



A CENTRE OF REGIONAL EXCELLENCE

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

27 MAY 2013

AT 7.00pm

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

PRESENT

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 6 MAY 2013

DECLARATION OF INTEREST

PUBLIC FORUM

PRESENTATIONS - NIL

MAYORAL MINUTES - NIL

NOTICES OF MOTION - NIL

NOTICE OF RECISSIONS - NIL

CORRESPONDENCE AND REPORTS

General Managers Reports
Environment and Development Reports
Operation Reports
Community and Strategy Reports
Finance Reports

COMMITTEE MEETINGS

Traffic Authority Local Committee Minutes - 9 May 2013
Sports Advisory Committee Meeting - 30 April 2013
Tourism Advisory Committee Meeting Minutes - 9 April 2013
Blue Mountains Crossing Bicentenary Committee Meeting Minutes
Disability Access Committee Minutes - 16 April 2013
Tourism Advisory Committee Meeting Minutes - 14 May 2013
Youth Council Committee Minutes - 30 April 2013
Crime Prevention Committee Meeting Minutes - 6 May 2013

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

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

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GENERAL MANAGERS REPORTS

ITEM-1 GM - 27/05/13 - LOCAL GOVERNMENT PECUNIARY INTEREST AND DISCIPLINARY TRIBUNAL

REPORT BY: R BAILEY - GENERAL MANAGER

REFERENCE

Min No 10-344: Ordinary Meeting of Council held on 23 August 2010
Min No 10-347: Ordinary Meeting of Council held on 23 August 2010

SUMMARY

This report provides formal advice to the Council of the suspension from civic office of Councillor Martin Ticehurst for a period of two months effective from 14 May 2013.

The report also outlines that Council Ticehurst failed to submit his Disclosure of Interest return for 2010/11 and was also late submitting his return for the 2009/10 period at which time he was also reminded by the Department of Local Government of his obligations for his failure to comply with the requirements in that period.

COMMENTARY

Council has received orders, dated 14 May 2013, from the Local Government Pecuniary Interest and Disciplinary Tribunal in relation to the matter PIDT No 2/2013 Director-General, Department of Premier and Cabinet Re: Councillor Martin Ticehurst, City of Lithgow Council.

The Tribunal made the following orders:

1. Pursuant to s.482A(1)(c) of the Local Government Act, the Tribunal **ORDERS** that Councillor Martin Ticehurst be and is hereby suspended from civic office for a period of two (2) months from the date of these Orders.
2. Copies of the Tribunal's Determination and Order will be provided to the General Manger, Lithgow City Council pursuant to s.484(3).
3. The Tribunal's Determination and Order will be made publicly available pursuant to s.484(3) forthwith.

The suspension comes following the Local Government and Pecuniary Interest and Disciplinary Tribunal receiving a complaint concerning an allegation that Councillor Martin Ticehurst had failed to lodge with the Council within 3 months after 30 June 2011 a return under S449 of the Act. This requires the completion of Returns disclosing interests of councillors and designated persons.

Councillor Ticehurst failed to comply with that provision with respect to the 2011 year until 20 December 2012, almost 15 months after the due date for the provision of the Annual Return.

The suspension is effective from Tuesday 14 May 2013 and will include the Council meetings of 27 May 2013, 17 June 2013 and 8 July 2013.

This is the third suspension of Cllr Ticehurst by the Tribunal.

Determination by the PIDT

The following relevant comments and points were outlined by the Tribunal:

5. *The General Manager is required to keep a register of returns: s.450A(91). The returns required to be lodged with the General Manager must be tabled at a meeting of the Council being the first meeting held after the last day for lodgement pursuant to s.449(3): s.450A(2)(b).*
7. *At the Ordinary Meeting of Council held on 10 October 2011 the issue of the non lodgement of the Annual Return by Councillor Ticehurst was identified in the Agenda as Item 25. There was also another Councillor who had not lodged a return, but he subsequently lodged one and this hearing concerns only Councillor Ticehurst.*
13. *On 20 December 2012 (almost 15 months after the due date) Councillor Ticehurst lodged his Annual Return for the year ended 30 June 2011 with the General Manager. That Annual Return was tabled at the Council Meeting held on 4 February 2013.*
15. *Section 449 is clear in its terms. It provides as relevant to the present case, that:*

"(3) a councillor or designated person holding that position at 30 June in any year must complete and lodge with the general manager within 3 months after that date a return in the form prescribed by the regulations."
16. *That obligation is an obligation created by the Local Government Act and does not depend upon its engagement and correspondence from the General Manager or anyone else in the Council. It is an obligation that resides in the office of every Councillor irrespective of the administrative processes of any particular council.*
17. *Councillor Ticehurst failed to comply with that provision with respect to the 2011 year until 20 December 2012, almost 15 months after the due date for the provision of the Annual Return.*

18. *The only reason given by Councillor Ticehurst for failure to comply with that obligation is the assertion that he did not receive the form letter of 24 June 2011 (enclosing the return form) from the General Manager's office until shortly before 20 December 2012. That assertion, assuming it to be true, does not operate as a defence to, nor does it excuse, a breach of s.449(3).*
23. *It is insufficient to establish any defence to the breach of s.449 to simply say that he did not receive either the form letter of 24 June 2011 or the copy of that letter provided in his in-tray at some time following the Council Meeting on 10 October 2011. Councillor Ticehurst should have been aware of his obligations which operate independently of the provision of any such letter.*
24. *In any case he was without doubt reminded of that obligation at the least by the Council Agenda and Minutes of meeting of 10 October 2011. As referred above, the matter of the non lodgement of the return (Item 25) was discussed during the course of the Council meeting held on 10 October 2011, and a resolution noting the matter was passed: see Minutes 10 October 2011, page 55. Councillor Ticehurst attended the meeting of 10 October 2011, but he departed the meeting prior to Item 25 being considered.*
25. *As referred above he responded that letter. On 11 July 2012 Councillor Ticehurst was advised of the complaint concerning his alleged breach of s.449(3). On 23 October 2012 Councillor Ticehurst was sent this Tribunal's Notice of Decision to Conduct Proceedings and Notice of Preliminary Conference in relation to the very issue of his failure to lodge a return. On 30 November 2012 Councillor Ticehurst attended the Preliminary Conference before this Tribunal. On 4 December 2012 Councillor Ticehurst was provided with Directions made at that Preliminary Conference. Yet throughout all of this period Councillor Ticehurst continued to fail to lodge an Annual Return. It was only (apparently) following the provision to him by the Director General on 10 December 2012 of a copy of the mail-merge letter, that, some ten days later, Councillor Ticehurst lodged his annual return.*
26. *Councillor Ticehurst's conduct in failing to lodge an annual return for a period of almost 15 months after the due date constitutes a flagrant breach of the obligation to lodge an annual return. It is insufficient merely for him to say that the return will be lodged upon receipt of the form letter to all Councillors. The obligation operates independently of the provision.*
27. *As referred above the breach may be taken to have been a flagrant one, particularly after the issue of the breach was raised (repeatedly) with Councillor Ticehurst.*

31. *In the circumstances of the present case it is difficult to conclude that there should be any significant weight given to the position of Councillor Ticehurst that he would only lodge the return upon receipt of the form letter. As referred above the obligations are clear and they exist independently of the provision of any such letter. Even notwithstanding the non provision of the form letter, Councillor Ticehurst was reminded of the breach of the act on many occasions before he ultimately lodged the return on 20 December 2012. It is apparent that he only did so when the circumstances in which he said he would do so, namely the receipt of the form letter, were satisfied. It is not for councillors to dictate the circumstances of which they will comply with clear obligations in the Act. The continuing nature of the breach in the face of such reminders means that in the circumstances counselling or a reprimand is not an appropriate consequence.*

It should also be pointed out that Councillor Ticehurst also failed to comply in the previous period and submitted his Return after the due date and after it had been reported to Council that only eight councillors had in fact completed their return. Cllr Ticehurst being the exception.

The Department of Local Government wrote to Council in a letter dated 17 November 2010 advising that the Department had written to Cllr Ticehurst to *'remind him of his obligation to lodge his disclosure of interests return within three months of 30 June in each year that he holds the position of councillor.'*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL cost to Council in relation to the determination.

Councillor Ticehurst shall not be paid the Councillor remuneration for the period of suspension.

LEGAL IMPLICATIONS

Pursuant to s.482A(1)(c) of the Local Government Act, the Pecuniary Interest and Disciplinary Tribunal has issued ORDERS that Councillor Martin Ticehurst is suspended from civic office for a period of two (2) months from 14 May 2013.

As part of the suspension Cllr Ticehurst **shall NOT** be entitled to be paid councillor fees in that time, s.248A of the Act provides:

248A Annual fees or other remuneration not to be paid during period of suspension

A council must not at any time pay any fee or other remuneration, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which:

(a) the councillor is suspended from civic office under this Act, or

(b) the councillor's right to be paid any fee or other remuneration is suspended under this Act,

unless another provision of this Act specifically authorises payment to be made, or specifically permits a person to authorise payment to be made, when the suspension is terminated.

In addition to the above, Council previously considered a report as a consequence of Cllr Ticehurst's last suspension in relation to any participation in a Council meeting during the period of suspension.

At the time it was made clear that the suspended Councillor is not permitted to participate in a council meeting.

Legal advice was sought at the time and the advice was that seeking to participate as a suspended Councillor is considered to be in breach of the LG Act 1993. The Mayor cannot assist the suspended councillor to break the law therefore the Mayor has no alternative but to rule that the suspended Councillor is out of order. The suspended Councillor should either leave the meeting or if they opt to stay they must remain silent.

The Councillor, should they insist in participating be formally warned that the continued behaviour could constitute a breach of the Code of Meeting Practice, leading to public disorder. If expelled from the meeting it could also be a potential breach of the Council's the Code of Conduct.

ATTACHMENTS

1. Determination and Orders of the Local Government Pecuniary Interest and Disciplinary Tribunal, LGPIDT 02/2012
2. Mayoral Minute - 23 August 2010 - Code of Meeting Practice, Suspended Councillor
3. Council Resolution Min No: 10-344 - Ordinary Meeting of Council - 23 August 2010

RECOMMENDATION

THAT Council:

1. Note that the Local Government Pecuniary Interest and Disciplinary Tribunal has issued orders that Councillor Martin Ticehurst is suspended from holding civic office for a period of two (2) months commencing on 14 May 2013.
2. Note that a councillor, while suspended from civic office is not entitled to exercise any of the functions of the civic office, and is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of the civic office.
3. Note the Council decision 10-344 that during a period of suspension that Council not accept any contribution from a suspended councillor during the Council meeting, including during the Public Forum as a suspended councillor is not considered a member of the public under these purposes.

ITEM-2 GM - 27/05/13 - QUARTERLY PERFORMANCE REPORT ON 2012-2013 OPERATIONS PLAN FOR THE PERIOD 1 JANUARY TO 31 MARCH 2013

REPORT BY: C FARNSWORTH - FINANCE MANAGER & D MCGRATH - CORPORATE STRATEGY AND COMMUNICATIONS OFFICER

REFERENCE

Min No 12-182: Ordinary Meeting of Council 4 June 2012
Min No 12-445: Ordinary Meeting of Council 26 November 2012
Min No. 13-49: Ordinary Meeting of Council 25 February 2013

SUMMARY

This report provides the Quarterly Performance Report on the 2012-2013 Operations Plan for the period of 1 January to 31 March 2013 with a recommendation that the adjusted surplus of \$134,590 be noted.

COMMENTARY

The January to March Quarterly Performance Report on the 2012-2013 Operations Plan has been prepared and details are provided with the attachment to the Business Paper.

This report provides a detailed summary of achievements against the Delivery Program 2012-2016.

2012/13 QUARTERLY BUDGET COMPARISON			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
Original	61,979	61,979	0
September Quarter	70,313	70,302	11
December Quarter	76,649	76,476	174
March Quarter	79,711	79,576	135

2012/13 QUARTERLY BUDGET COMPARISON FUND			
Budget (Inc Internal)	Income \$'000	Expenditure \$'000	Total \$'000
General	59,124	58,989	135
Water	11,535	11,535	0
Wastewater	9,052	9,052	0

The revised December quarter of the 2012-2013 Operations Plan has been adjusted as detailed in the following table.

2012/13 Quarterly Budget Variations		
		Variation >\$2 (\$'000)
EXECUTIVE		
Election (Final cost saving)	Dec Exp / to Reserve	24,000
TOURISM		
TV Advertising Cont LBA	Additional Inc	4,545
Forto Funding Grant	Additional Inc	8,750
GP REVENUE		
Interest on Investments	Additional Inc	100,955
OPERATIONS		
Cemetery Fees	Additional Inc	19,435
Swimming Pool Operations	Additional Exp	23,000
Road Safety Projects	Additional Inc	11,000
Road Safety Projects	Additional Exp	11,000
RMS NSW Gov Add Local Rd Grant	Additional Inc	200,000
RMS NSW Gov Add Local Rd Grant	Additional Exp	200,000
RMS Add Local Rd: Pearson's Min 13-30	Additional Exp	80,000
Flood Damage Feb 13 Grant Min 13-95	Additional Inc	956,000
Flood Damage Feb 13 Grant Min 13-95	Additional Exp	985,000
Flood Damage Feb 13 LCC Min 13-95	Additional Exp	29,000
Aquatic Centre Solar Min 13-102	Additional Exp	55,231
Aquatic Centre Henry Contribution	Additional Inc	10,909
Aquatic Centre Henry Contribution for Equipment	Additional Exp	10,909
RFS Sec 44 Drs Gap	Additional Income	16,910
RFS Sec 44 Drs Gap	Additional Exp	16,910
DEVELOPMENT / ENVIRONMENT		
Admin Centre MR (To Chamber Chairs)	Decrease Exp	17,000
Admin Centre (Chamber Chairs)	Additional Exp	10,000
Waste Collection Add services	Additional Inc	59,000
Waste New Contract	Additional Exp	22,000
Waste Weighbridge Lithgow Tip	Additional Exp	15,000
Waste Lithgow Tip Rehabilitation	Decrease Exp	10,000
Comm Bld Partnership Grant Union	Additional Inc	50,000
Comm Bld Partnership Grant Union	Additional Exp To Reserve	50,000
FINANCE		
Property Rebate: Insurance	Additional Inc	4,000
WATER		
Best Practice Plan Requirement	Additional Exp	19,125
COMMUNITY		
Lithgow Show Donation Min 12-425	Additional Exp	3,570
Donations Min 12-425	Additional Exp	20,000
LGSA Age Friendly Grant	Additional Inc	21,500
LGSA Age Friendly Grant	Additional Exp	21,500
NSW Premiers Fund: Cox's Signage	Additional Inc	18,000
NSW Premiers Fund: Cox's Signage	Additional Exp	18,000

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial implications as reported in the January to March Quarterly

Performance Report, 2012-2013 Operations Plan.

The Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, that Council's 2012-2013 Operations Plan has been reviewed and the financial position of Council is satisfactory.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government (General) Regulation 2005 sets out requirements for the quarterly reporting of the achievement of performance targets and the submission of a budget review statement after the end of each quarter. This report and attachment achieves these requirements.

ATTACHMENTS

1. Quarterly Progress Report 1 January – 31 March 2013

RECOMMENDATION

THAT:

1. The surplus of \$134,590 for the 2012-2013 Operations Plan as detailed in the Quarterly Performance Report for the period 1 January to 31 March 2013 be noted;
2. Council authorise the variations to the Council budget as outlined in the report; and
3. The Council notes that the Finance Manager, as the Responsible Accounting Officer has reviewed the statements and certifies as required by the Local Government (General) Regulation 2005, (s203) that Council's 2012-2013 Operations Plan has been reviewed and the financial position of Council is satisfactory.

ITEM-3 GM - 27/05/13 - INTEGRATED PLANNING AND REPORTING

REPORT BY: D MCGRATH - CORPORATE STRATEGY AND COMMUNICATIONS OFFICER

REFERENCE

Min No 12-182: Ordinary Meeting of Council 4 June 2012
Min No 13-156: Ordinary Meeting of Council 6 May 2013

SUMMARY

This report recommends the adoption of the following documents which have been reviewed in line with the requirements of the Local Government Amendment (Planning and Reporting) Bill 2009:

- Community Strategic Plan 2013-2026
- Long Term Financial Plan
- Workforce Plan

COMMENTARY

In 2010, the NSW Government introduced the Local Government Amendment (Planning and Reporting) Bill 2009 requiring all NSW Council's to develop and implement an Integrated Planning and Reporting Framework by 30 June 2012. In addition, *"from 2012, each newly elected council must review the Community Strategic Plan within nine months of the local government elections and roll the planning period forward so that it maintains a 10 year minimum horizon"*.

Lithgow City Council adopted its Integrated Planning and Reporting Framework on 4 June 2012 and submitted it to the Department of Local Government as required. The Department of Local Government has reviewed Council's IPR Framework and provided a summary of the review for consideration as part of Council's review process. Overall, the response from the Department was quiet positive noting that *"Council largely meets the legislative requirements of the Integrated Planning and Reporting Framework"* however, there were some areas for improvement and as such Council's review of the IPR Framework has endeavoured to address these issues.

Our Place....Our Future Community Strategic Plan 2013-2026

The following comments from the Division of Local Government have been taken into consideration as part of the review of the Community Strategic Plan 2013-2026.

- *The Plan's outcomes appear to have a Council focus rather than a community focus. Further work could be undertaken in articulating community aspirations in the Plan.*
- *Detail is included in the Plan regarding delivering outcomes (ie. actions). This detail may be better located in the Delivery Program and Operational Plan.*
- *The Council may consider providing more focus on community outcomes rather than Council outputs for the Plan's performance measures.*

In response the document has been reformatted identifying the Objective, Desired Outcome and Measures for the strategic areas identified within each of the 5 Principle Activity Areas. The Our Actions column has been removed as this column is duplicated in the Delivery Program, Operational Plan and short-medium term strategies and planning studies.

Minor amendments made to the Community Strategic Plan include re-numbering of the strategic areas identified in the Principle Activity Areas. This has been carried forward across all documentation including the updating of the combined Delivery Program 2013-2017 and Operational Plan 2013-2014.

The following items identified by Council have been included:

3.1.3 – Community Cultural Facilities

Desired Outcome: To develop cultural and recreational infrastructure that will meet the needs of the community now and into the future:

Measure: Options identified for the development of a Civic Centre/Function Room in Lithgow.

3.1.16 – Water

Desired Outcome: To provide water infrastructure to allow for the sustainable growth and development of the area.

Measure: Lobbying undertaken for the development of another dam to service the Lithgow LGA.

4.2.4 – Environmental Protection and Leadership

Desired Outcome: To provide environmental leadership through responsible natural resource management, legislative compliance and working cooperatively with the community, relevant environmental authorities and alliances.

Measure:

- Development of long-term voluntary acquisition program for flood affected properties in the Vale of Clwydd.
- Channel improvement of the Vale of Clwydd Creek is undertaken in line with the acquisition program.

Our Place....Our Future Long – Term Financial Plan 2013-2023

The following comments from the Division of Local Government have been taken into consideration as part of the review of the Long-Term Financial Plan 2013-2026.

- *The Plan appears to be missing risk management and sensitivity analysis content.*
- *The Plan states that the Council will be applying for a special variation. The implications of getting, or not getting, the variation approved beyond 2016/17 are not explored thoroughly.*
- *Scenarios need to be developed to further explore potential future financial positions and risks taking into account any aspirational community projects as identified in the Community Strategic Plan and Delivery Program.*

Our Place....Our Future Strategic Asset Management Plan

The following comments from the Division of Local Government have been taken into consideration as part of the review of the Strategic Asset Management Plan 2012-2022.

- *The proposed strategies and actions identified in the Plan would benefit from further development.*

- *Condition assessments for all asset classes require completion.*
- *The plan identified that a more detailed action plan will be developed in 2012/2013 and this will address updated condition ratings.*

Due to limited resourcing further development of the Strategic Asset Management Plan is proposed to be undertaken in 2013-2014. Condition assessments for all asset classes are an ongoing activity and will be updated as part of the review.

Our Place....Our Future Workforce Strategy 2013-2017

The following comments from the Division of Local Government have been taken into consideration as part of the review of the Workforce Strategy 2013-2017.

- *The document is sometimes difficult to follow. Discussion in the first section of the document about its links to the Community Strategic Plan would provide clearer context for the Strategy.*
- *Some of the activities listed under "Our Actions" have an outcome focus, rather than describing the specific activity or action to be undertaken to achieve the aim.*
- *Articulating any financial implications of the implementation of the Plan would enhance the Strategy and improve its links to the Long-Term Financial Plan.*

Amendments to the Workforce Strategy include updating of workforce data and the Organisational Structure and linkages to the Community Strategic Plan have been revised. The feedback provided by the Division of Local Government will be used to inform future reviews of this document.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

As per Long Term Financial Plan

LEGAL IMPLICATIONS

Council is required to review the Integrated Planning and Reporting Framework by 30 June 2013.

ATTACHMENTS

1. Letter from Division of Local Government.
2. Our Place...Our Future Community Strategic Plan 2013-2025
3. Our Place...Our Future Workforce Strategy 2013-2017
4. Our Place...Our Future Long-Term Financial Plan 2013-2023

RECOMMENDATION

THAT:

1. Council adopts the Community Strategic Plan 2013-2023 with the following amendments:
 - **3.1.3 – Community Cultural Facilities**
Desired Outcome: To develop cultural and recreational infrastructure that will meet the needs of the community now and into the future:

Measure: Options identified for the development of a Civic Centre/Function Room in Lithgow.

○ **3.1.16 – Water**

Desired Outcome: To provide water infrastructure to allow for the sustainable growth and development of the area.

Measure: Lobbying undertaken for the development of another dam to service the Lithgow LGA.

○ **4.2.4 – Environmental Protection and Leadership**

Desired Outcome: To provide environmental leadership through responsible natural resource management, legislative compliance and working cooperatively with the community, relevant environmental authorities and alliances.

Measure:

- Development of long-term voluntary acquisition program for flood affected properties in the Vale of Clwydd.
- Channel improvement of the Vale of Clwydd Creek is undertaken in line with the acquisition program.

2. Council adopts the Long Term Financial Plan 2013-2023 and Workforce Strategy 2013-2017
3. The Strategic Asset Management Plan be reviewed and a further report be brought to Council in 2013/2014.

ITEM-4 GM - 27/05/13 - LOCAL GOVERNMENT ACTS TASKFORCE

REPORT BY: R BAILEY - GENERAL MANAGER

SUMMARY

The Local Government Acts Taskforce has released its latest discussion paper and submissions are now being called for comment on the paper.

COMMENTARY

The Minister for Local Government is presently proposing that the *Local Government Act 1993* and the *City of Sydney Act 1988* be rewritten.

The 1993 Local Government Act principally deals with the legal and governance framework of local councils and county councils in New South Wales. It represented a major overhaul of the previous legislation – the *Local Government Act 1919*. A review of the current Local Government Act was last undertaken in 1998. Since 1993, there have been 178 amending Acts comprising hundreds of individual changes to the legislation.

A general review has never been undertaken of the City of Sydney Act (CSA). In 2010 an Independent Panel undertook a review of the role of the Central Sydney Planning Committee provisions of the CSA. The Panel made 21 recommendations to support and improve the continued operation of the Committee.

A four member Local Government Acts Taskforce has been appointed by the Minister to develop new, modern legislation that meets the current and future needs of the community, local government and the local government sector. In undertaking its work the Taskforce is required to consult with key stakeholders and to take into account those recommendations of the Independent Local Government Review Panel that are adopted by the Government.

The members of the Taskforce are:

- Mr John Turner (chair)
- Mrs Gabrielle Kibble AO
- Dr Ian Tiley
- Mr Stephen Blackadder

It is expected that the work of the Taskforce will result in the development of a modern Act for local government in New South Wales that is streamlined, written in plain language, reduces unnecessary red tape and easy to use.

The Taskforce has now moved into Stage II of its consultation process and is pleased to announce the release of its discussion paper "*A New Local Government Act for NSW*". This discussion paper is designed to provoke thought and discussion on how the legislation and regulatory regime can be best designed to provide an optimum framework for long term sustainable local government in NSW.

The deadline for submissions is **28 June 2013**.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

This will result in a new Local Government Act for NSW councils.

ATTACHMENTS

1. Local Government Acts Taskforce – A New Local Government Act for NSW, Discussion Paper

RECOMMENDATION

THAT Council:

1. Note the report on the Local Government Acts Taskforce; and
2. Authorise the Mayor and Deputy Mayor to make a submission in relation to the Discussion Paper, A New Local Government Act for NSW.

ENVIRONMENT AND DEVELOPMENT REPORTS

ITEM-5 ENVIRO - 27/05/13 - CURRENT STATUS OF FORMER LITHGOW RSL PROPERTY

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 12-393: Ordinary Council Meeting 5 November 2012

SUMMARY

To advise Council on the current status of the Former RSL property following a Notice of Motion to Council on 5 November 2012.

COMMENTARY

Following Notice of Motion provided to Council on 5 November 2012 a report was requested to a future Council meeting on the current condition of the former Lithgow RSL property on the corner of Hayley and Hoskins Avenue Lithgow.

A number of contacts have been attempted with the owner of the property, both written and by telephone, but no response has been received. Therefore, it has not been possible at this stage to ascertain the current intentions for the site.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the report on the former RSL property be noted.

ITEM-6 ENVIRO - 27/05/13 - PROPOSED ROAD NAMING- 061/07DA - NEW ROAD NAME OFF OLD BATHURST ROAD

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

REFERENCE

Min No 13-88: Ordinary Meeting of Council 18 March 2013

SUMMARY

To progress the road naming process for the new road off Old Bathurst Road, South Bowenfels as part of subdivision approval 061/07DA.

COMMENTARY

Background

The road is a new road that requires to be named as part of the subdivision. The name 'Serenity Drive' was notified to authorities and advertised in the paper for suggestions for the road naming in accordance with the Geographical Names Board guidelines.

Issues/ Public Participation

As a result of the notification Council received two submissions with the suggestions as follows:

- A name using 'Stockade' due to the historical relevance in the area.
- 'Pioneers Way' due to the area being one of the first pioneering locations in the area
- 'Gipps Road' after the Governor George Gipps of the time who signed some of the first land grants for that area
- 'Convict Place' due to the historical significance in regards to convict work in the area.

The name including 'Stockade' is problematic as it would be a duplicate name within the Lithgow Local Government Area and South Bowenfels. That is, 'Stockade' Close already exists as a road name currently in the Bowen Vista. This duplication does not meet the requirements of the Geographical Names Board and therefore cannot be accepted.

In regards to 'Convict Place', whilst the reasoning behind the naming is historical, the name as an address for residents may not be considered to be appropriate, although this may be subjective.

The other two of these names would be considered suitable for the naming of the road with the Council officers' supporting the name 'Gipps Road' for the following reasons:

- Naming after a previous Governor between 1837 and 1846 which is historically significant to the area regarding land grants;

- The name is dissimilar to other road names within the Lithgow Local Government Area; and
- The name is more significant to this specific area than the previous proposed name.

CONCLUSION

If there is no objection Council can proceed with the notification of the name in accordance with the Geographical Names Board of NSW Requirements.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT:

1. Council support the name 'Gipps Road' and proceed with notifying authorities.
2. The proposed name be advertised and submissions invited.
3. If no objection is raised then Council proceed to notification of the road name and advise the Emergency Services and Government Gazette of the name 'Gipps Road'.

ITEM-7 ENVIRO - 27/05/13 - PROPOSED DRAFT GENERIC COMMUNITY LANDS PLAN OF MANAGEMENT - NATURAL AREAS, PARKS, SPORTSGROUNDS & GENERAL COMMUNITY USE

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 13-116: Ordinary Meeting of Council 15th April 2013

SUMMARY

The report seeks Council’s endorsement to publicly exhibit the Draft Generic Community Lands Plan of Management (Generic POM) as required under the provisions of the Local Government Act 1993 (LG Act).

This report also seeks Council’s resolution to reclassify the properties contained in point 6 of Minute No 13-116, from an operational classification to community classification, with the subject properties to be included in the Draft Generic Community Lands Plan of Management.

COMMENTARY

BACKGROUND

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

This Draft Generic POM is designed to cover community classified land within the categories of Natural Area, Park, Sportsground and General Community Use, as defined within the LG Act. It should be noted that a number of properties currently classified “community” have been excluded from this POM, pending the outcome of their proposed reclassification through the Local Environmental Plan process. A list of these properties appears in the attachment 2 to this report.

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

The introduction of the Local Government Act 1993, established a framework for the management of public land (excluding Crown land and Public Roads). The LG Act requires all public land assets to be classified as either “community” or “operational” land.

“Community” classified land is intended to be kept for use by the general public. “Operational” classification generally applies to public land which facilitates the carrying out by Council of its functions, or land which may not be open to the general public.

The LG Act requires all community classified land to be used and managed in accordance with a plan of management for the land. These plans may be developed for land with similar characteristics (generic) or, alternatively where required, one area (site specific).

The requirements for Community Land Plans of Management are set out in Section 36 of the LG Act. In summary, a plan of management should identify the following:

- The category of the land. Section 36(4) of the LG Act identifies five possible categories:
 - Natural Area
 - Bushland
 - Wetland
 - Escarpment
 - Watercourse
 - Foreshore
 - Sportsground
 - Park
 - Area of Cultural Significance
 - General Community Use
- The objectives and performance targets for the land. The core objectives for each category of land are set out in Section 36A-N of the LG Act.
- The means of achieving those objectives and targets; and
- The way in which Council proposes to assess performance and effectiveness in meeting those objectives.

This Generic POM has been developed for the categories of Natural Area, Parks, Sportsground and General Community Use. The plan consolidates existing property and asset information and draws together commonalities across Council’s asset portfolio to co-ordinate management practices for each category.

A process has also been developed to ensure that new property acquisitions and land transfers can be readily integrated into the Generic POM, to ensure that its currency is maintained.

As mentioned above, Council resolved at it’s ordinary meeting of the 15th April 2013, to publicly notify of it’s intent to reclassify the following properties from an operational to community classification.

Functional Use	Location	Common Name	Street	Property Description
Community Hall	Lithgow	Civilian Widows Hall	Tank Street	Lot 1 DP517242
Community Hall	Lithgow	East St Public Hall & Park	East Street	Lot 114 DP 28254
Community Hall	Lithgow	Community Hall Vale of Clywdd Hall	Mort Street	Lot 2 DP 563455

Indoor Sporting Facility	Lithgow	Reg Cowden Memorial Sports Centre Lithgow	Barton Street	Lot 3 DP 29016
Public Hall	Portland	Crystal Theatre	Wolgan St	Lot 1 DP 558522
Public Hall	Wallerawang	Memorial Hall/Pre School Building	Commens Street	Lots 1,2,3,4,5 DP 15683

Council's intention to reclassify the subject properties via Council resolution was publicly exhibited for a period of 28 days, from Thursday 18th April until Thursday 16th May, with no submissions being received.

COMMUNITY LAND CATEGORIES

The Generic POM has been developed for community land in the following categories:

- Natural Area
 - Bushland
 - Wetland
 - Escarpment
 - Watercourse
 - Foreshore
- Sportsground
- Park
- General Community Use

It should be noted that where a site has been categorised as being of "Cultural Significance", the LG Act requires that a site specific Plan of Management is then required for that site. Such sites are not able to be grouped together under a generic plan. These sites include the Blast Furnace and the South Bowenfels Gun Emplacements. Crown sites with identified Cultural Significance include Hyde Park and Maiyngu Marragu; previously known as Blackfellows Hands.

SITE SPECIFIC PLANS OF MANAGEMENT

The Generic POM will not apply when a site specific plan of management has been adopted by Council. The Lithgow Golf Course POM, is currently the only site specific POM that has been developed and adopted by Council at this time.

In relation to Crown sites, a management framework plan has been developed and adopted by Council for the area known as Hyde Park; this plan however, has not been formally adopted by the Minister for Primary Industries as a Crown Land Plan of Management.

As a consequence of the development of the Generic POM, additional sites may be identified for further investigation into the need for more detailed site specific management regimes. For example Lake Lyell Foreshores and Crown sites including but not limited to Tony Luchetti Sporting Precinct, Hassans Walls Reserve and Lake Wallace Foreshores.

KEY IMPLICATIONS

Organisational Impact

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

Local Environmental Plans (LEPs) and other Relevant Legislation

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

Community Impacts

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

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

FINANCIAL IMPLICATIONS

Funds have been allocated in the 2012/13 financial year for this project. The financial costs of recommended actions of the Generic POM will need to be incorporated into future operation and delivery plans and long term financial plans.

LEGAL IMPLICATIONS

The following sections of the LG Act are relevant in consideration of this matter:

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

ATTACHMENTS

1. Draft Lithgow Generic Community Lands Plan of Management
2. Schedule of community lands excluded from the application of the Draft Plan.

RECOMMENDATION

THAT Council:

1. Reclassify the following properties from an operational to community classification, and include these properties in the Draft Generic Community Lands Plan of Management.

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

2. Approve the attached Draft Generic Community Lands Plan of Management 2013 – Natural Areas, Parks, Sportsgrounds & General Community Use, for public consultation period of at least 42 days including a public exhibition period of not less than 28 days during which a public hearing is to be conducted.
3. Note that the outcomes of the public exhibition period, including the public hearing, will be the subject of a further report to Council.

ITEM-8 ENVIRO - 27/05/13 - DEVELOPMENT APPLICATION 078/13 MUSIC FESTIVAL & DA207/12 GRAVEL QUARRY - CALLING IN OF APPLICATIONS

REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To inform Council of the ‘call in’ of two development applications pursuant to Council policy.

COMMENTARY

Two Development Applications have been called in for determination by Councillor M Ticehurst.

1. DA078/13 for the establishment of a three day music and arts festival at ‘Eurella’ 602 Upper Nile Road, Glen Alice.
2. DA207/12 for the establishment of a small gravel extraction pit (quarry) at 542 Portland Road, Cullen Bullen. The application is currently under assessment.

It should be noted that the notification of the call in of the applications was received prior to Councillor Ticehurst’s current period of suspension.

POLICY IMPLICATIONS

These applications have been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors” Item 3 that states:

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

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

These applications are reported pursuant to the first dot point.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

No specific implications at this point of the process.

RECOMMENDATION

THAT the calling in of development application No 078/13 and development application No 207/12 be noted.

ITEM-9 ENVIRO - 27/05/13 - SMALL ARMS FACTORY MUSEUM NOTICE OF INTENTION FOR HERITAGE LISTING

REPORT BY: A MUIR – GROUP MANAGER ENVIROMENT AND DEVELOPMENT

SUMMARY

To notify Council of a proposal by the Heritage Branch of the NSW Office of Environment and Heritage to consider listing the Lithgow Small Arms Factory (SAF) Museum and Collection located in Methven Street Lithgow on the State Heritage Register and recommend Council support this proposal.

COMMENTARY

The Heritage Branch have written to Council seeking submissions for the proposal to include the SAF Museum and Collection on the State Heritage Register.

The advice states that:

The Lithgow Small Arms Factory Museum building and its movable heritage collection is likely to be of state historical significance as a microcosm representing the entire 65 hectare factory site, which was Australia's primary munitions factory throughout the twentieth century.

The complete advice is attached to the report, which also states that:

The significance of this collection is enhanced by it being located on site, in one of the buildings in the factory where it was produced, and curated by local volunteers, many of whom are former factory workers. It goes to state that with the recent demolition of the Maribymong Small Arms Factory, the Lithgow Small Arms Factory is rare as the only surviving armaments industrial site in Australia.

The Heritage Branch has also notified Thales as the owners of the site and the volunteer organisation that operates the museum. While no feedback has been received from Thales, the SAF Museum representatives have advised that they are very supportive of the proposal to list the site and the collection. They consider that it will provide long term protection of the building and the collection that has received both national and international recognition.

The proposal to list the premises is considered to be a positive step in the protection of Lithgow's industrial heritage. It may also result in funding opportunities for the SAF Museum.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter from the Heritage Branch.

RECOMMENDATION

THAT Council make a submission supporting the proposal to list the Lithgow Small Arms Factory Museum Building and Collection located in Methven Street Lithgow on the State Heritage Register.

**ITEM-10 ENVIRO - 27/05/13 - NSW PLANNING SYSTEM REFORM -
PLANNING WHITE PAPER AND EXPOSURE BILL**

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To advise Council of the release and consultation period in relation to the White paper-A *new planning system for NSW* and accompanying Exposure draft bills.

COMMENTARY

As Council may be aware by now the NSW Government has released the Planning White Paper and Exposure Draft Bills in relation to the reform the planning system in NSW.

In advising of the release of the white paper, The Minister of Planning, The Hon Brad Hazzard MP advised that the new system will:

- Ensure communities can participate up front in planning decisions.
- Drive economic growth and opportunities across NSW.
- Provide certainty for all stakeholders in the planning process.

The White Paper and draft Bill are quite extensive and may be found at www.planning.nsw.gov.au/newplanningsystem. They will be on exhibition until 28 June 2013. The documentation is currently being reviewed by Council Officers with a view to making a submission.

The initial response from Local Government NSW, who will be reviewing the White paper and Draft Exposure Bills, is somewhat cautionary. Council Officers will be putting together a submission on the White Paper and Draft Exposure Bills and would welcome any input that Councillors wish to have into the process.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Following consideration of submissions on the proposed reforms there will be a repeal of the Environmental Planning & Assessment Act 1979 and replacement with a new Planning Act.

ATTACHMENTS

1. Refer to link www.planning.nsw.gov.au/newplanningsystem

RECOMMENDATION

THAT the report on the proposed planning reforms be noted.

ITEM-11 ENVIRO - 27/05/13 - ROAD NAMING - 394/04DA - NEW ROAD OFF PURCELL STREET PORTLAND

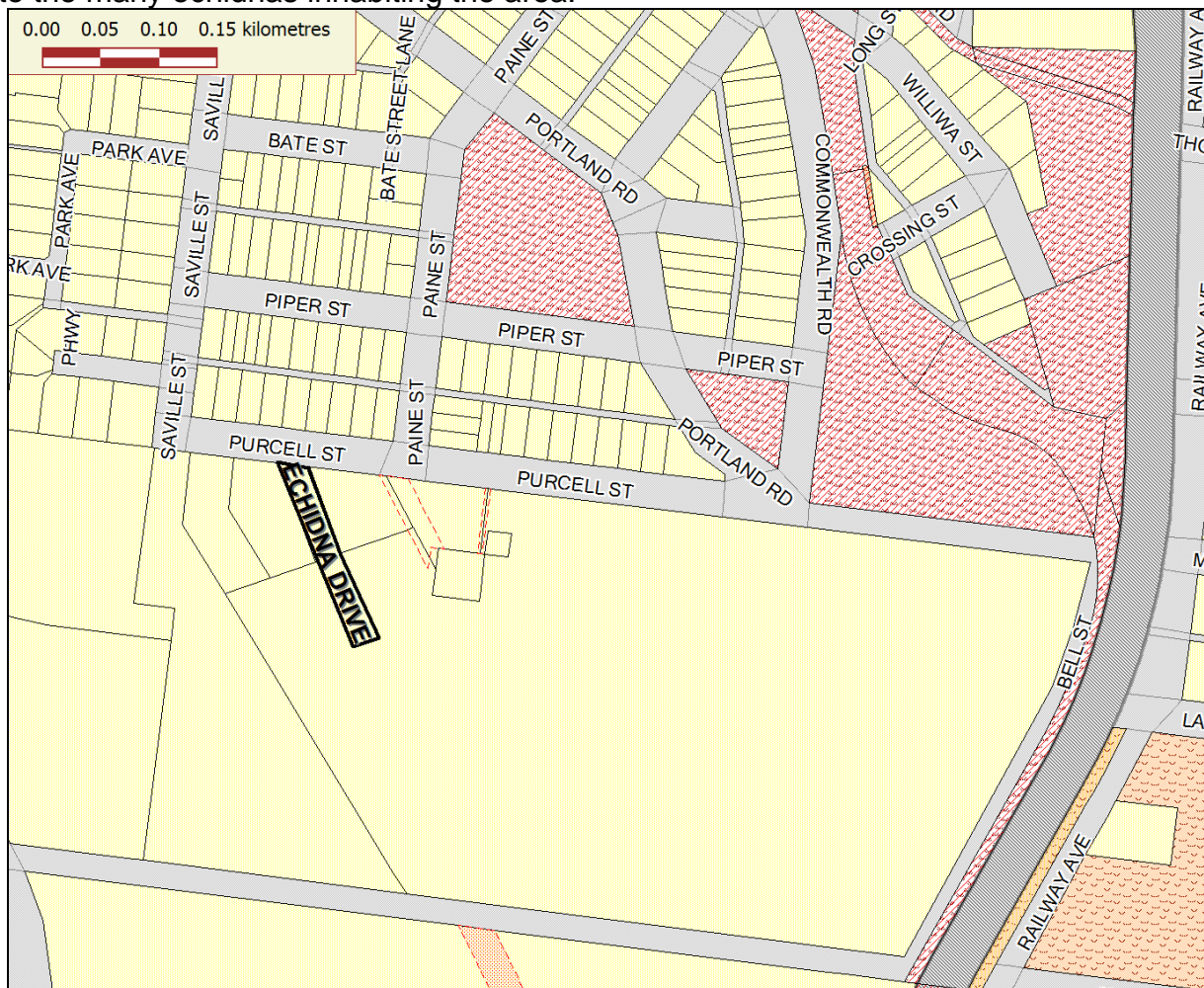
REPORT BY: A MUIR - GROUP MANAGER ENVIRONMENT & DEVELOPMENT

SUMMARY

To advise Council of road naming proposal for a new road off Purcell Street, Portland.

COMMENTARY

Council has received a proposed road naming for an internal road within an approved 8 lot subdivision 394/04DA off Purcell Street Portland, shown in the map below. The applicant has requested that Council name this road 'Echidna Drive' which is a reference to the many echidnas inhabiting the area.



POLICY IMPLICATIONS

This road will be named in accordance with Council's Road Naming Policy.

FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Plan showing the subdivision.

RECOMMENDATION

THAT:

1. In accordance with Council's Policy for the naming of roads, Council advertise the road name 'Echidna Drive' in the Lithgow Mercury calling for submissions for the statutory period of twenty-eight (28) days.
2. If no submissions are received during this period, Council shall proceed to the Gazettal of this road name and notify the appropriate emergency services.

OPERATION REPORTS

ITEM-12 OPER - 27/05/13 - WATER REPORT

REPORT BY: I STEWART – GROUP MANAGER OPERATIONS

REFERENCE

Min No 13-155: Ordinary Meeting of 6 May 2013

SUMMARY

This report provides an update on various water management issues as per Minute Number 13-155.

COMMENTARY

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

Current Dam Levels for both Farmers Creek and Oberon

Farmers Creek Dam #2 capacity on Monday 13 May was 94.5%. Oberon Dam capacity on Monday 13 May was 85.32%

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	328
October	140	0	468
November	140	5	608
December	135	81	743
January	146	73	889
February	92	0	981
March	114	0	1,095
April	109	0	1,204
2011/12 Monthly Av	121	0	

Rolling 12 Month Total	1,204	159	1,045
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Table 2 - Oakey Park Daily Output and Clarence Transfer

Oakey Park WTP	Avg Daily Use kL	Avg Daily CWTS Transfer kL
April	3,543	0
March	3,662	0

Oakey Park Water Quality Summary

Oakey Park Water Treatment Plant is currently supplying water to Lithgow. For two days supply was extended to the Fish River Scheme when a pipeline broke at the Duckmoli Water Treatment Plant. No health-based ADWG guideline values were exceeded in April. Three low chlorine residual results (<0.02ppm) 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 five low chlorine residual 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.

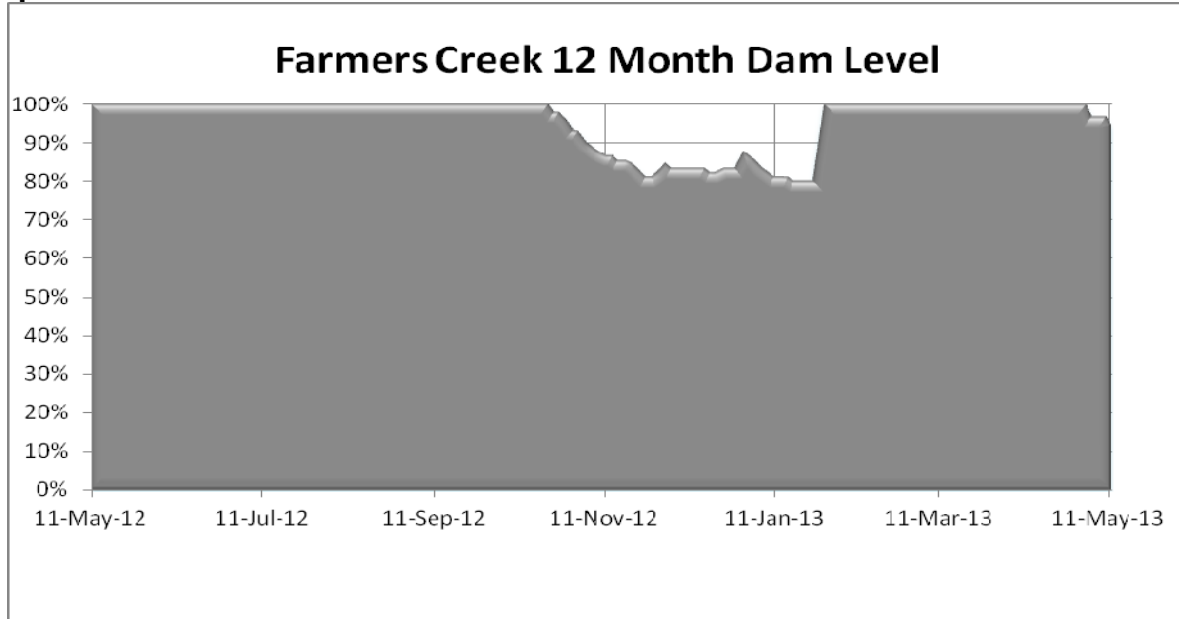
Water Saving Schemes or Processes Update

Council's Rainwater Tank and Domestic Appliance Rebate Program continued in April with Council approving four applications for a household appliance rebate and one application for a water tank rebate.

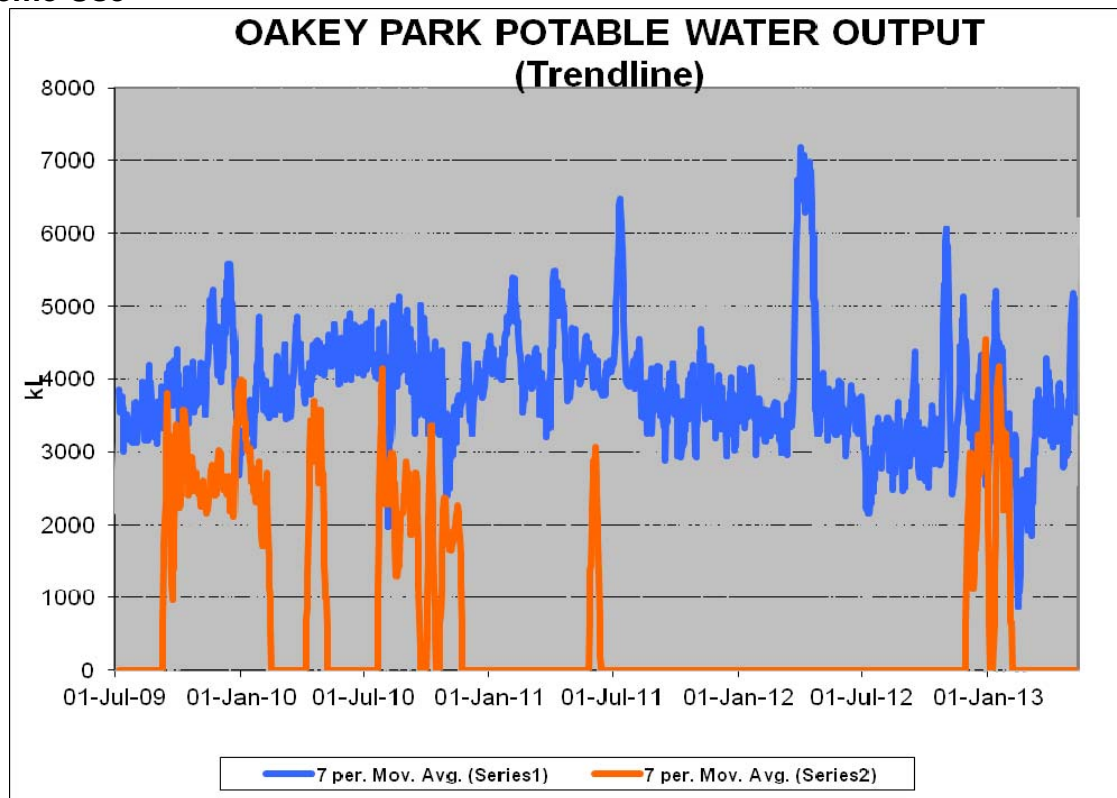
Farmers Creek Dam 12 Month Levels

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

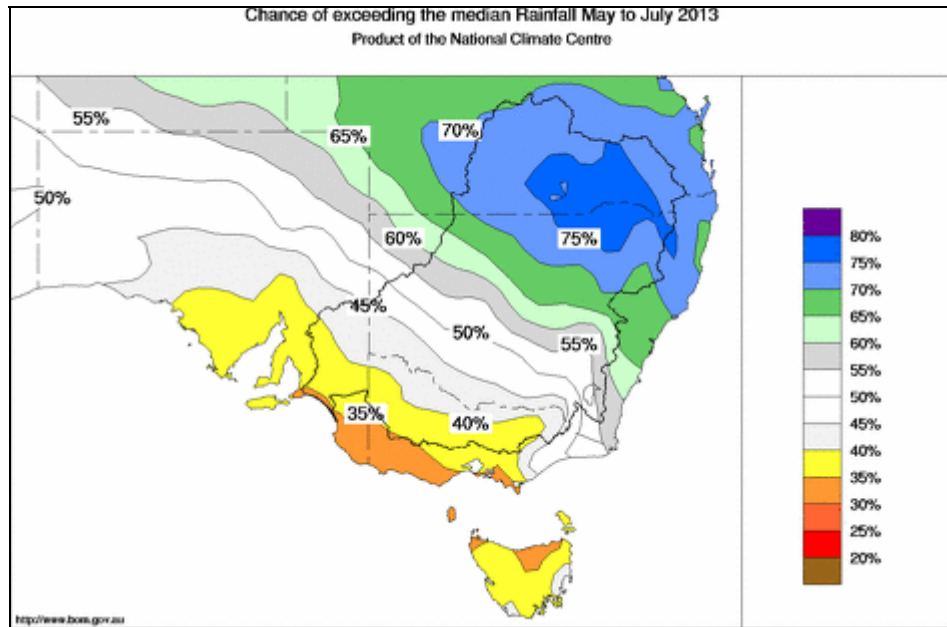
Graph 1 Farmers Creek Dam #2 over 12 Months



Graph 2 Trends in Oakey Park WTP Production and Clarence Water Transfer Scheme Use



The southeast Australian rainfall outlook for May to July 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 May to July period are between 60 and 80% over much of northern and eastern NSW (see map above).

ALTERNATE WATER SOURCES UPDATE

The Clarence Transfer Scheme construction is underway.

RECOMMENDATION

THAT Council note the water report.

COMMUNITY AND STRATEGY REPORTS

ITEM-13 COMM - 27/05/13 - RECOGNITION OF SIR JOSEPH COOK AND MARJORIE JACKSON

REPORT BY: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 10-179:	Ordinary Meeting of Council 3 May 2010
Min No 12-244:	Ordinary Meeting of Council 23 July 2012
Min No 12-369:	Ordinary Meeting of Council 15 October 2012
Min No 13-61:	Ordinary Meeting of Council 25 February 2013

SUMMARY

Following completion of the 28 day public exhibition of a proposal to rename Cook Street Plaza to Lithgow Flash® Plaza in honour of Marjorie Jackson and to rename the walking track from Eskbank Street to Bracey Lookout, known as Eskbank track, to Sir Joseph Cook Track, this report recommends that Council formally adopts the Eskbank Track proposal and re-exhibits an alternative naming for Cook Street Plaza.

COMMENTARY

It was reported to Council at the Ordinary Meeting of Council held 15 October 2012 when considering a proposal to rename Cook Street Plaza to Sir Joseph Cook Plaza, that research had identified that Cook Street Plaza was named after the County of Cook and not Sir Joseph Cook. Accordingly, Council resolved at that meeting (Min 12-369),

THAT:

1. In view of Cook Street being originally named after the County of Cook, Council not rename Cook Street Plaza to Sir Joseph Cook Plaza.
2. Council note that interpretive signage to Sir Joseph Cook, Jim Robson and the Bracey Family is being installed in Main Street Lithgow.
3. Council investigate another icon to name after Sir Joseph Cook.
4. Council investigate renaming the Cook Street Plaza after Marjorie Jackson.

Council subsequently wrote to Mrs Marjorie Jackson – Nelson seeking her views on the proposal to rename Cook Street Plaza as Marjory Jackson Plaza in her honour. Mrs Marjorie Jackson – Nelson replied on 24 January 2013 saying that she would be honoured with such a tribute.

The Sir Joseph Cook 100th Anniversary Commemoration Projects Committee subsequently suggested an alternative proposal to Council, that the walking track from Eskbank Street to Bracey Lookout, known as Eskbank track, be re-named as Sir Joseph Cook Track.

Accordingly this matter was further considered by Council at the Ordinary Meeting of Council held 25 February 2013 (Min 13-61) where Council resolved:

THAT Council:

1. Exhibits for 28 days, a proposal to re-name the walking track from Eskbank Street to Bracey Lookout, known as Eskbank Track, to Sir Joseph Cook Track.
2. Exhibits for 28 days, a proposal to rename Cook Street Plaza after Marjorie Jackson, and the plaza to be renamed Lithgow Flash Plaza.

As the 25 February 2013 resolution of Council altered the proposed new name from Marjorie Jackson Plaza to Lithgow Flash[®] Plaza, Council wrote to Mrs Jackson-Nelson again asking her views on the new proposal. Mrs Jackson-Nelson wrote back to Council on 22 March 2013 advising that she supports the Lithgow Flash[®] Plaza renaming proposal and authorises Council to use her trademark for the purpose of signposting.

Accordingly, the proposal to rename Cook Street Plaza to Lithgow Flash[®] Plaza and the walking track from Eskbank Street to Bracey Lookout to Sir Joseph Cook Track was placed on exhibition for 28 days until 17 May 2013. One submission has been received from the public, objecting to the Lithgow Flash[®] Plaza renaming due to the potential for the name to be misused.

Two submissions have been received from the public. One submission objects to the Lithgow Flash[®] Plaza renaming due to the potential for the name to be misused. The other submission suggests that instead of renaming the Plaza, Council instead takes steps to recognise Marjorie Jackson by ensuring the success of the Lithgow Flash[®] race. This submission also objects to the renaming of the Eskbank Track after Sir Joseph Cook and suggests alternative sites for renaming.

Council is asked to note however that subsequent to the 25 February 2013 Council meeting, the Mayor sought to contact Mrs Marjorie Jackson-Nelson by telephone to clarify whether she preferred the Lithgow Flash[®] Plaza or Marjorie Jackson Plaza option. Marjorie Jackson-Nelson's daughter has since been in contact with the Mayor to say that her mother's preference is for Marjorie Jackson Plaza.

Accordingly it is recommended that Council not proceed to rename Cook Street Plaza to Lithgow Flash[®] Plaza but instead rename it to Marjorie Jackson Plaza.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Correspondence from Mrs Marjorie Jackson-Nelson
2. Submission from a member of the public
3. Submission from a member of the public

RECOMMENDATION

THAT Council:

1. Renames the walking track from Eskbank Street to Bracey Lookout to Sir Joseph Cook Track.
2. Renames Cook Street Plaza to Marjorie Jackson Plaza.

FINANCE REPORTS

ITEM-14 FINAN - 27/05/13 - FOOTPATH TRADING POLICY/ PUBLIC LIABILITY INSURANCE REQUIRED BY COUNCIL

REPORT BY - C FARNSWORTH - FINANCE MANAGER / A MUIR ENVIRONMENT & DEVELOPMENT MANAGER

REFERENCE

Min No 11-409: Ordinary Meeting of Council held on 17 December 2012
Min No 13-01: Ordinary Meeting of Council held on 4 February 2013
Min No 13-07: Ordinary Meeting of Council held on 4 February 2013

SUMMARY

To recommend to Council that the minimum Public Liability insurance requested from contractors, lessees and hirers of Council facilities, including businesses trading on Council footpaths be \$20,000,000 and no fees be charged for Policy 5.4 Footpath Trading during 2012/13 or 2013/14.

COMMENTARY

The following was resolved by Minutes 13-01 and 13-07 on 4 February 2013:

THAT:

13-01 RESOLVED

1. *Draft Policy 5.4 – Footpath Trading as attached to the business paper of 26 November 2012 and previously publically exhibited be formally adopted, with the changes of paragraph 1 (vii) of at ‘least \$10 million’ and ‘to a minimum of \$10 million’.*
2. *No fee be charged for an application for footpath trading and/or renewal during the 2012/13 financial year.*
3. *the adopted Policy be provided to local businesses in Lithgow, Portland and Wallerawang and a copy also be provided to the Lithgow Business Association for their information.*
4. *Council review this draft policy by 1st July 2013.*

Resolution 13-07 from the meeting of 4 February 2013:

13-07 RESOLVED

THAT to allow Councillors to make an informed decision on the matter the following issues/answers be provided by way of a written report to Council:

- 1) A comparison be made of similar Councils as to their Public Liability Insurance Policy requirements, eg \$10m or \$20m.
- 2) A formal letter be provided by Council's insurers/brokers to Council clearly stating their position as to what they require \$10m or \$20m coverage and the reasons why.
- 3) A clear position from the General Manager outlining who the Policy is to apply to.
- 4) Should the Policy be amended to reflect different risk scenarios, eg footpath trading seven days a week versus markets which occur on limited times during a year.
- 5) Any other matter deemed relevant to this issue including the survey supplied by local business man.

To address each of the items listed in the resolution the following information is provided:

- 1) **A comparison be made of similar Councils as to their Public Liability Insurance Policy requirements, eg \$10m or \$20m.**
- 5) **Any other matter deemed relevant to this issue including the survey supplied by local business man.**

Lithgow Council individually contacted all NSW Council's with 64 responses in relation to the level of Public Liability Insurance currently required from third parties to rent / hire Council facilities and / or to trade on Council footpaths.

There were a number of alterations to the survey supplied by a local businessman, provided as an attachment to this report. It is stated in the businessman's email that information was sourced mainly from websites but when the individual Councils were contacted we were advised that either their websites were out of date or they have recently changed the level of insurance required. The results were as follows:

NSW COUNCILS - REQUIRED PUBLIC LIABILITY INSURANCE		
NSW Council	Requested Value	
Armidale Dumaresq		\$10M
Ashfield	\$20M	
Ballina		\$10M
Bathurst	\$20M	
Berrigan		\$10M
Blacktown		\$10M
Broken Hill	\$20M	
Cabonne	\$20M	

Camden		\$10M	
Campbelltown		\$10M Moving to \$20M	
Canterbury		\$10M	
Castle Hill		\$10M	
Cessnock		\$10M	
Cooma Monaro	\$20M		
Corowa	\$20M		
Dubbo	\$20M		
Eurobadalla	\$20M		
Glouster Shire		\$10M	
Great Lakes		\$10M	
Hawksbury		\$10M	
Hurstville		\$10M	
Kempsey	\$20M		
Kiama		\$10M Moving to \$20M	
Lachlan Shire	\$20M		
Lake Macquarie	\$20M		
Leeton	\$20M		
Lismore		\$10M	
Liverpool		\$10M	
Maitland		\$10M	
Manly		\$10M	
Mid Western Regional	\$20M		
Mosman	\$20M		
Murrumbidgee		\$10M	
Nambucca	\$20M		
Narrabri		\$10M	
Narromine		\$10M	
North Sydney	\$20M		
Orange		\$10M	
Parkes	\$20M		
Parramatta	\$20M		
Penrith		\$10M	
Pittwater	\$20M		
Port Macquarie Hastings		\$10M Moving to \$20M	
Port Stephens	\$20M		
Randwick		\$10M	
Richmond Valley	\$20M		
Strathfield	\$20M		
Sydney City		\$10M	
Tenterfield		\$10M	
Tumbarumba	\$20M		
Tumut	\$20M		
Tweed		\$10M	
Upper Hunter	\$20M		
Wagga Wagga	\$20M		
Wakool		\$10M	
Warringham	\$20M		
Waverly	\$20M		
Weddin	\$20M		
Willoughby		\$10M	
Wollahra	\$20M		
Wollongong	\$20M		

Wyong		\$10M	
Yass	\$20M		
Young	\$20M		
Total Councils: 64	33	31	

Note: Three of the Council's marked in the \$10M Column have indicated they are moving to \$20M.

2) A formal letter be provided by Council's insurers/brokers to Council clearly stating their position as to what they require \$10m or \$20m coverage and the reasons why.

Council's insurer, Statewide Mutual, Executive Officer Mr. John Attenborough, advises the following.

The original letter is provided as a attachment to this report:

STATEWIDE MUTUAL Insurer – Re Council Footpaths:

"I confirm that Statewide Mutual is a not for profit Mutual covering Public Liability & Professional Indemnity (since 1993, Property (since 1998) and Fidelity Guarantee Insurances (since 1995), for NSW Local Government.

The Mutual's Board of Management consists of 11 representatives from participating Councils and 3 representatives from the Scheme Manager – none of whom are paid for their participation on the Board.

Since 1998, the Liability Scheme has been fully reinsured so that Statewide carries no self insured risk. Being a non for profit Mutual, if there are any surplus funds generated (principally through investment income) such funds belong to, and are reimbursed to, Member Councils that qualify for a rebate, On the Liability Scheme, some of the surplus is retained to meet claims in the event that one of Statewide's reinsurers goes into liquidation, such as the HIH Group did in 2001.

The formula for determining the amount being reimbursed to each individual Council includes a claims component, to ensure that those Councils which contributed to the surplus are rewarded, while those Councils which incurred higher loss ratio (claims / premium ratio) receive less.

Additional, under the Statewide Mutual Liability Scheme, a risk management component is included in the formula so that Councils which are more proactive in endeavouring to prevent claims (and therefore prevent injury or damage to ratepayers and residents) receive a higher percentage of the surplus.

The suggestion that Councils benefit financially in some way, by reduced premiums or higher rebates, for ensuring that local businesses carry \$20m Public Liability Insurance is a nonsense. Many Government Departments require their lessees to hold a minimum indemnity of \$20m. General insurance Motor Vehicle Comprehensive

Policies provide \$20m cover for third party. Property damage, Domestic Householders Insurance Policies provide \$20m Public Liability and \$300m Professional Indemnity cover, it would therefore seem only reasonable that Council should require businesses which seek to occupy Council's property (ie the footpath) should hold a minimum of \$20m cover.

To suggest otherwise would be irresponsible.

Council's insurance broker, Jardine Llyodd Thompson Pty Ltd (JLT) also provided the following advice in relation to insurance requirements on footpaths.

The original letter is provided as a attachment to this report:

JLT (Jardine Lloyd Thompson) Council's Insurance Brokers:
– Re Council Footpaths:

"I understand that Council is currently reviewing its Footpath Trading Policy and the insurance requirements of this policy and request advice from JLT as Councils insurance broker.

We have previously provided advise to Council by email regarding this matter in May 2012.

Council's protection with Statewide Mutual contains a 'Reasonable Care' condition which requires Council to "..... take reasonable measures to maintain all premises, fittings and plant in safe and sound condition... "

JLT recommends to all our Local Government clients that it is reasonable to accept amounts not less than \$20 million, for limit of indemnity from restaurateurs and shop owners who seek to place furniture, advertising frames or other displays or fittings on Councils footpaths.

To do less leaves the potential for insurers to argue that Council has not taken reasonable care to protect its own interest and the interest of insurers.

Council should also bear in mind that limits of indemnity of \$20 million are quite common in the casualty (public liability) insurance market and that the premium increase from \$10 million limits of indemnity to \$20 million limit is not double the premium

3) A clear position from the General Manager outlining who the Policy is to apply to.

Proof of Public Liability Insurance is required from all Council's Contractors, lessees or hirers of Council facilities, including businesses trading on Council's footpaths. The applicant /proprietor must indemnify Council from liability.

It is recognised that individuals find it difficult or are unable to source insurance for a minor function such as an engagement or a 21st party when hiring a Council facility. On these occasions' individuals, not businesses, are able to access Council's Casual Hirers insurance policy if certain conditions are met.

Council like other Councils should move to \$20M coverage for public liability insurance. A failure to do so, especially in light of advice from brokers, places Council's finances at risk.

4) Should the Policy be amended to reflect different risk scenarios, eg footpath trading seven days a week versus markets which occur on limited times during a year.

An accident may happen at any time and serious injury may occur, for example tripping on a sandwich board, or falling from the kerb and being struck by a car whilst avoiding sidewalk tables and chairs. The cost for damages would be the same irrelevant of the occasions articles are placed on the footpath.

In the event of an incident damages claims may be made against Council, as the owner of the footpath as well as the business who placed, and own, the articles. All parties need to ensure adequate PL insurance is held.

Should a child be seriously injured in 2013, future personal care and management, as well as loss of proposed education and career opportunities may carry on for life and a projected payout may be calculated on losses well into the future.

In summary, whilst it is interesting to note the level of PL Insurance requested by other Councils, it is up to each authority to decide on the level of risk and liability it is willing to accept. A Council that is willing to accept a potentially higher liability may have the capacity to pay a substantial claim and is also willing to accept that risk. However, for Lithgow Council the only responsible recommendation would be to increase the required level of Public Liability insurance cover to \$20 million, as per industry standards, to ensure that in the event of an incident ratepayers are not burdened with what could be potentially a bill of millions.

As advised by our insurer for Council to accept the lesser value of PL insurance than \$20 million "leaves the potential for insurers to argue that Council has not taken reasonable care to protect its own interest and the interest of insurers". The insurer may also deny the claim leaving Council uninsured.

As the most recent version of the Footpath Trading Policy has been recently adopted there is no reason to alter other provisions at this stage other than the level of PL insurance. It is also recommended that Council not charge a fee for Footpath Trading approvals in 2013/2014 and the fee be included in the Draft 2014/2015 Fees and Charges when considered by Council.

Businesses wishing to trade on a Council footpath must still complete an application form which will be considered and approval granted if appropriate. It is also recommended that Council should accept insurance of \$10M if this is the current level of Public Liability insurance held by applicants but advise that on policy renewal a minimum of \$20M will be required.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

No fees collected for Footpath Trading, Policy 5.4, for the remainder of 2012/13 or 2013/14

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

- 1) Email from Business Proprietor Main St, Lithgow showing a website survey of requested PL Insurance requirements from numerous Councils
- 2) Advice Statewide Mutual - PL Insurance Council Footpaths
- 3) Advice JLT Insurance - PL Insurance Council Footpaths
- 4) Footpath Trading Policy 5.4

RECOMMENDATION

THAT Council:

1. Move to a minimum Public Liability Insurance cover of \$20,000,000 being required from all contractors, lessees and hirers of Council facilities including businesses trading on Councils footpaths
2. Not charge a fee for Footpath Trading for the remainder of 2012/13 or from 1 July 2013 for 2013/14
3. Subject to recommendation 5, amend the Footpath Trading Policy 5.4 1(vii) to:

"Applicants or persons benefiting from an approval under this policy are required to hold a Public Liability Policy of at least \$20,000,000. Council is to be supplied with a certified copy of the insurance policy with application for approval; at least annually with the renewal application; within 7 days of the issuance of a new or replacement policy or upon request. Such a policy is to have Council's interest noted. The applicant/proprietor must indemnify the Council from any liability arising from the agreement to a minimum of \$20,000,000."
4. Require, as per Footpath Trading Policy 5.4, businesses wishing to trade on a Council footpath to complete an application form which will be assessed by Council and approval granted if appropriate.
5. Accept insurance coverage of \$10M if this is the current level of Public Liability insurance held by applicants but advise that on any policy renewal after 30 June 2013 a minimum of \$20M will be required.

ITEM-15 FINAN - 27/05/13 - COUNCIL INVESTMENTS HELD TO 30 APRIL 2013

REPORT FROM: C FARNSWORTH - FINANCE MANAGER

REFERENCE

Min No 12-330: Ordinary meeting of Council held on 3 September 2012
 Min No 12-372: Ordinary meeting of Council held on 15 October 2012
 Min No 12- 462: Ordinary meeting of Council held on 26 November 2012
 Min No 12-500: Ordinary meeting of Council held on 17 December 2012
 Min No 13-35: Ordinary meeting of Council held on 4 February 2013
 Min No 13-66: Ordinary meeting of Council held on 25 February 2013
 Min No 13-97: Ordinary meeting of Council held on 18 March 2013
 Min No 13-130: Ordinary meeting of Council held on 15 April 2013

SUMMARY

To advise Council of investments held as at 30 April 2013 in the 2012/13 financial year.

COMMENTARY

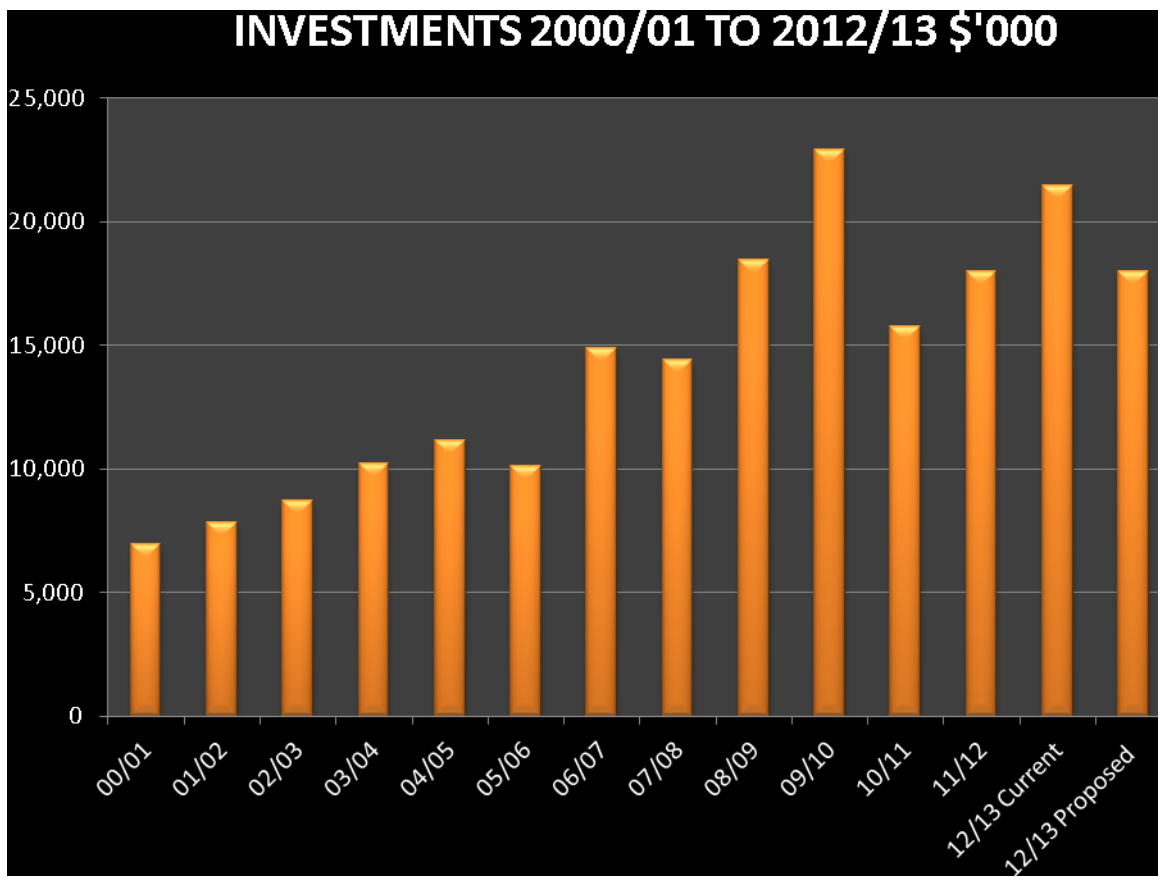
Council's total investment portfolio, as at 30 April 2013 when compared to 31 March 2013, has decreased by \$918,112 from \$22,361,777 to \$21,443,664.

INVESTMENT REGISTER 2012/13								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.03.13	VALUE 30.04.13	% OF TOTAL
ANZ	TD	11.03.13	11.06.13	92	3.85	867,206.55	867,206.55	4.04%
	TD	11.03.13	11.06.13	92	3.85	516,646.33	516,646.33	2.41%
	TD	26.02.13	27.05.13	90	3.78	516,589.19	516,589.19	2.41%
	TD	04.03.13	03.06.13	91	3.75	1,021,865.49	1,021,865.49	4.77%
CBA	On Call				2.95	2,047,757.36	1,052,645.51	4.91%
	TD	04.04.13	06.05.13	32	4.05	1,000,000.00	1,003,295.89	4.68%
	TD	05.04.13	06.05.13	31	4.05	250,000.00	250,958.90	1.17%
	TD	13.03.13	11.06.13	90	4.07	500,000.00	500,000.00	2.33%
	TD	08.04.13	08.05.13	31	4.05	500,000.00	501,770.96	2.34%
	TD	26.03.13	24.06.13	90	4.04	1,000,000.00	1,000,000.00	4.66%
IMBS	TD	26.04.13	24.06.13	59	4.05	1,000,000.00	1,010,471.23	4.71%
	TD	26.04.13	24.06.13	59	4.05	500,000.00	505,235.62	2.36%
	TD	01.03.13	30.05.13	90	4.15	500,000.00	500,000.00	2.33%
NAB	TD	03.03.13	01.06.13	90	4.23	1,159,805.84	1,159,805.84	5.41%
	TD	25.04.13	24.07.13	90	4.33	1,055,780.59	1,067,052.86	4.98%
	TD	10.03.13	08.06.13	90	4.26	518,279.87	518,279.87	2.42%
WESTPAC	TD	09.04.13	09.10.13	182	4.26	600,696.51	606,949.68	2.83%
	TD	30.11.12	29.05.13	179	4.51	1,209,871.74	1,209,871.74	5.64%
	TD	09.04.13	09.10.13	182	4.26	263,666.68	266,358.25	1.24%
	TD	14.03.13	17.06.13	93	4.23	1,036,223.97	1,036,223.97	4.83%
	TD	05.03.13	03.06.13	91	4.10	512,082.19	512,082.19	2.39%
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	2.57%
	TD	19.04.13	19.10.13	182	4.05	882,288.54	899,885.97	4.20%

	TD	12.04.13	15.07.13	182	4.01	524,496.33	536,186.71	2.50%
	TD	11.02.13	13.05.13	91	3.84	531,520.33	531,520.33	2.48%
	TD	19.11.12	24.05.13	186	4.42	522,553.92	522,553.92	2.44%
	TD	26.03.13	24.06.13	90	4.00	508,540.01	508,540.01	2.37%
	TD	01.03.13	07.06.13	96	3.95	500,000.00	500,000.00	2.33%
SUNCORP	TD	07.02.13	07.06.13	120	4.30	1,217,843.84	1,217,843.84	5.68%
	TD	22.04.13	22.07.13	91	4.10	525,226.61	530,988.27	2.48%
			TOTAL			22,361,776.57	21,443,663.80	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 30 April 2013 are shown.



POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Interest received to 30 April 2013 is \$592,906.51 of an estimated \$519,045 for the 2012/13 financial year. This has been reviewed in the March reviews to \$610,000 due to the increased interest currently being received.

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 \$21,443,663.80 for the period ending 30 April 2013 be noted.

COMMITTEE MEETINGS

**ITEM-16 OPER - 27/05/13 - TRAFFIC AUTHORITY LOCAL COMMITTEE
MINUTES - 9 MAY 2013**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

This report details the Minutes of the Traffic Authority Local Committee Meeting held on 9 May 2013.

COMMENTARY

At the Traffic Authority Local Committee held on 9 May 2013, there were several items discussed by the Committee:

1. Ongoing business from previous meeting held on 4 April 2013
 - Crossing of the Blue Mountains Bicentennial Blue Wave route and schedule
 - Main Street laneway – Traffic issues/review of the lane from the rear of the Grand Central Hotel through to the rear of the Courthouse Hotel Lithgow
 - Camp Quality Tractor Trek
 - Ironfest Traffic Management
 - Fun Run/Walk in Portland
 - 2013 Cox's River Road Heritage Trail
 - Request for the establishment of a school pick up/ drop off zone- St Joseph's School Portland
 - Naomi Street Lithgow-request for change of traffic direction
2. New Business
 - Requests from Local Emergency Management Committee- Volunteer Rescue Association request for parking Mort Street Lithgow
 - Rural Fire Service- site distance issues intersection of Bent and Lithgow Street Lithgow
 - Complaint - speeding vehicles Barton Street Lithgow
 - Issues with site distance-Hutchinson and Mort Street intersection Lithgow
4. General Business
 - Lithgow and Mort Streets intersection- issues with red arrow at traffic lights

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Traffic Authority Local Committee meeting of 9 May 2013

RECOMMENDATION

THAT Council notes the minutes of the Traffic Authority Committee meeting held on 9 May 2013.

**ITEM-17 OPER - 27/05/13 - SPORTS ADVISORY COMMITTEE MEETING - 30
APRIL 2013**

REPORT BY: I STEWART - GROUP MANAGER OPERATIONS

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Tuesday, 30 April 2013 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Tuesday, 30 April, there were 8 items discussed by the Committee, with all items being actioned under the Committee's delegated authority.

Items discussed included:

- Financial assistance requests
- 2013 LJ Hooker Reg Cowden Memorial Sports Star of the Year Awards
- Booking requests include:
 - MINGAAN Wiradjuri Aboriginal Corporation (Nadioc Week)
 - Little Athletics (Regional Little Athletics Carnival)
 - Camp Quality Orange (Tractor Trek)
 - Sport & Recreation (Swim and Survive Program)
 - Coerwull Public School (Cross Country Run)
- International Sports Star of the Year

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Tuesday, 30 April 2013.

RECOMMENDATION

THAT Council note the minutes of the Sports Advisory Committee meeting held on Tuesday, 30 April 2013.

**ITEM-18 COMM - 27/05/13 - TOURISM ADVISORY COMMITTEE MEETING
MINUTES - 9 APRIL 2013**

REPORT BY - K BARROW – TOURISM MANAGER

REFERENCE

Min No 11-509: Ordinary Meeting of Council 22 November 2011
Min No 13-103: Ordinary Meeting of Council 18 March 2013

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 09 April 2013

COMMENTARY

At the Tourism Advisory Committee held on 09 April 2013, there were eight (8) items discussed by the Committee.

1. Consumer Shows
2. RV Friendly Report
3. Update on the Draft Tourism Strategy/ Destination Management Plan
4. Tourism Manager's Report

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting of 09 April 2013

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held on the 09 April 2013.
2. Continues to support the programmed consumer's shows for 2013/2014
3. Support the proposal to seek RV Friendly accreditation for Wallerawang and Portland.

ITEM-19 COMM - 27/05/13 - BLUE MOUNTAINS CROSSING BICENTENARY COMMITTEE MEETING MINUTES

REPORT BY: W HAWKES - CULTURAL DEVELOPMENT OFFICER

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
Min No 13-137: Ordinary Meeting of Council 15 April 2013

SUMMARY

This report details the Minutes of the Blue Mountains Crossing Committee Meeting held on 01 May 2013

COMMENTARY

At the Blue Mountains Crossing Committee held on 03 April 2013, a number of items were discussed by the Committee including:

- The Flyover Event will now be held at the Old Hartley School on the 25 May and will be called “Music, markets and Plane Spotting.”
- The Cox’s Road horse rides have been cancelled due to an outbreak of streptococcal infection in the Hartley Valley. The Bushwalks will go ahead as planned.
- The Lithgow Blue Mountains Crossings Commemorative Medallion will be given to all primary school children in the Lithgow Local Government Area on behalf of Council and sold by the Hartley District Progress Association and the Visitors Information Centre.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Blue Mountains Crossing Committee meeting of 01 May 2013

RECOMMENDATION

THAT Council notes the minutes of the Blue Mountains Crossing Committee held on the 01 May 2013.

**ITEM-20 COMM - 27/05/13 - DISABILITY ACCESS COMMITTEE MINUTES - 16
APRIL 2013**

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 12-224: Ordinary Meeting of Council 25 June 2012.
Min No 12-271: Ordinary Meeting of Council 23 July 2012
Min No 12-429: Ordinary Meeting of Council 5 November 2012
Min No 12-507: Ordinary Meeting of Council 17 December 2012

SUMMARY

This report details the minutes of the Disability Access Committee meeting held on 16 April 2013.

COMMENTARY

At the Disability Access Committee meeting held on 16 April 2013 various items were discussed by the committee including:

- Main Street pavers.
- Disability access car space at the Civic Ballroom.

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 Disability Access Committee meeting 16 April 2013.

RECOMMENDATION

THAT Council notes the minutes of the Disability Access Committee meeting held 16 April 2013.

**ITEM-21 COMM - 27/05/13 - TOURISM ADVISORY COMMITTEE MEETING
MINUTES - 14 MAY 2013**

REPORT BY - K BARROW – TOURISM MANAGER

REFERENCE

Min No 11-509: Ordinary Meeting of Council 22 November 2011
Min No 13-103: Ordinary Meeting of Council 18 March 2013

SUMMARY

This report details the Minutes of the Tourism Advisory Committee Meeting held on 14 May 2013.

COMMENTARY

At the Tourism Advisory Committee held on 14 May 2013, there were several items discussed by the Committee including;

1. LED Sign
2. Draft Tourism Strategy/ Destination Management Plan
3. Tourism Manager’s Report

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Minutes from the Tourism Advisory Committee meeting of 14 May 2013
2. Submissions to Draft Tourism Strategy/Destination Management Plan and officer responses.

RECOMMENDATION

THAT Council:

1. Notes the minutes of the Tourism Advisory Committee held on the 14 May 2013.
2. Allocate \$20,000 from the current tourism signage budget for purchase and installation of the LED sign on the wall facing the Great Western Hwy of the Visitor Information Centre.

3. Notes the receipt of 13 written submissions following the public exhibition of the Draft Tourism Strategy/Destination Management Plan received prior to the closing date of 10 May 2013 and
4. Adopts the Draft Tourism Strategy/Destination Management Plan as approved by the Tourism Advisory Committee.

**ITEM-22 COMM - 27/05/13 - YOUTH COUNCIL COMMITTEE MINUTES - 30
APRIL 2013**

REPORT BY: M JONES - COMMUNITY DEVELOPMENT OFFICER

REFERENCE

Min No 13-69: Ordinary Meeting of Council 25 February 2013
Min No 13-104: Ordinary Meeting of Council 18 March 2013
Min No 13-133: Ordinary Meeting of Council 15 April 2013

SUMMARY

This report details the minutes of the Youth Council meeting held on 30 April 2013.

COMMENTARY

At the Youth Council meeting held on 30 April 2013 various items were discussed by the committee including:

- A report on the Youthweek 2013 event.
- PCYC Scholarships.

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 30 April 2013.

RECOMMENDATION

THAT Council notes the minutes of the Youth Council meeting held 30 April 2013.

**ITEM-23 COMM - 27/05/13 - CRIME PREVENTION COMMITTEE MEETING
MINUTES - 6 MAY 2013**

REPORT FROM: M JOHNSON - MANAGER COMMUNITY AND CULTURE

REFERENCE

Min No 12-53: Ordinary Meeting of Council held 13 February 2012
Min No 12-78: Ordinary Meeting of Council held 5 March 2012
Min No 12-141: Ordinary Meeting of Council held 23 April 2012
Min No 12-270: Ordinary Meeting of Council held 23 July 2012
Min No 12-332: Ordinary Meeting of Council held 3 September 2012
Min No 12-430: Ordinary Meeting of Council held 5 November 2012
Min No 13-67: Ordinary Meeting of Council held 25 February 2013
Min No 13-134: Ordinary Meeting of Council held 15 April 2013

SUMMARY

This report details the Minutes of the Crime Prevention Committee Meeting held 6 May 2013.

COMMENTARY

At the Crime Prevention Committee held on 6 May 2013, there were various items discussed by the Committee including:

- Item 3.2 - a survey has been undertaken of businesses in and around the Lithgow CBD on their experiences with in-house CCTV systems.
- Item 3.9 – Inspector Chris Sammut will be attending the 3 June 2013 Councillor Information session to discuss policing issues and initiatives.
- Item 4 – the completion of the grant funded crime prevention project.
- Item 7 – information on local crime incidents
- Item 8.2 – funding is available for the installation of security infrastructure including CCTV systems.

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 6 May 2013.

RECOMMENDATION

THAT Council notes the minutes of the Crime Prevention Committee meeting of 6 May 2013.

ITEM - 24 LATE REPORT - ENVIRO – 27/05/13 – DRAFT PLANNING PROPOSAL FOR THE PRINCIPAL LITHGOW CITY LOCAL ENVIRONMENTAL PLAN 2013

REPORT BY: A MUIR – GROUP MANAGER ENVIRONMENT AND DEVELOPMENT

REFERENCE

Min No 568:	Ordinary Meeting of Council 14 th June 1994
Mine 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
Min 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
Min No 13-116:	Ordinary Meeting of Council 15 April 2013

SUMMARY

The purpose of this report is to advise that a Gateway Determination under Section 56(2) of the Environmental Planning and Assessment Act 1979 has been received in respect of the Planning Proposal for the Draft Lithgow Principal Local Environmental Plan 2013 (Draft LEP).

The determination issued by the delegate of the Minister of Planning and Infrastructure has determined that the Draft Lithgow Local Environmental Plan should proceed subject to six conditions. A copy of the Gateway Determination is attached to this report.

This Determination enables Council to proceed to public exhibition of the Draft LEP. This report also seeks Council to approve the consultation strategy outlined in this report and to re-confirm the required consultation period in light of the recommendations and timeframe conditions of the Gateway Determination.

COMMENTARY

CONDITIONS OF THE GATEWAY DETERMINATION

The conditions of the Gateway Determination are discussed below:

1. Draft LEP to be amended to include the road and land acquisition corridors for the Roads and Maritime Services (RMS), Great Western Highway, Katoomba to Lithgow Upgrade should RMS provide the data before the commencement of public exhibition.

Comment

Council has been in contact with the relevant officers of RMS to expedite the delivery of data to enable the RMS road and land acquisition corridors to be included in the Draft LEP. It will be in the best interests of the community if this occurs in the process of the Draft LEP rather than a separate planning proposal at a later date.

That being said, Council is not in a position to delay the public exhibition of the Draft LEP beyond mid June and therefore has issued an absolute deadline of the 14th June 2013 for the submission of data from RMS.

2. Prior to resubmission of the planning proposal to the Department following public exhibition, all maps should be prepared in the Standard Instrument format.

Comment

The mapping for the Draft LEP has been referred to the GIS division of the NSW Department of Planning and Infrastructure who are currently converting the maps to the Standard Instrument format. It is expected that the mapping in the standard format will be available for public exhibition purposes. However should this not be the case the mapping will be in the required format prior to resubmission of the Planning Proposal post public exhibition to the Department.

3. Community consultation is required under Section 56(2)(c) and 57 of the E P & A Act 1979 for a minimum period of **28 days** and comply with the specifications as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning Infrastructure 2012)

Comment

This condition will be met by the proposed community engagement strategy outlined in this report.

4. Consultation is required with a number of specified public authorities under Section 56(2)(d) of the EP& A Act 1979.

Comment

This consultation will occur concurrently with the public exhibition period.

Each authority will be provided all relevant material and given at least 21 days to comment on the proposal. It should be noted that public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the EP & A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Comment

As the Draft LEP 2013 is seeking to reclassify public land a public hearing will be held after the close of the public exhibition period and this process must be factored into the overall timeline of the Draft LEP 2013.

6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway Determination.

Comment

To comply with this condition the LEP will need to be **finalised (gazetted) no later than 27 February, 2014.**

It is expected that this requirement will be able to be met and is consistent with the target timeline Council identified in the Planning Proposal.

However it must be noted that this timeline allows little room for Council to deviate from a standard process and will not allow for any substantial revision of the planning proposal that would require a new Gateway Determination and further public exhibition period.

Further Council is advised that the Minister may take action under Section 54(2)(d) of the EP & A Act if the timeframes outlined in the determination are not met.

COMMUNITY ENGAGEMENT STRATEGY

PUBLIC EXHIBITION PERIOD

Council resolved on 15 April 2013:

Min 13-116 1B "To seek the Gateway Determination to allow for a public exhibition period for the Planning Proposal and Draft LEP 2013 of at least 50 days."

The Gateway Determination condition three specifies a minimum public exhibition period of **28 days**. Whilst the Determination does not preclude a 50 day public exhibition period, the delegate of the Minister of Planning and Infrastructure has recommended that the public consultation be undertaken for a period of 28 days. This is due to the view that sufficient consultation has already been undertaken on Council's Land Use Strategy, and the Draft LEP largely reflects the outcomes of that strategy.

In determining an appropriate public exhibition period for this Draft LEP, Council is asked to keep in mind the following:

- Extensive consultation was undertaken in relation to the adopted and endorsed Lithgow Land Use Strategy.
- The Draft LEP directly reflects the outcomes of the land use strategy.
- The purpose of this phase of community participation in the LEP plan making process is to inform the community of the Draft LEP and assist understanding of the LEP directions, process and provisions.
- In considering the Planning Proposal in April of this year Council gave consideration to key issues considered not to be adequately addressed in the Draft LEP and made appropriate resolutions to address these matters.
- It is within the best interests of the local community to ensure rapid progression and implementation of the Draft LEP within the Standard Instrument format.

Having regard to the above, the Council may agree that a 28 day public exhibition period is sufficient to enable adequate public participation in this part of the process and will better able Council to meet required timelines for the finalisation of the LEP.

LEVEL OF ENGAGEMENT

Public participation and engagement in a process can occur across a wide spectrum from 'full collaboration'; to 'consultation' to 'providing information'. As the LEP is a continuation of a previous planning process that developed the Local Profile, Community Visions and the Lithgow Land Use Strategy 2010-2030; this LEP phase of consultation moves from 'involvement and consultation' to '**consultation and inform**'. This is based on the principle that if we have adequately consulted and understood the community correctly in the preceding stages that the LEP is merely an implementation tool and drives the consultation strategy. In this regard, the following goals, commitments and objects form the basis of community engagement for the LEP phase of the project.

DRAFT LEP PUBLIC PARTICIPATION GOAL

To provide the public with balanced and objective information to assist them in understanding the LEP directions, process and provisions.

DRAFT LEP PROMISE TO THE PUBLIC

We will keep you informed and provide feedback on how public input influenced the final LEP.

KEY ENGAGEMENT OBJECTIVES

- **To gauge community confidence that the draft plan aligns with the adopted and endorsed strategies and recommendations of the Lithgow Land Use Strategy 2010-2030.**
- For the community and government authorities/agencies to provide comment on draft plan.
- For the community and government authorities/agencies to see the outcomes of the planning process and to see how their input has been incorporated into the plan.
- To meet legislative requirements.

CONTINUATION OF “OUR PLACE OUR FUTURE” BRANDING

- At the initial commencement of this Project in 2005 Council endorsed the “Our Place Our Future” branding to enable easy identification of the project and to reflect the community ownership of the project.
- This branding was used in the development of the community vision statements, local profile and land use strategy.
- It is considered that this branding should follow through in this project to provide connection and recognition of the project as a continuation of previous work.

WHAT WILL THE CONSULTATION PROCESS INVOLVE?

PUBLIC NOTIFICATION

Public notification will involve the following;

- Public Notice in Councils Column of the Lithgow Mercury every week during the exhibition period.
- Public Notice in the Western Advocate, Mudgee Guardian and Blue Mountains Gazette Radio Public Notice Radio 90, KRR FM (Kandos Community Radio) and ABC
- Dedicated Council web page
- All notifications, press releases and information updates to be placed on Council's Face book page
- Staged Media Releases throughout the period commencing the week preceding the exhibition period.
- Written notification to all those who made a submission to the LUS process who provided sufficient contact details
- Written notification to all those who have previously registered an interest in the strategic planning process
- Written notification to all relevant public authorities and agencies including adjoining Councils.
- Written notification to all relevant community groups and organisations and Council Committees including but not limited to the following:
 - Lithgow Business Association
 - All Community Progress Associations
 - Economic Development Advisory Committee
 - Tourism Advisory Committee
 - Environmental Advisory Committee
 - Lithgow Tidy Towns Committee
 - National Trust
 - Historical Society

PUBLIC ENGAGEMENT

STATIC VISUAL EXHIBITION DISPLAYS

At the following public locations:

- Council's Administration Centre

- Lithgow, Wallerawang, Portland and
- Lithgow Valley Shopping Complex (if vacant shop window is available) and
- Councils dedicated web-page.

OPEN HOUSE SESSIONS

Six open house sessions staffed by the strategic planners will be held in the following locations:

- Lithgow (one day and one evening)
- Portland
- Wallerawang
- Capertee
- Hartley

The open house format allows the community to shop for information relevant and of most interest to them and then have face to face discussion regarding their concerns with a planner. Each session will have available all the public exhibition material.

PLANNER APPOINTMENT

For those unable to attend an open house session or requiring a longer consultation, appointments will be available with a planner during the exhibition period between the hours of 10am - 3pm throughout the exhibition period with the exception of the weeks when the open house sessions will be held.

This will be available strictly by pre-arranged appointment only.

AUDIO VISUAL INTERVIEW

It is proposed to create an audio/visual clip presenting an interview by the Mayor with the General Manager and/or Group Manager Environment and Development to introduce the LEP, what it means for the public and how to become involved in the process. This provides a new and innovative way to reach more people in the community and an alternative to wading through pages of planning documentation.

POLICY IMPLICATIONS

Nil arising from this report

FINANCIAL IMPLICATIONS

Nil arising from this report

LEGAL IMPLICATIONS

Part 3 of the Environmental Planning and Assessment Act, 1979 and its accompanying Regulations specify the legislated requirements for public exhibition of the Draft LEP.

ATTACHMENTS

1. Gateway Determination – Planning Proposal to make the Lithgow Local Environmental Plan 2013.

RECOMMENDATION

THAT:

1. Council note the receipt of the Gateway Determination - Planning Proposal to make the Lithgow Local Environmental Plan 2013.
2. Council determine that the public exhibition of the Draft LEP 2013 be for a minimum period of 50 days.
3. Council endorse the consultation strategy outlined in this report to guide the public exhibition of the Draft LEP 2013.

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.*