



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

16 DECEMBER 2013

AT 7.00pm

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# AGENDA

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**ACKNOWLEDGEMENT OF COUNTRY**

**APOLOGIES**

**PRESENT**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 NOVEMBER 2013**

**DECLARATION OF INTEREST**

**PUBLIC FORUM**

**PRESENTATIONS - NIL**

**MAYORAL MINUTES**

Confidential Report - Performance Review of the General Manager

**STAFF REPORTS**

General Managers Reports  
Environment and Development Reports  
Operation Reports  
Corporate and Community Reports

**COUNCIL COMMITTEE MINUTES**

Lithgow Flash Gift Committee - 13 November 2013  
Youth Council Minutes - 26 November 2013  
Operations Committee Meeting Minutes - 18 November 2013

**DELEGATES REPORTS**

Centroc Meeting - 28 November 2013

**NOTICES OF MOTION - NIL**

**QUESTIONS WITH NOTICE - NIL**

**NOTICE OF RECISSIONS**

Proposed Heritage Conservation Zones - Councillor C Hunter, R Thompson & W McAndrew

Unsewered Lots below 4000m2 - Councillor C Hunter, R Thompson & W McAndrew

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## **BUSINESS OF GREAT URGENCY**

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

## **CLOSED REPORTS**

Mayoral Minute - General Managers Performance Appraisal

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## GENERAL MANAGERS REPORTS

### ITEM-1 GM - 16/12/13 - FINANCIAL ASSISTANCE - ZIG ZAG RAILWAY

REPORT BY: R BAILEY - GENERAL MANAGER

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#### SUMMARY

During the Lithgow State Mine Fire the Zig Zag Railway was severely impacted with a significant amount of damage inflicted upon the infrastructure of the area.

Zig Zag Railway have requested assistance in cleaning up.

#### COMMENTARY

During the Lithgow State Mine Fire in October 2013 significant damage was done to the Zig Zag Railway infrastructure. Several councillors visited the site on Thursday 28 October 2013 to view the damage.

The Zig Zag Railway have requested assistance by way of the use of Council machinery to help clean up the site. Zig Zag Railway are seeking this assistance in February 2014. The amount of assistance is estimated at \$7,000 - \$8,000.

Council can provide such assistance under Section 356 of the NSW Local Government Act 1993. This provides:

##### **356 Can a council financially assist others?**

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.**
- (3) However, public notice is not required if:
  - (a) the financial assistance is part of a specific program, and
  - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council advertise under Section 356 of the NSW Local Government Act 1993 to provide financial assistance of up to \$10,000 to the Zig Zag Railway.

## **ENVIRONMENT AND DEVELOPMENT REPORTS**

### **ITEM-2            ENVIRO - 16/12/13 - DRAFT PLANNING PROPOSAL FOR THE PRINCIPAL LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013 EXHIBITION OUTCOMES AND RECOMMENDED ACTIONS**

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

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## **REFERENCE**

Min No 568:	Ordinary Meeting of Council held on 14 June 1994
Min No 50:	Ordinary Meeting of Council held on 13 January 1997
Min No 07-518:	Policy and Strategy Committee Meeting held on 3 December 2007
Min No 07-519:	Policy and Strategy Committee Meeting held on 3 December 2007
Min No 08-78:	Policy and Strategy Committee Meeting held on 1 July 2008
Min No 08-134:	Ordinary Meeting of Council held on 19 August 2008
Min No 008-227:	Ordinary Meeting of Council held on 15 December 2008
Min No 10-138:	Ordinary Meeting of Council held on 12 April 2010
Min No 10-160:	Extra Ordinary Meeting of Council held on 27 April 2010
Min No 11-23:	Ordinary Meeting of Council held on 24 January 2011
Min No 11-24:	Ordinary Meeting of Council held on 24 January 2011
Min No 11-27:	Ordinary Meeting of Council held on 24 January 2011
Min No 11-231:	Ordinary Meeting of Council held on 20 June 2011
Min No 11-422:	Ordinary Meeting of Council held on 31 October 2011
Min No 11-450:	Ordinary Meeting of Council held on 31 October 2011
Min No 12-75:	Ordinary Meeting of Council held on 5 March 2012
Min No 12-215:	Ordinary Meeting of Council held on 25 June 2012
Min No 13-116:	Ordinary Meeting of Council held on 15 April 2013
Min No 13-190:	Ordinary Meeting of Council held on 27 May 2013
Min No 13-390:	Ordinary Meeting of Council held on 28 October 2013
Min No 13-391:	Ordinary Meeting of Council held on 28 October 2013

## **SUMMARY**

The purpose of this report is to advise of the outcomes of the public exhibition of the Draft Planning Proposal; evaluate and address the written submissions and to recommend actions to enable the finalisation of the Planning Proposal for referral back to the NSW Department of Planning and Infrastructure for the making of the Plan.

## **ACRONYMS USED IN THIS REPORT**

For ease of reference the acronyms frequently used in this report are expanded below:

**DCP**                    Development Control Plan

**DoP & I**                NSW Department of Planning and Infrastructure



<b>ESA</b>	Environmentally Sensitive Areas
<b>LCC</b>	Lithgow City Council
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>MLS</b>	Minimum lot size
<b>OEH</b>	Office of Environment and Heritage
<b>SCA</b>	Sydney Catchment Authority
<b>SEPP</b>	State Environmental Planning Policy

## **COMMENTARY**

### **BACKGROUND**

The Draft LEP 2013 is the culmination of a number of years of strategic planning work and consultation with the Lithgow community and relevant government agencies. Its key purpose is to implement the strategic directions and actions of the Lithgow Land Use Strategy 2010-2030 (LUS) adopted by Council on 31 October, 2011 and formally endorsed by the Director General of NSW Department of Planning and Infrastructure on 24 May 2012 as amended by Council's resolutions of the 15 April 2013.

### **EXHIBITED DRAFT LEP 2013 – KEY ELEMENTS**

Whilst the Draft LEP 2013 is a Standard Instrument LEP with a set template of zones, clauses and definitions, it does deliver locally specific outcomes that support the key directions of the endorsed LUS. More specifically the exhibited Draft LEP will:

- Repeal and replace the two environmental planning instruments that apply to the area: *Lithgow Local Environmental Plan 1994 and Rylstone Local Environmental Plan 1996*.
- Provide a suite of land use zones to accord with the Standard Instrument LEP and support the strategic directions of the LUS;
- Provide 50 ha of new industrially zoned land at Marrangaroo and 104ha of heavy industrial land zoning at the Minerals Processing Site, Wallerawang;
- Provide 19.08ha of new light industrially zoned land at Lidsdale;
- Identify a 310ha urban release area at Marrangaroo to provide for future growth in residential and allied urban land use and to ensure potential further growth is not compromised in the short term;
- Provide a suite of land use zones to replace the Village Zone in the towns of Portland and Wallerawang;
- Consolidate the commercial centre of Lithgow and differentiate the role of the commercial core and out of centre commercial areas;

- Provide zonings for neighbourhood shopping areas at Col Drewe Drive and adjoining KFC, South Bowenfels;
- Modify the zoning of land in the villages of Capertee, Rydal, Tarana and Lidsdale to consolidate village zoned lands and provide for large lot residential growth to support each village commensurate with its role in the settlement hierarchy;
- Retain existing provisions in relation to rural minimum lot size and the erection of dwellings in the rural areas;
- Retain existing areas available for unsewered large lot residential land use with the exception of the area to the northeast of Lidsdale;
- Provide appropriate zones for serviced large lot residential areas at Lidsdale and on the southern urban fringe of Lithgow;
- Contain provisions to protect the natural environment;
- Contain provisions to align development growth with the provision of essential infrastructure;
- Provide for the protection and conservation of items and areas of environmental heritage;
- Classify or reclassify a number of public lands to accord with the provisions of the Local Government Act, 1993.

In accordance with the Gateway Determination issued by the Minister and dated 20/5/13, the Draft Planning Proposal for the Principal Lithgow Local Environmental Plan 2013 has been exhibited consistent with the statutory requirements of Section 56(2)(c) and Section 57 of the Environmental Planning and Assessment Act, 1979; the specifications as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012) and the consultation strategy adopted by Council on 27 May 2013.

A Public Hearing was held in relation to the reclassification of 90 identified parcels of public lands from community to operational under Section 29 of the Local Government Act, 1993 and in accordance with Section 57 (6) of the Environmental Planning and Assessment Act 1979.

Council considered two notices of motion affecting the following components of the exhibited Draft LEP 2013 at its Ordinary Meeting of 28 October, 2013:

- Local Heritage Listings and Conservation Areas - Minute Number 13-390
- Development Standards for unsewered lands less than 4000m<sup>2</sup> - Minute Number 13 -391.

## **OUTCOMES OF PUBLIC EXHIBITION AND CONSULTATION PROCESS**

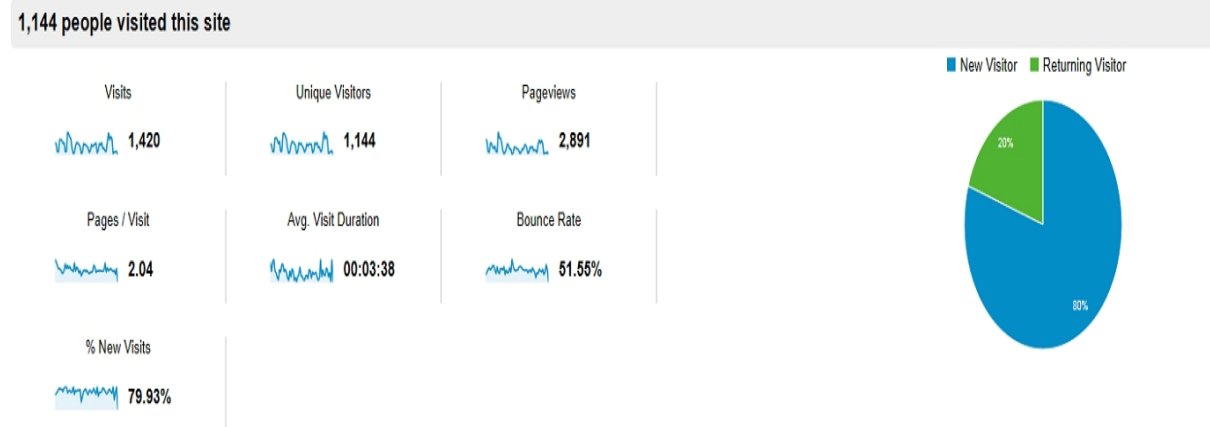
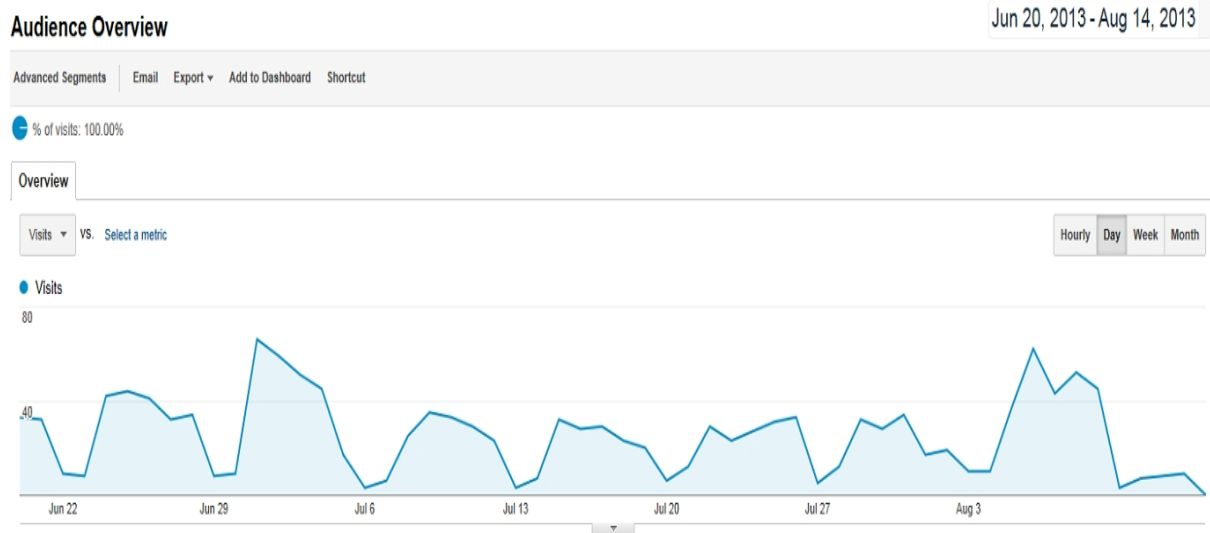
### **PUBLIC EXHIBITION**

The Draft Planning Proposal was publicly exhibited for a period of fifty days between 20 June 2013 and 9 August 2013. To support the exhibition, an extensive consultation program was undertaken in accordance with the consultation strategy outlined and adopted by Council on 27 May 2013. This engagement program followed the major consultation Council undertook in 2011 in relation to the Draft Land Use Strategy.

The following Table 1 provides a summary of the type of notification/consultation undertaken and the results achieved.

<b>PUBLIC NOTICES/MEDIA RELEASES</b>		
<b>FORM</b>	<b>DATE/S ISSUED</b>	<b>SENT TO/PUBLISHED IN</b>
Public Notice Draft LEP	Weekly from 13/6/13 – 1/8/13  Commencement of exhibition	Council Column Lithgow Mercury  Mudgee Guardian, Western Advocate and Blue Mountains Gazette.
Public Notice Public Hearing	Weekly from 8/8/13-22/8/13	Council Column Lithgow Mercury
Media Release	11/4/13 Next Step for LEP 17/6/13 Draft LEP Have Your Say 2/8/13 New Planning Laws - Have you had your say	All local media
Radio Announcements	Commencement of Exhibition – Open House Notices Last week of Exhibition – Have you had your say?	2LT and Move FM
<b>NOTIFICATION LETTERS</b>		
<b>TO</b>	<b>DATE SENT</b>	<b>NUMBER</b>
Persons who have previously registered an interest in the process since 2006.	17 June 2013	689
Landowners of individual local heritage items	28 June 2013	491
Landowners of properties within proposed Heritage Conservation Areas	28 June 2013	465
<b>DEDICATED WEB PAGE AND INTERACTIVE MAPPING</b>		
<p>A dedicated web page within Council's website was created for the Draft Principal LEP 2013 at <a href="http://www.lithgow.com/lep/">www.lithgow.com/lep/</a> . This site provided all relevant information to assist in understanding the Draft LEP and the strategic planning framework including the following:</p> <ul style="list-style-type: none"> <li>• Mayoral Interview – U Tube</li> <li>• All relevant documentation including a Plain English Version of the Draft LEP 2013</li> <li>• LEP Mapping presented in both Pdf format as well as interactive mapping tool with associated online tutorials on how to use the interactive mapping</li> <li>• Total of 16 downloadable Plain English Fact Sheets</li> <li>• Explanation of the Strategic Context and</li> <li>• A LEP Enquiry contact form linked to a dedicated LEP email address.</li> </ul>		

**1,144 people visited this site** during the exhibition period visiting **on average 2.04 pages per visit** and average **visit duration of 3.38 minutes** with **20% of visitors being returning visitors**. Web usage **peaked in early July and early August**. The statistics identifying the use of the site are included in the web report below:



**GOVERNMENT AUTHORITY CONSULTATION**

<b>GOVERNMENT AUTHORITY/AGENCY</b>	<b>DATE SENT</b>	<b>NUMBER SENT</b>
As determined by condition of Gateway Determination Additional agencies having local relevance	17 June 2013	54

<b>OPEN HOUSE SESSIONS</b>		
<b>LOCATION</b>	<b>DATE HELD 10am -3pm</b>	<b>NUMBER OF ATTENDEES</b>
Lithgow	26 June 2013	5
Capertee	28 June 2013	12
Wallerawang	2 July 2013	5
Hartley Historic School	9 July 2013	14
Portland	10 July 2013	8
Lithgow (Evening)	15 July 2013	8
<b>TOTAL ATTENDEES</b>		<b>52</b>
In addition to the open houses Council planners were available by appointment between 10am and 3pm each day during the exhibition period from the 16 <sup>th</sup> July, 2013.		

**Table 1: Summary of Community and Government Authority Engagement Program**

## **OVERVIEW OF WRITTEN SUBMISSIONS**

A total of 110 written submissions were received during the public exhibition process. A further 9 written submissions were received shortly after the final exhibition process and have been accepted and taken into consideration for this report. One very late submission was received. Due to the lateness of this submission (see Attachment 8) it has not been able to be considered as part of this report.

The further breakdown of these submissions is as follows:

<b>ISSUE AREA</b>	<b>NUMBER OF SUBMISSIONS</b>
Government Authority Responses	27
Urban Zoning and Development Controls	19
Rural Zoning and Development Controls	13
Rural Lifestyle- Requests	6
Heritage	36
General Issues (Range of Topics)	18
Total	119

**Table 2: Summary of written submission response issues**

**Note: There were instances of multiple submissions being made by individuals or groups affecting the same parcel(s) or issue e.g. one person put in three submissions on the same issue. These were counted as three. In total there were 15 such multiple submissions.**

All written submissions were uploaded to Council's web page for public viewing in full, except where the respondent requested name and address details to be withheld, or where the submission identified information of commercial in confidence information in which case the submission was either redacted in part or withheld from the website.

An acknowledgement letter was sent to all respondents for those submissions received prior to 23 August, 2013.

Where required further discussions/meetings have been held with individual respondents to clarify their submissions and to discuss alternative solutions where such were available. Copies of all revised written submissions are attached to this report.

This report addresses each of the written submissions in tabulated form providing the identification of respondent, summary of the submission, planning comment including assessment of consistency with endorsed LUS and recommended actions to be taken forward to finalise the Planning Proposal.

Generally where a submission requested changes to the Draft LEP inconsistent with the endorsed strategy objectives, directions and actions it has not been supported. However where submissions requested changes to the Draft LEP that may be inconsistent with the LEP actions and directions of the LUS but can demonstrate consistency with the overall strategic objective it has been supported.

Please refer to **Tables 3- 7** of this report attached.

## **PUBLIC HEARING - PUBLIC LAND RECLASSIFICATIONS**

A Public Hearing was held on 29 August 2013 in the Council chambers in relation to the reclassification of 90 parcels of public lands as identified in Schedule 4 of Draft LEP 2013, from “community” to “operational” classification.

The Public Hearing was presided over by an Independent Chairperson, Mr Ray Christison, of High Ground Consulting, being a person who satisfied the provisions of Clause 47G of the Local Government Act, 1993.

No persons registered or presented at the Public Hearing to make a submission. A copy of the Public Hearing Report completed by Mr Christison is provided as Attachment 1 of this report.

## **GENERAL PUBLIC HEARING**

It is considered that no matter raised through the public engagement process or written submissions warrant the holding of a Public Hearing pursuant to Clause 56(2) of the EP & A Act, 1979.

## **IDENTIFIED ANOMALIES REQUIRING POST EXHIBITION CHANGE**

A number of anomalies have been identified as part of Council’s internal review and quality assurance process as well as a number identified and highlighted by the community as a consequence of the community and government authority engagement process.

Table 8 of this report summarises these anomalies, omissions or errors, how each was identified and provides a recommended action to inform post exhibition changes required to finalise the Draft Planning Proposal.

These changes are considered to be minor in nature and are not inconsistent with the strategic directions and recommendations of the endorsed Lithgow Land Use Strategy 2010-2030.

Please refer to Table 8 attached.

## **GENERAL STRATEGIC LAND USE PLANNING ISSUES**

### **HERITAGE**

Whilst Council's resolution of 28 October, 2013 Min No 13-390 has determined the path of potential heritage items and heritage conservation areas for the Draft LEP 2013, written submissions were received during the exhibition process and are outlined in Table 9.

#### ***IMPLICATIONS OF COUNCIL RESOLUTION OF 28 OCTOBER 2013 MINUTE NO 13-390***

Council at its Ordinary meeting of 28 October, 2013 considered a notice of motion in relation to property heritage listing and resolved as follows:

**13-390** That Council list all proposed Heritage Conservation zones on the deferred list and develop policy of consultation with affected landowners before any zone is imposed.

All new heritage items and conservation areas proposed to be listed in Draft LEP 2013 are to be deferred pending further consultation which will be based on a Council Policy. The following actions will now be taken:

- Amendment of Schedule 5 Part 1 and 3 of Draft LEP 2013 to remove all items except those currently listed in the 1994 LEP
- Amendment of Schedule 5 Part 2 of Draft LEP 2013 to remove all Heritage Conservation Areas (noting that individual items that are currently listed in the 1994 LEP and proposed to be within the HCA, will now remain individually listed).

The required actions listed in Heritage Table 9 are as a consequence of this minute.

#### ***IMPLICATIONS OF COUNCIL RESOLUTION OF 28 OCTOBER 2013 MINUTE NO 13-391***

Council at its Ordinary Meeting of 28 October 2013 considered a notice of motion in relation to DA's with Septic Systems and resolved as follows:

**13-391** That Council resolves that lots under 4000m<sup>2</sup> area assessed on merit when DA's are submitted with regards to septic systems.

The following actions will occur:

- Deletion of Clause 4.2A (6) of Draft LEP 2013.

## RURAL LIFESTYLE LOTS

Notwithstanding Council's resolution of 13-116 in relation to the issue of additional rural small lots within the LGA, it would still appear that some sections of the community still feel that this matter needs to be brought forward into this Draft Principal LEP process.

As explained in the Draft Planning Proposal report to Council in April of this year, this matter should be deferred to a separate Planning Proposal process prepared following a detailed Rural Lands Study.

Council resolved the following in relation to this matter:

*13-116 (7) To undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.*

In September of this year Council received written confirmation from the Regional Director Western Region Department of Planning and Infrastructure that Council should proceed with the making of Draft LEP 2013 and defer matters regarding increases in rural small lots and rural residential areas to a separate planning proposal. A copy of this advice is provided in Attachment 2 of this report.

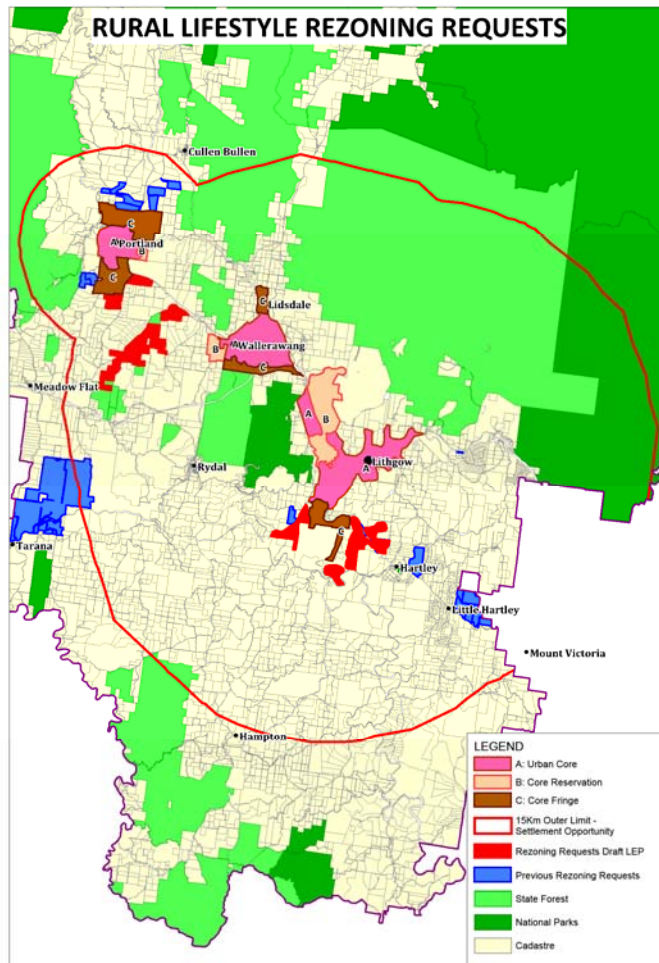
During the public exhibition period Council received six written submissions specifically requesting consideration of areas for rural lifestyle lots whilst four other submissions suggested that Council should give further consideration to this issue.

These areas are shown in red on the map titled Rural Lifestyle Rezoning Requests below. The areas in blue show those areas requested for similar consideration as part of the LUS process but did not come forth again as part of the Draft LEP exhibition.

Interestingly all the areas proposed in this and previous community consultations have been identified in the outer limit for settlement opportunity as identified by the endorsed LUS.

These areas will be taken forward for further evaluation in the Rural Lands Study, however they should not be considered as the only areas to be reviewed.





It is anticipated that the Rural Lands Study will be prepared by an external consultancy in accordance with a Consultants Brief and Contract.

A project steering committee will be formed to provide a transparent reference group for the project and may include: Council officers, Councillor representatives, DoP & I representatives and community representation and will report as required to full Council.

**IMPLICATIONS OF POST EXHIBITION CHANGES**

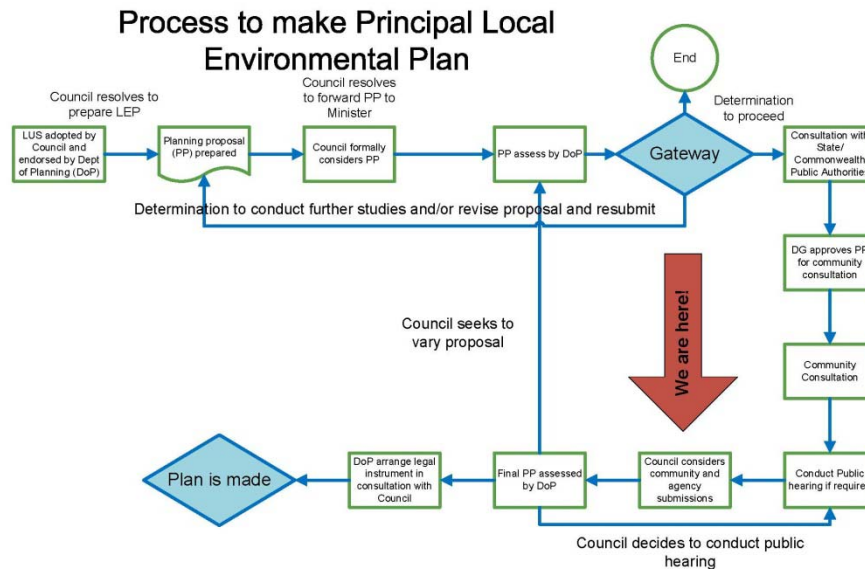
In considering post exhibition changes to the Draft LEP Council should be aware that any changes that are a major departure from the exhibited draft or are inconsistent with the endorsed LUS increase the potential of having to re-exhibit the amended Draft LEP 2013 and therefore not meeting the timeframes for completion of the LEP by 27 February 2014.

The Deputy Director General of the NSW Department of Planning and Infrastructure in issuing his gateway determination has stated that should Council fail to meet the timeframes for finalisation of the Draft LEP that the Minister may take action under section 54(2) (d) of the EP & A Act, 1979 whereby the Minister or his delegate may replace Council as the relevant planning authority for the making of the LEP having determined that Council has either failed in its obligations to make the plan or has not carried those obligations in a satisfactory manner.

This report has highlighted those changes considered to be a major departure from the exhibited draft and where inconsistency with the endorsed LUS cannot be supported.

## NEXT STEPS AND TIMELINE FOR FINALISATION OF DRAFT PLANNING PROPOSAL

A flowchart showing the process for making of the Principal LEP is shown below:



Following consideration of this report the following actions need to be undertaken:

- The Planning Proposal is amended to accord with Council's resolution; Mapping is to be amended and referred to the DoP & I's GIS division for amendment and production of the final LEP templated maps
- Final Draft Planning Proposal referred to the Western Region Office of DoP & I for approval and the making of the Plan.

In considering this report Council should be mindful that the identified timeline for finalisation of the LEP being 27 February 2014 does not provide for any further steps in the process not identified above.

## SPECIAL DISCLOSURE OF PECUNIARY INTERESTS

Section 451 of the *Local Government Act 1993*, has been amended to provide for a Councillor who has a pecuniary interest in a Principal environmental planning instrument such as Draft LEP 2013 to participate in the discussion of and vote on the instrument, provided that they make a special disclosure. A special disclosure in relation to the interest must be made before the commencement of the council meeting or the council committee meeting, and must be recorded in the minutes of the meeting.

**The special disclosure must be made on the prescribed form, a copy of which is Attachment 3 to this report.**

All Councillors are reminded of this obligation and Councils planners will be available to assist the completion of the forms as required prior to the meeting date. The application

of the Special Disclosure provisions have been discussed with the Division of Local Government and whilst it is clear that a disclosure can be made and the Councillor can take part in the debate and decision, no matters have yet been tested in the Pecuniary Interest and Disciplinary Tribunal. Furthermore, irrespective of the provision, Councillors may also wish to carefully consider matters such as public perception. Furthermore, if a Councillor has any doubt, then they should seek their own legal advice.

Notwithstanding the Special Disclosure provisions, a Councillor may choose to declare a pecuniary interest in any aspect of the draft LEP and **not** take part in consideration of that matter. This does not have to preclude the Councillor from taking part in other aspects of the overall item. Councillors should indicate the specific aspect that they are declaring an interest in. It is then possible for the individual matter to be separately considered when the Councillor has exited the Chamber and the balance to be considered when the Councillor is in the Chamber. The recommendations are structured to try and assist with such a scenario.

## **COUNCIL'S CODE OF CONDUCT**

Councillors should also be mindful of their obligations under Council's Code of Conduct and irrespective of the provisions of Section 451 relating to pecuniary interests careful consideration should also be given to significant non-pecuniary conflicts of interest. In this regard it is advisable for Councillors to peruse the Code of Conduct, particularly Part 4, to determine if any other obligations exist for them. Issues, such as "relationships", "other relationships", "affiliations", and actions relating to "political donations" are particular matters that Councillors should acquaint themselves with.

Should a Councillor declare a non-pecuniary significant conflict of interest then they are required under the code to leave the chamber and not take part in debate or voting on the issue. However, once again the individual issue/matter may be separated so that the Councillor can still take part in the remainder of the item.

## **CONCLUSION**

The Draft LEP 2013 is the culmination of a number of years of strategic planning work and consultation with the Lithgow community. It will give legal effect to the strategic principles and directions identified in the endorsed Lithgow Land Use Strategy 2010-2030.

The Draft LEP 2013 in the standard instrument format provides for a simpler and more efficient planning system and will facilitate Council moving to an e-planning environment. It represents a substantial shift in approach from the current flexible planning instrument in an attempt to be more transparent about the roles and functions of land use zones and the intended land use outcome.

Whilst recognising that this Draft LEP 2013 will not meet all community or individual expectations it will deliver sound planning outcomes in relation to the facilitation of employment land development and more robust urban and natural resource planning controls.

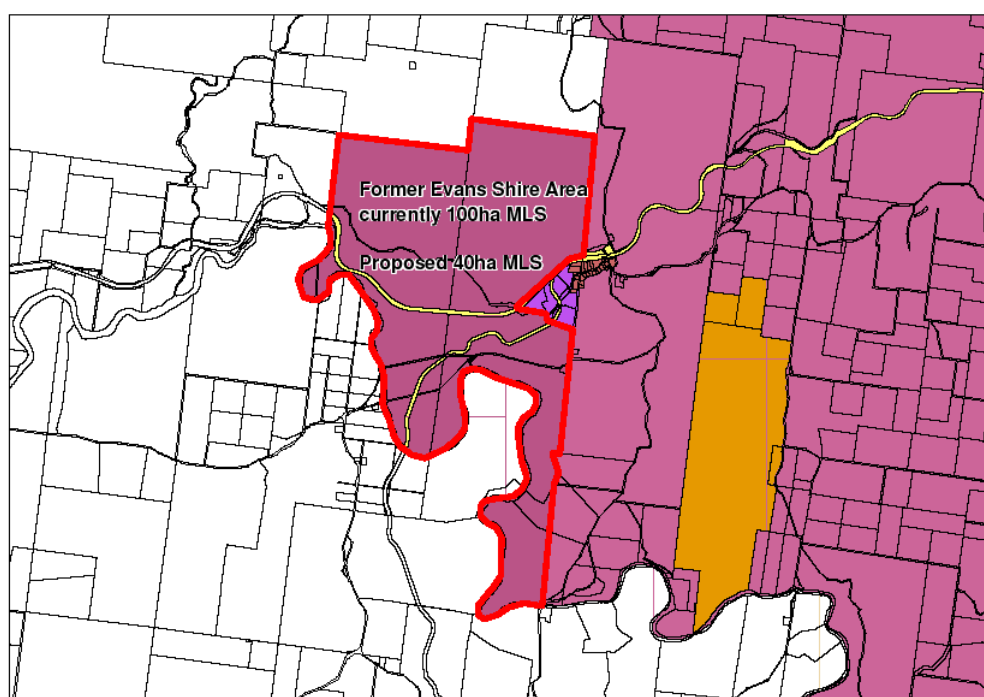
In relation to rural planning it is recognised that further strategic work in the form of a detailed rural lands study is required. However this should not delay the progression of

the Draft LEP 2013 as to do so would place Council in a position whereby the Department of Planning may seek to issue Council with a standard LEP and remove the possibility for local input.

This further rural planning work can progress independently of Draft LEP 2013 and if required lead to an amending Planning Proposal once that work is complete.

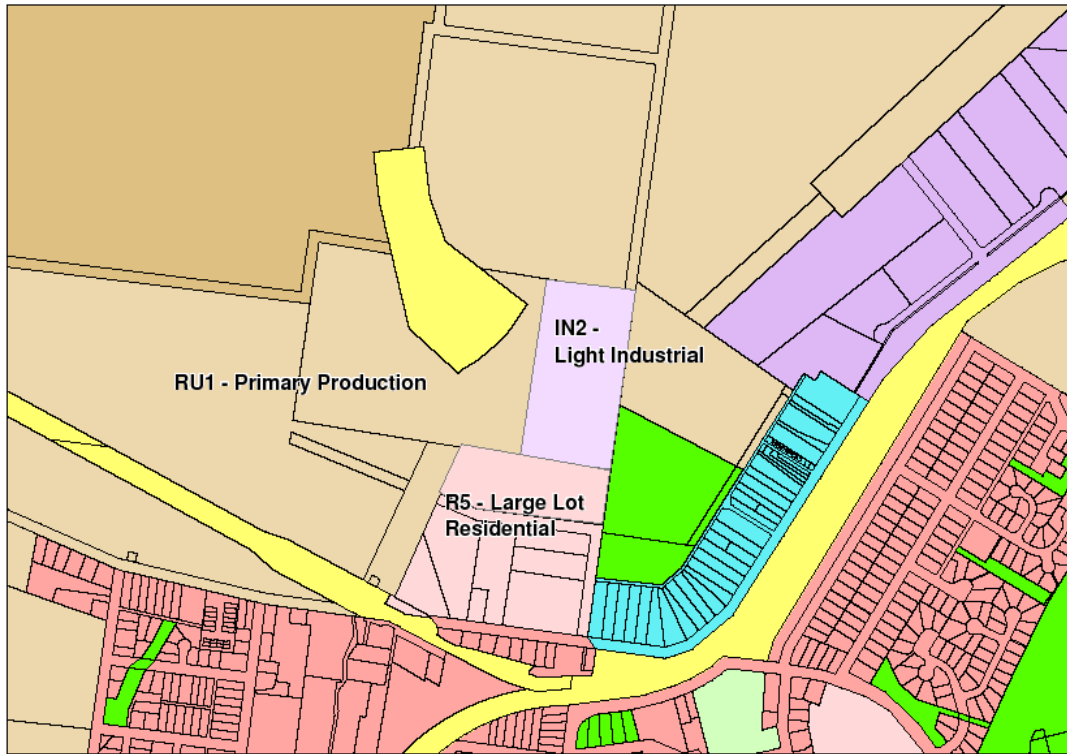
### **GENERAL MANAGER'S RECOMMENDATIONS**

Two recommendations also arise from the General Manager. Firstly, in relation to the land in the former Evans Shire Council area at Tarana, it will be recommended that for consistency purposes that the area in the RU1 Zone which was to remain as a 100 hectare minimum size for subdivision become 40 hectares in line with the remainder of the Local Government Area. See Map 1 below:



Map1 Tarana

Secondly, there were two submissions relating to Brays Lane, Wallerawang. It will be recommended that a section of land fronting Brays Lane be Zoned IN2, Light Industrial. See Map 2 below:



Map 2 Brays Lane

### **POLICY IMPLICATIONS**

The final Draft Lithgow City Local Environmental Plan 2013 provides future policy direction for land use planning decisions.

### **FINANCIAL IMPLICATIONS**

This project is jointly funded by Council and NSW Department of Planning and Infrastructure through Round 4 of the Planning Reform Fund Program.

### **LEGAL IMPLICATIONS**

The process for preparing, consulting upon and making a Local Environmental Plan is governed by the provisions of the Environmental Planning and Assessment Act, 1979 and its Regulations.

The reclassification of public lands is also governed by Section 29 of the Local Government Act, 1993.

The Draft Lithgow Local Environmental Plan once made will be a legal environmental planning instrument.

### **ATTACHMENTS**

1. Public Hearing Report prepared by High Ground Consulting.
2. NSW Department of Planning and Infrastructure Letter dated 12 September 2013
3. Form of special disclosure of pecuniary interest
4. Revised Submission from APP on behalf of Boral
5. Revised Submission Mr McLaughlan
6. Revised Submission – Conceptual Plans Anthony Daintith Planning on behalf of Private 1 and 7

7. Revised Submission – Ingham Planning
8. Late Submission – BOSKAE Environmental Planning
9. Table 3 Government Agency Submissions
10. Table 4 Community Submissions Urban
11. Table 5 Community Submissions Rural
12. Table 6 Community Submissions Rural Lifestyle
13. Table 7 Community Submissions General Issues
14. Table 8 Exhibited Draft LEP Anomalies
15. Table 9 Community Submissions Heritage

## RECOMMENDATION

### THAT:

1. Council amend the Draft Planning Proposal for Draft Lithgow City Principal LEP 2013 and advise respondents in accordance with the recommended actions of:

A	Table 3	Government Agencies	Recommendations 1-24
B	Table 4	Community Submissions - Urban	Recommendations 25-46
C	Table 5	Community Submissions - Rural	Recommendations 47-54
D	Table 6	Community Submissions - Rural Lifestyle	Recommendations 55-61
E	Table 7	Community Submissions - General	Recommendations 62-72
F	Table 8	Draft LEP Anomalies	Recommendations 73-102
G	Table 9	Community Submissions - Heritage	Recommendations 103-113

2. Council note the report prepared by Ray Christison regarding the Public Hearing held in relation to the proposed reclassification of Public Lands and proceed with the reclassification of all lands identified in Schedule 4 of the Draft LEP 2013 from community to operational.
3. Council reiterate its decision per Minute No 13-116 to undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.
4. Council note the correspondence dated 12th September 2013 from the Regional Director Western Region Department of Planning and Infrastructure that states Council should proceed with the making of Draft LEP 2013 and

defer matters regarding increases in rural small lots and rural residential areas to a separate planning proposal.

5. Council proceed with the preparation of the Rural Lands Study following gazettal of the Draft LEP 2013.
6. Council delegate to the General Manager authority to make any minor amendments that may arise during the preparation of the final draft document that do not substantially alter the recommendations adopted by this report.
7. Council delegate to the General Manager authority to refer the amended Final Draft Planning Proposal to the Western Region Office of NSW Department of Planning and Infrastructure for the making of the Plan.

### **GENERAL MANAGER'S RECOMMENDATIONS**

8. Amend the Draft LEP Lot Size Map for the area of land contained within the former Evans LGA as shown on the Former LGA Boundaries Map from 100ha to 40ha.
9. Amend Draft LEP 2013 Land Zone Map to zone Part Lot 162 DP 1073238 along Brays Lane to a depth of 150m IN2 Light Industrial with the remainder of the land being zoned RU1 Primary Production

**ITEM-3            ENVIRO - 16/12/13 - SPRINGVALE COLLIERY EXTENSION  
PROJECT (SSD-5594)**

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

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## **SUMMARY**

To advise Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) for the extension of the Springvale Colliery, Castlereagh Highway, Lidsdale.

## **COMMENTARY**

### **Proposal**

The components of Springvale Mine's existing operations are an underground longwall mine, the pit top and supporting surface infrastructure on Newnes Plateau within the Newnes State Forest.

The project will not significantly alter the nature of the existing operations. The project will:

- Include all currently approved operations, facilities and infrastructure;
- Continue to extract up to 4.5 million tonnes per annum of run of mine (ROM) coal from the Lithgow Seam underlying the Project Application Area;
- Extend the life of the mine for an additional 13 years with rehabilitation to be undertaken after this period;
- Develop underground access headings and roadways from the current mining area to allow access to the proposed mining area;
- Undertake secondary extraction by retreat longwall mining technique for the proposed longwalls LW416 to LW 432 and LW501 TO LW503;
- Continue to use the existing ancillary surface facilities at the Springvale pit top;
- Continue to manage the handling of ROM coal through a crusher and screening plant at the Springvale Pit Top and the subsequent loading of the coal onto the overland conveyor system for despatch to offsite locations;
- Continue to operate and maintain the existing ancillary surface infrastructure for ventilation, electricity, water, materials supply and communications at the Springvale pit top and on Newnes Plateau;
- Install and operate two additional dewatering bore facilities (Bores 9 and 10) on Newnes Plateau and the associated power and pipeline infrastructure, and upgrade the existing and construct two new sections of access tracks to Bores 9 and 10 facilities;
- Construct a downcast ventilation borehole at the Bore 10 facility location;
- Establish a services borehole area;
- Continue to use the existing Springvale Delta Water Transfer Scheme (SDWTS);
- Upgrade the existing SDWTS comprising construction of new sections of the trenched pipelines to increase the water delivery capacity of SDWTS from the existing 30 ML/day to up to 50 ML/day;



- Manage predicted increase in mine inflows using a combination of direct water transfer to the Wallerawang Power Station, via the SDWTS, and discharge through Angus Place Colliery's licensed discharge point LDP001 and Springvale Mine's LDP009;
- Continue to undertake existing and initiate new environmental monitoring programs;
- Continue to operate 24 hours per day, seven days per week, 52 weeks per year;
- Continue to provide employment to a full time workforce up to 310 employees;
- Progressively rehabilitate disturbed areas at infrastructure sites no longer required for mining operations;
- Undertake life-of-mine rehabilitation at the Springvale pit top and the Newnes Plateau infrastructure disturbance areas to create final landforms commensurate with the surrounding areas and the relevant zonings of the respective areas; and
- Transfer the operational management of coal processing and distribution infrastructure to the proposed Western Coal Services Project. The exception to this is that it will be the development consent granted in respect of the Springvale Mine Extension Project which will continue to authorise the transport of up to 50,000 tonnes per annum of coal to local domestic customers by road haulage.

Potential impacts such as air quality, noise, greenhouse gas, traffic, social and water management reports accompanied the application.

Air quality: Springvale Colliery would adopt a project-specific air quality impact criterion for the pollutants assessed for the modification and ensure that the development complies with this criterion.

Noise: It is predicted that there would be no increase in noise levels associated with this modification; however, noise levels associated with the existing pit top operations are predicted to exceed the project specified noise levels during the night-time period at the nearest potentially affected residential receivers. Therefore Springvale Coal would implement feasible and reasonable noise mitigation and management measures to reduce noise emissions from the existing Springvale Mine top pit operations.

Greenhouse Gas: The modification would include additional consumption of diesel. As such no particular design measure can be incorporated into the modification to avoid greenhouse gas emissions.

Traffic: The modification would result in up to seven additional vehicle trips per hour in the hour prior to the start of each shift and in the hour following the completion of each shift.

The intersection of the Castlereagh Highway and the Mine Access Road is satisfactory for the development and does not require upgrade works to be undertaken.

Social: The development would have no adverse social impacts. It is to include minimal infrastructure and would not have adversely impact on the existing land use, its physical characteristics or on nearby residents.

Water Management: The development is not expected to result in any changes to water management onsite and the mine will continue to operate within the approved limits.

**Status**

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 13 December 2013. A submission was made on behalf of Council regarding the development including a request that a Voluntary Planning Agreement be entered into between Lithgow City Council and Centennial Coal. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Infrastructure.

**FINANCIAL IMPLICATIONS**

It will be proposed that Council pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities.

**LEGAL IMPLICATIONS**

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

**RECOMMENDATION****THAT:**

1. The information in the report on the Springvale Colliery Extension Project be noted.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to the project.

**ITEM-4            ENVIRO - 16/12/13 - DA174/12 - PROPOSED PLANNING AGREEMENT FOR SUBDIVISION OFF TWEED ROAD, LITHGOW NSW 2790**

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

**SUMMARY**

Council is in receipt of a Development Application DA174/12 from In Touch Systems & Research Pty Ltd for a subdivision 1 lot into 3 lots, known as Lot 402 DP 1155154, Tweed Road, Lithgow.

**COMMENTARY**

The application was originally for a subdivision of 1 lot into 9 lots at Tweed Road, Lithgow, with the proposal recently being modified to be for a 3 lot subdivision (2 lots and 1 residue). The developer has previously offered to enter into a voluntary planning agreement as part of this application. The applicant has proposed a \$3000 contribution per allotment to be used towards community facilities.

**POLICY IMPLICATIONS**

Policy 7.12 – Planning Agreements applies.

**FINANCIAL IMPLICATIONS**

The financial implications for Council are the receipt by Council of a development contribution being a monetary contribution or the provision of a material public benefit in the form of infrastructure, facilities, amenities and services.

**LEGAL IMPLICATIONS**

The legislative basis for the Planning Agreement is incorporated in the Environmental Planning and Assessment Act 1979 (Sections 93F – 93L) and the Environmental Planning and Assessment Regulations (clauses 25B – 25H).

**ATTACHMENTS**

1. Draft Planning Agreement

**RECOMMENDATION**

**THAT:**

1. Council place the Voluntary Planning Agreement in relation to DA174/12 on public exhibition for a minimum of 28 days.
2. If no submissions are received on the Voluntary Planning Agreement, Council endorse the Voluntary Planning Agreement to finalise the documentation and notify the Minister for Planning.

**ITEM-5            ENVIRO - 16/12/13 - ADOPTION OF LITHGOW GENERIC  
COMMUNITY LANDS PLAN OF MANAGEMENT - NATURAL AREAS,  
PARKS, SPORTSGROUNDS & GENERAL COMMUNITY USE**

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

## **REFERENCE**

Min No 13-116(6):    Ordinary Meeting of Council held on 15 April 2013  
Min No 13-169:        Ordinary Meeting of Council held on 27 May 2013  
Min No 13-294:        Ordinary Meeting of Council held on 19 August 2013

## **SUMMARY**

This report seeks Council's endorsement of the Lithgow Generic Community Lands Plan of Management (Generic POM) as required under the provisions of the Local Government Act 1993 (hereafter referred to as the LG Act).

## **COMMENTARY**

### **BACKGROUND**

Community land is public land intended to be kept for use by the community. The LG Act requires that all community land is to be used and managed in accordance with a plan of management for the land. These plans may be developed for one area as a site specific plan or, alternatively, land with similar characteristics can be grouped together to form a single generic plan.

The Generic POM is designed to cover community classified land within the categories of Natural Area, Park, Sportsground and General Community Use, as defined within the LG Act. It does not cover lands categorised as being of "Cultural Significance", like Blast Furnace Park, South Bowenfels Gun Emplacements and Maiyingu Marragu Reserve (Blackfellows Hands), or lands that are covered by a site specific management plan like the Lithgow Golf Course and Hyde Park Reserve.

The Generic POM also recognises that some places captured by the plan may require the developments of site specific management plans to address in greater detail the ongoing management objectives and issues that are particular to that site. These sites include but are not limited too, Hassans Walls Reserve, Lake Lyell Foreshores and Lake Pillans.

The Generic POM is an important management tool which outlines the main features of the designated community land asset categories, and in general terms recommends how Council will develop and manage the land contained within those categories into the future.

## OUTCOMES OF PUBLIC EXHIBITION

The Draft Generic POM was approved for public exhibition by Council at its meeting of the 27<sup>th</sup> May 2013 and placed on public exhibition from Thursday 6<sup>th</sup> June until Thursday 4<sup>th</sup> July 2013. Submissions were received on the matter until Thursday 18<sup>th</sup> July 2013. No submissions were received during the public exhibition period.

A public hearing was held on Thursday 27<sup>th</sup> June 2013 into the categorisation of Council's community land under the Generic POM. The hearing was advertised in the Lithgow Mercury on 6<sup>th</sup>, 13<sup>th</sup> & 20<sup>th</sup> June 2013 as well as on Council's website. The public hearing was chaired by an independent facilitator, Mr Ray Christison. No submissions were made to the hearing by members of the public. A copy of the report on the public hearing is included in attachment 2 to this report.

The matter was reported to the Ordinary Council meeting of the 19<sup>th</sup> August 2013, where it was resolved:

- That the item be deferred to allow the item to be referred to the Environmental Advisory Committee and further submissions be called for. **Minute No 13-294**

The Draft Generic POM was placed on public exhibition following this resolution for a further period of 28 days from Thursday 3<sup>rd</sup> October until Thursday 31<sup>st</sup> October 2013. Submissions were received on the matter until Thursday 14<sup>th</sup> November 2013. Two(2) submission were received during the period and are summarised in Table 1 below.

**Table 1**

<b>Respondent Name</b>	<b>Summary of Submission</b>	<b>Planning Comment</b>	<b>Actions</b>
H Drewe	<ul style="list-style-type: none"> <li>• No emphasis on Threatened Species Conservation Act(TSCA) throughout the document</li> </ul>	Council is obliged to have consideration to the TSCA in managing its community lands assets. The Generic POM recognises this requirement and acknowledges Councils responsibilities in this regard in general terms (Section 4.9). In addition, before Council undertakes or allows a third party to undertake development on community land, consideration would be given to the environmental impact of the development under either Part IV or Part V of the Environmental Planning and	Amend page 33 column 2;paragraph 2;final sentence to read; "It is noted that at this time, the Lithgow LGA does not contain any identified areas of critical habitat for threatened species under either the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.

	<ul style="list-style-type: none"> <li>• Strengthen wording of Natural Areas – Bushland permitted uses to include “to maintain biodiversity and ecological sustainability</li> <li>• Requirement for public exhibition of development on community land</li> <li>• Concerned about Council’s Finance Dept controlling leases on community land; what about environmental concerns</li> </ul>	<p>Assessment Act 1979. It is recognised however that the Lithgow LGA does not contain any identified areas of critical habitat for threatened species under either the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.</p> <p>This is covered in the legislated and community objectives for “Natural Areas”</p> <p>Council Policy 7.6 requires that any development application on Council owned land is referred to Council for determination.</p> <p>Councils Finance department is responsible for the control of leases and licences on Council land. It is the responsibility of the Division to ensure that the intending leasee/licensee has the appropriate planning</p>	<p>No action</p> <p>That the provisions of the Generic POM be amended to include the following: That any development application on “community” land be publicly exhibited for a period of at least twenty one(21) days and referred to Council for determination.</p> <p>No action</p>
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	<ul style="list-style-type: none"> <li>• Statement that the LGA contains no endangered species is incorrect</li> <li>• Need for a Bushland Officer</li> <li>• Increased surveillance of natural areas for their protection</li> <li>• Review actions to gauge success of POM</li> </ul>	<p>approval prior to any lease/license being issued.</p> <p>The Generic POM states that the LGA contains no areas of critical habitat for threatened species under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.</p> <p>The Generic POM has recognised that in order to undertake and direct the actions and recommendation of the report that it will be necessary to resource up the area of natural resource management within Council. This could take the form of a Bushland Officer or other recognised environmental position</p> <p>The increase in surveillance within reserves while valid is not suggested as an action of the Generic POM at this time.</p> <p>Review 5yrs or as demand requires</p>	<p>See action 1 above</p> <p>Position is subject to resourcing. Council will source funding opportunities through grants and other sources outside general revenue.</p> <p>No action</p> <p>No action</p>
Environmental Advisory Committee	<ul style="list-style-type: none"> <li>• Parcel definition details of maps are not clear</li> </ul>	<p>Final version of document will be reformatted to improve clarity of "Community Land Schedule (CLS) numbers to improve identification on mapping.</p>	<p>Reformat final document to improve mapping quality</p>

	<ul style="list-style-type: none"> <li>• Areas of “Cultural Significance” not clear</li> </ul>	<p>In accordance with cl 36D(2) of the LG Act, areas of “Cultural Significance” cannot be covered by a Generic POM, and are required to be managed by a site specific POM.</p> <p>This can be clarified in the Generic POM by bringing Appendix B – Areas of Cultural Significance forward into pg 9 under the heading “cultural Significance”</p>	<p>Bring Appendix B forward into pg 9 of the Generic POM, under the heading “Cultural Significance”</p>
	<ul style="list-style-type: none"> <li>• Concern that some small reserves were not listed or identified</li> </ul>	<p>All reserves with a “community” classification with a subcategory of either:</p> <ul style="list-style-type: none"> <li>• Natural Area</li> <li>• Sportsground</li> <li>• Park</li> <li>• General Community Use</li> </ul> <p>have been captured in the Generic POM.</p>	<p>No action</p>
	<ul style="list-style-type: none"> <li>• Difficult to match schedules to maps</li> </ul>	<p>Reformat to improve mapping quality. Generic POM will also be available on Council’s website which will allow maps to be viewed digitally</p>	<p>Reformat final document to improve mapping quality</p>
	<ul style="list-style-type: none"> <li>• That areas of significance should have their own site specific plan of management ie. Hassans Walls, Londonderry Reserve</li> </ul>	<p>The adoption of the Generic POM, will satisfy Council’s legislative obligations under the LG Act for the management of “community” land under its control, Following on from this process, Council will identify community land parcels that will require the</p>	<p>No action</p>



	<ul style="list-style-type: none"> <li>• POM states that there are no endangered species; local groups should be consulted on this issue</li> <li>• Environment not resourcing should be primary concern of Council</li> <li>• Public ownership of land should be protected in perpetuity</li> </ul>	<p>development of site specific plans of management. These parcels will include but not be limited too:</p> <ul style="list-style-type: none"> <li>• Hassans Walls Reserve</li> <li>• Lake Lyell Foreshores</li> <li>• Blast Furnace Park and Lake Pillans</li> <li>• Lake Wallace</li> <li>• South Bowenfels Gun Emplacements</li> <li>• Tony Luchetti Sporting Precinct</li> </ul> <p>The Generic POM states that the LGA contains no areas of critical habitat for threatened species under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994. It does not state that there are no endangered or threatened species in the LGA</p> <p>Councils overall priority actions are underpinned by the Community Strategic Plan. These actions are then implemented through Councils Delivery Plans. Resourcing of all Council activities has to be prioritised in order to deliver on the Community Strategic Plan actions.</p> <p>“Community” classified land is not able to be sold.</p>	<p>See action 1</p> <p>No action</p> <p>No action</p>
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	<ul style="list-style-type: none"> <li>Threatened species should be identified on community land in the POM</li> </ul>	<p>Council has data from Office of Environment and Heritage that details biodiversity across the LGA. Additional mapping will be provided to illustrate the biodiversity layer and its relationship with the “community” lands layer.</p>	<p>Prepare additional mapping to illustrate the relationship of the biodiversity layer to “community” land.</p>
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A second public hearing was also held on Wednesday 6<sup>th</sup> November. The public hearing was again chaired by an independent facilitator, Mr Ray Christison. No submissions were made to the hearing by members of the public. A copy of the report on the public hearing is included in attachment 2 to this report.

## KEY IMPLICATIONS

### Organisational Impact

The development and implementation of the Generic POM is intended to address Council’s legislative obligations under the LG Act in the area of public land management. The Generic POM is a necessary management tool from which further detailed asset planning and service delivery objectives and standards can be developed across each category.

### Local Environmental Plans (LEPs) and other Relevant Legislation

The Generic POM does not override a planning instrument such as an LEP. Council is currently preparing its Standard Instrument LEP which will replace the existing LEP. In planning terms, any development on community land will still be required to fully comply with the provisions of other overriding planning, building, environmental and administrative legislation.

### Community Impacts

The development of the Generic POM provides a transparent approach to public land management and delivers an opportunity for the community to shape the desired management objectives and outcomes for these assets.

The consolidation and updating of our community land data will assist Council in achieving a coordinated approach to consistent service delivery across community land categories, while providing a direct correlation between community desires and expectations for their use and enjoyment.

## FINANCIAL IMPLICATIONS

Funds have been allocated in the 2012/13, 13/14 financial year for this project.

The financial costs of recommended actions of the Generic POM will need to be incorporated into future operation and delivery plans and long term financial plans.

## LEGAL IMPLICATIONS

The development and community consultation for the Generic POM have been carried out in accordance with the relevant provisions of the Local Government Act, 1993 in particular

- Section 25 & 26 - require every Council to classify all public land as either “community” or “operational”.
- Section 36 – requires every Council to prepare a POM for community land, and sets the framework for those plans.
- Section 38 – requires a draft POM to be publicly exhibited for not less than 28 days, with a period of not less than 42days from the commencement date of public exhibition during which submissions may be made to Council.
- Section 40A & 47G – require a public hearing to be conducted in respect of a Draft POM, if land is being categorised or re-categorised in accordance with section 36(4). A public hearing was held in relation to this Generic POM.

The Generic POM once adopted by Council will satisfy Council’s obligations under Section 35 of the LG Act to use and manage community land in accordance with a plan of management.

## **ATTACHMENTS**

1. Lithgow Generic Community Lands Plan of Management
2. Report on Public Hearing 1
3. Report on Public Hearing 2

## **RECOMMENDATION**

**THAT** Council:

1. Note the two (2) reports on the Public Hearings.
2. Accepts the actions identified in Table 1.
3. Adopts the Lithgow Generic Community Lands Plan of Management as amended.

**ITEM-6            ENVIRO - 16/12/13 - PROPOSED STORMWATER DRAINAGE  
EASEMENT - LOT 2 DP 302240 - 43 CASTLEREAGH HIGHWAY  
CULLEN BULLEN**

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

**REFERENCE**

Min No 12-257:            Ordinary Meeting of Council held on 23 July 2013  
Min No 13-317:            Ordinary Meeting of Council held on 9 September 2013

**SUMMARY**

To seek Council's approval to proceed with the compulsory acquisition of an easement for stormwater at 43 Castlereagh Highway, Cullen Bullen.

**COMMENTARY**

Council will be aware of this matter involving the proposed acquisition of an easement for an existing stormwater pipe that traverses a property at 43 Castlereagh Highway, Cullen Bullen. At Council's Ordinary meeting of 9 September 2013 the following was resolved:

**13-317 RESOLVED**

**THAT:**

1. Council compulsorily acquire an easement for a stormwater drain (excluding rights of access to the surface for construction, maintenance and repair), over the existing line of underground pipes on property Lot 2 DP 302240, Castlereagh Highway, Cullen Bullen standing in the name of John Fuller.
2. Council authorise affixing of the common seal to any relevant documentation.
3. The General Manager be authorised to execute any documentation.

Council's Solicitor has been working to finalise the matter, and has advised that the Plan of Acquisition has been lodged with LPINSW for registration, and has further advised that more specific wording of the resolution is required to meet the requirements of Division of Local Government to enable the processing of Council's application for Minister's and Governor's consents to proceed. Such wording should be:

1. *Council compulsorily acquire an easement for drainage of stormwater (excluding rights of access to the surface for construction, maintenance and repair), over the existing line of underground pipes on property Lot 2 DP 302240 known as 43 Castlereagh Highway Cullen Bullen, standing in the name John Fuller, such easement being required as part of Council stormwater drainage system, and that Council apply for necessary consents of the Minister for Local Government and the Governor in relation to such acquisition and the issuing of Proposed Acquisition Notice and Acquisition Notice.*

2. Council authorise the affixing of the common seal to any documentation in connection with the acquisition.
3. The General Manager be authorised to execute any documentation in connection with the acquisition.

### **POLICY IMPLICATIONS**

No specific Policies are applicable.

### **FINANCIAL IMPLICATIONS**

There have already been costs associated with survey works. Legal costs and registration of costs would be expected.

### **LEGAL IMPLICATIONS**

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

### **RECOMMENDATION**

#### **THAT:**

1. Council compulsorily acquire an easement for drainage of stormwater (excluding rights of access to the surface for construction, maintenance and repair), over the existing line of underground pipes on property Lot 2 DP 302240 known as 43 Castlereagh Highway Cullen Bullen, standing in the name John Fuller, such easement being required as part of Council stormwater drainage system, and that Council apply for necessary consents of the Minister for Local Government and the Governor in relation to such acquisition and the issuing of Proposed Acquisition Notice and Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991.
2. Council authorise affixing of the common seal to any relevant documentation in connection with the acquisition.
3. The General Manager be authorised to execute any documentation in connection with the acquisition.

**ITEM-7                    ENVIRO - 16/12/13 - ANGUS PLACE COLLIERY MODIFICATION  
APPLICATION (MOD 3 TO PROJECT APPROVAL PA06/0021)**

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

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## **SUMMARY**

To advise Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) for the modification of the Angus Place Colliery, Castlereagh Highway, Lidsdale owned by Centennial Coal.

## **COMMENTARY**

### **Proposal**

The proposed modification seeks approval to:

- Extend the length of Longwall 980 by 43.4 metres;
- Extend the length of Longwall 900W by 104.8 metres; and
- Increase the extraction height in both longwalls from 3.25 to 3.425 metres respectively.

The modified longwall panel area would be extracted below the Newnes State Forest, which is largely vegetated by eucalypt tree species and shrubs.

The original PA 06\_0021 was approved by the Minister for Planning on 13 September 2006 which authorises mining of the Lithgow seam in longwall panels 920 to 980. Over the past years 2 other modifications have been approved by the Department since the original grant and involved:

- The development of two longwall panels, an increase in the annual tonnage and additional dewatering bores and associated infrastructure.
- Construction of a ventilation facility and underground mining trial.

Following ongoing geotechnical and geological investigations, Angus Place has identified an opportunity to extract additional coal in these longwall panels which would allow a more complex extraction of the coal resource.

The assessment of the modification includes the impacts on subsidence and environmental consequences which it is said to be minimal.

As such the modification proposal is considered to be minor but as it involves extensions to the mine, it must be assessed and determined by the Department of Planning and Infrastructure.

### **Status**

The Environmental Impact Statement was supplied to Council and distributed to relevant government agencies for comment which finished on the 15 November 2013. A

submission was made on behalf of Council regarding the proposed development including a request that a Voluntary Planning Agreement be entered into between Lithgow City Council and Centennial Coal. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Infrastructure.

### **FINANCIAL IMPLICATIONS**

It will be proposed that Council pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities.

### **LEGAL IMPLICATIONS**

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

### **RECOMMENDATION**

#### **THAT:**

1. The information in the report on the Angus Place Colliery Modification Project be noted.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate and finalise a Voluntary Planning Agreement in relation to the project.

**ITEM-8            ENVIRO - 16/12/13 - ANGUS PLACE COLLIERY EXTENSION  
PROJECT (SSD 5602)**

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

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## **SUMMARY**

To advise Council on a Major Project that has been submitted to the Department of Planning and Infrastructure (the Department) for the extension of the Angus Place Colliery, Wolgan Road, Lidsdale.

## **COMMENTARY**

### **Proposal**

The components of Angus Place Mine's existing operations are an underground longwall mine, the pit top and supporting surface infrastructure on Newnes Plateau within the Newnes State Forest.

- The project will not significantly alter the nature of the existing operations. The project will:
- Include all currently approved operations, facilities and infrastructure;
- Continue to extract up to 4 million tonnes per annum of run of mine (ROM) coal from the Lithgow Seam underlying the Project Application Area;
- Develop underground access headings and roadways from the current mining area to allow access to the proposed mining area;
- Undertake secondary extraction by retreat longwall mining for the proposed longwall panels LW1001 to LW 1019;
- Continue to use the existing ancillary surface facilities at the Angus Place pit top;
- Continue to manage the handling of ROM coal through a crushing and screening plant at the Angus Place Pit Top and the subsequent loading of the coal onto the existing road haulage trucks for dispatch to offsite locations;
- Continue to operate and maintain the existing ancillary surface infrastructure for ventilation, electricity, water, materials supply and communications at the Angus Place pit top and on Newnes Plateau;
- Install and operate seven additional access tracks from Sunny Ridge Road to the dewatering borehole facilities;
- Install and operate dewatering reinjection boreholes and pipeline infrastructure at the existing ventilation facility site;
- Construct and operate a downcast ventilation shaft and upgrade the existing access track to the proposed facility from the Sunnyside Ridge Road;
- Manage mine inflows using a combination of direct water transfer to the Wallerawang Power Station, via the Springvale Delta Water Transfer Scheme and discharge water through Angus Place Colliery's licensed discharge point;
- Continue to undertake existing and initiate new environmental monitoring programs;



- Continue to operate 24 hours per day, seven days per week;
- Continue to provide employment to a full time workforce up to 225 persons and 75 contractors;
- Progressively rehabilitate disturbed areas at infrastructure sites no longer required for mining operations;
- Undertake life-of-mine rehabilitation at the Angus Place pit top and the Newnes Plateau infrastructure disturbance areas to create final landforms commensurate with the surrounding areas and the relevant zonings of the respective areas; and
- Transfer the operational management of coal processing and distribution infrastructure to the proposed Centennial Western Coal Services Project.

The project seeks to extend the life of the colliery by an additional 25 years.

Potential impacts such as air quality, noise, greenhouse gas, traffic, social, effluent treatment and water management reports accompanied the application.

**Air quality:** Angus Place Colliery would adopt a project-specific air quality impact criterion for the pollutants assessed for the modification and ensure that the development complies with this criterion.

**Noise:** It is predicted that there would be no increase in noise levels associated with this application. Angus Place Colliery would implement feasible and reasonable noise mitigation and management measures to reduce noise emissions from the existing Angus Place Colliery top pit operations.

**Greenhouse Gas:** The modification would include additional consumption of diesel. As such no particular design measure can be incorporated into the modification to avoid greenhouse gas emissions.

**Traffic:** The modification would result in up to seven additional vehicle trips per hour in the hour prior to the start of each shift and in the hour following the completion of each shift.

The intersection of the Castlereagh Highway and the Mine Access Road is satisfactory for the development and does not require upgrade works to be undertaken.

Given the negligible impact of the modification, no further mitigation measures with regards to traffic generation are required.

**Social:** The development would have no adverse social impacts. It does not include new infrastructure and would not have adversely impact on the existing land use, its physical characteristics or on nearby residents.

**Effluent Disposal:** A sewer line would be connected into the Council sewer system to convey effluent from the Springvale Mine pit top facilities. This would provide a beneficial outcome to prevent risk of runoff from the existing effluent utilisation area.

**Water Management:** The development is not expected to result in any changes to water management onsite and the mine will continue to operate within the approved limits.

**Status**

The Environmental Impact Statement was supplied to Council and was placed on exhibition for public and authority comments which finished on the 13 December 2013. A submission was made on behalf of Council regarding the development including a request that a Voluntary Planning Agreement be entered into between Lithgow City Council and Centennial Coal. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Infrastructure.

**FINANCIAL IMPLICATIONS**

It will be proposed that Council pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities.

**LEGAL IMPLICATIONS**

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

**RECOMMENDATION****THAT:**

1. The information in the report on the Angus Place Colliery Expansion Project be noted.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate and finalise a Voluntary Planning Agreement in relation to the project.

**ITEM-9                    ENVIRO - 16/12/13 - CLARENCE COLLIERY MODIFICATION  
APPLICATION (MOD 2 & 3 TO PROJECT APPROVAL DA504/00)**

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

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## **SUMMARY**

To advise Council on two Major Projects that have been submitted to the Department of Planning and Infrastructure (the Department) for modifications of Centennial Coals' Clarence Colliery at Chifley Road, Clarence.

## **COMMENTARY**

### **Background**

Clarence Colliery is an underground coal mining operation approximately 10 km from Lithgow. It operates under three development consents, with consent originally granted in 1976 for underground coal mining operations, and the most recent approval DA504-00 granted in 2005 by the now Department of Planning and Infrastructure. The two subject modifications seek to amend the approval to include a new Reject Emplacement Area (REA) and to allow road haulage to the west.

The existing approval allows for 3 million tonnes per annum (Mtpa) to be produced with the mine currently producing approximately 2- 2.5Mtpa. The mine contains its own crusher and washery onsite which then allows the coal to be directly transported by the Main Western Rail Line predominately to Wollongong for export. Some coal is currently approved to be hauled from the mine to the east to Sydney via trucks being 200,000 tonnes per annum (tpa).

Having the coal crushed and washed onsite means there is a large amount of reject material recovered, which cannot be reclaimed for export and needs to be disposed of. The mine currently has approval for five REAs, however will need room for more in the future. Additionally, some materials can be reclaimed as a fine material which is pressed to a solid coal fine product using a Belt Filter Press, which makes a saleable product to local power stations (EnergyAustralia) which requires transport by road which does not have current approval.

### **Proposed Modification 2**

The proposed modification 2 is for Reject Emplacement Area (REA) VI (6), seeking approval to:

- Establish REA VI to the south of the 'Run of Mine' (ROM) area. This emplacement area will have the disposal capacity of approximately 500,000 tonnes at a maximum rate of up to 250,000 tpa in order to support the mine's existing operations.
- Upgrade and relocate the effluent irrigation system to assist with the rehabilitation of the existing REAs.

- Increase employees from approximately 235 employees to 300 employees commensurate to achieve approved levels of production of three million tonnes per annum.

The environmental impacts of this proposed modification will mainly relate to the effects of the REA environmentally and the ongoing rehabilitation of the site.

### **Proposed Modification 3**

The proposed modification 3 is for the road haulage to the west, which is seeking approval to:

- Enable the road haulage of up to 100,000 tpa of coal products to the west of the Blue Mountains via Chifley Road, The Darling Causeway, Station Street (Mt Victoria), Great Western Highway and the Castlereagh Highway to the Wallerawang Power Station Private Haul Road. No increase to the 200,000tpa road haulage approval is requested, only change to allow west and east road haulage.
- To allow stockpiling at the Kerosene Vale Stockpile Site near Lidsdale if direct delivery to local power stations is not available.
- Allow a maximum 25 two-way truck movements per day.

The environmental impacts of this proposed modification will mainly be the effects on existing arterial road traffic through the Lithgow Local Government Area.

### **Status**

The Environmental Impact Statement was supplied to Council and distributed to relevant government agencies for comment which finishes on the 18 December 2013. A submission will be made on behalf of Council regarding its comments, including a request that a Voluntary Planning Agreement be entered into between Lithgow City Council and Centennial Coal. The assessment of the proposal will now be undertaken and completed by the Department of Planning and Infrastructure.

### **FINANCIAL IMPLICATIONS**

It will be proposed that Council pursue a Voluntary Planning Agreement seeking a monetary contribution to be applied to community facilities.

### **LEGAL IMPLICATIONS**

As the proposal falls within Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority.

### **ATTACHMENTS**

1. Modification 2- REA location

## **RECOMMENDATION**

### **THAT:**

1. The information in the report on the Clarence Colliery Modification Projects 2 & 3 be noted.
2. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement in relation to both projects.

**ITEM-10            ENVIRO - 16/12/13 - DEVELOPMENT APPLICATION 245/13  
SUBDIVISION OF 1 LOT INTO 55 LOTS - GREAT WESTERN  
HIGHWAY BOWENFELS - CALLING IN OF APPLICATION**

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

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**REFERENCE**

Min No 09-442:            Ordinary Meeting of Council held on 2 November 2009  
Min No 12-129:            Ordinary Meeting of Council held on 23 April 2012  
Min No 13-292:            Ordinary meeting of Council held on 19 August 2013

**SUMMARY**

To inform Council of the ‘call in’ of a development application pursuant to Council policy.

**COMMENTARY**

Council is in receipt of a development application (DA245/13) for the subdivision of 1 lot into 55 lots at Great Western Highway, Bowenfels. NB – Whilst the official locality is Bowenfels, the location could also be considered to be Marrangaroo. The application has been called in for determination by Councillor F Inzitari.

The applicant has been requested to supply additional information in relation to a number of aspects for the assessment by Council and other Government Authorities. The application has been referred to the NSW Rural Fire Service, Roads and Maritime Services, Sydney Catchment Authority, Department of Trade and Investment - Crown Lands, Australian Rail Track Corp Pty, John Holland Rail Pty Ltd and Endeavour Energy.

The application has also been notified to surrounding residential landowners and placed on public exhibition. Prior to the close of exhibition, Council had received over 50 individual submissions from the public.

**POLICY IMPLICATIONS**

This application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors” Item 3 that states:

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

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

This application is reported pursuant to the first dot point.

**FINANCIAL IMPLICATIONS**

The developer may be requested to enter into a Voluntary Planning Agreement with Council.

**LEGAL IMPLICATIONS**

No specific implications at this stage of the process.

**RECOMMENDATION**

**THAT** the calling in of Development Application No 245/13 be noted.

**ITEM-11            ENVIRO - 16/12/13 - DA224/13 - PROPOSED SIGN, 888 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790**

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

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**SUMMARY**

Council is in receipt of a Development Application DA224/13 from Margot Dawson, Shell Company of Australia Ltd. for the erection of a sign on land known as Lot 2 DP 862773, No.888 Great Western Highway South Bowenfels.

**COMMENTARY**

The proposal is for the removal of a 10m flag sign and 3m board sign to be replaced with a site identification sign at the Shell/Coles Express Service Station.

The proposed sign would be 7.24m x 2.01m in size and would internally illuminate the word “Shell”. Part of the structure contains a red LED lighting component which displays the cost of the different types of fuel sold on the property.

The works are necessary to comply with the new legislation for fuel signs which now requires the display of fuel prices.

There are no changes to the operation of the service station or any other existing signs located on the property.

**POLICY IMPLICATIONS**

Council’s *Policy 7.6 – Development Applications by Councillors and staff and relatives* requires Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given that the property is owned by a relative of Councillor Inzitari, the proposal is reported to Council for determination.

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

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

**ATTACHMENTS**

1. A complete Section 79C report.



## RECOMMENDATION

### THAT:

1. Council **APPROVE** DA 224/13 in accordance with the conditions outlined in the attached Section 79C report.
2. A **DIVISION** be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

## **OPERATION REPORTS**

### **ITEM-12            OPER - 16/12/13 - FLOODPLAIN MANAGEMENT GRANT FOR VOLUNTARY PURCHASE**

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

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#### **SUMMARY**

To advise Council of the availability of funding from the NSW Office of Environment and Heritage for the Voluntary Purchase of 69 Sandford Avenue, Lithgow.

#### **COMMENTARY**

Advice has been received from the NSW Department of Premier and Cabinet, Office of Environment and Heritage, that funding is available for the Voluntary Purchase of 69 Sandford Avenue, Lithgow, under the 2013/14 Floodplain Management Program.

The property is a deceased estate, and the executor of the property has expressed interest in selling the property to Council for the purpose of Flood Mitigation works.

The dwelling site is prone to significant inundation during flood events, and has been identified as a site for voluntary purchase by Council since the early 1990's.

The purchase of 69 Sandford Avenue, and the subsequent demolition of the dwelling will have a number of benefits for the community:

- Increase safety by the removal of a flood prone property
- Increase in floodway area, resulting in subsequent reduction in localised flood levels
- Allow Council to implement flood mitigation works around the vicinity of Tank Street bridge.

The amount of funding on offer from the NSW Office of Environment and Heritage (OEH) is 2:1 of the total cost for property valuation, acquisition, legal fees, demolition and site works.

Likely costs are being determined and it is estimated that the total cost of purchase, legal costs and demolition will be approximately \$250,000. OEH will be funding 66.7% of the total project and Council will fund the remainder.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Funds are available in the 2013/14 Management Plan to finance Council's share

## **LEGAL IMPLICATIONS**

Completion of purchase process for the property

## **RECOMMENDATION**

**THAT** Council ACCEPT the NSW Department of Premier and Cabinet, Office of Environment and Heritage funding agreement for the Voluntary Purchase of 69 Sandford Avenue, Lithgow.

**ITEM-13 OPER - 16/12/13 - REVIEW OF COUNCIL POLICIES**

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

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**REFERENCE**

Min No 09-189: Ordinary Meeting of Council held on 9 May 2009.  
Min No 13-398: Ordinary Meeting of Council held on 25 November 2013.

**SUMMARY**

This report provides Council with Policy Areas 1 to 2 for consideration by Council. Following the outcome of a recent review of Council policies it recommends amendments to the Policy Register.

**COMMENTARY**

A review of Council policies has recently been completed by the Executive Management Team and there are a number of suggested changes to the Policy Register for Council's consideration.

It has been determined that a number of policies are no longer relevant or outdated due to the implementation of new processes or changes in legislation and as such are being recommended for deletion. In order to provide a clearer Policy Register it is proposed that all the policies be re-numbered.

At the Ordinary Meeting of Council held on Monday 25 November 2013 it was resolved to review the recommended amendments to Council policies in sections, hence Policies 1.1 - 1.5 and 2.1 are presented to Council for consideration.

<b>Existing Policy No.</b>	<b>Policy Name</b>	<b>Proposed Changes</b>	<b>New Policy No.</b>
1.1	Land (Council) - Leases - Legal Costs	Updated Management Plan to Operational Plan and Delivery Program	1.1
1.2	Asset Acquisition	Additional information included	1.2
1.3	Asset Disposal	Reference to Internal Services updated to Finance Department	1.3
1.4	Tendering	Rewording of Policy objective, changes to advertising requirements, clarification on open tenders	1.4
1.5	Asset Management	Formatting	1.5
2.1	Cemetery Operations	Policy 2.2 Deleted and information included in the new policy. Policy 2.3 renamed to 2.1	2.1

The proposed changes to these Policies are not considered to be major and therefore do not require public exhibition as they will only refine Council's policy position.

### **POLICY IMPLICATIONS**

The proposed changes will refine Council's policy position.

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

The policies have been reviewed in terms of legislative requirements and subsequently amendments have been made.

### **ATTACHMENTS**

1. Policy 1.1 - Land (Council) - Leases - Legal Costs
2. Policy 1.2 - Asset Acquisition
3. Policy 1.3 - Asset Disposal
4. Policy 1.4 - Tendering
5. Policy 1.5 - Asset Management
6. Policy 2.1 - Cemetery Operations

### **RECOMMENDATION**

**THAT** Council **ADOPT** Policies:

- 1.1 - Land (Council) - Leases - Legal Costs
- 1.2 - Asset Acquisition
- 1.3 - Asset Disposal
- 1.4 - Tendering
- 1.5 - Asset Management
- 2.1 - Cemetery Operations

**ITEM-14 OPER - 16/12/13 - WATER REPORT - DECEMBER 2013**

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

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**REFERENCE**

Min No 13-414: Ordinary Meeting of Council held on 25 November 2013

**SUMMARY**

This report provides an update on various water management issues as per Minute Number 13-414.

**COMMENTARY**

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

**Current Dam Levels for both Farmers Creek and Oberon**

Farmers Creek Dam #2 capacity on Monday, 9 December was 100%. Oberon Dam capacity on Monday, 9 December was 78.71%.

**Current Water Usage from Each Supply**

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2013/2014 and Table 2 below indicates total output from the Oakey Park Water Treatment Plant (consumption), the volume transferred from the Clarence Water Transfer System (CWTS) and the volume of water purchased from Fish River for 2012/2013.

**Table 1 - Oakey Park Monthly Output and Clarence Transfer 2013/2014**

<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
July 2013	93	0	44
August 2013	96	0	67
September 2013	102	0	73
October 2013	130	0	58
November 2013	106	0	61
<b>TOTAL</b>	<b>527</b>	<b>0</b>	<b>303</b>

**Table 2 - Oakey Park Monthly Output and Clarence Transfer 2012/2013**

<b>Month</b>	<b>Oakey Park WTP (ML)</b>	<b>Clarence Transfer (ML)</b>	<b>Fish River Supply (ML)</b>
July 2012	107	0	53
August 2012	106	0	49
September 2012	115	0	55
October 2012	140	0	65
November 2012	140	5	62
December 2012	135	81	76
January 2013	146	73	68
February 2013	92	0	66
March 2013	114	0	81
April 2013	109	0	106
May 2013	123	0	62
June 2013	154	0	70
<b>TOTAL</b>	<b>1,481</b>	<b>159</b>	<b>813</b>

**Oakey Park Water Quality Summary**

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in November.

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.

**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 November with Council approving six (6) applications for household appliance rebates and one (1) application for a water tank rebate.

**Alternate Water Sources Update**

The Lithgow villages and Marrangaroo Zone are currently being supplied from Fish River Water Scheme (FRWS).

**FINANCIAL IMPLICATIONS**

NIL

**POLICY IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council note the water report.



## CORPORATE AND COMMUNITY REPORTS

### ITEM-15 CORP - 16/12/13 - SECTION 356 FINANCIAL ASSISTANCE TO COMMUNITY ORGANISATIONS

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

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#### REFERENCE

Min No 12-193:	Ordinary Meeting of Council held on 4 June 2012
Min No 12-267:	Ordinary Meeting of Council held on 23 July 2012
Min No 12-425:	Ordinary Meeting of Council held on 5 November 2012
Min No 12-495:	Ordinary Meeting of Council held on 17 December 2012
Min No 12-440:	Ordinary Meeting of Council held on 26 November 2012
Min No 13-210:	Ordinary Meeting of Council held on 17 June 2013
Min No 13-299:	Ordinary Meeting of Council held on 19 August 2013

#### SUMMARY

This report considers requests for Round 2 of 2013/14 Non-Recurrent Financial Assistance.

#### COMMENTARY

Council provides financial assistance to not-for-profit community groups under Section 356 of Local Government Act, 1993 with a total of \$166,514 allocated for this purpose in the 2013/14 Management Plan.

Financial assistance is provided on the basis of the relative merits of each application and the benefits to the community from the project.

##### 1. Recurrent Financial Assistance

Of the total amount of \$166,514 allocated, \$86,514 has been allocated for Recurrent Financial Assistance to the following organisations:

Lithgow Tidy Towns	\$2,060
Portland Tidy Towns	\$1,030
Cullen Bullen Tidy Towns	\$1,030
Wallerawang Tidy Towns	\$1,030
Ironfest	\$11,845
Lithgow Business Association	\$11,845
Arts OutWest	\$11,845
Solid Fuel Rebate	\$10,000
Lithgow Show	\$11,845
White Ribbon Day	\$850
LINC Rental Assistance	\$15,450
Western Region Academy of	\$1,700

Sport	
Lithgow Golf Club Sponsorship	\$2,060
Portland Golf Club Sponsorship	\$824
Portland Art Show	\$2,350
School Presentations	\$750
<b>Total Recurrent</b>	<b>\$86,514</b>

## 2. Non-Recurrent Financial Assistance

Council has also allocated \$80,000 Non-Recurrent Financial Assistance in the 2013/14 Management Plan for distribution in two funding rounds, with applications called for in April and October 2013.

In June 2013, Council allocated \$42,500 under Round 1 leaving \$27,500 (Min 13-210) for allocation under Round 2. Council called for applications from the community for Round 2 of 2013/14 Non-Recurrent Financial Assistance from the 1<sup>st</sup> to the 31<sup>st</sup> of October 2013.

Twenty-two (22) submissions to the value of \$49,469 were received under Round 2. Submissions have been assessed by Council officers in relation to Financial Assistance guidelines, the relative merit of each project and whether the organisation has previously been funded in 2013/14.

Council's Community Development Committee also discussed the submissions at its 3<sup>rd</sup> of December 2013 meeting, however this committee meeting did not have a quorum therefore there is not an official recommendation from the Committee. Those present when during the discussions were in agreement that seventeen (17) projects to the value of \$24,933 be recommended to Council for Round 2 Non-Recurrent Financial Assistance as follows:

Organisation and Project	Amount Requested	Amount Recommended	Comment
<b>Lake Wallace Community Boating Centre</b>  To pay increased public liability insurance premium for shed and pontoon	\$2,246	\$2,246	
<b>Lithgow Men's Shed</b>  Purchase wood sanding machine	\$1,200	\$1,200	
<b>Friends of St Johns</b>  Restoration works for church	Not specified	\$1,000	
<b>Portland Tidy Towns</b>  Plaque on the Pioneer and Settlers Wall in Pioneer Park Portland	\$500	\$500	Currently receive \$1,030 Recurrent Financial Assistance for operating costs

<b>Organisation and Project</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>	<b>Comment</b>
<b>Lithgow Croquet Club</b>  General upkeep and maintenance	\$500	\$500	
<b>LINC Communities and Kids</b>  Pre-employment resume writing and job seeking workshops	\$3,000	\$0	Not recommended as already funded \$2,000 in Round 1 of 2013/14
<b>Home Interaction Program for Parents and Youngsters (HIPPY) Bowenfels</b>  Establish resource and equipment library for use at parent/play groups in Lithgow and Portland.	\$2,983	\$2,000	
<b>Portland Development Association</b>  Annual Portland Spring Fair 2014	\$5,000	\$0	Not recommended as the organisation has already been funded \$2,000 in Round 1 of 2013/14 for the 2013 Spring Fair and is able to re-apply in Round 1 of 2014/15 for the 2014 Spring Fair.
<b>Hartley District Progress Association</b>  Repair and exterior painting of the Hartley Community Hall	\$3,000	\$2,000	
<b>HRDASS Studio</b>  Run community fitness programs utilising the Council outdoor fitness equipment at Lake Wallace.	\$4,320	\$0	Not recommended as this is a business venture and outside the guidelines, however Council will meet with the applicant to see if there are alternative options for providing this type of program.
<b>Lithgow Greyhound Racing Club</b>  Reimbursement of excess water charges	\$4,000	\$3,000	The Club's water usage and excess water charges were considered by Council at the Ordinary Meeting of Council held 30/9/13 where Council resolved (Min13-333) that Council recommend to the Lithgow Greyhound Racing Club that they consider applying for assistance under Council Section 356 Financial Assistance Program Donations.

Organisation and Project	Amount Requested	Amount Recommended	Comment
			The Club has also been asked to consider water saving measures and installation of a magna-meter to reduce these costs in future years.
<b>First Australian Muzzle Loading Gun Rifle Pistol Club and Lithgow Valley Archery Club</b>  Rate reimbursement	\$1,098	\$500	
<b>Portland District Motor Sports Club</b>  Cullen Bullen Raceway- Sponsorship for trophies in 2013/2014	\$520	\$520	
<b>Lithgow Senior Citizens Club</b>  Running costs	\$1,500	\$800	
<b>Lithgow Community Transport (Translinc)</b>  Printer and printed resources	\$3,000	\$0	Not recommended as this organisation was funded in Round 1 of 2013/14 for \$2,000 and can apply again in Round 1 of 2014/15.
<b>Capertee and District Progress Association</b>  Sheltered Picnic Tables	\$3,000	\$2,000	
<b>Wallerawang Indoor Sport Association</b>  Court divider net	\$7,000	\$3,500	
<b>St Patrick's School P&amp;F Association</b>  Fundraising contribution to the 2014 School Fete which will raise funds towards purchasing of computers and equipment.	\$500	\$500	
<b>Pied Piper Preschool Wallerawang</b>  New hose and sprinkler system to reduce water usage	\$442	\$442	
<b>Portland Men's Shed</b>  Drainage work to prevent flooding of shed from retaining wall behind.	\$3,650	\$3,650	This organisation was funded in Round 1 of 2013/14 for \$2,500 for workshop equipment however further funding is recommended due to urgency of required drainage works.

Organisation and Project	Amount Requested	Amount Recommended	Comment
<b>Lithgow Public School P&amp;C Association</b>  Contribution to restoration of School Memorial Gates	\$1,435	\$0	Not recommended as the P&C has received funding elsewhere which already towards the project cost
<b>Western Region Academy Sport</b>  Aquatic Centre Fee waiver for recovery sessions by WRAS athletes	\$575	\$575	
<b>TOTAL</b>	<b>\$49,469</b>	<b>\$24,933</b>	

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

The Council provides Financial Assistance to not-for-profit community groups and has allocated a total of \$166,514 in the 2013/14 Management Plan.

Council allocated \$86,514 in the 2013/14 Management Plan for Recurrent Financial Assistance and \$42,500 for Round 1 Non-Recurrent Financial Assistance in June 2013 leaving a further \$27,500 for Round 2 Non-Recurrent Financial Assistance.

Seventeen (17) projects to the value of \$24,933 are recommended for approval by Council under Round 2 Non-Recurrent Financial Assistance, leaving \$2,567 remaining for distribution as fee waivers and as resolved requests during the remainder of 2013/14.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

### **LATE SUBMISSION**

A late request was received from the Portland Bowling Club requesting assistance. The Club is seeking assistance with the payment of Council Water Charges. The last account received for water charges was 1142 this was for the period 7 August 2013 to 29 October 2013. This account was almost double the account for a similar period in 2012 (\$669). It is likely that the Club's next account will also be a significant increase.

The Club has advised the account is due to extra expenses incurred in regrassing their greens. The Club has had to undertake the regrassing of the greens twice as the first regrassing failed to take off thus requiring the second one.

The Club is run by Volunteer Labour only.

## RECOMMENDATION

**THAT** Council provides Round 2 of 2013/14 Non-Recurrent Financial Assistance to the following organisations:

Organisation and Project	Amount Recommended
<b>Lake Wallace Community Boating Centre</b> To pay increased public liability insurance premium for shed and pontoon	\$2,246
<b>Lithgow Men's Shed</b> Purchase wood sanding machine	\$1,200
<b>Friends of St Johns</b> Restoration works for church	\$1,000
<b>Portland Tidy Towns</b> Plaque on the Pioneer and Settlers Wall in Pioneer Park Portland	\$500
<b>Lithgow Croquet Club</b> General upkeep and maintenance	\$500
<b>Home Interaction Program for Parents and Youngsters (HIPPY) Bowenfels</b> Establish resource and equipment library for use at parent/play groups in Lithgow and Portland.	\$2,000
<b>Hartley District Progress Association</b> Repair and exterior painting of the Hartley Community Hall	\$2,000
<b>Lithgow Greyhound Racing Club</b> Reimbursement of excess water charges	\$3,000
<b>First Australian Muzzle Loading Gun Rifle Pistol Club and Lithgow Valley Archery Club</b> Rate reimbursement	\$500
<b>Portland District Motor Sports Club</b> Cullen Bullen Raceway-Sponsorship for trophies in 2013/2014	\$520
<b>Lithgow Senior Citizens Club</b> Running costs	\$800
<b>Capertee and District Progress Association</b> Sheltered Picnic Tables	\$2,000
<b>Wallerawang Indoor Sport Association</b> Court divider net	\$3,500

Organisation and Project	Amount Recommended
<b>St Patrick's School P&amp;F Association</b> Fundraising contribution to the 2014 School Fete which will raise funds towards purchasing of computers and equipment.	\$500
<b>Pied Piper Preschool Wallerawang</b> New hose and sprinkler system to reduce water usage	\$442
<b>Portland Men's Shed</b> Drainage work to prevent flooding of shed from retaining wall behind.	\$3,650
<b>Western Region Academy Sport</b> Aquatic Centre Fee waiver for recovery sessions by WRAS athletes	\$575
<b>TOTAL</b>	<b>\$24,933</b>

**ITEM-16            CORP - 16/12/13 - COUNCIL INVESTMENTS HELD TO 31  
NOVEMBER 2013**

**REPORT FROM: J BROZEK - GROUP MANAGER CORPORATE AND COMMUNITY**

**REFERENCE**

Min No 13-302:            Ordinary meeting of Council held on 19 August 2013  
 Min No 13-323:            Ordinary meeting of Council held on 9 September 2013  
 Min No 13-385:            Ordinary meeting of Council held on 28 October 2013  
 Min No 13-406:            Ordinary meeting of Council held on 25 November 2013

**SUMMARY**

To advise Council of investments held as at 30 November 2013 in the 2013/14 financial year.

**COMMENTARY**

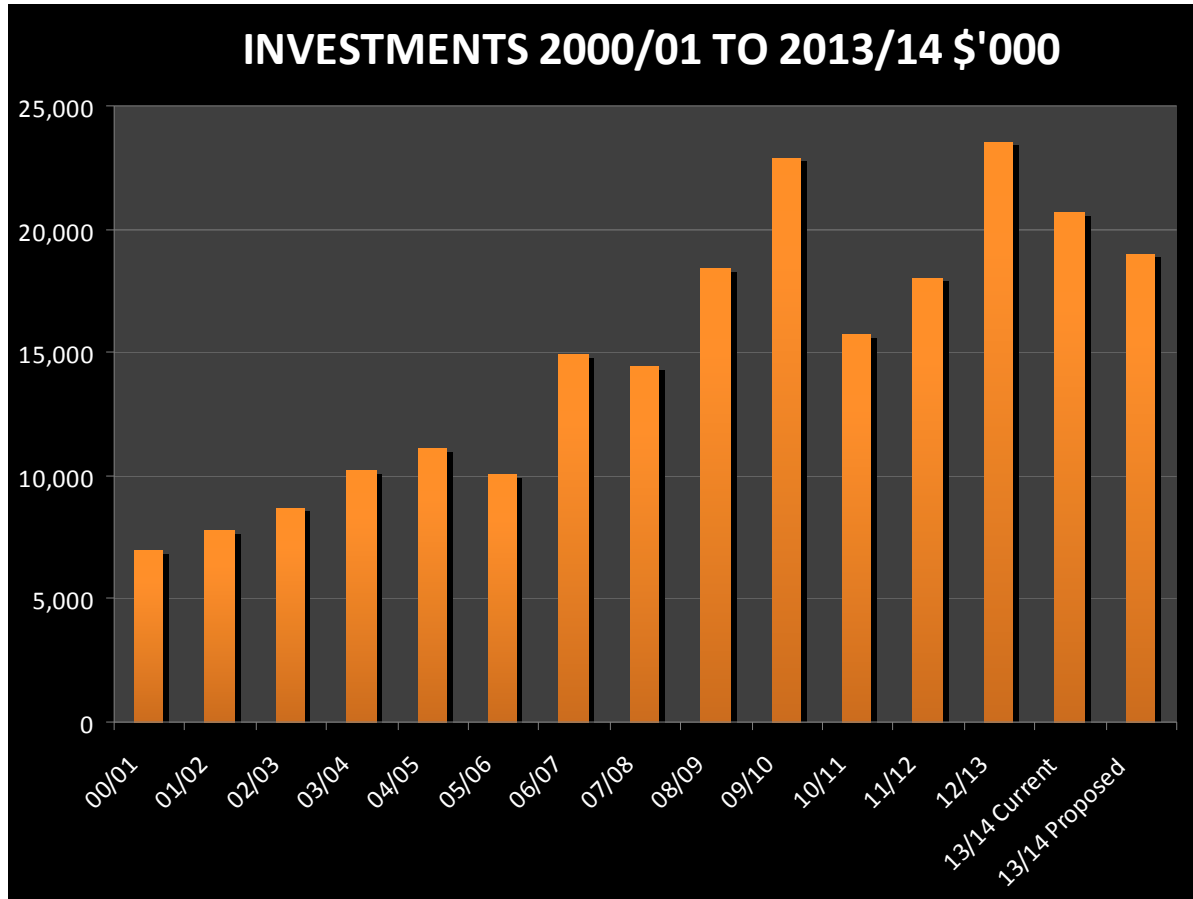
Council's total investment portfolio, as at 30 November 2013 when compared to 31 October 2013, has decreased by \$601,932.98 from \$21,302,839.33 to \$20,700,906.35.

<b>INVESTMENT REGISTER 2013/14</b>								
<b>INSTITUTION</b>	<b>INV TYPE</b>	<b>DATE LODGED</b>	<b>DATE DUE</b>	<b>DAYS</b>	<b>INT</b>	<b>VALUE 31.10.13</b>	<b>VALUE 30.11.13</b>	<b>% OF TOTAL</b>
ANZ	TD	09.09.13	09.12.13	91	3.31	883,200.35	883,200.35	4.27%
	TD	09.09.13	09.12.13	91	3.31	526,174.78	526,174.78	2.54%
	TD	25.09.13	06.01.14	102	3.32	527,419.78	527,419.78	2.55%
	TD	03.10.13	03.01.14	92	3.30	1,043,099.46	1,043,099.46	5.04%
CBA	On Call				2.45	1,248,613.99	1,111,494.04	5.37%
	TD	09.09.13	09.12.13	90	3.32	509,699.95	509,699.95	2.46%
	TD	06.09.13	05.11.13	60	3.29	500,000.00	0.00	0.00%
	TD	25.11.13	24.02.14	91	3.29	1,019,130.87	1,024,843.59	4.95%
IMBS	TD	25.09.13	03.01.14	100	3.55	1,027,193.13	1,027,193.13	4.96%
	TD	25.09.13	03.01.14	100	3.55	513,596.57	513,596.57	2.48%
	TD	27.11.13	25.02.14	90	3.50	510,153.77	514,682.26	2.49%
NAB	TD	28.11.13	26.02.14	90	3.70	1,183,576.86	1,194,666.82	5.77%
	TD	22.10.13	22.04.14	182	3.80	1,088,763.39	1,088,763.39	5.26%
	TD	08.06.13	08.12.13	180	4.06	523,823.94	523,823.94	2.53%
	TD	02.09.13	01.12.13	90	3.80	1,500,000.00	1,500,000.00	7.25%
WESTPAC	TD	01.10.13	02.04.14	183	3.54	1,252,472.47	1,252,472.47	6.05%
	TD	17.09.13	18.02.14	153	3.58	1,057,666.68	1,057,666.68	5.11%
	TD	04.10.13	10.04.14	188	3.57	524,061.21	524,061.21	2.53%
ST GEORGE	TD	19.10.13	19.04.13	182	3.40	918,158.59	918,158.59	4.44%
	TD	15.10.13	13.01.14	90	3.28	546,557.64	546,557.64	2.64%
	TD	12.11.13	10.02.14	90	3.27	541,681.45	546,209.31	2.64%
	TD	26.11.13	24.02.14	90	3.27	539,346.48	543,710.31	2.63%
	TD	25.09.13	08.01.14	105	3.27	518,384.45	518,384.45	2.50%
	TD	12.09.13	12.12.13	91	3.31	504,637.81	504,637.81	2.44%
	TD	09.09.13	09.12.13	91	3.30	509,896.43	509,896.43	2.46%
SUNCORP	TD	05.09.13	04.12.13	90	3.70	1,247,394.12	1,247,394.12	6.03%
	TD	25.11.13	24.02.14	91	3.55	538,135.16	543,099.27	2.62%
			<b>TOTAL</b>			<b>21,302,839.33</b>	<b>20,700,906.35</b>	<b>100.00%</b>
INTERNAL LN	Gen to	15.01.11	On		7.31	2,750,000.00	2,750,000.00	



(Commercial Loan Int Rate)	Sew		Receipt of Ext Loan					
I, Juli-Ann Brozek, Lithgow City Council's Manager Corporate & Community 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 to 30 November 2013 are shown.



### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

Interest received to 30 November 2013 is \$224,439.55 and 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 \$20,700,906.35 for the period ending 30 November be noted.

**ITEM-17            CORP - 16/12/13 - PLAN OF MANAGEMENT FOR MAIYINGU MARRAGU**

**REPORT BY: A SHELTON - IT MANAGER**

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**REFERENCE**

Min No 13-46:            Ordinary Meeting of Council held on 25 February 2013  
Min No 13-321:         Ordinary Meeting of Council held on 9 September 2013

**SUMMARY**

This report provides Council with the outcomes of the public exhibition of the Draft Plan of Management for Maiyingu Marragu and recommends Council’s adoption of the plan.

**COMMENTARY**

The draft plan was prepared by Eco Logical Australia. It was funded by a grant to the Mingaan Wiradjuri Aboriginal Corporation by the Hawkesbury-Nepean Catchment Management Authority through the Small Aboriginal Grants Indigenous Community Engagement Program.

At the Ordinary Meeting of Council held on 9 September 2013, Council resolved to:

1. Approve the attached Draft Plan of Management for Maiyingu Marragu for a public exhibition period of 28 days.
2. Note that the outcomes of the public exhibition period, will be the subject of a further report to Council

**Exhibition of the Plan**

The Draft Plan of Management was placed on exhibition from 9 September 2013 to 18 October 2013. Copies were available for viewing at Council’s administration centre, the libraries in Lithgow, Wallerawang and Portland, and Council’s website.

**Submissions**

No submissions were received during the exhibition period, however one was received from the Lithgow Environment Group Inc following the closing date. That submission has been included as an attachment to this report, with points raised and officer comments listed below.

<b>Issue Raised</b>	<b>Response by Council Officer</b>
The parcels of reserve land across from the road entrance into Maiyingu Marragu being the western side of Wolgan road are areas of crown land to be included in the Plan of Management	The Plan of Management is specifically for the Blackfellows Hands Reserve of which Council is trustee. This area was gazetted as R 42350 Wolgan Rd Public Recreation Reserve Trust on 15 <sup>th</sup>

<p>for Maiyingu Marragu due to the high conservation value.</p>	<p>January 1908 and consists of lots 7001/DP 1055079 and 7006 // DP 1055080. The area requested to be included in the plan is Lot 7002/DP 1026540 which is crown land adjoining the state forest and is not included in the gazettal. As such it should not be included in the Plan of Management.</p>
<p>Recommendation for Lithgow City Council to include in the Plan of Management the impacts from long wall mining and to form a partnership with Centennial Coal who have previous/existing long wall panels and take responsibility of any known impacts in this area.</p>	<p>Impact from long wall mining were not listed as a disturbance in the plan. Land Use issues that require consent are managed under the LEP or SEPP legislation (not a POM); Centennial Coal already monitor and report on impacts to this area as part of their Mine Subsidence Management Plan, and this information is publicly available via their website <a href="http://www.centennialcoal.com.au">www.centennialcoal.com.au</a></p>

## **POLICY IMPLICATIONS**

### **Crown Lands Act 1989**

The study area is Crown Land (listed under the Crown Lands Act 1989), and is under the care, control and management of Lithgow City Council, under this Act.

### **National Parks and Wildlife Act 1974**

The study area is also a declared Aboriginal Place under section 84, National Parks and Wildlife Act 1974. Administration of this Act is effected by the NSW Office of Environment and Heritage.

### **Threatened Species Conservation Act 1995**

The NSW Threatened Species Conservation Act 1995 (TSC Act) aims to protect and encourage the recovery of threatened species, populations and ecological communities listed under the Act.

### **Noxious Weeds Act 1993**

The Noxious Weeds Act 1993 (NW Act) defines the roles of government, councils, private landholders and public authorities in the management of noxious weeds. The Act sets up categorisation and control actions for the various

## **FINANCIAL IMPLICATIONS**

Adoption of the plan will enable Mingaan Wiradjuri Corporation to apply for grant funding specific to the Aboriginal community.

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

1. Draft Plan of Management Maiyingu Marragu
2. Submission from Lithgow Environment Group

3. Map of Wolgan Road Public Recreation Reserve gazettal information

## **RECOMMENDATION**

**THAT** Council adopts the Management Plan for Maiyingu Marragu (Blackfellows Hands) Reserve.

**ITEM-18            CORP - 16/12/13 - COMMUNITY DEVELOPMENT COMMITTEE MEMBERSHIP**

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

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**REFERENCE**

Min No 12-353:        Ordinary Meeting of Council held on 15 October 2012  
Min No 13-209:        Ordinary Meeting of Council held on 17 June 2013  
Min No 13-388:        Ordinary Meeting of Council held on 28 October 2013

**SUMMARY**

Since establishment of the Community Development Committee on 15 October 2012, the Committee meetings have proceeded on only one occasion due to lack of a quorum. This report notes that a Committee member has ceased to be a member of the committee due to unexplained absences as prescribed in the Terms of Reference. In accordance with the Committee's Terms of Reference this report recommends that Council call for two replacement community representatives.

**COMMENTARY**

The Community Development Committee was established by Council at the Ordinary Meeting of Council held 15 October 2012 (Min 12-353) to replace the Community Recognition and Sister City Committees and to have the following responsibilities:

**Community Development**

- Relevant community service matters.
- Council's community engagement processes.
- Planning for community celebration events during Seniors Week, NAIDOC Week and Children's Week.
- Australia Day
- Eskbank House

**Community Recognition**

- Recognition of significant people in the Lithgow Local Government area.
- Naming of places, roads and associated infrastructure in the Lithgow Local Government area.

**Sister Cities**

- Management of Sister City relationships and the review of Sister City Memorandums of Understanding;
- Assessment of proposals for Sister City relationships with other cities with consideration of:
  - o Economic development opportunities offered by the friendship;
  - o Commonality of industrial or cultural aspects;
  - o Opportunities for the exchange of ideas;

- o Opportunity for cultural or educational student exchanges;
  - o Opportunities to learn from other communities in management of the environment, arts and culture, community facilities, employment generation and youth;
  - o Opportunities to link people with similar social and cultural aspirations.
- Hosting of delegations from Sister Cities as they visit Lithgow.

## **Membership**

Membership of the Community Development Committee includes:

- Two Councillor representatives – the Mayor and Councillor McGinnes
- The General Manager or his nominee
- One (1) member of the retail and business services sector – Ms Renee Difrancio
- Four (4) members of the community – Philippa Childs, Helen Riley, Elwin Wolfenden and Katelin Small.

## **Meeting Frequency and Quorum**

A schedule of meeting date for the 2013 Calendar year was decided by the Committee on 2nd April 2013.

Committee meetings are held bi-monthly and a meeting quorum is 50% plus one of voting members, which is five (5) voting members.

## **Conclusion**

Meetings of the Committee have been scheduled on five occasions during 2013 with only one meeting attracting a quorum. This has resulted in the Committee not being able to consider its business and make recommendations to Council.

Two community representatives (Elwin Wolfende and Katelin Small) have not attended any meetings since being nominated to the Committee. In accordance with the Committee Terms of Reference, those community representatives will be advised that they have ceased to be members of the Committee and that Council will be calling for two replacement community representatives.

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

NIL

## **LEGAL IMPLICATIONS**

Local Government Act NSW 1993, Section 356

## **ATTACHMENTS**

1. Community Development Committee Terms of Reference

## **RECOMMENDATION**

**THAT** Council call for two replacement community representatives for the Community Development Committee.



## COMMITTEE MEETINGS

**ITEM-19            CORP - 16/12/13 - LITHGOW FLASH GIFT COMMITTEE - 13  
NOVEMBER 2013**

**REPORT BY -    R PARK – EVENTS COORDINATOR**

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## REFERENCE

Min No 13-71:            Ordinary Meeting of Council held on 25 February 2013  
Min No 13-139:         Ordinary Meeting of Council held on 15 April 2013  
Min No 13-329:         Ordinary Meeting of Council held on 09 September 2013

## SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 15 November 2013

## COMMENTARY

At the Lithgow Flash Gift Committee held on 15 November 2013, there were numerous items discussed by the Committee;

1. Budget Report
2. Report from NSW Athletics League
3. Draft agreement between Lithgow City Council and NSW Athletics League
4. Lithgow Little A's
5. Lithgow Triathlon

## POLICY IMPLICATIONS

NIL

## FINANCIAL IMPLICATIONS

NIL

## LEGAL IMPLICATIONS

NIL

## ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting of 15 November 2013

## RECOMMENDATION

**THAT** Council Notes the minutes of the Lithgow Flash Gift Committee held on the 15 November 2013.

## **REFERENCE**

Min No 13-69:	Ordinary Meeting of Council held on 25 February 2013
Min No 13-104:	Ordinary Meeting of Council held on 18 March 2013
Min No 13-133:	Ordinary Meeting of Council held on 15 April 2013
Min No 13-187:	Ordinary Meeting of Council held on 27 May 2013
Min No 13-214:	Ordinary Meeting of Council held on 17 June 2013
Min No 13-249:	Ordinary Meeting of Council held on 8 July 2013
Min No 13-353:	Ordinary Meeting of Council held on 30 September 2013
Min No 13-411:	Ordinary Meeting of Council held on 25 November 2013

## **SUMMARY**

This report details the minutes of the Youth Council meeting held on 26 November 2013.

## **COMMENTARY**

At the Youth Council meeting held on 26 November 2013 various items were discussed by the committee. Matters of interest include:

- Youth Council PCYC Scholarship Program implementation.
- Youth Week events 2014.
- Possible venue for young people.

## **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 the Youth Council meeting 26 November 2013.

## **RECOMMENDATION**

**THAT** Council notes the minutes of the Youth Council meeting held 26 November 2013.

**ITEM-21            OPER - 16/12/13 - OPERATIONS COMMITTEE MEETING MINUTES -  
18 NOVEMBER 2013**

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

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## **SUMMARY**

Details of the Minutes of the Operations Committee Meeting held on Monday, 18 November 2013 for Council adoption.

## **COMMENTARY**

At the Operations Committee Meeting held on Monday, 18 November 2013 there were a number of items discussed by the Committee, with all items being actioned under the Committee's delegated authority.

Items discussed included:

- Wattle Mount Road Cost Estimation Options A & B
- Reserve Road Works Progress On 1.5km Of Road Pavement And Drainage Upgrade
- Wolgan Road – Scheduling For Works For Upgrade Of Existing Road Pavement Adjacent To Angus Place Colliery
- Future Works – 2013/2014 Roads To Recovery Program
- South Littleton/South Bowenfels Wastewater Infrastructure Update
- RMS Road Safety Funding Program \$10,000 Contribution Local Roads
- Resources For Regions – Black Bridge
- Wolgan Road Opening
- Flood Damage
- Portland Roads And Lanes Sealing Program
- Bonaventure Road

## **ATTACHMENTS**

1. Minutes of the Operations Committee Meeting held on Monday, 18 November 2013.

## **RECOMMENDATION**

**THAT** Council note the minutes of the Operations Committee meeting held on Monday, 18 November 2013.

## DELEGATES REPORTS

### ITEM-22 DELEGATES REPORT - 16/12/13 - CENTROC MEETING - 28 NOVEMBER 2013

#### REPORT FROM: R BAILEY - GENERAL MANAGER

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## REFERENCE

Min No 12-334: Ordinary Meeting of Council held on 3 September 2012.  
Min No 12-435: Ordinary Meeting of Council held on 26 November 2012.  
Min No 13-354: Ordinary Meeting of Council held on 30 September 2013.

## SUMMARY

This report outlines the discussions from the Centroc meeting held in Young on Thursday 28th November 2013.

## COMMENTARY

Deputy Mayor, Ray Thompson and I attended the General and Annual General Centroc Board (the Board) meetings in Young and provide the following report for Council's information. Formal meeting minutes will be provided in due course.

Speakers in attendance at the General Meeting were:

- Cr B Miller, Vice President, Local Government NSW LGNSW and
- Cr P Miller, Senior Executive, LGNSW responsible for Planning.

Both being Councillors in the Centroc area, they provided an update on the progression of the new LGNSW Board. Advice was also provided on key areas of interest to Centroc members for example Local Government Reform and Planning Legislation reform.

There was discussion raising concerns on the Local Government reform process, particularly that the relevant reports are yet to be made public. Concerns were also expressed regarding the relationship between the State and Local Government where the Intergovernmental Agreement to Guide NSW State-Local Government Relations on Strategic Partnerships was not living up to expectations.

The Intergovernmental Agreement can be found at:

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Intergovernmental%20Agreement%20to%20Guide%20NSW%20State-Local%20Government%20Relations%20on%20Strategic%20Partnerships.pdf>

Clrs B and P Miller were thanked for their offer to attend future Board meetings and provide a conduit between Centroc and LGNSW.

### **The balance of discussion at the Board meeting**

The Board meeting considered reports against its Management Plan including the following.

**Transport Infrastructure** – members resolved to advocate local government wide permits for grader trailing where the existing regulations are prohibitive for road works in this region.

Further, regarding correspondence received from the Orana Regional Organisation of Councils (OROC) the Board resolved progress advocacy conjointly for the Bells Line through the two ROCs.

**Water Infrastructure** - the substantial activity of the Centroc Water Utilities' Alliance in demonstrating the Local Government is the structure of choice for delivering secure quality water supplies and sewage services was noted where the Board resolve to pursue funding options for the region for water storages from the \$40m set aside in NSW for water infrastructure.

**Health** – it was noted with dismay that the launch of the new 24hour helicopter service was being delayed, the Board resolved to seek assurances regarding a time line.

Advice was provided regarding the progression of meetings around the region with the development of content to be used for marketing and promotional purposes to attract health workforce as part of the Beyond the Range campaign.

Cowra is seeking regional support to have residents living in hostels or nursing homes being able to access Home and Community Care Transport.

**Regional Development** – members were encouraged to engage when requested with RDACW regarding the import/export freight study under development. A summary of State initiatives supporting decentralisation was considered with further advice to be provided in due course.

**Member Council operational support** - noting the substantial amount of activity being undertaken collaboratively in support of member operations. This includes net savings to members under these programs since December 14 2009 are \$2.25m.

The Board also reviewed the website upgrade Centroc is to launch in the near future under the auspices of the Executive.

A Centroc Management Plan report providing direction to the next year's activities was also provided where the Board resolved a steady approach to activities in the context of local government reform. Existing resource is to be redirected to supporting Councils in energy, particularly electricity, management.

Weddin, Oberon, Central West Libraries and Orange all raised matters of regional interest, these being-

- Container Deposit Legislation;
- Encouraging women in Local Government;
- Improved funding for Council Libraries; and

- Having the recent DLG practice guidelines for Code of Conduct Reviewers changed as it is too onerous.

### Advice from the AGM

At the AGM the Board elected the following as the Centroc Executive:

- Cr Ken Keith as Chair
- Cr B West as Deputy Chair
- Cr P Miller as immediate past chair
- Cr J Davies Centroc Executive Member
- Cr M Morse Centroc Executive Member
- Cr M Statham Centroc Executive Member
- Mr K Boyd Secretary/Treasurer and Chair of GMAC
- Messers Sherley, Bailey, Styles, Devery and Steffen forming the balance of the Executive.

Regarding dates for Centroc Board meetings for next year they are:

Board Date	Meeting of	Time	Host
Thursday 27 February	Board	9:30 for 10am	Bathurst
Thursday 29 May	Board	9:30 for 10am	Parliament House Macquarie St
Thursday 28 August*	Board	9:30 for 10am	Blayney
Thursday 27 November*	Board	9:30 for 10am	Boorowa

Please note there is likely to be a Board meeting in Canberra at Parliament House being co-ordinated through the Hon John Cobb's Office in the second half of the year and dates will need to be amended accordingly.

Councillors can expect a copy of the Centroc Annual report, including the financial statements, will be provided soon if they have not already received it.

These and the Centroc business papers are available on the Centroc website at [centroc.com.au](http://centroc.com.au) or via Centroc staff through the General Manager.

I think you can see from the above that there is a lot of valuable collaborative activity going on in this region, and I commend this report to you for noting.

### RECOMMENDATION

**THAT** Council note the report from the Centroc Board General Meeting and Annual General Meeting in Young 28 November 2013.

## NOTICES OF RECISSION

### ITEM-23 NOTICE OF RECISSION MOTION - 16/12/13 - PROPOSED HERITAGE CONSERVATION ZONES

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At the Council meeting of the 28th October Council resolved that Council list all proposed Heritage Conservation Zones on the deferred list and develop policy of consultation with affected land owners before any zone is imposed.

### RECOMMENDATION

**THAT** Council rescind the resolution of the 28th October 13 with a view to reverting back to the Heritage Schedule as proposed through the exhibition Draft LEP 2013. In addition that Council further debate those submissions made by way of objections to the Heritage Schedule as marked by red in table 9 to the Draft LEP report.

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

Councillor C Hunter, Councillor R Thompson & Councillor W McAndrew.

### **GENERAL MANAGER'S COMMENT:**

This item refers to rescinding Council Resolution Number 13-390.

This item along with Item 24 will potentially have an impact on Item 2 and therefore should be dealt with prior to that item.



**ITEM-24 NOTICE OF RECISSION MOTION - 16/12/13 - UNSEWERED LOTS  
BELOW 4000M2**

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At the Council meeting of the 28th October Council resolved that lots under 4000m2 are assessed on merit when DA's are submitted with regards to Septic Systems.

**RECOMMENDATION**

**THAT** Council rescind the resolution of the 28th October 13 and retain the exhibited development standards of the Draft LEP as they relate to restricting further development on unsewered lots below 4000m2.

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

Councillor C Hunter, Councillor R Thompson & Councillor W McAndrew.

**GENERAL MANAGER'S COMMENT:**

This item refers to rescinding Council Resolution Number 13-391.

This item along with Item 23 will potentially have an impact on Item 2 and therefore should be dealt with prior to that item.

## **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.*

## CLOSED COUNCIL

### ITEM-25      MAYORAL MINUTE - CONFIDENTIAL CLOSED COUNCIL - 16/12/13 - PERFORMANCE REVIEW OF THE GENERAL MANAGER.doc

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#### Reason for Confidentiality

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

- (a) personnel matters concerning particular individuals (other than councillors)

#### SUMMARY

This report outlines the outcomes of the General Manager's 2012/13 performance review.

#### RECOMMENDATION

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