



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

05 FEBRUARY 2007

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 4 DECEMBER 2006

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICES OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports
Regional Services Reports
Community and Corporate Services Report

REPORTS FROM DELEGATES - Pact Meeting

COMMITTEE MEETINGS - NIL

CLOSED REPORTS

Confidential Gas Works Site
Confidential Cutcliffe v Council and Dukes - Costs

QUESTIONS WITHOUT NOTICE

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GENERAL MANAGER REPORTS

ITEM:1 GM - 05/02/07 - CENTRAL NSW COUNCILS (CENTROC) ANNUAL REPORT 2005/06

REFERENCE

NIL

SUMMARY

This report outlines the Annual Report for 2005/06 of the Central NSW Councils (Centroc).

COMMENTARY

Correspondence was received by the Chairman of the Central NSW Councils (CENTROC) in relation to the Annual Report for 2005/06.

For the past twelve months Centroc has provided the following benefits to the region:

- Saving \$260,000 from the Telstra bills around the region
- Saving \$120,000 on the regional electricity tender
- Savings on the regional purchasing deals organised through the supply team and as a result of local co-ordination of regional training via the Centroc Trainings Co-ordinator.

As well as regional procurement deals saving your Council money, the benefit of information sharing and networking of the Centroc projects and management groups is manifold with some projects bringing benefits to not just Council staff, but actively into regional communities.

The projects and groups reporting this year are as follows:

- Disaster Risk management
- Film Central NSW
- Occupational Health and Safety
- Telecommunications
- Supply management
- Health Workforce
- Weight of Loads
- Central NSW Tourism
- Netwaste and the
- Bells Lines of Expressway Group

Most recently we have lodged a submission for over \$78million to upgrade the regions Broadband under the federal Governments Broadband Connect Programme.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Centroc Annual Report 2006 (tabled)

RECOMMENDATION

THAT the information be noted.

ITEM:2 GM - 05/02/07 - CAREFLIGHT HELICOPTER SERVICE

REFERENCE

06-447 - Notice of Motion - Ordinary Meeting of Council held on 18 December 2006
Letter to Gerard Martin on 11 December 2006.

SUMMARY

This report outlines correspondence received in relation to the Careflight Helicopter Services.

COMMENTARY

Correspondence was received and is reproduced from Gerard Martin, Member for Bathurst in relation to the Careflight Helicopter Services.

"The Government is currently negotiating with Careflight to continue involvement in the aero medical retrieval service.

This decision has been taken after extensive reviews and discussions with the operators in the area of emergency services and the only motivation of the Government is to improve the service and increase patient safety."

This response should meet the concerns raised by Councillor Collins in the Notice Of Motion adopted by Council at its meeting on 18 December 2006.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Information Pack (TABLED)

RECOMMENDATION

THAT the information be received.

ITEM:3 GM - 05/02/07 - STATE ELECTION - RURAL HEALTH AND WASTE

REFERENCE

NIL

SUMMARY

This report is to help Council in lobbying the local member and candidates on issues impacting on the communities. The Local Government Association has been distributing shell press releases and key messages.

COMMENTARY

The Associations have launched an Election Policy Platform and separate policy papers which outline the main issues impacting on Local Government and ask political parties and candidates to commit to doing something about them if elected in the State Election next year.

The third and fourth in a series of media tool kits were emailed to all Councils in NSW, to the staff member who handles media enquiries as well as to the general council email address. The tool kits will assist councils to lobby their local members and candidates to get more assistance for rural health and to improve waste services.

Included in each kit was a copy of relevant policy platform, the Associations media release, a template media release for use by council and key messages.

The lead up to the State Election is an opportunity for councils to get a better deal for local Government and its communities, so we encourage your council to get involved.

The tool kits that have been released to date relate to the Country Towns water and Sewerage Supply Program (CTWSSP), water, rural health and waste (the environment).

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. The Tool Kit

RECOMMENDATION

THAT the information be noted.

ITEM:4 GM - 05/02/2/07 - CONFIDENTIAL REPORT - GAS WORKS SITE

Reason for Confidentiality

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

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

REFERENCE

Ordinary Meeting of Council held on 15 May 2006

SUMMARY

This report provides the Committee with an update on the sale of the Gas Works Site and will provide Council with further choices regarding the imminent sale.

RECOMMENDATION

THAT Council consider this report in the closed Council pursuant to the provision of Sec 10(A) (2) (c) of the Local Government Act 1993.

ITEM:5 GM - 05/02/07 - LITHGOW SHOW 2007

REPORT FROM: TOURISM MANAGER - JODIE RAYNER

REFERENCE

NIL

SUMMARY

The Lithgow Show Society has requested that Council maintain a stall at the Lithgow Show to be held on 31 March to 1st April 2007.

COMMENTARY

The Lithgow Show, to be held on the 31st March to 1st April 2007, has requested that Lithgow Council maintain a stall at the Show.

Cost of the stall is free as Council is considered a Show Sponsor.

Lithgow Tourism will be maintaining a tourism presence at the Lithgow Show and it is deemed appropriate that other Council departments consider displaying information and/or staff at the show.

Council has recently maintained stalls at other local events and festivals and it is advised that appropriate marketing collateral be developed to market Council. This marketing collateral can be utilised by all departments within Council as they would be generic promotions and would have numerous uses eg. Celebrate Lithgow, Australia Day, civic receptions etc.

Prices for Classical Single Easy Pull Up Display stands are \$453 per stand (does not include artwork). It is proposed that the artwork can be developed in-house and reflect Council branding, as recently adopted. Council may actually be able to utilise existing display stands and merely change the roll up image.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council develop generic marketing collateral and funding be identified in the March 31 review.

ITEM:6 GM - 05/02/07 - CLOSURE OF MOUNTAIN BIKE TRACK - STATE MINE

REPORT FROM: TOURISM MANAGER - JODIE RAYNER

REFERENCE

NIL

SUMMARY

The Central Tablelands Mountain Bike Club has been advised by Australian Eco-Systems that access to the Downhill Mountain Bike track will be prohibited due to alternate uses for the site. The Central Tablelands Mountain Bike Club have requested further Council to assist in resolving the matters or sourcing of an alternative site.

COMMENTARY

The Central Tablelands Mountain Bike Club has been informed by Australian Eco-Systems that they have leased portions of land from Xstrata Coal which includes areas that are currently utilised by the Central Tablelands Mountain Bike Club as part of the Downhill Track.

Australian Eco-Systems has further advised that they intend to fence off the land with the possibility of dedicating the area as a wildlife sanctuary.

The Central Tablelands Mountain Bike Club has forwarded a letter to Australian Eco-Systems requesting permission to maintain use of the Mountain Bike Track, however, they have had no response as yet.

Downhill Mountain Bikes Events at the State Mine Track

The Central Tablelands Mountain Bike Club has been conducting downhill events at the State Mine Mountain Bike Track for numerous years. Events have included both State and National Championships, attracting a number of riders to the 2km track.

The last event held at the State Mine Track attracted 325 riders, with visitors expenditure in the region of approximately \$600,000 invested in the local community, over the two day event. Visitors attending the National Downhill Mountain Bike were from the following places of origin:

- New Zealand
- Sydney region
- Blue Mountains region
- Lithgow
- Central west
- Wollongong
- Canberra
- Queensland
- South Australia

The Downhill Mountain Bike events aim to:

1. To develop and promote mountain biking in Lithgow for the benefit and enjoyment of all participants

2. Profile Lithgow as a premier destination for mountain biking for both participation in events and leisure
3. Attract a range of riders to visit the Lithgow District participating on an annual basis, thus creating economic activity and diversity
4. Encourage participation in an outdoor sporting event
5. Create a positive and measurable economic contribution to the Lithgow Community.

Benefits for Lithgow in hosting Mountain Bike events

Major event awareness and marketing via range of advertising and promotions has been carried out for the Downhill events. Marketing activities have included:

- Brochure placement disseminated in key target market areas
- Website
- Production of DVD on mountain biking which profiles the Lithgow area as a destination
- Event television coverage on the following channels:
 - * Prime Television Central tablelands - local news
 - * Win Television Central Tablelands - local news
 - * Vision on SBS World of Sports
 - * Win Television - Canberra - local news - 6pm
 - * Gold Coast - NBN - Local news
 - * Ten - Canberra - local news

In undertaking promotional activities as above, the Central Tablelands Mountain Bike Club successfully contributes tourism visitation to the region and in shaping the development of a destination image.

Mountain Bike events and riding in general, attracts a large market to Lithgow and is based on the reputation that the Mountain Bike Club has developed. The expenditure into the local economy further makes a significant impact. Ongoing use of the Downhill track is essential to the development of mountain biking in the area.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council approach Xstrata Coal to determine the options for the ongoing use of the State Mine Downhill track.

REGIONAL SERVICES REPORTS

**ITEM:7 REG - 05/02/07 - THREAT TO CLOSE A SECTION OF
RYDAL/HAMPTON ROAD**

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

This report advises of the resolution reached in respect of the threat to close part of Rydal/Hampton Road.

COMMENTARY

Council will recall the recent history of this matter which has now been concluded by the signing of a deed of agreement between the relevant property owner and Council. In short, the deed of agreement provides an undertaking that the road will not be closed and sets out a process, commencing with a valuation, which will lead to its formal acquisition by Council.

POLICY IMPLICATIONS

The policy of relevance to this issue is the asset acquisition policy which provides the following relevant requirements.

“When considering the acquisition and/or development of assets, Council will take into consideration;

- *The comparative long term ownership costs of the asset;*
- *Evidence of community demand for the provision or retention of the asset;*
- *The strategic worth of the asset and its community benefit;*
- *Whether the asset provides Council as positive return on the investment, and*
- *The extent to which the asset is subsidised by the community, through the use of general rate revenue.*

The long term ownership costs of asset acquisition and/or development must take into account;

- *Acquisition or Development costs;*
- *The cost of providing finance (i.e. opportunity costs and interest charges);*
- *Any warranty period applicable;*
- *The length, value and cost of any applicable maintenance agreements;*
- *The lifetime maintenance profile and costs;*
- *Energy consumption and projected costs;*
- *Any residual value (where applicable);*
- *An investigation of alternative acquisition arrangements, eg. Purchase, lease, rent, public partnership or resource sharing;*
- *An investigation as to alternative financing arrangements, eg. User pay, grants, loan funds or private sector, and*

- *Taxation issues under competition policy;*

Reports to Council on the acquisition and/or development of assets must include commentary on the above points as well as including details of;

- *Community demand;*
- *Strategic Worth to the Community;*
- *Asset return, and*
- *A comparison of long term ownership costs.”*

Under the circumstances, it is submitted that requirements of the policy are well served by the acquisition of the land and there is no doubt that acquiring the land will be positive in relation to community demand and strategic worth to the community. Acquisition of the asset will provide a community benefit return and a comparison of long term ownership costs would indicate that Council is already responsible for those costs there should be no additional net cost.

FINANCIAL IMPLICATIONS

Under the deed of agreement compensation to the landowner will be determined by a Valuer agreed between the parties. Having regard to the principles of the Land Acquisition (Just Terms Compensation) Act. Council will also be responsible for legal costs, survey costs and valuation fees.

LEGAL IMPLICATIONS

Proceeding in accordance with the deed of agreement will ensure Council meets its legal obligations in both a public and private context.

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information be received.

**ITEM:8 REG - 05/02/07 - CONFIDENTIAL REPORT - CUTCLIFFE V COUNCIL
 & DUKES - COSTS**

REPORT FROM: GROUP MANAGER REGIONAL SERVICES: ANDREW MUIR

Reason for Confidentiality

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

REFERENCE

Meetings of 21 August 2006 and 18 December 2006.

RECOMMENDATION

THAT Council consider this report in the closed Council pursuant to the provision of Sec 10(A) (2) (g) of the Local Government Act 1993.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:9 COMM - 05/02/07 - PESTICIDE USE NOTIFICATION PLAN

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Nil

SUMMARY

This report informs Councillors that the Pesticide Use Notification Plan has been made.

COMMENTARY

Further to a Memorandum to Councillors regarding the draft Pesticide Use Notification Plan, it is advised that the exhibition period for the draft Plan has expired with no submissions being received. Therefore, the General Manager has made the Pesticide Use Notification Plan without any alterations.

POLICY IMPLICATIONS

The Pesticide Use Notification Plan is regarded as a standard working procedure which needs to be followed in any circumstance where Council or someone on behalf of Council intends to apply pesticides to outdoor public places which Council owns or controls.

FINANCIAL IMPLICATIONS

Any financial implications of the Pesticide Use Notification Plan relating to the notification of the public will need to be funded from the Recurrent Budget.

LEGAL IMPLICATIONS

The Pesticide Use Notification Plan has been prepared in accordance with the requirements of the Pesticides Regulation 1995 and made by the due date.

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information be received.

ITEM:10 COMM - 05/02/07 - AUSTRALIAN RED CROSS REQUEST FOR COUNCIL TO BECOME A LOCAL GOVERNMENT FRIEND**REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley**

REFERENCE

Nil

SUMMARY

Council has received a request from the Australian Red Cross to enter into a partnership which may lead to additional services and joint ventures between the Council and the Red Cross and this report is presented to Council for their determination of the matter.

COMMENTARY

Australian Red Cross operates across Australia and overseas. Their website indicates they offer “over 60 community services, ranging from blood supplies and disaster services to first aid and refugee services”.

The attached email received in January 2007 indicates that the Local Government Conference in October 2006 resolved that Council would be approached to participate in the program.

Staff have made contact with the Australian Red Cross but they are unable to provide greater detail of the types of local programs which could be beneficial to the community. However, it is recommended to Council that the Council’s interest be indicated so that further investigation of additional services to be delivered in our community could be developed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONCLUSION

It is recommended to Council that a formal response be provided indicating the interest of the Council in pursuing a partnership with the Australian Red Cross in order that greater detail of enhanced local services could be undertaken.

ATTACHMENTS

1. Email from Australian Red Cross

RECOMMENDATION

THAT:

1. Council enter into the Local Government Friends of the Australian Red Cross program with the Manager Community and Culture to be the point of contact for consideration of new programs and enhanced services and co-ordinator of any further involvement of Council;
2. Council provide to staff any particular issues that should be listed as areas where there is community need to develop programs;
3. Staff prepare the response noting Council's particular areas of interest in the response.

ATTACHMENT- EMAIL RECEIVED FROM AUSTRALIAN RED CROSS

Paul Anderson

General Manager

City of Lithgow Council

council@lithgow.nsw.gov.au

8/01/2007

Dear Mr Anderson

I would be grateful if you would arrange for this letter to be brought before the elected members of council for their consideration.

The purpose of this letter is to invite City of Lithgow Council to become a Local Government Friend of Australian Red Cross. This follows the resolution at last year's Local Government Conference in NSW where this resolution was passed: 'That the Local Government Association become 'Local Government Friends of Red Cross' and ipso facto all NSW Local Governments if they choose to be, and thus engage in shaping the future of our organisations in the context of community building and governance.'

For over 92 years Red Cross has enjoyed a close working relationship with Local Government in NSW and we would now like to formalise a relationship with City of Lithgow Council.

Recently we established Parliamentary Friends of Red Cross groups in the national Parliament and in a number of State Parliaments around Australia including NSW.

We believe that the need to build formal links at the local government level is perhaps even more important, because whilst Red Cross is known for our international emergency and development work, we are equally recognised for the work of our branches and our community services programs at the local level. Australian Red Cross has always seen our work in the local community as one of our highest priorities.

Should City of Lithgow Council become a Local Government Friend of Red Cross, we would be particularly interested in pursuing practical initiatives that would see tangible benefits for your staff and/or your local community. Some options you may be interested in include:

- Partnering with Australian Red Cross to undertake local community programs in common areas of interest for example in youth programs; aged care programs or disaster management programs; thereby potentially increasing the number or quality of programs available in your local community.
- Taking up opportunities for local council staff to be seconded to Red Cross for short term placements in International or Domestic Disaster Response or
- Disaster Preparedness programs. Australian Red Cross is specifically interested to utilise Environmental Health Engineers and Public Health professionals in its international emergencies work. Council staff would receive training and international experience that may increase their ability to contribute locally.
- Developing closer links to communities in our region. Australian Red Cross currently has programs in humanitarian relief or community development in our immediate region including with East Timor, Papua New Guinea; Solomon Islands; Fiji and Indonesia. Should council decide to participate with Red Cross to assist the most vulnerable communities in our region, opportunities for broader relationship building through knowledge sharing and/or visits may evolve.

Other opportunities for mutual benefits arising from City of Lithgow Council becoming a Local Government Friend of Australian Red Cross may include:

- Demonstration to local residents that council formally recognises the important work of Red Cross in the community.
- Australian Red Cross will forward a copy of our Humanitarian magazine to elected members and senior staff, three times a year. This publication will keep council representatives up to date with important areas of our work in Australia and overseas.
- Opportunities for council to participate in and support the Australian Red Cross Calling annual appeal.
- Pathways to volunteering will be opened up for council staff, offering opportunities for participation in Australian Red Cross community programs.

On behalf of Australian Red Cross we are pleased to invite City of Lithgow Council to become a Local Government Friend of Australian Red Cross by completing the membership form below.

Should you wish to find out further information, please do not hesitate to contact

Kerry McKay, Community Relations on kmckay@redcross.org.au or 02. 9229 4119.

Kind regards

Lewis Kaplan

Executive Director

Australian Red Cross NSW

CONFIRMATION OF MEMBERSHIP

LOCAL GOVERNMENT FRIENDS OF RED CROSS

Name of Local Government Authority:	Lithgow City Council
Address for Correspondence:	PO Box 19 LITHGOW NSW 2790
Key Contact Person and Title:	Ms Penny Hall Manager Community and Culture
Contact for Australian Red Cross to follow up any Issues for discussion:	As above
Telephone:	(02) 6354 9999
Email:	council@lithgow.nsw.gov.au
Are there any particular issues which your Council/Shire would like to Bring to the attention of Red Cross?	To be developed by staff prior to sending response
Please return to: Kerry McKay Community Relations Australian Red Cross – NSW kmckay@redcross.org.au P: 02. 92294119	

ITEM:11 COMM - 05/02/07 - PECUNIARY INTEREST EXEMPTION FOR ENVIRONMENTAL PLANNING INSTRUMENTS**REPORT FROM: POLICY & PLANNING MANAGER – A MUIR**

REFERENCE

Nil

SUMMARY

This report provides a copy of the Department of Local Government circular to councils numbered 06-62 issued in October 2006 which provides details in relation to applying for pecuniary interest exemptions under section 458 of the Local Government Act 1993 in light of the upcoming preparation of a new comprehensive local environmental plan for the Local Government Area. It is recommended that Councillors wishing to seek an exemption advise the General Manager. The Circular suggests that these exemptions be handled in a bulk submission. It can be considered that given there will be broad scale changes to all zones as a result of the requirements from the Department of Planning to standardise zones that Councillors who own or have an association with a property owner should seek an exemption to enable the participation of all councillors in the determination of Council's new planning instruments.

COMMENTARY

The Department of Local Government have provided the attached circular to councils in relation to applying for pecuniary interest exemptions under section 458 of the Local Government Act 1993 regarding the making, altering or repealing of an environmental planning instrument:

As Councillors would be aware the new comprehensive Local Environmental Plan (LEP) for the Local Government Area is due for completion by April 2009. It is envisaged that preparation of the new LEP will commence shortly after the completion of the Strategic Plan subject to funding.

The new comprehensive LEP will require consideration by a quorum of the elected Council.

As such it is suggested that if any Councillors wish to apply for an exemption that they nominate to allow for the application to be made and for the Minister to consider and determine the application prior to commencing the preparation of the new comprehensive LEP.

POLICY IMPLICATIONS

Council's Code of Conduct and Code of Meeting Practice contain provisions and guidance on determining pecuniary and non pecuniary conflicts of interest. The Code of Meeting Practice includes in clause 62 the need to specifically seek the Minister's approval for an exemption which echoes the intent of the circular.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Any exemption needs to be obtained in accordance with the Local Government Act 1993 and the Minister must specifically provide the exemption to each councillor.

ATTACHMENTS

1. Department of Local Government Circular 06-62 dated 4 October 2006

RECOMMENDATION

THAT Councillors wishing to seek an exemption under section 458 of the Local Government Act 1993 nominate their intent in relation to the preparation of the new comprehensive Local Environmental Plan by 19 February 2007.

ITEM:12 **COMM - 05/02/07 - EXHIBITION RESULTS OF PROPOSED AMENDED MARRANGAROO STRUCTURE PLAN**

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Min 05-52: Planning, Policy & Development Committee Meeting 7 February 2005
 Min 05-319: Planning, Policy & Development Committee Meeting 27 June 2005
 Min 05-418: Planning, Policy & Development Committee Meeting 22 August 2005
 Min 05-624: Planning, Policy & Development Committee Meeting 12 December 2005
 Min 06-121: Policy & Strategy Committee Meeting 1 May 2006
 Min 06-154: Policy & Strategy Committee Meeting 5 June 2006
 Min 06-176: Council Meeting 19 June 2006
 Min 06-249: Policy & Strategy Committee Meeting 7 August 2006
 Min 06-418: Policy & Strategy Committee Meeting 4 December 2006

SUMMARY

This report provides the results of the public exhibition of the Proposed Amended Marrangaroo Structure Plan. It recommends that the Proposed Plan be adopted as the plan identifying the highest and best use of lands within the Marrangaroo Study Area and that further progress with the matter be considered following the adoption of Council's Strategic Plan.

COMMENTARY

Council at its Policy and Strategy Committee Meeting of 4 December 2006 resolved the following in relation to the draft Marrangaroo Local Environmental Study and Structure Plan:

- The draft Structure Plan for the Marrangaroo Study Area be amended to create the Structure Plan for the Marrangaroo Study Area in its final format as detailed on the plan titled Proposed Amended Marrangaroo Structure Plan and placed into the draft Strategic Plan for assessment as to whether or not to proceed with the draft Plan into a rezoning having regard to the entire Local Government Area.
- It be noted further works are required if the Strategic Plan process recommends that rezonings occur in the Marrangaroo Study Area.
- Council continue the consultation and exhibition process until February 2007 and report back to the Policy and Strategy Committee Meeting to be held on 5 February 2007.

The Proposed Amended Marrangaroo Structure Plan was placed on public exhibition from 14 December 2006 to 12 January 2007. This report provides details of the responses to the 2 written submissions received:

Submission	Issues	Comment/Response
1. Private submission	Doesn't agree with proposal. It appears to be in response to individual requests for developing industrial and housing projects at Marrangaroo.	<p>Whilst the original idea to undertake an assessment of the Marrangaroo Study Area was put to Council by a private developer, it is Council's understanding that this developer no longer has any interest in the Study Area.</p> <p>Nevertheless, it is important to identify potential growth areas and plan for release and development in a sustainable manner rather than an ad hoc manner. The draft Marrangaroo Study and Plan has provided information for assessment in Council's draft Strategic Plan which will inform the preparation of a new comprehensive Local Environmental Plan.</p>
	Can not see the need to release more land than is currently available under the present Lithgow LEP.	<p>The draft Local Profile for the Strategic Plan has demonstrated that there is a need for good industrial land.</p> <p>In addition, there is a need to meet demand to enable the region to grow and support the community.</p>
	Zoning along the Great Western Highway is a backward step and is ribbon development which would spoil the rural nature of the approaches to Lithgow.	The proposed highway/business services area is not ribbon development as only one access point onto the Great Western Highway is permitted by the Roads and Traffic Authority. Therefore each development would gain access from an internal road.

	<p>Council should be looking at a Study concerning all Marrangaroo and indeed all Greater Lithgow in total instead of this ad hoc approach.</p>	<p>Council's Strategic Plan is currently being drafted which investigates the entire Local Government Area and will inform the upcoming preparation of the new comprehensive Local Environmental Plan.</p> <p>Council at its meeting of 4 December 2006 resolved to place the Proposed Amended Marrangaroo Structure Plan into the draft Strategic Plan for assessment as to whether or not to proceed with the draft Plan into a rezoning having regard to the entire Local Government Area.</p>
<p>2. Department of Primary Industries - Minerals Resources</p>	<p>The 217 lot residential subdivision north of the Oakey Forest Road will be partly within the buffer zone of the current mine leases and as such is not suitable for residential development. Council's response is that the consent has already been granted for the residential subdivision and that nothing can be done to amend that consent. DPI-MR would encourage council to amend the subdivision's existing consent or alternately apply additional requirements on any residential developments within the subdivision area to ensure that the new residences have no cause for complaint regarding the effects of the quarry (noise, dust, vibration & traffic) which also has development consent from Council which pre-dates the consent granted to the subdivision.</p>	<p>The Proposed Amended Marrangaroo Structure Plan shows the currently approved 217 residential lot subdivision land as employment generation and outside of the quarry buffer area. In any case the request from DPI-MR regarding this subdivision is not lawfully possible.</p> <p>Also, it should be noted that the Quarry has existing development consent and an Environment Protection Licence which it must comply with.</p>
	<p>The proposed 3c) zoning for the area north of Oakey Forest Road and within the quarry buffer should be treated differently from the 3c) area in Marrangaroo Fields estate where residential houses lie within the buffer. The area within the buffer would be more suitable for 3a) or 3b) thus reducing the number of residences affected.</p>	<p>The proposed 3c area which lies within the quarry buffer currently consists of existing dwellings and vacant land. The proposed buffer has no impact on existing development. As detailed in section 8.1.6 of the draft Local Environmental Study, Council may consider that no further dwellings be permitted in this buffer area during the life of the quarry. It is considered that this is a</p>

		matter for a later rezoning process should Council resolve to proceed with a rezoning.
	RTA has previously stated that there should be no new access points to the highway which only leaves Oakey Forest Road, yet your plan shows a “possible access route” from the highway into the residential subdivision and not Oakey Forest Road. Council minutes state no closure is proposed at this stage and then go on to say that if ARTC approve a bridge over the railway into the residential subdivision then Oakey Forest Road may be closed.	The Proposed Amended Marrangaroo Structure Plan shows a possible access route from the Great Western Highway into the employment generation area. The possible access routes into the Study Area are subject to further assessment should development occur. It is noted that consultation will need to occur with the quarry and residents should any closure of Oakey Forest Road be proposed or required by either ARTC or the RTA.
	The issue remains that the residences along Oakey Forest Road have issues with quarry trucks passing, to the extent of limiting hours of truck transport along Oakey Forest Road. The proposal to re-route the quarry truck traffic through the 217 lot residential subdivision must not impose further restrictions on the quarry operations. This is a likely source of land use conflict which can be avoided by judicious planning.	The Proposed Amended Marrangaroo Structure Plan shows the currently approved 217 residential lot subdivision land as employment generation, a watercourse buffer, open space and 3c large lot residential. The Proposed Amended Plan does not propose to re-route quarry trucks through a future residential subdivision.
	RTA advises in its submission that they will consider an access opposite Oakey Forest Road making a 4-way road junction “subject to all road safety issues and adequate intersection treatment being addressed”. This appears to be contrary to it’s objection to additional access point to the highway and it’s approval of the proposed railway bridge access to the residential subdivision area.	Council notes the comments of the RTA and once again if any development occurs the access routes will be subject of further assessment and approval by the RTA.

A full copy of each submission is provided to Councillors.

It is considered that the Proposed Amended Marrangaroo Structure Plan as attached to the Business Paper identifies the highest and best use of lands within the Study Area. As the Proposed Plan is being assessed in the draft Strategic Plan, it is suggested that Council consider adopting the Proposed Amended Marrangaroo Structure Plan as the plan identifying the highest and best use of lands within the Study Area and await the outcome of the Strategic Plan prior to considering whether or not to rezone any lands.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. A copy of the Proposed Amended Marrangaroo Structure Plan.
2. A copy of the submissions are provided within Councillors Business Paper packages.

RECOMMENDATION

THAT

1. The Proposed Amended Marrangaroo Structure Plan be adopted as the plan identifying the highest and best use of lands within the Study Area.
2. The matter be reported to Council following the adoption of the Strategic Plan to determine whether or not to progress the Proposed Amended Marrangaroo Structure Plan into a rezoning proposal.

**ITEM:13 COMM - 05/02/07 - INSURANCE CLAIM AMENITIES REAR OF
ADMINISTRATION CENTRE MORT ST LITHGOW****REPORT FROM - INTERNAL SERVICES MANAGER C FARNSWORTH**

REFERENCE

Nil

SUMMARY

To advise Council of the progress of a Public Liability Claim involving Council amenities at the rear of the Administration Centre in Mort St Lithgow with a recommendation for their closure due to the risk of the facilities.

COMMENTARY

On the 16 April 2002 Council received an insurance claim involving a fall on or about 8.45 am on the 19 March 2002 in the toilet facilities underneath the Council Chambers. The applicant is claiming a slip on the tiled floor covered with water in a dimly lit area.

The matter was referred to Council's insurer Jardine Lloyd Thompson and associated Solicitors Phillips Fox and is currently awaiting settlement.

The location and hours of operation of the toilets pose an immediate risk to the security of the Administration building, the public and Council employees. They are presently open 24 hours a day 7 days a week and are the target of continual vandalism which requires costly repairs.

Alternate facilities are provided by Council 24 hours per day 7 days a week at the eastern end of Main St and Queen Elizabeth Park and Eskbank St (CBD hours). For these reasons and the pending Public Liability Claim, it is recommended Council consider the closure of the facilities. With this in mind Council may wish to investigate the upgrade of the Main St facilities or pursue additional facilities in the Draft 2007/08 Management Plan process for completion in 2008/09.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Councils Public Liability excess of \$10,000

LEGAL IMPLICATIONS

Public Liability claim involving Jardine Lloyd Thompson and Solicitors Phillips Fox to attend to Council's interest in the matter.

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

- 1) The Public Liability claim and progress be noted
- 2) Council close the amenities at the rear of the Council Chambers in Mort St Lithgow.
- 3) Council investigate alternative facilities in conjunction with the Draft 2008/06 Management Plan process

REPORTS FROM DELEGATES

ITEM:14 DEL - 05/02/07 - PACT MEETING HELD ON 14 DECEMBER 2006

REFERENCE

NIL

SUMMARY

This report outlines what happened at the PACT meeting held on 14 December 2006.

COMMENTARY

At the final meeting of PACT for the year, the local Police asked for (along with a covering letter) road closures of Main Street for New Years Eve Celebrations in Lithgow. I subsequently raised this at the following Monday Nights Council meeting where a motion for such approval moved and passed.

From a staffing point of view, there are only 2 positions that have not been filled at this stage. However, they are in the process of being filled. It is expected that Lithgow will receive 3 of the new probationary constables early in the New Year, from the many who are expected to graduate in late January.

The Police have agreed to give a regular update of the use of their trail bikes. Over the past few months they have been used on the local "coal-haul" roads following some complaints of unauthorised use of these roads. The bikes have also had regular patrols in the Newnes Forest area.

Recent figures released for the Chifley Local Area Command (of which our LGA is part) shows encouraging signs in many areas; Break and Enter, Robbery, Stealing, Stolen Vehicles, Drug Detections and Fraud all down by more than 25%. It is also clear that more Police have been out and about with "Move on Directions" and "Person Searches" which are up by an average of 160%.

It unfortunately seems like the RTA are not willing to have Red Light cameras at Dunn's Corner which has been the subject of a few complaints. The local Highway Patrol will take a greater interest in this intersection in the future and maybe by catching a few people here doing the wrong thing may deter others.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information be received.

COMMITTEE MEETINGS

Nil.

QUESTIONS WITHOUT NOTICE

Nil.