



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

15 APRIL 2013

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 MARCH 2013

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION

Update on the Coalpac Consolidation Project - Councillor M Ticehurst

Update on Fire Safety in Aged Care Facilities in the Lithgow LGA - Councillor M Ticehurst

Request For Urgent Report On Contracting Out The Services Of The Lithgow Visitors Information Centre (Miners Lamp) - Councillor M Ticehurst

Fire safety at the Union Theatre Lithgow - Councillor J Mcginnes

Update on the Recent Community Meeting with Residents of the Vale of Clwydd - Councillor M Ticehurst

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports

Environment and Development Reports

Operation Reports

Finance Reports

COMMITTEE MEETINGS

Youth Council Minutes - 19 March 2013

Crime Prevention Committee Meeting Minutes - 25 March 2013

Sports Advisory Committee Meeting Minutes - 26 March 2013

Operations Works Committee Meeting Minutes - 27 March 2013

Blue Mountains Crossing Bicentenary Committee 3 April 2013

Economic Development Advisory Committee Meeting

Lithgow Flash Gift Committee Meeting Minutes 25 March 2013

REPORTS FROM DELEGATES

Centroc Board Meeting - Wellington 28 February 2013

BUSINESS OF GREAT URGENCY

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

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NOTICES OF MOTION

ITEM-1 NOTICE OF MOTION - 15/04/13 - UPDATE ON THE COALPAC CONSOLIDATION PROJECT - COUNCILLOR M TICEHURST

REFERENCE

Lithgow City Council Media Release 5 March 2013: “Mayor seeks support for Coalpac Development.”

BACKGROUND

- Q. Further to the Lithgow City Council Media Release of the 5 March 2013, “Mayor seeks support for Coalpac Development”; could the General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting if they are aware of when the second PAC Group will be finally handing down its decision on either the approval or dismissal of the Coalpac Consolidation Project at Cullen Bullen?

RECOMMENDATION

THAT following the Lithgow City Council Media Release of the 5 March 2013, “Mayor seeks support for Coalpac Development”; could the General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting if they are aware of when the second PAC Group will be finally handing down its decision on either the approval or dismissal of the Coalpac Consolidation Project at Cullen Bullen.

ITEM-2 NOTICE OF MOTION - 15/04/13 - UPDATE ON FIRE SAFETY IN AGED CARE FACILITIES IN THE LITHGOW LGA - COUNCILLOR M TICEHURST

REFERENCE

NSW Planning and Infrastructure website: Policy and Legislation – Safety Campaigns – Fire Safety in Aged Care Facilities.
<http://www.planning.nsw.gov.au/PolicyandLegislation/SafetyCampaigns/Firesafetyinagedcarefacilities/tabid/596/language/en-AU/Default.aspx>

BACKGROUND

The Lithgow City Council latest Annual Report 11-12 publicly indicates that the Mayor's Christmas appeal was successfully conducted with the distribution of gifts to our elderly at functions held at each of the four local nursing homes.

Additionally, the Council would also now be aware that the media and the NSW Planning and Infrastructure website are highlighting recent legislation relating to the upgrading of Fire Safety in Aged Care Facilities across NSW.

Here is the information from the NSW Planning and Infrastructure website.

FIRE SAFETY IN AGED CARE FACILITIES - INSTALLING SPRINKLERS IN RESIDENTIAL AGED CARE FACILITIES

New laws that took effect on 1 January 2013 require automatic fire sprinklers to be installed in residential aged care facilities in NSW.

The new laws include the Environmental Planning and Assessment (Fire Sprinkler Systems) Regulation 2012, State Environmental Planning Policy (SEPP) Amendment (Fire Sprinkler Systems) 2012 and the Fire Sprinkler Standard.

The NSW Government is encouraging all facilities without a sprinkler system to install them as soon as possible to improve the safety of residents.

Existing facilities will need to install a sprinkler system within 18 months. This is the preferred timeframe, however some providers may request three years to complete the installation and will be subject to strict reporting requirements and regular review.

Anyone who starts operating an existing facility after the regulation commences will have to install sprinklers within 12 months or by the completion date nominated by the original provider (whichever is the sooner).

More than 60,000 people live in Commonwealth Government-accredited residential aged care facilities across NSW. A survey of Commonwealth accredited facilities in NSW, undertaken in early 2012, revealed that nearly 600 buildings containing 24,000 beds did

not have sprinklers installed. This represents an estimated 55 per cent of existing residential aged care buildings.

The NSW Government's decision to make automatic fire sprinkler systems mandatory in all residential aged care facilities follows the tragic fire at a Quakers Hill nursing home in November 2011.

- Q. Could the General Manager and/or Senior Council Officers make written representations to the owners/managers of our four local aged care facilities to ascertain if they are in fact up to date with the new legislation for the installation of water sprinklers into their respective facilities and if not, whether they require any planning or financial assistance from the Lithgow City Council to enable them to meet their future legal requirements?

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers make written representations to the owners/managers of our four local aged care facilities. to ascertain if they are in fact up to date with the new legislation for the installation of water sprinklers into their respective facilities and if not, whether they require any planning or financial assistance from the Lithgow City Council to enable them to meet their future legal requirements.

ITEM-3 NOTICE OF MOTION - 15/04/13 - REQUEST FOR URGENT REPORT ON CONTRACTING OUT THE SERVICES OF THE LITHGOW VISITORS INFORMATION CENTRE (MINERS LAMP) - COUNCILLOR M TICEHURST

REFERENCE

See Chart in Background heading below as provided by Carol Farnsworth Finance Manager Lithgow City Council.

BACKGROUND

PROGRAM : TOURISM			
ORIGINAL BUDGET ESTIMATES 2012/13			
	Expenditure	Income	Nett
EXTERNAL DIRECT COSTS:			
Salaries & ELE	296,135	0	296,135
Consignment / Commissions	0	-26,600	-26,600
Promotional Material	15,367	0	15,367
Trade Show Promotional Expenses	9,538	-2,128	7,410
Blue Mts Tourism: Membership	34,000	0	34,000
Promotional Signage Plan	36,659	0	36,659
Collaborative Partnership Strategy	5,671	-2,202	3,469
Blue Mts Regional Strategy Implementation	6,500	0	6,500
Lithgow Flash Gift	45,133	-25,875	19,258
Memberships	0	-5,382	-5,382
Marketing with Oberon & Bathurst	10,000	0	10,000
Stock Purchases	33,120	-41,400	-8,280
Television Advertising	10,000	0	10,000
Photographic Library	10,000	0	10,000
Tableland Way Signage	10,000	0	10,000
Tourism Promotion Strategy	20,000	0	20,000
Forto Funding: NSW Tourism	50,000	-25,000	25,000
Total External Direct Costs:	592,123	-128,587	463,536
*** INTERNAL INDIRECT COSTS: Contributions To Other Programs			
Contribution: W/Comp & Superannuation	42,895	0	42,895
Contribution: Tourism Centre Cleaning	13,126	0	13,126
Contribution: Other Programs Internal Service Providers	125,108	0	125,108
Contribution: Organisational On Costs	191,080	0	191,080
Total Distribution of Internal Costs:	372,209	0	372,209

***** Explanation of the Distribution of Indirect Overheads / Internal Costs Recovery:**

Dept of Local Govt Code of Accounting Practice and Associated Notes, AAS 27, and the National Competition Policy Guidelines requires Council to distribute a fair share of indirect costs that are incurred in providing a service. For this reason all costs required to run Council such as Governance, Administration, Finance, Payroll, Organisational Development, Customer Services / Information Technology, Records etc must be distributed across the operational activities for example Transport, Tourism, Recreation, Building & Development, Planning, Water, Waste and Wastewater etc. This is in addition to distributing organisation costs such as printing, stationery, FBT, vehicle running costs, Manager costs, subscriptions, advertising etc.

- Q. In light of the current public exhibition of our Councils combined Draft Delivery and Operations Plan for 2013 – 2017 and the current and ongoing huge financial costs of running the Lithgow Visitors Information Centre (Miners Lamp), now totalling over \$835,000 in both direct and indirect costs to the Council and ratepayers, could General Manager and/or Senior Council Officers please provide an urgent report to the Council, Councillors, ratepayers and residents on the real possibility of contracting out the services of the Lithgow Visitors Information Centre (Miners Lamp)?

RECOMMENDATION

THAT in light of the current public exhibition of our Councils combined Draft Delivery and Operations Plan for 2013 – 2017 and the current and ongoing huge financial costs of running the Lithgow Visitors Information Centre (Miners Lamp), now totalling over \$835,000 in both direct and indirect costs to the Council and ratepayers, could General Manager and/or Senior Council Officers please provide an urgent report to the Council, Councillors, ratepayers and residents on the real possibility of contracting out the services of the Lithgow Visitors Information Centre (Miners Lamp)?

GENERAL MANAGER'S COMMENT:

It would be incorrect to believe that the allocation outlined in the above recommendation would be a total saving. Under Council's accounting systems the majority of the indirect costs represents a distribution of corporate expenses. Such expenses if not distributed to Tourism would be distributed to other cost centres.

ITEM-4 NOTICE OF MOTION - 15/04/13 - FIRE SAFETY AT THE UNION THEATRE LITHGOW - COUNCILLOR J MCGINNES

REFERENCE

NIL

COMMENTARY

Construction work is presently taking place on the Former Council Library Building in Bridge St. The laneway which provided two fire escape points for the Council owned Union Theatre Building has been demolished and the fire doors in the theatre have had heavy seating placed in front of them and signs declaring no entry to the construction site. Masking tape has been placed over the illuminated exit signs.

- Q. Could the General Manager provide a verbal report to the Council Meeting on the fire safety in the Union Theatre taking into account the Lithgow Musical Society will be staging a major theatre performance in this hall in the next month. Will the safety of up to 250 patrons be assured and will the remaining two fire doors meet the current fire escape regulations?

Did the current situation also exist during the Seniors Week Function held recently at the Union Theatre and who gave permission for the fire escape doors on the southern site of the theatre to be disabled.

ATTACHMENTS

1. Photo 2589 Fire door blocked off
2. Photo 2590 Fire door blocked off
3. Photo 2605 Laneway demolished outside fire doors.
- 4, Photo 2592 Stairs on northern side in a dangerous condition.

RECOMMENDATION

THAT the General Manager and/or Senior Council Officers provide an urgent verbal and further written report to the Council meeting concerning the fire safety for patrons of the Council owned Union Theatre in Lithgow. and that Council Officers also report on the condition of the fire escape routes on the northern side of the theatre and the condition of the stairs and pathways.

ITEM-5 NOTICE OF MOTION - 15/04/13 - UPDATE ON THE RECENT COMMUNITY MEETING WITH RESIDENTS OF THE VALE OF CLWYDD - COUNCILLOR M TICEHURST

REFERENCES

ABC Central West Radio news report on Monday 18 March 2013: "Council to consider buying flood affected homes".

BACKGROUND

The ABC Central West Radio news reported on Monday 18 March 2013 that the Lithgow City Council was to consider: "Council to consider buying flood affected homes in the Vale of Clwydd are of Lithgow. It reported online that,

"The Lithgow City Council says its long term solution for a community affected by flooding is to buy the houses and demolish them.

A community meeting was held at the Vale of Clwydd on Saturday after at least four homes were flooded during storms last month.

The council says it does not actually own land in the area.

The Mayor Maree Statham says a motion will be put to council that acquiring the houses be considered.

"At the moment, those people do not wish to sell," she said.

"Long term, eventually we will acquire those, it might take 20 years, but long term if council can get funding to buy those homes that then will be put into like a canal and we will not have this trouble again."

Councillor Statham says council will now look to clear out a creek that is filled with blackberries and debris.

"Some of the people who live in the Vale think that if that particular area was cleared it would be less likely that there would be a huge build up of water to go through these couple of homes," she said.

"So we're going to look at trying to clear a small area of that waterway to release the build up of water in the event that we could get 150 mills in a very short period of time.

Q. Following the recently convened Lithgow City Council Community Meeting with residents affected by recent major flooding in the Vale of Clwydd, could the Mayor, General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting of what future action the Council proposes to undertake to prevent further major flooding in the Vale of Clwydd?

RECOMMENDATION

THAT following the recently convened Lithgow City Council Community Meeting with residents affected by recent major flooding in the Vale of Clwydd, could the Mayor, General Manager and/or Senior Council Officers advise the Council, Councillors, ratepayers and residents at this Council Meeting of what future action the Council proposes to undertake to prevent further major flooding in the Vale of Clwydd?

GENERAL MANAGER'S COMMENT:

See the staff report - Item 16.

GENERAL MANAGERS REPORTS

ITEM-6 GM - 15/04/13 - EXCLUSION OF NOTICE OF MOTION

REPORT FROM: R BAILEY - GENERAL MANAGER

REFERENCE

NIL

SUMMARY

Two Notices of Motion have been deemed to be unlawful and excluded from the business paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

COMMENTARY

The General Manager is in receipt of two Notices of Motion (NOM) presented for this meeting. These matters have been determined by the General Manager to be unlawful and therefore the Notices have not been included as part of the business paper for this Council meeting. In accordance with Clause 240 of the NSW Local Government (General) Regulation 2005 the General Manager must report such exclusions to the next meeting of Council.

The relevant section of the Regulation is:

Clause 240 Agenda and business papers for council meetings

- (1) The general manager must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the mayor is the chairperson-any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government (General) Regulations 2005

RECOMMENDATION

THAT Council note the report on the exclusion of two Notices of Motion due to them being declared unlawful and therefore excluded from the Business Paper in accordance with Clause 240 of the NSW Local Government (General) Regulation 2005.

ITEM-7 GM - 15/04/13 - COUNCIL MEETING LOCATIONS

REPORT FROM: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 12-483: Ordinary Meeting of Council held on 17 December 2012
Min No 13-12: Ordinary Meeting of Council held on 4 February 2013

SUMMARY

Council previously resolved to trial arrangements that would enable the Lithgow City Council to hold one of their tri-weekly Ordinary Meetings away from the Council Chambers in Mort Street Lithgow.

COMMENTARY

Council previously resolved to hold one Council meeting away from the its Chambers to gauge an indication of the effectiveness of a proposal to hold Council meetings in other centres. The resolution was that a meeting be trialled at the Crystal Theatre at Portland on Monday 18 March 2013. 45 members of the public, inclusive of media, attended the meeting at Portland.

In the lead up to this decision Council had been provided with a number of concerns about such a decision, including:

- The appropriateness of some of the locations being suggested – whilst some of the locations may be appropriate for fire meetings they would be highly inappropriate for Council meetings particularly in terms of space or having alcohol served on the premises during a meeting
- Sound – would often be a problem. The Chambers has a sound system installed thus providing a greater opportunity for those in attendance to hear the debate. Meetings away from the Chambers would not have the capacity to have such sound systems.
- It was suggested that it purposefully be arranged that when holding meetings away from the Chambers that “light agendas” agendas be arranged. This proposal is practically not possible Council will need to attend to business as and when it falls, to defer items such as development applications would place undo barriers to those developing or deferring items such as tenders would impact on Council business.
- Some of the locations would probably deny people access to Council meetings, particularly the elderly. Not all locations would provide for disability access and in some cases be unsafe those wishing to attend e.g. as a result of narrow roads and cars parking on verges etc. This would be particularly so at the conclusion of the meeting when people are exiting in darkness.
- Disruptive behaviour – regrettably Council has had a history of disruptive behaviour necessitating the Police being called to a number of Council meetings. A move to other locations will limit the ability of Police to attend in a timely manner
- No assessment has been done of lighting conditions inside these premises. Whilst many of them will be suitable for their present uses it will be questionable whether there will be sufficient lighting to conduct a Council meeting
- Confidential sessions – from time to time Council conducts some of its business in Closed Council necessitating that members of the public be removed from the Chamber and not be within sight or sound of the meeting. It would be questionable whether all of the

proposed locations would have the ability of providing this, other than asking the public to wait outside of the buildings.

Regrettably several of these concerns were realised at this meeting, mostly notably the walk out by Councillors Ticehurst and McGinnes at an early stage of the meeting. Other issues were also experienced at the meeting, particularly poor sound.

Following the meeting there were quite a number of complaints from members of the public in relation to the meeting, all of these people requesting that the meetings be held at the Council Chambers.

In accordance with Clause 5 of its Code of Meeting Practice Council presently holds its meetings in its Council Chambers at 180 Mort St Lithgow. By resolution Council is permitted to hold meetings at another location. Clause 5 states:

5 FREQUENCY OF MEETINGS OF THE COUNCIL

- (i) The Council is required to meet at least 10 times each year, each time in a different month.
- (ii) The Council will, by resolution, set the time, date and place of ordinary meetings of the Council. Ordinary meetings of the Council will be held in the Lithgow City Council Chambers, 180 Mort Street, Lithgow unless otherwise resolved by the Council.**
- (iii) The Council may, by resolution, vary the time, date and place of ordinary meetings should extenuating circumstances exist which would prevent the ordinary meetings of the Council being held in accordance with clause (ii).

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Some additional costs were incurred, particularly in relation to the setting up of the meeting and then retrieval of equipment etc.

LEGAL IMPLICATIONS

By Council resolution under Clause 5 of Council's Code of Meeting Practice Council may hold meetings at alternative locations.

RECOMMENDATION

THAT Council continue to hold its tri weekly Council meetings at the Council Chambers in Mort Street Lithgow.

ITEM-8 GM - 15/04/13 - BELLS LINE OF ROAD LONG TERM STRATEGIC CORRIDOR PLAN

REPORT FROM: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 12-448: Ordinary Meeting of Council held on 26 November 2012
Min No 13-15: Ordinary Meeting of Council held on 4 February 2013

SUMMARY

To provide Council with an update from the Minister for Roads, the Hon Duncan Gay on the Bells Line of Road Long Term Strategic Corridor Plan.

COMMENTARY

The Minister for Roads and Ports, The Hon Duncan Gay, has provided advice in relation to the Bells Line of Road Long Term Strategic Corridor Plan.

The Australian and NSW Government completed a long term strategic plan for Bells Line of Road corridor in October 2012. This involved analyses to identify a strategic direction for the corridor in the short, medium and long term. This plan was managed by the RMS with input from State and Government departments including Centroc.

Transport for NSW and Roads and Maritime Services (RMS) are currently scoping investigations for a potential corridor link between the Bells Line of Road and the Sydney Motorway Network and that a route options study is expected to commence in the second half of 2013 and is expected to take two to four years to complete.

The RMS are continuing to review the existing Bells Line of Road to identify safety issues and potential safety improvements including overtaking lanes, safer intersections and better local access arrangements.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the update on the Bells Line of Road Long Term Strategic Corridor Plan.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-9 ENVIRO - 15/04/13 - DRAFT PLANNING PROPOSAL FOR PRINCIPAL LITHGOW CITY LEP 2013

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

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

SUMMARY

The purpose of this report is to recommend Council formerly resolve to commence the legal process for the making of the Draft Lithgow City Council Local Environmental Plan (LEP) 2013 under Section 55 of the Environmental Planning and Assessment Act, 1979 (Act).

The first step in this process is the preparation of a Planning Proposal. A Planning Proposal is a document that explains the intended effect of a proposed Local Environmental Plan and sets out the justification for making that plan.

This report seeks Council's consideration of the attached Planning Proposal and a resolution to refer such proposal to the Western Region Office of NSW Department of Planning and Infrastructure (DP & I) to arrange for the issuing of a Gateway Determination under Section 56 of the Act. This determination is necessary to allow Council to proceed to public exhibition and formal government agency consultation in relation to the Draft LEP.

COMMENTARY

BACKGROUND

As part of the NSW Planning Reform Agenda, all Councils in NSW are required to prepare a new Principal LEP to comply with the Standard Instrument (Local Environmental Plans) Order, 2006.

Although legally required to move to the Standard Instrument format, Council also at that time recognised the need to undertake a full strategic planning review to bring the LGA under one planning instrument (replacing the *Lithgow City LEP 1994 and Rylstone LEP 1996*) and to update

the provisions of the existing instruments. These planning instruments had not been comprehensively reviewed since 1994 and 1996 respectively.

In 2006, Council, supported by funds under the Planning Reform Fund Program, commenced strategic planning work on the preparation of a local land use strategy. The Lithgow Land Use Strategy 2010-2030(LUS) was adopted by Council on 31 October 2011 and endorsed by the Director General of NSW Department of Planning and Infrastructure (DP & I) on 24 May 2012.

The LUS was informed by, but not limited to, the 2007 Local Profile, the Community Strategic Plan 2025 and other strategic documents such as the 2010 Business and Retail Strategy, Economic Development Strategy 2010-2014, Lithgow Ageing Strategy, Lithgow Open Space and Recreational Needs Study, 2011, Lithgow Heritage Study 2000 as reviewed by the Heritage DCP Study 2010, Marrangaroo Local Environmental Study and Structure Plan 2006, Cultural Plan 2008-2013 and the Cultural Precinct Study.

STATUTORY FRAMEWORK AND PROCESS

LEP STATUTORY FRAMEWORK

An LEP is a legal planning instrument that zones land imposes standards to control development, or implements a state or local policy outcome. The purpose of an LEP is to achieve the objectives of the Act. It is a means to implement strategies, giving legal effect to where and under what circumstances places should be developed or particular environmental controls imposed. A Principal LEP is one that applies to the whole of the LGA.

The principal LEP must be made in the standard form prescribed in the Standard Instrument (Local Environmental Plans) Order 2006. It must also conform to the “*Standard Technical requirements for LEP maps*”. This provides consistency in the appearance of LEPs and assists users interpreting planning controls across different LGAs. Complying with the standard technical requirements will also assist in the creation of an e-mapping platform and will enable all LEP maps to be made available on line after the plan is made.

The principal LEP is required to be prepared having regard to the statutory framework set by the Act and the best practice framework set out in DP & I practice notes and circulars.

Overview of the Standard Instrument

The Standard Instrument provides a “template” for Council to use as a basis for preparing new LEPs. It contains standard zones (including standard zone objectives and mandated permitted and prohibited uses), standard definitions, standard clauses and has a standard format.

The mandatory provisions in a new LEP are either compulsory (including compulsory if applicable) or optional. Compulsory provisions are those which must be included in all principal LEPs. These are generally administrative matters that are common to all LEPs or planning matters that are relevant to all Councils in NSW. Compulsory (if applicable) provisions are clauses that are compulsory where specified conditions exist such as coastal zones or where Council has adopted certain other related provisions. Optional provisions are a type of mandatory provision which Council can choose whether or not to use, but if used, cannot be altered.

Local provisions refer to any LEP content (e.g. clauses, objectives, additional permitted or prohibited uses) that is not part of the Standard Instrument. The inclusion of local provisions should be able to be justified by a local or regional strategy.

In developing a new LEP

Council can:

- prepare additional local provisions that address local planning issues and which reflect the outcomes of local and regional strategies
- add local objectives to the core zone objectives
- add additional permitted or prohibited uses in the land use tables
- decide whether or not to include optional provisions in their LEP
- specify what will be permitted as exempt and complying development in addition to those identified in the SEPP (Exempt and Complying Development Codes)
- insert local criteria or standards into certain mandatory clauses
- prepare maps that specify the lot sizes, building heights and floor space ratios appropriate to the local areas
- define terms within a local provision in certain circumstances
- suggest new definitions to the Department of Planning for inclusion in the standard dictionary for all Councils to use.

Council cannot:

- add new zones or create sub-zones
- prohibit uses that are mandated as permissible in a zone
- permit uses that are mandated as prohibited in a zone
- add local provisions that are inconsistent with the mandatory provisions
- change the standard dictionary by altering or adding to the standard definitions
- change the standard clause numbering
- change the format
- change the wording of the provisions.

NOTE: In the Draft Lithgow City LEP 2013 attached, the content in black font represents the standard instrument content and the red font represents the local provisions prepared by Council officers.

All local provisions prepared by council must be consistent with the relevant core zone objectives and mandated land uses, other mandatory provisions and relevant state or regional planning guidance (including State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), Section 117 Directions and other planning guidance.

State Environmental Planning Policies (SEPPs)

SEPPs are a set of State level policies that are another form environmental planning instruments. SEPPs are generally limited to state or regional wide issues and can also set the framework for local instruments, policies and controls.

In general SEPPs override LEPs regardless of when the LEP is made. For this reason any new LEP should ensure consistency with all relevant SEPPs.

An analysis of the application and consistency of the Draft LEP 2013 with all SEPPs has been undertaken and is included in Appendix 1 of the Planning Proposal. Generally the Draft LEP 2013 is consistent with the applicable SEPPs.

Section 117 (2) Ministerial Directions

The Minister for Planning and Infrastructure has issued a set of directions under Section 117(2) of the Act that are relevant to the development of the Principal LEP. These directions guide the outcomes in environmental planning instruments as well as the strategies that support these. LEPs must be consistent with these Directions except where any inconsistency is supported by an approved strategy or can be demonstrated to be of minor significance.

An analysis of the application and consistency of the Draft LEP 2013 with all applicable S117 (2) Directions has been undertaken and is included in Appendix 2 of the Planning Proposal.

This planning proposal identifies minor inconsistencies with the following Section 117(2) Directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.3 Flood Prone Land

Council will seek the Director-Generals opinion that the inconsistencies are minor and local in nature and are justified in each instance.

LEP Practice Notes and Circulars

There are several Practice Notes and Circulars produced by DP & I to instruct council and planning practitioners on the preparation of a Principal LEP to accord with the Standard Instrument. Where practical these instructions have been followed as well as referencing of recently gazetted LEPs for the most recent interpretations and adaptations.

Classification of public lands

On the commencement of the Local Government Act 1993 on 1 July 1993, a new regime for the management of public land owned or controlled by Council was introduced. The Act emphasised Council's responsibility to actively manage public land and to involve the community in developing a strategy for its management.

"Public land" is any land (including a public reserve) vested in, or under the control of Council. It does not include roads, land to which the *Crown Land Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

All public land must be classified as either "community land" or "operational land".

"Community" land:

- Reflects the importance of the land to the community for public access and use and would generally comprise a public park, sports ground or community facility
- Must not be sold
- Use is regulated via a plan of management (POM)
- Cannot be leased/licenced for more than 21yrs (plan to amend to 30yrs in line with financing terms)

"Operational" land:

- Is land that facilitates the carrying out by Council of its functions
- May not be open to the general public, such as works depots, sewerage and water treatment plants, water reservoirs, drainage reserves etc
- May be land held as a temporary asset or investment
- Has no special restrictions other than those that apply to any piece of land

Classification of public land refers to the process when this land is first acquired and first classified as either "operational" land or "community" land.

Reclassification of public land refers to the process of changing the classification either from "community" to "operational" or "operational to community".

Depending on the circumstances this is undertaken by either:

- Resolution of Council under Section 31, 32 or 33 of the *Local Government Act, 1993*, or

- A Local Environmental Plan (LEP) under the *Environmental Planning and Assessment Act, 1979*.

In 1994 Council undertook by resolution to classify Council's public land portfolio. The table below also summarises the existing classifications for Council's public land, as determined by Council Resolution 568, from the General Council Meeting of 14th June 1994, as amended by Resolution 50, General Council Meeting 13th January 1997.

Public Land Classification	Number of Parcels
Community	263
Operational	54

Public land that is not classified by Council under resolution within 3 months of its acquisition automatically devolves to a "community" classification.

Classification review

Council has recently completed an audit of its public land portfolio and has compiled a Land Register in accordance with Section 53 of the *Local Government Act, 1993*. The Land Register details information about each parcel of public land, including but not limited to, its classification (operational or community), locality, zoning, tenure and certificate of title reference.

It is apparent from the audit and analysis of Council's property records that some lands require reclassification in order to achieve consistency with long term management objectives. A number of properties have devolved to a "community" classification on acquisition but may be more appropriately classified as "operational".

The table below provides a summary of the audit findings:

Classification Status	Number of Parcels	Required Process
Appropriately Classified	214	Nil
Reclassification from Community to Operational (no interest change)	89	Local Environmental Plan
Reclassification from Community to Operational (interest change)	8	Local Environmental Plan
Reclassification from Operational to Community	6	Council resolution

Land proposed to be reclassified through the Local Environmental Plan has been included in Schedule 4 of the Draft LEP 2013 attached.

In order for reclassification to occur as part of the LEP process, the following information needs to be obtained for each parcel requiring reclassification:

- the planning merits behind the reclassification
- the reasons for the reclassification, e.g. Council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements
- the nature of council's interest in the land and the reason it acquired that interest
- any agreements over the land
- any financial gain or loss from the reclassification and any benefit that could arise
- the asset management objectives being pursued through the reclassification; the manner in which they will be achieved and the type of benefits the council wants
- whether there has been an agreement for the sale or lease of the land; the details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.

This process provides the Council and the community with opportunities to view the information being presented and make comment or submissions during the exhibition period. In addition to the required public exhibition period for the LEP, a public hearing into the reclassifications is also required in accordance with Section 29 of the *Local Government Act 1993*.

The six parcels proposed to be reclassified from “operational” to “community” via Council resolution are listed in the table below. Council must publicly exhibit its intention to reclassify these parcels under Section 33 and 34 of the *Local Government Act 1993* for a period of least 28 days during which submission may be received.

Community Hall	Civilian Widows Hall	Lithgow	Tank Street	Lot 1 DP517242
Community Hall	East St Public Hall and Park	Lithgow	East Street	Lot 114 DP 28254
Community Hall	Community Hall Vale of Clywdd	Lithgow	Mort Street	Lot 2 DP 563455
Indoor Sporting Facility	Reg Cowden Memorial Sports Centre Lithgow	Lithgow	Barton Street	Lot 3 DP 29016
Public Hall	Crystal Theatre	Portland	Wolgan St	Lot 1 DP 558522
Public Hall	Memorial Hall/Pre School Building	Wallerawang	Commens St	Lots 1,2,3,4,5 DP 15683

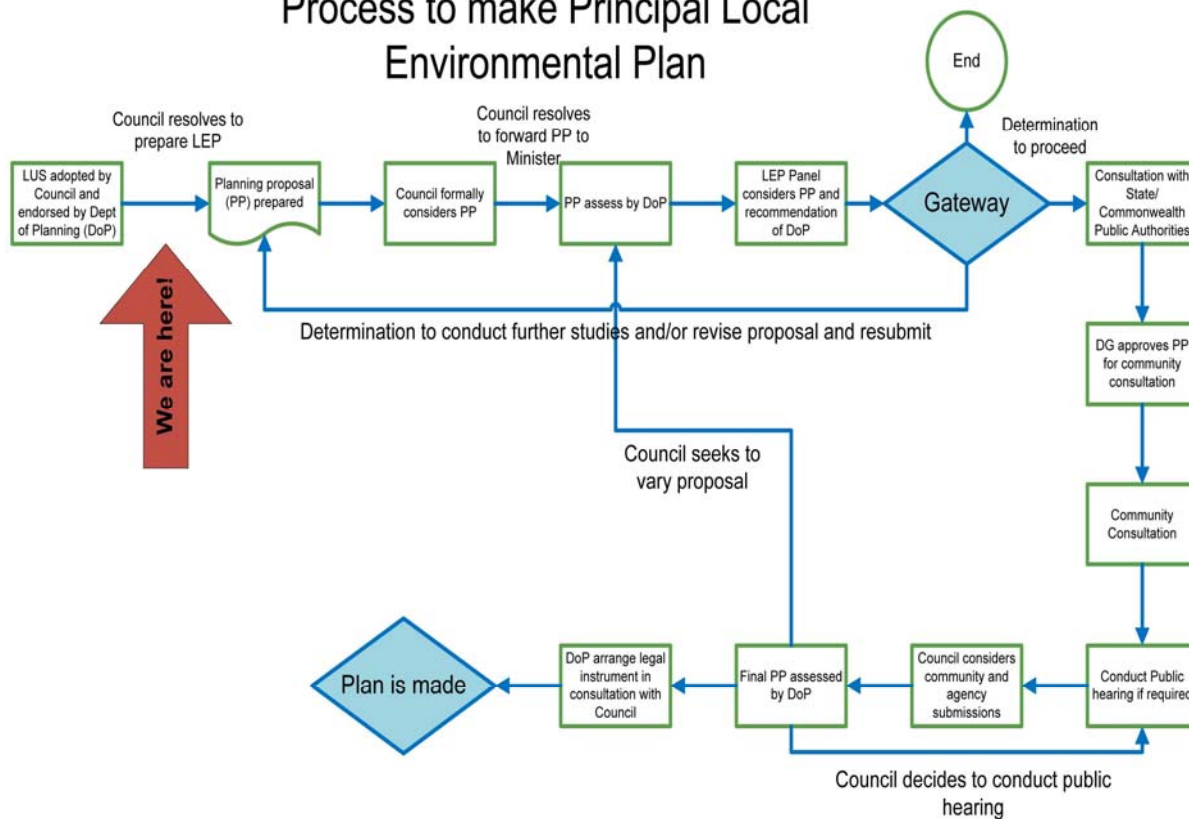
LEP PROCESS

A flowchart summarising the process for the making of the Principal LEP is shown below.

As the Draft LEP 2013 will be classifying public lands a public hearing will be required to be held as part of this process following the end of the public exhibition period.

It is expected that the process will be relatively smooth and linear given that Council is seeking to implement an endorsed local land use strategy, however there is potential for the process to be more iterative causing review and some steps may need to be revisited as indicated in the flowchart below.

Process to make Principal Local Environmental Plan



PLANNING PROPOSAL INTENDED OUTCOMES

To implement a Standard Instrument LEP (SI LEP) across the Lithgow Local Government Area (LGA) that will repeal and replace the two environmental planning instruments that apply to the area: *Lithgow Local Environmental Plan 1994* and *Rylstone Local Environmental Plan 1996*.

This Draft LEP 2013 seeks to implement Council's key strategic directions arising from the Lithgow Land Use Strategy 2010-2030 (LUS) adopted by Council on 31 October 2011 and formally endorsed by the Director General of NSW Department of Planning and Infrastructure on 24 May 2012. More specifically the Draft LEP will:

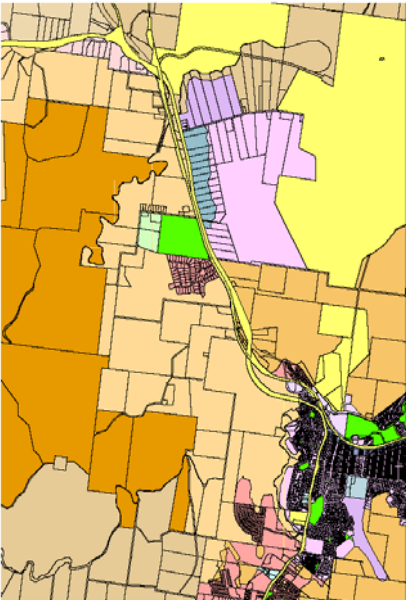
- Provide a suite of land use zones to accord with the Standard Instrument LEP and support the strategic directions of the LUS;
- Provide 50 ha of new industrial land at Marrangaroo and 104ha of heavy industrial land at the Minerals Processing Site, Wallerawang;
- Identify a 310ha urban release area at Marrangaroo to provide for future growth in residential and allied urban land use and to ensure potential further growth is not compromised in the short term;
- Provide a suite of land use zones to replace the Village Zone in the towns of Portland and Wallerawang;
- Consolidate the commercial centre of Lithgow and differentiate the role of the commercial core and out of centre commercial areas;
- Modify the zoning of land in the villages of Capertee, Rydal, Tarana and Lidsdale to consolidate village zoned lands and provide for large lot residential growth to support each village commensurate with its role in the settlement hierarchy;
- Retain existing provisions in relation to rural minimum lot size and the erection of dwellings in the rural areas;
- Retain existing areas available for unsewered large lot residential land use with the exception of the area to the northeast of Lidsdale;

- Provide for serviced large lot residential areas at Lidsdale and on the southern urban fringe of Lithgow;
- Contain provisions to protect the natural environment;
- Contain provisions to align development growth with the provision of essential infrastructure;
- Provide for the protection and conservation of items and areas of environmental heritage;
- Classify or reclassify a number of public lands to accord with the provisions of the Local Government Act, 1993.

DRAFT LOCAL ENVIRONMENTAL PLAN 2013 - MINOR VARIATIONS FROM THE ENDORSED LAND USE STRATEGY

The planning proposal includes the following minor inconsistencies with the adopted LUS implementation framework that have arisen as a result of preparing the detail necessary for the Draft LEP in the standard format and to include minor adjustments as considered by the newly elected Council:

Relevant LUS Action	Variation Sought
<p>Residential Land Action 11.2</p> <p>Identify the Marrangaroo Study Area as the LGA's next urban release area and defer zoning until at least the 2016 LEP review. Development of this area to occur generally in accordance with the adopted Structure Plan (Figure 12 Chapter 11). This area to be retained in a rural zone in the Lithgow City 2012 LEP as a holding mechanism for future urban land use as indicated in Figure 5 of Chapter 14.</p>	<p>Marrangaroo Study Area included in Draft LEP 2013 as Urban Release Area to bring forward detailed concept and infrastructure planning through the implementation of Part 6 provisions of the Draft LEP 2013.</p>
<p>Residential Land Action 11.3</p> <p>Determine appropriate minimum lot sizes to be applied to each new serviced residential land use designation to be applied in the Lithgow City 2012 LEP generally as follows:</p> <ul style="list-style-type: none"> ▪ General Residential 600m² ▪ Medium Density Residential 400m² ▪ Low Density Residential 800m² 	<ul style="list-style-type: none"> • Draft LEP 2013 has not included a medium density zone, opting for R1, R2 and R5 with varying minimum lot sizes within each zone area. • R1 General Residential Zone contains areas of 300m², 400m² and 600m² minimum lot sizes. • R2 Low Density Residential Zone contains areas of 600m², 800m² and 2000m² minimum lot sizes. • Land to the north of Oakey Forest Road currently zoned Residential 2(a) to be rezoned to Environmental Living as a holding mechanism for future urban land use beyond the 2013 LEP as indicated in the map below.

<p>Residential Land Action 11.6</p> <p>Back zone the existing Rural (Future Urban) 1(d) zones surrounding Lithgow, Wallerawang and Portland to an appropriate rural zone as a holding mechanism for future urban land use beyond the 2012 LEP as indicated in the LEP direction figures in Chapter 14.</p>	<p>Variation to the proposed zoning (RU1 Primary Production and E3 Environmental Management) of land at West Bowenfels/Marrangaroo. Draft LEP 2013 proposes to zone land within the current 1(d) Future Urban Zone and surrounding General Rural 1(a) land as E4 Environmental Living Zone with a 40 hectare minimum lot size as a holding mechanism for future urban land use beyond the 2013 LEP as indicated in the map below. This land has varying urban capability and contributes significantly to the visual amenity of the urban fringe.</p> 
<p>Employment Lands – Commercial Action 12.14</p> <p>Implement the recommendations of the Lithgow Business and Retail Strategy in the Lithgow City 2012 LEP as follows:</p> <ul style="list-style-type: none"> ▪ Retain and consolidate the principal commercial centre of Lithgow by rezoning surplus commercial lands as indicated in Figure 3 of Chapter 14. ▪ Apply a different commercial zone to the Lithgow Valley Plaza, Pottery Plaza and adjacent lands as indicated in Figure 3 of Chapter 14 to enable differentiation of prohibited land uses within this area and the 	<ul style="list-style-type: none"> • Variation to the proposed zoning of land along Main St Lithgow between Hassans Walls Road and the GWH and along Railway Parade between Tank St and Sandford Avenue and a section of James St as B4 Mixed use. This maintains the commercial character of these strips to support the Main St precinct and will ensure the unhindered continued operation of existing uses. <p>The proposed zone objective of the B4 Mixed Use zone with robust development assessment should achieve similar outcomes as the strategy to consolidate the commercial centre through back zoning of these commercial lands.</p> <ul style="list-style-type: none"> • Variation to the proposed zoning of the site on the corner of GWH and Caroline Ave to retain residential zoning as R1 General Residential. • Variation to the proposed neighbourhood centre zone at Col Drewe Drive Lithgow to extend the zoned area in a westerly direction to provide a larger greenfield site within the zone to facilitate the development of a neighbourhood shopping complex. • Floor space ratios have not been adopted as a development standard within the Draft LEP 2013. Further strategic work is required to inform the development and outcomes sought from the standard. Given the level of

<p>Main St commercial precinct.</p> <ul style="list-style-type: none"> ▪ Introduce floor space ratios in the LEP to limit the potential for expansion of the Valley and Pottery Plazas out –of centre sites. ▪ Identify and appropriately zone the commercial centre of Wallerawang as identified in Figure 13 of Chapter 14. ▪ Identify and appropriately zone the commercial centre of Portland as identified in Figure 19 of Chapter 14. 	<p>development demand , similar and more flexible outcomes can be achieved through a robust development assessment process on a case by case basis.</p>
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EXPLANATION OF PROVISIONS OF DRAFT LITHGOW CITY COUNCIL LEP 2013

The Draft LEP 2013 will consist of a written instrument and associated maps. In combination they will form the legal draft LEP or environmental planning instrument.

For the purposes of the Planning Proposal the associated maps are not compliant with the Standard Instrument (SI). The LEP mapping has been completed in house following as far as possible the “*Standard Technical requirements for LEP maps*”, however Council does not have the appropriate mapping software to easily convert the maps in the final standard format. This part of the process is being undertaken on Councils behalf by the GIS division of DP & I. It is expected that SI LEP compliant mapping will be available for the public exhibition process making it far simpler for on-line viewing.

The Draft LEP 2013 attached has been prepared in accordance with the Standard Instrument Order.

The written instrument consists of seven parts, five schedules and the Standard Dictionary.

A brief overview of each part of the Draft LEP 2013 attached is provided below.

NOTE: In the Draft Lithgow City LEP 2013 attached, the content in black font represents the standard instrument content and the red font represents the local provisions prepared by Council officers.

PART 1 PRELIMINARY

This part contains the standard administrative clauses and as such comment will be limited to those clauses with local content or application.

Clause 1.2 (2) – Aims of the Plan

This clause identifies specific local aims for the LEP which have been drawn from the overarching strategic principles and directions of the Lithgow Land Use Strategy 2010-2030 and the Community Strategic Plan 2025.

Clause 1.8A – Savings provision relating to development applications

This clause allows for the continued processing of undetermined development applications at the time of the gazettal of the LEP to enable transition to the new LEP.

Clause 1.9A – Suspension of covenants, agreements and instruments

This clause ensures that the carrying out of development granted development consent under the LEP is not restricted due to certain covenants, agreements and instruments.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

This part outlines what development types as defined in the standard dictionary are permitted or prohibited in each zone selected for use in the LEP.

Clauses 2.1 -2.4

These clauses are compulsory standard administrative clauses relating to the land use zones

Clause 2.5 Additional permitted uses for particular land

This clause allows for some flexibility for additional permitted uses on specific land despite the provisions of the land use tables. These uses and lands must then be detailed in Schedule 1.

It is not proposed to utilise this clause in Draft LEP 2013.

Clause 2.6 Subdivision consent requirements

This clause allows the subdivision of land with development consent and restricts subdivision for the purposes of secondary dwellings unless the resulting lot is not less than the minimum lot size shown on the Lot Size Map.

Clause 2.7 Demolition requires development consent

This clause requires that all demolition may only be carried out with development consent.

Clause 2.8 Temporary use of land

This clause provides for the temporary use of land despite the provisions of the LEP land use tables.

The Draft LEP 2013 has adopted this clause and has specified maximum period for temporary use of land to be 52 days (whether or not consecutive days). This clause will facilitate events and festivals and the like.

Land Use Zones

The Standard Instrument includes a suite of land use zones. Council is not required to adopt all zones, but cannot add any new zones.

The Draft LEP 2013 proposes to adopt twenty one (21) of these zones to apply to areas across the LGA. These zones contain mandated core zone objectives. Council is able to provide a limited number of additional zone objectives to tailor the zone to local circumstances provided that these additional objectives do not undermine any of the core zone objectives and are consistent with drafting directions provided in DP & I practice notes and circulars.

It is proposed to adopt a more structured (closed) form of land use zoning for the Draft LEP 2013, replacing the current flexible zoning model, in order to be more transparent and specific about the roles and functions of the land use zone, to ensure land use compatibility, protect established and proposed future amenity and to provide more surety for investment decisions.

The Draft LEP 2013 Land Use Matrix, although not forming part of the legal instrument, is attached to assist understanding and to provide a quick reference for permitted and prohibited uses within each zone.

Rural Zones

The Draft LEP 2013 proposes to adopt four out of the possible six rural zones of the Standard Instrument. These zones are outlined below:

RU1 Primary Production

This zone covers the largest area of land within the LGA and is the most suitable conversion zone for the existing General Rural 1(a) and Outer Rural 1(e) zones.

The zone is allocated to land where the primary function is primary production and covers land used for most kinds of commercial primary industry production including extensive and intensive agriculture, private forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner.

A key change from the existing range of permitted land use proposed within this zone relates to the prohibition of all forms of industry, except home industry and the prohibition of a range of residential accommodation forms including detached dual occupancy. These and other less significant land use changes are necessary to meet consistency with the core mandated zone objectives and drafting directions provided by DP & I as set out in PN 11-002.

RU 2 Rural Landscape

This zone applies to land identified as having high environmental sensitivity and biodiversity connectivity and scenic quality, most notably due to topographical features such as steep slopes, escarpment areas and heavy vegetation, whilst still being used for some forms of low impact commercial primary production.

Additional local objectives have been added in this zone to properly consider the type and intensity of development within this zone.

The range of permitted uses within this zone are more limited than the RU 1 zone in that intensive livestock agriculture and intensive plant agriculture are prohibited within this zone.

RU3 Forestry

This zone is a straight conversion of the existing Zone 1(f) Rural (Forestry).

RU5 Village

This zone is applied to the core areas of all existing rural villages at Rydal, Cullen Bullen, Capertee and Tarana.

This zone is a flexible zone where a mix of residential and business and other allied uses are permitted to support the viability of the rural village.

It is important to note here that the Village zone will no longer be used for the Portland and Wallerawang townships. These towns given their size, structure and role within the adopted settlement hierarchy are proposed under the Draft LEP 2013 to have a suite of land use zones applied to more provide for more orderly and sustainable planning outcomes.

Residential Zones

The Draft LEP 2013 proposes to adopt three out of the possible five residential zones of the Standard Instrument. These zones are outlined below. The use of three residential zones represents a significant change from the existing zoning model where only one residential zone applies.

R1 General Residential

This zone is to provide a broad variety of residential densities and housing types. This zone will be applied to the majority of urban residential lands within the LGA and will replace the majority

of the existing Zone 2(a) Residential zone in Lithgow and parts of the existing 2(v) Village zone in Portland.

R2 Low Density Residential

This zone is the lowest density urban residential zone and is proposed to apply to urban residential lands primarily at South Bowenfels, Marrangaroo and the outer residential areas of Portland. This zone has also been applied to all residential land at Wallerawang.

Typically this zone is applied to land where primarily low density housing is to be established or maintained and features detached dwelling houses as the major housing form. Other permitted uses are generally restricted to facilities and services that meet the day to day needs of the residents.

R5 Large Lot Residential

This zone is used to cater for development that provides for residential housing on larger allotments in a rural setting. The primary function of this zone is residential.

The existing lands Zoned 1(c) Rural (Small Holdings) on the fringes of Portland, Wallerawang and Lithgow and localities such as Hartley, Dargan and Clarence will translate comfortably into this zone given the existing settlement pattern and primary land uses that have evolved in these areas since being introduced in late 1980's.

This zone is also proposed to be applied to land on the fringes of Rydal, Tarana and Capertee Villages and to the existing Lidsdale Village.

Business Zones

The Draft LEP 2013 proposes to adopt six out of the possible eight business zones of the Standard Instrument. These zones are outlined below. The use of six business zones represents a significant change from the existing zoning model where only one business zone (Zone 3 Business) is applied.

The use of six zones is necessary to differentiate the role and function of the various business areas in the three town centres and to respond to a range of local circumstances.

B1 Neighbourhood Centre

This zone is to provide for a cluster of small scale convenience retail premises (neighbourhood shops), business premises, medical centres and community uses that serve the day to day needs of residents in easy walking distance.

This zone is proposed for two out of centre locations at Bowenfels, one around KFC and another around the mix of commercial uses at Col Drewe Drive.

B2 Local Centre

This zone is intended for centres that provide a range of commercial, civic, cultural and residential uses.

This zone is proposed to be applied to the Main St core business areas of Lithgow, Wallerawang and Portland.

B4 Mixed Use

This zone provides for a wide range of land uses including commercial, residential, tourist and visitor and community uses.

It is proposed to apply this zone to business areas in the out of centre business areas in Lithgow such as the Lithgow Valley and Pottery Plaza centres, Lithgow St, Railway Parade and western Main St.

A further smaller area is also proposed in part of the former cement works site at Portland.

An additional local objective is proposed to be added to this zone to ensure that development within this zone does not detract from the role of the B2 Local Centres and to promote the retention and reuse of heritage items and established buildings in Portland.

B6 Enterprise Corridor

This zone provides for a range of commercial and light industry development to be encouraged along main roads.

This zone is proposed to be applied along a section of the Great Western Highway at Marrangaroo and forms part of the Urban Release Area.

B7 Business Park

This zone provides for a range of office and light industrial uses, including high technology industries and a range of ancillary and allied land uses to support the day to day needs of workers.

This zone is proposed to be applied to part of the former ADI site in Lithgow to encourage employment opportunities through a range of uses compatible with the constraints of the site and the adaptive reuse of the industrial heritage buildings.

Retail premises will be prohibited to ensure that development in this area does not detract from the role of the B2 Local Centre.

Industrial Zones

The Draft LEP 2013 proposes to adopt three out of the possible four industrial zones of the Standard Instrument. These zones are outlined below. The use of three industrial zones represents a significant change from the existing zoning model where only one industrial zone (Zone 4 Industrial) is applied and where various forms of industrial development are permitted within a wide range of zones including residential, business and rural zones.

The use of three zones clearly differentiates the intensity of development proposed for each area and clearly signals the varying capability of each area to support expanded industrial development into the future.

The Draft LEP 2013 proposes to prohibit industrial development except for home industry in areas outside the designated industrial zones.

IN1 General Industrial

This zone provides for a wide range of industrial and warehouse uses in areas where the objective is to protect industrial land primarily for industrial land use.

This zone is proposed to be applied to the new greenfield industrial area at Reserve Road Marrangaroo and the Pinta St area at Wallerawang.

IN2 Light Industrial

This zone provides for a range of “light industry”, “warehouse or distributions centre” and depots. The types of uses accommodated in this zone need to be “light” in nature, meaning they will not cause nuisance or adversely affect the surrounding amenity for example by way of emissions or noise.

This zone will apply to the existing industrial areas within Lithgow and a new small area within the former cement works site at Portland.

IN3 Heavy Industrial

This zone provides for heavy industrial land uses that may require separation from other land uses and general industrial land use.

This zone is proposed to be applied to the Minerals Processing Park site at Wallerawang.

Special Purpose Zones

The Draft LEP 2013 proposes to adopt one out of the possible three special purpose zones of the Standard Instrument as outlined below.

SP2 Infrastructure Zone

This zone is used to zone land used for infrastructure that is highly unlikely to be used for a different purpose in the future.

This zone is proposed to be applied to cemeteries, classified roads, railways, waste disposal facilities, sewage treatment plants, defence lands etc in accordance with the State Environmental Planning Policy (Infrastructure) 2007 and Planning Circular PS 08-001 and LEP Practice Note PN 10-001.

Recreation Zones

The Standard Instrument provides for two recreation zones. The Draft LEP 2013 proposes to adopt both these zones.

RE1 Public Recreation

This zone provides for a wide range of public recreational areas and activities including local and regional parks and open space.

This zone is proposed to be applied to all public recreation and open space areas within the urban centres. The majority of these areas are currently zoned 6 Open Space.

RE 2 Private Recreation

This zone provides for a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted e.g. to members only.

This zone is proposed to be applied to all privately owned or operated recreational areas or activities.

Environment Zones

The Draft LEP 2013 proposes to adopt three out of the possible four environment zones of the Standard Instrument as outlined below.

E1 National Parks and Nature Reserves

This zone is intended to cover existing national parks and nature reserves, and new conservation areas proposed for reservation that have been identified and agreed to by the NSW Government.

This zone is proposed to be applied to all areas currently zoned Zone 8 National Parks and Nature Reserves and any known new areas advised by the Office of Environment and Heritage.

E3 Environmental Management

This zone is generally intended to be applied to land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards.

This zone is proposed to be applied to riparian areas in the urban centres that are currently zoned 6 Open Space and an area surrounding Lithgow including the steep escarpments and heavily vegetated scenic landscapes. This includes the majority of land identified as environmentally sensitive within the current LEP.

E4 Environmental Living

This zone is generally intended to provide for low impact residential development in areas of special environmental or scenic value.

This zone is proposed to be applied to land on the western side of the Great Western Highway between Bowenfels and Tunnel Hill. This zone will be used as a transitional holding zone for future urban expansion beyond the life of the current LUS.

PART 3 EXEMPT AND COMPLYING DEVELOPMENT

This part contains all the standard compulsory clauses relating to exempt and complying development. The types of development that are considered to be either exempt or complying development are then listed in Schedule 2 and 3 respectively.

Draft LEP 2013 proposes no additional development types to those identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

This part contains a number of clauses that relate to development standards such as minimum lot sizes for subdivision and dwelling entitlements.

Clause 4.1 Minimum subdivision lot sizes

This clause is an optional standard clause for adoption where Council requires minimum lot sizes to be regulated by application of a development standard.

The development standard is indicated spatially on the Lot Size Map, rather than written into the clauses. This is a significant change in how development standards are applied as this process allows different minimum lots sizes to be applied within a land use zone.

The Lot Size Map includes minimum lot sizes for the following zones as follows:

Proposed Zone	Applicable Lot Size
RU1 Primary Production	40ha
RU2 Rural Landscape	40ha
RU5 Village	Varying – Areas of 4000m ²
RU5 Large Lot Residential	Varying – Areas of 4000m ² , 2ha and 10ha
R1 General Residential	Varying – Areas of 300m ² , 400m ² and 600m ²
R2 Low Density Residential	Varying – Areas of 600m ² , 800m ² and 2000m ²
E3 Environmental Management	40ha
E4 Environmental Living	40ha

Where a minimum lot size has not been indicated on the Lot Size Map, then land can be subdivided with consent under the provisions of Clause 2.6. In this circumstance, a greater flexibility is afforded to Council in determining an appropriate development outcome such as in the commercial, industrial and recreation zones.

As Council resolved not to change the existing minimum lot size of 40ha, it is required that the existing performance standards contained within Clause 13 of the Rylstone LEP 1996 and Clause 12(1) of Lithgow LEP 1994 be carried over into the new LEP.

To effect this, subclause 5 has been added to this clause to restrict further subdivision of lands identified on the Lot Size Map as Areas 1 and Area 2 respectively.

Area 1 contains lands comprising in any part as prime, crop and pasture land being Class 1, 2 or 3 on a map prepared by or on behalf of the Department of Agriculture.

Area 2 contains residue consolidated lands resulting from previous concessional allotment subdivisions.

Clause 4.1A Strata subdivisions in certain rural and environmental zones

This clause is adopted to prevent further fragmentation of land in the rural and environmental zones from other forms of subdivision not addressed in Clause 4.1.

Clause 4.1AA Minimum subdivision lot size for community title schemes

This clause is adopted to prevent further fragmentation of land in the rural and environmental zones from other forms of subdivision not addressed in Clause 4.1.

Clause 4.1B Minimum lot sizes for dual occupancy, multi-dwelling housing and residential flat buildings in certain zones

This clause requires a minimum lot size for certain forms of residential development to achieve or maintain a certain density of development in areas where it applies.

Clause 4.2 Rural subdivision

This is a standard compulsory clause to provide that land within the RU1 primary production zone and the R2 Rural Landscape zone may be subdivided for the purposes of primary production into a lot of a size less than the minimum lot size shown on the Lot Size Map provided no existing dwelling would be situated on the lot. Further no dwelling can be erected on any such lot created.

This clause supports the provisions of the Rural Lands SEPP.

Clause 4.2A Erection of dwelling houses or dual occupancies and secondary dwellings on land in certain rural and environmental protection zones

While the Draft LEP 2013 proposes to adopt the model local clause for dwelling entitlements in the Rural and Environmental Zones, the wording of the clause requires some variation to take account of local circumstances arising from the need to introduce an absolute minimum lot size of 4000 m² in relation to unsewered lands for existing holdings and to address existing holding definitions arising from current and past planning instruments.

This clause is supported by a map showing the Former LEP Boundaries to assist definition of relevant dates for existing holdings.

Clause 4.2B Erection of dwelling houses, dual occupancies and secondary dwellings on land within certain village and large lot residential areas

This additional clause is necessary for the RU5 and R5 zones to protect the entitlement for the erection of a dwelling for those allotments created and /or approved by subdivision under the current planning instrument where the new minimum lot size has increased under Draft LEP 2013.

Draft LEP 2013 does not adopt the optional Height of Buildings or Floor Space Ratio clauses.

It should be noted that this part includes a compulsory standard clause (clause 4.6) for exemptions to development standards that reflect the provisions of State Environmental Planning Policy No 1- Development Standards and as such is replaced by this clause.

PART 5 MISCELLANEOUS PROVISIONS

This part contains a collection of unrelated standard compulsory clauses. A brief discussion is provided below where necessary to explain the intention of the clause.

Clause 5.1 Relevant Acquisition Authority

This clause identifies the relevant acquiring authority for any land that is intended to be purchased for a public purpose.

The Draft LEP 2013 does not identify any land proposed for acquisition at this point in time.

Clause 5.2 Classification and reclassification of public land

This clause provides the legal mechanism for council to classify or reclassify public land. Schedule 4 then lists the land so affected.

Draft LEP 2013 proposes to reclassify 97 parcels of public land. Further detail regarding this matter is included in a separate section of this report.

Clause 5.3 Development near zone boundaries

This clause is not proposed to be adopted in the Draft LEP 2013.

A similar clause exists in the current LEP and has been exploited to produce development outcomes resulting in quasi zoning extensions to increase development potential rather than promote good development design.

Clause 5.4 Controls relating to miscellaneous permissible uses

This clause enables Council to insert numerical standards for a range of common types of development to reflect local circumstances.

Clauses 5.5 - 5.7

These clauses are not proposed in the Draft LEP 2013.

Clause 5.8 Conversion of fire alarms

This clause provides requirements for the conversion of fire alarms and specifies the criteria for which this development is considered to be complying development.

Clause 5.9 Preservation of trees or vegetation

This compulsory clause will function in place of any Tree Preservation Order in association with a Development Control Plan.

Clause 5.10 Heritage conservation

This compulsory standard clause outlines the requirements for heritage conservation across the LGA. Schedule 5 lists the various heritage items, heritage conservation areas and archaeological sites that relate to this clause. The Heritage Map then spatially identifies the location of such items and areas.

Schedule 5 in the Draft LEP 2013 has transferred all items currently listed in the current LEPs as well as additional items and conservation areas recommended by the Lithgow and Rylstone Heritage Studies and the Heritage DCP Study.

Clause 5.11 Bush Fire Hazard Reduction

This clause authorises bush fire hazard reduction work authorised by the Rural Fires Service to be carried out without development consent.

Clause 5.12 Infrastructure development and use of existing buildings of the Crown

This clause makes special provisions for development by public authorities under the Infrastructure SEPP and the use of existing buildings of the Crown.

Clause 5.13 Eco-Tourist facilities

This clause provides performance standards and criteria for the development of eco-tourist facilities on land where these are permitted with consent.

PART 6 URBAN RELEASE AREAS

This part relates only to significant land releases where satisfactory arrangements must be made with various state authorities for the provision of infrastructure. In order to trigger Part 6 clauses the land must be identified on the Urban Release Map.

A development control plan addressing a range of planning and design matters is also required before any major development of this area can be considered.

Land at Marrangaroo has been identified in the Draft LEP 2013 as an urban release area.

PART 7 ADDITIONAL LOCAL PROVISIONS

This part contains specific local clauses that relate to the Lithgow LGA.

Clause 7.1 Flood Planning

This clause provides performance standards for land affected by flooding. The Flood Planning Map identifies the land to which this clause applies as flood planning area. The clause also relates to any other land at or below the flood planning level being the 1 in 100 year ARI plus a freeboard of 0.5m.

Clause 7.2 Stormwater management

This clause provides for consideration of stormwater management and water sensitive urban design for all developments. The inclusion of these provisions in the LEP gives such consideration determinative weight in the assessment process.

Clause 7.3 Earthworks

This clause provides for development consent to be obtained for earthworks and identifies those matters that require consideration in the development assessment process. The inclusion of these provisions in the LEP gives such consideration determinative weight in the assessment process.

Clause 7.4 Riparian lands and waterways

This clause implements the State Government Agency Environmentally Sensitive Areas (ESA) mapping and model natural resource management (NRM) clauses to trigger a higher level of assessment in relation to identified sensitive riparian lands and waterways. This clause is supported by the Environmentally Sensitive Areas - Water Overlay Map.

Clause 7.5 Groundwater vulnerability

This clause implements the State Government Agency ESA mapping and model NRM clauses to trigger a higher level of assessment in relation to identified areas of groundwater vulnerability. This clause is supported by the Environmentally Sensitive Areas - Water Overlay Map.

Clause 7.6 Terrestrial biodiversity

This clause implements the State Government Agency ESA mapping and model NRM clauses to trigger a higher level of assessment in relation to areas identified as moderate and high biodiversity on the Environmentally Sensitive Areas - Biodiversity Overlay Map.

Clause 7.7 Sensitive Lands

This clause implements the State Government Agency ESA mapping and model NRM clauses to trigger a higher level of assessment in relation to identified areas of sensitive lands as indicated on the Environmentally Sensitive Areas - Land Overlay Map.

Clause 7.8 Essential Services

This Clause is to ensure that all development is provided with essential infrastructure at the time of development.

The inclusion of these provisions in the LEP gives such consideration determinative weight in the assessment process.

Clause 7.9 Active Street Frontage

This clause provides that the central core of the Lithgow Main St business precinct retains its business and retail function and concentrates the areas of high pedestrian traffic. This clause is supported by the Active Street Frontage Map.

The clause applies to land within Main St Lithgow between Eskbank St and Naomi St.

Clause 7.10 Location of Sex Services Premises

This clause provides for additional consideration criteria for the location of sex services premises in the vicinity of residential development, schools, child care centres and the like.

Clause 7.11 Development Pottery Estate

This clause provides that a development control plan is required to address specific development criteria for development of the land identified on the Pottery Estate Development Map. This is to ensure that this strategically located site is developed in an orderly and environmentally responsible manner.

Clause 7.12 Existing Dwellings on unsubdivided land

This clause is required to retain existing exemptions to development standards for particular lands within the LGA to enable existing dwellings built under historic joint tenure to have separate Torrens title.

Clause 7.13 Lithgow Drinking Water Catchment

This clause provides additional performance considerations for development within the Lithgow Drinking Water Catchment. This clause is supported by the Drinking Water Map.

Clause 7.14 Development within designated buffer areas

This clause provides for additional performance consideration for development in the vicinity of local infrastructure and is supported by the Sewage Treatment Plant, Waste Disposal Facility and Water Treatment Facilities Map. This map identifies land within 400m of the local infrastructure.

Schedule 1 – Additional Permitted Uses

Not Applicable

Schedule 2 – Exempt Development

Adopts SEPP (Exempt and Complying Development Codes)
No further development types listed

Schedule 3 – Complying Development

Adopts SEPP (Exempt and Complying Development Codes)
No further development types listed

Schedule 4 – Classification and reclassification of public land

This schedule details all public land to be reclassified under Draft LEP 2013.

Schedule 5 – Environmental Heritage

This schedule lists all items of environmental heritage, heritage conservation areas and archaeological sites to which clause 5.10 applies.

Dictionary

This dictionary defines the words and expressions for the purposes of the LEP.

This is a standard compulsory dictionary that cannot be altered by Council.

Mapping

Council has prepared a series of mapping layers using the Map Info Program. Layers have been prepared having regard to the “*Standard Technical Requirements for preparing LEP Maps*”. These will be placed into the templated format by the GIS division of the Department of Planning and Infrastructure prior to public exhibition.

The Draft LEP 2013 is supported by the following mandated and local maps:

Map Title	Relevant Clause of Draft LEP 2013	Mandated/Local
Land Application Map	1.3	Mandated
Land Zoning Map	2.2	Mandated
Lot Size Map	4.1	Mandated
Former LEP Boundaries Map	4.2A	Local
Heritage Map	5.10 and Schedule 5	Mandated
Urban Release Area Map	6.1- 6.3	Local
Flood Planning Map	7.1	Local
Environmentally Sensitive Areas – Water Overlay Map	7.4 and 7.5	Local
Environmentally Sensitive Areas – Biodiversity Overlay Map	7.6	Local
Environmentally Sensitive Areas – Land Overlay Map	7.7	Local
Active Street Frontages Map	7.9	Local
Pottery Estate Development Map	7.11	Local
Lithgow Drinking Water Catchment	7.13	Local
Sewage Treatment, Waste Disposal and Water Treatment Facilities Map	7.14	Local

To assist understanding of the Planning Proposal several A3 thematic maps (png format) have been prepared to demonstrate the spatial extent of each of the mapping layers. These maps are provided in Attachment 2. Please note some of the layers have been combined onto one map to avoid excessive map production and printing prior to the final Draft LEP maps being made available.

LAND USE MATTERS REQUIRING FURTHER STRATEGIC WORK AND CONSIDERATION BEYOND DRAFT LEP 2013.

The Lithgow Land Use Strategy identified a number of data gaps that limited the strategic directions and recommendations for the Draft LEP 2013.

Specifically these are:

- Completion of the Marrangaroo Investigation Studies
- Housing Strategy
- Biodiversity Strategy
- Aboriginal Culture and Heritage Strategy
- Floodplain Risk Management Plan
- Transport and Cycling Strategy
- CBD and Public Domain Strategy

These gaps are proposed to be addressed over the next five to six years as resources permit to inform the first major review of the Principal LEP.

It has also become apparent that many in the community feel that the issue of demand for rural small allotments for lifestyle development and smaller hobby farms (below 40hectares) has not been given sufficient consideration in the LUS and therefore has not been addressed in the Draft LEP 2013.

Whilst it can be said that the LUS had in planning terms sufficiently addressed this issue including identifying longer term growth opportunities; it is recognised that the strategy did not undertake an exhaustive rural analysis to better inform such issues as defining:

- the factors influencing demand for smaller allotments
- the factors influencing the supply chain of zoned land for this purpose
- the range of purposes for which smaller allotments are required
- how rural lands are currently used
- the ability of rural lands to cater for emerging intensified agricultural land use
- whether such demand should be met and if so to what extent
- the range of lot sizes required to meet the demand once established
- the range of factors determining appropriate locations including land capability and suitability and subjective factors such as visual amenity
- the demand for and feasibility of providing an appropriate level of services and facilities.
- what impact such development would have on the continued viability of the urban centre and villages.
- the impact such development would have on the existing primary and natural resources.

It is therefore recommended that Council undertake a further strategic rural lands study over the next 18 month period and seek to implement the findings of such study through an amending Planning Proposal should such be required.

This will require the allocation of further funds to enable this work to be outsourced to an external consultant.

CONSULTATION AND ENGAGEMENT

The *Environmental Planning and Assessment Act, 1979* sets out the community consultation requirements for planning proposals and these are determined or confirmed by the Gateway within its determination issued under Section 56 of the Act.

Council is not able to seek public comment on Draft LEP 2013 until it has received and complied with the Gateway determination.

Extensive community consultation and engagement was undertaken as part of the development of the Lithgow Land Use Strategy 2010-2030 and its informing strategies as well as the Community Strategic Plan 2025. The development of the Draft LEP 2013 has been informed from the outcomes of this consultation.

In particular the aims of the Draft LEP 2013 have been drawn from the overarching strategic directions developed by the community as reflected in both the LUS and Community Strategic Plan.

Internal Consultation

Significant internal consultation has occurred with relevant Councils officers during the preparation of the LUS and Draft LEP 2013. Information obtained from the internal workshops and engagements has informed the draft document.

Councillor Consultation

In preparation of the Draft LEP 2013, Councillors have been involved in a series of briefing sessions. Further sessions will occur as comments are received from DP & I prior to the exhibition process and throughout the remainder of the process as issues are raised by the community.

Public and Agency Consultation

Community consultation for the Draft LEP 2013 will be conducted in accordance with Section 5.5.2 Community Consultation of the DP & I publication “*A guide to preparing local environmental plans*”. Being a Principal LEP the planning proposal is not considered a “low impact” planning proposal and therefore requires a public exhibition period of at least 28 days.

A full consultation strategy will be prepared for the public exhibition phase including the following forms of public notification and engagement techniques:

- Notification in newspapers circulating in the LGA;
- Notification on Councils website and social media site;
- Print and Radio Media Notifications and Releases;
- Notification to all persons who have previously registered an interest or made a submission in relation to the LUS and LEP making process;
- Notification to all known community groups operating in the LGA;
- Notification and consultation with all relevant government authorities and agencies
- Development and dissemination of a number of plain english fact sheets.

Given that the Planning Proposal is a Principal LEP applying to the whole LGA, it is considered impractical to notify each landowner in writing.

Due to the anticipated level of public interest in this project, **Council will be seeking, through the planning proposal, a public exhibition period of 50 plus days to be considered for this planning proposal to ensure the concerns and interests of the community are properly identified.**

TARGET TIMELINE FOR THE MAKING OF THE DRAFT LEP

The Minister for Planning and Infrastructure, Hon Brad Hazzard MP, has strongly encouraged Council to finalise its standard instrument LEP by 30th June 2013 or as soon as possible thereafter. The June 30 deadline is not possible to achieve.

Given the current status of the project the following target timeline outlining the milestone steps in the LEP Plan Making Process is proposed;

Draft LEP 2013 Project Timeline

KEY STEP	RESPONSIBILITY	TARGET MILESTONE DATE
Council resolution to prepare SI LEP	Council	March 2012
Director General endorsement of LUS	Director General DOP & I	May 2012
Preparation of Planning Proposal and resolution of Council to forward for Gateway Determination	Council/ Western Region office of DOP & I	Mid April 2013
Gateway Determination	DOP & I	May 2013
Compliance with Gateway Determination if required and preparation of final Planning Proposal	Council	June 2013

Director General Approval to Exhibit	Director-General	June 2013
Public Exhibition	Council	July 2013 – August 2013
Consideration of submissions	Council	September - October 2013
Public hearing required for classification of Public Lands	Council	October 2013
Consideration of submissions from Public Hearing		October 2013
Final Draft LEP adopted by Council and referred to Director General for drafting and making of the Plan	Council/Director -General	November 2013

Identified Potential Risks to Target Timeline

- Draft Planning Proposal not adopted in submitted form by the newly elected Council
- Time for Gateway Determination and compliance with conditions if any
- Council requirement for extended public exhibition period
- Number and nature of public/government authority submissions Scope of Public Hearing and consideration of submissions
- Potential that a substantially revised Planning Proposal may be required leading back to a new Gateway Determination and further public exhibition period
- Final Draft LEP not adopted by Council.

SPECIAL DISCLOSURE OF PECUNIARY INTERESTS

Section 451 of the *Local Government Act 1993*, has been amended to provide for a Councillor who has a pecuniary interest in a Principal environmental planning instrument such as Draft LEP 2103 to participate in the discussion of and vote on the instrument, provided that they make a special disclosure.

A special disclosure in relation to the interest must be made before the commencement of the council meeting or the council committee meeting, and must be recorded in the minutes of the meeting.

The special disclosure must be made on the prescribed form (a copy of which is attached) to this report.

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

CONCLUSION

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

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

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

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

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

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

GENERAL MANAGER'S COMMENTS

In addition to the minor variations discussed above there have been some late submissions lodged through Council's Economic Development Officer. Of these, there are two that are considered to have merit and which are supported with additional General Manager's recommendations. These are indicated as recommendations at the end of this report.

The first relates to a site adjacent to KFC consisting of lands as indicated in Attachment 5. This land has merit to be zoned B1 Neighbourhood Centre. Over recent times Council has received several enquiries from investors seeking land with frontage to the Great Western Highway within the Bowenfels area. These enquiries relate to the opportunity to develop a small cluster of neighbourhood scale shops including a mini mart or similar style of convenience store.

This investor interest is likely to have been sparked by the degree of residential development occurring within the South Bowenfels area, the absence of a dedicated neighbourhood scale retail centre and the relative distance to such facilities within the Lithgow Town centre

In principle Council's adopted Lithgow Retail and Business Strategy seeks to ensure the ongoing economic viability of the town centre is a key priority and that retail development out of the town centre should be limited in scale.

Currently there are 2 locations that are zoned or proposed to be zoned to enable a neighbourhood scale retail activity in the Bowenfels area. The area at Col Drewe Drive behind the postal centre is a good location but does not have highway frontage. The site on the southern side of KFC is undeveloped which is currently not available in the market place.

It is considered that the limited northward expansion of the Business zoning at the KFC location would facilitate this type of development without compromising the economic viability of the town centre.

A site at Lidsdale consisting of lands as indicated in Attachment 6. This land has merit to be zoned IN2 Light Industrial. Lithgow presently has a shortage of shovel ready light industrial zoned land. Remaining suitably zoned land within Lithgow and Wallerawang is fragmented, generally small in scale, constrained by access or environmental factors or not available within the market place.

Council has addressed this issue for the longer term by actively pursuing the development of the Wallerawang Minerals and Industry Park including the recent submission to Resources for Regions seeking development grant funding as well as the identification of industrial lands at Marrangaroo within the draft LEP. However both these sites are considered to have longer lead times before land becomes available in the market place given the complexity of land ownerships, servicing and other delivery factors.

There is therefore an imperative to provide land for the market place for light industrial and business purposes within the shorter term.

Council has been approached by the owner of Whalans at Lidsdale with an initial proposal to supply land for light industrial/business park uses at that site. The development of land for this purpose in this location is considered to have the following economic merit:

- consolidation of an existing cluster of power and mining related service activities within Lidsdale
- opportunities to attract new investment and employment for Lithgow in the short term within an attractive purpose designed subdivision
- the physical characteristics of the site provides an opportunity to buffer the light industrial and business uses from residential development elsewhere in Lidsdale
- the site is fully serviced and can offer excellent heavy vehicle access to road infrastructure

The provision of land for light industrial/business purposes in this location may negate the need to provide for similar activities within the Wallerawang Minerals and Industry Park. This will allow the Wallerawang site to become an attractor for heavy industries within the Lithgow LGA.

POLICY IMPLICATIONS

The Draft LEP 2013 provides future policy direction for all land use planning decisions.

FINANCIAL IMPLICATIONS

This project is jointly funded by Council and the Department of Planning and Infrastructure through round four funding of the Planning Reform Fund.

Should Council resolve to carry out a rural lands study a further allocation of funds by Council will be required. It is expected that this rural land study would cost approximately \$80,000.

LEGAL IMPLICATIONS

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

The Draft LEP 2013 once gazetted will be a legal environmental planning instrument.

ATTACHMENTS

1. Draft Planning Proposal – Draft Lithgow City Local Environmental Plan 2013
2. Draft Lithgow City Local Environmental Plan 2013 and accompanying maps
3. Draft Lithgow City Local Environmental Plan Land Use Matrix
4. Schedule 3A Form of special disclosure of pecuniary interest
5. Map site adjacent to Lithgow KFC
6. Map site at Lidsdale

RECOMMENDATION

THAT Council:

1. Endorse the Draft Lithgow City Planning Proposal; the Draft Lithgow City Local Environmental Plan 2013 and accompanying maps to commence the process in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (as amended)*.
 - 1A Note that the planning proposal and Draft LEP now includes the variations to the endorsed LUS as detailed in the section titled “Draft Local Environmental Plan 2013 – Minor Variations from the Endorsed Land Use Strategy” of this report.
 - 1B Seek the Gateway Determination to allow for a public exhibition period for the Planning Proposal and Draft LEP 2013 of at least 50 days.

2. Refer the above documents to the Western Region Office of the Department of Planning and Infrastructure to arrange for the issuing of a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979 (as amended)* to allow Council to proceed to public exhibition and formal government agency consultation.
3. Seek the Director-Generals opinion that inconsistencies between the Draft Lithgow City Local Environmental Plan 2013 and identified 117(2) Ministerial Directions are justified either by the endorsed Lithgow Land Use Strategy 2010-2030 or as being of local and minor significance.
4. Delegate to the General Manager authority to make any minor amendments to the adopted Draft Lithgow City Planning Proposal and Draft Lithgow City Local Environmental Plan 2013 that may arise after the formal adoption of this report or as conditions placed on the Gateway determination issued by DP & I.
5. Note that a report will be resubmitted to Council if significant amendments are required by the DP & I to the adopted Draft Lithgow City Local Environmental Plan 2013.
6. Notifies the public for a period of not less than 28 days of its intention to reclassify via Council resolution the following parcels of public land from “operational” to “community” classification under the provisions of the *Local Government Act, 1993*:

Community Hall	Civilian Widows Hall	Lithgow	Tank Street	Lot 1 DP517242
Community Hall	East St Public Hall and Park	Lithgow	East Street	Lot 114 DP 28254
Community Hall	Community Hall Vale of Clywdd	Lithgow	Mort Street	Lot 2 DP 563455
Indoor Sporting Facility	Reg Cowden Memorial Sports Centre Lithgow	Lithgow	Barton Street	Lot 3 DP 29016
Public Hall	Crystal Theatre	Portland	Wolgan St	Lot 1 DP 558522
Public Hall	Memorial Hall/Pre School Building	Wallerawang	Commens St	Lots 1,2,3,4,5 DP 15683

7. Undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan.

GENERAL MANAGER'S ADDITIONAL RECOMMENDATION

THAT:

8. The site adjacent to Lithgow KFC consisting of lands as indicated in Attachment 5 be reflected in the draft Local Environmental Plan and Planning Proposal as zone B1 Neighbourhood Centre.
9. The site at Lidsdale consisting of lands bounded by the purple border in Attachment 6 be reflected in the draft Local Environmental Plan and Planning Proposal as zone IN2 Light Industrial.

**ITEM-10 ENVIRO - 15/04/13 - ESKBANK RAILWAY STATION PRECINCT -
PROPOSED CUSTODY MANAGEMENT AGREEMENT**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Minute No. 10-530: Meeting of 13 December 2010

SUMMARY

To advise Council of the current position in relation to a proposed Custody Management Agreement with Railcorp in relation to the Eskbank Station Precinct. The recommendation, following advice from the Eskbank Rail Heritage Centre, will be not to proceed.

COMMENTARY

At its Ordinary Meeting of 13 December 2010, Lithgow City Council resolved as follows:

1. Council enter into a Custody Management Agreement with Railcorp in relation to the Eskbank Station and surrounding precinct.
2. A separate partnership be entered into with the Eskbank Rail Heritage Centre so that the respective roles are defined so this group may be actively involved in planning and carrying out restoration works on the facilities.
3. In conjunction with the Management Agreement, an application be made to Railcorp for funding for the restoration the facilities.
4. The Common Seal be authorised to be attached to any documentation in relation to the Custody Management Agreement.

Following several versions of the proposed Custody and Management Agreement; drafts and re drafts; legal and insurance advice obtained by both parties, the Custody Management Agreement is now to a point where Council could consider formally executing the document.

A Custody Management Agreement is an agreement with Railcorp that basically allows the custodian to oversee the property and make application to Railcorp for various maintenance activities that have been identified in an Asset Management Plan. There are limitations, for example it would not be possible for a commercial party to sub-lease any part of the premises that would enable an income to be derived which could be put back into the facility. It had always been intended that a separate partnership be entered into with the Eskbank Rail Heritage Centre to oversee the day to day activities and any restoration works. Whilst if the agreement was entered into, there is a likelihood that some funding would be able to be obtained on a case by case basis for maintenance works identified in the asset management plan there does not appear to be any guarantee that any wider funding would be available.

With this in mind, a number of discussions have ensued with the Eskbank Rail Heritage Centre who have provided correspondence (attached). The Eskbank Rail Heritage Centre have raised a number of issues in discussions and their latest correspondence as to whether Council should consider signing the proposed Custody Management Agreement or not. These are outlined in the correspondence provided. With this in mind, and considering that Council was only proceeding to enter into the Custody Management Agreement to assist the Eskbank Rail Heritage Centre in there endeavours, there would seem little point in proceeding with the

Custody Management Agreement. The group is of the view that they will be able to undertake the restoration works at Eskbank by themselves with some assistance from Council and sponsorship. They also intend to pursue possible grant funding through other sources. Furthermore, there appears to be a major disadvantage in entering into the Custody Management Agreement in that any part of the premises could not be sub-leased to a commercial entity which would provide the opportunity to derive any income that could be expended on the facilities. It is understood that the Eskbank Rail Heritage Centre would be likely to pursue such an option through other arrangements as a lessee of the site.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL if Council chooses not to proceed.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Correspondence from Eskbank Rail Heritage Centre dated 2 April 2013.

RECOMMENDATION

THAT Council NOT enter into a Custody Management Agreement with Railcorp in relation to the Eskbank Station and surrounding precincts at this time.

ITEM-11 ENVIRO - 15/04/13 - SAFETY OF AWNINGS OVER PUBLIC LANDS

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

NSW Planning and Infrastructure Circular BS 13-001.

SUMMARY

To inform Council of a government circular requesting Council implement a program to raise awareness of the need to monitor the safety of awnings over public lands.

COMMENTARY

Circular BS 13-001 was issued on 8 March 2013 by NSW Department of Planning and Infrastructure in response to recommendations of the Deputy State Coroner following a coronial inquest into a fatal accident at Balgowlah involving the collapse of an awning. The Deputy State Coroner made recommendations to address the issue of awning safety over public land.

The Deputy Coroner noted in his report that there had been 17 reported incidents of awning collapses at various locations throughout NSW since a fatal accident resulting from an awning collapse in Bathurst in 1998.

The Coroner's report raised three specific issues:

- Council's powers regarding public safety
- Council's powers under the Roads Act, and
- The nature of approvals required for awnings.

As a result of a coronial inquiry into the death of a person from a street awning collapse in Bathurst in 1998, the Department of Local Government at the time requested that all councils give consideration to implementing a program of street awning improvements to ensure public safety.

Following this request Council wrote to the owners of all buildings with street awnings in the Lithgow, Wallerawang and Portland CBD areas requesting that they have a structural assessment of their street awning carried out by a competent person to ensure public safety. The response was limited and resulted in Council advising owners that it would engage the services of a structural engineer on a fee for service basis to carry out an assessment of all CBD awnings to determine what works were necessary to ensure their structural integrity.

The resulting structural assessment of all awnings revealed a large number of awnings requiring repair. Common faults were defective, rusted and non maintained structural tie rods, dangerous and loose cladding, and inadequate roof drainage.

Following these assessments, owners were advised of defects and requested to carry out the necessary works under the direction of a structural engineer to ensure public safety. The engineer then certified the final works.

The initial program resulted in repairs to a large number of CBD awnings. The main objections from owners related to the cost of the inspection, and the cost of employing an engineer for supervision and certification at completion of works.

Safety of Awnings and Suggested Actions

Awnings located over a public footpath are the responsibility of the owner of the building to which they are attached. Section 142(1) of the Roads Act 1993 requires that the owner or the person having the right to the structure must maintain it in a satisfactory state of repair.

To increase the level of consistency in the safety of awnings across the state, the circular requests councils to implement a program to raise awareness with owners of awnings of the need to monitor the safety of awnings as they age.

Circular BS 13-001 highlights the following components to be included in a program to raise awareness of the safety of awnings:

- Identifying owners of buildings with awnings over public lands
- Notifying owners of their responsibility to keep awnings in good order in all conditions, including during storms
- Advising owners to seek legal advice about liability for failure or collapse of their awning
- Advising owners that awnings more than 10 years old are more susceptible to failure and should be inspected by a professional engineer for structural adequacy. The attached Practice Note 18 “Inspection and Assessment of Existing Tied Awnings”, issued in July 2008 by the Association of Consulting Structural Engineers of NSW could be used to provide details to owners of the processes for the determination of awning safety.
- Request owners to provide details of any inspections and works to council.

Other Possible Options/Actions

In addition to actions suggested by the Department of Planning and Infrastructure, the following Options/Actions could be considered by Council:

1. Reintroduce the strategy followed in 1999. This involved writing to the owner requesting they engage a structural engineer to carry out an assessment of their awning. If no response is received, Council negotiate with an engineer for a bulk rate that can be charged to each owner as a Fee for Service, then require the owner under the direction of the engineer to repair the awning and provide certification.

Issues: The administration falls to Council and it is very time consuming to organise quotes from engineers and be involved with every job. Council can also become embroiled in any disputes/disagreements between owners and the engineer as owners may not agree with the recommendations being made. Also, owners often do not always understand that there may be substantial costs involved in the process, not just with the engineers fees, but the need for structural drawings should major works be necessary and the subsequent repairs.

2. Write to all owners pointing out their responsibilities to maintain their awning to ensure public safety, and request that they obtain a structural assessment from a structural engineer having the appropriate skills and insurance, to be submitted to Council for consideration. Failure to respond would require a second letter pointing out that Council has the ability to take action under the provisions of the relevant acts to enforce this requirement. A failure to respond would result in service of notices and orders and the potential for fines and enforcement proceedings. Awnings that have been constructed or repaired, and certified as such, within the last 10 years could be excluded.

Issues: Less administration by Council and a greater level of responsibility on the owner to follow through with the process. It could result in Council serving notices and orders for non compliance with Councils direction.

3. Write to the Lithgow Business Association (LBA) advising of Councils obligation for public safety and seek their input in relation their members.

Issues: A “no action” solution is not an option where public safety is compromised and this would need to be understood by the LBA. Also, the LBA does not represent Wallerawang or Portland or all Lithgow CBD businesses.

In general, it is considered that the suggestions from the Department of Planning and Infrastructure provide the best balance between requiring actions to be taken to protect public safety; subjecting property owners to minimal ‘red tape’; and reducing the possibility of a significant administration burden on Council. The Council may, however, wish to consider ascertaining interest from awning owners of participation in a ‘bulk rate’ program where prices are sought by Council from structural engineers to undertake inspections, proposed repair works and certifications of repairs. This may result in a better price to awning owners.

LEGAL IMPLICATIONS

NSW Department of Planning and Infrastructure advises that legislation provides council with powers to carry out inspections of or require repairs to defective structures by issuing orders in the following circumstances:

- Environmental Planning and Assessment Act 1979; Section 121B, Order No.2 or 4, when a “building is or is likely to become a danger to the public” or a “building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood”;
- *Local Government Act 1993*; Section 124, Order 21 or 29, when “the land or premises are in a not safe or healthy condition” or where it is necessary to “alter or repair a work or structure on, over or under a public place”, because “it is in the public interest to do so”.

Other related powers are available to Council under the Roads Act 1993:

- Council, as the relevant roads authority, are provided with powers under sections 98, 142,164, and 165, to take any necessary action required to secure the safety of the general public in their use of public footpaths, from dangerous or potentially dangerous awnings.

ATTACHMENTS

1. NSW Planning and Infrastructure Circular BS 13-001.
2. Practice Note 18 Inspection and Assessment of Existing Tied Awnings.

RECOMMENDATION

THAT the following components of a street awning safety improvement program be implemented:

1. Identify owners of buildings with awnings over public lands.
2. Notify owners of their responsibility to keep awnings in good order in all conditions, including during storms.
3. Advise owners to seek legal advice about liability for failure or collapse of their awning.

4. Advise owners that awnings more than 10 years old are more susceptible to failure and should be inspected by a professional engineer for structural adequacy. Practice Note 18 “Inspection and Assessment of Existing Tied Awnings”, issued in July 2008 by the Association of Consulting Structural Engineers of NSW to be provided in the advice to owners of processes for the determination of awning safety.
5. Request owners to provide details of any inspections and works to council by 1 December 2013.
6. As an option to comply with No 5 above, obtain expressions of interest from owners of buildings with awnings over public lands on obtaining a ‘bulk rate’ from a structural engineer to:
 - Inspect their awning
 - Recommend repairs if necessary or provide certification of compliance if not necessary
 - Oversee repairs if necessary
 - Certify compliance once repairs have been carried out if necessary

**ITEM-12 ENVIRO - 15/04/13 - VARIATION OF COVENANTS - LOT 4 DP
1150411 - 147 COXS RIVER ROAD LITTLE HARTLEY**

REPORT BY: A MUIR – GROUPMANAGER ENVIRONMENT AND DEVELOPMENT

SUMMARY

Council has received a Development Application DA200/12, for the erection of a two storey dwelling and a barn at Lot 4 DP 1150411, 147 Coxs River Road, Little Hartley NSW 2790. The application proposes to locate the dwelling outside the building envelope stipulated by a covenant imposed by Lithgow City Council. The covenant was placed on the property as part of the subdivision 119/93DA to protect the land from erosion and instability. In this case, it has been requested that Council consider a variation of the covenant to allow the dwelling outside the building envelope.

COMMENTARY

Council is receipt of a Development Application for a dwelling and barn on Lot 4 DP 1150411. The land is relatively steep and retains native bushland on the higher slopes. The property is subject to the following restrictions on the 88B Instrument:

“Terms of restriction secondly referred to in the above mentioned plan

No dwelling shall be located on the lot burdened other than within the the (sic) part of the lot hereby burdened which is marked “R” on the plan.

No dwelling shall be erected on the lots burdened unless provision is made for effluent disposal in accordance with geotechnical report prepared by Geotechnique Pty Ltd (reference 15766/1)

Terms of restriction thirdly referred to in the above mentioned plan

The lots burdened are restricted to maintaining 70% of ground cover of the whole lot.

No removal of vegetation is allowed in the steeper areas within the part of the lot hereby burdened which is marked “Z” on the plan without permission in writing from the Council of the City of greater Lithgow.

Name of the authority having the Right to Release, Vary or Modify the Restriction secondly and thirdly referred to in the abovementioned plan: The Council of the City of Greater Lithgow.”

These restrictions have been applied to the land in order to protect the steeper slopes of the property from erosion and to ensure that an effluent disposal system is appropriately located on the property.

The Development Application submitted proposes a dwelling outside of the area marked “R” however the area proposed for the dwelling is located on a natural bench of the slope and is not heavily timbered. The proposed site is not steeper than the area marked “R” on the Deposited Plan.

A new geotechnical report has also been submitted which has been assessed by the Sydney Catchment Authority and approved in an alternative location to that suggested on the Deposited Plan.

It is considered that through detailed assessment under 79 (c) of the *Environmental Planning and Assessment Act 1979*, and appropriate conditions, the development can adequately mitigate any potential impacts of erosion and stability.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

The 8BB instrument for Deposited Plan 1150411 lists Council as the party that has the power to vary the provisions of the instrument. In this instance it is considered that any potential impacts could be adequately mitigated through relevant conditions on any development consent.

ATTACHMENTS

1. Site plan comparison to Deposited Plan

RECOMMENDATION

THAT Council APPROVE a variation to the 88B Instrument for Lot 4 Deposited Plan 1150411, to allow the consideration of a Development Application which is contrary to the provisions of the instrument.

**ITEM-13 ENVIRO - 15/04/13 - WOOD SMOKE REDUCTION PROGRAM -
 SUCCESFUL GRANT APPLICATION**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

NIL

SUMMARY

To advise Council of a successful application under the Environment Protection Authority's (EPA) Wood Smoke Reduction Program.

COMMENTARY

Council has received notification from the EPA of its successful application under the 2013 Wood Smoke Reduction Program. In this regard Council has been successful in obtaining a grant of \$20,000. Council's funding consists of \$15,000 for cash incentives to approved applicants under the cleaner heating cash incentive scheme and \$5,000 for delivering an enforcement component of the program. The cash incentive program provides for one off payments of \$500 or \$700 for eligible pensioners for the replacement of ineffective wood heaters with cleaner forms of heating. Rebates of \$350 will also be available for new slow combustion wood heaters (compliant with the latest Australian Standard) to pensioners in areas where reticulated gas is not available. The program will apply to the entire Local Government Area.

The program will run until 31 October 2013.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council will receive \$20,000 to spend on the program. All funds must be expended by 31 October 2013 or the balance returned to the Environment Protection Authority.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Notification of success of funding application.

RECOMMENDATION

THAT the report on the successful receipt of funding under the 2013 Wood Smoke Reduction Program be noted.

OPERATION REPORTS

ITEM-14 OPER - 15/04/13 - LITHGOW CITY COUNCIL AND DELTA ELECTRICITY PROPOSED LAND EXCHANGE AT LAKE LYELL AND LAKE WALLACE

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To advise Council of recent discussions with representatives of Delta Electricity regarding a proposed land exchange between Council and Delta Electricity.

COMMENTARY

Following discussions between Council and Delta electricity it was agreed that there be a transfer of land between Delta Electricity and Council of two parcels of land, namely part of the existing Magpie Hollow Road near Lake Lyell comprising of Lot 3 DP 261232 and land in Barton Avenue comprising of Lot 3 DP 7171025 in exchange for Council transferring to Delta Electricity the submerged road now described as Lot 3 DP 634322 and Lot 3 DP 634323 at Lake Lyell.

Le Fevre & Co forwarded a Deed of Agreement which will require execution under seal of Council with regard to the land exchange described in the Summary.

There appears to be no impediments to the signing of the Deed of Agreement. The purpose of this exchange is to solidify the current leases existing between Council and Delta Electricity to ensure the use of this land is available to the public in the event of any future privatisation.

ATTACHMENTS

1. Correspondence from Le Fevre & Co dated 11 March 2013

RECOMMENDATION

THAT Council:

1. Formally accept from Delta Electricity Lot 3, DP 261232, Magpie Hollow Road, and Lot 3, DP 7171025, Barton Avenue;
2. Transfer Lot 3, DP 634322 and Lot 3, DP 634323, to Delta Electricity; and
3. Authorise the affixing of the Council seal to relevant documentation for the exchange of land between Council and Delta Electricity.

ITEM-15 OPER - 15/04/13 - WATER REPORT MARCH 2013

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-92: Ordinary Meeting 18/3/13.

SUMMARY

This report provides an update on various water management issues as per Minute Number 13-92.

COMMENTARY

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

CURRENT DAM LEVELS FOR BOTH FARMERS CREEK AND OBERON

Farmers Creek Dam #2 capacity on Friday 5 April was 100%. Oberon Dam capacity on Wednesday 4 April was 88.12%

CURRENT WATER USAGE FROM EACH SUPPLY

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer System (CWTS) for 2012/13.

Table 1 - Oakey Park Monthly Output and Clarence Transfer

Month Total	Oakey Park WTP (ML)	Clarence Transfer (ML)	Farmers Ck Dam Accumulative Yield (ML)
July	107	0	107
August	106	0	213
September	115	0	327
October	140	0	467
November	140	5	607
December	135	81	742
January	146	73	889
February	92	0	981
March	114	0	1,094
2011/12 Monthly Av	121	0	
Rolling 12 Month Total	1,168	158	1,009

Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
April	3,464	0
March	3,662	0
Last Week	3,464	0
Previous Week	3,850	0

OAKEY PARK WATER QUALITY SUMMARY

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. No health-based ADWG guideline values were exceeded in March. Two low chlorine results were recorded and were investigated.

Monitoring results for the licence to operate the water treatment plant have been published on the Lithgow City Council website as required by the *Protection of the Environment Operations Act 1997*.

FISH RIVER WATER SCHEME WATER QUALITY SUMMARY

The FRWS is currently supplying water to Marrangaroo, Wallerawang, Lidsdale, Portland, Cullen Bullen, Glen Davis and Rydal. No health-based ADWG guideline values were exceeded. One Total Coliform sample exceeded guidelines and two low chlorine results were recorded and were investigated.

CURRENT WATER RESTRICTIONS UPDATE

Level 1 water restrictions are in place for all residents throughout Lithgow and villages receiving water from both the Lithgow and the Fish River water supplies.

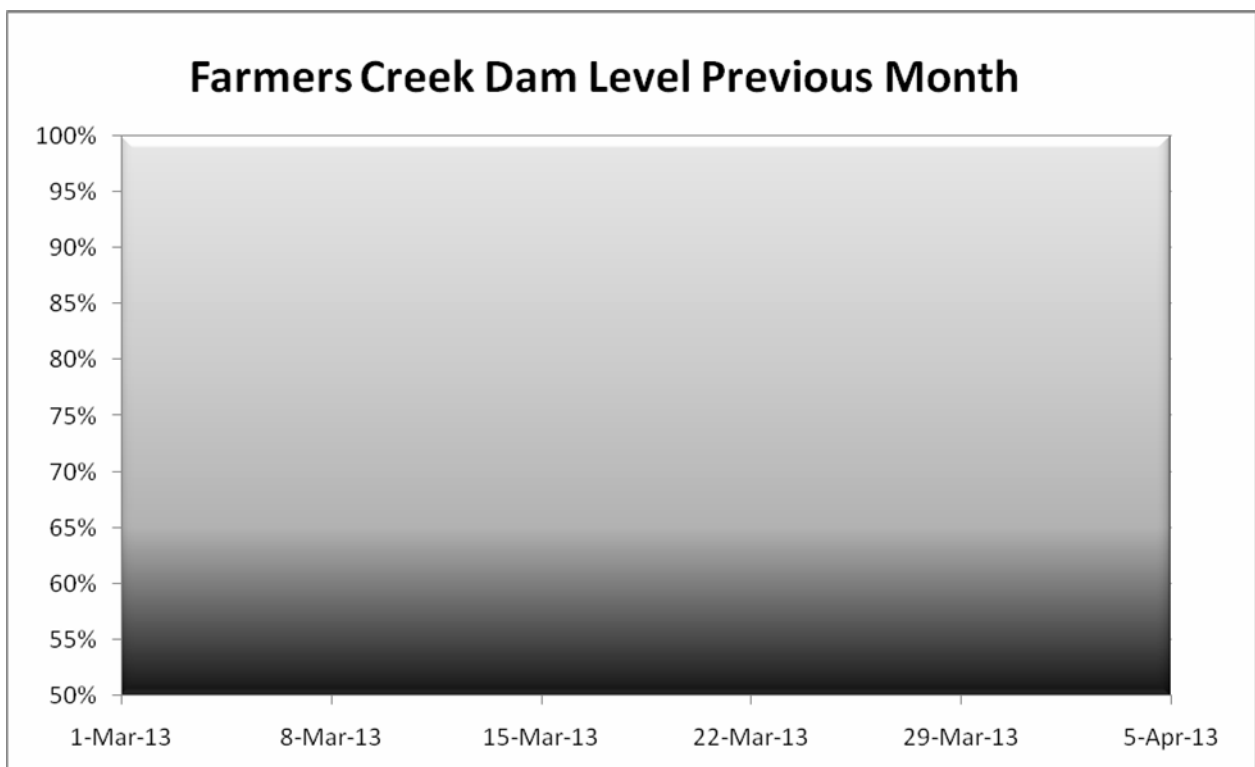
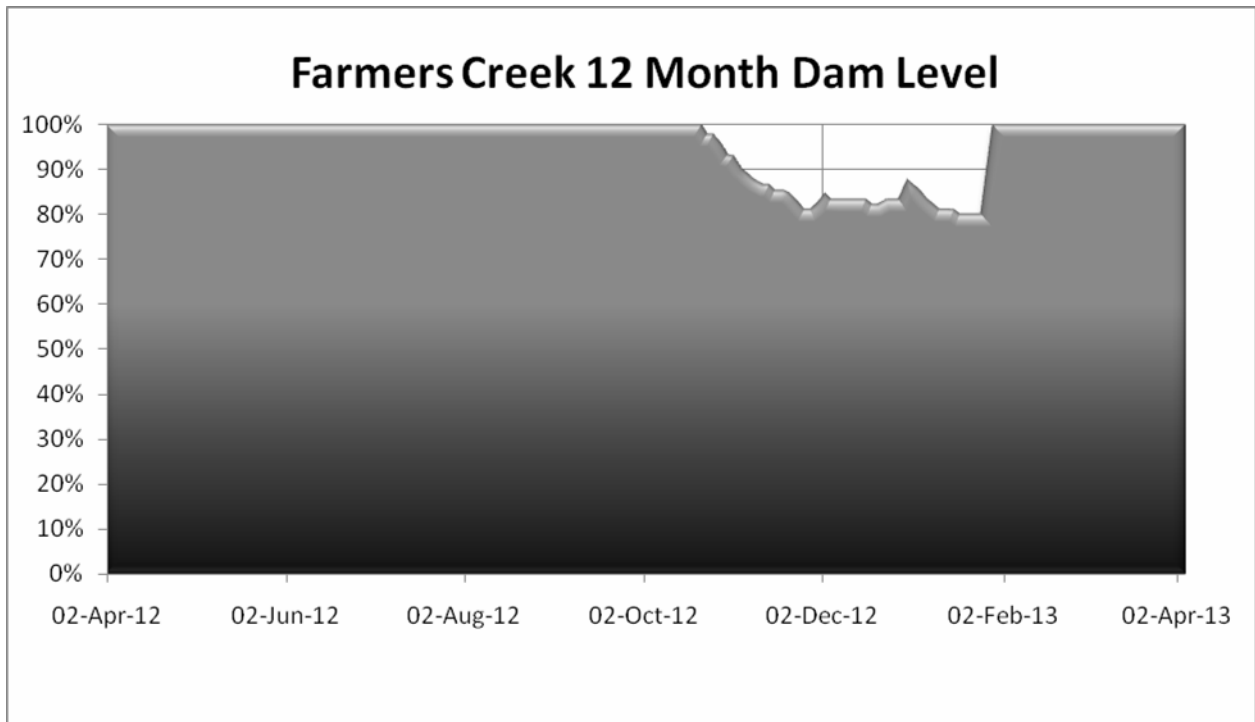
WATER SAVING SCHEMES OR PROCESSES UPDATE

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

FARMERS CREEK DAM 12 MONTH LEVELS

The attached chart shows the storage data to date for the last twelve months.

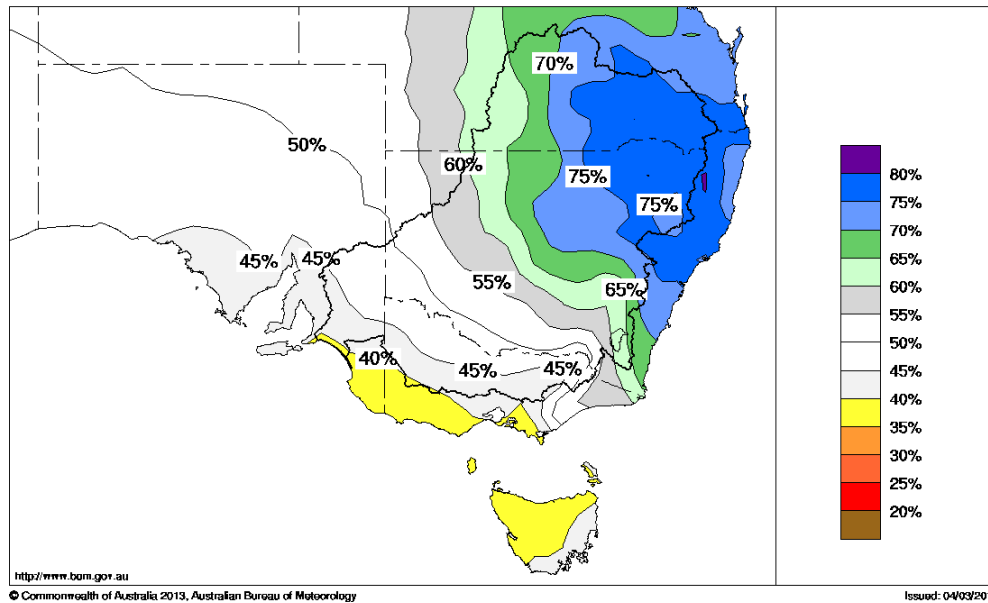
Graph 1 Farmers Creek Dam #2 over 12 Months



The southeast Australian rainfall outlook for April to June 2013 indicates that a wetter than normal season is more likely for northern and eastern NSW

This outlook is predominately a result of warmer than normal waters in the Indian Ocean; near normal temperatures in the tropical Pacific Ocean have had a minimal impact on this forecast. The chances of receiving above median rainfall during the April to June period are between 60 and 80% over much of northern and eastern NSW. The tropical Pacific remains neutral with respect to ENSO (El Niño-Southern Oscillation). While it is known that predictions from dynamical models during the April through June period have lower skill, all climate models surveyed by the Bureau of Meteorology indicate sea surface temperatures in the tropical Pacific Ocean are likely to remain within neutral thresholds for the next season.

Chance of exceeding the median Rainfall April to June 2013
Product of the National Climate Centre



ALTERNATE WATER SOURCES UPDATE

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the water report.

ITEM-16 OPER - 15/04/13 - VALE OF CLYWDD STORM DAMAGE

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

The purpose of this report is advise of the impact of recent storm events which caused an overflow from the natural watercourse and drainage system causing damage to a number of residences in the Vale area.

COMMENTARY

Following the recent severe storm evens in the Lithgow area a public meeting was held at the Vale of Clwydd Hall on Saturday 16 March 2013 attended by the Federal Member John Cobb, State Member Paul Toole, Mayor Maree Statham, Councillor Wayne McAndrew, Councillor Peter Pillbeam, Councillor Joe McGinnes, General Manager, Group Manager Operations and a number of local residents.

Issues discussed included the provisions of the natural disaster scheme in terms of financial assistance, what remedial action could be taken to minimise future damage to residences including voluntary purchase of affected properties, removal of restrictions in the privately piped watercourse and possible creek clearing.

At this stage Council has little or no technical knowledge of the catchment area and the capacities of the watercourses in the catchment to cope with storm events. In conjunction with the review of the Lithgow Flood Study to be undertaken, it is proposed to include the Vale of Clwydd catchment in the reassessment of the flooding issues in the Lithgow catchment. A consultant's brief including this item has been forwarded to the Office of Environment and Heritage for approval prior to calling for expressions of interest from suitably qualified and experienced consultants. This proposal was outlined in the public meeting.

Without this detailed analysis any major works to improve storm flows should be held in abeyance until completion of an appropriate action plan for this specific catchment.

FINANCIAL IMPLICATIONS

The study is being fully funded by grant funds.

RECOMMENDATION

THAT Council note the results of the public meeting held to discuss the storm damage in the Vale of Clwydd catchment following storm events in March 2013.

ITEM-17 OPER - 15/04/13 - WILLIWA CREEK ROAD PORTLAND

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 11-241: Ordinary Meeting of 20 June 2011

COMMENTARY

With reference to the above minute number, Council resolved:

THAT

1. Council confirm that it is agreeable to the extent of the road opening proposed on the existing track known as Williwa Creek Road for a distance of no more than 1.5km through the Portland Common commencing at Coolamigal Road towards Reservoir Road;
2. Council accept control of the road being created; undertake to execute any documents required; and
3. Council not construct any bridges over Williwa Creek as a result of this.

Advice has been received from the Crown Lands Section of the Department of Trade and Investment advising that the Plan of Subdivision and the road opening of that section of Williwa Creek Road referred to in the abovementioned Council minute has been completed and subject to the lodgement of the Plan of Subdivision, that section of Williwa Creek Road shown on the attached drawings will be dedicated as public road under the care and control of Council.

ATTACHMENTS

1. Plan of Road Opening of Williwa Creek Road

RECOMMENDATION

THAT Council note that the creation of a public road over the track known as Williwa Creek Road has been legalised extending for a distance of no more than 1.5km from Coolamigal Road to a point south of Lot 102 in the Parish of Cullen Bullen.

**ITEM-18 OPER - 15/04/13 - DELTA ELECTRICITY PIPELINE EASEMENT
OVER LOT 1 DP 28230 WALLERAWANG**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

A request has been received from Delta Electricity for the granting of an easement for a pipeline over Council land identified as Lot 1 DP 28230 Wallerawang.

COMMENTARY

Advice has been received from Le Fevre & Co confirming that the form of Transfer Granting Easement in respect of the proposed Right of Carriageway and Easement for Pipeline as drafted has now been approved by Delta Electricity and accordingly requesting that Council execute the document under seal of Council.

Following execution under seal of Council, the document will be referred to Delta Electricity for execution and for notification on the Certificate of Title.

There are no impediments to Council granting an easement over this particular portion of land, which is an open space located adjacent to properties at Lane Street, Wallerawang and there is no reason why this matter cannot proceed.

ATTACHMENTS

1. Correspondence from Le Fevre & Co dated 5 March 2013

RECOMMENDATION

THAT Council:

1. Council accept the request for Granting Easement in respect of the proposed Right of Carriageway and Easement for Pipeline over Lot 1 DP 28230 Wallerawang.
2. Authorise the affixing of the seal to any documentation in relation to this matter.

**ITEM-19 OPER - 15/04/13 - TRANSFER OF CROWN PUBLIC ROAD TO
LITHGOW CITY COUNCIL RYDAL**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-94: Ordinary Meeting of Council held on 18 March 2013

SUMMARY

This report seeks approval from Council for the transfer of an unformed Crown Public Road to Lithgow City Council at Rydal.

COMMENTARY

At the Ordinary Meeting of Council held on 18 March 2013 it was resolved to defer consideration of the transfer of Crown Road at Rydal for further investigation. As Council will recall the implications surrounding the transfer of existing Crown Road namely Meadow Street, Rydal to a public road status under Councils care and control were raised at this meeting.

Historically, developments on all existing Crown Roads where upgrades have been required to provide vehicular access to a property or lot, have resulted in Council becoming the responsible authority in the form of a public road.

In order to provide vehicular access to approved Lot 10 DP 1001275, as created under 010/08DA, the applicant is required to construct the unformed section of Meadow Street Rydal being approximately 250 meters in length to Council design and construction specifications. As part of this requirement the applicant will be required to dedicate the unformed section of Meadow Street to Council as a public road inclusive of transfer of ownership from Crown to Council.

In accordance with the conditions of the Development Consent the applicant is required to upgrade Meadow Street, Rydal and once this road construction work is completed ownership is to be transferred to Council as a public road by the applicant for Council's care and control. Should the works not be completed the Department of Trade and Investment have advised they will resume control of the road.

The NSW Department of Trade and Investment have advised that the transfer fee of \$220 normally applicable to such applications shall be waived.

Further to enquiries at the Ordinary Meeting of Council on 18 March 2013, clarification regarding the Status of Meadow Street Rydal was sought from the NSW Department of Trade and Investment. It has been confirmed that Meadow Street Rydal remains a Crown Road, available for upgrade and transfer of ownership to Council. The NSW Department of Trade and Investment advised that a resident purchased a lease over an adjacent parcel of land, which does not include Meadow Street. Correspondence from NSW Department of Trade and Investment is attached for reference.

ATTACHMENTS

1. Map detailing location of the Crown Road
2. Written advice from NSW Department of Trade and Investment regarding the status of Meadow Street Rydal
3. Written advice from NSW Department of Trade and Investment regarding the proposed transfer of ownership

RECOMMENDATION

THAT Council:

1. Agree to the transfer of ownership of the unformed section of Meadow Street Rydal from the Crown to Council.
2. Authorise the affixing of the Council Common Seal to those documents for the land transfer.

**ITEM-20 OPER - 15/04/13 - LICENCE AGREEMENT WITH DELTA
ELECTRICITY FOR DELTA PARK SOCCER FIELD**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

To advise Council of the existing Licence Agreement between Delta Electricity and Lithgow City Rangers Soccer Club and the possible inclusion of Lithgow City Council into a draft Licence Agreement which has been proposed by Delta Electricity between Delta Electricity, Lithgow City Rangers Soccer Club and Lithgow City Council.

COMMENTARY

It should be noted that the existing agreement was for an initial term of 12 months from 1 March 1998, thereafter to continue as a periodic agreement, terminable by three months' written notice from either party. The existing agreement is therefore continuing under this arrangement to the present time. Delta has in mind that the ongoing use of the soccer field for the benefit of the soccer club and the community may be at risk when Delta Electricity is either privatised or its assets sold.

As a result of this concern, a proposed new agreement has been developed for a term of 5 years which includes giving Council the choice of that in an Event of Default, or an Insolvency Event, as defined in the agreement, Delta may give Council written notice of same and on the seventh day after the date of such notice, Council will be deemed to have entered into an Agreement to Licence in respect of the land for the balance of the term, upon the same terms and conditions as are contained in the Licence Agreement.

Council needs to determine whether it wishes to become a party to the Agreement in the event of Lithgow City Rangers defaulting or going into insolvency. The asset would certainly be of some value to Council and it is considered appropriate that Council should indicate its willingness to enter into an Agreement subject to a satisfactory draft Licence Agreement being prepared.

ATTACHMENTS

1. Correspondence from Le Fevre & Co dated 21 February 2013.

RECOMMENDATION

THAT Council indicate its willingness to enter into a Licence Agreement between Delta Electricity, Lithgow City Rangers Soccer Club and Lithgow City Council for the use of Delta Park Soccer Field.

**ITEM-21 OPER - 15/04/13 - CLARENCE COLLIERY WATER TRANSFER
SYSTEM UPGRADE ENVIRONMENTAL ASSESSMENT AND DESIGN
CONTRACT**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 10-556: Ordinary Meeting of 13 December 2010
Min No 12-300: Ordinary Meeting of 13 August 2012

SUMMARY

This reported provides details of variations to the original contract that was approved by Council, following the engagement of GHD to undertake an Environmental Assessment and Design for the Clarence Colliery Water Transfer System Upgrade.

COMMENTARY

Council resolved at its meeting of 13 December 2010 to accept the tendered amount of \$249,700 (inc GST) submitted by GHD to undertake the Environmental Assessment and Design of the Clarence Colliery Water Transfer System Upgrade. Since this time there have been a number of variations including the variations approved by Council on 13 August 2012.

The attached table outlines the approved Variations to date. The following provides the details of the variations.

Variation #1a

A negative deduction of \$43,100 (ex GST) was provided after Centennial Coal – Clarence Colliery advised that they were in the process of completing their own Hydrogeological Investigation and that a summary of the report would be provided to Council to meet the requirements of the Funding Agreement with the Commonwealth of Australia.

A further negative deduction of \$13,044 (ex GST) was provided as Council had commenced the Community Consultation process of the Review of Environmental Factors and GHD had made an allowance to undertake this work. A negative deduction was made based on Council completing the community consultation and providing the outcomes to GHD for inclusion in the REF.

Variation #1b

Council requested an increase to the Professional Indemnity Insurance offered by GHD. The cost of \$4,540 (ex GST) for the additional insurance coverage was forwarded on to Council.

After initial consultation with the NSW Office of Water (NOW) regarding the Hydrological Investigation a variation of \$22,181 was approved for additional works and inclusions required to complete the hydrological investigation to conform to the requirements of the NOW.

The variation fee of \$2,925 was to complete a review of the Hydrogeological Investigation summary report provided by Centennial Coal to ensure it met the requirements of the Commonwealth.

GHD's Tendered price did not make allowance for an Ecology Field Survey as the work had been undertaken previously as part of a past Environmental Assessment. After a review of the requirements, it was found that the previous assessment was over 4 years old and would need a full review. A variation of \$21,350 (ex GST) was negotiated and approved.

Variation #2a

A \$3,710 (ex GST) variation was approved for the inclusion of all the comments received from NOW and finalisation of the hydrological investigations.

Variation 25/05

GHD's Tendered price did not make allowance for an Aboriginal and Heritage Assessment as the work had been undertaken previously as part of a past Environmental Assessment. After a review of the requirements it was found that the previous assessment was over 4 years old and would need a full review. A variation of \$19,184.42 (ex GST) was approved. The figure of \$22,106 that appears in the progress certificate (attached) is incorrect and is being amended by GHD.

There were concerns about the existing rising main and its ability to handle the additional pressures that will be placed on the main due to the upgrade. A Water Hammer Analysis was undertaken at a cost of \$2,485 (ex GST) to assess the pipe's ability to handle the additional pressure and provide mitigation measure to reduce the possibility of pipe failure.

Variation #10

This was approved by resolution of Council on 13 August 2012.

Variation #11

With the prospect of losing the Federal funding for the project, Council requested the urgent completion of the required documentation to allow Tenders to be called prior to 24 December 2012. The variations of \$5,570 and \$13,750 (ex GST) were to complete the detailed design, technical specifications and review of environmental factors in 7 days to allow the calling of tenders.

Variation #12

Variation 12 is for the provision of Technical Advisory services through the Tendering and Construction phases to assist in the response and provide technical advice to Requests for Information and provide a high level review of the contractors' technical submissions during construction and ensure that the works are proceeding in line with the technical specifications. The fee of \$14,000 and \$51,000 were provided as an upper limit fee, with the actual cost of the service charged on a time and disbursement basis.

Item 8 – Technical Advisory Services for Part 1 – Tender Phase is now complete with the total fee being \$2,843 and not the \$14,000 as per the upper limiting fee proposal.

FINANCIAL IMPLICATIONS

All costs associated with Environmental Assessment and Design are covered under the Federal Funding for the project

ATTACHMENTS

1. Clarence Water Transfer Scheme – Progress Certificate

RECOMMENDATION

THAT the information on Clarence Colliery Water Transfer System Upgrade environmental assessment and design contract be confirmed, noting that the upper limiting fee of the total contract value is now \$438,973.

FINANCE REPORTS

ITEM-22 FINAN - 15/04/13 - COUNCIL INVESTMENTS HELD TO 31 MARCH 2013

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 12-330: Investments as at 31 July 2012
 Min 12-372: Investments as at 30 Aug 2012 & Sept 2012
 Min 12- 462: Investments as at 31 Oct 2012
 Min 12-500: Investments as at 30 Nov 2012
 Min 13-35: Investments as at 31 Dec 2012
 Min 13-66: Investments as at 31 Jan 2013
 Min 13- 97: Investments as at 28 Feb 2013

SUMMARY

To advise Council of investments held as at 31 March 2013 in the 2012/13 financial year.

COMMENTARY

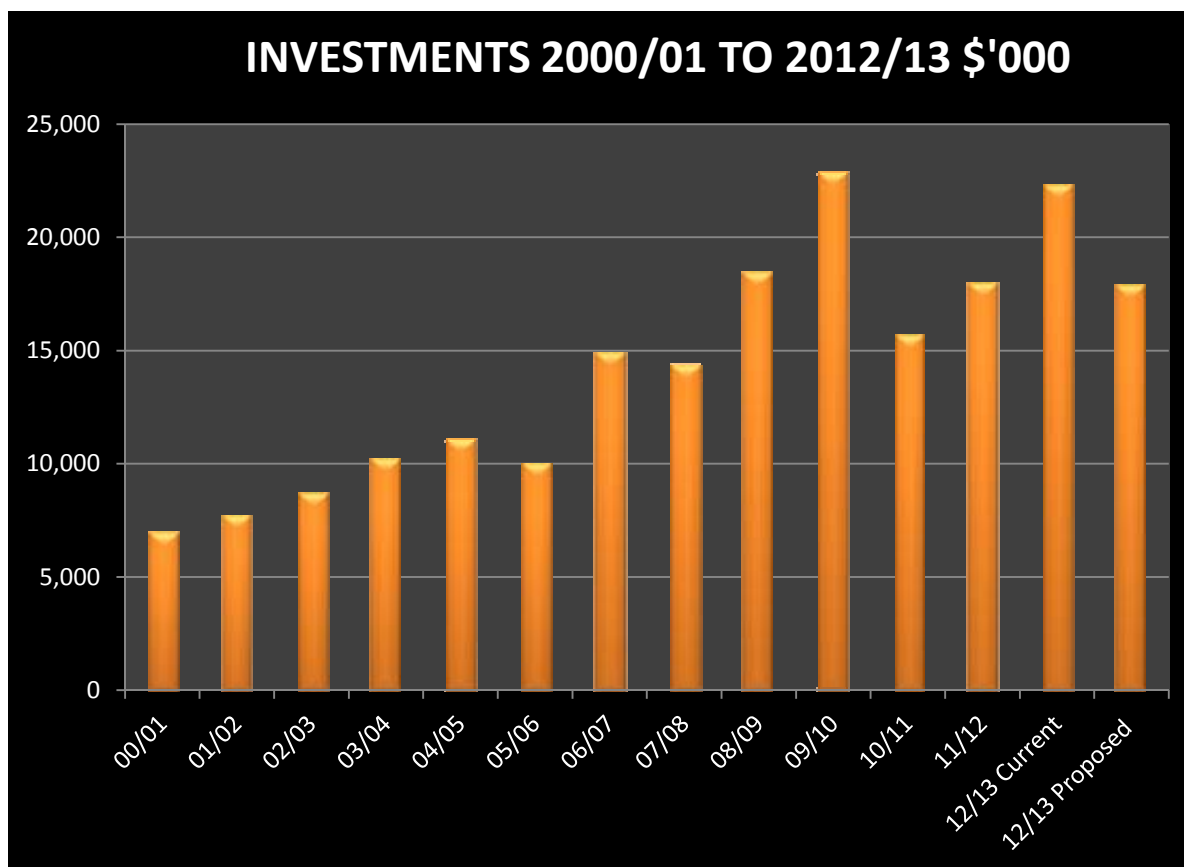
Council's total investment portfolio, as at 31 March 2013 when compared to 28 February 2013, has increased by \$2,819,060.54 from \$19,542,716.03 to \$22,361,776.57 primarily due to the payment of \$2,000,000 Federal grant funds for the Clarence Transfer System.

INVESTMENT REGISTER 2012/13								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 28.02.13	VALUE 31.03.13	% OF TOTAL
ANZ	TD	11.03.13	11.06.13	92	3.85	858,516.48	867,206.55	3.88%
	TD	11.03.13	11.06.13	92	3.85	511,469.14	516,646.33	2.31%
	TD	26.02.13	27.05.13	90	3.78	516,589.19	516,589.19	2.31%
	TD	04.03.13	03.06.13	91	3.75	1,011,712.33	1,021,865.49	4.57%
CBA	On Call				2.95	1,547,757.36	2,047,757.36	9.16%
	TD	05.03.13	04.04.13	30	4.01	1,000,000.00	1,000,000.00	4.47%
	TD	01.03.13	05.04.13	35	4.00	0	250,000.00	1.12%
	TD	13.03.13	11.06.13	90	4.07	1,000,000.00	500,000.00	2.24%
	TD	07.03.13	08.04.13	30	4.04	0	500,000.00	2.24%
	TD	26.03.13	24.06.13	90	4.04	0	1,000,000.00	4.47%
IMBS	TD	25.01.13	26.04.13	91	4.50	1,000,000.00	1,000,000.00	4.47%
	TD	25.01.13	26.04.13	91	4.50	500,000.00	500,000.00	2.24%
	TD	01.03.13	30.05.13	90	4.15	0	500,000.00	2.24%
NAB	TD	03.03.13	01.06.13	90	4.23	1,147,050.01	1,159,805.84	5.19%
	TD	25.01.13	25.04.13	90	4.33	1,055,780.59	1,055,780.59	4.72%
	TD	10.03.13	08.06.13	90	4.26	512,404.76	518,279.87	2.32%
WESTPAC	TD	07.01.13	09.04.13	91	4.13	600,696.51	600,696.51	2.69%
	TD	30.11.12	29.05.13	179	4.51	1,209,871.74	1,209,871.74	5.41%
	TD	09.01.13	09.04.13	90	4.14	263,666.68	263,666.68	1.18%
	TD	14.03.13	17.06.13	93	4.23	1,024,954.80	1,036,223.97	4.63%
	TD	05.03.13	03.06.13	91	4.10	500,000.00	512,082.19	2.29%

ST GEORGE	On Call				3.50	21,510.27	21,510.27	0.10%
	TD	04.02.13	06.05.13	92	3.84	551,324.41	551,324.41	2.47%
	TD	19.10.12	19.04.13	180	4.00	882,288.54	882,288.54	3.95%
	TD	12.10.12	12.04.13	182	4.47	524,496.33	524,496.33	2.35%
	TD	11.02.13	13.05.13	91	3.84	531,520.33	531,520.33	2.38%
	TD	19.11.12	24.05.13	186	4.42	522,553.92	522,553.92	2.34%
	TD	26.03.13	24.06.13	90	4.00	505,482.19	508,540.01	2.27%
	TD	01.03.13	07.06.13	96	3.95	0	500,000.00	2.24%
SUNCORP	TD	07.02.13	07.06.13	120	4.30	1,217,843.84	1,217,843.84	5.45%
	TD	21.01.13	22.04.13	91	4.40	525,226.61	525,226.61	2.35%
			TOTAL			19,542,716.03	22,361,776.57	100.00%
INTERNAL LN (Commercial Loan Int Rate)	Gen to Sew	15.01.11	On Receipt of Ext Loan		7.31	2,750,000.00	2,750,000.00	

I, Carol Farnsworth, Lithgow City Council's Finance Manager (Responsible Accounting Officer) certify as required under Local Government (General) Regulations 2005, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Lithgow City Council's Investment Policy.

On the graph below historical and current investments to 31 March 2013 are shown.



POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 31 March 2013 is \$509,890 of an estimated \$519,045 for the 2012/13 financial year.

Interest is paid on the maturity date of the investment.

LEGAL IMPLICATIONS

Investments are held in accordance with the Lithgow City Council's Investment Policy at the date of investing the funds. On 21 November 2011 Council adopted a draft of the Investment Policy as Policy 8.2 and investments will comply with this Policy which includes the following:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order dated 12 January 2012
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997 Section 14A(2), 14c(1) & (2)

RECOMMENDATION

THAT Investments of \$22,361,776.57 for the period ending 31 March 2013 be noted.

**ITEM-23 FINAN - 15/04/13 - COUNCIL PREMISES - 162 MORT STREET
LITHGOW**

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

NIL

SUMMARY

The purpose of this report is to advise Council of correspondence received from COC with regard to a request to use, free of charge, Council offices at 162 Mort St Lithgow. A recommendation is included that Council advertise the premises, including the use of a meeting room, kitchen and toilets, to all interested community groups to share the accommodation on a month by month basis until a suitable commercial tenant is found. Selection of the community groups will be by Council on merit and COC Limited will be invited to apply.

COMMENTARY

Council is in receipt of correspondence from COC Limited, known in past years as the 'Lithgow State Mine Railway Limited', chaired by Mr Michael Wilson, as follows:

"I refer to our recent meeting with you regarding our organisations expending role in preserving, promoting, developing and protecting Lithgows unique rail and industrial heritage and the need to have a suitable base to operate from.

As discussed COC Limited is making steady progress on a number of fronts in developing the Eskbank Rail Heritage Centre and has begun the task of developing the former Wolgan Valley Railway formation as a walking and cycling track which also incorporates a partial rail option for commercial opportunities. In doing so we are dealing with a number of government departments as well as Council and it has become all too obvious that we have a desperate need of an area in which it can conduct our operations. Up until now we have attempted to maintain a meeting room and office space at Eskbank station which is less than ideal as the building is in a very poor state of disrepair, it has no running water or operational toilets.

As per our most recent discussions with you regarding the former Lithgow Parcels Office in Eskbank St we understand that Council is desirous of finding a new location for the Women's Rest Rooms which is currently located in part of the Parcels Office. We are keen to take on the whole building including the area asunder licence to council in time to develop a meeting space and to provide an area in which a permanent exhibition could be established to showcase the history of the Wolgan Valley Shale Works and the railway. We believe Council should make moves to take on the whole building but renegotiate the licence agreement with Railcorp so that council is only paying a community rental and not the commercial rate it is currently being levied. If an arrangement can be negotiated with Railcorp under these terms COC Limited would be happy to move into the building and take responsibility for repairs, painting and fitting out for the purposes outlined.

Unfortunately from past s performance we all know that dealing with Railcorp is not easy and it has a habit of taking forever to achieve nothing. We realise that whatever happens

with the parcels office is not going to be a quick fix and really does nothing to help us establish an area in which we can work from in the short term.

By way of another option we would like to explore with you the possibility of COC Limited moving into a Council owned building located at 162 Mort St, Lithgow. We understand that the downstairs area has been vacant for some time and would make a great base for our operations either in the short or long term.

We would like to propose that Council consider leasing the downstairs area to COC Limited for no rent or a peppercorn rental and pay for all outgoings. As the area is looking tired and dated we further propose to paint the premises out over a specified period. We would seek an initial area period of 12 months with an option for more based on mutual negotiations between both parties. Should council find itself with a prospective tenant wanting to pay a commercial rate for the space we would be happy to move out providing we have reasonable notice to vacate.

We believe the opportunity to move into 162 Mort St Lithgow would be beneficial for both parties. The building would be used on a daily basis and would provide Council with a degree of ongoing security in the area as well as providing COC Limited with a functional space in which it can operate. COC is after all providing council with economic development through a number of diverse streams which in time will benefit the whole community.

Background:

COC Limited, previously known as the 'Lithgow State Mine Railway Limited' worked from the 'State Mine Heritage Park' in Atkinson St until the two groups became separate entities. In 2006 they took control of Railcorp premises known as the 'Station Master Residence' located at 6 Railway Pde Lithgow and it was from here they operated their business in the front rooms whilst renting the remainder as residential accommodation. They derive an income from rental and meet outgoings such as annual general rates, water, sewerage and garbage for the property.

COC Limited mentions that Council is currently paying commercial rental on the premises currently used as the Parents Change Rooms in Eskbank St. This is incorrect Council currently pays 'Community Rent' including GST, on the premises and this is clearly stated on all invoices.

Late last year Translinc vacated Council premises at 162 Mort St Lithgow and listed the property was listed for market rental with a local real estate agent. The estate agent advises that there has been some interest in the premises but there is not a great call on office accommodation at the current time. Weekly rental of approx \$490 per week applies to the property.

COC advise that if Council approves the use of 162 Mort St, Lithgow they "seek an initial area period of 12 months with an option for more based on mutual negotiations between both parties. Should Council find itself with a prospective tenant wanting to pay a commercial rate for the space we would be happy to move out providing we have reasonable notice to vacate". If Council agrees to the use of the premises it would be appropriate to have a lease agreement on a month by month basis which would allow the premises to be vacated on short notice, if a lease was for an initial period of 12 months with an option Council may have limited room for movement.

Council may also need to consider if it is appropriate to offer free accommodation to a community group who has the capacity to generate income. It may also be feasible to call for expressions of interest from other local community groups if office accommodation is to be offered free of charge.

Council advertise all rooms, including the use of a meeting room, kitchen and toilets to interested community groups and COC Limited will be invited to apply. The successful applicants will be chosen by Council on merit to share the accommodation, on a month by month basis. Outgoing

utility costs, electricity, gas and telephone will be shared by the occupying community groups and capital improvements met by the requesting body. Council will continue to list the property, with the real estate agent seeking a commercial tenant and when a suitable tenant is found the community tenants will vacate.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Loss of rental income

LEGAL IMPLICATIONS

Lease agreement on a month by month basis

RECOMMENDATION**THAT:**

1. Council advertise for community groups wishing to share office accommodation at 162 Mort St, Lithgow, including the use of a communal meeting room, kitchen & toilets on a month by month basis.
2. Community Groups will be chosen by Council on merit.
3. Outgoing utility costs of electricity, gas and telephone will be shared by all occupying community groups and capital improvements met by the requesting group.
4. The premises continue to be advertised for a commercial tenant and if a suitable tenant is found the community tenants will vacate.

**ITEM-24 FINAN - 15/04/13 - DRAFT POLICY 9.2 RECORDS MANAGEMENT
VERSION 4 FOR ADOPTION**

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min 13-63: 25/02/13 Draft Policy 9.2 Records Management Policy Version 4 for Adoption

SUMMARY

To advise Council of current legislation and procedures with regard to the opening and distribution of Councillors mail with a recommendation that the current practices continue.

COMMENTARY

Following Councillor concerns at the meeting of 25 February 2013 this report is provided to enable an informed decision to be made with regard to the opening and distribution of Councillor mail.

In accordance with the State Records Act 1998 Council has for many years opened all mail that is delivered either in person or via Australia Post to Council's business premises at 180 Mort st Lithgow.

Records are a vital asset to Council and many documents created and received by Councillors are required to:

- Support the work of Councillors & Council's Management & Administration
- Assist Councillors & Council to deliver quality customer service in an efficient, fair & equitable manner
- Provide evidence of Councillors actions & decisions to establish data for future decision making & protect the rights & interests of Councillors, employees, ratepayers & clients
- Respond to subpoenas & court documents to facilitate legal defence

Incoming Council mail is opened to comply with:

- State Records Act 1998
- Division of Local Government & Circulars: Local Government Act 1993 & Regulations 2005
- Local Government NSW (formerly LGSA)
- Office of the Information Commissioner: Government Information (Public Access) Act 2009
- Privacy Commissioner: Privacy and Personal Information Protection Act 1998
- Lithgow City Council: Policy 9.2 Records Management
- Lithgow City Council: Standing Working Procedure for Councillor Mail
- Accepted industry standards

State Records Act 1998:

The State Records Act 1998 is the overarching legislation regulating the manner in which Council is required to manage documents and records. Correspondence received by Council and its Councillors, in their official capacity, are considered records under this legislation.

Public offices are bound by the State Records Act 1998 which establishes rules for best practice for record keeping in NSW Government. It encourages transparency and accountability.

Councils are identified as a public office under Section 3 (1) of the State Records Act 1998 when discharging its functions and accordingly Councillors are subject to the State Records Act 1998 when they creating or receiving state records.

A State record being *'any record made and kept, or received and kept, by a person in the course of the exercise of their official function in a public office, or for any purpose of a public office, or for the use of a public office'* (Section 3 (1)).

State records are regulated by handling, storage and destruction schedules within the Act notably GDA 39, General Destruction Authority 39, which sentences a life to each document.

Examples of state records include but are not limited to:

- Correspondence, including emails, regarding building & development matters
- Petitions received
- Declarations of pecuniary interests
- Speech notes made for addresses given at official events
- Complaints, suggestions or enquiries from ratepayers about Council or Council services

A percentage of records created and recorded by Councillors will become archives of the State of NSW.

The following are only some of legislative requirements which Councillors must comply with and they should also seek advice and be guided by the General Manager in compliance matters.

It is unlikely that correspondences to Councillors, delivered to Council's business premises, are about personal affairs and therefore included in the definition of a public record. For this reason personal mail delivered C/- of Lithgow City Council is not opened or recorded by Council. It is sent to the Personal Assistant of the General Manager and the Mayor unopened and stamped *"Please return to records for registration if this is Council business"*.

Council's policies and procedures include good record management practices to assist in legally and morally protecting not only officers of Council but also ratepayers and Councillors.

Correspondence to Councillors from those they represent ie residents and ratepayers are considered Council business and are recorded in compliance with legislation. It is considered that abiding Councillors would have nothing to hide and would want to provide their office Council business records recorded to adhere to legislation.

Division of Local Government:

The NSW DLG Councillor Guide advises that *"Councillors have a personal responsibility to comply with the requirement of the State Records Act, Local Government Act and Regulations"*. The following are only some of the legislation which Councillors must comply with and they should also seek advice, and be guided by the General Manager in compliance matters.

Local Government NSW (formerly LGSA):

Advice sought from legal representatives of Local Government NSW, formerly the Local Government Shires Association, states that while holding an office within Council, Councillors must comply with the State Records Act 1998 to ensure that all public records are maintained.

Office of the Information Commissioner:

The Information Commissioner, an independent statutory authority responsible for overseeing the Government Information Act (Public Access) Act 2009, advises that mail addressed to Councillors which is received at Councils registered business address is assumed that common law principles apply, that is, that an organisation has a right to open any mail that comes addressed to the organisations normal business address.

Office of the Privacy Commissioner:

Advice from the Office of the Privacy Commissioner, the office responsible for overseeing the Privacy and Personal Information Protection Act 1998, advises that they do not have specific guidelines on opening Councillors mail but they do highlight that Council has responsibilities in relation to the keeping of appropriate business records under the State Records Act 1998.

NSW Ombudsman:

The NSW Ombudsman advises Councillors of their statutory requirements to ensure that proper records are kept of all business conducted by a Councillor in relation to his / her role public role.

Australia Post:

On 26 February 2013 the Acting Postal Manager at the Lithgow Australia Post outlet advised that they have no policy or control over, who is responsible for opening delivered mail. They have a policy to deliver the mail to the address stated on the article.

Lithgow City Council: Record Management Policy 9.12:

All Councillors must comply with the Policy 9.12 Records Management in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the office of Councillor.

Lithgow City Council: Records Management for Councillors Standard Working Procedure: Councillors' mail (including email and fax)

Incoming daily mail, faxes and electronic mail for Councillors received at Council, except those personally marked C/- Lithgow City Council, will be opened by the Records Control Officer. Mail considered to be a State Record will be registered into Council's recordkeeping system before being forwarded to the Councillor via the General Manager. Mail marked personally with C/- Lithgow City Council is forwarded to the Councillor, unopened but stamped "*Please return to Records for registration if this is Council business*", via the Personal Assistant to the General Manager and the Mayor, who places the mail into Councillors mail drawer. It is then the Councillor's responsibility to return any mail that is a State Record and requires registration into Council's recordkeeping system.

In terms of general correspondence which is also copied to Councillors, the original letter is registered in the recordkeeping system and copies forwarded to Councillors by the Personal Assistant to the General Manager and the Mayor, who either places the documents in Councillors mail drawers or in the case of bulk mail outs the document is included in the Council Weekly Circular from the General Manager.

At all times protocol ensures that confidentiality and document sensitivity are strictly adhered to and the Code of Conduct applies.

The majority of mail delivered to Council is addressed to the General Manager, or to individual officers. Should a practice of not opening mail addressed to individuals commence Councils record keeping responsibilities to legislation may be severely affected.

POLICY IMPLICATIONS

Lithgow City Council: Policy 9.2 Records Management
Lithgow City Council: Standing Working Procedure for Councillor Mail

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

State Records Act 1998
Local Government Act 1993 & Regulations 2005
Government Information (Public Access) Act 2009
Privacy and Personal Information Protection Act 1998

ATTACHMENTS

1. Draft Policy 9.2 Records Management V4

RECOMMENDATION

THAT Council acknowledge that no submissions were received during the advertising period of to 11 February 2013 and adopt Draft Policy 9.2 Records Management Version 4.

COMMITTEE MEETINGS

ITEM-25 COMM - 15/04/13 - YOUTH COUNCIL MINUTES - 19 MARCH 2013

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min – 12-54: Ordinary Meeting of Council 13 February 2012
Min – 12-100: Ordinary Meeting of Council 26 March 2012
Min – 12-138: Ordinary Meeting of Council 23 April 2012
Min – 12-198: Ordinary Meeting of Council 4 June 2012
Min – 12-222: Ordinary Meeting of Council 25 June 2012
Min – 12-305: Ordinary Meeting of Council 13 August 2012
Min – 12-431: Ordinary Meeting of Council 5 November 2012
Min – 12-465: Ordinary Meeting of Council 26 November 2012
Min – 12-506: Ordinary Meeting of Council 17 December 2012
Min – 13-69: Ordinary Meeting of Council 25 February 2013
Min – 13-104: Ordinary Meeting of Council 18 March 2013

SUMMARY

This report reports on the minutes of the Youth Council meeting held on 19 March 2013.

COMMENTARY

At the Youth Council meeting held on 19 March 2013, the only item discussed was final planning for the 2013 Lithgow Youthweek event to be held on Saturday 13 April 2013 at the Lithgow Showground and Skate Park from 11.00-5.00pm.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of Youth Council meeting 19 March 2013.

RECOMMENDATION

THAT Council notes the minutes of the Youth Council meeting held 19 March 2013.

**ITEM-26 COMM - 15/04/13 - CRIME PREVENTION COMMITTEE MEETING
MINUTES - 250313**

REPORT FROM: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Minute 12-53:	Ordinary Meeting of Council held 13 February 2012
Minute 12-78:	Ordinary Meeting of Council held 5 March 2012
Minute 12-141:	Ordinary Meeting of Council held 23 April 2012
Minute 12-270:	Ordinary Meeting of Council held 23 July 2012
Minute 12-332:	Ordinary Meeting of Council held 3 September 2012
Minute 12-430:	Ordinary Meeting of Council held 5 November 2012
Minute 13-67:	Ordinary Meeting of Council held 25 February 2013

SUMMARY

This report details the Minutes of the Crime Prevention Committee Meeting held 25 March 2013.

COMMENTARY

At the Crime Prevention Committee held on 25 March 2013, there were various items discussed by the Committee including:

- A review undertaken by Lithgow Taxi Coop of the Secure Taxi rank that operates Friday and Saturday nights.
- The current status of Council's CCTV cameras and the possibility of encouraging business owners to install street facing CCTV cameras.
- Public safety issues in Emora Park
- Underage drinking and anti-social behaviour in Queen Elizabeth Park.
- Lighting in Gasworks Lane.
- Completion of the current funded crime prevention project and a submission for future crime prevention funding.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes of the Crime Prevention Committee meeting of 25 March 2013.

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee meeting of 25 March 2013.

**ITEM-27 OPER - 15/04/13 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES - 26 MARCH 2013**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on 26 March 2013 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on 26 March 2013, there were several items discussed by the Committee, with items being actioned under the Committee's delegated authority.

Items discussed included:

- Financial Assistance Requests:
 - Council have received a request for financial assistance of \$300.00 for Roxsanne Van-Veen as she was selected in the NSW Women's Imparja Cup Team to participate in the National Indigenous Cricket Carnival.
- 2013 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking requests include:
 - Lithgow Primary School (Athletics Carnival)
 - Portland Colts Rugby League Club (2013 Season and Training)

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on 26 March 2013.

RECOMMENDATION

THAT Council:

1. Approve the request for financial assistance for Roxsanne Van-Veen in the amount of \$300.00.
2. Note the minutes of the Sports Advisory Committee meeting held on 26 March 2013.

**ITEM-28 OPER - 15/04/13 - OPERATIONS WORKS COMMITTEE MEETING
MINUTES - 27 MARCH 2013**

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of Operations Works Committee Meeting held on 27 March 2013 for Council adoption.

COMMENTARY

At the Operations Works Committee Meeting held on 27 March 2013, there were several items discussed by the Committee, with all items being actioned under the Committee's delegated authority.

Items discussed included:

- Wattlemount Road
- Wolgan Road Upgrade Project
- Lithgow CBD Upgrade of Infrastructure
- Contractor Management System

ATTACHMENTS

1. Minutes of the Operations Works Committee Meeting held on 27 March 2013.

RECOMMENDATION

THAT Council note the minutes of the Operations Works Committee meeting held on 27 March 2013.

**ITEM-29 COMM - 15/04/13 - BLUE MOUNTAINS CROSSING BICENTENARY
 COMMITTEE 030413**

REPORT BY - K BARROW – TOURISM MANAGER

REFERENCE

Min No 12-331: Ordinary Meeting of Council 3 September 2012
Min No 12-463: Ordinary Meeting of Council 26 November 2012
Min No 12-508: Ordinary Meeting of Council 17 December 2012
Min No 13-68: Ordinary Meeting of Council 25 February 2013

SUMMARY

This report details the Minutes of the Blue Mountains Crossing Committee Meeting held on 3 April 2013.

COMMENTARY

At the Blue Mountains Crossing Committee held on 3 April 2013, several items were discussed by the Committee.

1. Report on the 22 March 2013 Western Crossings Meeting
2. Flyover viewing event
3. Crossing Website
4. Lithgow Mercury
5. Signage for Cox's Road
6. Crossings Commemorative Coin
7. Proposed Projects

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council had previously approved a contribution to the Blue Mountains Crossings Celebrations of \$10,000 which has already been expended and a further \$10,000 in kind which is yet to be expended.

The purchase of the medallions would initially result in an expenditure of \$6,000. The value of the donation to the schools would be \$2,635.50. The 1,000 medallions to be purchased at cost price by the Hartley Valley Progress Association will cost \$1,500.00, leaving the remaining 1,243 medals at a cost of \$1,864.50 to be sold at the Visitor Information Centre.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Blue Mountains Crossing Committee meeting of 3 April 2013

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Blue Mountains Crossing Committee held on the 03 April 2013.
2. Commission the production of 4,000 Crossings Commemorative Medallions and cases at a cost of \$6,000.
3. Donate 1,757 coins to the infant and primary school students in the LGA
4. Provide 1,000 medallions to the Hartley District Progress Association at cost price
5. Sell the remaining medallions to general public at \$5 each from the Visitor Centre.

**ITEM-30 COMM - 15/04/13 - ECONOMIC DEVELOPMENT ADVISORY
 COMMITTEE MEETING**

REPORT BY: M BREWSTER – ECONOMIC DEVELOPMENT OFFICER

REFERENCE

Min No 12-409: Ordinary Meeting of Council 5 November 2012

SUMMARY

This report details the Minutes of the Economic Development Advisory Committee Meeting held on 19 March 2013

COMMENTARY

At the Economic Development Advisory Committee held on 19 March 2013, there were a number of items discussed by the Committee.

1. Election of Chairperson and Deputy Chairperson
2. Committee Terms of Reference
3. Code of Conduct
4. Overview of Existing Economic Development Strategies
5. Economic Development Initiatives
6. Identification of Committee Priorities

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Economic Development Advisory Committee meeting of 19 March 2013

RECOMMENDATION

THAT Council notes the minutes of the Economic Development Advisory Committee held on the 19 March 2013.

**ITEM-31 COMM - 15/04/13 - LITHGOW FLASH GIFT COMMITTEE MEETING
MINUTES 25/03/13**

REPORT FROM: R PARK - EVENTS CO- ORDINATOR

REFERENCE

Min No 13-70: Ordinary Meeting of Council 25 February 2013
Min No 13-71: Ordinary Meeting of Council 25 February 2013

SUMMARY

This report details the Minutes of the Lithgow Flash Gift Committee Meeting held on 25/3/2013

COMMENTARY

At the Lithgow Flash Gift Committee Meeting held on 25/3/2013

1. Review of expenditure of postponed carnival
2. Report from NSW Athletics League

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Minutes from the Lithgow Flash Gift Committee meeting of 25 March 2013

RECOMMENDATION

THAT Council notes the minutes of the Flash Gift Committee Meeting held on 25 March 2013.

DELEGATES REPORTS

ITEM-32 DELEGATES REPORT - 15/04/13 - CENTROC BOARD MEETING IN WELLINGTON 28 FEBRUARY 2013

REPORT FROM: MAYOR - COUNCILLOR MAREE STATHAM

REFERENCE

NIL

SUMMARY

This report provides information in relation to the attendance at the Centroc Board Meeting on 28 February 2013.

COMMENTARY

I attended the Centroc Board (the Board) meeting in Wellington and provide the following report for Council's information. Formal meeting minutes will be provided in due course.

Speakers in attendance were:

1. Gabriel Shannon of Sydney University regarding their activities in growing medical schooling in Dubbo and Orange.
2. Mr Graham Sansom of the Panel providing the Independent Review into Local Government as part of the Destination 2036 process.
3. Mr Alan McCormack presenting his findings on strengthening local government the Centroc way.

Presentations regarding Local Government Reform and the Centroc response.

Mr Sansom's presentation forms an attachment to this report. The Board decided to lodge a submission to the Independent Review Panel where at the time of writing this is under development.

The work undertaken by Mr Alan McCormack determining the regional position on strengthening local government supports incremental growth in regional programming where Councils determine any boundary or structural reform.

From his surveying and workshop he found that Centroc members:

- are happy with Centroc's performance;
- favour a Shared Services or Regional co-operation approach (from the models suggested in the "Case for Change" Paper);
- participate willingly in some/all Centroc activities and see the benefits of a regional approach when appropriate;
- submitted that Centroc should do more on a regional basis and
- would support greater resourcing and commitment if there was a greater role for Centroc or another Regional Organisation. (There are qualifications to this, including a need for demonstrable savings.)

In terms of options proposed in the Gooding Davies Report November (2012), the majority of councils favour the Incremental Model. This conclusion is due in part to similarities with the current operating model successfully used by Centroc.

A small minority of its member councils favour a “change nothing” approach.

These findings were reviewed, discussed and agreed to at a workshop 15 February. Members added the further proviso that Centroc believes that any changes to current boundaries must be justifiable in relation to the triple bottom line. Further, members understand that debate and consultation on the important local government reforms is essential but points out that prolonged uncertainty is not helpful and in fact destabilising.

Centroc is committed to a change process along the lines of the Incremental Model. To that end Centroc will:

- Undertake additional services provision on behalf of member councils on a voluntary basis.
- If smaller groups of councils wish to undertake shared services, Centroc will foster and promote such co-operation.
- Consider the implementation of best practice models across other Council functions, similar to the Water Utilities Alliance.
- Consider its structure to accommodate changed circumstances.
- Take forward, on behalf of its members if required, other aspects of the change process.

Regarding responding to the “Case for Change” paper, changes should be made to strengthen local government in NSW which can be facilitated by the Local Government Act Review:

- Enabling regional procurement
- Supporting voluntary amalgamations
- Supporting voluntary models of co-operation
- Enabling incremental growth of shared services

Care should be taken in the reform process to ensure that any efforts on a regional basis do not end up leading to 4th tier of government.

The balance of discussion at the Board meeting

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

- **Transport Infrastructure** where members resolved to write to the NSW State Government expressing its disappointment in the lack of infrastructure identified for members in the State Infrastructure Strategy for this region and to lodge a submission to the draft Freights and Port Strategy under the hand of the Chair.
- **Water Infrastructure** where the substantial activity of the Centroc Water Utilities’ Alliance was noted and including its recent work in applying for a \$2.4m grant for the region for the Nexus Between Water and Energy to assist Councils with sewer relining and water leakage particularly for lower socio economic communities.
- **Environmental sustainability** where the region will, through the Executive, lodge a submission on Local Land Services. An update was provided on the Australian Government’s grant funded Round 1 Community Energy Efficiency Program being rolled out around the region.

- **Health** where a submission regarding the 24 Helicopter Service has been lodged generally supportive of the findings of the Ernst and Young report. Members also sought to call a meeting as soon as possible between the Executive and interested representatives from the region with Medicare Local.
- **Telecommunications** where concerns were raised regarding the emerging gap for internet services as exchanges in the region reach capacity and NBN is a long way off being delivered in Central NSW.
- **Regional Development** where a submission will be lodged seeking a radar station to offer better coverage for Central NSW
- **Member Council** operational support where the Board has sought to receive a report on Council elections funding and to develop a regional Code of Conduct Committee. Centroc is currently running regional contracts in fuel, road signs, bitumen emulsion, load shifting training and assessment, of which most members are participating in all. Four Councils (Bathurst, Oberon, Orange with Lithgow now joining in) are also participating in a trial of online training with the hopes that this technology will be rolled out regionally late 2013 as part of the ongoing cost savings of the Centroc Training service. The regional contract for Internal Audit, which some members are involved in, is due to expire in June 2013 and Centroc will go to tender for a new contract early 2013 in preparation. A new team of all Directors of Corporate Services will meet regularly to continue to explore cost savings opportunities for all members. Members have collectively saved a net total of \$1,152,036 in the last three years with all of the aforementioned projects.
- **Planning** – where the Board expressed disappointment at the top down approach to planning in this region and how it is leading to both poor plans and poor outcomes for Centroc members. Centroc will write to the Department of Premier and Cabinet seeking amendments to the Central West Regional Action Plan to make it more factual.

Centroc has lodged a number of submissions on behalf of the region in the past quarter including:

- Centroc submission to the Decentralisation Taskforce February 2012
- Centroc submission regarding the 24 Helicopter Service
- Joint Lower Macquarie Utilities' Alliance and Centroc Water Utilities' Alliance to the State Infrastructure Strategy
- Centroc submission to the review of the Water Industry Competition Act 2006 Regulatory Arrangements for Water Recycling under the Local Government Act 1993
- Centroc request for funding of \$2.4m from the Australian Government Community Energy Efficiency Program
- Centroc request for funding of \$60,000 from the NSW Government Community Renewable Energy Fund with a view to promoting a regional community solar panel project.

Submissions under development or lodged subsequent to the Board meeting are:

- Submission regarding the development of Local Land Services
- Submission to the Draft NSW Freight and Ports Strategy
- Submission on the Weather Radar Station for Central NSW and
- Submission to the Independent Review Panel into Local Government

These and the Centroc business papers are available on the Centroc website at centroc.com.au or via Centroc staff through the General Manager.

There are a number of significant events coming up on the Centroc calendar and Councillors are encouraged to keep an eye out for them, further advice:

- An event showcasing the innovation and value for money of the Centroc Water Utilities' Alliance.
- A Board meeting at Parliament House being co-ordinated by Mr Andrew Gee, Member for Orange, 23 May.

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT Council note the Delegate's Report on the Centroc Board meeting 28 February in Wellington.

BUSINESS OF GREAT URGENCY

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

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