



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

31 OCTOBER 2011

QUESTIONS FROM THE PUBLIC FORUM

At 7.03pm Members of public gallery were invited to participate in the Public Forum Session.

At the beginning of the public questions time, the Mayor Councillor Neville Castle spoke in relation to the Land Use Strategy.

PF - 31/10/11 - Dick Austen

Mr Austen thanked the Council for allowing the public to come and speak to Council on the Land Use Strategy. The community consultation is an extremely important part of the process and there is a need for the community to be involved. We are happy to see the staff, the community groups and individuals that have put in the work on this matter. Mr Austen advised that it is good news to see that there may be an actual vote put in place tonight. Mr Austen also advised that the ratepayers are not happy that they only received the recommendations on the Wednesday before the Council meeting and stated that this was not enough time to take these in before having to come to council for a decision. Mr Austen ended with that as a community they will be happy to be involved in this matter in the future.

The Mayor advised that all information was provided in LUS or the report and the community should not find that anything is hidden. The process is that the LUS would be referred to the Department of Planning for endorsement and then Council would move onto the development of the LEP. The Draft LEP would then also be put out for community review and comment.

PF - 31/10/11 - Mr Ian Litchfield

Mr Litchfield asked Council can it please be clarified if any allotment of land with separate title would have a dwelling entitlement.

The Mayor advised that if an allotment of land currently has a legal dwelling entitlement it will retain this in the new plan.

PF - 31/10/11 - Mr Anthony Craig

1. Mr Craig made a statement in relation to the Lithgow Business Association and Councils support for Celebrate Lithgow. He spoke in relation to how when a donation is given Council then charges the association for hiring, bonds and other charges. Mr Craig wanted to know as to why this is? If Council wants other organisations to donate their time and effort voluntary to bring in major sporting events why does the Council see fit to charge and not give any extras as a donation for the success of the events? Why give a donation in one hand and take aback on the other?

The General Manager advised that this is a means of Council budgeting for events and has similar processes to other events and activities.

2. Can the Council clarify the current position on staff who have been involved in corrupt conduct on the ICAC investigation? Does Council still have a dealings with the company involved and if so why?

The General Manager advised that he understands the concerns, however this is an operational and personnel matter and as such cannot discuss the matter. In relation to dealings with the company they were advised at the time that it was not to have any further dealings with junior staff and any future dealings are to be with either the Group Manager or the General Manager.

PF - 31/10/11 - Mr Grahame Annovazzi

Mr Annovazzi noted the amendment to the proposed 500m buffer zone around DECC estate and Forestry lands to be removed from the strategy directions and be managed through provisions of a Development Control Plan and asked, Will these provisions be discussed with the community before finalisation? Also, can the community be advised of the public exhibition of the LEP/DCP by the same system as the most recent notifications for the LUS?

The Strategic Land Use Officer advised that the community will have a further opportunity to review and comment upon the draft LEP/DCP. Yes notification of the public exhibition of the LEP/DCP can occur by letter in the same way as the notifications for the LUS.

PF - 31/10/11 - Mrs Sue Graves

Mrs Graves made a statement in relation to the Tidy Towns Awards and events which will be taking place in the Lithgow Local Government area this weekend. Mrs Graves thanked the Council and Council Staff for the work, in kind donation and their efforts in promoting this event. Mrs Graves also restated that the allegations against Tidy Towns and Council are unfounded.

PF - 31/10/11 - Mr Hans Jakobi

Mr Jakobi wished to know why the letter that was sent to ratepayers in relation to the Land Use Strategy was only sent out last week and as to why this left no time for consultation for ratepayers in relation to the proposed changes in LUS. Mr Jakobi advised that this was very unreasonable and not enough time for all ratepayers to go through the information. It left no time to speak to Council staff with their concerns.

The Group Manager Community and Strategy advised that the letters were only able to be sent once the Council Meeting Agenda was finalised. Council staff worked to get as much information possible to all ratepayers as soon as possible.

The General Manager further commented that consultation is to be done once the LUS is adopted and Council has prepared the Draft LEP.

PF - 31/10/11 - Mr Bruce Richardson

Mr Richardson wished to reiterate the thought and comments of the previous speakers and hoped that further consultation would occur prior to the LEP. He noted his strong preference for Option 3. Can Council please clarify how the high environmental sensitivity areas were identified over freehold land.

The Strategic land Use Officer advised that the high sensitivity areas identified on each of the maps accompanying the options were identified using the environmentally sensitive areas mapping provided to Council in 2009 by three State Government bodies being the then DECC, DWE and DPI (fisheries). As these areas covered a good majority of the LGA, Council used only the attributes within this mapping of highest sensitivity. Further areas identified by Office of Environment and Heritage as important biodiversity corridors between these areas were added forming the final areas shown in the mapping.

PF - 31/10/11 - Mr Col Ribaux

Mr Ribaux advised that If either options 1 or 2 goes ahead that this will cause many problems. Mr Ribaux asked Council will they be prepared to take on law suits for loss of money from ratepayers?

The Mayor advised that Council has received advice that no other local government area has faced any legal challenge as a result of reviewing and amending a rural MLS.

PF - 31/10/11 - Mr Ian Litchfield

Mr Litchfield asked the Council if the rumour regarding the Hampton Transfer Station being closed is correct?

The Mayor advised that no this is not correct.

PF - 31/10/11 - Mrs Carol Henry

Mrs Henry advised that she was very disappointed in the Council as to the ratepayers not being made aware of what is happening in relation to the Land Use Strategy. In the notes provided they state that this decision can be changed back when ever Council wishes? Is this correct?

The Mayor advised that there will be subsequent review of the LEP, likely to be at 5 year intervals. There will be a new Council in that time frame and as with change in State Government decisions can be reviewed and policy directions and LEPs amended.

PF - 31/10/11 - Mrs Donna Upton

Mrs Upton advised Council that the ratepayers are hoping that the Council listens to the wishes of the residents in the local government area when making their decision tonight on the Land Use Strategy. Mrs Upton asked Council as to what stage did the environmental sensitivity maps occur and what government departments has Council been liaising with?

The Strategic Land Use Officer advised that the Environmentally Sensitive Areas mapping was provided to Council in 2009. The mapping was provided in the exhibited draft LUS. This mapping is required by a Ministerial Direction under Section 117 of the EP & A Act to be taken into consideration by Council when undertaking its duty to prepare a land use strategy and LEP.

As a large majority of the LGA was subject to one or more of the attributes for environmentally sensitive lands Council has since consulted with the Office of Environment and Heritage and DoPI to identify those areas of highest significance that should be protected by a larger MLS.

PF - 31/10/11 - Mrs Vicki Nichol

Mrs Nichol asked the Council as to why there was a rush to have the Land Use Strategy finalised tonight. Is there a reason as to why this is happening before all the Departments have finalised their decisions?

The Mayor advised that Lithgow Council along with all other NSW Councils have been instructed to prepare a new LEP. The LUS is part of this process that has been under preparation for some time. It is now time to move on with development of the LEP.

PF - 31/10/11 - Mr Karl Hanson

Mr Hanson asked Council for clarification in relation to Item 15 (b) of the Urban Land Use Strategy?

The Strategic Land Use Officer referred Mr Hanson to Figure 6 of the planning report that clearly identified those areas mentioned in Section A XV (b). These areas will have a MLS of 4000m² applied to reflect the standard required for on site effluent disposal.

PF - 31/10/11 - Mr Bruce Richardson

Mr Richardson referred to the shaded area on Option 3 mapping and the fact that the report suggest that this land is Class 1 agricultural when in reality no Class 1 land exists. Mr Richardson enquired as to why this now is shown on the mapping?

The Strategic Land Use officer advised that the shaded area on Option 3 map refers to land identified as Class 1, 2 or 3 on maps prepared by the Department of Agriculture in 1982.

The current Rylstone LEP 1996 defines this land as prime crop and pasture land. The area affects a good majority of all land within the former Rylstone Shire Area. The electronic mapping was only recently received by Council. It was included on the mapping to be transparent about where the current prohibition of subdivision of prime crop and pasture land applied under Clause 13(1) (c) of the current LEP.

This is relevant to the consideration of the MLS for this area as the retention of the 40ha MLS Option3) in this area would necessitate that the new LEP also give effect to the prohibition of prime, crop and pasture land regardless of what MLS applies for the purposes of the erection of a dwelling.

This does not apply in the same way in the remainder of the LGA as the Lithgow 1994 LEP did not have a provision prohibiting subdivision on prime crop and pasture land.

PF - 31/10/11 - Mr Hans Jakobi

Mr Kakobi stated that in the agenda report on the LUS it states that there is an attached report. Can Council please explain as to where this report is?

The General Manager advised that the report is placed as an attachment on Council's website as is the case with all council reports. Further explanation of the Part B recommendations are contained within that attached report.

PF - 31/10/11 - Mr George Richardson

Mr Richardson asked why there was an issue with prime crop and pasture land when there would be no Class 1 land in the area and why the shading included so much land in the old Shire area and not shown elsewhere in the LGA?

The Strategic Land use Officer advised that as stated previously prime crop and pasture land within the Rylstone LEP 1996 is defined as Class 1, 2 or 3 land as identified by the 1982 Agricultural suitability mapping. It may be correct that there is no Class 1 land but there is definitely class 2 and 3 land as shown by the areas shaded as prime crop and pasture land on the Options 3 map.

There would be areas of Class 1, 2 or 3 agriculture land in other areas of the LGA but it is not relevant to show these as the Lithgow LEP does not currently have any LEP provisions restricting subdivision of these lands for the purposes of a dwelling.

PF - 31/10/11 - Mrs Lyn Richardson

Mrs Richardson asked if Council could explain why when having her subdivision approved that a Council officer had advised that there would only be an issue if the subdivision involved Class 1 land and that Class 2 and 3 would be OK?

The Strategic Land Use Officer advised that she was not aware of the circumstances of the subdivision in question. Clause 13 (1) (c) definitely prohibits Council from considering subdivision of prime crop and pasture land as defined including Classes 1, 2 or 3 unless Council has made a resolution to determine the land is not prime crop and pasture land by undertaking a rural land evaluation. I am not aware of any resolution of Lithgow Council in this regard.

Regardless any approved subdivision would not now be affected.

PF - 31/10/11 - Mr Neil Gorrell

Mr Gorrell sought confirmation that the recommended changes to the LUS would mean that lots created by subdivision approved by Council meeting all the development consent provisions would be able to have a dwelling entitlement without a time period being placed on that development.

The General Manager advised that under the options if you have an entitlement now you will retain that entitlement to lodge a development application under the future LEP without a sunset period.

PF - 31/10/11 - Mr Bruce Upton

Mr Upton advised Council that many in the community had requested consideration of further small acreages in and around Glen Alice and Glen Davis but this does not appear to have been addressed. Why is this so?

The Strategic Land Use Officer advised that the exhibited draft LUS has recommended no further cluster areas of the 2ha (5 acres) allotments be provided in any part of the rural areas of the LGA due to the supply levels in the current areas being sufficient to meet current demand levels for the life of the Strategy. If demand levels change this can be further reviewed at that time.

PF - 31/10/11 - Mrs Lyn Richardson

Mrs Richardson sought advice in relation to small blocks of land with building entitlements and asked if they will stay the same? This needs to be clarified for the public.

The Strategic Land Use Officer advised that If you have an entitlement now you will retain that entitlement under the options to lodge a development application under the future LEP.

PF - 31/10/11 - Mr Ron Murray

Mr Murray made a statement in relation to the minutes for the last Council meeting. He stated that the minutes were incorrect and was not what took place at the meeting/ Mr Murray asked the Council as to how they expect the ratepayers to have faith in their Council when the minutes are not recorded correctly.

The Mayor advised that the accuracy of the minutes were for Council to decide. The other assertions made by Mr Murray were pointed out to be incorrect.

PF - 31/10/11 - Mrs Vicki Nichol

Mrs Nichols asked the Council as to why there was vacant space in front of the bench which was not utilised by the public for seating at this meeting? Due to the large number of people who came to the meeting, chairs should have been provided.

The Mayor advised that Council will take this on board for the future.

PF - 31/10/11 - Mr McKelland

Mr McKelland advised that he was of the understanding that if you had previously subdivided your land to create a concessional small lot that the remaining residual land in the holding was required to consolidated preventing further subdivision. Is this still the case if Council adopts Option 3?

The Strategic Land Use Officer advised that yes, this is the general restriction requirement under the Lithgow LEP Clause 12(1) and this would be required to be carried over into the new LEP. This would be achieved by the MLS for those lands being equivalent to the MLS of the residual lot and not 40ha.

(Note: MLS means minimum lot size)

Public Question time ended at 7.55pm.

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Councillor C Hunter declared a Pecuniary Interest in item 22 (b), due to him being a rural landholder who may benefit / lose from any amendment to the MLS. He will vacate the Chambers and not take part in the debate.

11-421 RESOLVED

THAT Council discuss Item 22 at the beginning of the meeting and deal with the recommendations separately.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

COMMUNITY & STRATEGY REPORTS

ITEM-22 COMM - 31/10/11 - DRAFT LITHGOW LAND USE STRATEGY 2010 - 2030

11-422 RESOLVED

THAT:

1. Council amends the exhibited Draft Lithgow Land Use Strategy 2010-2030 to provide effect to the following:

Section A Urban Land Use

- i. Retention of a primary production zone over the Blackmans Flat area in the new Local Environmental Plan and identification of the land as a strategic site for future industrial land use in the strategic framework.
- ii. Inclusion of an action in the Land Use Strategy to provide specific provisions and controls within the comprehensive development control plan to manage future land use conflict in the Blackmans Flat area.
- iii. Extension of the Lithgow mixed use business zone around Lithgow St, to encompass the land bounded by the Bowling Club, Mines Rescue Facility and Childcare Centre as shown in Figure 1 of the attached report.
- iv. Alteration of the land use designation for the Pottery Estate Lithgow to identify lands of highest hazard and constraints within an environmental zone and retain the residential zoned land as shown in Figure 1 of the attached report.
- v. Correction of the mapping anomalies over the existing commercial uses off Bent and Silcock St and existing residential development along Hassans Walls Road, Lithgow.
- vi. Provision of a neighbourhood business area at South Bowenfels as identified in Figure 2 of the attached report.
- vii. Correction of anomalies in the land use designations for the following areas as shown in Figure 3 of the attached report:
 - a. The slither of land between the railway line and the Great Western Highway, opposite the Reserve Rd intersection at Marrangaroo which is currently identified as rural to remain rural in the Local Environmental Plan directions but be identified as a future urban land use in the strategic framework plans to signify that this land may have a higher use once commencement of the development of the Marrangaroo Release Area occurs.

- b. The area along Coerwull Rd, Lithgow, containing the existing caravan park, currently shown as environmental in the Local Environmental Plan directions to be shown as residential.
- viii. Introduction of an environmental land use designation to that part of the former Boral Site, Portland, not proposed for mixed use or industrial land use as shown in the Figure 4 of the attached report.
- ix. Application of a minimum lot size of 4000m² for the following areas:
 - a. area to the north of Roxburgh St and east of High St Portland
 - b. area to the south of Purcell St, Portland.
- x. Alteration to the identified land use for the area to the west of Charles St, Rydal, and north of Quarry St, Rydal, from rural to large lot residential with a minimum allotment size for the erection of a dwelling of 2ha.
- xi. Alteration to the identified land use for the area to the west of the railway line bounded by Charles St, Quarry St and Railway St, Rydal, from rural to large lot residential with a minimum allotment size for the erection of a dwelling of 4000m².
- xii. Alteration to the existing southeast Rydal village zone from village to large lot residential with a minimum allotment size for the erection of a dwelling of 4000m².
- xiii. Alteration to the proposed extension to the Rydal village area to the north to large lot residential with a minimum allotment size for the erection of a dwelling of 2ha.
- xiv. Introduction of a minimum allotment size for the erection of a dwelling in the zoned Rydal Village area of 4000m².
- xv. Modification of the existing village boundaries of Capertee and introduction of a large lot residential area as follows:
 - a. Extension of the village zone to the north over existing small lots
 - b. Provision of a large lot residential area to the north west of the existing village boundary and south of the Castlereagh Highway and rail line.
- xvi. Application of a 4000m² minimum lot size to both the Capertee village and large lot residential areas.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher

Councillor C Hunter declared an interest and vacated the Chambers at 7.59pm.

MOTION

THAT Option 3 be accepted with the option maintaining the status quo and with existing Land holders rights not being lost.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher

AMENDMENT

THAT:

1. Council indicate that it proposes to proceed with option 3 of the LUS, however that Council ensure the information is given to all ratepayers in the LGA and Council immediately provide all ratepayers with a full document of option 3.
2. Council seek responses from the public by 30th November 2011.
3. A Council report is to come back to Council on the 10th December 2011 to allow for a decision to be made by the whole Council.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes

Councillor M F Ticehurst and Councillor J J McGinnes left the Chambers at 8.04pm.

The Councillors did not indicate their reasons for leaving the meeting.

Quorum

The Mayor called an adjournment for five minutes at 8.05pm due to there not being a quorum.

The Council reassembled at 8.14pm with all of the aforementioned Councillors present, including Councillor C Hunter, with the exception of Councillors M F Ticehurst and J J McGinnes.

On resuming the meeting the Mayor asked the Council if it wished to continue business. The Council responded in the affirmative.

Order of Business

11-423 RESOLVED

THAT Item 22 be set aside until a quorum is present and that the order of business be changed to deal with Item 1.

MOVED: Councillor G Danaher

SECONDED: Councillor W Marshall

Councillors M F Ticehurst and J J McGinnes returned to the Chambers at 8.17pm.

NOTICE OF MOTIONS

**ITEM: 1 NOTICE OF MOTION - 31/10/11 - DEPARTMENT OF LOCAL
GOVERNMENT CIRCULAR 11-31 AMENDMENT OF THE PUBLIC
INTEREST DISCLOSURES ACT 1994**

MOTION

THAT Council note the information.

MOVED: Councillor M F Ticehurst

SECONDED: Councillor J J McGinnes.

The **MOTION** was put and declared **LOST**.

Order of Business

11-424 RESOLVED

THAT the Council bring the remainder of Item 22 forward and place it back onto the agenda for consideration.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

COMMUNITY & STRATEGY REPORTS

**ITEM-22 COMM - 31/10/11 - DRAFT LITHGOW LAND USE STRATEGY 2010 - 2030
(Remainder)**

Councillors J J McGinnes and M F Ticehurst left the Chambers at 8.19pm.

The Councillors did not indicate their reasons for leaving the meeting.

Councillor C Hunter declared an interest in Item 22 and vacated the Chambers at 8.19pm.

Quorum

The Mayor called an adjournment for five minutes at 8.19pm due to there not being a quorum reached to discuss the remainder of Item 22.

The Council reassembled at 8.24pm with all of the aforementioned Councillors present including Councillor C Hunter but with the exception of Councillors M F Ticehurst and J J McGinnes.

On resuming the meeting the Mayor asked the Council if it wished to continue business. The Council responded in the affirmative.

Order of Business

11-425 RESOLVED

THAT Item 22 be set aside until later in the meeting and that the order of business be changed to deal with Item 2 next.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

NOTICE OF MOTIONS

11-426 RESOLVED

THAT Council defer indefinitely Items 2 to 5.

MOVED: Councillor H K Fisher

SECONDED: Councillor G Danaher.

**ITEM: 2 NOTICE OF MOTION - 31/10/11 - LITHGOW MERCURY MEDIA REPORT
"ENTHUSIASM LACKING" - COUNCILLOR M F TICEHURST**

This item was deferred indefinitely.

**ITEM: 3 NOTICE OF MOTION - 31/10/11 - UPDATE ON BURIAL AT LITHGOW
CEMETERY ON 20TH JULY 2011 - COUNCIL RESOLUTION 11-355 -
COUNCILLOR M F TICEHURST**

This item was deferred indefinitely.

**ITEM: 4 NOTICE OF MOTION - 31/10/11 - SCRUTINY OF AUSTRALIAN BUSINESS
NUMBERS (ABN's) PROVIDED BY CREDITORS TO THE LITHGOW CITY
COUNCIL - COUNCILLOR M F TICEHURST**

This item was deferred indefinitely.

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.*

NIL

COMMUNITY & STRATEGY REPORTS

ITEM: 22 COMM - 31/10/11 - DRAFT LITHGOW LAND USE STRATEGY 2010 - 2030 (REMAINDER)

Councillor H K Fisher questioned the ability of the Council to complete Item 22 due to a lack of a quorum.

As Councillor Hunter had previously declared a pecuniary interest in Item 22(b), there is a lack of a quorum to complete this item, it will be deferred until at a time and place to be set by the Chairperson.

The meeting was adjourned at 8.58pm.

The meeting resumed at 6.00pm on **Monday 7th November 2011**.

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor H K Fisher
Councillor G Danaher
Councillor J J McGinnes
Councillor W Marshall
Councillor C Hunter
Councillor M F Ticehurst
Councillor W McAndrew
Councillor R Thompson

PUBLIC FORUM

In reopening the meeting the Mayor indicated that he would again offer the opportunity for the public to participate in a public forum session.

PF - 07/11/11 - Mr David Seymour

Mr Seymour expressed concern with mapping environmental areas and asked the Council could environmental constraints stop developing on your own land?

The Mayor advised that all residents are able to submit a development application to build on their land.

The Strategic Land Use Planner advised that the environmental constraints mapping was provided by other levels and that environmental mapping needs to be included as an overlay and that this was the Direction from the Minister for Planning.

PF - 07/11/11 - Mrs Fran Duggan

Mrs Duggan stated that her family had lived in Hampton since the 1850s and asked if the right to develop the land under concessional allotment provisions had been taken away. She also noted that this was in the original draft LUS.

The General Manager advised that the ability to subdivide as a concessional allotment had been removed by the State Government several years ago.

The Group Manager Environment and Development confirmed that this provision had been removed following the Central West Planning Panel.

PF - 07/11/11 - Mr Jim Robson

Mr Robson read a statement in relation to the deadline in 2009 for the LEP and noted that this should be attended to before the Department of Planning step in and take control of the process. Mr Robson advised that he was in support of Option 3 and urged Council to make a decision. The LUS only forms part of the process and still with the LEP yet to be completed, there is nothing to be gained if this is delayed any longer.

The Mayor thanked Mr Robson.

Declarations of Interest

Councillor C Hunter declared a Pecuniary Interest in Item 22 (B) due to him being a rural landholder who may benefit / lose from any amendment to the MLS. He vacated the Chambers at 6.14pm and did not take part in the Item.

COMMUNITY & STRATEGY REPORTS

ITEM: 22 COMM - 31/10/11 - DRAFT LITHGOW LAND USE STRATEGY 2010 - 2030 (REMAINDER)

11-450 RESOLVED

THAT:

1B Rural Land Use

- Council adopts Option 3, "Status Quo" for rural planning directions for Councils Draft Land Use Strategy;
2. Council provides the General Manager with the delegation to make any minor amendments to the Draft Lithgow Land Use Strategy 2010-2030 that do not alter policy intent;
 3. Council adopts the amended Lithgow Land Use Strategy 2010-2030;
 4. Council refers the adopted Lithgow Land Use Strategy 2010-2030 to the NSW Department of Planning for final endorsement;
 5. Council adopts in principle the recommendations of the Open Space and Recreational Needs Study and Heritage Development Control Plan Study to inform the development of the comprehensive Local Environmental Plan and other Council planning and management documents; and
 6. Councillors wishing to seek an exemption under Section 458 of the Local Government Act 1993 nominate their intent in relation to the preparation of the new comprehensive Local Environmental Plan with the General Manager by the 21 November 2011.

MOVED: Councillor G Danaher

SECONDED: Councillor H K Fisher.

A **DIVISION** was called by Councillors H K Fisher and M F Ticehurst.

FOR

Councillor N L Castle
Councillor G Danaher
Councillor H K Fisher
Councillor W Marshall
Councillor W McAndrew
Councillor R Thompson

AGAINST

Councillor J J McGinnes
Councillor M F Ticehurst

The Meeting closed at 6.30pm

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

MOTION

THAT Council:

1. Endorse the Draft Lithgow City Planning Proposal; the Draft Lithgow City Local Environmental Plan 2013 and accompanying maps to commence the process in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (as amended)*.
 - 1A Note that the planning proposal and Draft LEP now includes the variations to the endorsed LUS as detailed in the section titled "Draft Local Environmental Plan 2013 – Minor Variations form the Endorsed Land Use Strategy" of this report.
 - 1B Seek the Gateway Determination to allow for a public exhibition period for the Planning Proposal and Draft LEP 2013 of at least 50 days.
2. Refer the above documents to the Western Region Office of the Department of Planning and Infrastructure to arrange for the issuing of a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979 (as amended)* to allow Council to proceed to public exhibition and formal government agency consultation.
3. Seek the Director-Generals opinion that inconsistencies between the Draft Lithgow City Local Environmental Plan 2013 and identified 117(2) Ministerial Directions are justified either by the endorsed Lithgow Land Use Strategy 2010-2030 or as being of local and minor significance.
4. Delegate to the General Manager authority to make any minor amendments to the adopted Draft Lithgow City Planning Proposal and Draft Lithgow City Local Environmental Plan 2013 that may arise after the formal adoption of this report or as conditions placed on the Gateway determination issued by DP & I.
5. Note that a report will be resubmitted to Council if significant amendments are required by the DP & I to the adopted Draft Lithgow City Local Environmental Plan 2013.
6. Notifies the public for a period of not less than 28 days of its intention to reclassify via Council resolution the following parcels of public land from "operational" to "community" classification under the provisions of the *Local Government Act, 1993*:

Community Hall	Civilian Widows Hall	Lithgow	Tank Street	Lot 1 DP517242
Community Hall	East St Public Hall and Park	Lithgow	East Street	Lot 114 DP 28254
Community Hall	Community Hall Vale of Clywdd	Lithgow	Mort Street	Lot 2 DP 563455

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

7. Undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.
8. The site adjacent to Lithgow KFC consisting of lands as indicated in Attachment 5 be reflected in the draft Local Environmental Plan and Planning Proposal as zone B1 Neighbourhood Centre.
9. The site at Lidsdale consisting of lands bounded by the purple border in Attachment 6 be reflected in the draft Local Environmental Plan and Planning Proposal as zone IN2 Light Industrial.
10. Council approach the Department of Planning to allow additional uses in the land use table for the proposed R5 zone with consent for
 - Intensive plant agriculture
 - Extensive agriculture

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam

AMENDMENT

THAT Council:

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

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

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

7. Undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.
8. The site at Lidsdale consisting of lands bounded by the purple border in Attachment 6 be reflected in the draft Local Environmental Plan and Planning Proposal as zone IN2 Light Industrial.

9. Council approach the Department of Planning to allow additional uses in the land use table for the proposed R5 zone with consent for
 - Intensive plant agriculture
 - Extensive agriculture

MOVED: Cllr F Inzitari

Amendment lapsed due to the want for a seconder

13-116 RESOLVED

THAT Council:

1. Endorse the Draft Lithgow City Planning Proposal; the Draft Lithgow City Local Environmental Plan 2013 and accompanying maps to commence the process in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (as amended)*.
 - 1A Note that the planning proposal and Draft LEP now includes the variations to the endorsed LUS as detailed in the section titled "Draft Local Environmental Plan 2013 – Minor Variations form the Endorsed Land Use Strategy" of this report.
 - 1B Seek the Gateway Determination to allow for a public exhibition period for the Planning Proposal and Draft LEP 2013 of at least 50 days.
2. Refer the above documents to the Western Region Office of the Department of Planning and Infrastructure to arrange for the issuing of a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979 (as amended)* to allow Council to proceed to public exhibition and formal government agency consultation.
3. Seek the Director-Generals opinion that inconsistencies between the Draft Lithgow City Local Environmental Plan 2013 and identified 117(2) Ministerial Directions are justified either by the endorsed Lithgow Land Use Strategy 2010-2030 or as being of local and minor significance.
4. Delegate to the General Manager authority to make any minor amendments to the adopted Draft Lithgow City Planning Proposal and Draft Lithgow City Local Environmental Plan 2013 that may arise after the formal adoption of this report or as conditions placed on the Gateway determination issued by DP & I.
5. Note that a report will be resubmitted to Council if significant amendments are required by the DP & I to the adopted Draft Lithgow City Local Environmental Plan 2013.
6. Notifies the public for a period of not less than 28 days of its intention to reclassify via Council resolution the following parcels of public land from "operational" to "community" classification under the provisions of the *Local Government Act, 1993*:

Community Hall	Civilian Widows Hall	Lithgow	Tank Street	Lot 1 DP517242
Community Hall	East St Public Hall and Park	Lithgow	East Street	Lot 114 DP 28254
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Public Hall	Memorial Hall/Pre School Building	Wallerawang	Commens St	Lots 1,2,3,4,5 DP 15683

7. Undertake the preparation of a detailed rural lands study to inform a possible future Planning Proposal to provide for additional rural small lots within the Lithgow LGA, including areas around Hartley and Portland, and allocate \$80,000 towards this project in the 2014/15 operational plan. The study must take into account the impacts on the viability of our current urban centre, towns and villages, conflicting land use issues, levels of facilities and services required and their projected costs.
8. The site adjacent to Lithgow KFC consisting of lands as indicated in Attachment 5 be reflected in the draft Local Environmental Plan and Planning Proposal as zone B1 Neighbourhood Centre.
9. The site at Lidsdale consisting of lands bounded by the purple border in Attachment 6 be reflected in the draft Local Environmental Plan and Planning Proposal as zone IN2 Light Industrial.
10. Council approach the Department of Planning to allow additional uses in the land use table for the proposed R5 zone with consent for:
 - Intensive plant agriculture
 - Extensive agriculture

MOVED: Councillor W McAndrew

SECONDED: Councillor P Pilbeam

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

13-117 RESOLVED

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

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari

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

13-188 RESOLVED

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

MOVED: Councillor W McAndrew

SECONDED: Councillor F Inzitari.

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

13-189 RESOLVED

THAT Council receive and deal with the late report in relation to the Draft Planning Proposal for the Principal Lithgow City Council Local Environmental Plan.

MOVED: Councillor C Hunter

SECONDED: Councillor W McAndrew

13-190 RESOLVED

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.

MOVED: Councillor W McAndrew

SECONDED: Councillor C Hunter.