



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

AGENDA

**FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL**

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

**02 DECEMBER 2008
AT 6.30pm**

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY - NIL

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL HELD ON 4TH NOVEMBER 2007

DECLARATION OF INTEREST

NOTICES OF MOTION - NIL

NOTICES OF RESCISSION - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports - NIL

Regional Services Reports

Community and Corporate Services Report

REPORTS FROM DELEGATES - NIL

COMMITTEE MEETINGS - Traffic Authority Local Committee

CLOSED REPORTS - NIL

BUSINESS OF GREAT URGENCY (as identified by Clause 241 of the Local Government (General) Regulation 2005

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REGIONAL SERVICES REPORTS

ITEM:1 REG - 02/12/08 - UPPER MACQUARIE COUNTY COUNCIL - CHIEF WEEDS OFFICERS REPORT FOR SEPTEMBER / OCTOBER 2008

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

REFERENCE

Nil.

SUMMARY

To advise of the most recent Upper Macquarie County Council Weeds Report.

COMMENTARY

Attached is the Upper Macquarie County Council Chief Weeds Officer Report for September / October 2008.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Upper Macquarie County Council Chief Weeds Officer's Report for September / October 2008 (Doc: 458691).

RECOMMENDATION

THAT the Upper Macquarie County Council Chief Weeds Officer's Report for September / October 2008 be received.

**ITEM:2 REG - 02/12/08 - 014/08DA SUBDIVISION INTO 5 ALLOTMENTS,
PART LOT 12 DP 1077891, IVATT STREET LITHGOW****REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

REFERENCE

Question Without Notice - 06/05/08, Councillor MJ Wilson requesting the application be brought to Council for determination.

SUMMARY

The purpose of this report is to assess and recommend determination of DA 014/08. Recommendation will be for approval subject to conditions.

COMMENTARY

Council is in receipt of Development Application No. 014/08 from Craven Elliston & Hayes who are seeking approval for a 5 lot subdivision on land described as Part Lot 12 DP 1077891, corner of Sandford Ave and Ivatt Street, Lithgow. The application seeks to subdivide the existing land into 5 lots. The only development that exists on-site is currently Council's open drainage system that diverts stormwater from Busby and Ivatt Streets.

The proposal also seeks to establish a lane to be accessed by adjoining dwellings and rectify access issues to adjoining landowners. The application seeks to separate the part lot on the corner of Ivatt Street and Sandford Ave into 4 lots whilst retaining a large residual lot fronting Ivatt Street and Crane Road.

The land is zoned 2(a) Residential in accordance with Council's Local Environmental Plan 1994. The development has been assessed as adequate for the location in terms of access, amenity and impact. The proposal is consistent with the aims and objectives of the zone. Accordingly, it is considered that the application can be approved subject to conditions and as such should be supported.

POLICY IMPLICATIONS

The application has been called in under Policy 7.7 - Calling in of Development Applications by Councillors.

FINANCIAL IMPLICATIONS

Headwork's for water and sewer will be required to be paid for each new allotment. A public laneway is proposed to be dedicated as a gesture to preserve existing access arrangements, however the applicant has indicated that the lane is not to be constructed to a sealed standard. Should this be the case, Council may incur future construction costs.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979. A full 79C report is attached.

CONCLUSION

There are two unique issues associated with this subdivision. Firstly, the applicant originally proposed the dedication of a Right of Carriageway to maintain access to existing properties. Following the receipt of submissions and discussion with Council officers, the proposal was amended to include a public laneway. However, the proponent has pointed out such a laneway, or right of carriageway for that matter, would not be a required as a direct impact of the subdivision but rather an inclusion to try and provide a solution for existing residents. Therefore, the cost and responsibility of constructing the laneway is a cost the developer questions and if it is to be funded by the developer it may make impact on the viability of the proposal. One solution could be to revert to a right of carriageway, but Council may have concerns as to any ongoing legal problems that could be experienced by residents.

Secondly, the existing drainage from Busby Street is currently diverted on to the land and the developer questions whether Council should take some responsibility for the relocation of this drainage.

In relation to these issues, the Section 79C assessment rightly recommends that these issues are the responsibility of the developer and conditions are provided accordingly. However, as a separate matter the Council may consider resolving that further discussions be held with the proponent in relation to the costs associated with the construction of the laneway and relocation of the existing stormwater drain."

ATTACHMENTS

1. Section 79C Planning Report.

RECOMMENDATION

THAT:

1. Development application 014/08 be approved subject to the conditions outlined in the attached Section 79C report.
2. Further discussions be held with the proponent in relation to the costs associated with the construction of the laneway and relocation of the existing stormwater drain."

**ITEM:3 REG - 02/12/08 - DA 015/08 HEALTH AND FITNESS CENTRE - 9
 WOLGAN STREET PORTLAND****REPORT BY: ANDREW MUIR GROUP MANAGER REGIONAL SERVICES**

REFERENCE

Councils Meeting of 18 November 2008, calling in of the development application by Councillor M F Ticehurst.

SUMMARY

To assess and recommend determination of DA 015/08. The recommendation will be for deferred commencement approval subject to conditions.

COMMENTARY

Council is in receipt of Development Application 015-08 from Portland RSL Sport-Recreation Club for the establishment of a health and fitness centre including a gymnasium, indoor pool, spa facilities and ancillary infrastructure including locker rooms and amenities on Lot 2 DP 204896 No 9 Wolgan Street, Portland. The development is an expansion of the current club facilities which are located across the road on Wolgan Street.

An objection to the development in its original form was lodged by an adjoining owner. The main objection related to the height of the rear of the proposed structure which in the original proposal was 7.2 metres. The applicant was advised that this resulted in an unacceptable impact on the amenity of the location. The applicant subsequently submitted an amended design with a reduced height of 5.2 metres. The impact of a blank 5.2 metre high wall is still considered to be unacceptable in the locality and further discussion and negotiation will occur through the deferred commencement approval to allow the approval to become operational.

The deferred commencement also requires negotiation on the location of the disabled access ramp. A number of options have been submitted by the applicant for consideration which were unacceptable. One option was to locate a ramp in councils carpark. The second option was to use the existing ramp off Wolgan Street, which is almost double the required gradient and is not the main entry to the building as required by legislation.

The applicant proposes to use Council's carpark adjacent to Mick Moore Park as the carparking area for the facility. It is considered appropriate that this be negotiated with Council through a planning agreement as has occurred on a number of other developments.

The land is zoned Village 2(v) in accordance with Council's Local Environmental Plan 1994 and is permissible within the zone. The development has been assessed in the location in terms of amenity, access and impact and it is considered appropriate for a deferred commencement approval to be issued with conditions.

POLICY IMPLICATIONS

The application has been called in by Council under Policy 7.7 - Calling in Development Applications by Councillors.

FINANCIAL IMPLICATIONS

There are financial implications relating to negotiations of a Planning Agreement with Council for carparking.

LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979. A full Section 79C report is attached.

ATTACHMENTS

1. Section 79C Planning Report.

RECOMMENDATION

THAT Development Application 015/08 be granted deferred commencement approval subject to all conditions outlined in the attached Section 79C report.

**ITEM:4 REG - 02/12/08 - HOWARD PYROTECHNICS - PORTLAND ROAD
WALLERAWANG****REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

REFERENCE

Minute No.08-76 Council Meeting

Minute No.08-43 Policy and Strategy Meeting

SUMMARY

To inform Council of the outcomes of a meeting held between representatives of Howard Pyrotechnics and Council officers on 16 October 2008 concerning redevelopment of the Wallerawang site and recommend a site visit to the new Marulan Pyrotechnics site.

COMMENTARY

Council is aware of the explosions that occurred at the Howard Pyrotechnics facility on 8 December 2007. The company representatives and their consultant met with Council officers on 16 October 2008 to discuss Council requirements for the redevelopment of the facility.

The company representatives advised that the facility is still operating at a limited level, with close proximity pyrotechnics and railway track signals manufacture. Storage is now rationalised under Workcover direction, having regard for separation distances and reduced levels of storage in each unit.

Howards' advised that they wished to rebuild the operation having regard to the lessons learnt through the accident and to protect the site and the community from incidents in the future. The company representatives were advised that they have existing consent to operate a pyrotechnics facility **but** any proposal to redevelop the site will be subject to comprehensive development assessment through the development application process. This will involve the use of explosives consultants by the company and the possible use by Council in the assessment process of an independent explosives consultant recommended by Workcover.

The company proposes to proceed in stages. The first stage will be lodgement of a development application for demolition, site cleanup and minor repairs to the residence. The second stage will be the main proposal for the site redevelopment.

The company were advised that the main development application for redevelopment will be considered as designated development under the provisions of the Environmental Planning and Assessment Act and as such will require the submission of a detailed Environmental Impact Statement.

Council may be aware that Council officers at the suggestion of Workcover attended the opening of the new pyrotechnics facility at Marulan for Foti International Fireworks Pty Ltd. This premise is considered by Workcover to meet the standard that Council could expect in the redevelopment of the Howard Pyrotechnics facility.

The Foti family have invited Council staff and interested Councillors to visit their Marulan premises to assist in the determination of the redevelopment proposal for the Wallerawang premises. This is considered to be a valuable opportunity for Councillors and staff to develop an understanding of the requirements for such a facility.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The redevelopment of the Howard Pyrotechnics facility will be required to comply with all relevant regulatory provisions.

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council note the report on the Howard Pyrotechnics redevelopment and
2. That arrangements be made for the General Manager, Group Manager Regional Services, assessment staff and interested Councillors to attend a site inspection of the Foti International Fireworks facility at Marulan.

ITEM:5 REG - 02/12/08 - DEVELOPMENT AND CONSTRUCTION APPROVALS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES –ANDREW MUIR

SUMMARY

To provide statistical information on Development Applications and Construction Certificates processed.

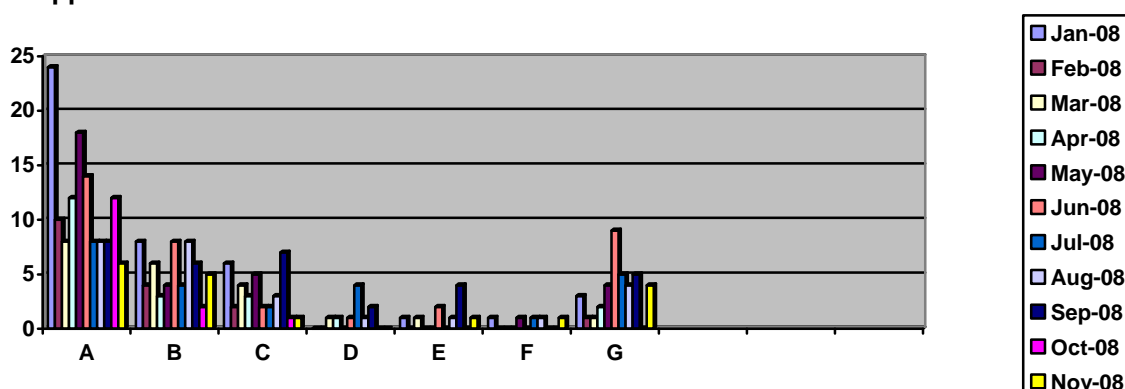
COMMENTARY

The following table indicates Development Applications and Construction Certificates approved in the period between Finance and Services Committee Meetings. A full list of individual applications received and approved is made available to Councillors and the press.

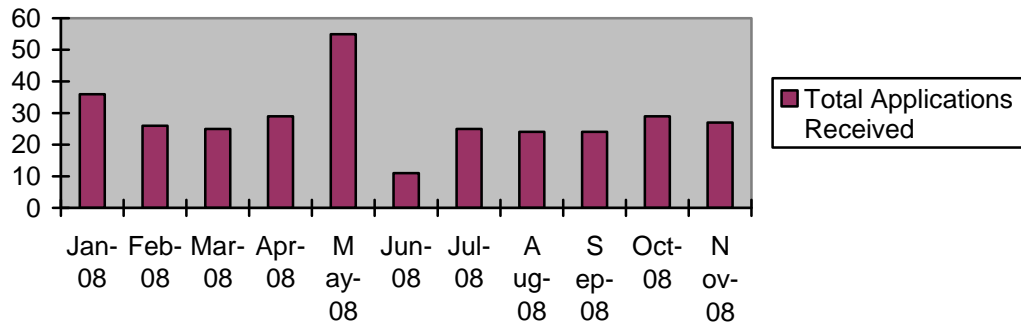
The current average days is 22 days. This covers DA's, CC's, Combined Development & Construction Certificates.

	Minor Development Approvals (including carports, garages and patios) A	Dwelling Approval B	Dwelling Addition Approval C	Other Residential Applications (including Dual Occupancies, Flats) D	Rural Subdivision Approvals E	Residential Subdivision Approvals F	Commercial/ Industrial Approvals G	Total Applications Received
June 2008	14	8	2	1	2	0	9	11
July 2008	8	4	2	4	0	1	5	28
August 2008	8	8	3	1	1	1	4	24
September 2008	8	6	7	2	4	0	5	24
October 2008	12	2	1	0	0	0	0	29
November 2008	6	5	1	0	1	1	4	27

* includes Approvals from 28 OCT 2008 TO 24 NOV 2008



APPROVALS



Total Estimated Cost:	\$3,318,032
Average Approval Time	13 DAYS
Total Cost of Approvals from 10/12/2007	\$15,511,355
No. of Applications from 10/12/2007 to 30/09/08	285

RECOMMENDATION

THAT Council note the report on development and construction approvals.

COMMUNITY AND CORPORATE SERVICES REPORTS

**ITEM:6 COMM- 02/12/08 - REQUEST TO RELINQUISH RIGHTS TO USE
CATTLE YARDS SITUATED ON LOT 1 DP 790341
CULLENBENBONG ROAD KANIMBLA VALLEY**

REPORT FROM: STRATEGIC LAND USE PLANNER – SHERILYN HANRAHAN

REFERENCE

Nil

SUMMARY

This report is to seek a Council resolution to relinquish rights, assigned by a covenant, to use community cattle yards situated on Lot 1 DP 790341, Cullenbenbong Road, Kanimbla Valley and to agree to their demolition.

COMMENTARY

In 1997, Junyah Holdings transferred Lot 1 DP 790341 Cullenbenbong Road Kanimbla Valley to the Kanimbla Valley Sports and Recreation Club Incorporated subject to terms and conditions assigned in a covenant upon the land.

Erected upon this land are a set of timber cattle yards. The subject covenant required the Club to permit the registered proprietors of surrounding lands identified in its schedule to enter the land and to use the cattle yards. Council is the owner of Lot 6 DP 790432 listed within this schedule. This land is currently a vacant public reserve.

Council has not used these yards in the past and has no identified need to use the cattle yards in the future.

The Kanimbla Valley Sports and Recreation Club have advised that the cattle yards are beyond a state of repair and require demolition to render the site safe for public use. The loading ramp and awning are proposed to be retained in recognition of their heritage significance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT:

1. Council resolve to relinquish its rights to use the cattle yards erected upon Lot 1 DP 790341, Cullenbenbong Road as granted by a covenant on said lands.
2. Council raise no objection to the demolition of the cattle yards to render the site safe for public use.

ITEM:7 COMM - 02/12/08 - RECOGNITION OF THE BRACEY FAMILY

REPORT FROM: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK

REFERENCE

Minute P08-92: QWN Councillor H K Fisher – Policy and Strategy Committee – 5 August 2008

Minute P08-105: Policy and Strategy Committee - 2 September 2008

SUMMARY

This report submits to the council a number of suggestions with regard to recognition of the Bracey Family.

COMMENTARY

At the Policy and Strategy Committee meeting of 2 September 2008, a report was tabled with suggestions for the recognition of the Bracey Family in Lithgow. The Council resolved to *“form a Committee to discuss the options with the Bracey Family, with a report to be brought back to Council”*.

At the Extraordinary Meeting of the Council held on 29 September, Councillors Fisher, Thompson and McGinnes, as well as the General Manager, were elected as representatives to the Bracey Family Committee (the Committee).

Background

The Bracey Family are currently acknowledged in Lithgow with the naming of the Bracey Lookout. Formerly the lookout included a shelter which was affected by concrete cancer and was demolished after consultation with the Bracey family as part of an upgrade to the facility. A commemorative plaque that was on the shelter is in safe keeping and could be utilised at the lookout. The lookout is now in a rundown condition with a considerable amount of work being required to bring it back to a good condition.

Recognition is also provided at Eskbank House as the Bracey Family once owned the building and donated historical articles to the collection.

The Committee met on Monday 24 November 2008 and considered a number of proposals for recognition including the following:

- The building of a significant shelter at Bracey's Lookout to restore the original concept
- The provision of a plaque and interpretation of the contribution of the Bracey Family at Bracey's Lookout
- The provision of interpretation at the former Bracey Family home (Wenvoe) in Ordinance Street (subject to approval with current owners) with the place being included on a heritage trail.
- A plaque, possibly in the pavement outside the former Bracey store in Main street
- Council discuss options for recognition in any redevelopment of the Bracey's store with the current owners
- Name a significant park, street, road or subdivision after the family.
- Present them with a memento such as a painting or other object inscribed with a plaque recognising the Bracey family's contribution.

The Committee resolved in the first instance to put a report to the Council to gain support in principle.

The Committee considered that it would be appropriate for contact to be made with the Bracey Family once Council expressed its support in principle to ascertain whether the Bracey Family supported such recognition.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Any form of recognition of the Bracey Family would need to be costed and then be considered by the Council in the 2009/10 Management Plan.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

Minutes: Bracey Family Committee 24 November 2008.

RECOMMENDATION

THAT the Council:

1. Note the minutes of the Bracey Family Committee of 24 November 2008
2. Supports in principle the following suggestions for recognition of the Bracey Family:
 - a) name a significant park, street, road or subdivision after the family
 - b) place a plaque in the pavement outside of the former Bracey Store in Main Street
 - c) the development of a walking track from Main Street along Cooke Street to Bracey's Lookout.
 - d) the upgrade of Bracey's Lookout should funds become available.
3. Should the Council support in principle public recognition of the Bracey Family, then contact be made with the Bracey Family informing them of the proposal and to invite them to the next meeting of the Bracey Family Committee.

COMMITTEE MEETINGS

ITEM:8 REG - 02/12/08 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING - MINUTES OF 2ND OCTOBER 2008

REPORT FROM: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

SUMMARY

Details of the Minutes of the Traffic Authority Local Committee Meeting held on 2 October 2008. for Council adoption.

COMMENTARY

At the Traffic Authority Local Committee Meeting held on 2 October 2008, there were a number of items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Copy of Minutes of Meeting 2 October 2008.

RECOMMENDATION

THAT Council note the Minutes of Traffic Authority Local Committee Meeting on 2 October 2008 and the following actions be taken:

1. A request for a roundabout at the intersection of the Castlereagh Highway and Wolgan Road, Lidsdale be referred to the RTA for consideration.
2. The National Parks and Wildlife Service be contacted and requested to identify wildlife corridors on McKanes Falls Road and Jenolan Caves Road so that signage can be put in appropriate locations.
3. The matter of signage for the Glen Davis Community Association be referred to the Group Manager Community and Corporate requesting further details.
4. The proposed Triathlon on the 7 December, 2008 be supported in principle pending the approval of traffic plans by the Police.

BUSINESS OF GREAT URGENCY