LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

04 DECEMBER 2006

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 6 NOVEMBER 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 Reports

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - NIL

QUESTIONS WITHOUT NOTICE

TABLE OF CONTENTS

ITEM	TITLE	PAGE
GENERAL MANAGER REPORTS		3
ITEM:1	GM - 04/12/06 - NATIONAL DOWNHILL MOUNTAIN BIKE EVENT 2006	3
ITEM:2	GM - 04/12/06 - DISTRICT COURT SITTINGS	6
ITEM:3	GM - 04/12/06 - SISTER CITY RELATIONSHIPS	7
ITEM:4	GM - 04/12/06 - HEATED INDOOR POOL	8
ITEM:5	GM - 04/12/06 - COUNCIL ORDINARY MEETING AND COMMITTEE MEETING DATES FOR 2007	11
ITEM:6	GM - 04/12/06 - CHRISTMAS AND NEW YEAR CLOSURE	12
REGIONAL SERVICES REPORTS		14
ITEM:7	REG - 04/12/06 - CONFIDENTIAL - THREAT TO CLOSE A SECTION OF RYDAL/HAMPTON ROAD	14
ITEM: 8	REG - 04/12/06 - CONFIDENTIAL - FORMER CEMENT WORKS AND QUARRY - UPDATE	
ITEM:9	REG - 04/12/06 - EXTINGUISHMENT OF RIGHT OF CARRIAGEWAY - SOUTH BOWENFELS	
	COMMUNITY AND COPORATE SERVICES REPORTS	
ITEM:10	COMM - 04/12/06 - NEW POLICIES	
ITEM:11	COMM - 04/12/06 - CORRESPONDENCE FROM PARKES SHIRE COUNCIL REGARDING THE DROUGHT IMPACT ON RURAL AUSTRALIA	
ITEM:12	COMM - 04/12/06 - SBS TELEVISION RETRANSMISSION IN HARTLEY	
ITEM:13	COMM - 04/12/06 - RESULTS OF PUBLI CEXHIBITION OF THE DRAFT PLAN OF WORKS FOR EMORA PARK	
ITEM:14	COMM - 04/12/06 - DRAFT MARRANGAROO LOAL ENVIRONMENTAL STUDY AND STRUCTURE PLAN	

GENERAL MANAGER REPORTS

ITEM:1 GM - 04/12/06 - NATIONAL DOWNHILL MOUNTAIN BIKE EVENT 2006

REFERENCE
NIL

SUMMARY
Report on Central Tablelands Mountain Bike Club National Downhill Event held at the State Mine Track on the 28th – 29th October 2006.

COMMENTARY
Downhill Event – Mountain Bikes
The Lithgow National Downhill Mountain Bike Round 1 was held at the State Mine Track on the weekend of the 28th – 29th October, 2006. The event attracted 325 riders, making the event the largest non chair-lifted downhill event in Australia. The event is a time run on mountain bikes down a 2km track.

The Downhill event, hosted by the Central Tablelands Mountain Bike Club attracted interstate and international riders. Inquiries for the event were received from as far away as New Zealand.

The Downhill event was sponsored by Insane Cycles, Zig Zag Motel, Bowen Inn, Colonial Motor Inn, Mace, Aireal, Manitou, Sixsisone, Thirteen Components, Mt Quench, Rock Shock, Norco, Truvativ, Sram and Gos and is supported by the Australian Mountain Bike Club.

The Downhill Mountain Bike event aims 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.

Lithgow National Downhill Mountain Bike Round 1 Visitation 2006
The Lithgow National Downhill Mountain Bike Round 1 was an extremely successful event. The event included downhill mountain bike events for experts, veterans and juniors, in both male and female categories.

The event attracted 325 riders, with a minimum of two support crews for the event.

On average, riders were staying in Lithgow from the Tuesday before the event in order to practice on the track, with a minimum night stay of 5 nights.

Lithgow National Downhill Target Markets
As a major contributor to Lithgow's event calendar, the National Downhill Mountain Bike events endeavour to show sustainable visitation and growth in target markets. The event proposes to aid an increase in yield to the tourism industry and all businesses that provide services to visitors.

The primary target markets for the National Downhill Mountain Bike event are:

Overnight, prime markets	Overnight niche markets	Day Visits
• Event participants • Groupies (specifically those that attend similar events) • True Travellers (Experimental, adventurous, trail blazing	• VFR (Visiting friends & relatives)	• Locals

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

Central Tablelands Mountain Bike Club Committee
The Central Tablelands Mountain Bike Club Committee is a local Club located in Lithgow that maintain various downhill and cross country tracks in the area. Assistance for event organisation also comes from the Western Sydney Mountain Bike Club.

Economic Impact of Events on a region
Tourism events have the potential to act as a significant tourism promotional vehicles in encouraging:

- Increased visitation during off peak periods
- Encourage overnight stays
- Provide/develop a focal point for the area
- Provide a unique experience
- Encourage repeat visitation
- Position and brand a region
- Derive income from visitors
- Growth in strength areas – build on reputations
- Tourism development
- Specific targeting of market segments
- Infra-structure development – social gains for the wider community

The long-term impacts of successful events on a destination include:

- Employment creation
- Increase in potential for commercial investment in the community
- Construction/improvements to facilities
- Strengthening of local values and traditions
- Increased local community pride

- Sustained development within the community
- Destinational image development
- Sustainable economy

Economic Impacts of Lithgow National Downhill Mountain Bike Round 1

Date of Event:	28th to 29th October 2006
Total Participants:	325
Support Crews (average no. of 2):	650
Average length of stay:	5 nights
Visitor Expenditure:	$600,000 (based on average $120 per visitor. Average spend of visitors per day)

This estimate includes expenditure by persons who travelled to Lithgow specifically for the event and stayed in the region as a result of the event.

Benefits for Lithgow in hosting Mountain Bike events
Major event awareness and marketing via a range of advertising and promotions was carried out for the Downhill event. Lithgow National Downhill Mountain Bike Round 1 carried out the following marketing activities:

- 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 Cental Tablelands - local news
  - Win Television Central Tablelands - local news
  - Vision on SBS World of Sport - 7 pm in your state - playout
  - Win Television - Canberra - local news - 6 pm
  - Gold Coast - NBN - local news - Tuesday night - 6pm
  - Ten - Canberra - local news - 5 pm (photos)

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

Other Mountain Bike Events
The Central Tablelands Mountain Bike Club will be endeavoring to host a range of other events including the 8 Hour Working series, cross country events and other downhill events.

The Club anticipates that a bid will be placed on behalf of Lithgow to host the 2009 National Mountain Bike event. In order to do this a 4 Cross Track the Club will need to develop the track to a standard for the lodgment of the bid. A DA is currently awaiting approval at Council to develop this track.

The Central Tablelands Mountain Bike Club is also lodging a grant application for the Regional Partnerships to develop mountain bike tracks in the area.

POLICY IMPLICATIONS
NIL

FINANCIAL IMPLICATIONS
NIL

LEGAL IMPLICATIONS
NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the Central Tablelands Mountain Bike Club be congratulated on hosting this important Lithgow event.

ITEM:2 GM - 04/12/06 - DISTRICT COURT SITTINGS

REFERENCE
NIL

SUMMARY
This report provides Council with information regarding the loss of District Court sittings from Bathurst and Lithgow.

This report will recommend Council request the Local Member to raise this matter with the Attorney General in an attempt to reverse the relocation of the District Court sittings.

COMMENTARY
District Court sittings have traditionally been held in Lithgow and Bathurst on a regular basis, however, recent advice from Ross Higgins of Higgins and Higgins Lawyers indicates that a decision has been made by the Chief Judge to relocate all such sittings to Wollongong, Parramatta or Penrith.

Concerns are raised with the loss of such a service to our community and the added burden and costs incurred by witnesses and the broader community in attending such courts. An issue for consideration is the added loss of income to our region from "hosting" such sittings in Lithgow with travelling court staff and the likes.

It is felt Council could request the Local Member to hold discussions with the Attorney General to determine if such a decision could be reversed.

POLICY IMPLICATIONS
This report recommends council lobby the State Government which is within policy guidelines.

FINANCIAL IMPLICATIONS
There are no direct financial issues arising from this report for Council.

LEGAL IMPLICATIONS
NIL

CONCLUSION
This report highlights the "Loss of" District Court sittings and recommends Council lobby the Government to have such a decision reversed.

ATTACHMENTS

1. Letter from Higgins and Higgins

RECOMMENDATION

THAT Council request the Local Member to hold urgent talks with the Attorney General, The Hon. Bob Debus to request the transfer of District Court sittings to be reconsidered.

ITEM:3 GM - 04/12/06 - SISTER CITY RELATIONSHIPS

REFERENCE
NIL

SUMMARY
As Council is aware informal Sister City Relationships currently exist with LinLithgow in England and Bluefield in Virginia. In recent times Council has also approached Shrewsbury / Atcham in England.

This report outlines an interest being lodged by the City of Huainan in China for formal agreements between the Cities to be established.

COMMENTARY
The City of Huainan is situated about 60km from Shanghai and contains numerous coal mines and power stations. They generate a large portion of the power consumption used by Shanghai. Companies from Huainan have been looking at coal mines in our region for some time with the prospect of purchasing for export and existing contracts in Australia.

Given the linkages between Lithgow, coal mining and power generation and those in Huainan, a sister City or friendship city relationship would seem viable.

The Huainan City Government have explained an interest in sending a delegation to Lithgow to meet with Council and progress the option of such a Sister City Relationship.

This would require Council to formally host the Group, conduct and facilitate tours of local venues and features such as the mine, power station, National Park, Zig Zag Railway and the like along with traditional Australian entrainment. The cost of these would need to be considered by Council.

POLICY IMPLICATIONS
Council does not currently have a policy position with respect to Sister City Relationships but have inducted a positive support for such in the past.

FINANCIAL IMPLICATIONS
As discussed Council will incur some costs with such a relationship with hosting a delegation here in Lithgow, however, the potential income to the LGA via investment and "exporting" of our local technology may prove to be very valuable.

LEGAL IMPLICATIONS
NIL

CONCLUSION
This report outlines an interest from the peoples Government of Huainan in China to form a Sister city Relationship with Lithgow.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council determine if it wishes to confirm negotiations for a Sister City Relationship with Huainan China.

ITEM:4 GM - 04/12/06 - HEATED INDOOR POOL

REFERENCE
NIL

SUMMARY
This report will outline a proposal for an indoor heated pool, gym and associated facilities for Lithgow and the idea of a joint venture with the PCYC.

COMMENTARY
Council will recall the question from Councillors Thompson and Morrissey regarding the program of the heated pool and what options Council has with respect to such.

As Council is aware the indoor pool has been a hotly debated matter for some time and considered a necessary piece of infrastructure in our climate and considering the recent advice of SWAHS of health statistics, may also prove to be a positive health benefactor for the residents of the Local Government area.

The PCYC has requested Council to consider a joint sporting and recreational facility development. Council is considering a new/redeveloped pool complex and the PCYC is considering a needed upgrade and expansion of its Lithgow facility.

It is considered that both organisations should look at "combining" such community infrastructures to ensure the best possible return on invented capital funds and to attempt to build in some long term sustainability in operating and employment costs. PCYC have indicated that the state funding they have secured to upgrade this current facility ($1M) could be forwarded to this joint proposal as well as the proceeds of the sale of this current facility.

It is felt that the most cost effective option for the redevelopment of the pool facility in terms of community usage and financial sustainability would be the development of a 25m 8 lane heated indoor pool incorporated into a sport centre (including sports hall, gym, boxing arena, meeting rooms, offices, café and associated plant) adjoining the existing pool.

Such a proposal would facilitate a new entrance and car park on the site of the existing Barton Street. This obviously would also require the alteration to the road works and traffic management around the facility and would ensure adequate level access for persons with a disability or parents with young children / prams etc.

The design may also facilitate the redevelopment of some of the land currently utilised for the current access/admin area for redevelopments into medium density housing units in close proximity to the aquatic centre, showground, sporting facilities and CBD area. This could be potentially developed by Council or sold to a developer inglobo for the development to proceed. Any proceeds of such a scale could be used to service any loan commitments or for the future development of sporting facilities in the LGA such as the Hermitage site. Council may also wish to consider such proceeds for other real estate developments in industrial or other lands.

The negative of the proposal would be the loss of the wading pool and children's pool, however with a detailed design such facilities could be included in the redevelopment proposal.

At this stage very preliminary costings have been completed which indicate such a redevelopment is likely to be in the vicinity of $9M. This will obviously require Council to secure loan funding for the unfunded proportion of the capital costs of the development. Council may also wish to approach the Federal and State Governments to determine what funding if any, may be applicable to such a program. However, as a "fall back" Council at least need to consider loans to cover the cost. Obviously Council's debt services ratio can manage other loan liabilities; however, we need to be very mindful of the servicing costs applicable to such liabilities. Given the "tight" nature of Council recurrent budget, Council may need to consider the option of applying for a special rate variation to service the loan or reducing/cutting services to "free" up the required recurrent funding to service the loan repayment.

Council would need to assess the loan repayments on a potential loan and determine the options and impacts of rate variations and other funding options.

Council will need to conduct some community consultation programmes to determine the community support or otherwise for the development of this major item of social infrastructure, and the option for payment of additional special rate variations to fund such.

POLICY IMPLICATIONS

This report is seeking Council determination with respect to the development of an indoor heated pool with assist in formulating policy for inclusion in the 2007/08 Management Plan.

FINANCIAL IMPLICATIONS

The financial implications are included in the body of the report and relate to the funding of this major capital programme.

LEGAL IMPLICATIONS
NIL

CONCLUSION
This report outlines the program in securing the development of an indoor heated pool for the LGA. This report also outlines a proposal for funding of a debt if Council wishes to proceed with the development of such.

This report also recommends Council confirm its interest in proceeding with a joint venture with PCYC and that a community consultation program be developed.

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council confirm it's interest in a joint venture with the PCYC for the development of an indoor heated pool, gym, sports arena and associated buildings on the site of the current Lithgow Swimming Pool.
2. Council make an application to the Federal Government under the Regional Partnerships Program to assist in funding the joint social infrastructure.
3. Council make an application to the State Government to assist in funding the joint social infrastructure.
4. Council consider the special rate variation to fund a loan liability to facilitate the development as referred to in this report.
5. Council carry out a community consultation program to gauge community support for the development and the special rate variation.

ITEM:5 GM - 04/12/06 - COUNCIL ORDINARY MEETING AND COMMITTEE MEETING DATES FOR 2007

REFERENCE
NIL

SUMMARY
This report outlines the proposed dates for both the Ordinary Council meetings and the Committee meetings for 2007.

COMMENTARY
The proposed dates for the Ordinary Meetings of Council for 2007 are as follows:

Policy and Strategy / Finance and Services Committee Meetings

Monday 5 February 2007
Monday 5 March 2007
Monday 2 April 2007
Monday 7 May 2007
Monday 4 June 2007
Monday 2 July 2007
Monday 6 August 2007
Monday 3 September 2007
Tuesday 2 October 2007
Monday 5 November 2007
Monday 3 December 2007.

The Policy and Strategy Committee Meetings will commence at 6pm and the Finance and Services Committee Meetings will commence at 7pm.

Ordinary Council Meetings

Monday 19 February 2007
Monday 19 March 2007
Monday 16 April 2007
Monday 21 May 2007
Monday 18 June 2007
Monday 16 July 2007
Monday 20 August 2007
Monday 17 September 2007
Monday 15 October 2007
Monday 19 November 2007
Monday 17 December 2007

The Ordinary Council Meeting will commence at 7pm.

POLICY IMPLICATIONS
NIL

FINANCIAL IMPLICATIONS
NIL

LEGAL IMPLICATIONS
NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council adopt the proposed dates.

ITEM:6 GM - 04/12/06 - CHRISTMAS AND NEW YEAR CLOSURE

REFERENCE
NIL

SUMMARY
This report advises Council of the closure of the administration office between Christmas and New Year and the essential service operations that will operate over this time.

COMMENTARY
As Council is aware for many years staff of the Administration building have enjoyed 3 days of special leave to be taken either between Christmas and New Year or immediately after the New Year period with the office "Staffed" with a minimum skeleton workforce.

After discussions with the Consultative Committee it has been agreed to close the office from 4.30pm the 22 December 2006 to 8.15am the 2 January 2007. During this time staff will take one (1) Rostered Day Off (RDO), half day Annual Leave/Time in Lieu and one and half (1.5) days special leave from Council as recognition for extra time worked and the efforts throughout the year.

Essential service and works staff will remain on duty during the period to ensure all such matters are attended to. An advertising program will commence shortly to advise the community along with advertising advice to many of the Council clients.

Essential Services Operating over Christmas/New Year

- Lithgow Visitor Information Centre – only closed Christmas Day
- Eskbank House Museum – only closed Christmas Day
- Rural Tip Controller - works all days except for Christmas Day
- Cleaner Driver (emptying street bins) - works selected days
- Streetsweeper – works selected days

- Water and Sewerage Treatment Plants – necessary staff work every day (limited hours over public holidays)

All staff who are on-call on a weekly basis will be required to be on-call over this period.

POLICY IMPLICATIONS
This is a variation to previous practice of Council, however has no implications on Council policy.

FINANCIAL IMPLICATIONS
All staff wages have been allocated; hence there is no additional financial implications for this report.

LEGAL IMPLICATIONS
NIL

Conclusion
This report has advised Council on the office closure during Christmas and New Year in line with many councils, Government Departments and private organisations in New South Wales and Australia.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council note the closure of the administration building from 4.30pm 22 December 2006 to 8.15am 2 January 2007 and the arrangements for essential services and works staff.

REGIONAL SERVICES REPORTS

ITEM:7 REG - 04/12/06 - CONFIDENTIAL - THREAT TO CLOSE A SECTION OF RYDAL/HAMPTON ROAD

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

SUMMARY

This report summarises the situation and advises of actions in relation to a threat to close a section of the Rydal/Hampton Road.

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.

ITEM:8 REG - 04/12/06 - CONFIDENTIAL - FORMER CEMENT WORKS AND QUARRY - UPDATE

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

Reason for Confidentiality

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

(d) commercial information of a confidential nature that would if disclosed:
(i) prejudice the commercial position of the person who supplied it

SUMMARY

To provide an update on matters relating to the former Portland Cement Works and quarry.

RECOMMENDATION

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

ITEM:9 REG - 04/12/06 - EXTINGUISHMENT OF RIGHT CARRIAGEWAY - SOUTH BOWENFELS

REPORT FROM: ANDREW MUIR - GROUP MANAGER REGIONAL SERVICES

SUMMARY

This report advises of a request to allow a change in the order of events in relation to the proposed extinguishment of a right of carriageway and suggests a course of action.

COMMENTARY

Council will recall a report to its ordinary meeting of 16 October 2006 in relation to a proposal to release a right of carriageway over which Council has an interest. At that meeting the following was resolved:

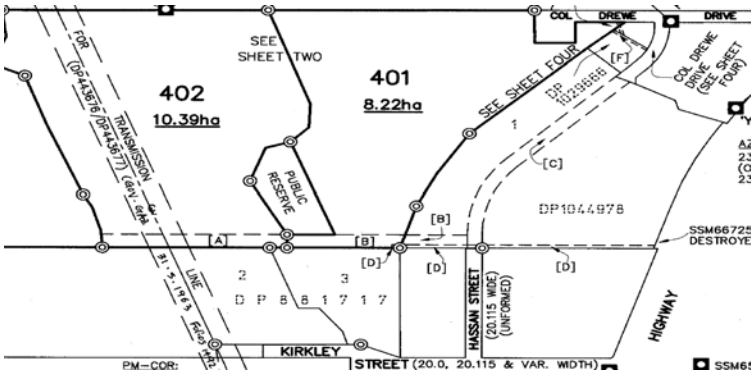
THAT:

1. Council issue its consent to extinguishment of the Right of Carriageway and authorise affixing the common seal to the document of extinguishment.
2. The transfer of land to Council for the extension of Hassan Street to be registered in the first instance.
3. All costs be borne by the proponents requesting extinguishment of the Right of Carriageway.

The developer of the land has now indicated “the transfer of land to Council for the extension of Hassan Street to be registered in the first instance” is causing difficulties as it has transpired that the title particulars which will be amended after the easement is extinguished are required in order to register the plan of subdivision and obtain title particulars for contracts and this cannot occur until the easement (ROW) is released.

The reasoning of the requirement for the “Hassan Street” plan to be firstly registered was to ensure access was maintained to the gun emplacements in the event that the retirement village proposal did not proceed. The developer has submitted that it appears the requirement to firstly transfer the small piece of Hassan Street is not necessary to protect Council’s access to the gun emplacements. The developer contends that access will still be obtained to the gun emplacements through the now newly-developed Bowen Vista Estate. A copy of DP1086154 has been provided which indicates that easement [A] and easement [B] provide a Right of Carriageway to the gun emplacements. Therefore, it is possible to release the easement marked as [C] on the DP and still have existing access to the gun emplacements.

It appears from a close examination of the documentation that access will be maintained and the concern to have the “Hassan Street” plan registered in first instance is able to be addressed by other means.



POLICY AND LEGAL IMPLICATIONS

The main consideration in this instance is to ensure compliance with Council's Code of Meeting Practice. As the developer seeks an alteration to a Council resolution within three months of it being carried then consideration must be given to clause 19 and 38 of the Code of Meeting Practice. Clause 38(1) provides that a "resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clause 19." Clause 19 provides:

(i) The Council must not transact business at a meeting of the Council:
  (a) unless a councillor has given notice of the business in writing by noon of the Wednesday immediately preceding the meeting; and
  (b) unless notice of business has been sent to the councillors at least 3 days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.

(ii) Subclause (i) does not apply to the consideration of business at a meeting if the business:
  (a) is already before, or directly relates to a matter that is already before, the Council;

The Code provides that "a notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the Council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be." In this case the developer seeks an alteration to the resolution requiring "the transfer of land to Council for the extension of Hassan Street to be registered in the first instance". The developer would like this altered or rescinded to allow the Right of Carriageway to be extinguished in the first instance.

Should three Councillors be of a mind to submit a Notice to Rescind the requirement for "the transfer of land to Council for the extension of Hassan Street to be registered in the first instance" then as the matter is already on the agenda notice could be given to this meeting and the matter determined. Alternatively, if three Councillors submitted a Notice to Rescind then the matter could be considered at the next ordinary Council meeting.

FINANCIAL IMPLICATIONS

Nil

RECOMMENDATION

THAT the matter be submitted for determination.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:10 COM - 04/12/06 - NEW POLICIES

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K.WOOLLEY

REFERENCE
Min 06-260: Council meeting 21 August 2006
Min 06-261: Council Meeting 21 August 2006
Min 06-283: Policy and Strategy Meeting 04 September 2006
Min 06-297: Council meeting 18 September 2006
Min 06-341: Council Meeting 16 October 2006

SUMMARY
The ongoing review of policies will continue to be the catalyst to present to Council updated or new policies for Council's consideration.

The attached are presented to Council and it is recommended that these draft policies be placed in the Policies register in draft format and following an exhibition period of 28 days be finalised by a resolution of Council and adopted in final form.

A number of policies presented to Council in draft form have completed their exhibition process and are presented to Council for adoption.

COMMENTARY
Council is presented with the following new draft policies for consideration:
- Customer Service policy
- Lithgow Library Learning Centre Child Protection Policy
- Tree removal policy
- Water Breakages policy

Council is also advised that finalised versions of the following policies have completed their exhibition processes:
- Planning Agreement Policy (placed on exhibition in September 2006)
- Restricted and Sex Services Premises (placed on exhibition in August 2006)
- Code of Conduct (placed on exhibition in October 2006)
- OHS Policy (placed on exhibition in September 2006)

Council received no submissions on these policies and they are recommended to Council for adoption.

POLICY IMPLICATIONS
The draft policies will be added in draft form to the Council's policies register and placed on exhibition.

At the conclusion of the exhibition period Council will be presented with the policies in final format for consideration of adoption.

The policies which have completed their exhibition period will be updated from draft to finalised version in the Policies Register.

FINANCIAL IMPLICATIONS
All policies can impact on the financial position of the council in some way as they dictate the manner in which Council manages its operations.

LEGAL IMPLICATIONS
There are a range of legal issues to be considered individually when applying policies.

CONCLUSION
Council will be presented with new or reviewed policies from time to time to ensure the Policies Register is current and comprehensive. The attached draft policies are presented to Council for consideration.

ATTACHMENTS

1. Draft Customer Service Policy
2. Draft Lithgow Library Learning Centre Child Protection Policy
3. Draft Tree Removal Policy
4. Draft Water Breakages Policy

RECOMMENDATION

THAT:

1. the draft policies for Customer Service, Lithgow Library Learning Centre Child Protection, Tree removal and Water Breakages be placed on exhibition for a period of 28 days and at the conclusion of the exhibition be brought back to council for consideration of any submissions received;
2. the policies for Planning Agreements, Restricted and Sex Services Premises, Code of Conduct, OHS and be adopted by Council and placed in the Policies Register.

ITEM:11 COMM - 04/12/06 - CORRESPONDENCE FROM PARKES SHIRE COUNCIL REGARDING THE DROUGHT IMPACT ON RURAL AUSTRALIA

REPORT BY: POLICY & PLANNING MANAGER – A MUIR

REFERENCE
Dataworks Document No. 304718

SUMMARY
This report provides a copy of correspondence from the Mayor of Parkes Shire Council in relation to the drought impact on rural Australia. It is submitted for Council's determination.

COMMENTARY
The following correspondence has been provided from the Mayor of Parkes Shire Council, Councillor Robert Wilson OAM:

"On behalf of the Mid Lachlan Alliance of Councils (Parkes, Forbes, Lachlan and Weddin) a submission has been sent today to the Deputy Prime Minister, the Hon Mark Vaile MP, setting out a list of priorities to be addressed in any assistance package announced by the Federal Government this week. Whilst a more detailed and qualified submission was envisaged, the Federal Government's announcement of a proposed relief package last Friday reduced the submission to bullet point form for the sake of urgency. A copy of the letter is attached.

Whilst the Prime Minister announced yesterday that an additional $350 million will be allocated to Exceptional Circumstances (EC) assistance, the Prime Minister also advised that the government will be looking at whether there should be any changes to the Federal Government Drought Assistance and if it can be responsibly enhanced.

I urge your Council to provide support for the measures expounded by the Mid Lachlan Alliance and to make relevant suggestions on how the Federal Government's Drought Assistance package can be responsibly enhanced. If there are factors which particularly relate to your region please include these in your letter of support. As stated in the submission, much of rural NSW is at a crossroads. Many farm families will be unable to continue on the land following this season's failure.

The measures mentioned in the submission are Federal matters. Other forms of assistance such as rate subsidies similar to the pensioner rebate scheme are the domain of the State Government and will be addressed separately.

I urge you to prepare a message for the Deputy Prime Minister and communicate to his Canberra office. Alternatively you may wish to send your support letter to Parkes Council who will forward it on your behalf.

I thank you for any assistance you may be able to provide".

A copy of the correspondence to the Honourable Mark Vaile MP is attached to the Business Paper.

The following information has been obtained from the Federal Government's Department of Agriculture, Fisheries and Forestry website in relation to the inclusions of the drought assistance package which was announced in late October 2006:

- "Continuation of EC income and business support
- Farm Management Deposits (FMD) Scheme - increasing the deposit cap from $300,000 to $400,000, and increasing the non-primary production income test from $50,000 to $65,000
- Professional business and financial planning grants of up to $5000 for eligible farmers in areas that have been EC declared for more than three years
- Immediate extension of all existing EC-declared areas recommended by the National Rural Advisory Council until 2008 and expanding the declaration to cover all producers
- Immediate reintroduction of EC assistance to all producers in areas where EC assistance has ceased since February 2006 and the National Rural Advisory Council has recommended assistance be provided (estimated to be around $500 million)
- Assistance to provide extra financial ($7 million) and personal counselling ($2 million) support to farmers
- Emergency individual and community grants to be administered by the Country Women's Association ($4 million over two years)
- Increasing the cap on EC Interest Rate Subsidies from $300,000 to $500,000 over five years, subject to the applicant having established their viability through an independent business assessment
- Removal of the requirement for farmers, when applying for EC Interest Rate Subsidies, to have operated without government support in two out of the past five years
- A communication campaign to make farmers aware of the assistance available ($6.5 million over two years), and
- A monitoring and evaluation strategy to be implemented ($3 million over three years from 1 July 2007)".

The Central Tablelands was an EC extension announced on 16 October 2006.

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. Correspondence from Parkes Shire Council to the Honourable Mark Vaile MP.

RECOMMENDATION

THAT the matter be determined by Council.

ITEM:12 COMM - 04/12/06 - SBS TELEVISION RETRANSMISSION IN HARTLEY

REPORT FROM: COMMUNITY AND CULTURE MANAGER - P. HALL

REFERENCE
Question from Councillor Michael Wilson at the Policy and Strategy Committee meeting held on 3 October 2006 enquired if Council could contact SBS in relation to having SBS broadcast into Hartley, and whether funding is available for this project.

SUMMARY
This report details the results of Council's investigation into the possibility and feasibility of retransmitting SBS television and radio services into the Hartley area, and options for funding this project. It also links the suggested outcome to Council's recently adopted Social Plan which identified a possible action item of installing SBS radio services across the Region.

COMMENTARY
During Council's planning for the Hassans Walls Television Retransmission Tower (which broadcasts into the Hartley area), Council was only able to rebroadcast four (4) television channels due to licensing restrictions imposed by the Australian Communications and Media Authority (ACMA) (formerly the Australian Broadcasting Authority (ABA)). Council undertook a survey of residents to determine the four (4) most popular television channels, and unfortunately, SBS was the channel Council determined to have the least community interest.

Since the installation and operation of the Hassans Walls Television Retransmission Tower, Council has received numerous requests from Hartley residents to broadcast SBS television.

Additionally, the issue of SBS radio transmission is identified in Council's Social Plan as a future action item for Council's consideration (p166 of the Social Plan).

Currently, SBS is offering a Self Help Subsidy Scheme to fully fund initial installation of SBS services to any area.

As a result of Council's investigations into this issue, Council had received two (2) offers to install SBS television retransmission to the Hartley area, should Council be able to source funding. Both offers would include the successful Contractor seeking approval on behalf of Council for an additional licence from the Australian Communications and Media Authority (ACMA), as well as lodgement of appropriate paperwork for grant funding via liaison with SBS.

Rural Electronic Products (who is Council's current Contractor for the television retransmission towers constructed under the Federal Government's Television Blackspot Programme) and N-Com have both offered their services to install and commission SBS television in the Hartley Area.

Costings below have only been received from Rural Electronic Products at the time of publication of this report.

In summary, SBS is offering three (3) subsidy offers, being:-

A) 100% subsidy for SBS Radio to a limit of $25,000 per community and an annual cost of $125 as detailed on p166 of the Council's Social Plan ;
B) 75% subsidy for SBS Television to a limit of $30,000 per community; or
C) 75% subsidy for SBS Digital TV to a limit of $50,000 per community.

It would appear beneficial for Council to select Option C at this time to immediately address the issues in Hartley raised by Councillor Wilson which takes into account the future television needs of the Hartley community, as analogue retransmission will not be available after 2008.

Under the Federal Government's Television Blackspot Programme, Council was unable to receive funding for digital retransmission from any of the four (4) sites, as the Television Blackspot Programme would only fund analogue services.

It is also recommended to Council that further investigation of the options of installation of infrastructure to provide SBS radio services as identified on page 166 of the Council's recently adopted Social Plan be undertaken by staff and a further report on the total installation costs be provided to Council at the next Committee meeting as a potential item for inclusion in the 2007/08 budget deliberations Council will be making in the New Year.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

For Council to proceed with this project of providing access to SMS television services to Hartley, additional funding of 25% of the cost to install SBS Retransmission will need to be provided in Council's budget.

Estimated cost of installation and construction from Rural Electronic Products' offer is detailed in the table below:

Prices do not include GST.	**Rural Electronic Products**	**Comment**	**Cost to Council**
Analogue SBS Television Retransmission	$4,800	Council can receive 75% subsidy up to $30,000.00 for this option	$1,200
Digital SBS Television Retransmission	$4,800	Council can receive 75% subsidy up to $50,000 for this option	$1,200
Annual Maintenance cost	$1,200	No subsidy will be available for ongoing maintenance	$ 1,200
Additional channel	$2,800	Council can receive 75% subsidy up to $50,000.00 for this option	$ 700
Labour	$2,900	Council can receive 75% subsidy up to $50,000 for this option	$725
Rack	$ 550	Council can receive 75% subsidy up to $50,000 for this option	$137.50
A new communications hut	$8,000	Council can receive 75% subsidy up to $50,000 for this option	
Total costs	**$25,050**		**$7,162.50**

The increase in the budget to accommodate the introduction of the SBS television service for the Hartley area of $7,162.50 will require an adjustment at the December quarterly review of the Management Plan should Council wish to support this project.

The inclusion would be assessed as a replacement for another item of expenditure already approved by Council to ensure there is no net increase to the already fully allocated budget.

LEGAL IMPLICATIONS
Nil

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council be provided with a more comprehensive report on costings for the installation of services for SBS radio services across the LGA as identified in the action list in the Council's Social Plan and include the expenditure in the deliberations to prepare the 2007/08 budget;

2. As no capital funds or operational costs have been allocated in the 2006/07 budget for SBS Television reception services for Hartley, Council adjust the budget at the December quarterly review for a total of $7,162.50 and identify the program budget where the money will be accommodated to ensure no net increase to expenditure occurs.

ITEM:13 COMM - 04/12/06 - RESULTS OF PUBLIC EXHIBITION OF THE DRAFT PLAN OF WORKS FOR EMORA PARK

REPORT BY: COMMUNITY DEVELOPMENT OFFICER – E WANT

REFERENCE
Min 06-263: Council Meeting 21 August 2006
Min 06-313: Policy and Strategy Committee Meeting 3 October 2006

SUMMARY
This report details the community submissions received in relation to the draft Plan of Works for Emora Park, following public exhibition. It recommends adoption of the Plan along with some amendments due to the results of community consultation and outlines additional works to be considered in future Management Plans. Further, a recent survey was conducted by Sydney West Area Health Service with approximately 50 children and young people attending the launch of the Active Young Bowenfels school holiday program being funded under the Healthy Local Government Grants Program. The results of this survey also give further indication regarding courses of action to enable young people in the Bowenfels area to participate in healthy activity at Emora Park. The Department of Housing has also made an offer of $3,500 to contribute to the works and it is recommended to Council that this be acknowledged and accepted for the proposed works and the Minister for Housing be advised in writing of Council's gratitude.

COMMENTARY

Group Submission: Bowenfels Residents Committee

Following are the written comments received by Council as a group submission from the Bowenfels Residents Committee as a result of exhibition of the draft Plan of Works:

Toilet Block: While they agree that the toilet block should be demolished due to its poor state of repair and past vandalism, there was a concern that public toilets are necessary for users of the Park as well as tourists travelling along the Highway. The submission sought to have a commitment to re-build the toilets at a later date. Further, signage is needed on the Highway directing travellers to the nearest toilets.

Removing Trees: Residents agreed about removing some trees to improve safety but an appropriate number of shade trees need to be retained. Non-allergenic tress and shrubs should be planted.

Fencing: Residents agreed that replacing the Colourbond fencing with pool fencing is a good idea.

Playground Equipment: The residents feel that the play equipment needs some replacement and modernising to current standards; that soft fall needs to be regularly maintained by Council, not just replenished once, and; that preferably, Council should remove the soft fall altogether and replace it with a rubberised surface which is safer, cleaner and more durable. Residents also suggested that a syringe disposal facility be provided in the Park. The playground should also be fenced for safety.

Bike Trail: Residents suggested that a bike trail for kids be established.

Tennis Court: Residents didn't agree with repairing the tennis court net but instead that the court area be altered to allow more flexible and appropriate uses including basketball rings and areas for handball etc. They didn't agree to keeping equipment at the Bowenfels Cottage as the community would have no access on weekends.

Water: Residents noted that there is no bubbler or taps in the Park.

Report on Survey by Sydney West Area Health Service

Sydney West Area Health Service surveyed young people at the launch, held on the 8 October 2006, of the school holiday activity program under the Active Young Bowenfels Project. The Project is funded under the Healthy Local Government Grants Program and aims to increase the uptake of healthy activity by children and young people in the Bowenfels area including physical activity in Emora Park. The full report is attached to the Business Paper. Of particular relevance to the draft Plan of Works for Emora Park were the findings in response to the question "what would you like to do in a school holiday program?". The top responses were basketball followed by cricket and soccer, swimming pool and then rock climbing.

Commentary on Bowenfels Residents Committee Submission and Sydney West Area Health Service Report

In relation to the submission and report detailed above, Council officers have made relevant investigations and provide the following information for consideration:

Toilet Block: The high cost of committing to rebuild the toilet block is preclusive at this time. In addition, the vandalism to the toilets in the past has been so extensive as to render them too costly to repair. The likely high cost of maintenance and up keep would also add to the expense associated with committing to the toilets being rebuilt.

In relation to signage on the Highway for travellers to be directed to the nearest toilets, this issue would need to be investigated and resolved by the Roads and Traffic Authority (RTA) who have responsibility for Highway signage. However, it is noted that there are public toilets available at Endeavour Park and associated signage present on the Highway.

In addition, the Department of Housing in its correspondence of 15 November 2006 has offered to fund the demolition of the toilet block. A copy of the offer is attached to the Business Paper.

Removing Trees: The recommendation to remove some trees relates to safety and line of sight issues in the Park, and affects a limited number of trees. Some work has been completed by Council's Parks and Gardens Section to trim and tidy trees and shrubs to improve safety.

It needs to be acknowledged that the Park has a lack of shade and that planting of appropriate non allergenic shade trees could be considered in future management planning and in conjunction with community based initiatives such as National Tree Day.

Fencing: The issue of fencing of properties adjacent to the Park is a Department of Housing responsibility. This issue has been raised with the Department of Housing through the Lithgow Community Action Partnership Group. Council will formally prepare correspondence to the Department of Housing in relation to this issue.

Playground Equipment: Longer term options in relation to playground equipment and fencing is to be further investigated in the context of the Open Spaces Study scheduled for completion by June 2007 and subsequent management planning processes.

The soft fall is currently monitored and replenished when required. The soft fall has recently been replaced by Council at a cost of approximately $300. Rubberised soft fall for playgrounds in the Lithgow Local Government Area has been investigated in the past and ruled out due to the preclusive costs involved. The cost of rubberised material is approximately $120 per square metre which includes laying of road base, cushioning and top layer materials and current Australian Standards specify various area coverages depending on equipment heights. This would need to be assessed along with Australian Standards compliance of current equipment prior to making any future commitment to laying a rubberised soft fall area at Emora Park.

Syringe Disposal Facility: Council normally provides syringe disposal facilities in public toilets and as the toilets are to be demolished this is not a preferred option. It needs to also be noted that at the original community consultation the view prevailed that syringe disposal facilities would encourage intravenous drug using in the Park and that syringes in the Park had not recently been a problem. This was thought by those community members present at the original audit to be a consequence of the closure of the toilets and thus the removal of hidden injecting spaces.

Bike Trail: This would also need to be considered in the long term and in the context of the Open Spaces Study and subsequent Management Plans.

Tennis Court: There is currently no alternative to storing removable equipment at the Bowenfels Cottage. It was strongly recommended by the community at the original community consultation that all equipment be removable to prevent vandalism and/or theft. No option has emerged whereby the courts could be locked to protect equipment.

There was strong evidence from both the Bowenfels Residents Committee and the Sydney West Area Health survey findings that there is a need for the tennis court to be adapted to accommodate a basketball court, possibly in conjunction with retaining its capacity to be used as a tennis court. It would cost Council approximately $300 in labour and materials to mark out a basketball court and install basket ball hoops. Council has basketball hoops available to be reused.

As there is no acceptable method of storing the tennis net and winder which provides access 7 days a week it is suggested that the Plan of Works be altered to include basketball facilities instead of the tennis facilities.

Water: It was noted from the submission that there is a lack of water available for drinking at the Park. Provision of water is an important aspect of facilitating healthy activity in open spaces. Council has received a quote for provision of a drinking bubbler for $1,015 and it is estimated that installation at the site of the demolished toilets by Council staff would cost $1,000, making the estimated cost of providing a drinking bubbler to Emora Park approximately $2,015.

Further Comments: The "Spring Clean Up" kerb side collection service detailed in the draft Plan of Works has been delayed to Autumn following a request from the Department of Housing.

Council has obtained RTA material and facilitated a road safety campaign involving the Department of Housing and the Bowenfels Residents Committee to target speeding vehicles in the Bowenfels area.

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

FINANCIAL IMPLICATIONS
The financial implications of the revised Plan of Works includes:

Activity	Estimated Cost	Funding
Demolition of toilet facility	$3,500	Department of Housing
Basketball court marking and hoops	$300	Council – Young Bowenfels Project
Installation of a drinking bubbler	$2,015	Council – Young Bowenfels Project
Spring Clean Up Collection Service	$500	Council – Waste Fund
Maintenance activities: • Perspex for play equipment • Fence repairs • Removal of decking • Brick wall repairs	$3,400	Council - Young Bowenfels Project
Softfall material	$300	Council – Young Bowenfels Project
Mowing and vegetation removal	$7,167	Council – Recurrent 2006/07
TOTAL	$17,182	

Council has funding for the Active Young Bowenfels project for a total of $6,400 and the $3,500 offered by the Department of Housing. Further it is suggested that the $500 for the 'Spring Clean Up' be funded from Council's Waste Fund. Council's Recurrent Budget for 2006/07 already includes $7,167 for mowing and vegetation removal activities. Therefore, all of the listed activities can be funded in 2006/07.

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

ATTACHMENTS

1. Letter from the Department of Housing undertaking to pay the cost of demolition of the toilet block.
2. Report on the Children and Young People's preferences for School Holiday Activities in Emora Park October 2006.

RECOMMENDATION

THAT

1. The plan of works for improvements to Emora Park be adopted as alterations to the Council's Management Plan for 2006/07 in the December Quarterly Review:

    - Demolition of the toilet facility at a cost of $3,500 and funded by the Department of Housing.
    - Basketball court marking and hoops at a cost of $300 and funded from the Active Young Bowenfels Project.
    - Installation of a drinking bubbler at a cost of $2,015 and funded from the Active Young Bowenfels Project.
    - Spring Clean up Collection Service at a cost of $500 and funded from Council's Waste Fund.
    - Maintenance Activities at a cost of $3,400 and funded from the Active Young Bowenfels Project:
        - Perspex for play equipment
        - Fence repairs
        - Removal of decking
        - Brick wall repairs.
    - Replenish softfall material at a cost of $300
2. Council accepts in writing and thanks the Minister for Housing for the offer to fund the demolition of the toilet block at a cost of $3,500.
3. Further options for improving Emora Park such as planting additional shade trees and improving/updating play equipment be referred to the Open Spaces Study scheduled for completion by June 2007 and subsequent Management Plans.
4. Council write to the Department of Housing (Orange Office) advising of the outcomes of Council's consideration and seek a response from the Department with regard to fencing issues raised in the process of consultation for the Emora Park works.

ITEM:14 COMM - 04/12/06 - DRAFT MARRANGAROO LOCAL ENVIRONMENTAL STUDY AND STRUCTURE PLAN

REPORT FROM: ENVIRONMENTAL PLANNER – I RUFUS

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

SUMMARY
This report provides the results of the public exhibition of the draft Marrangaroo Local Environmental Study and draft Structure Plan. It suggests amendments to the documentation and recommends that an amended Structure Plan be placed into the draft Strategic Plan for assessment as to whether or not to incorporate the draft Plan into a rezoning having regard to the entire Local Government Area.

COMMENTARY
Introduction
The draft Marrangaroo Local Environmental Study (draft Study) and Structure Plan (draft Plan) identifies the highest and best use of land within the Study Area in terms of suitability and capability, environmental impact, community needs and expectations and the efficient and economic allocation of resources to service the land. The draft Study provides:

- Existing and likely future environmental, social, political and economic issues affecting the subject land and surrounding the locality.
- The strengths, weaknesses, opportunities and threats relating to the future development of the site.
- Alternative land use scenarios, with a highest and best land use scenario being recommended.

The recommended scenario from the draft Study has been developed into the draft Plan. The draft Plan provides:

- The location of the preferred land uses.
- The areas to be conserved and protected from future development.
- Key infrastructure needs and preliminary costs.
- A staging plan.
- Urban design guidelines.

The draft Study and Plan were exhibited for a period of 28 days from Thursday 22 June to Friday 21 July 2006. An Open Day was held at the Lithgow Golf Club on Thursday 29 June 2006. Approximately 35 people attended on the day to view and discuss the draft Study and Plan. In addition, a meeting was held on 18 July 2006 with a number of residents of Oakey Forest Road. An extension of the exhibition period was granted to these residents until Tuesday 1 August 2006.

This Report provides details of responses to the submissions received on the draft Study and Plan and suggests amendments to the draft Study and Plan.

Meeting with Oakey Forest Road Residents
A meeting was held with a number of residents of Oakey Forest Road on 18 July 2006 to discuss the draft Plan. The issues discussed are broadly described in the following:

- The proposed employment generation land adjoining Oakey Forest Road including: - the existing development consent for a 217 lot residential subdivision; the value of the land for residential purposes versus employment generation; loss of property values; impacts on the land from the highway, railway and quarry; have visited this proposal before; expectations that only residential development would occur behind the existing Oakey Forest Road residences; and concerns about the watercourse.
- The demand for and amount of available land for employment generation purposes.
- The entrances to Bathurst and Orange.
- The flexibility of the current 1(a) Rural General zone under the Lithgow City Local Environmental Plan 1994 (Lithgow LEP).
- The recent Land and Environment Court decision which ruled a Development Consent invalid on issues relating to delegation and a clause in the Lithgow LEP.
- The selling of the subject land by Council.
- The Marrangaroo Community Group's support for Council to place the draft Study and Plan on exhibition.
- The proposal has created more conflict rather than planning for the future.
- Council should protect its interest in the Golf Club.
- The Study, in particular the aim of identifying the 'highest and best use'; the process including the Working Party and Community Group; and payment for the Study.
- The exhibition period for the Oakey Forest Road residents was extended until Tuesday 1 August 2006.

Submissions and Responses
All submissions which have been received to date on the draft Study and Plan are considered in this Report. The following table identifies each submission, sets out the issues raised in the submission and responds to each issue.

Submission	Issues	Comment/Response
1. Private submission	Concerned with the ambiguity of the proposed use of land behind Marrangaroo Fields, Zone 5.	The subject land is proposed Private Open Space, Commercial Recreation and Tourist Accommodation under the draft Plan. The intention for the development of the Private Recreation land use is to enable land to be used for private open space or recreation and to provide a range of recreational settings and activities within compatible land uses. Such uses could include: • Community facilities • Kiosks • Recreation areas

		• Indoor and outdoor recreation facilities. Additional uses such as tourist and visitor accommodation could be added. However, this land is constrained by the power lines and is completely within the proposed buffer to Metromix Quarry. Should Council be of mind to change the zoning of the land in the future, then any potential ambiguity of land uses can be addressed in the land use table of the Local Environmental Plan.
	Covenant on Marrangaroo Fields prohibits trucks except for delivery purposes.	The covenant states that "with the exception of vehicles used in connection with the erection of a dwelling on any lot burdened no motor truck, lorry or semi trailer with load carrying capacity of exceeding 2 tonnes shall be parked or permitted to remain on any lot burdened." No change is proposed to this covenant.
2. Department of Education and Training (DET)	Public education facilities in Lithgow have adequate capacity, and the DET will monitor development in the area.	Noted
3. Sydney Catchment Authority (SCA)	Drinking Water Catchments Regional Environmental Plan No. 1 (REP) has been gazetted and will commence 1 January 2007. • Parts 2 & 4 of the REP are relevant to the draft Study and Plan and any future planning instrument.	Noted Part 2 defines the water quality objectives for the hydrological catchment and any draft environmental planning instrument must ensure that its provisions will enable the achievement of these objectives. It is noted.

	• SCA is satisfied that the draft Study is an assessment equivalent to a strategic land and water capability assessment subject to their comments being satisfactorily addressed.	Part 4 requires the preparation and consideration of a strategic land and water capability assessment that applies to land when preparing a draft environmental planning instrument. This Part has been satisfied subject to a condition (refer to the next point).
	• Draft Study p3.6 - REP is gazetted.	Noted
	• Draft Study p3.16 - Note that Direction No. 28 is to be replaced upon commencement of the REP.	Amendments to be made to the draft Study to cover new legislation.
	• Draft Study p3.17 – Sydney Water Catchment Management Act 1998 applies to the Study Area.	Amendments to be made to the draft Study to cover new legislation.
	• SCA considers section 4 provides an excellent description of the existing environment.	Sydney Water Catchment Management Act to be inserted into list of legislation.
	• Draft Study p4.24 – REP is gazetted and sets water quality objectives.	Noted
	• Draft Plan p7-11 – Clauses of REP are relevant to finalising draft Plan and subsequent planning instruments: o Clause 7	Amendments to be made to the draft Study to include the water quality objectives of the REP.

	○ Clause 9	Amendments to be made to draft Plan to include reference and requirements of the REP.
	○ Part 4	Clause 7 outlines the relationship of the REP with other environmental planning instruments. It is noted.
	• Endorses the River Flow Objectives (draft Plan p8).	Clause 9 requires that a draft environmental planning instrument must ensure that its provisions will enable the achievement of the water quality objectives. It is noted. Part 4 relates to the strategic land and water capability assessment (refer to the above comments). Noted
	A stormwater management plan addressing water quality and quantity should be prepared and adopted prior to rezoning of the site. More detailed modelling is required for the entire study area and that this be undertaken as part of the stormwater management plan (draft Plan Appendix B).	After further discussions the SCA would like a conceptual stormwater management plan to be prepared now, which will provide a conceptual framework for the integrated management of runoff and stream flows throughout the Study Area. The SCA maintain that a conceptual stormwater management plan can be achieved through relatively time and cost effective modelling using existing data. Subsequent detailed stormwater management plans associated with individual development applications can then be prepared with reference to a consistent management framework. At this stage the draft Plan is only determining the 'highest and best use of the land'. If Council resolves to proceed with the draft Plan further, then Council should consider the above SCA's requirements.

1.	Endorses the proposal for an integrated stormwater management plan, incorporating the principles of water sensitive urban design (draft Plan p31 & 32).	Noted
	Encourages Council to complete the classification of watercourses as proposed by Department Natural Resources (DNR) and to use the outcomes to determine appropriate buffers (draft Study p4.27 & 4.28). Endorses Department of Natural Resource's (DNR) recommendations relating to watercourses (draft Study s8.1.1, 8.1.2 & 8.1.3).	Noted. The issue of watercourse classification and buffers are discussed within the text of this Report.
	Requests the opportunity to be involved in the further planning of the Marrangaroo area.	Consultation with SCA to be undertaken on an as needs basis.
	Encourages Council to continue water quality monitoring at the 3 sites in the draft Study.	There is no current allocation in the 2006/07 Recurrent Budget for water quality monitoring of Marrangaroo Creek. The yearly cost of this monitoring is approximately $3,600. Noted for consideration in proposals for 2007/08 budget.
	Sewage infrastructure is required to be designed, constructed and operated to have a neutral or beneficial effect on water quality (draft Study p5.6 & 5.7). It is important when designing the sewer main to ensure that it is not located too close to Marrangaroo Creek. A suitable buffer is necessary to ensure the construction	Noted would be required for any development in the Sydney Drinking Water Catchment. Noted, location to be considered during

1.	and operation of the sewer does not degrade the qualities of the Creek (draft Plan - Figure 6).	detailed design if the proposal proceeds.
	The reference to the Sydney Drinking Water Catchment should state "ensuring new development achieves a neutral or beneficial effect on the quality of surface and ground waters" (draft Study p7.1).	The requested amendment to the draft Study be made.
	Whatever option is selected, there should be a consistent application of planning provisions to achieve for overall development of the site, a neutral or beneficial effect on water quality in the local watercourses, including Marrangaroo Creek and on groundwater.	Noted. Council will through its normal process apply planning provisions in accordance with required legislation.
	Endorses the Environment Protection zone along Marrangaroo Creek. Boundaries should be determined by the DNR. An Environment Protection Zone should also be applied to all the steep woodland areas adjoining Marrangaroo Creek and on the boundaries of the site at other locations.	The draft Plan proposes a buffer for Marrangaroo Creek in excess of DNR's requirements. The steep woodland around Marrangaroo Creek to the west is contained within a buffer and woodland area. Also the Study Area is surrounded by woodland and associated buffer areas.
	Water quality impacts must be managed through on site measures and that there is adequate scope for this to occur (draft Plan Appendix B, s1.3.5).	Amendments to the draft Plan are to be made deleting references to off site treatment and pollution offsets. In addition, if the proposed draft Plan proceeded further, a conceptual stormwater plan is suggested to be prepared prior to rezoning which would address the on-site management of water quality impacts.
4.	Keep Oakey Forest Road land residential. Allow the	The developer has the right to develop the land as per Development Consent

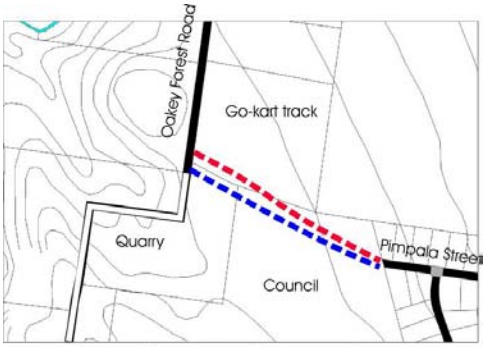
Private submission	developer to build the residential subdivision.	No. 426/03 which is valid until 16 August 2009. However, the development consent would remain live if it is substantially commenced within that time.
	Happy with Option 1 & 2 with the Oakey Forest Road section left as it is already.	Noted
	Alternatives for Oakey Forest Road • Upmarket retirement village and shopping centre. • Extend the golf course across Oakey Forest Road. • Upgrade old residence into conference centre. • Incorporate large residential lots around the golf course. • Tourism opportunities i.e. develop siding to take trains.	Noted
	Extend National Park at the top of Oakey Forest Road and Middle River.	This is an issue for the Department of Environment and Conservation (DEC).
	Why compete with Bathurst in industrial land? Existing land in Lithgow is available and also Mt Lambie Service Station.	There is a limited supply of good industrial land which is located in clusters, serviced and has good access to arterial roads within the Lithgow Local Government Area (LGA). The draft Local Profile for the Strategic Plan (Geolyse, 2006) identified the following 3 sites of industrial land in Lithgow: • ADI site – partially redeveloped at this stage. • Old Gasworks site in Mort Street – has been sold. • O'Connor Street – unsubdivided with 1 lot currently for sale.

1.		The draft Local Profile also identified that the Lithgow LGA has a lot less industrially zoned land i.e. 129.544 ha when compared to 513 ha at Bathurst and 420 ha at Orange. One of the recurrent themes emanating from Council's Business Survey in 2006 was the need for industrial land in a business park that is accessible and appealing (Geolyse, Draft Local Profile, Lithgow Strategic Plan, 2006). In addition, there is a need to meet demand to enable the region to grow and support the community.
	Develop bicycle paths and walkways into the natural areas.	Several environmental corridors have been identified in the Study Area which provides for significant bands of public open space. Three open space corridors have been identified in the draft Structure Plan Guidelines. This issue could be further explored in an Open Spaces Study which is due for completion by 30 June 2007.
5. Private Submission	Options 1 & 2 supported: • Retain existing residential zoning to the western side of the Highway. • Acknowledge commercial recreation in golf precinct. • Proposes a mixture of residential zonings on eastern side of the Highway with industrial uses in appropriate areas i.e. Department of Defence Land and the Correctional Centre. • Industrial areas are much further away from	Noted

	the Creek. • Do not require access over a rail line. • Land is currently rural and under developed. • Demonstrates responsible planning and allows for new and appropriate transport corridors to be created.	
	Option 3 has the greatest impact on the existing residents and environment as it places industrial land in a drinking catchment area, adjacent to bushland with limited heavy vehicle access. Objections include: • Amenity – residents purchased land because they were large residential allotments and thought only similar residential would be built 'over the back fence'. • Sydney Water Catchment Area - accidental and deliberate spills and rubbish, dirt etc will be piped by the stormwater system directly into the catchment.	The following comments are made: • The entire Study Area is located in the Sydney Drinking Water Catchment. • The majority of employment generation lands in all 3 options adjoin woodlands and associated buffer zones. • Option 3 proposes a new access point from the Great Western Highway which would need to cater for heavy vehicles. Land use zonings can change with the passing of time and any changes are considered in accordance with the Environmental Planning and Assessment Act and Regulations, good planning principles and individual merit. As the Study Area is located within the Sydney Drinking Water Catchment it is subject to the requirements of State Environmental Planning Policy (SEPP) No. 58 and the REP No. 1. This concern focuses on the operation of development, which is not the focus of the draft Study and Plan. However, if Council resolved to proceed with a rezoning, it is incumbent upon any draft local environmental plan to demonstrate that the water quality objectives of the REP can be achieved. Furthermore, if rezoning occurred and a development application was submitted, the applicant must demonstrate to the consent authority that the activity will have a

1.	• Bushland is known habitat for the endangered Copper Wing Butterfly, Powerful Owl and Platypus.	neutral or beneficial effect on water quality. If a development application was approved, the development must be constructed and operated in a manner that complies with the development consent and the Protection of the Environment Operations Act which prohibits the pollution of waters. The approved Development Application for the site was supported by a Flora and Fauna Assessment (Terra Consulting, 2003), which noted that the conservation value of the area is low to moderate due to the long history of various land use practices and high levels of prior clearing throughout most of the original native vegetation. An eight part test under Section 5a of the Environmental Planning and Assessment Act concluded that the proposed subdivision would not have a significant effect upon threatened species, populations or ecological communities or their habitats. These included the Purple Copper Butterfly and Powerful Owl. The Flora and Fauna Assessment noted that the Purple Copper Butterfly had not been recorded on the site and also made recommendations as to the regeneration of new and protection of existing Blackthorn from the open woodland of the upper slopes of the Marrangaroo Creek valley. The report concluded the proposed subdivision would not have a significant impact on the ecology of the study area, and no significant cumulative affect on the local or regional ecology. The Ecological Overview (Geolyse, 2006) noted that there is a low to moderate likely occurrence of the Powerful Owl within the Study Area as

1.		there are limited prey items on the open pastureland community and a lack of nesting habitat on the Study Area. However, adjacent broad woodland and forests contains habitat. In relation to the Purple Copper Butterfly, the Overview assessed a low to moderate likely occurrence as there is no preferred habitat on open pastureland, however, fringing woodlands contain patches of Blackthorn which may provide habitat. No platypus was observed during the site inspections for the Overview, however, Council Officers have observed platypus in Marrangaroo Creek adjoining the Archvale Trout Farm. The draft Study notes that all recorded sightings of both the Butterfly and Powerful Owl have occurred outside of the Study Area. Development Consent No. 426/03 is valid until 16 August 2009, unless it is substantially commenced within that time. The draft Plan illustrates a proposed new access point from the Great Western Highway into the employment generation land. This would most likely involve some form of bridge over the railway line.

1.	• Council has approved a 215 allotment residential subdivision. • Access – an industrial use will require a large workforce crossing the rail line multiple times.	
6. Private submission	Possible access and egress through Marrangaroo west estate by through traffic on a permanent basis from either Oakey Forest Road or employment generation land. Existing road conditions make this area unsuitable for any further traffic. It will alter the amenity of the area, adding noise and pollution. The issue raised by the State Emergency Service regarding an alternative access if either Girraween Drive or Oakey Forest Road was blocked can be	A link between Pimpala Street and Oakey Forest Road can be provided, however, it would need to transverse either the Go-Kart or Quarry land as illustrated on the plan below.  Land ownerships - two possible access routes from Oakey Forest Road to Marrangaroo Fields

	overcome by utilising the existing trafficable bush road which exists through the area designated as 5 open space, west of Marrangaroo Fields.	There is currently no budget item for the further investigation of this issue. This could be considered in subsequent years.
7. Private submission	Buffer to gas main is excessive.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	Buffer to watercourse is excessive.	The watercourse located between the Highway/Business Services and Large Lot Residential 3b land uses on the draft Plan has been classified by DNR as a category 2 watercourse. Therefore, the required buffer is 30m either side and it is suggested that the draft Plan be amended to reflect DNR's requirements.
8. Private submission	Buffer to gas main is excessive.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	If land required to provide safeguards from the gas main, landowners should be compensated by payment for land affected.	This is not a planning matter for Council's consideration.
	Buffer to watercourse is excessive.	The watercourse located between the Highway/Business Services and Large Lot Residential 3b land uses on the draft Plan has been classified by DNR as a category 2 watercourse. Therefore, the required buffer is 30m either side and it is suggested that the draft Plan be amended to reflect DNR's requirements.
9. Private submission	Same as Private Submission No. 8.	
10. Private Submission	Draft Study is detrimental to the value of my asset, to the amenity of the Marrangaroo area and to its community. The	

	following support this assessment:	
	• Property being valued at a significantly lower rate than its existing land use under Rural Residential category.	Land value is linked to a number of factors including the land's potential uses and income generating possibilities. The proposed land uses would be generally higher in value adding to the land price along the Highway frontage in particular. Anecdotal evidence is that land values would increase in that area. However, the draft Plan proposes the 'highest and best land use' within the Study Area.
	• Those at attendance at the Open House opposed the suggestion of industrial land use, but Council has ignored the voice of its constituents.	The purpose of the Open House was to consult with the community regarding what they valued about the area, what opportunities they saw for its development and what concerns or issues they had in developing it. This information was considered in the determination of the highest and best land use for the Study Area.
	• Loss of local amenity – proposed land uses will create a hotch-potch of diverse, uncomplimentary land uses which does not achieve the objective and will adversely impact on the infrastructure budget.	The draft Plan has proposed the highest and best use of lands in terms of suitability and capability, environmental impacts, community needs and expectations and the efficient and economic allocation of resources to service the land. It has incorporated buffer zones between potentially conflicting land uses. Refer to comment in Submission No. 4.
	• Demand for future land stocks has not been proven in light of projected	

	population decline and increase in those over 50.	
	• Further investment in development should be focused on Wallerawang and surrounding districts where Council has considerable investment in resources and infrastructure.	The Strategic Plan and comprehensive Local Environmental Plan will examine other areas. The draft Plan is seeking the highest and best use for the Study Area.
	• Why are highway/business services compatible with noise generated by the Highway?	Highway/Business Services are less sensitive to noise being generated from the Highway i.e. hardware and building/garden supplies compared to dwellings.
	• How would the Highway be accessed?	The draft Plan shows the Highway with limited access points on the eastern side as stipulated by the RTA. From these access points, internal service roads would be developed in conjunction with the redevelopment of any lands.
	• What is the strategy for future purchasers to have suitable ingress and egress?	As mentioned above access points to the Highway have been stipulated by the RTA. In addition, conceptual access routes have been proposed in the draft Plan. If Council resolves to proceed further with the draft Plan, further road layout details would be forthcoming in any development control plan and/or development application.
	• Urban living creates a requirement for further investment for support services and a new road and do not support the rural residential amenity.	The draft Plan proposes the highest and best use of lands within the Study Area. The proposed urban land use offers a range of support services to meet the day-to-day needs of residents i.e. land uses could include child care centres, neighbourhood shops, places of public worship etc as well as accessing such

		from Lithgow via the direct access route to Cooerwull Drive.
11. Marrangaroo East P/L 12. Roads and Traffic Authority	Attached a copy of correspondence from the Roads and Traffic Authority (RTA) advising 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.	Noted
13. Private submission	The Study provides predetermined results i.e. large allocation of residential (land controlled by developer sponsoring the Study) and industrial lands which is at odds with the views of the community.	There were no outcomes developed prior to the commencement of the process. The draft Study and Plan identified the highest and best use of the land in terms of suitability and capability, environmental impact, community needs and expectations and the efficient and economic allocation of resources to service the land.
	The Community Consultative Committee composition was heavily weighted to development rather than community interests.	Council advertised for 2 weeks in the local paper requesting nominations for the Marangaroo Community Group and accepted all those who volunteered before the closing date. Lithgow Golf Club, Lithgow Correctional Centre, Metromix Quarry and the Lithgow Go-Kart Track were also invited to attend. The Community Group discussed representation and agreed that it had representation from all of the various stakeholders in the locality.
	Highway/Business Services area is unworkable due to highway access restrictions, conflict with existing land uses and existing fragmentation of landholdings.	Access off the Highway to the Highway/Business Service area is determined by the RTA. The 2 access points illustrated in the draft Plan will then be supplemented by service roads. The existing 1(a) Rural General zone permits a wide variety of uses and thus it can be argued that the current zoning contributes to conflict and fragmentation of land uses. It is important to note that the draft Plan identifies the highest and best use of the land.
	Industrial/business land values in the Central West	Land value is linked to a number of factors including the lands potential uses

1.	indicate a resultant devaluation of the current Highway properties.	and income generating possibilities. The proposed land uses would be generally higher in value adding to the land price along the Highway frontage in particular. Anecdotal evidence is that land values would increase in that area.
	Lithgow has an "ugly industrial approach to the city" in visual terms. Council "risks duplicating the sin".	Appearance is very much a subjective issue which relies on the eye of the beholder. However, if the draft Plan was to proceed to a Local Environmental Plan, a series of development controls would be imposed on any development through a Development Control Plan for the Study Area.
	Demand for land is not proven by the study.	Refer to comment in Submission No. 4.
14. Private submission	Buffer to the gas main is excessive and would constrain the adjoining residential land.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	If land required to provide safeguards from the gas main, landowners should be compensated by payment for land affected.	This is not a planning matter for Council's consideration.
15. Private submission	Buffer to gas main is excessive and may have a detrimental effect on developable land, particularly for the current land highway owners.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	Buffer to watercourse is excessive and may have a detrimental effect on developable land, particularly for the current land highway owners.	The watercourse located between the Highway/Business Services and Large Lot Residential 3b land uses on the draft Plan has been classified by DNR as a category 2 watercourse. Therefore, the required buffer is 30m either side and it is suggested that the draft Plan be amendment to reflect DNR's requirements.
16. Private submission	Same as Private Submission No. 8.	

17. Private submission	Same as Private Submission No. 8	
18. Private submission	Demand for land is not proven by the Study, given the considerable amounts of building bocks already available and sufficient industrial land in Lithgow.	The residential supply and demand figures in the draft Study indicates 27 years supply of potential residential land based on existing and potential lots at South Bowenfels and Marrangaroo. However, it should be noted that 87 lots at Marrangaroo are affected by the buffers to the Quarry and unlikely to be developed in the near future. The advantage of the Study Area is that it provides for different residential development opportunities.
	Industrial and business park development is not wanted by the Marrangaroo community.	Results of the Open House held on 16 February 2006 listed the following issues and opportunities as they relate to business and industry: Issues – no industrial development in Marrangaroo catchment. Opportunities – provide for economic growth and increase opportunities to live and grow in Lithgow; Incorporate employment generating uses, 'clean' light industry and business houses; provide for industrial lots including bulky goods; provide for land for business with good access and visibility; ensure strict compliance with legislation for potential industrial development; provide a balance between industry, residential and recreation.

1.	Water quality
	• Areas adjoin either Marrangaroo Creek or its tributaries.
	  • Risk to Trout Farm
	  • Increase in pollutant loadings
	  • Offsets
		The Study Area is located within the Sydney Drinking Water Catchment and therefore it is subject to the requirements of State Environmental Planning Policy (SEPP) No. 58 and the REP No. 1. If Council resolved to proceed with a rezoning, it is incumbent upon any draft local environmental plan to demonstrate that the water quality objectives of the REP can be achieved. If a local environmental plan was gazetted, any development application must prove to the consent authority that the proposed development will have a neutral or beneficial effect on water quality.
		
		Furthermore, it is suggested to prepare a conceptual stormwater plan for the study Area if Council resolves to proceed with the draft Plan. Any subsequent development application would also need to demonstrate compliance with this stormwater plan.
		
		Refer to the Department of Primary Industries comments in relation to the aquaculture facility.

	Land of interest to developer is shown as prime crop and pastureland and should be maintained for farming.	The Department of Primary Industries – Agriculture has advised that the locality is highly fragmented and there has been a strong impact on agricultural viability.
	Over half the land identified as employment generation is located on the flood plain. No flood study.	The draft Study has plotted the 1 in 100 year flood zone from the flood study for the Lithgow Correctional Centre. This flood zone is almost entirely located within the proposed buffer zone for Marrangaroo Creek on the draft Plan. However, if

1.		Council resolves to rezone the area, the section 117 Ministerial Direction No. 15 – Flood Prone Land needs to be addressed and it is likely that a specific flood study will need to be undertaken.
	The Study failed to find any Platypus.	Council Officers observed platypus in Marrangaroo Creek adjoining the Archvale Trout Farm on 5 October 2006. It is suggested that the platypus be inserted into the list of observed fauna.
	The Study has reduced land values of those properties fronting the Highway already. Values for land for industry are significantly lower than prices for residential land.	Land value is linked to a number of factors including the lands potential uses and income generating possibilities. The proposed land uses would be generally higher in value adding to the land price along the Highway frontage in particular. Anecdotal evidence is that land values would increase in that area.
	The main parcel of land which (financier of Study has an interest in): • Should be non urban to provide a buffer to the Defence land.	 The proposed land use adjacent to Defence land has been discussed with the Department of Defence and suggested changes to the draft Plan have been negotiated and are discussed later in the Report.
	• A water main to the Defence land is not shown on the plans.	The Middle River dams were originally connected to Lithgow town by a 10" cast iron main. The dams are no longer used for town supply, and have been turned off the main. This line now serves a few adjacent landowners in Marrangaroo, through the town supply. While easements exist currently

1.		over only part of the main, it would need to be defined in any development in the area. Amended plan showing water main (in dark blue) The transmission lines are noted on the draft Plan. Geolyse advise that the plans are to scale.
	• Power easement renders a large amount of land unuseable. • Diagrams are not true to scale and are misleading.	
	Land south of Marrangaroo Fields (through the saddle – past Bundarra Place) is a sensible alternative to	This land is highly dissected and encumbered by difficult and expensive access and

1.	supply Lithgow's urban land if needed.	ownership issues. It would also be difficult to supply with infrastructure. It was identified for development in the South and West Bowenfels Study in 1989, but only limited areas have been released. Investigation of other areas would occur as part of the creation of the Strategic Plan and comprehensive Local Environmental Plan.
	Industrial/Business Park land could be provided west of the sewage treatment plant.	The site is not part of the Study Area and is to subject to development constraints.
	Council recently refused an application for sheds on the Highway at Marrangaroo. What has changed?	The Development Application was recommended for refusal but the Applicant withdrew the Development Application. In this case, refusal was recommended as the proposal did not comply with Council's Industrial Development Control Plan, it was architecturally unacceptable, did not provide for adequate heavy vehicle turning areas and the land was not identified in the Industrial Lands Study.
	If and when any demand for land is proven, investigate it then.	Council is currently developing a Strategic Plan for the Lithgow Local Government Area and planning for future growth which has to date been supported by participants at the consultation sessions. Furthermore, anecdotal evidence shows that demand exists for industrial already. It is important to identify potential growth areas and plan for their release and development in a sustainable manner rather than an ad hoc manner.
19.	Population statistics should be modelled on planned economic	The historical trend for population has been identified

Barclay Family Holdings P/L	development of the area rather than out of date data.	from the Censuses. The best indicator available as to the current level of population growth is the Estimated Resident Population which states an annual growth rate of 0.5% between 2000 and 2005.
	Buffer to gas main is excessive and developable land will be lost.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	If land required to provide safeguards from the gas main, the easement should be increased and landowners should be compensated by payment for land affected.	This is not a planning matter for Council's consideration.
	If land required to provide safeguards from Defence land, an easement should be created and an easement should be created and landowners should be compensated by payment for land affected.	The proposed land use adjacent to Defence land has been discussed with the Department of Defence and suggested changes to the draft Plan have been negotiated and are discussed later in the Report.
	Stream buffers should be reduced. The Creek through Maroo Park is a dry creek bed that only experiences water flow during rain. Could be piped for developable land.	DNR have provided the categorisation of the watercourses within the Study Area. The watercourses running through Maroo Park are Category 2 watercourses and therefore a minimum 30m buffer each side is required. It is suggested that these alterations be made to the draft Plan.
	The road access into the Highway/Business Services area needs to be more flexible.	Refer to the RTAs comments below.
	Too much “rural residential’ land proposed on land which is suitable for urban development. Servicing costs are higher for rural residential unless it is not to be serviced.	The draft Plan has proposed the highest and best use of lands in terms of suitability and capability, environmental impacts, community needs and expectations and the efficient and economic

1.		allocation of resources to service the land.
	Staging plan would require each lot to be developed sequentially and result in some owners having an "unfair bargaining tool" and restricting development.	No changes are suggested to the staging of development.
	Infrastructure needs to be designed now and easements created by Council so that construction can be undertaken.	The draft Plan illustrates the highest and best use of lands within the Study Area. It is not appropriate to undertake detailed design of infrastructure or to secure lands through the creation of easements at this stage.
	Infrastructure and other contributions plans are required to be determined now so that developers are aware of costs.	The draft Plan illustrates the highest and best use of lands within the Study Area. It is not appropriate to prepare contribution plans at this stage but the need if the time arises is acknowledged.
	Suggests the deletion of all rural lifestyle allotments and replace by urban with 800 square metre lots.	The draft Plan has proposed the highest and best use of lands in terms of suitability and capability, environmental impacts, community needs and expectations and the efficient and economic allocation of resources to service the land.
	The draft Structure Plan Guidelines are not relevant for Lithgow.	The draft Guidelines will assist in the preparation of a development control plan should Council resolve to proceed with the implementation of the Plan.
20. Private submission	Marrangaroo Fields roads are not adequate for increased traffic. The SES has raised that no secondary emergency access is provided for Oakey Forest Road or Girraween Drive, but a bush track exists.	Refer to the comment provided for Private Submission No. 6.
	Land behind Marrangaroo Fields if used as private open space/recreation will bring down land values and a loss of privacy.	This land is subject to a number of constraints such as power line easements and buffer to the Quarry. The draft Plan nominates the highest and best use of the land and if Council resolved to

1.		proceed with the Plan and a development was to occur on this land amenity impacts on neighbours would need to be considered in the determination of any development application.
21. Archvale Trout Farm	Most of the land in the Study Area is shown as prime crop and pastureland and should be maintained for farming.	The Department of Primary Industries – Agriculture has advised that the locality is highly fragmented and this has strongly impacted on agricultural viability.
	Demand for land is not proven by the study.	Refer to comment in Submission No. 4.
	Lifestyle blocks should not be considered, particularly on agricultural land.	The draft Plan has proposed the highest and best use of lands in terms of suitability and capability, environmental impacts, community needs and expectations and the efficient and economic allocation of resources to service the land.
	The Kinhill Report (1981) "discarded the Marrangaroo area (for urban) because of its remoteness".	The Kinhill Local Environmental Study (1981) identified Marrangaroo as a candidate area for urban development, similar to South and West Bowenfels. At that time it was considered remote and not required over the next 20 years, but since the report Marrangaroo Fields, the Lithgow Correctional Centre and the approved 217 lot residential subdivision have occurred.
	Detailed Flood Studies, environmental and hydrology reports are needed. Increased flows, temperatures, possibility of flooding, flow velocity and bank erosion will occur could mean the destruction of the ecosystem, the departure of the Platypus and some native flora and fauna.	The draft Study has plotted the 1 in 100 year flood zone from the flood study for the Lithgow Correctional Centre. This flood zone is almost entirely located within the proposed buffer zone for Marrangaroo Creek on the draft Plan. However, if Council resolves to rezone the area, the section 117 Ministerial Direction No. 15 – Flood Prone Land needs to be addressed and it is likely that

1.		a specific flood study will need to be undertaken. The Study Area is located within the Sydney Drinking Water Catchment and therefore it is subject to the requirements of State Environmental Planning Policy (SEPP) No. 58 and the REP No. 1. If Council resolved to proceed with a rezoning, it is incumbent upon any draft local environmental plan to demonstrate that the water quality objectives of the REP can be achieved. The water quality objectives involve values for aquatic habitat protection. Also, if a local environmental plan was gazetted, any development application must prove to the consent authority that the proposed development will have a neutral or beneficial effect on water quality. Furthermore, a conceptual stormwater management plan is suggested to be prepared prior to rezoning which would address the on-site management of water quality impacts for the Study Area.
	Detention basins are shown in drainage lines. These basins will be flushed into creeks during heavy rains and will not stop soluble pollutants. They will become a 'cocktail of nasties'.	If Council resolved to proceed with the draft Plan, the conceptual stormwater management plan would identify the location and sizing of detention basins.
	Buffer zones to creeks are not finalised. No information on maintenance of buffer zones, the establishment of riparian zones and usage is provided. Fencing would be required to prevent animals from entering the waterways and detention basins.	Categorisation of watercourses has been provided by DNR. For further information refer to the section on watercourse buffers below.
	Loud explosions from Defence land	The Department of Defence is

1.	with the proposed urban land coming under the influence of such.	not governed by NSW environmental legislation and appropriate buffers have been negotiated.
	Where will the water come from?	The water supply issue has been reviewed and there is sufficient capacity to provide further development within the reticulation systems. Further information is provided in the section below on water supply.
	Highway going to be "ribbon development" which contradicts the Industrial Development Control Plan.	Using the Study Area as an example, ribbon development would involve individual lots gaining direct access to the Great Western Highway. The RTA have advised that only one access point is to be allowed for new development on the eastern side of the Highway and connecting roads would provide internal access.
	Recent subdivision approval has windows not facing highway, whereas the Structure Plan Guidelines say windows and doors should face highway.	The subject subdivision would face internal roads and have landscaped buffer with no access to Highway. If Council was to proceed with the draft Plan, it is envisaged that the draft Guidelines would inform the preparation of the development control plan which would outline strict design requirements for any development.
	"Communications have been non-existent."	The Community Engagement Program for the Project has involved meetings of the Marrangaroo Community Group, delivery of newsletters to residents of the Study Area, open houses and exhibition of the draft Study and Plan. It is noted that one member of the Marrangaroo Community Group resigned in March

1.		2006.
	Trust that the decision makers take some time to analyse the agencies remarks in particular DPI, DEC, DNR and Sydney West Area Health Service (SWAHS). SWAHS shows concern about the location of a pumping station in a 1 in 100 year flood zone.	Copies of all submissions have been provided to Councillors.
22. Department of Planning (DOP)	Upon finalisation of the Strategic Plan, the DOP will consider the Marrangaroo Proposal within the broader strategic context of the Lithgow LGA and determine whether appropriate justification has been provided to progress the proposed development in the near future.	Noted
	Draft Study needs to provide a clear strategic case for why the Marrangaroo area should be considered for development ahead of other areas already zoned for residential or future urban purposes.	<u>Land zoned residential</u> The area of land currently available for residential development where constraints are known and development could proceed are South Bowenfels (900 lots), Marrangaroo (238 lots) and Bridge Street (20 lots). There is a supply of some 900 lots within the lands zoned residential in proximity to Lithgow, comprising of the new area of South Bowenfels and also the existing infill areas within the Lithgow itself. Some of those areas have substantial constraints to development, such as steep slopes and proximity to stream and wetland areas. These constraints increase development costs and decrease regularity of lot shape which reduces usability and therefore desirability of particular residential lots. The lots provided in the proposed subdivisions are all a similar size, not providing a variety of lots.

1.		The draft Plan simply identifies the land which has a greater suitability for residential development, and the decision on rezoning of any land would be taken by Council at a later date. At that time Council would be required to consider the supply of residential land to comply with the direction of the Minister. <u>Land zoned Future Urban</u> Near the town of Lithgow one large area has been identified under Lithgow City LEP 1994, as 1(d) Rural (Future urban): • Land has been identified as 1(d) Future Urban at West Bowenfels. Of the 300ha site approximately 190ha would be available for development. The original analysis undertaken by Kinhill in 1981 was done at a time of anticipated strong growth. Development of the area was envisaged as residential with open space and a commercial, education and community facilities precinct. • West Bowenfels is scenically attractive and development would link existing housing at Marrangaroo Fields and South Bowenfels improving access west of the Great Western Highway. The anticipated demand however has not occurred and the area remains as farmland. There are several constraints to its future development. These are ownership and willingness to develop, topography and infrastructure provision and the need for a bridge over Farmers Creek to access Caroline Avenue and

1.		the services of Lithgow. A detailed analysis and costing of the development of the area has not been undertaken. • Land at Marrangaroo provides a comparative advantage to West Bowenfels because of its flat topography, undulating hills and potential to provide alternative access back into Lithgow that does not rely on the Great Western Highway. Development of the area has been assessed in detail with environmental and land use parameters identified, broad infrastructure costs provided and a range of land uses proposed. <u>Why rezone land at Marrangaroo?</u> • The land is within 5 minutes drive of the CBD and the majority of the area found east of the Highway is currently zoned rural 1(a) exposing it to adhoc land use decisions which will undermine its future potential. • Development at Marrangaroo fits basic sustainable settlement criteria provided by the Department of Planning through its location, planning for the next 20 years, providing choice. Large areas of flat land within close proximity to the Highway near a higher order service centre with a working population are limited in the Local Government Area. • Marrangaroo is strategically well located to provide a range of land uses needed in Lithgow to support the local economy. Land ownership is

1.		already fragmented along the Highway, Oakey Forest Road and Reserve Road however there are a number of larger holdings which currently lend themselves to planned sustainable development. • Marrangaroo can provide much needed business park/light industrial land for Lithgow. Council's draft Local Profile has identified a need for well located, serviced and accessible business/light industrial land. There is limited suitable land for this type of development in Lithgow offering the agglomerative benefits of co-location of industry. • Marrangaroo can provide a range of lots sizes to provide needed housing choice in close proximity to the CBD. Council's draft Local Profile (Section 5) identified a need for a diversity of residential lot sizes to provide a range of housing choice in Lithgow. Historically the subdivision pattern comprises small blocks with rear lane access and modest dwellings (formerly workers' cottages). Possible infill areas have been identified in the draft Local Profile along with known constraints to development. Notwithstanding the supply offered by infill housing and land at South Bowenfels (approximately 900 lots) there is no other land available for residential housing in and around Lithgow. The draft Local Profile (Section 3) also reports that by 2011, 58.8% of housing needs will be for one bedroom accommodation and 29.8% for two bedrooms (Department of Housing).

1.		These homes need to be well located to services with good access. With an ageing population well located accessible land will become a priority. The small towns of Portland and Wallerawang have the capacity to provide additional housing and will do so however these centres ultimately rely on the services and facilities of Lithgow for specialist health care.
	Council need to justify the proposed intensification of land uses in close proximity to potentially offensive or hazardous industry such as high pressure gas pipeline and Trunk receiving station, the Department of Defence land and the existing Quarry. Measures will need to be taken to mitigate any potential land use conflicts.	The draft Plan has built in buffers to the Quarry and negotiated with the Department of Defence suitable adjoining land uses. In relation to the gas main, Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	The draft Study fails to provide adequate information to address the implications of potential flooding on the subject area. Consideration needs to be given to the NSW Floodplain Management Manual 2005 and section 117 Ministerial Direction No. 15 – Flood Prone Land.	Refer to comment in Submission No. 21.
	Draft LES needs to provide adequate justification to support the conversion of rural land for urban purposes in accordance with the section 117 Ministerial Direction No. 22 – Rural Zones.	The Department of Primary Industries – Agriculture has advised that the locality is highly fragmented and this has been strongly impacted on agricultural viability. At this stage the draft Study has been prepared to identify the highest and best use of the land within the Study Area. If Council was to proceed to proceed with the draft then it would need to consider the Ministerial

1.		Direction No. 22.
	Council needs to satisfy the policy requirements of the section 117 Ministerial Directions prior to the DOP considering any proposal to progress the Marrangaroo proposal.	All 117 Directions have been generally complied with apart from flooding, rural and urban lands. If Council resolves to proceed with the draft Plan, then these would need to be considered in more detail.
23. Telstra	Telstra will monitor development in the area and deploy access network to provide service to the forecast development in Marrangaroo as each area develops.	Noted
24. Private submission	Same as Private Submission No. 8.	
25. Private submission	The width of the buffer to gas main would significantly constrain the use of the proposed rural lifestyle and highway business services.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	The width of the buffer to watercourse would significantly constrain the use of the proposed rural lifestyle and highway business services. The classification of the Creek may need to be reconsidered as it is not running the majority of the year.	The watercourse located between the Highway/Business Services and Large Lot Residential 3b land uses on the draft Plan has been classified by DNR as a category 2 watercourse. Therefore, the required buffer is 30m either side and it is suggested that the draft Plan be amendment to reflect DNR's requirements.
26. Private submission	Buffer to gas main is excessive and it could greatly restrict the use of the proposed highway business service zone and rural lifestyle.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application. However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	If land is required to be provided for the main, an easement should be created and landowners	This is not a planning matter for Council's consideration.

1.	compensated by payment for land affected.	
	Buffer to watercourse is excessive and it could greatly restrict the use of the proposed highway business service zone and rural lifestyle.	The watercourse located between the Highway/Business Services and Large Lot Residential 3b land uses on the draft Plan has been classified by DNR as a category 2 watercourse. Therefore, the required buffer is 30m either side and it is suggested that the draft Plan be amendment to reflect DNR's requirements.
27. Barclay Family Holdings P/L	Same submission as No. 19	
28. Integral Energy	Electricity infrastructure comments in section 5 are corrected.	Noted
	Proposals for the development of appropriate electricity infrastructure can be developed once the expected land uses are better understood. However, it is assumed that at least 1 Zone Substation to be supplied from the 66V line which crosses the site would be required.	Noted
	Welcomes further discussion with Council to ensure proper arrangements for electricity supply can be made prior to the finalisation of the Marrangaroo development proposals.	Consultation with energy suppliers to be undertaken on an as needs basis.
29. Department of Primary Industries	The draft Study and any planning decisions arising from the Study should be consistent with both the proposed Council wide Strategic Plan and NSW Government planning Reforms, including consideration of state policies.	Noted. Council's planning processes will continue to meet required legislative processes.
	The social demographic profile and settlement trends do not provide clear justification for the increase development of the Marrangaroo area in preference to any other part of the LGA.	There is a limited supply of good industrial land which is located in clusters, serviced and has good access to arterial roads within the Lithgow Local Government Area (LGA). The draft Local Profile for the Strategic Plan

1.		(Geolyse, 2006) identified the following 3 sites of industrial land in Lithgow: • ADI site – partially redeveloped at this stage. • Old Gasworks site in Mort Street – has been sold. • O'Connor Street – unsubdivided with 1 lot currently for sale. The draft Local Profile also identified that the Lithgow LGA has a lot less industrially zoned land i.e. 129.544 ha when compared to 513 ha at Bathurst and 420 ha at Orange. One of the recurrent themes emanating from Council's Business Survey in 2006 was the need for industrial land in a business park that is accessible and appealing (Geolyse, Draft Local Profile, Lithgow Strategic Plan, 2006). The draft Plan provides for a combination of employment generation and highway/business service land uses and thus filling an unmet need which currently exists. The residential supply and demand figures in the draft Study indicates 27 years supply of potential residential land based on existing and potential lots at South Bowenfels and Marrangaroo. However, it should be noted that 87 lots at Marrangaroo are affected by the buffers to the Quarry and unlikely to be

1.		developed in the near future. The advantage of the Study Area is that it provides for different residential development opportunities.
	Supports the separation of incompatible land uses and the provision of buffer zones to reduce the impacts of certain land uses on neighbouring areas.	Noted
	Section 3.4 needs to include SEPP 37 – Continued Mines and Extractive Industries.	Amendments to be made.
	The 217 lot residential subdivision will be partly within the buffer zone of the current mine leases and as such is not suitable for residential development.	The existing development consent is valid and any proposed buffer zones in the draft Plan will have no legal effect on this consent.
	Mineral Resources supports the use of the Oakey Forest Road land for industrial and commercial uses rather than residential.	Noted
	400m buffer must extend from the full extent of mining leases as the quarry's future extensions will occupy the northern (currently undeveloped) lease. The area zoned for Special Activities – Quarry should include all of the mining leases, including the property north of the current quarry owned by Metromix.	Council's consultants have advised that the buffer has been drawn from the full extent of mining leases.
	Creek buffers would potentially affect the Quarry operation.	If any future quarry operations occur in the vicinity of the buffer area then it would be a likely requirement in any event that the Marrangaroo Creek be protected, particularly as the site is located within the Sydney Drinking Water Catchment.
	25m buffer to the woodland could potentially sterilise future quarry resources and restrict the efficient operation of the Quarry.	This issue would need to be addressed at development application stage having regards to legislative requirements.
	How was the noise buffer	The blast monitoring carried

1.	determined?	out by the Quarry show that a 400 buffer is adequate.
	15 houses in Marrangaroo Fields are currently within the 400m noise buffer from the Quarry. These houses were approved without the consideration of the buffer and should not have any adverse effect on the Quarry operation due to noise impacts at these residences.	The buffer is only proposed by the draft Plan which has no impact on existing development.
	The proposal to zone the Go-Kart Track as Open Space and Commercial Recreation and Tourist Accommodation is flawed as accommodation within a noise buffer is asking for potential conflicts.	The potential land use nominated for this land is private open space, commercial recreation and tourist accommodation. This recognises the current use of the land as a Go-Kart operation and permits some accommodation to cater for the weekend crowds that attend this regional recreational resource. It has co-existed well with the Quarry. Any such tourist accommodation is likely to be short term and the most sensitive time being night when the Quarry is not in operation.
	7 houses in Oakey Forest Road are within the noise buffer. This has not been addressed in the draft LEP.	The buffer is only proposed by the draft Plan which has no impact on existing development.
	Area north of Go-Kart Track is earmarked for Tourist Accommodation/Convention, commercial recreation despite being within the noise buffer and a recommendation that traffic on Oakey Forest Road not be increased.	Any such tourist accommodation is likely to be short term and the most sensitive time being night when the Quarry is not in operation. It should be noted that the draft Plan identifies the highest and best use of land within the Study Area. Any development application

1.		which proposed to increase the need for infrastructure would need to contribute to the necessary upgrading.
	15m buffer from edge of Oakey Forest Road to residences is not enough given truck traffic from the Quarry and the poor state of the road pavement.	There is no 15m buffer proposed in the draft Plan, however, a 25m buffer is proposed around all of the open space/woodland areas.
	Does the 217 lot subdivision comply with the buffer requirements of the study?	The existing development consent is valid and any proposed buffer zones in the draft Plan will have no legal effect on this consent.
	Closure of rail crossing would require heavy vehicles to traverse residential subdivision.	There is no closure proposed at this time, however, if a bridge was to be provided in conjunction with any development the ARTC have advised that the Oakey Forest Road level crossing may be closed.
	RTA states no new accesses to the Highway on the western side, yet the plan shows a 'possible access route'.	RTA have agreed to the proposed bridge and location on the existing subdivision approval, and have considered it in the location of the new eastern access point.
	Are the RTA happy with the new access point north of Oakey Forest Road for the 217 lot subdivision?	The subdivision including the bridge was approved by the RTA.
	In the draft LEP, State Rail states the new railway bridge being built for the subdivision will result in the closure of the Oakey Forest Road level crossing. Where will the Quarry trucks enter the Highway?	There is no closure proposed at this time, however, if a bridge was to be provided in conjunction with any development the ARTC have advised that the Oakey Forest Road level crossing would be closed.
	The suggestion that an alternate access route to the Highway be established between the Quarry and Go-Kart Track is unsuitable. A more appropriate route is between the Go Kart Track and Golf Course.	This issue has been addressed in Submission No. 6, however, Council notes the comment regarding the Quarry land.
	The proposed riparian buffers are strongly supported as these will offer	Noted

1.	protection to the sensitive aquatic habitats. Rehabilitation of these riparian and aquatic habitats would also be strongly supported.	
	Any landuse adjacent to these waterways be sympathetic to the sensitive nature of aquatic habitats, in particular any development upstream of any aquaculture facility must not have a deleterious impact upon water quality, temperature of flow rates. Best Practice Water Sensitive Urban Design features should be well integrated within the planning and development of the Study Area.	Noted and Best Practice Water Urban Sensitive Design would be incorporated into any stormwater management and development control plans.
	Encourages Council to undertake further flood studies so as to identify and appropriately plan for flood prone areas.	The draft Study has plotted the 1 in 100 year flood zone from the flood study for the Lithgow Correctional Centre. This flood zone is almost entirely located within the proposed buffer zone for Marrangaroo Creek on the draft Plan. However, if Council resolves to rezone the area, the section 117 Ministerial Direction No. 15 – Flood Prone Land needs to be addressed and it is likely that a specific flood study will need to be undertaken.
	Recommend the removal and remediation of the weir in Marrangaroo Creek as it is likely to form a barrier to the movement of aquatic fauna. The presence of such structures in waterways are considered a Key Threatening Process as listed under the Threatened Species Act. Further studies to understand the present state of aquatic habitats and fauna populations within the Study Area would also be recommended.	Noted and subject to further consideration if Council resolves to proceed with the draft Plan.
	Fish passage is to be maintained along the waterways within and adjacent to the area. The number of waterway crossings should be kept to a minimum. Any plans to upgrade the road network to service such lots should be reviewed by DPI. The DPI guidelines for preferred waterway	Noted and Guidelines will be considered if any detailed design was to be undertaken.

1.	crossings designs are outlined in the following: • Why do fish need to cross the road? Fish Passage Requirements for Waterway Crossings • Policy and Guidelines for Fish Friendly Waterway Crossings.	
30. Sydney West Area Health Service (SWAHS)	The following guiding principles are considered to be of particular importance: • Design areas to provide access to the natural environment, services, employment and recreational opportunities. • Provide basic services with residential neighbourhoods or villages. • Provide viable transport choice and encourage walking and cycling.	Noted
	Flooding of sewerage infrastructure including pumping stations throughout the area should be considered as a possible risk/constraint.	This issue would be considered in any detailed design work if Council was to proceed with the draft Plan.
	Possible water reuse options should be investigated and involve a full health risk assessment.	Noted
	The provision of an adequate supply of high quality drinking water, noting that there is not sufficient capacity in the Fish River Scheme and quality problems have been experienced. Also sufficient water should be ensured during periods of drought.	The water supply issue has been reviewed and there is sufficient capacity to provide further development within the reticulation systems. Further information is provided in the section below on water supply.
	The provision of safe access to and from the Highway is critical. An alternate access road into Lithgow early in the development is considered important.	Noted
	In the medium to longer term, urban form should maximise the potential	Noted

1.	for walkability.	
	Would like to continue to support Council and other stakeholders in addressing vital health issues associated with the release of land at Marrangaroo.	Consultation with SWAHS to be undertaken on an as needs basis.
31. Department of Environment & Conservation (DEC)	Draft Study and Plan does not clearly articulate a strategic reason for increasing development at Marrangaroo ahead of other development opportunities i.e. no justification for this particular style of development in the context of the whole Council area.	Refer to Submission No. 22 and the discussion on Why Rezone Land at Marrangaroo?
	Draft Study and Plan fails to establish the relative merits of the Marrangaroo area in the context of sustainability including the complex environmental protection issues and conservation values that exist in Marrangaroo, i.e. large lot residential development in the vicinity of noise and vibration sensitive Defence Fore land.	Land uses and lot sizes adjoining the Defence Land have been negotiated with the Department of Defence.
	Notes and supports the approach of the Study and Plan to: • Identify general biodiversity values and the specifics of significant species, populations and communities. • Protect and buffer existing remnant native vegetation. • Establish development control guidance to expand, link and manage native vegetation in the context of stated aim of maintenance and improvement. • Separating incompatible land uses. • Identify occurrences of aboriginal cultural heritage. • Identify locations of likely land contamination. • Guide development and settlement intensification to existing cleared lands.	Noted
	The means of addressing the	Council would undertake

1.	remnant habitat of the Bathurst Copper Butterfly that may exist outside the Study Area is supported. However, Council is advised to discuss with the Hawkesbury Nepean Catchment Management Authority how these and the proposed larger linkages relate to their Regional Biodiversity Corridor Strategy.	further discussions with the Hawkesbury Nepean Catchment Management Authority should it resolve to proceed with the draft Plan.
	DEC alerts Council to a recent application for an Environmental Protection Licence for Archvale Trout Farm and the need to explore the implications of this for further development in the catchment.	Noted
	The buffer to the Quarry does not release the EPL licensee from achieving its specific licence requirements and to this end Council is encouraged to adopt a precautionary approach in selecting a generous buffer width to protect the industry and any potential sensitive receptors from conflict.	Noted
	Noted that the draft Study and Plan addresses the matter of rail system noise.	Noted
	Concepts of neutral or beneficial water quality outcomes, water cycle management strategies and water sensitive urban design do not establish the centrality of the objectives and policy to establishing the base level benchmarks for development control.	Any rezoning or subsequent development must comply with all applicable legislation.
32. Marrangaroo East P/L	Watercourse is more a natural depression than a watercourse. It should be piped. The buffer area will need to be maintained by Council.	DNR have provided the categorisation of the watercourses within the Study Area. The watercourses running through Maroo Park are Category 2 watercourses and therefore a minimum 30m buffer each side is required. It is suggested that these alterations be made to the draft Plan.
	45% of subject land would be quarantined from further development by the gas pipeline buffer.	Agility has advised that they will undertake a Detailed Risk Assessment on the pipeline in conjunction with any development application.

1.		However, for the purposes of the draft Plan, Agility have requested an Investigation Area to be nominated.
	If land required to provide safeguards from the gas main, landowners should be compensated by payment for land affected.	This is not a planning matter for Council's consideration.
	If Council wants to see Highway land developed in accordance with the Masterplan then it will have to be proactive and acquire one easement through 18 allotments then construct the sewer main and recoup costs by way of section 94 contributions. The cost is insignificant, less than $200,000. Difficult for private developers to acquire easements.	The draft Plan illustrates the highest and best use of lands within the Study Area. It is not appropriate to undertake detailed design/construction of infrastructure, to secure lands through the creation of easements or prepare contributions plans at this stage. Council is committed to the preparation of section 64 and section 94 contributions plans that will cover current and future needs.
	Retarding basins along the watercourse are unfair to the owner of lot burdened. To make it equitable, on-site retarding is one way or Council construct a retarding basin in the low lying land adjacent to Marrangaroo Creek and recoup cost by way of section 94 contributions. The one retarding basin would mean Council has only 1 to maintain and secure from the public. It also reduces the sterilisation of highly suitable Highway Business land which is of limited supply.	If Council resolved to proceed with the draft Plan, the conceptual stormwater management plan would identify the location and sizing of detention basins.
	The road access into the Highway/Business Services area is located on Lot 60 DP 249335 which may be satisfactory if all owners of land in this locality were prepared to develop their land. If owners of Lot 60 did not want to develop then it could delay development for years. Council could compulsory acquire land for the road but this would take years. Have written to RTA requesting consideration of 4 way intersection at the Oakey Forest Road intersection. If RTA is opposed, can the proposed access	Refer to comments made by the RTA in the Submission No.33.

1.	road be located further North on our site?	
33. Roads and Traffic Authority	Will not agree to any reduction of the speed limit in this location.	Noted
	No new private accesses to the Highway are to be established in the Study Area. All current private accesses to the Highway are to be removed and established on suitably located local roads as land develops.	Noted
	No additional access points will be agreed to north of Marrangaroo Creek.	Noted
	Any development in Reserve Road area will require this intersection to be assessed which may involve the lengthening of right and left turn bays.	Noted
	There is a current proposal to place a 4 way junction opposite Oakey Forest Road. This proposal would be acceptable subject to intersection upgrading, providing right and left turn bays for the new road. This new road is to provide access to the land immediately to the east of the development with a view to connecting to Reserve and Cooerwull Roads. When this new road intersection is created the existing unformed public road intersection to the south is to be removed.	Noted
	Consideration should be given to separating heavy and light vehicle movements at Oakey Forest Road. Ideally it would be desirable to remove the Oakey Forest Road intersection including the level crossing. Additional access points would be difficult and would not be permitted.	Noted. Any changes to the Oakey Forest Road access point would need to be considered by all stakeholders.
	Existing and new intersections would need to suitably designed to cope with proposed traffic.	To be done at application stage for new development.
	Bells Line of Road upgrade deviation “falls outside the study area” and “has been abandoned by State and Federal governments.”	Noted, however, Councill continues to support the upgrade of the Bells Line of Road and continues to lobby for its creation.

1.	Local road connection to Cooerwull Road is required to allow pedestrians and cyclists access into Lithgow. Any required bridge for this connection is unlikely to have the need of being open in big floods as alternative Highway access is available. It may be possible to close the existing Cooerwull road intersection.	If the draft Plan proceeds, it would be Council's intention to provide for cyclists and pedestrians. The comment regarding the flooding of the bridge is noted.
	Any further development adding to the traffic volumes of the Marrangaroo Fields bridge will require it to be upgraded to current standards. This may require the access point to be relocated due to current rail clearances and an alternatively link to the local road network could be investigated.	Noted
	Land between the Highway and railway should be accessed by a service road with a maximum of 2 access points, if possible. This could provide land for a service station type development for northbound traffic which could reduce the need for pedestrians to cross the Highway.	Noted
	No cost to the RTA for any works	Noted
34. Private submission	Same as Private Submission No. 8.	
35. Private submission	Generally supportive of guiding principles, particularly 3, 4, 7, 9 and 10. However, do not support principles 8 and 12 as the environment of Marrangaroo is best supported by keeping its rural nature and limiting further and unnecessary industrial development which can be better catered for in other locations in Lithgow/Wallerawang area.	The draft Plan was guided by principles adapted from the Sustainable Urban Settlement Guidelines for Regional NSW and Integrating Land use and Transport and the Open House on 16 February 2006.
	Limit urban development and ideally no lots less than 4000m^2. If urban development were to occur, Option 1 would be best as it limits such development in high visibility areas.	The draft Plan identifies the highest and best use of the land in terms of suitability and capability.
	If urban development occurs it should be done in conjunction with the provision of alternative access into Lithgow, other than along the	Noted and an alternative accesses are proposed in the draft Plan.

1.	Highway.	
	Advance the development of alternative access from Marrangaroo Fields into Lithgow.	Whilst the draft Plan acknowledges the possibility of the alternative access from Marrangaroo Fields into West Bowenfels there are considerable constraints to the provision of this access.
	Limit or eliminate employment generation land as it will impact on the rural nature of the area. If land for employment generation is approved, then Option 1 would be better as it limits such areas and minimises conflict with residential use.	Noted, but the aim of the draft Plan is to identify the highest and best use of land within the Study Area.
	Limit further commercial development along the Highway and provide alternate access for current properties fronting the Highway. This will reduce traffic conflict and improve visual amenity of the entrance to Lithgow.	Noted, but the aim of the draft Plan is to identify the highest and best use of land within the Study Area. In addition, the draft Plan provides for rationisation of access points in accordance with the RTA's advice.
	Provide covenants on residential land development such that no medium or high density housing is allowed and all buildings must be made of non reflective materials and encourage landscaping.	The draft Plan does not consider this level of detail, however, it provides a mix of lot sizes for a variety of lifestyles in the Study Area. If Council was to proceed with the draft Plan, a development control plan would be prepared to ensure high quality design that is appropriate to the Area.
	More environmental controls on existing Quarry and Go Kart track that are consistent with adjoining residential areas i.e. dust control from Quarry and noise from Go Kart Track.	This issue is outside of the scope of the draft Study and Plan.
	Remove area 6 on land use plans and revert to woodland or buffer zone. The use of this land for commercial recreation would result in significant noise and is not compatible with adjoining residential use. Alternatively a better use would be additional rural residential with better controls on the Quarry.	The subject area is located within the buffer zone for the Quarry and as such would not used for residential purposes under the draft Plan. If the draft Plan proceeded and a development application was lodged,

1.		impacts upon adjoining land uses would need to be assessed.
	Any new development should be subject to a visual assessment as part of any approval process.	Noted.
36. Anderson Surveying Pty Ltd	Supports the mixed residential lot sizes.	Noted
	Potential to upgrade the golf course including a redesign and even extend utilising Council owned land located to the west of Marrangaroo Fields.	Noted, the draft Plan nominates the highest and best use of the land within the Study Area.
	19 acres north of Go Kart Track would be an ideal spot for a shopping centre, new club house, sporting facilities, child minding centre, motel etc. Hence Council should not limit the potential use of my land and also allow for future redevelopment of the golf course i.e. partial golf course and housing estate?	Noted, the draft Plan nominates the highest and best use of the land within the Study Area.
	If future land use zoning of my land is restricted then I would be forced utilise current residential capability thus taking away the important flexibility of the site.	Noted
37. Dept of Natural Resources	The Rivers and Foreshores Improvement Act 1948 should be listed in section 3.9 of the LES.	Amendments to be made.
	The tributaries within the Study Area not only provide important environmental services within their individual catchments, they also provide these for Marrangaroo Creek catchment as a whole. As such it is imperative that these tributaries are afforded the same level of consideration and protection as Marrangaroo Creek and this needs to be reflected in the draft Study, particularly sections 4.14.5 and 8.2.1.	DNR have provided classifications of the watercourses and such is considered later in the report.
	The establishment of wetland retention basins on smaller drainage lines is not supported. These structures are to be located off-line and outside of riparian areas (LES - 4.14.5, SP – 5.6 and SP Guidelines).	If Council resolves to proceed with the draft Plan, it is suggested that a conceptual stormwater management plan should be prepared as these comments would be taken

1.		into consideration at this time.
	Asset protection zones in bushfire areas are to be located on residential land and not the riparian and bushland areas (LES - s4.15)	Noted and to be considered during any detailed phase, should it occur.
	Recommended that any existing dams be removed unless there is an extremely important reason to keep the structure i.e. threatened species relying on the structure. Any dams which have to be retained for environmental reasons are not to be used for detention or water quality purposes.	Noted and subject to further consideration if Council resolves to proceed with the draft Plan.
	Recommends riparian corridors be zoned appropriately to protect their environmental values: • Category 1 – Environmental Corridor – Greenfield site: Zone E2 Environmental conservation Zone to protect, mange and restore areas of high ecological, scientific, cultural or aesthetic values and to prevent development that could destroy, damage or otherwise have an adverse effect on these values. • Category 2 – Terrestrial and Aquatic Habitat – as for category 1. The higher value Category 2 watercourses would warrant higher zoning protection. By negotiation with the Department, where Category 2 watercourses interface with high urban areas such as town centres or neighbourhood centre, the use if a Recreation Zone may be warranted to accommodate more compatible urban activity. • Category 3 – Bed and Bank Stability/Water Quality – where riparian values are relatively high (eg intact riparian vegetation), the DNR would support either a separate zoning (eg if the land included threatened species related matters) or hatching over the zoning of the adjacent land (with associated riparian protection objectives and provisions). Where riparian condition, catchment location or conservation significance is relatively modest, the	The draft Plan only identifies the highest and best use o lands at this stage. If Council resolves to proceed with a rezoning, then these matters would be considered.

1.	flexibility on outcome that is negotiated with the DNR will determine the zoning. Hatching may also be part of the landuse planning tools n this instance. Support the recommendation for Marrangaroo Creek, its riparian vegetation and adjoining remnant woodland to be protected and conserved by an Environmental Conservation Zone. Recommend other Category 1 watercourses as well as Category 2 watercourses, significant bushland areas and groundwater dependant ecosystems also be protected and conserved by an Environmental Conservation Zone. (SP – p16)	Noted
	Diffuse sources of groundwater contamination also need to be identified i.e. urban run-off and septic tanks.	Such issues would need to be further explored if Council resolved to proceed with the draft Plan.
	The LES and SP (p10) should consider the principles and recommendations of the NSW State Groundwater Dependant Ecosystems Policy.	Amendments are to be made
	The use of soaks and springs for the establishment of wetland retention basins is not supported (LES – s4.14.5).	Noted
	Minimise waterway crossings but also provide perimeter roads outside riparian zones, to provide passive surveillance and bush fire protection.	Supporting road network would minimise crossings of waterways whilst maintaining linking access within urban areas.
	The draft Guidelines needs to address environmental constraints and opportunities as identified in s 8.1	The draft Guidelines have considered the opportunities associated with the protection and enhancement of

1.	of the LES.	watercourses throughout the Study Area.
	Environmental areas to be preserved and protected such as bushland and riparian areas need to be separated from public open space. Refer to DNR comments on zonings. (SP s4.5 and SP Guidelines)	The draft Plan provides for a 25m buffer adjoining bushland/woodland areas. The riparian areas encompass buffers to the water.
	The draft Guidelines need to consider the principles and objectives of watercourses as outlined in the DNR's comments of 17 February 2006. The Guidelines only concentrate on only a few watercourses.	DNR did not supply the final categorisation of water courses until after the public exhibition period. The draft Guidelines are conceptual and if Council proceeds with the draft Plan they will be utilised in the preparation of a development control plan which will be able to further explore this issue.
	Roads and pedestrian linkages should be designed such that the number of watercourse crossings is minimised. The provision of perimeter roads and paths whereby roads and paths are located between developable areas and the outside edge of riparian areas is encouraged. The layout of roads and paths need to consider all watercourses in the Study Area.	The DNR have the approach of full bush regeneration of all riparian corridors. This does not recognise that the corridor areas can be suitably adapted where reasonable for passive and indeed active recreational uses. The possible road plan basically refers to linkages and actual detailed locations would be varied upon site conditions, ecological and ground constraints.
	Passive and active recreational facilities to be located within public open space and not within riparian areas. Locating passive and active facilities within public open space areas adjacent to riparian areas provides a suitable interface between the built environment and riparian areas.	The DNR have the approach of full bush regeneration of all riparian corridors. This does not recognise that the corridor areas can be suitably adapted where reasonable for passive and indeed active recreational uses. The multiple use of these areas attract protection, enhancement and appreciation.
	Where access is necessary in riparian areas it may be provided at strategic locations where the ecological integrity of existing native vegetation, fauna habitat and bed and bank stability will not be	Noted, for consideration during detailed design stage of any future development.

1.	compromised.	.
	Rehabilitation and maintenance of riparian areas to a state that is reasonably representative of the natural ecotone of the watercourse and riparian area.	Bushland regeneration is supported as the best solution but should not exclude the use of these areas for other purposes.
	Riparian areas not to be managed for views, screens or flood conveyance.	Noted and to be considered during detailed design if applicable.
	As an interim measure a minimum 30m up to 50m riparian area should be adopted for all watercourses unless they have been already classified as a Category 1 watercourse (p10 & 11).	DNR have recently supplied their final categorisation of watercourses and these will be considered.
	Every effort should be made to rehabilitate remnant native vegetation with the Study Area as well as existing/potential biological linkages between the remnants, particularly biological linkages along riparian corridors and between remnant vegetation and riparian corridors. Noticeable linkages include: • Remnant vegetation along Marrangaroo Creek and the tributaries of Marrangaroo Creek. • Remnant vegetation in the Defence Land to the nearby "connective corridors" mapped in Figure 4. • The 'finger' of vegetation directly south of the Correctional Centre to the unnamed tributary of Marrangaroo Creek located directly east of the Highway. • Remnant vegetation along the southern boundary of the Study Area. Groundwater dependant ecosystems should be protected and appropriately linked to nearby corridors. (SP p11 & Figure 4)	The majority of the vegetation is already mapped in either woodland or riparian land uses or buffers. The rehabilitation of such would be explored as part of any development process.

1.	Utilities and utility easements (i.e. sewer, sewerage pumping stations, electricity, water, gas, communications) are to be located outside of riparian areas.	To be considered during detailed design phase if applicable.
38. Lithgow Environment Group	Platypus colony:	
	• Expresses disappointment that the Platypus colony near Archvale Trout Farm is not acknowledged in the fauna lists.	The platypus was observed by Council Officers on 5 October 2006 and amendments are to be made to the draft Study.
	• Members identified the colony during the public consultation process.	At the Open House on 16 February 2006, the platypus was raised and mentioned in the draft Study on pages 6.2, 6.3 and 9.1 and page 27 of the Ecological Overview.
	• Believes this Platypus colony has regional and historical significance because it may be the last remaining Platypus colony in the Upper Coxs River above Lake Lyell.	A recognised expert has advised Council that the platypus would be of local rather than regional significance. Noted
	• LEG members have been monitoring this Platypus colony on a monthly basis since August 2005.	
	• With assistance from Platypus experts Professor Tom Grant of NSW University and Professor David Goldney of Charles Sturt University the Platypus colony is now registered on the Wallerawang Map Sheet of the NPWS Wildlife Atlas.	It is acknowledged that the platypus is currently listed on the Wallerawang Map Sheet of the National Parks and Wildlife Service Atlas.
	• Questions whether the generic water quality management standards adopted in the LES are adequate for the long term conservation of this	Any rezoning or proposed development must comply

	Platypus colony. • Believe a further study of the Platypus colony must be undertaken.	with the current suite of legislation for the protection of water quality. It is not intended to undertake any further fauna studies as a part of this draft Study and Plan process. However, legislative requirements will determine if any further assessments are required i.e. if a rezoning is proposed or a development application is submitted.
	Have concerns that sufficient on-the-ground surveys were conducted to determine the presence of the Bathurst Copper Butterfly as its host plant is located in abundance at the Archvale Trout Farm.	The Archvale Trout Farm is located outside of the Study Area. However, Figure 18 in the draft Study highlights the known sightings of the Purple Copper Butterfly. It is noted that these sightings are outside of the Study Area to the north, south and west.
	A number of other species recorded by members during monthly monitoring within the Study Area are not included in the Observed Species List: • *Leucopogon virgatus* • *Patersonia sericea* • *Mitrasacme ploymorpha* • *Calytrix tetragona* • *Diuris aurea* • *Caladenia carnea* • *Dipodium punctatum* • *Grevillea acanthifolia* • *Derwentia perfoliate* • Unidentified *Urticularia*? • Unidentified narrow-leaf *Acacia*	The Observed Species List is a list of flora and fauna species which the consultant identified during field surveys.

1.	• Unidentified narrow-leaf *Acacia* • Unidentified *Helichrysum* • Unidentified *Brachychome* • Unidentified casuarina • Channel-billed Cuckoo • Unidentified bird, possibly rare	
	Believe further on-the ground flora and fauna surveys should be conducted.	It is not intended to undertake any further flora and fauna studies as a part of this draft Study and Plan process. However, legislative requirements will determine if any further assessments are required i.e. if a rezoning is proposed or a development application is submitted.
	Request that Council address these important issues prior to finalising the LES.	Noted
39. Lithgow Environment Group	LEG members raised the existence of the Platypus colony during consultation for the Marrangaroo project, Lithgow Business Park Development and the Strategic Plan Visioning Process.	At the Open House on 16 February 2006, the platypus was raised and mentioned in the draft Study on pages 6.2, 6.3 and 9.1 and page 27 of the Ecological Overview.
	Concerns as to whether the LES complies with the requirements of the Environmental Planning and Assessment Act 1979 and DEC requirements for assessing impacts on native flora and fauna.	It should be noted that the draft Study and Plan only identify the highest and best use of the land within the Study Area. The draft Study is not a Local Environmental Study as referred in the Environmental Planning and Assessment Act 1979 in relation to rezoning proposals as Council at this point in time has made no resolution to rezone any land within the Study Area. Nevertheless, the draft Study and Plan contain valuable information which would be able to be supplemented to ensure that it

1.		does fulfil the requirements of a Local Environmental study should Council resolve to rezone any lands within the Study Area. In relation to DEC, please refer to their comments provided in Submission No. 31.
	A number of other species recorded by members during monthly monitoring within the Study Area are not included in the Observed Species List: • *Leucopogon virgatus* • *Patersonia sericea* • *Mitrasacme ploymorpha* • *Calytrix tetragona* • *Diuris aurea* • *Caladenia carnea* • *Dipodium punctatum* • *Grevillea acanthifolia* • *Derwentia perfoliate* • Unidentified *Urticularia*? • Unidentified narrow-leaf *Acacia* • Unidentified narrow-leaf *Acacia* • Unidentified *Helichrysum* • Unidentified *Brachychome* • Unidentified casuarina • Channel-billed Cuckoo • Unidentified bird, possibly rare	The Observed Species List is just a list of flora and fauna species which the consultant identified during field surveys.
	Platypus colony:	The platypus was observed

1.	• Of most concern is the failure to identify the Platypus colony in railway weirs near Archvale Trout Farm even though it is registered on the Wallerawang Map Sheet of the NSW National Parks and Wildlife Service Wildlife Atlas.	by Council Officers on 5 October 2006 and amendments are to be made to the draft Study. At the Open House on 16 February 2006, the platypus was raised and mentioned in the draft Study on pages 6.2, 6.3 and 9.1 and page 27 of the Ecological Overview. It is acknowledged that the platypus is currently listed on the Wallerawang Map Sheet of the National Parks and Wildlife Service Atlas.
	• LEG members have observed 5 individual Platypus in the first and second weirs of the Archvale Trout Farm. The owners state that there may be up to 10 individuals.	Noted
	• LEG is trying to confirm a further sighting upstream.	Noted
	• Professor Tom Grant of the University of NSW and Professor David Goldney of Charles Sturt University consider that this Platypus colony may be of regional conservation significance because of the severely fragmented and isolated nature of this population, its habitat diversity, its genetic diversity and the limited numbers of this population. Both say it is the last remaining Platypus in the Upper Coxs River above Lake Lyell.	A recognised expert has advised Council that the platypus would be of local rather than regional significance.
	• Following discussion with DEC staff that suggested that LEG should consider nominating this Platypus colony to the NSW Scientific	

1.	Committee as an endangered population under the Threatened Species Conservation Act 1995. • Request that a further study of the Platypus colony, its habitat be conducted and that specific management plans be developed to ensure it and its habitat are protected for the long term.	This is a separate process. Mr Peter Christie, the Head DEC's Biodiversity Conservation Unit visited the site of the platypus with Council and members of the Lithgow Environment Group. He has made comments in relation to the colony and the draft Study and Plan. These comments are further detailed in the report below.
	Have concerns that sufficient on-the-ground surveys were conducted to determine the presence of the Bathurst Copper Butterfly as its host plant is located in abundance at the Archvale Trout Farm. Requests that additional on-ground surveys be conducted.	The Archvale Trout Farm is located outside of the Study Area. However, Figure 18 in the draft Study highlights the known sightings of the Purple Copper Butterfly. It is noted that these sightings are outside of the Study Area to the north, south and west.
	No native orchids have been identified in the Observed Flora Species List, but LEG members have identified 3 species in bushland remnants within the Study Area. Would like to see further on-ground surveys in Spring to identify any native orchids.	The Observed Species List is just a list of flora species which the consultant identified during field surveys.
	Origin of name of Marrangaroo according to Names of Railway Stations in NSW – their Meaning and Origin states it is an aboriginal word	Noted though not confirmed.

1.	meaning "little blue flowers'.	
	LEG feels that the unique vegetation community opposite the Archvale Trout Farm is worthy of further study and may be attributed to the interface of the sandstone and granite geology.	It is not intended to undertake any further fauna studies as a part of this draft Study and Plan process. However, legislative requirements will determine if any further assessments are required i.e. if a rezoning is proposed or a development application is submitted.
	An identified bird which nests in remnant bushland near the Archvale Trout Farm is not listed in the Observed Fauna list nor can LEG members identify it. LEG believes further on-ground survey for the bird species is required.	The Observed Species List is just a list of flora species which the consultant identified during field surveys.
	Concerns about the sewage pump station for the Lithgow Business Park below normal flood levels.	This is outside of the scope of the draft Study and Plan.
	LEG believes that the detention basin must be constructed in relation to the Lithgow business Park or DA 519/02 must be declared null and void.	This is outside of the scope of the draft Study and Plan.

A full copy of each submission was provided to Councillors prior to a briefing session held on 30 August 2006.

Major Issues

Justification for development

There is a limited supply of good industrial land which is located in clusters, serviced and has good access to arterial roads within the Lithgow Local Government Area. The draft Local Profile for the Strategic Plan (Geolyse, 2006) identified the following 3 sites of industrial land in Lithgow:

- ADI site – partially redeveloped at this stage.
- Old Gasworks site in Mort Street – has been sold.
- O'Connor Street – unsubdivided with 1 lot currently for sale.

Furthermore, the current Industrial zoned lands under the Lithgow City Local Environmental Plan 1994 are located in areas which are encumbered by mine subsidence, flooding, located near highly populated residential areas and not located on or near arterial roads.

The draft Local Profile states that many enterprises and investors seek land in industrial estates or ‘clusters’ which are already serviced, have a high level of environmental amenity for workers and good access to arterial roads. Also due to the lack of suitably sized land, many trade and business services have located within the Industrial zone i.e along Mort Street, Chifley Road, Bells Road and Donald Street, Lithgow which has resulted in a reduction of the area of land available for manufacturing and industrial purposes in Lithgow.

The draft Local Profile also identified that the Lithgow LGA has a lot less industrially zoned land i.e. 129.544 ha when compared to 513 ha at Bathurst and 420 ha at Orange.

Council's 2006 Business and Industry Survey conducted during the preparation of the draft Local Profile for the Strategic Plan found that location would be a major factor in a new site. The general comments from the Survey were diverse but there were two recurrent themes in the responses:

- The need for industrial land in a business park that is accessible and appealing; and
- Council to be a facilitator to attract new business to the LGA and to provide incentives for business to commence in or relocate to the LGA.

Other issues stated could be summarised to include:

- Accessibility for customers and for deliveries internally and externally to the Highway.
- Appropriately sized flat blocks for commercial use with appropriate infrastructure in place.
- Visually appealing and convenient locations to enhance customer satisfaction.

Newplan (2004) identified candidate areas for industry/bulky goods clusters across the LGA with areas of East Marrangaroo (i.e. part of the Study Area) being identified as having potential as a new industrial area. Bulky goods retailing is also potentially permissible in many zones except the 1(a) Rural (General) zone. While this would appear to provide opportunity for employment generating activities, Newplan (2004) identified that the scope of the current land use planning provisions generally does not support the efficient delivery of infrastructure in order to create new industrial clusters. In effect, there is limited opportunity to create light industrial or technology or business park development in well serviced, accessible locations in the business, industrial or future urban zones existing in and around Lithgow.

Therefore, the draft Plan provides an opportunity to address the lack of available, clustered, serviced and accessible land for business and employment generation purposes. If the draft Plan eventuated into a rezoning proposal, Council can readdress the land use requirements for any development.

Whilst it is acknowledged that there are a lot of available/potential residential lots around the Lithgow Township i.e. South Bowenfels, these statistics can not and do not take into consideration a choice of land i.e aspect, lot size and access not gained from an arterial road.

In addition, there is approximately 190 ha of land currently zoned 1(d) Future Urban under the Lithgow City Local Environmental Plan 1994 at West Bowenfels. This Future land is encumbered by several constraints such as ownership, willingness to develop, topography, infrastructure provision and access over Farmers Creek. In comparison, Marrangaroo offers flat topography, undulating hills and potential to provide alternative access back into Lithgow that does not rely on the Highway.

In general terms the draft Plan provides opportunities for the Lithgow Local Government Area by:

- Providing a broad range of land uses and addresses the need for business and employment generation land.
- Development of the area has been assessed in detail with environmental and land use parameters identified and broad infrastructure costs.
- It fits basic sustainable settlement criteria provided by the Department of Planning through its location, planning for the next 20 years, providing choice and being consistent with the values and visions of the community which have been recently obtained through this process and the Strategic Plan.
- Can be used as the basis of a land release program.

Nevertheless, it is suggested that the amended draft Plan be placed into Council's Strategic Plan development process for assessment against all other lands within the Lithgow Local Government Area and to make recommendations as to whether or not it should proceed in any manner.

Conservation of Agricultural Land
The Department of Primary Industries is very supportive of larger scale planning strategies being developed by Council and strongly encourages close consultation with DPI to ensure positive and sustainable outcomes for Primary Industries and aquatic habitats across the Lithgow Local Government Area.

The Department of Primary Industries – Agriculture has stated that if the strategy can justify Marangaroo, the agricultural class of land is not relevant provided that agriculture, minerals and forestry access to rural lands is also strategically recognised and developed across the City area. Marrangaroo is just a subset of the strategy and needs to be considered for the overall direction of development in Lithgow. The strategy needs to show that this development is warranted, and the Strategic Plan and new LEP need to take that up.

Water Supply
There has been concern regarding insufficient water supply for the Study Area. This issue has been reviewed with the following information being identified in relation to daily calculations, the capacity of the Farmers Creek and Fish River Water Supply Schemes and historical water demand in Lithgow.

Calculations for water supply differ widely across infrastructure providers even in similar geographical areas. It is necessary to calculate both the average and peak daily supply required. The average daily demand is used to calculate the total annual water supply required whilst the peak daily demand is used to calculate the daily supply (from treatment plant(s) to storage reservoir(s)) required together with storage reservoir sizing. So for the Study Area, assuming the site is supplied from the Fish River Water Supply Scheme, the average daily demand is used to calculate the annual demand whilst the peak daily demand is used to check the daily transfer rate required. Peak daily demand is typically of the order of 2 to 3 times the average daily demand (page 5-1 *Water Supply Investigation Manual* – Public Works).

There have been different figures used for water supply calculation in the Lithgow Local Government Area, by different engineering bodies:

- Council does not have any design codes. Generally Council has used the Department of Commerce for design projects. Geolyse was at the start of the project given the peak daily demand criteria for water by the Department of Commerce of 5000 litres/house lot/day. However, there are reasons to doubt this figure for the current situation.
- In 2000 SKM were commissioned to do a servicing study of South Bowenfels. From that Study, water supply guidelines were noted to have a peak daily demand allowance of 4000 litres/house lot/day in coastal and tablelands location.

A review of design water demand rates from various sources has indicated a large variation in rates ranging from 450 - 887 litres/house lot/day for average daily demand and from 1,125 - 5,000 litres/house lot/day for peak daily demand. A summary of these rates together with an explanation of their source is provided in the table below:

Source	Average Daily Demand	Peak Daily Demand
Water Supply Investigation Manual (Public Works) [1]	Not given	4000 litres/house lot/day
Water Reticulation Code of Aust. (Water Services Assoc.) [2]	Not given	4320 litres/house lot/day

. Sydney Water Advice [3]	600 litres/house lot/day	2000 litres/house lot/day
LCC Historical Data [4]	887 litres/house lot/day	2193 litres/house lot/day
Water Services Advice [5]	450 litres/house lot/day	1125 litres/house lot/day
Dubbo CC Historical Data [6]		4730 litres/house lot/day
Department of Commerce [7]		5000 litres/house lot/day
Sinclair Knight-Merz [8]		4000 litres/house lot/day

Notes on Data Sources:

1. Taken directly from table contained in Appendix A of the manual (extract attached) for Coast and Tablelands.
2. Table 3.1 in the code gives a value of 12 L/s/100 lots for the peak hourly demand rate for a 1000 sq.m. lot. The last paragraph in section 3.2.1 states the peak daily demand is equivalent to approximately 8 to 12 hours at the peak hourly demand. Using 10 hours gives:
   12 x 60 x 60 x 10 /100 = 4,320 L/d/lot
3. Sydney Water verbal advice. Ratio of peak to average daily demand is roughly in line with Public Works guide of 2 to 3 times (extract attached).
4. Using the 2005 usage data for Lithgow of 2,177.7 ML/yr and 17,000 people gives: 2,200,000,000 / 17,000 / 365 = 351 L/d/person; assuming 2.5 people per house gives: 355 x 2.5 = 887 L/d/house (average demand); assuming a peaking factor of 2.5 gives: 887 x 2.5 = 2,220 L/d/house (peak daily demand)
5. Using the value of 180 L/d/person (Water Services Association of Australia verbal advice) and assuming 2.5 people per house gives:
   180 x 2.5 = 450 L/d/house (average demand); assuming a peaking factor of 2.5 gives: 450 x 2.5 = 1,125 L/d/house (peak daily demand)
6. Data from 1989 gave the total peak daily demand at 53ML, with a total population of 28,000 gives:
   53,000,000 / 28,000 =1,893 L/d/person, assuming 2.5 people per house gives: 1,893 x 2.5 = 4,730 L/d/house peak daily demand.
7. Department of Commerce verbal advice.
8. South Bowenfels Infrastructure Report, Sinclair Knight-Merz for Lithgow City Council December 2001.

Water demand can vary significantly depending on the locality and other site specific factors. Best practice guidelines advocate the usage of historical data for the area and/or surrounding areas to establish future demand rates in preference to the adoption of “design rates”. In response to this an analysis of historical water usage rates in Lithgow has been performed and is summarised below.

A report was provided to Council on 3 October 2006 regarding the total Lithgow Local Government Area Water Usage, including use from Farmers Creek Dam and Fish River Water Supply. The details are provided in the following table.

Lithgow City LGA	Farmers Creek Dam	Fish River Water Supply	Total (ML)
2005 water usage	1,379.003	798.688	2,177.691

Council’s maximum annual allocation of water from the Fish River Water Supply (FRWS) is 2,092 megalitres. Based on the Council’s annual usage in 2005 (798.7ML), it's usage equated to approximately 38% of its annual FRWS allocation. Farmers Creek Dam is currently at 100% of its full capacity and Oberon Dam is currently at 33% of its full capacity. Currently, with the worst drought in a century in progress, Council’s FRWS allocation has been only reduced to 80% of its maximum, and the Farmer’s Creek Dam is full.

The total annual water usage for the whole local government area for 2005 was 2,177.7ML and based on an approximate population of 17,000 this equates to 0.128ML/person/year (351

litres/person/day). Using an occupancy rate of 2.5 persons per household this gives the average daily demand of 887 litres/house lot/day**.** Assuming a peaking factor of 2.5 the peak daily demand would have been 2,193 litres/house lot/day.

Should the development of South Bowenfels and Marrangaroo occur, around 9000 persons would also be added to the town, bringing the total to around 26,000 persons**.** Extrapolating the current usage of 0.128ML/year to the total possible population, annual water demand would be 3,330ML for the extended serviced area.

Based on the current reduced annual allocation level of 80% for the FRWS (80% of 2092ML = 1673ML) together with the 2005 Farmers Creek annual supply (1,379ML) the total annual supply available would be 3,052ML/year.

With 100% allocation for the FRWS (together with the 2005 Farmers Creek annual supply) the total annual supply available would be 3,471ML/year.

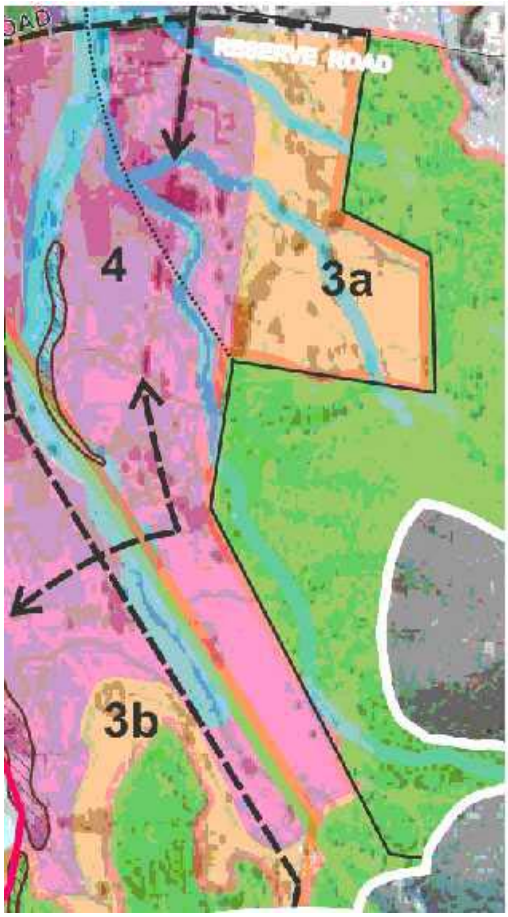
The latter would allow for the expansion of the area even without the likely savings from BASIX, water tanks, wastewater re-use or any other water saving opportunities that Council might implement. The figures above also do not make any allowance for additional supply from Farmers Creek above the historical usage for 2005.

In summary, these figures show that Lithgow can support additional development in terms of water supply. However, in planning a new water system, a hydrological engineer should be engaged to formulate the details of the system supply and distribution and it is suggested that this occur if Council resolves to further the draft Plan.

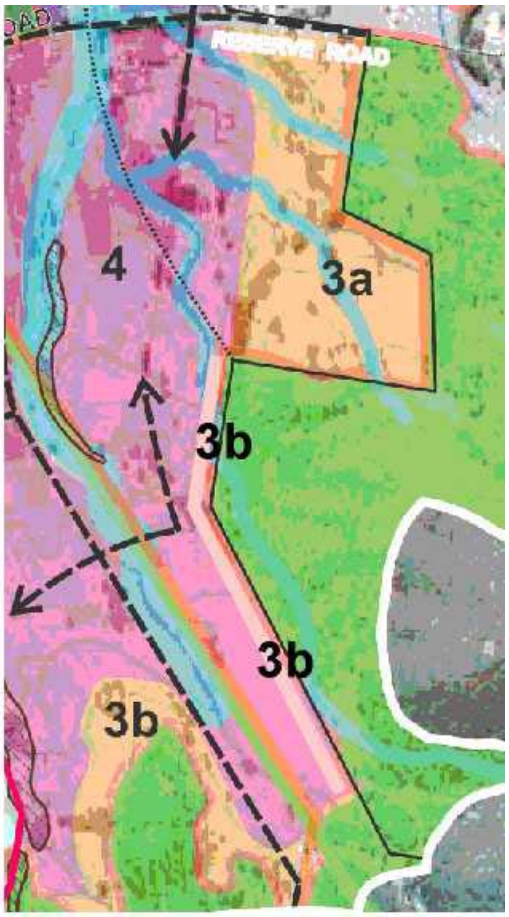
Defence Land

The Department of Defence has argued strongly for protective zonings to ensure their long term viability. Council would be aware that suitable adjoining land uses were an outstanding issue at the time of exhibiting the draft Study and Plan.

In order to protect the Defence property boundary, the following proposed change to the adjoining land use was put to the Department of Defence. This proposed change focuses on the southern boundary of the Defence property and replaces an urban land use with a large lot residential land use. This provides fewer allotment boundaries adjoining the Defence property and protects the fence line of private landowners.



Exhibited Structure Plan



Proposed Change

The Department of Defence has responded with the following:

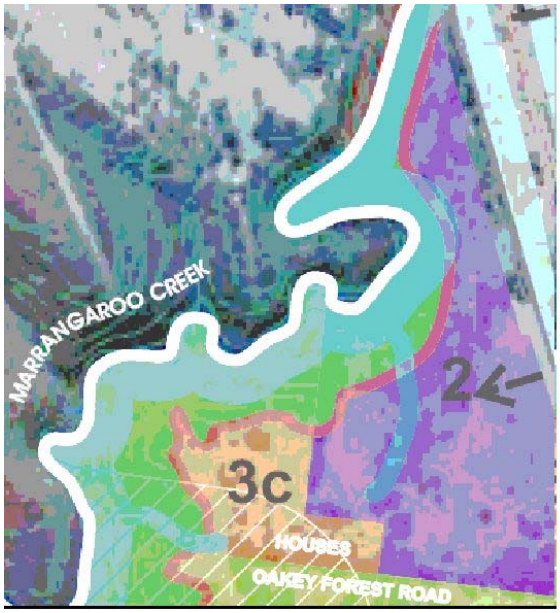
"The proposed 3(b) zoning along the southern boundary is more suitable than high density residential development, although 3(a) would be even better. To ensure the future of Marrangaroo as a training area for Defence and to protect Defence capability which is in the national interest, the following principles should be applied in relation to the structure plan:

Appropriate zoning of land adjoining Defence's site - Open space, industrial and large lot residential would assist in providing a buffer between Defence's land and any future high density residential development in the study area. Section 149 certificates for future lots must note that the land is subject to noise and vibration arising from Defence activities. Future development - Defence would prefer any future facilities on adjoining land to be constructed as far from Defence's property boundary as is practical (i.e. at the western extreme of the relevant lot)."

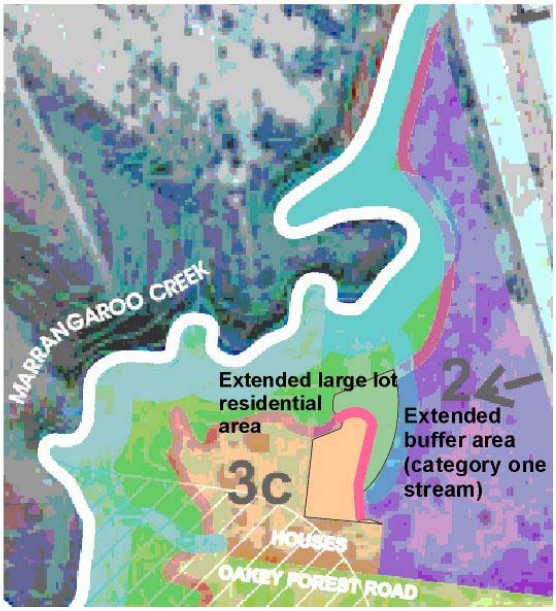
The proposed change is reasonable and addresses the concerns of the Department of Defence. In relation to a request for notification that the land may be subject to noise and vibration on a planning certificate, a council may on a 149(5) planning certificate include advice on such other relevant matters affecting the land of which it may be aware. Therefore, on the surface it appears that Council may be able to attach such an advice, however, it is suggested that if Council proceed down a formal process of rezoning, that legal advice to clarify the situation be sought. In addition, it should be noted that a 149(2) is only required for the sale of land and therefore, if any advice was made it may not be made on all planning certificates. Furthermore, the location of facilities within the proposed large lot residential land use can be controlled by development control plan provisions.

Oakey Forest Road

A desire from some submissions received during the exhibition period is to keep Oakey Forest Road land residential. It is noted that the developer of land in Oakey Forest Road has the right to develop the land as per the existing development consent for a 217 lot residential subdivision until 16 August 2009. Also, the development consent would remain live if it is substantially commenced within that time. However, the draft Study has assessed that the land has a higher and better use than large lot residential i.e. employment generation. The following option exists to provide large lot residential and employment generation land uses and an environmental buffer between the two land uses. This proposed change is illustrated in the following diagrams.



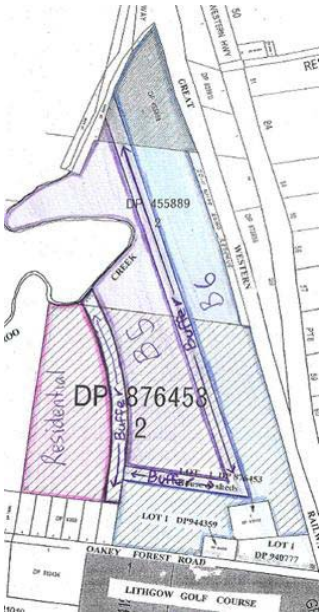
Exhibited Structure Plan



Proposed Change

The proposed change extends the large lot residential land use behind the existing Oakey Forest Road dwellings. The watercourse, slopes and vegetation provide a natural environmental buffer between the large lot residential land use to the west and the employment generation land use to the east.

In addition, a late private submission has also been made concerning the subject land and involves the portion closest to the railway. It contends that this portion of land should be zoned B6 Enterprise Corridor under the Standard Instrument (Local Environmental Plans) Order 2006. This zoning is similar to the land use highway/business services as utilised in the draft Plan. It also proposes to extend the residential land use behind the existing Oakey Forest Road residences, provides a buffer in between residential and employment generation land uses and a motel type development fronting Oakey Forest Road. This submission is illustrated in the following diagram.



It is suggested that the land remain as the proposed change above and be reviewed following the completion of the Strategic Plan process as this proposal alters the amount of highway/business service and employment generation land uses. Whilst some suggestions are made in the draft Plan regarding zones under the Standard Instrument (Local Environmental Plans) Order 2006, it should be highlighted that Council has not considered any zone in anymore detail other than to provide an example of a possible zone. No decision has been made to rezone at this stage.

Platypus

A number of submissions have raised the presence of platypus in Marrangaroo Creek. An inspection at Archvale Trout Farm was undertaken on 5 October 2006 with members of the Lithgow Environment Group, the head of DEC's Biodiversity Conservation Unit, the proprietor of Archvale Trout Farm and Council Officers. During this inspection platypus were observed and amendments will be made to the draft Study listing platypus as an observed fauna species. As a result of this inspection, DEC has provided the following comments to Council:

"As we observed there appears to be quite a large platypus population in the vicinity. I will arrange for these records to be entered into the Wildlife Atlas. I also have verified that the Bursaria sp present on site is Bursaria spinosa subsp lasiophylla, the plant associated with the Purple Copper Butterfly.

With regard to the Marrangaroo LES, I make the following observations with regard to any development in this area and consequences for platypus, in addition to previous correspondence supplied by DEC and in particular our comments with regard to water quality:

- *Any fencing in the area should be constructed in such a way as to not increase risk to platypus. Platypuses are known to have been injured on barbwire and other sharp projections from fences.*
- *Any pump intakes should be meshed to prevent platypus from becoming lodged.*
- *Most chemical runoff, soaps, oils, detergents etc can be expected to be detrimental to the platypus and their food sources.*
- *Dogs and cats are known to prey on juvenile platypus.*
- *Urban and industrial lighting has been known to affect platypus detrimentally.*
- *Any enrichment of nutrients or increasing salinity can be expected to be detrimental to platypus.*

- *Any pipes installed should be meshed or be larger then 20cm dia to allow platypus to turn around.*
- *There should be no loss of natural earth banks (including near vertical banks) as these are the main burrow sites.*
- *It would be essential to ensure that no unnatural litter (rubbish) enters the stream from any development.*
- *Any crossings of the stream should be bridges with no supports placed in the stream bed.*
- *There should be no loss of quality, extent, connectives or condition of riparian vegetation and associated floodplains.*

With regard to the Purple Copper Butterfly, the altitude reading I took on the day was 879m. Further investigations would be required to determine if this site and other sites in the subject area are potential habitat for the butterfly.

Conversations on the day indicated a lack of understanding by conservation representatives of the environmental assessment requirements of the EP and A Act in relation to LES's. For example their misunderstanding that the LES should be subject to 7 pt tests for subject species likely to be impacted upon by the LES. I encourage Council to provide additional material to its stakeholder groups in future on this matter to avoid confusion."

Platypus are a protected fauna species under the National Parks and Wildlife Act 1974. the National Parks and Wildlife Act lists numerous requirements for protected fauna species including issues such as being property of the Crown, establishes issues for harming protected fauna and buying and selling etc.

In addition, Council has contacted identified persons with known interests and knowledge about platypus and their comments can be summarised in the following:

- One believes that the population would be better described as locally significant rather than regional significance. Whilst the other person believes that any small population is of regional significance due to prolonged dry conditions.
- Small weirs are often used by platypus and can be quite important in the long term survival of local populations and more so when the associated creek line is very degraded. Such weirs may act as an ecological 'source' where reproduction can occur and new recruits added to the population. Highly degraded streams are often ecological 'sinks', that is animals can be present, often supplied from 'sources' but where reproduction either does not occur or is very suboptimal.
- The availability of burrow sites is of great importance as platypus rely on burrows for resting and nesting.
- The maintenance of existing populations should be of crucial concern.
- Urges Council to consider further study of the local platypus population and habitat.
- There is no reason why platypus conservation and carefully planned development cannot be both achieved. Knowledge of the species' occurrence and habitat requirements would facilitate such an outcome.
- Parts of the Marrangaroo Creek that were observed appear to be typical of degraded streams. Genuine stream rehabilitation as opposed to amenity plantings would go along way to better conserving platypuses and the organisms which they feed.
- This particular colony of platypus may appear isolated but one should never underestimate the capacity of downstream platypus to negotiate barriers. He would be surprised if there were not other sub-populations in the Coxs River associated with the Marrangaroo Creek and Coxs River between the 2 dams.

As Council is aware the Study Area is located within the Sydney Drinking Water Catchment and as such any rezoning or development application must comply with currently the State Environmental Planning Policy No. 58 or from 1 January 2007 the Drinking Water Catchments

Regional Environmental Plan No. 1 (REP No. 1). Whilst Council has not made any decision to rezone the Study Area, if it was to resolve to rezone any lands within the Study Area and the Department of Planning agreed, any subsequent draft planning instrument must comply with clause 9 of the REP No. 1 which requires councils to "ensure that the provisions of the instrument will enable, and not prevent, the achievement of water quality objectives". The water quality objectives are the Australian and New Zealand Guidelines for Fresh and Marine Water Quality published by the Australian and New Zealand Environment Conservation Council and the Agriculture and Resource Management Council of Australia and New Zealand. The environmental values assigned to the hydrological catchment include:

- Aquatic ecosystems
- Recreational water
- Drinking water (raw water)
- Primary industries.

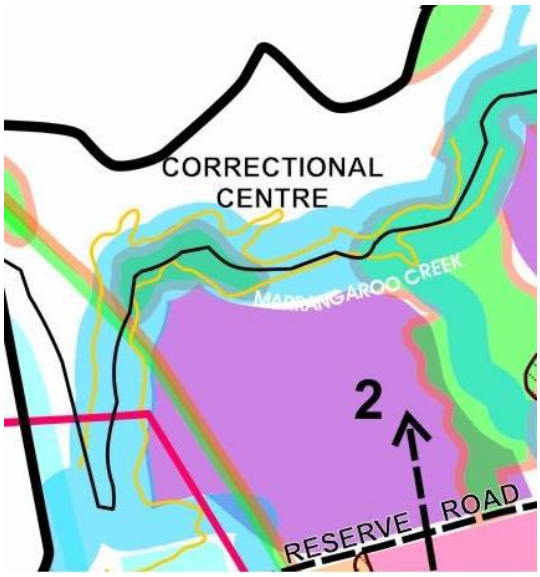
Furthermore, if a rezoning was gazetted and a development application lodged, a development application can not be approved unless the consent authority is satisfied that the development would a neutral or beneficial effect on water quality.

Therefore, any draft local environmental plan or development application must achieve the water quality objectives either directly or indirectly. These objectives are based on best science and should provide some degree of confidence that water will be protected and therefore flora and fauna which rely on that water are also protected. Furthermore, it is suggested that significant environmental protection buffers be noted on the amended draft Plan. Importantly, the buffer to Marrangaroo Creek is 100m each side which is double the DNR requirements.

With regard to Purple Copper Butterfly habitat, the species has been noted as occurring outside of the Study Area. Blackthorn was observed during the site inspections and should the draft Plan proceed then further more detailed studies may be required.

Flooding

Concern has been raised that flooding areas are not identified in the draft Study and that the section 117 Ministerial Direction has not been fully considered. The draft Study maps the 1 in 100 year flood zone established during the development of the Lithgow Correctional Centre. However, these flood levels have changed in one location due to the redirection of an ephemeral drainage line which runs parallel and immediately east of the Highway in the vicinity of the industrial subdivision located off Reserve Road. However, the Correctional Centre 1 in 100 year flood area is shown in yellow on the diagram below and is generally located within the proposed buffer area of Marrangaroo Creek.



1 in 100 Year Flood Area

The section 117 Ministerial Direction No. 15 – Flood Prone Land "applies when a council prepares a draft Local Environmental Plan that creates, removes or alters a zone or a provision that affects flood prone land". As Council is not preparing a draft Local Environmental Plan at this stage, it is suggested that consideration of the section 117 Ministerial Direction, NSW Flood Prone Land Policy and the Floodplain Development Manual be held over until a decision was made to further the draft Plan i.e. rezoning stage.

High Pressure Natural Gas Pipeline

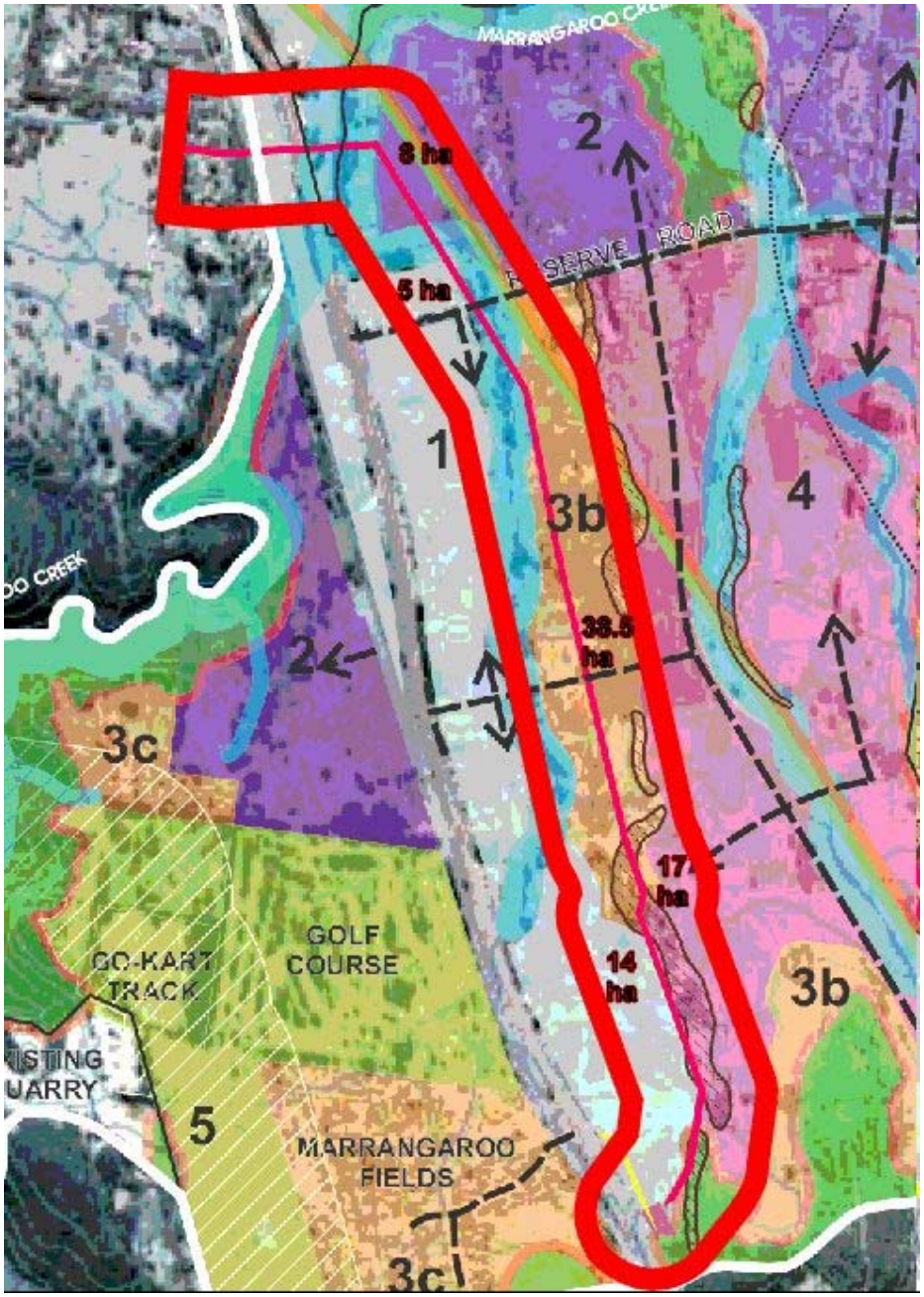
As Council would be aware AGL Gas Networks own and operate natural gas reticulation infrastructure to supply the community of Lithgow. A 150mm gas trunk main is located in a 20m wide easement running through private properties roughly parallel to and approximately 150 metres east of the Highway. The 150mm gas trunk main runs into a feeder substation at the southern end of the Study Area located on Lot 22 DP 777868. The substation is the principle feeder to Lithgow Township, Marrangaroo area and the Correctional Centre. Agility has advised that the Young to Lithgow pipeline and the Lithgow feeder station were designed to incorporate safety measures commensurate with the existing land use. Any proposal to change the current land use or increase population density of the area adjacent to the pipeline or within 170 m radius of the feeder station would increase the safety risk to society.

After much discussion, Agility does not want to undertake a detailed risk assessment at the planning stage, but will undertake such at development application stage. It wishes Council to nominate an Investigation Area and subsequent development applications within that area (i.e 170m) would need to have a risk assessment undertaken.

In addition, Agility have advised the following:

"this does not automatically lead to the need to sterilise any land (other than the existing easement requirements) and gas pipelines do exist in urban areas where appropriate controls have been instigated. In similar circumstances to the one described in the information provided to date, high pressure gas pipelines and developments do 'co-exist' to the extent that they do not directly interfere with the easement and pipeline operations. Mitigation measures such as reinforcement of the pipeline, concrete capping, structural crossing points for roads and other services, additional monitoring (automatic or periodic) and other forms of protective measures have been engineered and implemented to ensure that the threats and or consequences are mitigated to ensure an appropriate level of residual risk. Given the information currently available, it would be reasonable to assume that a similar approach to risk mitigation could be

achieved for this development, though the style, number, effectiveness and cost of the measures for this particular development would only become apparent through the detailed development design, pipeline risk assessment and engineering design process for the pipeline – especially for the services or transport crossings".



Area affected by gas main

Furthermore, in order to clarify Council's position should it decide to proceed with the draft Plan into any rezoning proposal, legal advice was sought as to whether Council may be liable for any damages should it choose to zone the land capable for development which is subsequently found to be unsuitable following a risk assessment at development application stage. Pike, Pike and Fenwick have advised:

"In our opinion, no liability or damages will attach to Council arising merely from a decision to rezone.

It would clearly be sensible in connection with any rezoning to adopt a DCP which referred in effect to a buffer zone, and contained provisions analogous to those set out at paragraph 9.6 of the Wollondilly DCP 56 – Wilton Park with which you kindly provided us a copy.

By contrast with the decision to rezone, Council could certainly be liable in damages if it were subsequently to grant development consent for any use or building upon the land without a full and detailed risk assessment having been undertaken, and any consent appropriately conditioned.

The reason is essentially simple. Rezoning as such does not permit any particular use of land (subject of course to possible complying or exempt development which would be of no relevance in this context). It is the subsequent decision to grant development consent that permits development, and it is that subsequent decision which is capable in principle of rendering Council liable in damages.

We should be grateful if you could kindly provide us with the relevant extract from AS 2885 to which you refer, but we note that you instruct us it states that a risk assessment is required for any change in land use or subdivision. Rezoning is not a change in land use. It is, at most, merely a change in the permissible uses for which consent may be sought.

You will find a statement of the principles that there is no duty of the breach which gives rise to actions in negligence upon rezoning in Alec Finlayson Pty Ltd v Armidale City Council & Anor (Federal Court of Australia) – a case dealing with contaminated land. The Court held that Council had no relevant duty of care to an applicant in respect of the rezoning of land because that involved a "policy" as distinct from an "operational" decision of Council. By contrast, the subsequent decision to grant development consent for residential use did give rise to a duty of care because such decision was an "operational" one.

We would thus suggest that at this stage, Council needs a risk assessment at a sufficient level of detail to be able to determine whether in principle a buffer zone needs to be established within which certain uses cannot, even as a matter of principle, be permissible. We think that the approach taken by Agility at this stage is correct. The detailed risk assessment, showing precisely how a proposed fully designed use of land would cope with the risk is a matter which should be required in respect of each and every subsequent development application within the buffer zone area. It is at that later stage that Council can assess in detail the level of risk and the acceptability of the measures taken to deal with it; it is at that stage that in principle, Council might be liable in damages if it were hypothetically negligently to issue an approval without having regard to the level of risk identified."

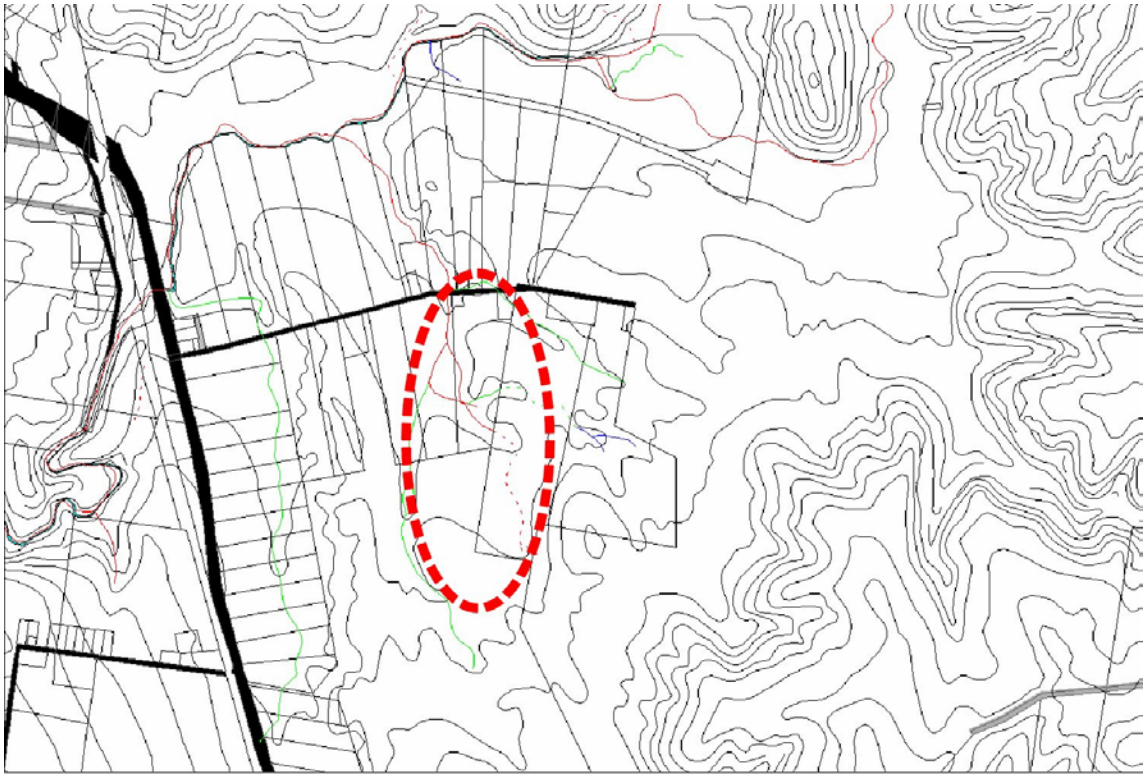
Therefore, it is suggested that an Investigation Area of 170m each side of the pipeline be marked on the amended draft Plan. Further, if Council resolves to proceed with the amended draft Plan to a rezoning stage at any time that the exact sizing of the Investigation Area to determined in conjunction with the Utility Provider and that any prohibited land uses be identified.

Watercourse Buffers

The proposed buffers to the watercourses in the draft Plan have been highlighted in many submissions as a concern for a number of reasons including the width of the buffer and therefore the sterilisation of otherwise viewed 'developable' land, particularly in cases where the watercourse do not flow at all times. The categorisation of watercourses was an outstanding issue at the time of exhibiting the draft Study and Plan. The buffer widths were based on preliminary advice from the DNR. In any regard, the categorisation of watercourses is undertaken by the DNR under the legislative guidance of the Rivers and Foreshores

Improvement Act 1948. The DNR have provided the following categorisations as described in the following text and illustrated in the diagram below.

- Category 1- Red – 50 metre buffer each side
- Category 2 - Green – 30 metre buffer each side
- Category 3 - Blue – 10 metre buffer each side



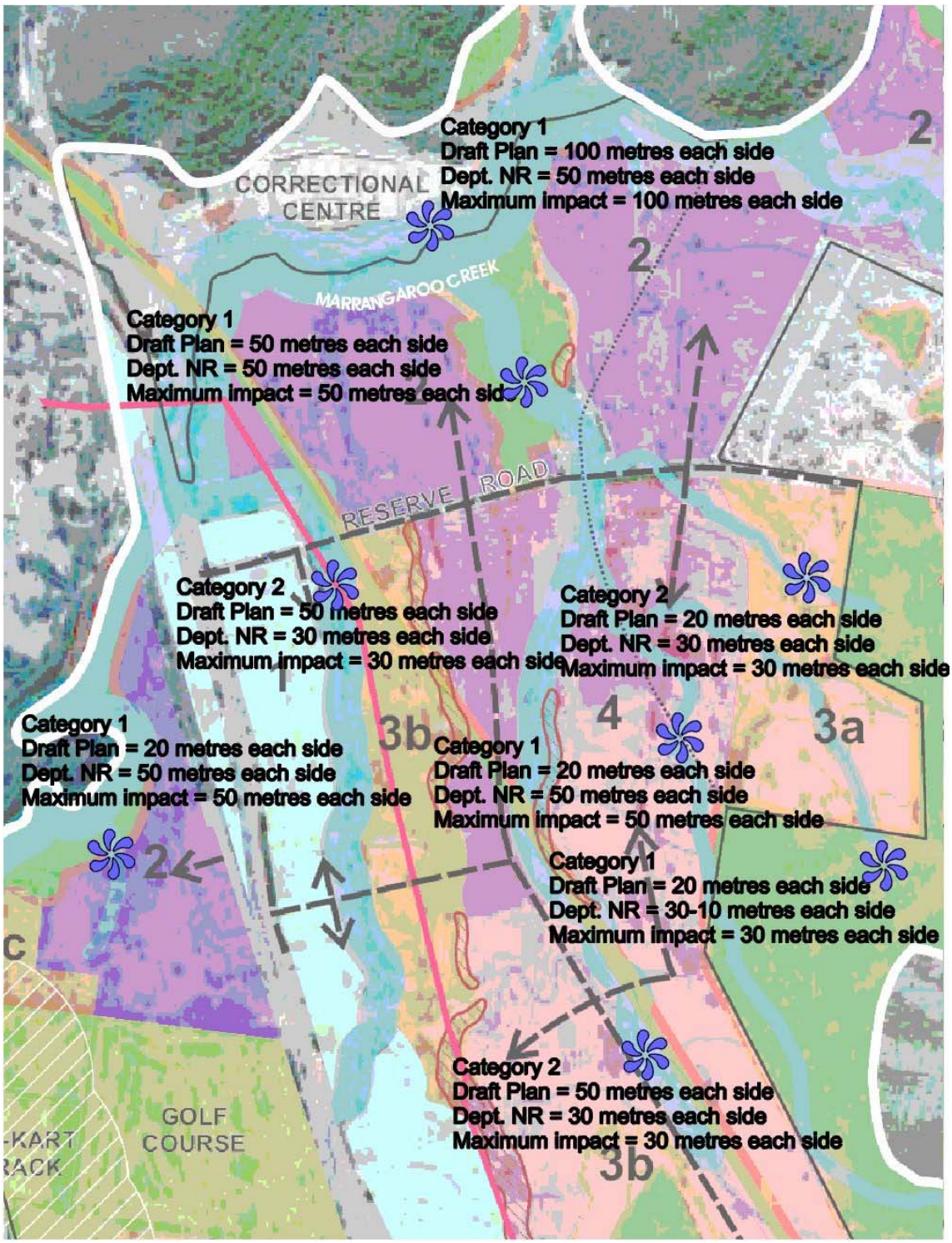
Stream Categorisation by DNR

Upon receipt of these categorisations, concerns were identified and expressed to DNR in relation to the category 1 watercourses south of Reserve Road. The DNR has responded with the following:

"The Category 1 watercourses do not relate to catchment size or to how substantial the watercourse is. The overarching objective for a Category 1 (Environmental Corridor) watercourse is to provide connectivity between one key destination to another for the movement of aquatic and terrestrial fauna and flora. The Category 1 riparian corridors may not currently be vegetated along the length of the watercourse but the aim is to restore/rehabilitate the riparian zone by returning as far as practicable the vegetation of the original condition of the stream.

I have double checked Ann Sharrock's stream mapping for the watercourse south of Reserve Road and it shows there are two arms of the watercourse (an "island"). Both arms have been mapped as a "river" as defined under the Rivers and Foreshores Improvement Act 1948."

The following diagram illustrates the proposed buffers and the DNR buffers required by the categorisation of the watercourses.



From this above Plan, it can be seen that:

- The proposed draft Plan has a greater buffer i.e. 100m each side for the Marrangaroo Creek than the DNR requires.
- DNR requires a 50m each side buffer to the unnamed watercourse running through the Oakey Forest Road land. This is considered acceptable in light of the existing terrain, vegetation and also it will provide a buffer between the suggested extended large lot residential land use and the employment generation land use as mentioned above.

- The unnamed watercourse running through the highway/business service land use east of the Highway is required to have a buffer of 30m each side and it is suggested that the draft Plan be amended to achieve this requirement.
- The categorisation of the eastern most watercourse appears to be the most problematic, in that DNR's category 1 section creates an 'island', however, this does not show on aerial mapping and was not observed during the site visit. Therefore, a maximum impact scenario would require a 50m buffer each side. The longest section of this watercourse requires a 30m each side buffer and it is suggested that the draft Plan be amended to achieve this requirement. The other arms of this watercourse range in buffer widths of 10 to 50m each side on a worst case scenario. It is suggested to Council that the maximum impact scenario be documented on the amended draft Plan and if a rezoning was resolved that Council commence talks with the DNR to further refine these classifications.

Proposed Action and Changes to the Structure Plan
One of the reoccurring concerns especially from government authorities has been the non-consideration of Study Area in the context of the Lithgow Local Government Area and the justification as to why development in the Study Area should proceed before other areas. As Council is aware the draft Strategic Plan is currently being prepared and as it is going to review the entire Local Government Area, it is suggested that the following amended draft Plan be considered in the draft Strategic Plan and a recommendation be made as to whether or not to proceed with the draft Plan into a rezoning.

The following changes to the draft Plan are suggested:

- That large lot residential land (3(b)) be provided along the southern boundary of the Defence property as illustrated in the attached draft Plan.
- The large lot residential land use over the Oakey Forest Road land be extended behind the existing homes and an environmental buffer be provided between the large lot residential land use and the employment generation land use.
- The buffers to water courses be amended in accordance with above commentary and if Council resolves to rezone any land within the Study Area in the future that further discussions take place with DNR to refine these categories.
- That an Investigation Area of 170m each side of the pipeline be shown on the draft Plan.

In addition, it is suggested that as the draft Study and Plan does not fully achieve the requirements of a Local Environmental Study for a rezoning that simple changes as identified in the Submissions Table be made. Therefore, the draft Study and Plan would remain as draft documents at this point in time.

Furthermore, if Council resolves to proceed further with the draft Plan to a rezoning stage, then the following issues still require further investigation:

- Categorisation of watercourses
- Flooding
- Land contamination
- High pressure gas pipeline.
- Water supply.

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

FINANCIAL IMPLICATIONS
If the recommendation is adopted the amended draft Plan will be placed into the draft Strategic Plan for assessment. Funding for the Strategic Plan has been provided from Plan First Grant and Council Recurrent 2006/07 Budget for the Policy and Planning Division.

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

ATTACHMENTS

1. Proposed Amended Marrangaroo Structure Plan

RECOMMENDATION

THAT

1. 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.
2. It be noted further works are required if the Strategic Plan process recommends that rezonings occur in the Marrangaroo Study Area.

COMMITTEE MEETINGS

Nil.

QUESTIONS WITHOUT NOTICE

Nil.

ATTACHMENTS

ITEM:2 GM - 04/12/06 - DISTRICT COURT SETTINGS

HIGGINS & HIGGINS

LAWYERS
ABN 90136 128 488

ROSS HIGGINS
ACCRED.SPECIALIST (Pers.Injury)
PUBLIC NOTARY
Associates:
IAN COLLINS, LL.B
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Lithgow City Council
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16 NOV 2006

Doc. No .....
GDA Ref. .....
Years .....

14 November 2006

General Manager
Lithgow City Council
Mort Street
LITHGOW NSW 2790

Dear Sir,

RE: **DISTRICT COURT SITTINGS AT LITHGOW AND BATHURST**

Our Ref: **RWH;DG**

The civil sittings of the District Court at Lithgow were scheduled for the week commencing the 29th August 2005. The Chief Judge of the District Court cancelled those sittings and directed that the Lithgow matters be listed for hearing at the Bathurst sittings commencing on the 28th November 2005.

The sittings scheduled for Lithgow for the week commencing the 1st May 2006 were also cancelled.

We enclose herewith a copy of letters received from the Chief Judge dated the 25th May 2005 and 24th August 2005. In his letter of the 25th May the Chief Judge indicated that the facilities at Bathurst are the **most convenient** for both the Court and the profession. The most recent sittings of the Bathurst District Court commenced on the 6th November before His Honour Judge Delaney. On Tuesday the 7th November, the then part heard matter was transferred for further hearing at Wollongong.

On Wednesday 8th November His Honour Judge Delaney also conducted a call over of all matters currently filed in the Lithgow and Bathurst Registries and notwithstanding the fact that there are Bathurst sittings scheduled for one week commencing the 26th February 2007, numerous matters were fixed for hearing in Wollongong, Parramatta and Penrith.

I raised this development with our local member, Mr Gerard Martin, on Monday the 6th November and he was to report back to me the following day. I am still awaiting a response from him.

Liability limited by a scheme approved under Professional Standards Legislation

LITHGOW
46 MAIN STREET
Tel: (02) 6352 1266
Fax: (02) 6352 3279
Mon-Fri. 8.45 a.m. to 5.00 p.m.

KATOOMBA
110 KATOOMBA STREET
Tel: (02) 4782 5377
Fax: (02) 4782 4892
Mon-Fri. 8.45 a.m. to 5.00 p.m.

OBERON
120 OBERON STREET
Tel: (02) 6336 1637
Fax: (02) 6336 0197
Thurs. 10.00 a.m. to 5.00 p.m

It would seem that because of reduced funding by the Government to the court system, country citizens and members of the legal profession are being prejudiced in having their cases determined at venues far away from Lithgow and Bathurst.

The cost of having those cases heard will increase immeasurably given the fact that quite often witnesses are local to this particular area.

If you require any further information please advise.

Yours faithfully,
HIGGINS & HIGGINS

Per: