



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

24 MARCH 2014

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 3 MARCH 2014**

**DECLARATION OF INTEREST**

**PUBLIC FORUM**

**PRESENTATIONS - NIL**

**MAYORAL MINUTES - NIL**

**STAFF REPORTS**

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

**COUNCIL COMMITTEE MINUTES**

Sports Advisory Committee Special Meeting - 28 January 2014  
Sports Advisory Committee Meeting - 25 February 2014  
Environmental Advisory Committee Meeting - 26 February 2014  
Crystal Theatre Management Committee Meeting - 4 March 2014  
Traffic Advisory Local Committee Meeting - 6 March 2014  
Operations Committee Meeting - 5 March 2014  
Mayoral Bushfire Appeal Committee - 11 March 2014

**DELEGATES REPORTS**

Centroc Meeting - 27 February 2014

**NOTICES OF MOTION**

Hartley Valley Road Flood Damage - Councillor W McAndrew  
Flood Damage to Homes in Hartley Valley Road Lithgow - Councillor J McGinnes  
Vale of Clwydd Flooding - Councillor P Pilbeam  
Mountain Cruizers Car Club - Councillor J McGinnes

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## **QUESTIONS WITH NOTICE - NIL**

### **NOTICE OF RECISSIONS**

- Draft Planning Proposal for the Principal Lithgow City Local Environmental Plan 2013
- Rescission of recommendation 32 of Draft Planning Proposal for the Principal Lithgow City Local Environmental Plan 2013
- Unsewered lots below 4000m<sup>2</sup>
- Proposed Heritage Conservation Zones

### **BUSINESS OF GREAT URGENCY**

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

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## GENERAL MANAGERS REPORTS

### ITEM-1 GM - 24/03/14 - REVIEW OF COUNCIL POLICIES

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

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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 Policies 9.1, 9.3, 9.7, 9.8, 9.10, 9.16, 9.19 and 9.20 for consideration. Following the outcome of a recent review of Council policies it recommends amendments to the Policy Register.

## COMMENTARY

A review of Council policies has 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 9.1, 9.3, 9.7, 9.8, 9.10, 9.16, 9.19 and 9.20 inclusive are presented to Council for consideration.

Existing Policy No.	Policy Name	Proposed Changes	New Policy No.
9.1	Apologies - By Council	Formatting	9.1
9.2	Appointment of Mayor to Committees	Rescinded - The Mayor by virtue of holding the office of Mayor, is appointed as a member of all committees established by Council.	
9.3	Business Ethics	Formatting	9.2
9.5	Council Meetings - Appointment of Chairpersons of Council Committees/Working	Rescinded - The Chair of the Committee shall be a Councillor.	

	Groups		
9.6	Council Meetings - January Each Year and Rescheduling of Other Council Meetings	Rescinded - No meetings are scheduled for January and any rescheduling is done through a Council resolution.	
9.7	Gifts and Benefits - Councillors and Staff	Formatting	9.4
9.8	Motions for Annual Conference of Local Government Association	Rescinded - Motions for Annual Conference are decided by Council Resolution	
9.9	Payment of Expenses and Provision of Facilities to Councillors	Policy 9.9 was adopted by Council at the 25 November 2013 Council meeting. Resolution number 13-399.	9.5
9.10	Provision of Information to and Interaction Between Councillors and Staff	Formatting	9.6
9.16	Council Workshops and Briefing Sessions	Formatting - removed Agenda requirements	9.10
9.19	Work Health Safety Policy	New policy replacing the former Occupational Health and Safety Policy.	9.13
9.20	Risk Management Policy	New policy	9.14

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. 9.1 - Apologies - By Council
2. 9.3 - Business Ethics
3. 9.7 - Gifts and Benefits - Councillors and Staff
4. 9.10 - Provision of Information to and Interaction Between Councillors and Staff
5. 9.16 - Council Workshops and Briefing Sessions
6. 9.19 - Work Health Safety Policy
7. 9.20 - Risk Management Policy

## RECOMMENDATION

**THAT** Council:

1. **ADOPT** Policies:
  - Apologies - By Council
  - Business Ethics
  - Gifts and Benefits - Councillors and Staff
  - Motions for Annual Conference of Local Government Association
  - Provision of Information to and Interaction between Councillors and Staff
  - Council Workshops and Briefing Sessions
  - Work Health Safety Policy
  - Risk Management Policy
2. Note that the policy on Payment of Expenses and Provision of Facilities to Councillors has previously been adopted by Council.
3. Renumber the policies according to the schedule.



## ENVIRONMENT AND DEVELOPMENT REPORTS

### ITEM-2            ENVIRO - 24/03/14 - REVIEW OF COUNCIL POLICIES

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

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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 Policies 5.1 - 5.6 inclusive for consideration. Following the outcome of a recent review of Council policies it recommends amendments to the Policy Register.

### COMMENTARY

A review of Council policies has 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 5.1 - 5.6 inclusive are presented to Council for consideration.

Existing Policy No.	Policy Name	Proposed Changes	New Policy No.
5.1	Amusement Devices Licensing	Rescinded	-
5.2	Building Over Easements	Minor wording changes and clarification under what circumstances the General Manager may adjudicate on an exemption to the policy.	5.1
5.3	Encroachments Onto Public Roads	Minor rewording and clarifications.	5.2
5.4	Footpath Trading	No Changes	5.3
5.5	Enforcement Policy	Minor wording changes.	5.4

		Incorporation of Food Act, Environmental Planning & Assessment Act and Protection of the Environment Operations Act.	
5.6	Companion Animals Policy	Provides a guide as to the number of companion animals per residential property. That is 3 on a residential property of 800 sqm.	5.5

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 5.2 - Building Over Easements
2. Policy 5.3 - Encroachments onto Public Roads
3. Policy 5.4 – Footpath Trading
4. Policy 5.5 - Enforcement Policy
5. Policy 5.6 - Companion Animals Policy

### **RECOMMENDATION**

**THAT** Council:

1. **ADOPT** Policies:
  - Building Over Easements
  - Encroachments onto Public Roads
  - Footpath Trading
  - Enforcement Policy
  - Companion Animals Policy
2. Renumber the policies according to the schedule.

**ITEM-3            ENVIRO - 24/03/14 - DA275/13 - PROPOSED DWELLING, 2885  
TARANA ROAD TARANA NSW 2787****REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**SUMMARY**

To assess and recommend determination of DA 275/13 Recommendation will be for approval subject to conditions/refusal

**COMMENTARY**

Council is in receipt of Development Application 275/13 for the erection of a dwelling on Lot 6 in DP 867648 on Tarana Road, Tarana.

The subject lot does not comply with the minimum lot size development standard for erection of a dwelling under Clause 18A - Erection of a dwelling in Zone No 1 (e), of Lithgow City Local Environmental Plan 1994. This Clause requires a minimum Lot size of 100ha, whereas this allotment is only 5.37ha. The applicant has provided an objection to the minimum area standard under State Environmental Planning Policy No.1 (SEPP 1) – Development Standards.

The application requires the concurrence of the NSW Department of Planning & Infrastructure (DoPI), though can only be referred to DoPI with the support of Council.

A subdivision for the creation of Lot 6 was supported previously by the former Evans Shire Council and also approved by the Department Urban Affairs and Planning (Now DoPI). Dwelling consent (being 555/04DA) previously issued for the site by Lithgow City Council lapsed on 25 January 2010. As a result, a further DA for a dwelling being 044/11DA was processed through the same SEPP 1 and Council process and was granted concurrence and determined. The new owners of the subject property wish to construct a different dwelling design at a different location to that approved in 2012 and as such are required to lodge a new DA supported by a SEPP 1 objection. A different dwelling is not considered to be substantially the same development and therefore could not be considered as a modification application. This has triggered the need for a new DA which is again required to address SEPP 1. Therefore, this proposal seeks support from Lithgow City Council to enable the SEPP 1 to proceed.

The subject site is relatively flat and accessed via Tarana Road. The site is relatively clear land only retaining minimal trees. The site is bounded by a railway track along with the north-west boundary line, Tarana Road runs along the south boundary line and vacant land is located at the rear of the property. The site is physically well connected with the Tarana Village Zone area via Tarana Road. The site is compatible with the village character and a location map has been included as ATTACHMENT 1 in this regard.

A single storey dwelling has been proposed on Lot 6 in DP 867648 consisting of 4 bedrooms, games room and an attached garage. The proposed floor area of the dwelling

would be approximately 306.7m<sup>2</sup> on a 5.37ha property as shown in proposed plan in ATTACHMENT 2.

Two previous applications for dwellings on the Lot, (one now lapsed), another approval that is current, and the original subdivision all received the concurrence of the DoP(I). As the land has also been recommended for a compatible zoning within the draft LEP to a minimum Lot size of 2ha, it is considered that the variation to the standard is well justified.

### **OTHER ISSUES**

The majority of the conditions of consent recommended to be imposed relate to the appropriate construction of the development and to the proper control of effluent disposal. All conditions are standard conditions. The applicant is relying on the SEPP 1 submission made with previous 044/11DA.

The prime issue with this application relates to the requirement for an objection order SEPP No. 1. Appropriate conditions are otherwise recommended but these require concurrence from the Department of Planning.

### **CONCLUSIONS**

The application has been assessed in accordance with the relevant planning requirements that relate to the land. Accordingly, should concurrence from DoPI be obtained the assessment shows that the development can comply with all requirements, thus having an acceptable impact on the surrounding neighbourhood and community in general.

Therefore, the application can be approved subject to concurrence of the DoPI.

### **POLICY IMPLICATIONS**

There are no policy implications perceived as part of this application.

### **FINANCIAL IMPLICATIONS**

Section 94 Contributions were not paid for the subdivision as it was constructed in 1995 under the Evans Shire Interim Order No 1 1980. The expected value of the proposed works is \$333,649.00. The following condition would be placed on the consent if the development is approved:

*“Prior to release of a Construction Certificate the applicant shall pay to Council a Section 94 contribution of \$3336.50 in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2012. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2012”.*

### **LEGAL IMPLICATIONS**

The application must be assessed in accordance with the heads of consideration of Section 79C of the Environmental Planning & Assessment Act 1979.

A full assessment under Section 79C of the Environmental Planning and Assessment Act 1979 is attached.

## ATTACHMENTS

1. Location Map
2. Proposed Plan
3. Complete 79C Planning Report under separate cover.
4. Objection under SEPP No1

## RECOMMENDATION

### THAT:

1. Development Application 275/13 be supported and referred to Department of Planning Infrastructure for its concurrence.
2. Should concurrence be granted the application be approved, subject to the conditions outlined in the attached 79C report.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

**ITEM-4            ENVIRO   -   24/03/14   -   LOCALITY   NAMING   ADJUSTMENT  
                         MEGALONG VALLEY KANIMBLA**

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

**SUMMARY**

To rectify addressing issues between the ‘Megalong Valley’ and ‘Kanimbla’ localities within the Lithgow Local Government area. This has been raised as an issue by residents and Land & Property Information (LPI).

**COMMENTARY**

It has been raised by a number of inquiries and concerns from local residents and LPI that there are issues with the suburb naming between ‘Megalong Valley’ & ‘Kanimbla’. Currently there are a number of properties in Council’s system known as ‘Megalong Valley’ that have been known as such for some time. However, this is not consistent with current Geographical Names Board mapping, and Land & Property Information’s (LPI) mapping.

This is currently causing issues with Australia Post, Telstra and other authorities as their internal guidelines stipulate that the properties can only be recorded with the correct locality name recognised by the Geographical Names Board and LPI mapping. As a result, all property owners utilising ‘Megalong Valley’ as their property address incorrectly are having issues with these authorities and not receiving mail. This change would involve 32 property owners overall.

A draft locality map of the most appropriate boundaries for the locality of ‘Megalong Valley’ and ‘Kanimbla is attached. From this map Council can proceed with the locality name amendment process starting with notifying all property owners and authorities of the proposed naming and requesting that any submission be forwarded to Council within the statutory twenty eight (28) day period.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

Council would be expected to pay all costs associated with the acquisition and erection of signage and the notification of authorities.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Plan showing the locality of ‘Megalong Valley’ & Kanimbla existing and proposed.

**RECOMMENDATION**

**THAT** The locality name changes of 'Megalong Valley' & 'Kanimbla' as per the attached locality map, be advertised and notified to authorities and affected landowners for a twenty eight (28) day period. If no objections are received, Council proceed with the Gazette and notification of the change.

**ITEM-5            ENVIRO - 24/03/14 - DA17313 (S9600814) - PROPOSED -  
MODIFICATION OF CONSENT, LOT 1 DP 125085 - RECYCLING  
FACILITY, GEORDIE STREET LITHGOW NSW 2790**

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

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## **SUMMARY**

To determine a Section 96 Modification of Consent S96008/14 for development application DA 173/13 for proposed upgrades to the existing depot and recycling facility.

## **COMMENTARY**

Council is in receipt of an application to modify the development consent for the upgrade to the depot and recycling facility operated by JR Richards.

The modification seeks to amend the recently approved shed by:

- Increasing the height of the north elevation from 6m to 6.7m and change the roofing style from a triangle pitch type roof to a flat stepped roof.

The proposed amendment is considered to be minor with the change to the roof line being necessary to allow access by vehicles and plant. It was not considered necessary to re-notify the application.

## **OTHER ISSUES**

The modification application is of a very minor nature with essentially just the pitch of the roof being re-orientated 90°. No town planning issues arise as a result of this change.

## **POLICY IMPLICATIONS**

Council's *Policy 7.6 – Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination. Given Council's ownership of this land, the proposal is reported to Council for determination.

## **FINANCIAL IMPLICATIONS**

### **Councils Section 94A Contributions**

Section 94A Contributions did not apply to the original development approval as an exemption was applied. This does not change with the modification.

## **LEGAL IMPLICATIONS**

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



## **ATTACHMENTS**

1. A complete Section 79C Modification Report for DA 173/13
2. Elevation Plans (2 sheets).

## **RECOMMENDATION**

### **THAT:**

1. Council approve Section 96 008/14 of DA 173/13 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.

**ITEM-6            ENVIRO - 24/03/14 - DOCTORS GAP - WATER AND SEWERAGE  
INFRASTRUCTURE****REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT**

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**REFERENCE**

Min No 11-116:            Ordinary Meeting of Council held on 28 March 2011  
Min No 09-219:            Ordinary Meeting of Council held on 1 June 2009  
Min No 08-191:            Ordinary Meeting of Council held on 18 November 2008  
Min No 07-109:            Ordinary Meeting of Council held on 2 April 2007

**SUMMARY**

To provide Council with an update on issues surrounding the possible provision of water and sewerage services to Doctors Gap.

**COMMENTARY**

Over the years Council has received representations from the Doctors Gap Landholders Association to provide reticulated sewerage to their dwellings. Council's position at the time was to require that the Association undertake a subdivision to allow the dwellings to be located on individual allotments rather than as one shared 'tenancy in common'. This subdivision did not proceed as not all members of the Association would give their consent. Consequently the sewerage extension project did not proceed.

The tenancy in common arrangement provides that each party holds one or more shares in the landholders association and there are no defined boundaries around existing dwellings. Proposals had been put forward in discussions with landholders several years ago whereby the majority of landholders themselves were exploring the options for subdividing the property.

The sewer project issue was rekindled again in late 2008 following further representations by members of the Doctors Gap Landholders Association. As a result of this a meeting was held on 7 May 2009 with the members of the Association. At this meeting an outline of options for a sewerage reticulation system was discussed with the residents. Following this meeting it was reported to Council with a resolution being made to also include the provision of reticulated water to be investigated.

The options for providing water and sewerage to the area indicated that reticulated water supply could be provided at a cost of approximately \$450,000 and reticulated sewerage by conventional gravity system at a cost of approximately \$1,074,000. Council then included these in subsequent budget considerations.

A report was provided to Council on 28 March 2011 providing details of the Council investigation with a number of options being presented. From this the Doctors Gap Landholders Association was informed of the findings along with an approach to the

Sydney Catchment Authority (SCA) to determine if any funding assistance would be available. The SCA subsequently advised that no funding was available for this project.

In recent years correspondence has been forwarded to the landholders association and discussions held with interested residents regarding the support or otherwise for the provision of services. This included correspondence to the Landholders Association in September 2012 and a meeting with interested residents in October 2012. Most recently correspondence has been forwarded to the Landholders Association on 10 December 2013 seeking feedback on the support to proceed with the project which can only occur if all landholders in the association agree and a formal subdivision occurs. Only one response has been received indicating no support.

In Council's first round of on-site sewerage inspections 22 systems were inspected in the area. All systems passed on first inspection. Six were placed on a re-inspection program, although the issues were not significant.

### OPTIONS

1. Do nothing
2. Undertake a sewerage extension to the property boundary of the Doctors Gap Landholders Association. This will involve levying water and sewer charges again the property. Council may then order connections to the system.

Option 2 of utilising the provisions of both Section 124 and Section 552 of the Local Government Act whereby the services could be extended along the public road and landowners be required to connect to and be levied for water and sewerage rates if within relevant distances (See Legal Implications below) could be considered. Any order under Section 124 to connect to water where premises are within 225 metres of a water pipe may be served on the "owner or occupier of land". Where premises are situated within 75 metres of a sewer an order could be served on the "owner or occupier of premises". Land is not specifically defined in the Act but premises are defined as:

**premises** means any of the following:

- (a) a building of any description or any part of it and the appurtenances to it,
- (b) land, whether built on or not,
- (c) a shed or other structure,
- (d) a tent,
- (e) a swimming pool,
- (f) a ship or vessel of any description (including a houseboat),
- (g) a van.

Section 552 provides that water and sewerage special rates and charges may be levied on "land". Whether this could be levied once on the property; on each individual shareholder; or divided across the shareholders may be questionable. Furthermore, Council would need to consider whether it wishes to 'order' residents to carry out works that may be potentially costly particularly if residents did not have the financial capacity to pay.

### CONCLUSION

Given the difficulties involving the land tenure situation as it currently stands, it does not seem practically feasible to proceed at this point in time. Residents have been given opportunity to put forward their views and whilst it is anecdotally understood that the a

number of residents would in principle favour the provision of services, without 100% agreement the project cannot proceed. Consequently it is suggested at this time the planning for the project not proceed and financial plans be amended to remove the project.

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

Council has been financially planning for a project and in this regard has set aside an amount of \$225,000 in the current financial year and proposing \$225,000 in the 2014/15 financial year for water. Also an amount of \$500,000 has been set aside in the current year for sewer and \$500,000 for 2014/15. Should Council not proceed with the project at this stage, then it would be proposed to reallocate the funding set aside to other water and sewer projects in future years.

## **LEGAL IMPLICATIONS**

Section 124 of the Local Government Act provides Council with the power to issue Orders in certain circumstances.

### **124 Orders**

A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following Table if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

### **Table**

#### **Orders**

#### **Orders requiring the preservation of healthy conditions**

<b>Order Number</b>	<b>Column 1 To do what?</b>	<b>Column 2 In what circumstances?</b>	<b>Column 3 To whom?</b>
23	To connect premises to the council's water supply by a specified date	The premises are situated within 225 metres of a water pipe of the council	Owner or occupier of land
24	To connect premises with a sewerage system by a specified date	The premises are situated within 75 metres of a sewer of the council	Owner or occupier of premises

Section 552 of the Local Government Act which states:

#### **What land may be subject to a water supply special rate or charge?**

- (1) A special rate or charge relating to water supply may be levied on:
- (a) land that is supplied with water from a water pipe of the council, and
  - (b) land that is situated within 225 metres of a water pipe of the council whether the land has a frontage or not to the public road (if any) in which the water pipe is

laid, and although the land is not actually supplied with water from any water pipe of the council.

- (2) A special rate or charge relating to water supply may not be levied on land unless water could be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to the council's mains.
- (3) A special rate or charge relating to sewerage may be levied on all land except:
  - (a) land which is more than 75 from a sewer of the council and is not connected to the sewer, and
  - (b) land from which sewage could not be discharged into any sewer of the council.

## **RECOMMENDATION**

### **THAT** Council:

1. Not proceed with a project to service the Doctors Gap area with water and sewer.
2. Advise the Doctors Gap Landholders Association of Council's decision.

**ITEM-7            ENVIRO - 24/03/14 - COALPAC MODIFICATION PROPOSALS  
                      CULLEN BULLEN - INVINCIBLE COLLIERY PA07/0127 CULLEN  
                      VALLEY MNE DA200-5-2003**

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

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## **REFERENCE**

Min No 11-329:	Ordinary Meeting of Council held on 22 August 2011
Min No 11-488:	Ordinary Meeting of Council held on 12 December 2011
Min No 12-131:	Ordinary Meeting of Council held on 23 April 2012
Min No 12-151:	Ordinary Meeting of Council held on 14 May 2012
Min No 12-291:	Ordinary Meeting of Council held on 13 August 2012
Min No 12-323:	Ordinary Meeting of Council held on 3 September 2012
Min No 13-400:	Ordinary Meeting of Council held on 25 November 2013

## **SUMMARY**

To provide Council with an update on the current position of the Coalpac's development proposals.

## **COMMENTARY**

### **Background:**

As Councillors are aware Coalpac Pty Ltd previously proposed a Consolidation project of Cullen Valley Mine and Invincible Colliery.

From this the Director General's report was finalised on the 26 September 2013 which recommended refusal of the project.

Coalpac Pty Ltd withdrew its project application for the Consolidation Project (10\_0178) in October 2013.

### **New proposal**

Applications to modify the existing approvals for Invincible and Cullen Valley Colliery's have been lodged. The existing approvals are known as PA 07\_0127 for Invincible Colliery and DA200-5-2003 for Cullen Valley. The Department of Planning and Infrastructure invited Council to comment on the draft relevant Environmental Assessment, and include any advice on recommended conditions of approval, by Friday 21 March 2014. Given the timeframe a submission has been prepared.

These Modifications do not constitute a "*radical transformation*" from what has been previously approved. The following essential elements of Cullen Valley Mine and Invincible Colliery will remain unaltered by each of the proposed Modifications:

- Mining and other equipment,
- Mining methodology,

- Hours of operation,
- Manning levels,
- Coal handling and processing,
- Coal transport and access to site,
- Water management (apart from the introduction of the new proposed inter-mine pipeline),
- Reject handling,
- Total annual output of ROM and product coal (at 2.2Mtpa); and
- Total duration of mining (in the case of Cullen Valley Mine. Note that the Modification sought in respect of the Invincible Colliery PA 07\_0127 seeks to extend the duration of mining by 4 years).
- The developments approved by PA 07\_0127 and DA 200-5-2003 will remain in the same locality, mining coal from the same seams, using the same mining methodology.

The new proposal includes:

- The Modification of PA 07\_0127 for Invincible Colliery seeks approval for the following:
  - Extension to the life of PA 07\_0127 for four years from December 2016 to December 2020;
  - Extension of 88 ha to the 152 ha area approved for open cut mining;
  - Extension of 86 ha to the area approved for highwall mining. These highwall mining operations will not result in additional surface disturbance;
  - Installation of a water pipeline connecting to the existing Cullen Valley Mine water pipeline which will result in the ability to transfer water between Invincible Colliery and Cullen Valley Mine. The pipeline alignment will largely remain on or adjacent to existing access tracks within the Ben Bullen State Forest; and
  - Backfilling of the proposed and residual final voids resulting from existing mining operations and the rehabilitation of areas affected by subsidence from historic underground mining operations in the area to create a free-draining final landform at the conclusion of the proposed mining activities.
- The Modification of DA 200-5-2003 for Cullen Valley Mine seeks approval for the following:
  - Extension of 62 ha to the 362 ha area approved for open cut mining;
  - Extension of 79 ha to areas approved for highwall mining. These highwall mining operations will not result in additional surface disturbance;
  - Ability to benefit from the transfer of water to and from Invincible Colliery; and
  - Backfilling and rehabilitation of the proposed and residual final voids resulting from existing mining operations to create a free-draining final landform at the conclusion of the proposed mining activities.

**The current proposals will allow for Invincible Colliery to produce 1.2 Million Tonnes per Annum (Mtpa) until the year of 2020 and Cullen Valley Coal Mine to produce 1Mtpa until year the of 2025. This is a total of 18.2Mtpa for the life of the mines.**

## **POLICY IMPLICATIONS**

NIL

## FINANCIAL IMPLICATIONS

A Voluntary Planning Agreement (VPA) was previously entered into between Lithgow City Council and Coalpac Pty Ltd based on the previous Consolidation and extension of the existing Cullen Valley Mine and Invincible Colliery to produce up to a total of 3.5 Mtpa product coal. This VPA provided contributions of \$0.07 per tonne of coal sold per annum for each financial year and up front contributions as detailed below:

Relevant Payment Period	Column A	Column B	Total Payment
	Capital Works Contribution Fixed Payment or Allocation %	Public Purpose Contribution Fixed Payment or Allocation %	
Within 60 days after the grant of the Project Approval	\$50,000	\$25,000	\$75,000
Within 60 days of the first Financial Year end that falls after the grant of the Project Approval	\$75,000	\$50,000	\$125,000
Within 60 days of each subsequent Financial Year end for the remainder of the Term	75% of the Contribution Calculation	25% of the Contribution Calculation	Total of Column A plus Column B for a relevant year

Given that Coalpac has indicated previously that they were willing to negotiate a Planning Agreement with Council *under Section 93F* “to facilitate the provision of additional services for the forecast increase in demand on existing services due to the Project.” It will be suggested that Coalpac be approached to assess their willingness to enter into a Voluntary Planning Agreement for the current proposals.

## LEGAL IMPLICATIONS

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

Council has the opportunity to comment on the proposal during the public exhibition period.

## RECOMMENDATION

### THAT:

1. The information provided on the Coalpac Modification Projects (PA 07\_0127 for Invincible Colliery and DA 200-5-2003 for Cullen Valley Mine) be noted.
2. Council provide a submission to the NSW Department of Planning & Infrastructure indicating its overall position as not objecting to the proposal but highlighting appropriate controls that need to be put in place.
3. Coalpac be approached in relation to a possible Voluntary Planning Agreement.
4. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement for the development should Coalpac be receptive.



## OPERATION REPORTS

### ITEM-8 OPER - 24/03/14 - REVIEW OF LITHGOW CITY 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 9.11 for consideration. Following the outcome of a recent review of Council policies it recommends amendments to the Policy Register.

## COMMENTARY

A review of Council policies has 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 Policy 9.11 is presented to Council for consideration.

<b>Existing Policy No.</b>	<b>Policy Name</b>	<b>Proposed Changes</b>	<b>New Policy No.</b>
9.11	Tenders – Canvassing / Lobbying of Councillors and Staff	Formatting	9.7

The proposed changes to this Policy is not considered to be major and therefore does 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. 9.11 - Tenders – Canvassing / Lobbying of Councillors and Staff

### **RECOMMENDATION**

**THAT** Council:

1. **ADOPT** Policy - Tenders - Canvassing/Lobbying of Councillors and Staff
2. Renumber the policies according to the schedule.

**ITEM-9            OPER - 24/03/14 - WATER REPORT**

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

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**REFERENCE**

Min No 14-90:                    Ordinary Meeting of Council held on 3<sup>rd</sup> March 2014

**SUMMARY**

This report provides an update on various water management issues as per Minute Number 14-90.

**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 17 March 2014 was 100% full. Oberon Dam capacity on Monday 17 March 2014 was 69.6% full.

**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
December 2013	100	0	47
January 2014	111	0	109
February 2014	93	0	73
<b>TOTAL</b>	<b>831</b>	<b>0</b>	<b>532</b>

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

Month	Oakey Park WTP (ML)	Clarence Transfer (ML)	Fish River Supply (ML)
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 the period February/March.

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 for the period 22/2/2014 – 14/3/2014. Water is also being fed into Shaft Street reservoir from the Fish River source.

### **Current Water Restrictions Update**

On 13 February 2014 Level 4a water restrictions were relaxed with the introduction of level 3 restrictions. These are in place for all residents throughout Lithgow and villages receiving water from both the Lithgow and the Fish River water supplies. This followed continuing dry conditions with falling dam levels along with remedial work to burst feeder mains from the Fish River Supply which prompted an emergency situation. Current restrictions will be further eased to Level One restrictions effective from Monday 17 March 2014

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

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in February with Council approving 9 applications for household appliance rebates and 1 application for a water tank rebate.

### **FINANCIAL IMPLICATIONS**

NIL

### **POLICY IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**RECOMMENDATION**

**THAT** Council note the water report.

**CORPORATE AND COMMUNITY REPORTS**

**ITEM-10          CORP - 24/03/14 - REVIEW OF COUNCIL POLICIES**

**REPORT BY: J BROZEK - GROUP MANAGER - CORPORATE & COMMUNITY**

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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 Policies 6.2, 9.4, 9.12, 9.13, 9.17, 9.18 and 9.21 for consideration. Following the outcome of a recent review of Council policies it recommends amendments to the Policy Register.

**COMMENTARY**

A review of Council policies has 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 6.2, 9.4, 9.12, 9.13, 9.17, 9.18 and 9.21 are presented to Council for consideration.

<b>Existing Policy No.</b>	<b>Policy Name</b>	<b>Proposed Changes</b>	<b>New Policy No.</b>
6.1	Copyright of Plans	Rescinded	-
6.2	Corporate Sponsorship	Formatting	6.1
9.4	Competitive Neutrality	Formatting	9.3
9.12	Records Management	Formatting	9.8
9.13	Protected Disclosures Policy	Formatting	9.9
9.17	Access to Information Held	Formatting	9.11
9.18	Media and Social Media	Formatting	9.12
9.21	Privacy Management Plan	Formatting	9.15

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 6.2 - Corporate Sponsorship
2. Policy 9.4 - Competitive Neutrality
3. Policy 9.12 - Records Management
4. Policy 9.13 - Protected Disclosures Policy
5. Policy 9.17 - Access to Information Held
6. Policy 9.18 - Media and Social Media
7. Policy 9.21 - Privacy Management Plan

### **RECOMMENDATION**

**THAT** Council:

1. **ADOPT** Policies:
  - Corporate Sponsorship
  - Competitive Neutrality
  - Records Management
  - Protected Disclosures Policy
  - Access to Information Held
  - Media and Social Media
  - Privacy Management Plan
2. Renumber the policies according to the schedule.

**ITEM-11            CORP - 24/03/14 - PEARSONS LOOKOUT CAPERTEE**

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

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**REFERENCE**

Min 13-30:                    Ordinary Meeting of Council held 4 February 2013.

**SUMMARY**

This report advises Council of correspondence received from NSW Trade and Investment Crown Lands concerning works at Pearsons Lookout, Castlereagh Highway Capertee.

**COMMENTARY**

Council was advised at the Ordinary meeting of Council held 4 February 2013 of the offer of \$200,000 funding by the State Member Mr Paul Toole for local road works.

Council resolved at that meeting (Min 13-30) THAT Council:

1. Accept the grant of \$200,000 from the NSW State Government for local roadworks;
2. Allocate \$60,000 of the funding to the upgrade of Pearson's Lookout, representing \$30,000 from Local member Paul Toole and \$30,000 from Council.
3. If Department of Lands decline the opportunity to undertake works on Pearson's Lookout the Council complete the works. This shall be on the basis that Council does NOT become responsible for the lookout;
4. Allocate \$100,000 of the funding for the upgrade of the access to Pearson's Lookout with works to be completed by the RMS. The funding here is represented by \$50,000 from Local member, Paul Toole and \$50,000 from Council;
5. Allocate \$40,000 to Urban reseals (Lithgow). The main project for urban reseals here would be Lithgow Street; and
6. Thank the local member, Paul Toole, for the funding.

Council wrote to Crown Lands on 7 May 2013 seeking approval to undertake works at the lookout and confirmation that in undertaking the works, ownership or responsibility for the reserve would not change. The works include:

- Grading and resurfacing the road surface to the lookout
- Fence replacement
- Installation of a feature sign
- Removal of the old obelisk



Crown lands replied on 7 May 2013 giving approval to these works subject to indemnification against any risks or liabilities arising from the works.

The works detailed above have since been completed. The RMS has graded and sealed the road verge adjacent to the Castlereagh Highway and Council is about to install interpretative signage at the lookout.

Council wrote to Crown Lands again on 21 November 2013 seeking approval for the installation of a viewing platform at the lookout. Crown Lands replied on 2 December 2013 withholding approval for the viewing platform due to potential future Native Title issues.

Crown Lands wrote again to Council on 3 March 2014 advising that they have undertaken a review of their earlier determination in respect of the viewing platform and would be prepared to accede to Council's request if the viewing platform could be designed in such a way that it could be removed at a future date as it would then be considered a low impact future act for the purpose of Native Title, should Native Title be deemed at some time in the future to have existed.

Crown Lands advised that their approval is subject to Council being appointed Trust Manager of the reserve due to concerns about the expenditure of Council funds on a reserve that Council does not control and future liability issues.

Should Council be appointed as Trust Manager there will be implications for both financial and public liability risks. The risks arise from the potentially dangerous access from the highway to the lookout, public liability for the lookout and platform and minor maintenance costs included regular clean up of rubbish in the area and addressing vandalism to the area.

Other implications as Trust Manager include as described by Crown Lands include;

- Care, control and management of the Crown reserve as permitted by the Crown Lands Act and consistent with the purposes for which that reserve was reserved.
- All insurances.
- Environmental management including management of weeds and pest animals; protection of threatened species and their habitat; protection of heritage items and bushfire risks.
- Leases: Council can with the consent of the Minister, enter into leases and licences with third parties for all or part of the reserve. RailCorp currently operates a communications facility on the reserve.

Council will also be responsible for maintenance of the access road to the lookout and the lookout itself and potentially any risks associated with the lookout being located above the rail corridor.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

RMS funds of \$37,000 remains unspent of which \$3,000 is currently committed for interpretative signage. The viewing platform is estimated to cost approximately \$30,000.

Entering into an agreement as Trust Manager will expose council to possible additional liability with respect to maintenance of the site and potential public liability issues.

### **LEGAL IMPLICATIONS**

Local Government Act NSW 1993

### **ATTACHMENTS**

1. Letter - NSW Trade and Investment Crown Lands dated 2 December 2013
2. Letter - NSW Trade and Investment Crown Lands dated 3 March 2014.
3. Map of Lot 7308 DP 1130828 showing location of Pearson's Lookout.

### **RECOMMENDATION**

**THAT** Council decline Crown Lands offer for Council to become Trust Manager of the site known as Pearson's Lookout described as Lot 7308 DP 1130828.

**ITEM-12          CORP - 24/03/14 - COUNCIL INVESTMENTS HELD TO 28  
 FEBRUARY 2014**

**REPORT BY: 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  
 Min No 13-435:          Ordinary meeting of Council held on 16 December 2013  
 Min No 14-61:            Ordinary meeting of Council held on 10 February 2014

**SUMMARY**

To advise Council of investments held as at 28 February 2014 in the 2013/14 financial year.

**COMMENTARY**

Council's total investment portfolio, as at 28 February 2014 when compared to 31 January 2014, has increased by \$613,875.15 from \$19,689,712.68 to \$20,303,587.83.

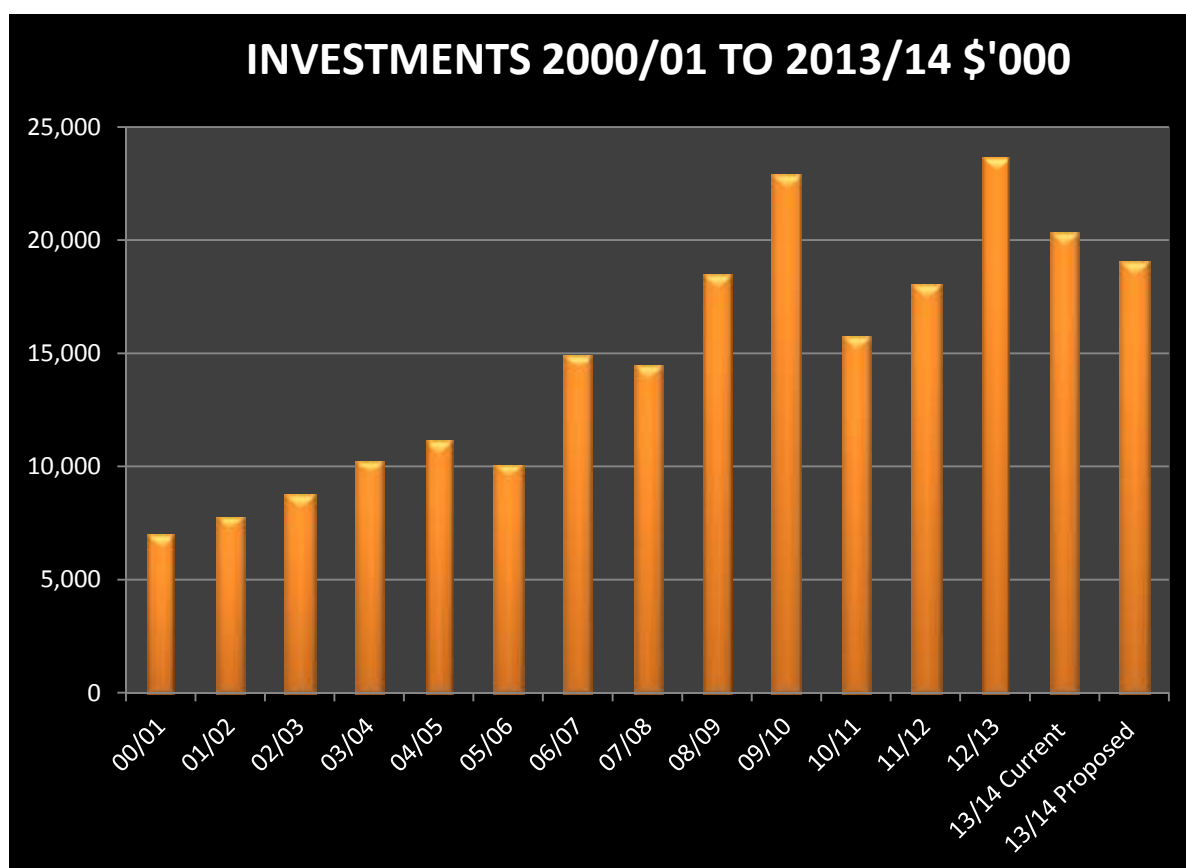
The CBA Call account holding was \$2,955,242.09 at month end compared to \$515,794.46 at the beginning of the month. This reflected the strong inflows of receipts at the end of the month as the third rate instalment become due and payable. Subsequent to month end these funds were utilised to pay Council creditors and take up a further term deposit investment.

<b>INVESTMENT REGISTER 2013/14</b>								
<b>INSTITUTION</b>	<b>INV TYPE</b>	<b>DATE LOGGED</b>	<b>DATE DUE</b>	<b>DAYS</b>	<b>INT</b>	<b>VALUE 31.01.14</b>	<b>VALUE 28.02.14</b>	<b>% OF TOTAL</b>
ANZ	TD	09.12.13	10.03.14	91	3.31	890,488.81	890,488.81	4.39%
	TD	09.12.13	10.03.14	91	3.31	530,516.95	530,516.95	2.61%
	TD	06.01.14	07.04.14	91	3.31	532,361.05	532,361.05	2.62%
	TD	03.01.14	03.02.14	31	2.96	1,051,775.76	0.00	0.00%
CBA	On Call				2.45	515,794.46	2,955,242.09	14.55%
	TD	24.02.14	26.05.14	91	3.31	1,024,843.59	1,033,249.83	5.09%
	TD	20.02.14	24.03.14	32	3.31	0.00	1,000,000.00	4.93%
IMBS	TD	06.01.14	07.04.14	91	3.50	1,556,095.14	1,556,095.14	7.66%
	TD	25.02.14	30.04.14	64	3.40	514,682.26	519,124.04	2.56%
NAB	TD	26.02.14	27.05.14	90	3.67	1,194,666.82	1,000,000.00	4.93%
	TD	22.10.13	22.04.14	182	3.80	1,088,763.39	1,088,763.39	5.36%
	TD	08.12.13	08.03.14	90	3.70	534,384.67	534,384.67	2.63%
	TD	01.12.13	01.03.14	90	3.70	1,514,054.80	1,514,054.80	7.46%
WESTPAC	TD	01.10.13	02.04.14	183	3.54	1,252,472.47	1,252,472.47	6.17%
	TD	17.09.13	18.02.14	153	3.58	1,057,666.68	0.00	0.00%
	TD	04.10.13	10.04.14	188	3.57	524,061.21	524,061.21	2.58%
ST GEORGE	TD	19.10.13	19.04.14	182	3.40	918,158.59	918,158.59	4.52%
	TD	13.01.14	14.04.14	91	3.34	550,978.02	550,978.02	2.71%
	TD	10.02.14	12.05.14	91	3.34	546,209.31	550,613.40	2.71%

	TD	24.02.14	26.05.14	91	3.32	543,710.31	548,094.25	2.70%
	TD	08.01.14	08.04.14	90	3.27	523,260.81	523,260.81	2.58%
	TD	12.12.13	12.03.14	90	3.28	508,802.25	508,802.25	2.51%
	TD	09.12.13	11.03.14	92	3.27	514,091.55	514,091.55	2.53%
SUNCORP	TD	04.12.13	04.03.14	90	3.62	1,258,774.51	1,258,774.51	6.20%
	TD	25.11.13	24.02.14	91	3.55	543,099.27	0.00	0.00%
			<b>TOTAL</b>			<b>19,689,712.68</b>	<b>20,303,587.83</b>	<b>100.00%</b>
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.41	2,750,000.00	2,750,000.00	

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 28 February 2014 are shown.



A large proportion of Council's investments are held as restricted assets for specific purposes. Restricted assets may consist of externally restricted assets which must be spent for the purpose for which they have been received e.g. Water, Wastewater, Stormwater, Domestic Waste, Parking, or internally restricted assets which have been set aside by Council resolution. Some internal restrictions are held to fund specific liabilities such as employee leave entitlements and bonds and deposits.

### POLICY IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing funds. On 13 February 2012 Council adopted a draft of the Investment Policy as Policy 8.2 which includes the Ministers Investment Order of 12 January 2011.

**FINANCIAL IMPLICATIONS**

Interest received to 28 February 2014 is \$390,258.01 and is paid on the maturity date of the investment. Interest income is determined by the average level of funds held and the rate of return. Adjustments to the budget estimate are processed through Council's Quarterly Budget Review process. Interest Returns are determined by average funds invested and the rate of interest return. Council held significant funds at the 30 June, 2013 in the form of carry over works in progress and unexpended grant funds, as these works have been progressed in 2013/14, the level of investments have reduced to fund this expenditure.

**LEGAL IMPLICATIONS**

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 13 February 2012 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 \$20,303,587.83 for the period ending 28 February be noted.

**ITEM-13            CORP - 24/03/14 - COUNCIL WATER STRUCTURE AND CHARGES**

**REPORT BY:    J BROZEK - GROUP MANAGER CORPORATE & COMMUNITY**

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**REFERENCE**

Min No 13-308:            Ordinary meeting of Council held on 9 September 2013

**SUMMARY**

At the Ordinary meeting of Council held on 9 September 2013 it was resolved that a report be provided to Council on the structure of Council water charges in the LGA.

**COMMENTARY**

In 2010/2011, Council adopted a water charges structure that moved to comply with the State Government's Best Practice Guidelines. This requires an access charge based on capacity (water meter size) and that residential water consumption charges which equates to 75% of Councils residential water access and consumption income.

At the information session held with Councillors on the 9<sup>th</sup> of December 2013 there was a detailed briefing of the complexities associated with operating Council's water infrastructure system. It was also noted that water consumed from the Fish River Supply is subject to a usage charge and an access charge. The access charge is based on an annual figure of 1778 megalitres. Historically Council does not consume quantities approaching this volume but is still required to pay this access charge.

Further information was provided as part of budget consideration and this is supplied in the attachments to this report.

**Comparative Figures 2013/14**

Council's current water access charge is \$135.00. Water usage charges up to 250kL is \$2.84 for the residential category and \$4.26 per kilolitre for over 250kl of water consumed. The average residential water consumption for 2012/13 was 168kl with 82% of residential properties consuming less than 250kl in the year.

Details of comparative Councils charges can be found in Attachment A to the report. It should also be noted that LCC's fixed access residential charge is equal second lowest.

It also should be noted that Council's water year is completed following the water meter readings in August each year.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

Council has received funding from the NSW State Government for the upgrade for both the Lithgow and Wallerawang sewerage treatment plants. As part of the funding arrangements Council was required to undertake a number of actions, including moving to Best Practice Water Pricing. At the time of writing this report Council is still yet to receive nearly \$1.4M in funding from this agreement.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENT**

1. Comparative Council's Water access and consumption charges.

**RECOMMENDATION****THAT:**

1. Council note the report on Council's Water Structure and Charges
2. Increase the second tier residential water consumption level to great than 300kL to commence from the conclusion of the 2013/14 water period.

## COMMITTEE MEETINGS

ITEM-14      OPER - 24/03/14 - 28 JANUARY 2014 - SPORTS ADVISORY  
COMMITTEE SPECIAL MEETING MINUTES

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

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## REFERENCE

Min No 14-71:      Ordinary Meeting of Council held on 10 February 2014

## SUMMARY

This report details the Minutes of the Sports Advisory Committee Special Meeting held on 28<sup>th</sup> January 2014.

## COMMENTARY

At the Sports Advisory Committee Special Meeting held on 28th January 2014, the annual winners of the 2013 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards were determined.

## ATTACHMENTS

1. Minutes from the Sports Advisory Committee Special Meeting of 28<sup>th</sup> January 2014.

## RECOMMENDATION

**THAT** Council note the minutes of the Sports Advisory Committee Special Meeting held on 28<sup>th</sup> January 2014.



**ITEM-15            OPER - 24/03/14 - 25 FEBRUARY 2014 - SPORTS ADVISORY  
COMMITTEE MEETING MINUTES**

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

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**REFERENCE**

Min No 14-71:            Ordinary Meeting of Council held on 10 February 2014

**SUMMARY**

This report details the Minutes of the Sports Advisory Committee Meeting held on 25<sup>th</sup> February 2014.

**COMMENTARY**

At the Sports Advisory Committee held on 25<sup>th</sup> February 2014, there were numerous items discussed by the Committee including:

Item 4 was outside the Committee's delegations and require Council to formally approve the recommendation, being:

**THAT** Council provide Jordan and Hayden Chapman with \$100 each toward the cost of participating in the Western NSW Mariners Skill Acquisition Program.

**ATTACHMENTS**

1. Minutes from the Sports Advisory Committee meeting of 25<sup>th</sup> February 2014.

**RECOMMENDATION**

**THAT:**

1. Council note the minutes of the Sports Advisory Committee held on the 25<sup>th</sup> February 2014.
2. Council provide Jordan and Hayden Chapman with \$100 each toward the cost of participating in the Western NSW Mariners Skill Acquisition Program.

**ITEM-16          ENVIRO - 24/03/14 - ENVIRONMENTAL ADVISORY COMMITTEE  
MEETING MINUTES - 26 FEBRUARY 2014**

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

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## **SUMMARY**

This report presents the minutes of the Environmental Advisory Committee Meeting held on 26 February 2014.

## **COMMENTARY**

At the Environmental Advisory Committee Meeting held on 26 February 2014, there were a number of items discussed which are outlined in the attached minutes.

These included:

- Clean Up Australia Day
- Hassans Walls Boardwalk
- Expansion of Longwall Mining under Carne Creek
- Application for Petroleum Exploration Licence – Ceemac Pty Ltd

## **ATTACHMENTS**

1. Minutes of the Environmental Advisory Committee Meeting held on 26 February 2014.

## **RECOMMENDATION**

**THAT** Council note the minutes of the Environmental Advisory Committee held on 26 February 2014.

**ITEM-17            ENVIRO - 24/03/14 - CRYSTAL THEATRE MANAGEMENT  
                         COMMITTEE MINUTES - 4 MARCH 2014**

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

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**SUMMARY**

This report presents the minutes of the Crystal Theatre Management Committee Meeting held on 4 March 2014.

**COMMENTARY**

At the Crystal Theatre Management Committee Meeting held on 4 March 2014, there were a number of items discussed which are outlined in the attached minutes. These included:

- Soundproofing
- Proposed Fees and Charges
- Contribution of Beverly Morris

No issues arose requiring Council approval.

**ATTACHMENTS**

1. Minutes of the Crystal Theatre Management Committee Meeting held on 4 March 2014.

**RECOMMENDATION**

**THAT** Council note the minutes of the Crystal Theatre Management Committee held on 4 March 2014.

**ITEM-18            OPER - 24/03/14 - TRAFFIC ADVISORY LOCAL COMMITTEE - 6  
                         MARCH 2014**

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

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**SUMMARY**

This report details the Minutes of the Traffic Advisory Local Committee Meeting held on 6 March 2014.

**COMMENTARY**

At the Traffic Advisory Local Committee meeting held on 6 March 2014, there were numerous items discussed by the Committee that requires action from Council including;

1. Development application 153/13 Proposed motel development Kirkley Street Lithgow
2. Request for changes to the existing children's crossing and installation of a 5 tonne load limit Bent Street Lithgow
3. Angus Place Colliery- request for speed zone review/pedestrian crossing and signage
4. Donald Street Lithgow-issues with heavy vehicles and increased traffic
5. Cancer Council charity walk- Portland to Wallerawang 2014
6. Development Application 244/13456 Sodwalls Road- access/egress
7. Request to have existing parking zones changed- Lithgow Workmen's Club Tank Street Lithgow
8. Ironfest event update- traffic management plan 2014 and insurance
9. Number plate detection parking vehicle- resident information request

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Traffic Advisory Local Committee meeting of 6 March 2014.

**RECOMMENDATION**

**THAT** Council:

1. Note the minutes of the Traffic Advisory Local Committee held on the 6 March 2014.

2. Approve changes to the existing parking zones located adjacent to the Lithgow Workmen's Club in Tank Street Lithgow including swapping the location of the existing taxi rank zone located to the north of the pedestrian crossing with the existing 15 minute parking zone located to the south of the pedestrian crossing
3. The existing 15 minute signage adjacent to the Lithgow Workmen's Club be standardised.

**ITEM-19            OPER - 24/03/14 - OPERATIONS COMMITTEE MEETING MINUTES -  
5 MARCH 2014**

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

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**SUMMARY**

Details of the Minutes of the Operations Committee Meeting held on Thursday 6<sup>th</sup> March 2014 for Council adoption.

**COMMENTARY**

At the Operations Committee Meeting held on Thursday 6<sup>th</sup> March 2014 there were a number of items discussed by the Committee, with all items being actioned under the Committee's delegated authority.

Items discussed included:

- Kremer Park Improvements
- Main Street Lithgow Footpath Rehabilitation
- Review of major capital works
- Review of Water restrictions

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes of the Operations Committee Meeting held on Wednesday, 5<sup>th</sup> March 2014.

**RECOMMENDATION**

**THAT** Council note the minutes of the Operations Committee meeting held on Thursday 6<sup>th</sup> March 2014.

**ITEM-20            CORP - 24/03/14 - MAYORAL BUSHFIRE APPEAL COMMITTEE - 11  
                         MARCH 2014**

**REPORT BY -    J BROZEK - GROUP MANAGER - CORPORATE & COMMUNITY**

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**REFERENCE**

Min No 14-44:            Ordinary Meeting of Council held on 10 February 2014

**SUMMARY**

This report details the Minutes of the Mayoral Bushfire Appeal Committee Meeting held on 11 March 2014.

**COMMENTARY**

At the Mayoral Bushfire Appeal Committee held on 11 March 2014, there were numerous items discussed by the Committee;

1. Purpose of the Committee and role of Committee Members
2. Donations by Parramatta Council
3. Extension of time for donations in order to reach target
4. Compensation to Residents affected by the fire
5. Distribution of Funds

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Minutes from the Mayoral Bushfire Appeal Committee meeting of 11 March 2014.

**RECOMMENDATION**

**THAT** Council note the minutes of the Mayoral Bushfire Appeal Committee meeting of 11 March 2014.

## DELEGATES REPORTS

### ITEM-21 DELEGATES REPORT - 24/03/14 - CENTROC MEETING - 27 FEBRUARY 2014

**REPORT BY: DEPUTY MAYOR, COUNCILLOR RAY THOMPSON**

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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.  
Min No 13-441: Ordinary Meeting of Council held on 16 December 2013.

## SUMMARY

This report outlines the discussions from the Centroc meeting held in Bathurst on Thursday 27th February 2014.

## COMMENTARY

I attended the Centroc Board meeting at Mount Panorama in Bathurst on Thursday 27th February 2014 and provide the following report for Council's information. Formal meeting minutes will be provided in due course.

Speakers in attendance at the meeting were:

1. Mr Roger Stephan, CEO of Hunter Councils providing advice on their model of collaboration between Councils and
2. Mr Norm Mann (Chair) and Ms Lucy White (CEO) providing advice on the growing success of Central NSW Tourism.

There was significant discussion regarding water security in the region and Local Government reforms.

### **Water Security**

Given the activity by State Water and the Hon John Cobb in the region, there is an opportunity to ensure that the water security of our urban communities is reviewed and assured. The Board has resolved to ramp up its advocacy in this space and to seek advice on a review of the Centroc Water Security Study.

### **Local Government Reforms**

The draft response to the reports by the Independent Local Government Review Panel and the Local Government Acts Taskforce is available on request where the resolution is in the attached draft minutes. In general while the Board finds merit in a number of the initiatives slated for reform, they are not supportive of any **mandatory** structural reform, be it amalgamations, Rural Councils or Councils of Mayors. The Board is open to reform



that leads to better regional procurement and an improved relation with the State such that Regional Actions Plans are more reflective of local priorities as reflected Community Service Plans.

The Board were also very concerned that much of the reform is compliance based and resource hungry and will lead to Local Councils being process rich and outcomes poor. The Board meeting considered reports against its Management Plan.

### **Transport Infrastructure**

Council should note that there will be a workshop in the region in the near future providing advice on the Office of Local Government's review of Special Schedule 7.

### **Health**

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.

### **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 of \$2.29m.

A Centroc Management Plan report providing direction to the next year's activities was also approved 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.

The Board were also advised that a meeting at Parliament House in meeting in Canberra will be held 26 August. This is being co-ordinated through the Hon John Cobb's office. The next Board meeting of Centroc will be in Parliament House, Macquarie St, this is being co-ordinated through the Andrew Gee, Member for Orange's office.

Councillors have been provided with copies of the Annual Report from Centroc for 2012/2013 or please go to Centroc website where the Centroc business papers are also available - [centroc.com.au](http://centroc.com.au).

There is a lot of valuable collaborative activity going on in this region.

## **RECOMMENDATION**

**THAT** Council note the Report from the Centroc Board Meeting 27 February at Mount Panorama in Bathurst be noted

## NOTICES OF MOTION

### ITEM-22 NOTICE OF MOTION - 24/03/14 - HARTLEY VALLEY ROAD FLOOD DAMAGE - COUNCILLOR W MCANDREW

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## COMMENTARY

It is just over twelve months since the last flood damage to this area with massive damage again occurring on Friday 7<sup>th</sup> March 2014.

Affected residents are still cleaning up and repairing damage from the previous flood to have all that hard work destroyed once again.

## ATTACHMENTS

1. Photo's showing damage

## RECOMMENDATION

### THAT:

1. Council staff and councillors inspect the affected areas.
2. Council immediately move to put in place funds to construct appropriate drainage infrastructure in the affected areas as a priority.
3. Affected residents, on application to council, be afforded exemptions from water rates for clean up purposes. An appropriate time frame for this commencing from the 7<sup>th</sup> March, be discussed and agreed upon at this meeting.

**ITEM-23            NOTICE OF MOTION - 24/03/14 - FLOOD DAMAGE TO HOMES IN  
HARTLEY VALLEY ROAD LITHGOW - COUNCILLOR J MCGINNES**

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**COMMENTARY**

- Q.    Could the Mayor and General Manager update Councillors on recent major flood damage to homes in Hartley Valley Road Lithgow?

**RECOMMENDATION**

**THAT** the Mayor and General Manager update Councillors on recent major flood damage to homes in Hartley Valley Road Lithgow.

**ITEM-24 NOTICE OF MOTION - 24/03/14 - VALE OF CLWYDD FLOODING -  
COUNCILLOR P PILBEAM**

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**RECOMMENDATION**

**THAT** Council report on Vale of Clwydd flooding containing underlying cause and alternatives to mitigate problem but not limited to legal financial and private property issues.

**ITEM-25 NOTICE OF MOTION - 24/03/14 - MOUNTAIN CRUIZERS CAR CLUB -  
COUNCILLOR J MCGINNES**

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**COMMENTARY**

- Q. Could the Council advise and update Councillors on an application by Mountain Cruizers Car Club for use of Tony Luchetti Oval in Lithgow?

**RECOMMENDATION**

**THAT** the General Manager and Council Officers update Councillors on an application by Mountain Cruizers Car Club for use of Tony Luchetti Oval in Lithgow.

## NOTICES OF RESCISSION

### ITEM-26 NOTICE OF RESCISSION MOTION - 24/03/14 - DRAFT PLANNING PROPOSAL FOR THE PRINCIPAL LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013

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**Matter** Extraordinary Meeting of Council 3rd February 2014

#### Resolution 14-07

"1. That Council amend the Draft Planning Proposal for the Draft Lithgow City Principal LEP 2013 by replacing the land use tables within the draft LEP with those tables (see attachment 1) and advise respondents in accordance with the recommended actions as outlined below, noting that in the event of any inconsistencies between the recommended actions outlined in Table 3 to 9 and the new land use tables, then the new land use tables shall prevail."

## RECOMMENDATION

**THAT** the above resolution 14-7 be rescinded and the land use tables proposed in the original staff prepared draft LEP become the land use tables for the Principle Lithgow City LEP.

"For clarity and so that there is no misunderstanding this rescission motion, the 17 page document headed "SUGGESTED CHANGES" handed up on the night of the 3/2/14 meeting, be deleted and removed from the Principle Lithgow City LEP and replaced with the land use tables in the original staff recommended LEP."

---

**This Notice of Rescission has been duly signed by 4 Lithgow City Councillors.**

Councillor Wayne McAndrew  
Councillor Col Hunter  
Councillor Ray Thompson  
Councillor Joe McGinnes

#### **General Manager's Comment:**

As was required previously should Councillors wish to participate in this a Special Disclosure of Pecuniary Interests may be required. If such an interest is to be declared then it must be provided to the General Manager prior to the Meeting.

## 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. If a Councillor has any doubt, then they should seek their own legal advice.

As was previously advised, 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.

## **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.

## **ATTACHMENTS**

1. Form of Special Disclosure of Pecuniary Interest

**ITEM-27 NOTICE OF RESCISSION MOTION - 24/03/14 - RECISSION OF RECOMMENDATION 32 OF DRAFT PLANNING PROPOSAL FOR THE PRINCIPAL LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013**

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**Matter Extraordinary Meeting of Council 3rd February 2014**

**Resolution 14-13**

"That in relation to Recommendation 32, Council amend Draft LEP 2013 to zone Part Lot 1 DP 700704 being a strip of land extending south of Magpie Hollow Road having an area of approx. 8.5ha as indicated in Figure 2 Pg 8 Attachment 6 as B6 Enterprise Corridor."

**RECOMMENDATION**

**THAT** the above resolution 14-13 be rescinded and replaced with the original staff Recommendation 32 and that the Principle Lithgow City LEP be reworded to reflect this change.

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**This Notice of Rescission has been duly signed by 4 Lithgow City Councillors.**

Councillor Wayne McAndrew  
Councillor Col Hunter  
Councillor Ray Thompson  
Councillor Joe McGinnes



**ITEM-28 NOTICE OF RESCISSION MOTION - 24/03/14 - 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 regard 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 the 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 J McGinnes.

**ITEM-29 NOTICE OF RESCISSION MOTION - 24/03/14 - 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 a 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 Exhibited Draft LEP 2013. In addition that Council further debate those Submission made by way of Objections to the Heritage Schedule as marked by red in the 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 J McGinnes

## **BUSINESS OF GREAT URGENCY**

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

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