or other institution set up to provide charitable services that does not charge a fee for any service that it provides. This includes a Hospital Auxiliary.
 - Not for profit organisation – a sporting, service club or cultural club that does not distribute any surplus of funds from its activities other than for the purpose of its activities nor charge entry fees to its activities or events. (Any kitchen or canteen must not be run by a private contractor).
3. 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, charitable institutions or not for profit organisations.

**ITEM-9 ENVIRO - 03/09/12 - COALPAC CONSOLIDATION PROJECT
 CULLEN BULLEN**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 11-329: Ordinary Meeting of 22 August 2011
Min No 11-488: Ordinary Meeting of 12 December 2011
Min No 12-131: Ordinary Meeting of 23 April 2012
Min No 12-151: Ordinary Meeting of 14 May 2012
Min No 12-291: Ordinary Meeting of 13 August 2012

SUMMARY

To provide an update to Council on the Assessment process for the Coalpac Consolidation Project at Cullen Bullen and its referral to the Planning Assessment Commission for review. Also, to detail the outcomes from Council's submission to the State Government and provide details of a submission by NSW Health following a question raised by Councillor W McAndrew at Council's Ordinary Meeting of 13 August 2012.

COMMENTARY

Part 3A Assessment Process

Following the closure of the exhibition period for the Coalpac Consolidation Project, the Department of Planning provided a copy of all submissions to the Proponent to enable their preparation of either a Preferred Project Report or a Response to Submissions. A Preferred Project Report is generally prepared when the Proponent wishes to change the design of the proposal based on the submissions received. In this case the Proponent has chosen to provide a Response to Submissions which indicates that they are not proposing to change the overall design of the proposal, rather to clarify the way in which the proposal will operate and provide additional information to enable the assessment of the application to be finalised.

The Department of Planning has provided the following advice:

The Honourable Brad Hazzard MP, Minister for Planning and Infrastructure, pursuant to section 23D(1)(b)(ii) and Schedule 3 of the NSW Environmental Planning and Assessment Act 1979, has directed the Planning Assessment Commission to be constituted to review the Coalpac Consolidation Project at Cullen Bullen within the Lithgow City Council area.

*The terms of reference for the Commission are:
To carry out a review of the Coalpac Consolidation Project, and:*

- a. Consider the Environmental Assessment of the project, all issues raised in submissions on the project, and any information provided on the project during the course of the review;
- b. Assess the merits of the project as a whole, paying particular attention to the potential:
Local health and amenity impacts of the project, particularly dust, noise and blasting impacts noting its proximity to the village; Biodiversity impacts of the project; Water resource impacts of the project; and
- c. Recommend appropriate measures to avoid, minimise and/or offset these impacts.

The Department also advises that public hearings will be held on the project. The hearings will commence at **9.00 am on Wednesday, 19 September 2012 at The Lithgow & District Workmen's Club, 3-7 Tank Street, Lithgow** and continue if required. A second hearing session is also scheduled **between 9.00am and 12.00pm on Thursday, 20 September 2012 at the Cullen Bullen Progress Association Hall, 37-39 Castlereagh Highway, Cullen Bullen**. The second hearing session is intended primarily for local residents in Cullen Bullen that have difficulty attending the public hearings in Lithgow, and there will be limited audio-visual facilities available.

The hearings will be open to the public, however if people wish to speak at the hearings they must register with the NSW Planning Assessment Commission.

The *Minister for Planning and Infrastructure* has also requested the NSW Planning Assessment Commission submit its final report on the review by 14 November 2012, unless the Director –General of the Department of Planning and Infrastructure agrees otherwise.

Response to Council's submission

At its ordinary meeting of 14 May 2012 Council resolved not to object to the Coalpac Consolidation Project on the basis that "appropriate controls need to be put in place, particularly in regard to noise, dust, blasting and a regime of building inspections 'pre' and 'post' blasting. **Mining is not to take place within 500 metres of the village, residents residing outside of the village and the cemetery itself.**"

The Council also requested "That the company be required to lodge a substantial guarantee in a special fund (bond) that will be forfeited in the event that their standards are not met."

Council officers also undertook a detailed assessment highlighting specific matters that would need to be addressed as part of any determination. A full copy of council's submission is included as Attachment 1.

In its Response to Submissions the Proponent has advised the following:

Baseline Structural Surveys

A number of submissions requested that an independent process should be implemented for any structural surveys requested by community landholders to assess potential blast impacts to residences.

Coalpac has an existing procedure in place for the assessment of private residences on request that will be reviewed and updated for the Project. Coalpac will ensure that all private residences within 2 km of active blast areas for the Project will have an independent baseline structural survey undertaken prior to Project mining, upon receipt of a written request from the landowner. The independent contractor would be approved by DP&I prior to the surveys being undertaken. Following a baseline survey, a landowner may request another survey if they believe their residence has been affected by blasting. Any required works that are attributed to Project operations in the inspection reports would be remediated in consultation with the landowner and DP&I.

The updated Blast Management Plan will be revised for the Project as committed to in Section 8.7.4 of the EA, in consultation with relevant regulators (including LCC) to the approval of DP&I.

500m buffer

No open cut mining operations for the Project will take place within 500 m of any residence located in Cullen Bullen. No mining operations will occur within 500 m of a residence located outside of Cullen Bullen without prior agreement between Coalpac and the landholder.

Coalpac has proposed further commitments to restrict, manage and control mining operations within a 500 m radius of the Cullen Bullen General Cemetery ... As such, a buffer zone excluding mining operations from occurring within a specific distance from Cullen Bullen has been considered and incorporated into the Project, and no further restrictions are required.

Cemetery buffer

Several submissions noted that the Project should not impact on the Cullen Bullen General Cemetery. As noted ... a number of mitigation measures have been included in the Project mine plan design and associated impact assessments to ensure that potential impacts to the Cullen Bullen General Cemetery are minimised to remain below relevant criteria. In Section 8.7.4 of the EA, Coalpac also committed to consultation with the LCC and relevant stakeholders to ensure that:

- *No blasting will occur on days when services are scheduled at Cullen Bullen General Cemetery; and*
- *No mining or coal haulage within a 1,500m radius will occur within two hours of formal services at Cullen Bullen General Cemetery.*

Communication and management procedures for the above commitments will be included in the Blast Management Plan for the Project.

A Visual Landscape Management Plan will also be developed for the site in consultation with relevant stakeholders and a full archival recording completed for inclusion in the Historic Heritage Management Plan and RLMP, should the Project be approved. As noted in Section 8.13.4 of the EA, the archival recording will be carried out prior to any blasting activities within 500 m of the site.

Bond

Under the requirements of the Mining Act 1992 and DRE Policy EDP11 – Rehabilitation Security Deposits (2012), all mining authorisation and title holders are required to lodge a security deposit with the DRE.

The purpose of this deposit is to ensure that any costs associated with the NSW Government completing the rehabilitation of a site in the event of default by a title holder are covered. Coalpac will therefore set up an appropriate Rehabilitation Security Deposit for the Project, to the approval of DRE. Coalpac will inform LCC once this process is complete.

Noise, dust and blasting are more comprehensively addressed in the Response to Submissions. A full copy of the Response to Submissions is available at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4332

FINANCIAL IMPLICATIONS

Coalpac has indicated that they are willing to negotiate a Planning Agreement with Council *under Section 93F “to facilitate the provision of additional services for the forecast increase in demand on existing services due to the Project.”* Negotiations have taken place and the final wording of the agreement is being finalised.

LEGAL IMPLICATIONS

As the proposal was originally declared a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority. Although Part 3A has now been repealed, it still exists for projects that were already declared major Projects.

Council officers have not yet undertaken a comprehensive review of the Response to Submissions, however this will be completed prior to the NSW Planning Assessment Commission’s hearing on the proposal.

ATTACHMENTS

1. A copy of Council’s submission to the Department of Planning.
2. A compilation of the Statement of Commitments proposed by Coalpac which are amended or additional to the original commitments proposed.
3. A summary of the issues raised by NSW Health.

RECOMMENDATION

THAT the information provided on the Coalpac Consolidation Project be noted.

**ITEM-10 ENVIRO - 03/09/12 - DEVELOPMENT APPLICATION 062/11 -
BOUNDARY ADJUSTMENT - WARDS ROAD MEGALONG VALLEY**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 12-253: Ordinary Meeting of 23 July 2012

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**.

The original configuration of the land is shown in Attachment 2 which depict that the original land was approximately 428ha in total. This was then subdivided into three allotments in 2001 to create Lots 51 & 52 of 40.17ha and 41.37ha and the residual to 346.5ha. Additional to this subdivision in 2003 Lot 53 was created (not subject to this application, being 40.53ha leaving the residual allotment to 269.2ha. Therefore, since the original allotment there has been two subsequent subdivisions creating 4 total allotments, three of which Lots 51, 52 & 54 are subject to this application.

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', and 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.

Council has obtained legal advice on the matter which is provided as a confidential attachment to this report. As the advice is subject to legal professional privilege, its contents should not be discussed in any debate. The applicant further requested that an opportunity be given for his solicitor to discuss the matter with Council's solicitor. The results of these discussions are included in the second confidential attachment.

ATTACHMENTS

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

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.

OPERATION REPORTS

ITEM-11 OPER - 03/09/12 - TENDERS FOR THE DESIGN AND CONSTRUCTION OF HASSANS WALLS BOARDWALK

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

This report seeks a determination from Council to award a contract for the Design and Construction of Hassans Walls Boardwalk, Lithgow.

COMMENTARY

The tender process for engaging suitable contractors was undertaken through a selective tender process (previously reported to Council) and five (5) tenderers were selected for the issuing of tender documents. Five (5) tender offers were received, these being:

1. Australian Built Urban Designs tender price being \$69,168.00
2. Steel Works Engineering tender price being \$90,062.34 (Option A) or \$148,221.69 (Option B)
3. Wagner Pty Ltd tender price being \$198,756.35
4. Scully Pty Ltd tender price being \$59,290.00 (Option A) or \$60,335 (Option B)
5. Fleetwood Urban Pty Ltd tender price being \$55,346.50 (Option A) or \$58,602.50 (Option B).

All tenders received have been evaluated using the attached criteria and weighting, with Australian Built Urban Designs scoring the highest rating of 4.75 with regard to the evaluation. The attached assessment sheet details the individual tendered components as design life impact on vegetation, maintenance requirements, cost and proposed materials to be used. The price range is extensive and the recommended tender is considered to be the best value for money of the tenders received. The options tendered by individuals relate to the proposed materials for construction with a strong emphasis on materials with low maintenance profiles and vandal resistant.

Australian Built Urban Design's tender proposal was considered to have minimal environmental impact as a result of the cantilever design. The boardwalk frame is to be constructed of aluminium which is a strong, durable building material and the decking shall be constructed of 30mm Engineered Fibre Composite Decking, which provides a slip proof surface and allows for easy drainage. The frame and deck system is designed to resist fire and vandalism, and provide a maintenance free boardwalk with a design life of 100 years. The Boardwalk will commence near the existing picnic shelter and extend approximately 19m south, ending with a 22sqm viewing platform. The design complies with AS 2156.2 (walking Tracks) and AS1428.1 /AS 1428.2 (disabled access).

Sketches of the proposed Boardwalk design are attached.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Tender evaluation spreadsheet
2. Proposed Boardwalk design

RECOMMENDATION

THAT Council accept Australian Built Urban Designs tender offer of \$69,168.00 for the design and construction of Hassans Walls Boardwalk.

**ITEM-12 OPER - 03/09/12 - 2012/13 RMS ROAD TOLL RESPONSE PACKAGE
FUNDING FOR BROWNS GAP ROAD**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Lithgow City Council has been granted \$210,000 to complete Road Safety Works on Browns Gap Road, Hartley under the Road and Maritime Services 2012/2013 Road Toll Response Package.

COMMENTARY

The NSW Roads and Maritime Services (RMS) have allocated \$210,000 towards proposed upgrade and safety improvement works on a 100m section of Browns Gap Road, Hartley. The funding is provided under the 2012/2013 Road Toll Response Package as a result of a concentration of vehicle crashes in area over the past 5 years. The proposed works will be located at the intersection of Browns Gap Road and Fields Road and shall include the following treatments:

- Widening of Road Shoulder
- 2 Coat Bitumen Reseal
- New line marking and Raised Reflective Pavement Markers (RRPM's).
- Installation of stop signage on the Fields Road approaches
- Installation of bitumen rumble strips on the Browns Gap Road approaches
- Installation of guardrail fencing
- Installation of Modified intersection signage on the Browns Gap Road approaches
- Extension of existing drainage

The work is expected to commence in October 2012, and is anticipated to be completed by February 2013.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The project is to be fully funded under the \$210,000 Roads and Maritime Services Road Toll Response Package 2012/2013 Grant. No funds are required to be contributed by Council.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Proposed road safety improvement works at Browns Gap Road.

RECOMMENDATION

THAT Council accept the grant for \$210,000 under the Road Toll Response Package from the NSW Roads and Maritime Services in order to undertake Road Safety improvement works on Browns Gap Road at Fields Road Intersection, Hartley.

ITEM-13 OPER - 03/09/12 - WATER REPORT AUGUST 2012

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 12-296: Ordinary Meeting 13/08/12

SUMMARY

This report provides an update on various water management issues as per Minute Number 12-296.

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 20 August was 100%. Oberon Dam capacity on Thursday 23 August was 100%.

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)	Clarence Transfer (ML)	Dam Accumulative Yield (ML)
July	107	0	107
August	69	0	176
2011/12 Monthly Av	121	0	
Rolling 12 Month Total	1,374	0	1,374

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
July	3,452	0
August	3,464	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	Total Use	Total Carryover balance
					355.6
2/7/12	98.04	43855	91.47%	9.987	355.6
9/7/12	98.78	44218	92.22%	16.143	355.6
16/7/12	100.00	44763	93.44%	11.264	355.6
23/7/12	100.00	44763	93.44%	12.9	355.6
30/7/12	100.00	44763	93.44%	12.729	355.6

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. Total Aluminium exceeded recommended aesthetic levels twice. 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. Total Coliforms exceeded recommended aesthetic levels twice.

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.

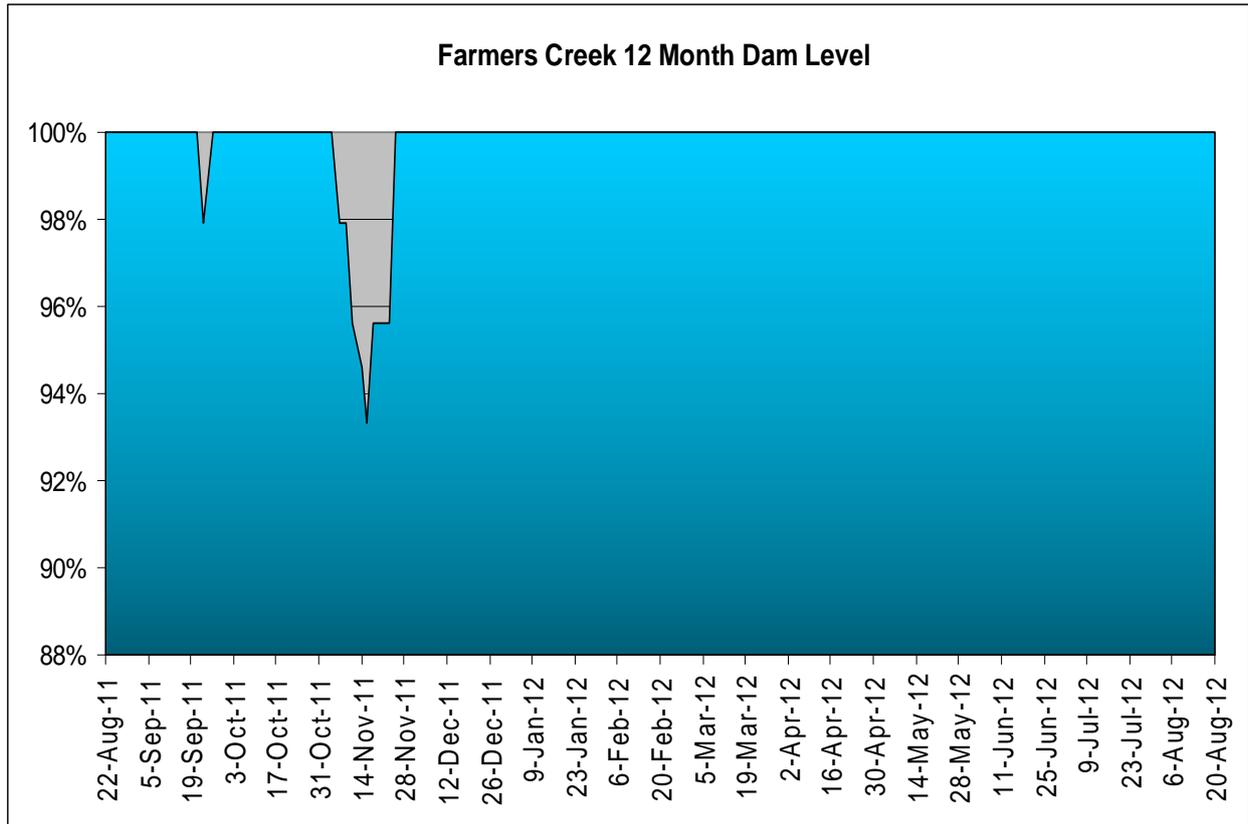
Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in July with Council approving 7 applications for a household appliance rebate and no applications for a water tank rebate.

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

Sealing of the walls and joints of South Bowenfels Reservoir has not been successfully completed. This is progressing towards final commissioning.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

COMMUNITY AND STRATEGY REPORTS

ITEM-14 COMM- 03/09/12 - DRAFT MEDIA AND SOCIAL MEDIA POLICY

REPORT FROM: A SHELTON - IT MANAGER

REFERENCE

Minute 12-268: Ordinary Meeting of Council held 23 July 2012

SUMMARY

This report details a submission received from a member of the public during the 28 day public exhibition period of the Draft Media and Social Media Policy.

COMMENTARY

At the Ordinary Meeting of Council dated 23 July 2012 (Min 12-268), Council resolved to place the Draft Media and Social Media Policy on public exhibition for a period of 28 days. The draft policy was placed on exhibition until 23 August 2012.

One submission was received during this period (see attachment). Issues raised have been summarised with Council officer comments below.

Issues Raised	Council Officer Comments
Policy is too general and does not state its relationship to digital marketing and PR strategy.	Council is currently developing a marketing and branding strategy.
No mention of ongoing audit of communication channels. Policy should reflect the use of social media tools in context of other councils and industry best practice.	Addressed in SWP for Social Media, an internal operational document that provides framework and guidelines for staff. SWP developed by cross departmental working party following training on media and social media.
Are staff positions outlined fully equipped with skills and knowledge?	Staff have attended training in media and social media and this will be ongoing
Need for section on risk assessment.	Risk management issues have been addressed in SWP for Social Media.
No reference to how the policy will be communicated, reviewed and updated.	Initial policy review in 6 months as stated in footer on policy document.

POLICY IMPLICATIONS

Policy 9.18 Media and Social Media will be included on Council's policy register.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Submission by member of public

RECOMMENDATION

THAT:

1. Council adopt Policy 9.18 Media and Social Media
2. The policy be reviewed after a 6 month period.

FINANCE REPORTS

ITEM-15 FINAN - 03/09/12 - REMAINING FUNDS FROM REPEALED SECTION 94 CONTRIBUTIONS FUNDS AS AT 30 JUNE 2012

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min No 12-123: Ordinary Meeting of Council 23 April 2012
Min No 12-217: Ordinary Meeting of Council 25 June 2012

SUMMARY

The purpose of this report is to advise Council of funds remaining of \$1,063,900.90 as at 30 June 2012 from the repealed Development Contribution Plans following the adoption of the Draft Section 94A Development Contributions Plans at the meeting of 25 June 2012.

COMMENTARY

Council at the meeting of 25 June 2012 resolved by Minute No 12-217:

THAT:

- 1. Council adopts the Section 94A Development Contributions Plan for Lithgow City Council.*
- 2. Council gives public notice of its decision in the local newspaper within 28 days of its resolution, the date of which will become the commencement date of the new plan.*

The Section 94A Development Contribution Plan came into effect on 19 July 2012 which repealed the existing plans upon the commencement.

The repealed plans were:

- Lithgow City Council Section 94 Contributions Plan – Coal Related March 1992
- Section 94 Contribution Plan – Rylstone Council July 1993 (relates to land now within Lithgow LGA).
- Lithgow City Council Section 94 Contribution Plan – Lithgow Rural Roads February 1998
- Lithgow City Council Section 94 Contribution Plan – Rural Fires Services May 1999
- Lithgow City Council Section 94 Contributions Plan – Blackheath Creek Crossing January 2022
- Section 94 Contributions Plan – Rylstone Roads August 2003.

The repeal of these contributions plans does not affect the previous operation that plan or anything carried out under than plan. This means that any condition of consent imposed in accordance with a contributions plan is not affected by the subsequent repeal of that plan.

The new Plan authorises that unspent monies collected through previous Section 94 plans is to be expended on works identified in the works schedule attached to the Plan. Generally these funds will be applied to the same public purpose for which they were paid such as roads, emergency service provisions and community facilities.

As at 30th June 2012 Council held \$1,063,900.90 collected under repealed development contributions plans. This amount includes \$230,894.58 for specific purposes collected as Planning Agreements and \$115,636.03 under the Rural Fire Service plan. Expenditure of the funds is detailed in 'Appendix A: Detailed Works Schedule attached to the Section 94A Development Contribution Plan and provided to this report as an attachment.

POLICY IMPLICATIONS

Sec 94 A Development Contribution Plans

FINANCIAL IMPLICATIONS

Income and expenditure detailed in Council's 2012/13 Operations Plan and 2012/2016 Delivery Program.

LEGAL IMPLICATIONS

Provisions of the Environmental Planning & Assessment Act and Regulations, the Local Government Act & Regulations.

ATTACHMENTS

1. Section 94A Development Contribution Plan: Appendix A – Detailed Works Schedule

RECOMMENDATION

THAT:

1. Council acknowledge as at 30 June 2012 \$1,063,900 was held as unspent funds collected under the now repealed development contributions plans, which includes \$230,894.58 for specific purposes collected as Planning Agreements and \$115,636.03 under the Rural Fire Service plan.
2. Council acknowledge expenditure as detailed in the Section 94A Development Contribution Plan; Appendix A – Detailed Works Schedule adopted by Minute 12-217 at the meeting of 25 June 2012.

ITEM-16 FINAN - 03/09/12 - COUNCIL INVESTMENTS HELD TO 31 JULY 2012

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

NIL

SUMMARY

To advise Council of investments held as at 31 July 2012 in the 2012/13 financial year.

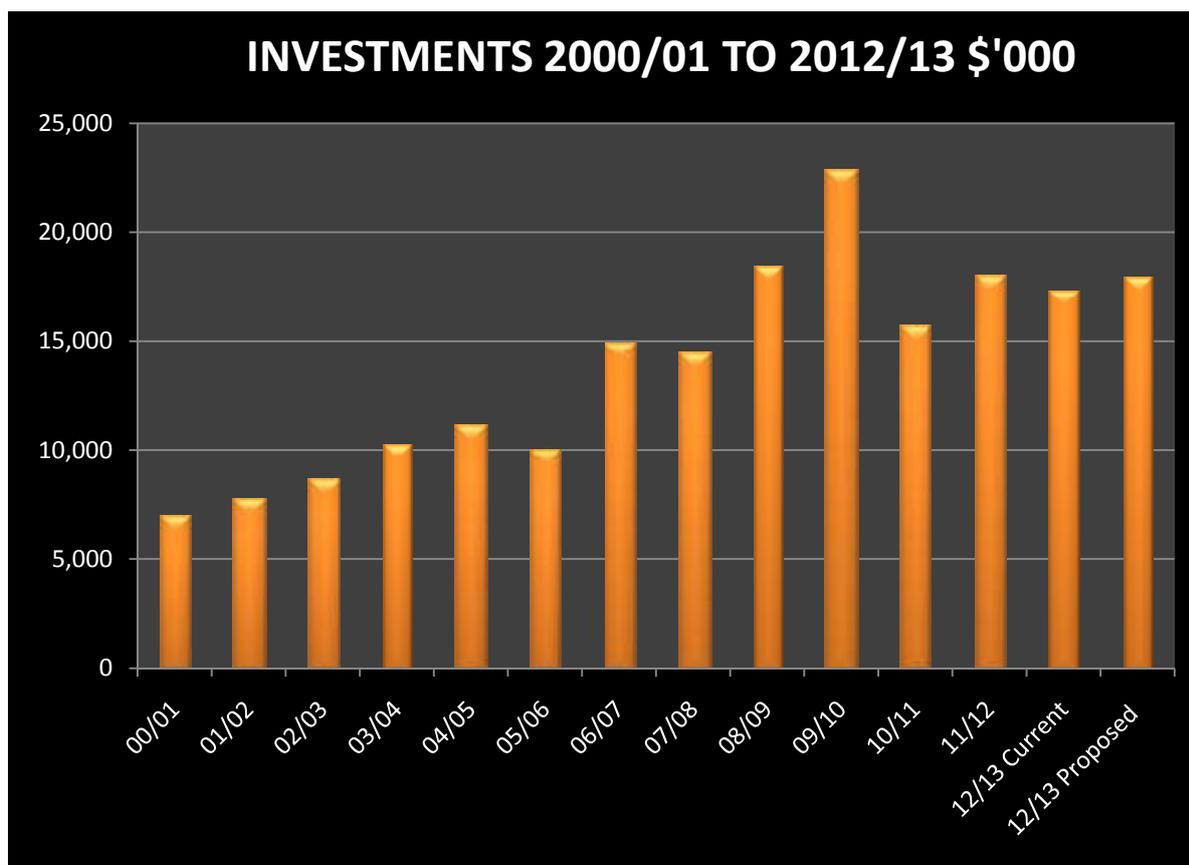
COMMENTARY

Council's total investment portfolio, as at 31 July 2012 when compared to 30 June 2012, has decreased by \$650,697.32 from \$18,012,273.62 to \$17,361,576.30

INVESTMENT REGISTER 2012/13								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 30.06.12	VALUE 31.07.12	% OF TOTAL
ANZ	TD	11.06.12	10.08.12	60	4.65	839,384.95	839,384.95	4.83%
	TD	13.06.12	11.09.12	60	4.65	500,000.00	500,000.00	2.88%
	TD	30.07.12	30.08.12	30	4.15	501,787.67	503,583.27	2.90%
CBA	On Call				3.45	1,163,603.67	913,603.67	5.26%
IMBS	TD	28.05.12	27.08.12	91	5.15	1,123,238.04	1,123,238.04	6.47%
	TD	29.05.12	27.08.12	90	5.15	744,616.05	744,616.05	4.29%
	TD	14.06.12	12.09.12	90	5.10	1,000,000.00	1,000,000.00	5.76%
NAB	TD	06.06.12	04.09.12	90	5.10	1,119,008.60	1,119,008.60	6.45%
	TD	25.07.12	25.01.13	182	5.07	1,000,000.00	1,029,469.05	5.93%
	TD	24.04.12	23.07.12	90	5.55	507,138.36	0.00	0.00%
	TD	13.06.12	11.09.12	90	5.06	500,000.00	500,000.00	2.88%
WESTPAC	TD	09.07.12	07.01.13	179	5.05	569,560.51	585,942.01	3.37%
	TD	30.05.12	30.11.12	180	5.10	1,179,546.09	1,179,546.09	6.79%
	TD	11.07.12	09.01.13	179	5.05	250,000.00	257,190.41	1.48%
	TD	12.06.12	11.12.12	179	5.00	411,279.92	411,279.92	2.37%
	TD	13.06.12	12.12.12	179	5.00	1,000,000.00	1,000,000.00	5.76%
ST GEORGE	On Call				3.50	21,384.27	21,446.52	0.12%
	TD	04.07.12	04.10.12	92	4.66	522,047.36	537,509.69	3.10%
	TD	19.04.12	19.10.12	180	5.75	857,565.97	857,565.97	4.94%
	TD	12.03.12	12.10.12	214	5.91	506,930.96	506,930.96	2.92%
	TD	10.02.12	09.08.12	180	5.78	504,347.95	504,347.95	2.90%
	TD	18.05.12	19.11.12	180	5.10	509,386.62	509,386.62	2.93%
	TD	25.07.12	25.10.12	92	4.55	1,000,000.00	1,029,070.14	5.93%
SUNCORP	TD	08.05.12	08.08.12	92	4.90	1,174,850.74	1,174,850.74	6.77%
	TD	24.07.12	22.10.12	90	5.00	506,595.89	513,605.65	2.96%
			TOTAL			18,012,273.62	17,361,576.30	100.00%
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 31 July 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 31 July 2012 is \$159,402. Accrued interest of \$173,442, has been calculated for accounting purposes to the 30 June. Total interest received has increased on original 2011/12 Management Plan estimate of \$519,045.

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 \$17,361,576.30 for the period ending 31 July 2012 be noted.

COMMITTEE MEETINGS

ITEM-17 **COMM - 03/09/12 - COMMEMORATION OF THE BLUE MOUNTAINS
CROSSING BICENTENARY COMMITTEE MEETING MINUTES - 1
AUGUST 2012**

REPORT FROM: W HAWKES - CULTURAL DEVELOPMENT OFFICER

REFERENCE

Minute 11-338: Ordinary Meeting of Council held 22 August 2011
Minute 11-507: Ordinary Meeting of Council held 12 December 2011
Minute 12-52: Ordinary Meeting of Council held 13 February 2012
Minute 12-140: Ordinary Meeting of Council held 23 April 2012
Minute 12-225: Ordinary Meeting of Council held 25 June 2012

SUMMARY

This report details the Minutes of the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting held on 1 August 2012.

COMMENTARY

At the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting held on 1 August 2012, various items discussed by the Committee including:

Item 3 A recommendation that Council allocate \$10,000 to the Hartley District Progress Association for bicentenary events. Councillors are asked to note that this allocation will be met from the \$20,000 allocated by Council in 2012/13 for bicentenary events, however it is recommended that approval be deferred until after the Association provides an itemised budget at the next Crossing Committee meeting.

Item 4 Report on the 15 July 2012 Western Crossings Committee Meeting

Item 5 Launch of the Crossings Website and Commemorative Stamp

Item 6 Crossings Website

Item 7 Signage for Cox's Road

Item 8 Visit to Wiradjuri Council of Elders

Item 10 General Business: A recommendation that Mayor Neville Castle continue as a Committee Member after his retirement.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council has allocated \$20,000 in 2012/13 to support Bicentenary of the Blue Mountains Crossing events.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 1 August 2012

RECOMMENDATION

THAT Council:

1. Notes the Commemoration of the Blue Mountains Crossing Bicentenary Committee Meeting Minutes of 1 August 2012.
2. Defers approval of \$10,000 funding to the Hartley District Progress Association, as discussed in Item 3, until after the Association provides an itemised budget at the next Crossing Committee meeting.
3. Approves the continuation of Neville Castle as a Committee Member following his retirement from Lithgow City Council.

**ITEM-18 COMM - 03/09/12 - CRIME PREVENTION COMMITTEE MEETING
MINUTES - 13 AUGUST 2012**

**REPORT FROM: M JOHNSON - ACTING GROUP MANAGER COMMUNITY AND
STRATEGY**

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
Minute 12-270:	Ordinary Meeting of Council held 23 July 2012

SUMMARY

This report details the Minutes of the Crime Prevention Committee Meeting held 13 August 2012.

COMMENTARY

At the Crime Prevention Committee held on 13 August 2012, there were various items discussed by the Committee including:

- Discussion under Item 4 that Council will be interviewing candidates for the Crime Prevention officer position in the week ending 17 August 2012.
- Discussion under Item 5 on planning for stage 2 of the late night transport trial during November/December 2012.
- Discussion under Item 6 of domestic violence issues.
- Discussion under Item 7 Police Report on Police initiatives targeting malicious damage, house burglaries and box trailer theft.
- Discussion under Item 8 of issues related to CCTV cameras in Main Street Lithgow. As recently reported by memo to Councillors:
 - A second CCTV camera is to be installed at Cook Street Plaza and should be finalised in September 2012.
 - This brings the number of cameras to seven (7) - Cook Street Plaza two (2), Grand Central Hotel one (1), Courthouse Hotel one (1), Library one (1) and Woolworths Laneway two (2).

- There have been occasional problems reported by the Police with accessing recorded footage due to issues with the wireless aerial that allows the Police to remotely access the Council hard-drive. Steps are being taken to address this including a larger hard-drive, improved wireless links and software upgrade. The larger hard-drive will also extend the period that footage can be retained.
- It was also reported at the 13 August Crime Prevention meeting that the CCTV camera at the Courthouse Hotel may not have been working at the time of a recent malicious damage incident. It has been confirmed that this camera is working however it was not directed towards the site of the incident.

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 13 August 2012.

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee meeting of 13 August 2012.

**ITEM-19 ENVIRO - 03/09/12 - CRYSTAL THEATRE MANAGEMENT
COMMITTEE MINUTES - 15 MAY 2012 AND 14 AUGUST 2012**

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

This report seeks Council's ratification of the minutes of the Crystal Theatre Management Committee Meeting held on 15 May 2012 and 14 August 2012.

COMMENTARY

At the Crystal Theatre Management Committee Meeting held on 15 May 2012 and 14 August 2012, there were a number of items discussed.

No matters considered require a Council resolution and the minutes are presented to Council for its information.

ATTACHMENTS

1. Minutes of the Crystal Theatre Management Committee Meeting held on 15 May 2012.
2. Minutes of the Crystal Theatre Management Committee Meeting held on 14 August 2012.

RECOMMENDATION

THAT Council note the minutes of the Crystal Theatre Management Committee Meeting held on 15 May 2012 and 14 August 2012.

DELEGATES REPORTS

ITEM-20 DELEGATES REPORT - 03/09/12 - CENTROC MEETING IN ORANGE ON 16 AUGUST 2012

REPORT FROM: MAYOR NEVILLE CASTLE

COMMENTARY

The CENTROC board meeting in Orange was preceded by the NSW Independent Local Government Review Panel which was organised by the Division of Local Government regarding the future of Local Government. This particular forum was held at the Orange Function Centre, Eyles Street in Orange.

At the forum a number of the Mayors at Centroc spoke about their area and a possible need to change the way Local Government may operate into the future. However many Council's sited their existing relationship with Centroc as being extremely helpful and important to be able to deliver improvements and savings to the various member council's whilst retaining their autonomy.

A number of mayors pointed out that Local Government was in deed the most responsive to Local Communities and that any significant amalgamations would lose the "local" feature of Local Government.

It was even suggested as to how relevant State Government may be, come 2036. It would certainly appear that the State Government is trying to protect their position at the expense of Local Government into the future as nothing has been said about any possibility of the need for change at the State Government level.

The group who organised the forum will be reporting back to the Government after the Council elections.

In the afternoon the Centroc meeting itself took place with the Bells Line Expressway and the Great Western Highway both on the agenda.

Centroc noted the unnecessarily slow progress in regard to the steering committee for Bells Line Expressway. The report regarding the plan for possibly preserving the corridor was due to be finalised last year. Now some ten months later Centroc is still waiting for this report to be completed and then made public. It is hoped that the preservation of the corridor particularly on the eastern end between Kurrajong and Dean Park will be made a priority so that various planning instruments can incorporate the preservation into various LEP's.

As for the Great Western Highway, particularly between Lithgow and Mt Victoria Centroc as a group were unanimous in being most unhappy with the State Government announcement to move money from the original promised area to elsewhere on the Great Western Highway. As this organisation represents a quarter of a million people it is hoped that the Government may realise a large percentage of the area west of the great

divide is unhappy with their decision. Centroc will be contacting the State and Federal members affected by this decision to see if common sense could possibly prevail and the money be returned to the area between Lithgow and Mt Victoria.

Part of the Centroc report looked at the census figures that have recently been released. These figures show Lithgow in a good light in comparison to most other Centroc areas. Bathurst and Orange are growing the fastest where many of the smaller councils are either stagnating or in some cases declining. Lithgow's growth rate is in the next bracket just below Bathurst and Orange. Other indications such as the rapid take up of broadband and the amount of tertiary/technical education also shows Lithgow to be next behind Bathurst and Orange.

The operational report for Centroc has shown Lithgow to have a saving in excess of \$25,000 in the current year regarding the Regional Electricity Contract. In all Lithgow has made cost savings of over \$80,000 in the last three years in this regard.

There were two speakers to the Centroc meeting. One of those was Louise Kelly who spoke about Village revitalisation through Tourism. The idea that some of the smaller towns and villages in the Central West may struggle with population decline into the future and many of these places will need to rediscover themselves and Miss Kelly believes that tourism may be the answer with a reasonable example being Millthorpe.

The other speaker on the agenda was Jason Collins from the Department of Premier and Cabinet, he spoke about the State Plan and Regional Action Plans and what his department is looking to do with various Councils into the future. However at this stage no action has taken place on the action plans.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the information from the Centroc meeting held in Orange on 16 August 2012 be noted.

**ITEM-21 DELEGATES REPORT - 03/09/12 - NSW MINING RELATED COUNCIL
MEETING HELD ON 10 AUGUST 2012**

REPORT FROM: THE MAYOR - COUNCILLOR NEVILLE CASTLE

SUMMARY

This report outlines the discussions from the Mining related Councils meeting held in Singleton on 10th August 2012.

COMMENTARY

The most recent meeting of the Association of Mining Related Councils took place on the 10th August in Singleton. For a number of the delegates this was the last meeting of the Association with the council elections being in September and the final meeting for the Association for the year being in November in Narrabri.

The meeting in the first instance were very disappointed that despite invites to a number of senior government officials no one from the State Government were able to make themselves available for the meeting. This had been particularly disappointing, as assurances had been given in the past that representatives would be there to speak in particular about the Royalties for Regions.

The Association has now decided that they will invite both government and opposition members to future meetings where there are issues that are relevant for government policy.

In particular the issue of Royalties for Regions was discussed and the Association again they were very unhappy with the progress towards Royalties for Regions. This particular program had been based on the very successful Western Australia model where additional infrastructure could be built in areas that have been significantly affected by Mining. All of the Royalties money goes into the state budget most of which gets spent in Sydney with little regard for additional “compensation” for the areas that have mining and the impacts that has on the community.

The Mining Related Councils Association asked for a very modest in terms of the overall royalties \$320 million dollars over a four year period.

This particular amount is only 10% of the overall amount of royalties that currently come to the government. The government made an election promise prior to the election of \$160 million half of what the association had been asking for but still better than nothing. However in the first year no money was forthcoming at all to any council and in this particular year even though there was an announcement of \$10 million approximately \$6 million of that going to Singleton Council the additional \$4 million dollars for Muswellbrook Council is not forthcoming until next year. The other sad thing is that the \$4 million for Muswellbrook is for improvements to the Hospital which in the Royalties for Regions scheme should have already been provided by the state government and not taken out of the Royalties money.

Even so it would appear that \$150 million would be available in the following year but at this stage no additional commitment has been made which is both annoying and frustrating to the Association especially seeing the Association accepted the governments offer in good faith.

Also on the agenda was two talks from a group called “Doctors for the Environment”. The Doctors who gave these talks were a Doctor Redman and Doctor Peter Tait. These doctors were talking of the possible implications for peoples’ health for people who live in close proximity to mines, power stations or gas extraction points. The issues they raised regarding peoples health are significant however it was pointed out that many of the examples they gave were from America which has a significantly worse safety standard and OH&S standard in relation to these activities. A number of comparisons made and conclusions drawn from these doctors however it was pointed out that Lithgow’s health statistics were very similar to Holroyd in Sydney where there is no mine or power station. It is not to say that practices in the past in our area and other areas may not have been for the best interest of the workers and their health but it is believed that today the various practices in mines and power stations are far better in Australia than in most other parts of the world and the occupational health and safety regulations have made working in these environments much better than they were in the past.

Also the issue of Fly in Fly out was on the agenda at the Associations meeting as well. There was actually a Parliamentary enquiry into fly in fly out work practices with at least one of the hearings being in Narrabri in May. Since then Lithgow City Council has adopted a position not to support fly in fly out in our area and has put a motion to the local government conference in this regard.

The Councils at the Association meeting were supportive of Lithgow’s Motion going to the Annual Conference so that people need to be aware in these communities of the effect of fly in fly out on both the communities from where the communities come from and effect on the communities in which they work. Various effects include to the health of the people involved, the dislocation from their families, the lack of contribution to the local community as these people work only and are not participating as a general rule in other community activities. Also of course these people earn their money in one community but then spend it in another which is not helpful to the community in which the mining takes place. It will be interesting to see how much support we get from the Sydney councils.

At the Association meeting I was pleased to be made a life member of the Mining Related Council’s Association, having been a delegate for 13 years and on the executive for 9 years. This will then allow me to attend meetings after I have stood down from Council so that I can continue to be informed as to the issues that may affect our area.

RECOMMENDATION

THAT Council note the report on the NSW Mining Related Council meeting held on 10th August 2012.

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.*