



LITHGOW CITY COUNCIL

MINUTES

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

HELD ON

07 AUGUST 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 7 AUGUST 2006**

Meeting Commenced 7.05pm

Public Gallery: 9

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor B P Morrissey
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

Councillor M F Ticehurst took a leave of absence from 7.13pm

06- 220 RESOLVED

MOVED: Councillor H K Fisher

SECONDED: Councillor B S Moran.

CARRIED

Also in attendance

General Manager, Mr Paul Anderson
Group Manager Regional Services, Mr Andrew Muir
Group Manager Community and Corporate Services, Ms Kathy Woolley
Minutes Secretary, Ms Casey Clarke
Acting Policy and Planning manager, Mrs Amanda Muir

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 3 July 2006 were taken as read and confirmed by Councillors M J Wilson and W McAndrew

06- 221 RESOLVED

DECLARATION OF INTEREST

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

Councillor M M Collins declared a pecuniary interest in Item 13 - Development and Construction Approvals (166/06) as she is the applicant of this DA.

Councillor M J Wilson declared a pecuniary interest in Item 6 - Mount Piper Power Station due to Delta Electricity being his employer.

Councillor A E Thompson declared a non pecuniary interest in Item 4 - Trade Waste due to property ownership but not having any need for trade waste approvals.

QUESTIONS FROM THE PUBLIC GALLERY

At 7.00pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

QPG - MICHAEL HORSFALL

1. Mr Mayor is the development application that has been lodged by the proprietor of the Flirt Adult Stores, Mr Jeff Oliver, for Main Street, to be determined under the proposed LEP and accompanying policy to regulate the establishment of sex services premises (brothels), home occupations (sex service) and restricted premises (sex shops) or is it to be determined like the rejected application for an adult shop in Main Street in August 2005 (DA 340/05) was?

The development application has been rejected and returned to the applicant. However, if a development application was lodged it would be determined under the legislative requirements of the day which can include a draft LEP once placed on exhibition.

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GENERAL MANAGER REPORTS

ITEM:1 **GM - 07/08/06 - THE UNITING CHURCH - PARISH OF LITHGOW -
EMERGENCY SERVICES THANKSGIVING SERVICE**

REFERENCE

NIL

SUMMARY

This report outlines an invitation to the Emergency Services Thanksgiving Service from the Reverend Gereldine Leonard from the Uniting Church in Lithgow.

COMMENTARY

The Uniting Church in Lithgow would personally like to invite Council to the Emergency Services Thanksgiving Service on Sunday 27 August 2006 at Hoskins Memorial Uniting Church at 2.00pm. There will be a blessing of Emergency Services vehicles and equipment.

This service is special to the Church and they have invited all the local emergency personnel to attend. The church understands how the Council help in many different emergency situations and hope that they can come and be part of this service.

The Reverend hopes Council can attend this day to thank these volunteers, who often work in dangerous and difficult situations for our community.

RSVP Monday 21 August 2006 on 63 513 134.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

06- 222 RESOLVED

THAT the information be received.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:2 GM - 07/08/06 - IRONFEST 2006

REFERENCE

NIL

SUMMARY

Report on aims and visitation statistics for Ironfest 2006

COMMENTARY

Ironfest

Ironfest 2006 was held on 22nd and 23rd April 2006. Ironfest celebrates Lithgow's cultural heritage via working and playing with metal, and combines art with technology. Ironfest is administered by Ironfest Inc., an incorporated not for profit association.

Ironfest aims to:

- 1) Attract visitors to the Lithgow District on an annual basis, thus creating economic activity and diversity.
- 2) Create paid employment for professional artists & arts workers, both through the provision of a venue for the sales of artwork & the creation of employment.
- 3) Provide cultural experiences through the presentation of unique entertainment
- 4) Create for Lithgow a reputation as a centre for innovation and generally creating an environment in which innovation is part of the main stream thinking.
- 5) Create a positive and measurable economic contribution to the Lithgow community.

Ironfest Visitation 2006

Ironfest 2006 was an extremely successful event. The event included:

- Australasian Jousting Championship
- Medieval re-enactments
- Colonial re-enactments
- Metal displays
- Musical performances
- Dance Performances
- Circus
- Art displays

With over 7,000 visitors attending throughout the weekend, Ironfest 2006 visitation represented a 66% increase on the 2005 figures. It is envisaged that visitation to Ironfest is sustainable and will continue to show measurable growth in visitation as the event further becomes an iconic regional event.

Ironfest Target Markets

As a major contributor to Lithgow's event calendar, Ironfest will endeavour to show sustainable visitation growth in target markets. The event proposes to aid an increase in yield to participants, the tourism industry and all businesses that provide services to visitors.

The primary target markets for Ironfest are:

| Overnight, prime markets | Overnight niche markets | Day Visits |
|---|--|--|
| <ul style="list-style-type: none"> • True Travellers (Experimental, adventurous, trail blazing) • Wanderers (grey market) • VFR (Visiting friends & relatives) | <ul style="list-style-type: none"> • Event participants • Groupies (specifically those that attend similar events) | <ul style="list-style-type: none"> • Pampadours (indulgent market) • Compatriots (family market) • Locals |

Visitors attending Ironfest 2006 were from the following places of origin:

- Sydney region
- Blue Mountains region
- Lithgow
- Bathurst
- Central West
- Wollongong
- Hawkesbury
- Canberra
- New Zealand

Statistical information collected at Ironfest indicated that most visitors were visiting Lithgow on that weekend primarily to attend the festival.

Visitor Feedback – Ironfest 2006

The feedback received from visitors to Ironfest indicate, a very high level of satisfaction in the event. Comments from visitors included:

- Exceptional value for money
- Great family atmosphere
- A unique cultural experience
- Great entertainment
- Well organised
- The best event in the region

Participants equally enjoyed their Ironfest 2006 experience with most exhibitors making good sales and the re-enactors expressing great satisfaction.

Ironfest Committee

The Ironfest Committee includes the following members, who organise the event:

Ian Ross (President), Anna Culliton, (Vice President), Amanda Horner (Treasurer), Alison Lynes (Secretary), Dragan Kalemusic, Tim Johnman, Alex Allchurch, Tanya Hineman, Graham Johnson, David & Leslie Newmann-White, Malcolm Wells, Jodie Rayner, Bill Nuebeck, Danielle Martin, Al Ritchie and Macgregor Ross.

Economic Impact of Events on a region

Tourism events have the potential to act as a significant tourism promotional vehicles in encouraging:

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

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

- Employment creation
- Increase in potential for commercial investment in the community
- Construction/improvements to facilities
- Strengthening of local values and traditions
- Increased local community pride
- Sustained development within the community
- Destinalional image development
- Sustainable economy

Tourism NSW recognises the importance of event tourism and its potential for income generation and destination shaping by integrating regional events into its own ongoing marketing strategies. The Regional Flagship Events Programme, developed in 1995 has contributed \$2.3 million into various regional events in NSW allowing product development through event marketing and promotion. Events are a motivational force enticing a reason to visit a destination. Ironfest is applying for Regional Flagship Funding for the 2007 event.

Economic Impacts of Ironfest

| | |
|---|---|
| Date of Event: | 22 nd to 23 rd April 2006 |
| Total Attendance: | 7,000 |
| Local Visitation: | 41% |
| Intrastate, Interstate & Overseas Visitation: | 59% |
| Visitor Expenditure: | \$500,000 (based on average \$120 per visitor. Average spend of visitors per day) |

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

Benefits for Lithgow from Ironfest

Ironfest 2006 carried out major event awareness and marketing via a range of advertising and promotions. Ironfest carried out the following marketing activities:

- Article on the 3rd page of the Sydney Morning Herald – event and regional profiling
- Website advertising
- Banner placement – strategically located in high visitation areas including Lithgow, Katoomba, Glenbrook
- Poster placement – posters were distributed via the Visitor Information Centre Network throughout NSW, retail areas in Lithgow, Bathurst, Blue Mountains, Oberon, Mudgee, Sydney

- Brochure placement – brochures were distributed via the Visitor Information Centre Network throughout NSW, retail areas in Lithgow, Bathurst, Blue Mountains, Oberon, Mudgee, Sydney
- Radio interviews were conducted on Radio 2LT, 107.9, ABC, B-Rock
- Television advertising – targeted television advertising was carried out on TEN. Event placement was also on Sydney Weekender

In undertaking promotional activities as above, Ironfest successfully contributes to tourism visitation to the region and in shaping the development of a destination image.

Ironfest 2007

Ironfest will be held on the weekend of the 28th & 29th April 2007. Ironfest is currently gearing up to approach sponsors for support. The Committee has sought support from Lithgow City Council including in-kind and financial contributions to the event.

In 2006, Council contributed \$10,000 to Ironfest, which was predominately utilised for printing of marketing collateral, including brochure, poster and programme design and printing, by a local printer. Council has budgeted \$10,000 for Ironfest 2007.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Council sponsorship funding and in-kind support for Ironfest 2007.

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT a letter of congratulations be forwarded to the Ironfest Committee

06- 223 RESOLVED

THAT:

1. A letter of congratulations be forwarded to the Ironfest Committee
2. Council seek support from the State Government for additional funding.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

REGIONAL SERVICES REPORTS

ITEM:3 REG - SYDNEY CATCHMENT AUTHORITY 'SPECIAL PURPOSES GRANT' - BITUMEN SEALING OF THREE CREEK CROSSINGS ALONG THE GANBENANG ROAD

SUMMARY

To advise of a successful Grant Application to the Sydney Catchment Authority for the bitumen sealing of three creek crossings along the Ganbenang Road.

COMMENTARY

Council recently received advice from the Sydney Catchment Authority (SCA) of its successful grant application for road sealing of three creek crossings along the Ganbenang Road. The SCA have agreed to offer Council \$ 98,798.70 (GST inclusive) toward the cost of sealing three key areas being:

1. Duddawarra Bridge, Cox's River – Sealing of bridge approaches.
2. Oak Creek Crossing, Ganbenang Rd. – Sealing of road and approaches.
3. Low Level Crossing, Ganbenang Rd. (Ganbenang Creek) – Sealing of approaches.

The work is an upgrade to the existing road's and crossing approaches to three vehicular bridge crossings which traverse natural water courses. It is proposed to reshape existing drainage, grade and compact existing road pavements and apply a two-coat bitumen seal to the trafficable road carriageway. This bitumen sealing work will rectify the current problems of silt and sedimentation run-off from the Ganbenang Road into the neighbouring creek system within the Sydney Drinking Water Catchment.

The works are now being programmed for completion in the first half of the financial year.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Receipt of the sum of \$ 98,798.70 (GST inclusive).

LEGAL IMPLICATIONS

NIL

06- 224 RESOLVED

THAT the information be received.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:4 REG - 07/08/2006 - TRADE WASTE

**REPORT FROM: ACTING GROUP MANAGER REGIONAL SERVICES
- ANDREW MUIR**

Councillor A E Thompson declared a non pecuniary interest in this item due to property ownership but not having any need for trade waste approvals. She did not take part in the voting and did not vacate the Chambers.

SUMMARY

To advise the Council on the current position in relation to Trade Waste.

COMMENTARY

At its Finance and Services meeting of 3 July 2006 Councillor AE Thompson requested a report as follows:

“Mr Mayor I refer to a previous report on Trade Waste in respect to charges. Can a report be brought back on the council resolution, as to where we are up to and where we stand in regards to the legislation of passing this issue onto the appropriate department for action?”

Council adopted its Liquid Trade Waste Approvals Policy on 24 January 2005. The provision of such a policy is mandatory to enable Council to meet the requirements of the Best Practice Management of Water Supply and Sewerage Guidelines, May 2004. This is critical as for Council to be eligible for subsidy under the Country Towns water & sewerage supply schemes (for funding upgrades of the Lithgow & Wallerawang Sewerage Treatment Plant). Council was required to comply with the Department of Energy Utilities & Sustainability's Best Practice Management Guidelines including adopting an implementation of a Liquid Trade Waste Policy. Since the adoption of this policy Council has been working towards full implementation with approximately 80% of inspections undertaken. The policy is designed to reduce the number of cross subsidies between business and residential sewerage users and also allow Council to recoup expenditure for repairs and replacement of the sewerage transport network associated with business use. Prior to charges being adopted as part of the 2005/2006 Annual Management Plan, Council invited all business owners to a forum explaining the need for this policy and the anticipated affects this will have on businesses.

Council identified a possible 185 properties requiring inspection and to date 148 inspections have been carried out. From these 185 inspections 36 were determined not to be trade waste discharges, 14 approvals have been issued, 4 applications require further information, 44 applications are pending assessment, 30 applications have not been returned (various reminders sent), 37 properties are yet to be inspected and 20 properties have recently been inspected and Council is awaiting the lodgement of the their applications.

Since the inception of the policy one of the significant issues that has arisen relates to the charging regime for premises that **have not** installed and maintained appropriate pre-treatment facilities compared to premises that **have** installed and maintained pre-treatment facilities.

For category 2 dischargers Council's adopted policy at section 3.5.4 provides:

- Commercial premises that have installed and maintained appropriate pre-treatment facilities will be required to pay \$1.20 per kilolitre of liquid trade waste discharged to the sewer.

- Commercial premises that have not installed and maintained appropriate pre-treatment facilities will be required to pay \$11.00 per kilolitre of liquid trade waste discharged to the sewer.

These charges have been reiterated in the current Management Plan and adopted fees and charges in addition to fees for applications, annual trade waste fee, re-inspection fees, excess mass charges, food waste disposal charge and non-compliance excess mass charge.

It is important to note that section 3.5 of the trade waste policy states:

“Large increases in liquid trade waste fees and charges are to be implemented over a three (3) year period. The amounts payable are to be 33% of the calculated total charge in the first year (2005), 66% in the second year (2006) and 100% in the third year (2007).”

As the charging regime commenced on 1 July 2005, the first year is deemed to be the 2005/2006 financial year. An investigation has indicated that a number of premises have been issued accounts at a rate of \$11.00 per kilolitre for the 2005/2006 financial year. On this basis it will be necessary to issue a credit for any businesses that have been charged at that rate as only 33% of the charge is applicable in 2005/2006

It is acknowledged that the trade waste regime will cause expense to business and that is the rationale for phasing in the charging regime. However, it is mandatory to have such a policy and it is a valid way of raising revenue to compensate for the extra ‘wear and tear’ on Council’s sewer infrastructure.

POLICY IMPLICATIONS

As this report will recommend compliance with Council’s policy there will be no policy implications.

FINANCIAL IMPLICATIONS

For the 2005/2006 financial year adjustments will need to be made to any accounts for premises that have been charged at \$11.00 per kilolitre so that only 33% is charged.

LEGAL IMPLICATIONS

No specific legal implications arise as a result of this report.

06- 225 RESOLVED

THAT

1. Council note that its adopted trade waste policy includes a charge of \$11.00 per kilolitre of liquid trade waste discharged to the sewer on category 2 dischargers that have not installed and maintained appropriate pre-treatment facilities.
2. In accordance with the adopted policy “non-compliant” category 2 dischargers be charged at 33% for accounts in the 2005/2006 financial year and 66% for the 2006/2007 financial year unless a compliant system is installed.
3. All category 2 dischargers that are non-compliant from 30 June 2007 be charged at 100% or \$11.00 per kilolitre until such time as a compliant system is installed.
4. Any category 2 dischargers that have been charged at \$11.00 per kilolitre be issued with a credit.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

MOVED: Councillor W McAndrew

SECONDED: Councillor B P Morrissey.

CARRIED

**ITEM:6 REG - 07/08/2006 MOUNT PIPER POWER STATION MODIFICATION
 OF APPROVAL**

REPORT FROM: DEVELOPMENT MANAGER – JIM NICHOLS

Councillor M J Wilson declared a pecuniary interest in this item due to Delta Electricity being his employer and he vacated the Chambers.

SUMMARY

To inform Council of the decision by the Minister for Planning to approve the modification of the Mt. Piper Development Consent in relation to an increase in generation capacity.

COMMENTARY

The Department of Planning has advised that the Minister for Planning, the Hon. Frank Sartor MP, on 3 June 2006 approved an application from Delta Electricity for Modification of the Development Consent for Mt. Piper Power Station.

The approval allows for an increase in the capacity of the power station in two phases:

- Initially operating the power station at a capacity factor of up to 90% to generate up to a nominal capacity of 1400 megawatts; and
- undertaking equipment upgrade works or replacements to provide a nominal capacity of 1500 megawatts when operating at a capacity factor of up to 90%.

The development consent has been modified the Minister by inserting a number of additional conditions.

POLICY IMPLICATIONS

There are no specific policy implications from this report.

FINANCIAL IMPLICATIONS

There are no specific financial implications from this report.

LEGAL IMPLICATIONS

The modification application is determined as a major infrastructure development and responsibility for approval is with the Minister for Planning.

06- 227 RESOLVED

THAT the information be received.

MOVED: Councillor B P Morrissey

SECONDED: Councillor B S Moran.

CARRIED

**ITEM:7 REG - 07/08/06 - UPPER MACQUARIE COUNTY COUNCIL - WEEDS
REPORTS - MAY & JUNE 2006**

SUMMARY

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

COMMENTARY

Attached are the reports from the Chief Weeds Officer of Upper Macquarie County Council for May 2006 and June 2006.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

06- 228 RESOLVED

THAT the information be received.

MOVED: Councillor H K Fisher

SECONDED: Councillor M M Collins.

CARRIED

**ITEM:8 REG - 07/08/2006 REFUND OF FEES DEVELOPMENT
APPLICATION/CONSTRUCTION CERTIFICATE 162/06 THE
BICENTENNIAL NATIONAL TRAIL FEES**

REPORT FROM: DEVELOPMENT MANAGER – JIM NICHOLS

REFERENCE

Development Application/Construction Certificate 162/06 and Development Application 565/04.

SUMMARY

This report details a request to refund development application fees for two applications and recommends that a donation of an equivalent amount for one of the applications be provided to the Bicentennial National Trail.

COMMENTARY

The Bicentennial National Trail Ltd. submitted two applications to Council for the development of a trail head campsite at Lake Wallace, Wallerawang. Full fees were paid at the time of lodgement being;

| | | | | |
|---|----------|----------|----------|----------|
| Development Application 565/04 | \$220.00 | 26/11/04 | | |
| Development Application/Construction Certificate 162/06 | | | \$261.95 | 09/05/06 |

A refund of these fees is requested as the Bicentennial National Trail Ltd. is a not for profit organisation administered by volunteers and funded by public subscription. The Trail Head proposal at Wallerawang is supported by Delta Electricity, the Wallerawang community and the State Government. It is being constructed by volunteers for the local area.

It is reasonable that a donation of an equivalent amount be provided for DA/CC 162/06 but the amount associated with DA 564/04 is problematic due to the passage of time and the fact that the budget for that financial year has been closed.

POLICY IMPLICATIONS

Donations of amounts equivalent to application fees have been previously approved by Council for registered charities and not for profit organisations where a community benefit is established.

FINANCIAL IMPLICATIONS

If approved as recommended, the refund will involve an increase in expenditure from Section 356 for the 2005/2006 financial year by \$261.95.

LEGAL IMPLICATIONS

There are no legal implications to this decision.

06- 229 RESOLVED

THAT Council make a donation from the 2005/2006 Section 356 vote equivalent to the fees paid with Development Application/Construction Certificate 162/06 being an amount of \$261.95.

MOVED: Councillor M M Collins

SECONDED: Councillor W McAndrew.

CARRIED

ITEM:9 REG - 07/08/06 - DEVELOPMENT APPLICATIONS RECEIVED

REPORT FROM: ACTING GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

To inform the Council of recently submitted development applications.

COMMENTARY

In order to keep the Council informed of current development proposals, the following list is provided of development applications which have been received after the last report to the Finance and Services Committee on 3 July 2006. The list excludes dwellings, additions, carports and associated residential proposals or proposals of a minor nature.

| Significant Development Applications received | | | |
|--|----------------------|-------------------------------|--------------------------------------|
| DA No. | Date Received | Proposal | Property |
| 265/06 | 10/7/06 | Demolition of 5 bed-sit units | Lots 194/5 Thompson Street, Lithgow |
| 266/06 | 10/7/06 | Subdivision into 2 lots | 357 Coks River Road, Little Hartley |
| 272/06 | 17/7/06 | Subdivision into 4 lots | 707 Peach Tree Road, Megalong Valley |
| 273/06 | 17/7/06 | Demolition of buildings | 2A Amiens Street, Lithgow |

If Councillors wish to receive more detailed information on any of the aforementioned applications, then this can be provided.

POLICY IMPLICATIONS

There are no policy implications as a result of this Report, however, the development applications will be assessed in light of any applicable policies.

FINANCIAL IMPLICATIONS

The costs involved in processing the development applications are the only financial implications at this stage. These costs are budgeted for in the 2006/07 Recurrent Budget.

LEGAL IMPLICATIONS

The applications are subject to the requirements of the Environmental Planning and Assessment Act 1979.

06- 230 RESOLVED

THAT the information be received.

MOVED: Councillor M J Wilson

SECONDED: Councillor B P Morrissey.

CARRIED

**ITEM:10 REG - 07/08/06 - LAND & ENVIRONMENT COURT PROCEEDINGS
 COUNCIL ats RE CHARLES, 52 TWEED ROAD, LITHGOW**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES
ANDREW MUIR**

REFERENCE

Finance and Services Committee, 5 June 2006

SUMMARY

The Land and Environment Court has handed down its judgement for the proceedings between Council and RE Charles in relation to Development Application No. 125/05 for 28 lots at 52 Tweed Road, Lithgow. The Court has approved the Development Application subject to conditions.

COMMENTARY

Commissioner Brown of the Land and Environment Court undertook a site inspection and held an on-site hearing on 25 July 2006 in relation to the Development Application No. 125/05 for 28 lots at 52 Tweed Road, Lithgow. A number of residents were present on the day and were afforded the opportunity to provide further submissions to the Court.

The Application was not determined on the day as agreement could not be reached on the issue of adequate contributions by way of a planning agreement in accordance with section 93F of the Environmental Planning and Assessment Act 1979 should consent be granted. Subsequently, negotiations were held and the applicant agreed to enter into a Planning Agreement for \$2,500 per allotment for community facilities within the Lithgow Local Government Area and \$20,000 in respect of the embellishment of active open space in the existing Outer Crescent Park.

In relation to the concerns of the resident at No 32 Outer Crescent the following condition was negotiated:

The boundary along the north western side of the existing dwelling on Lot 2 DP 549480 (No. 32 Outer Crescent) is to be treated with appropriate acoustic fencing and suitable landscaping at full cost to the developer. A landscape plan and fencing details are to be submitted to Council and after consultation with the owner of number 32 Outer Crescent approved prior to the issue of the Construction Certificate.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The final costs have not been ascertained at this stage as invoices are outstanding.

LEGAL IMPLICATIONS

The Land and Environment Court has determined the Development Application in accordance with the Environmental Planning and Assessment Act 1979.

06- 231 RESOLVED

THAT the information be received.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:11 REG - 07/08/06 - MODIFICATION TO DEVELOPMENT CONSENT DA 603/04 - FIVE LOT SUBDIVISION, LOT 67 751644, LOT 7 DP 1036076, BONNIE BLINK DRIVE, LITTLE HARTLEY

REPORT FROM: ENVIRONMENTAL PLANNER – P MOPPETT

SUMMARY

To determine an application to modify Development Consent 603/04 recommending approval subject to conditions.

COMMENTARY

Council is in receipt of an application to modify Development Consent 603/04 for a five lot subdivision on land described as Lot 67 DP 751644 known as Lot 67 Bonnie Blink Drive, Little Hartley. The original development application was determined by Council on 12 December 2005 and consequently the modification application is reported for determination.

The application was originally referred to the NSW Rural Fire Service for consideration and they responded with a condition relating to compliance with the Guidelines in relation to road construction at an 8m width seal. This condition was placed on the consent. However, it has been found to be inappropriate for the particular proposal in relation to existing constructed road width and the developer wishes to modify the consent.

The RFS were asked to review the condition placed on the development in regard to the road widths required for the proposed subdivision. The condition required compliance with Section 4.3.1 of Planning for Bushfire Protection 2001. Under that Section the road width is required to be 8m minimum. The proposed subdivision has a design width of 7.2m with a seal width of 6m, in line with Council's Subdivision and Development Code. In this instance the existing recent construction on Bonnie Blink Drive is a 6m seal, and the Baaners Lane construction is only 5.5m width out to the Great Western Highway. It seemed unreasonable to expect an 8m formation in the proposed subdivision:

- when the approaching roads are below this size,
- The proposed subdivision is at the end of the road.
- The 8m width would result in the loss of several established eucalypts which do not present a bushfire risk.

The proponent felt that it was more reasonable to extend the standards of the existing Bonnie Blink Drive into the new subdivision. The RFS considered the submission and responded with new conditions which reflect the local situation.

POLICY IMPLICATIONS

The modification as proposed would comply with the Council's Subdivision and Development Code.

FINANCIAL IMPLICATIONS

There are no specific financial implications for Council as a result of this report.

LEGAL IMPLICATIONS

In determining a modification 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. These matters for consideration are as follows:

Any Environmental Planning Instrument

The objectives of the zone in relation to the particular modification are addressed as with the original application with no alteration in impact on the locality in relation to agriculture, amenity, the environment and the provision of services. The only change will be the alteration to the road construction width, which will now be in keeping with the existing road widths in the locality.

LEP Clause 11: The application as modified is still in keeping with the provisions of Clause 11 in regard to agriculture, the environment, sourcing of extractive materials, provision of public services and amenities, and cumulative impact. The road construction width will be in keeping with the existing road widths, with no unreasonable demands on the developer.

The development falls within the Sydney Drinking Water Catchment Area, therefore **SEPP58 - Protection of Sydney's Drinking Water Catchment** applies to this development. A consent authority is required to assess the potential impact that any development may have on the water quality of the Catchment area. The aspect of this development requiring modification has no impact on the original assessment of water quality.

The application was originally referred for comment to the SCA and the Authority responded that the development satisfies the matters for consideration, being effect on water quality, use of sustainable water quality management practices, and compatibility with relevant environmental objectives and water quality standards for the catchment.

The development is **Integrated Development** by virtue of it being bushfire prone land. The applicant was required to submit a bushfire plan which was referred to the NSW Rural Fire Service for their concurrence. The RFS concurred with the development and requested compliance with their access provisions in regard to road construction. However the provisions of the Guidelines did not account for the existing road construction widths leading into the development site.

The matter was referred back to the RFS who reconsidered the application. A new response was received which addressed the original curve and gradient requirements but which reduced the road construction widths from 8m to 6m with a 1m compacted verge on each side of the road.

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

The draft Regional Plan sustaining the catchments would be applicable but the issues are caught by consideration of SEPP No 58.

Any Development Control Plan

The modification application is consistent with Council's Rural Residential DCP.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

Any matters prescribed by the regulations that apply to the land

Nil.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Amenity. The road construction width of 6m is now in keeping with other roads leading into the development site.

Utilities. No change.

Access. The proposed crown access road off Bonnie Blink Drive is intended to be dedicated as a public road and sealed to Council's current engineering standard which is 6m in this case. The RFS initial consideration of the required an 8m seal. However upon request for review this was reduced to 6m. Council's Engineer has advised that as many of the existing trees as possible be retained, and where required to be removed shall be replaced with mature trees of the same species.

Stormwater runoff is to be controlled and suitable sediment control measures put in place along the internal access road, in accordance with a Soil and Water Management Plan to be submitted as a condition of consent.

The access road proposed from the end of the existing Bonnie Blink Drive is to be dedicated as public road, and constructed to Council's public road standard that being 6m as well. The "road" (Lot 7 DP 1036076) was created under DA consent 285/00 as an allotment without building entitlement, which was then purchased by the current owners. A condition was placed on the previous consent that a landscape plan be submitted to Council prior to construction of this as a road.

Water supply. Unchanged.

Natural and Technological Hazards. Unchanged.

Bushfire. The subdivision complied generally with the requirements of the NSW Rural Fire Service. Upon request for review of the road construction widths the RFS has now concurred with the development and requested compliance with their access provisions in regard to road construction at a 6m width seal. The subdivision is subject to Council's Rural Fire Service Section 94 Contribution Plan, requiring the payment of \$200 per new lot for the provision of rural fire services.

Effluent Disposal. Unchanged.

Flora and Fauna. Unchanged.

Social and Economic Impact. As it has been shown above, the proposed development with the modification as proposed will still be generally in keeping with the provisions of the planning instruments and is reasonably compatible with other similar development in the locality. Therefore, it is expected to have minimal social and economic impact.

Other. There are no known contamination or heritage issues relating to the proposed development.

The Suitability of the site for the development

The site is suitable for the development.

Any submissions made in accordance with this Act or the Regulations

The development was notified to adjoining landowners for comment, and Council received several written submissions regarding the proposal. The matters raised were considered under the original development application, and the modification requested has no bearing on any of the issues raised.

The public interest

Issues raised in relation to access, building site and effluent disposal have been addressed both in Council's original assessment and in the response received from the Sydney Catchment Authority. There are no other known public health and safety concerns. Section 94 contributions are payable for rural roads and provision of rural fire services.

DISCUSSION AND CONCLUSIONS

The application for modification has been thoroughly assessed under Section 79C of the EP& A Act and it would appear as though it is appropriate for recommendation of approval subject to the deletion of Condition No. 3 and replacement with the two new conditions as recommended by the NSW Rural Fire Service.

06- 232 RESOLVED

THAT the application to modify Development Consent 374/04 for a five (5) lot subdivision be approved amending the conditions in relation to the requirements of the Rural Fire Service.

MOVED: Councillor B P Morrissey

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:12 REG - 07/08/06 - LITHGOW LOCAL GOVERNMENT WATER USAGE

REPORT FROM: Strategic Engineer – L. Kearney

REFERENCE

Nil

SUMMARY

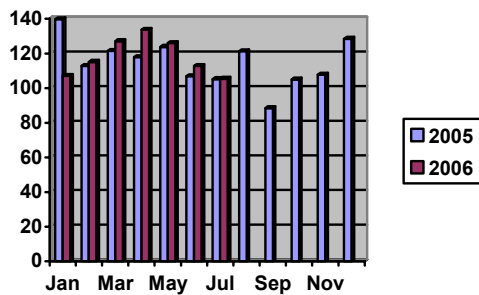
Comparison of figures for 2005 and 2006 for water usage within the Lithgow Local Government area.

COMMENTARY

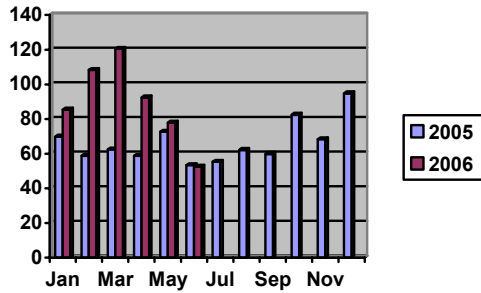
Lithgow Local Government Area Water Usage, including use from Farmers Creek Dam and Fish River Water Supply. It should be noted that Council's maximum annual allocation of water from the Fish River Water Supply is 2,094 megalitres, and to date, Council has utilised 536 megalitres of water from this supply, equating to approximately 25% of its annual allocation.

| | 2005 | | | 2006 | | |
|-------------------|------------------------|------------------------------|------------------|------------------------|------------------------------|------------------|
| | Farmers Creek Dam (ML) | Fish River Water Supply (ML) | Total (ML) | Farmers Creek Dam (ML) | Fish River Water Supply (ML) | Total (ML) |
| January | 139.745 | 69.753 | 209.498 | 107.086 | 85.456 | 192.542 |
| February | 112.835 | 58.864 | 171.699 | 115.126 | 108.236 | 223.362 |
| March | 121.438 | 62.414 | 183.852 | 127.115 | 120.423 | 247.538 |
| April | 117.836 | 58.763 | 176.599 | 133.557 | 92.345 | 225.902 |
| May | 123.884 | 72.694 | 196.578 | 125.966 | 77.810 | 203.776 |
| June | 106.872 | 53.392 | 160.264 | 112.814 | 52.381 | 165.195 |
| July | 105.235 | 55.289 | 160.524 | 105.382 | | |
| August | 121.397 | 62.105 | 183.484 | | | |
| September | 88.470 | 59.817 | 148.287 | | | |
| October | 104.953 | 82.421 | 187.374 | | | |
| November | 107.772 | 68.302 | 176.074 | | | |
| December | 128.566 | 94.874 | 223.440 | | | |
| TOTAL (ML) | 1,379.003 | 798.688 | 2,177.691 | 827.046 | 536.651 | 1,258.305 |

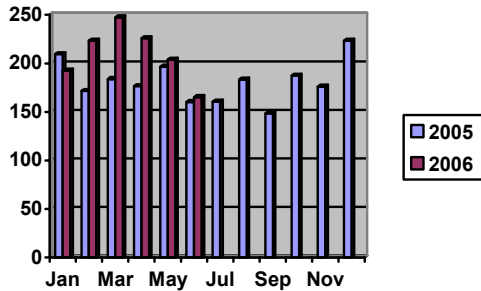
Farmers Creek Dam Usage (ML)



Fish River Water Supply Usage (ML)



Total Water Consumption in Lithgow LGA (ML)



Farmers Creek Dam is currently at 83.4% of its full capacity and Oberon Dam is currently at 39% of its full capacity.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

06- 233 RESOLVED

THAT the information be received.

MOVED: Councillor W McAndrew

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:13 REG - 07/08/06 - DEVELOPMENT & CONSTRUCTION APPROVALS

Councillor M M Collins declared a pecuniary interest in this item (166/06) as she is the applicant of this DA. She vacated the Chambers.

REPORT

Purpose of Report

The following Development Applications and Combined Development/Construction Certificate Applications have been approved subject to compliance with the requirements of the Environmental Planning and Assessment Act 1979, the Mine Subsidence Act, where applicable, and any special conditions.

| DA NUMBER | OWNERS NAME | SITE ADDRESS | PROPOSAL | APPROVAL TIME (DAYS) |
|------------------|---------------------------------------|---|---|-----------------------------|
| 150/06 | W DICK & CO | 131 MORT STREET, LITHGOW | OFFICE ALTERATIONS | 27 |
| 115/06 | BR & GA DOWNING | 16 RIDGE STREET, PORTLAND | SUBDIVISION INTO 2 LOTS | 36 |
| 85/06 | ANDERSON SURVEYING | LOT 52, BRAYS LANE, WALLERAWANG | BOUNDARY ADJUSTMENT | 38 |
| 200/06 | DC & JM WHITEFOOT | 18 HENDERSON PLACE, LITHGOW | ENTERTAINMENT AREA & SHED | 5 |
| 228/06 | TJ, TA< GW & JL CLARK | FOREST RIDGE DRIVE, WALLERAWANG | ROAD & INTERSECTION CONSTRUCTION & DRAINAGE WORKS | 8 |
| 193/06 | LT & ML TULLEY | 3524 GREAT WESTERN HIGHWAY, SOUTH BOWENFELS | DWELLING ADDITION | 5 |
| 192/06 | T & P DOWNEY | 4895 CASTLEREAGH HIGHWAY, CAPEERTEE | SOLID FUEL HEATER | 8 |
| 101/06 | CA MACLAURIN | 13 CLARICE STREET, LITHGOW | PATIO COVER & DECK | 41 |
| 153/06 | DJ & AJ SCOTT | 6 DONALD STREET, LITHGOW | ENCLOSED VERANDAH | 35 |
| 208/06 | P JOHNSTON | 3 CURTIN PLACE, LITHGOW | RAMP & AWNING | 7 |
| 117/06 | PL BROWN | PART LOT 17 DP 751655, 'OLD COLLIERY HOUSE' BELLS ROAD, LITHGOW | MACHINERY SHED | 45 |
| 9/05 | AR HARRIS | 51A SUNRAY AVENUE, HARTLEY | DECK | 13 |
| 71/06 | FERRERO AUSTRALASIA MANUFACTURING P/L | 54 BARTON AVENUE, LITHGOW | GARAGE/STORAGE SHED | 14 |
| 185/06 | JA OATES | 91 FERRO STREET, LITHGOW | SKILLION EXTENSION | 10 |
| 186/06 | EF WHITE | 50 COOK STREET, LITHGOW | CARPORT | 15 |
| 196/06 | SM & EK WHITE | 960 GREAT WESTERN | DWELLING ADDITION | 20 |

MINUTES – FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL

| | | | | |
|--------|--------------------------------------|---------------------------------------|--|----|
| | | HIGHWAY, LITHGOW | | |
| 214/06 | SW & LA JENNINGS | 9 BIRCH CLOSE, LITHGOW | RETAINING WALL | 8 |
| 226/06 | HJ BRADFORD | 2 BELLS ROAD, LITHGOW | REPLACE CARPORT WITH GARGAGE | 3 |
| 160/06 | PR & TL BAKER | 9 BEAUFORT STREET, LITHGOW | DWELLING ADDITIONS | 27 |
| 227/06 | TP & N FIELD | 196 SUNNY CORNER ROAD, PORTLAND | GARAGE | 2 |
| 215/06 | CENTENNIAL ANGUS PLACE PTY LTD | PART LOT 340 WOLGAN ROAD, LIDSDALE | SHED | 12 |
| 122/06 | JF BICKLEY & SA HANSELL | 33 FULLAGAR AVENUE, LITHGOW | SUBDIVIDE EXISTING DUPLEX | 35 |
| 631/03 | F FRISCHER | 235 CULLEN BULLEN RD, PORTLAND | BED & BREAKFAST & TEAROOM | 46 |
| 77/06 | CJ CHADWICK & JM HOLMES | 2 MARY AVE, PORTLAND | SHED ADDITION | 60 |
| 217/06 | RC & SP ALDER | 35 MACAULEY STREET, LITHGOW | DWELLING ADDITION | 2 |
| 256/06 | CG & LF KELLY | 38 INNER CRES, LITHGOW | DWELLING ADDITION & GARAGE/BBQ AREA | 11 |
| 202/06 | J ROBERTSON | 12 THOMPSON ST, LITHGOW | DEMOLITION & CONSTRUCTION OF SHED | 17 |
| 232/06 | AE & VC BLACKLOCK | 9 KIRKLEY STREET, SOUTH BOWENFELS | DWELLING ADDITION GLASS ENCLOSURE | 7 |
| 166/06 | AC & HC COLLINS PTY LTD | NEUBECK STREET, LIDSDALE | ROOF STRUCTURE AWNING FOR TRUCKS | 26 |
| 233/06 | L ANIVITTI | MARKET PLACE, GLEN DAVIS | GARAGE | 9 |
| 243/06 | AR, CG, WL, RA DUKES | 129 RESERVE ROAD MARRANGAROO | SWIMMING POOL | 2 |
| 561/04 | J GEBRAIL | GEORGE PDE, PORTLAND | RELOCATED DWELLING & GARAGE | 8 |
| 241/05 | MA & JL MARTIN | 218 CROWN STATION ROAD, CAPERTEE | DWELLING | 14 |
| 223/06 | JB BOON | 3 WATTLE GROVE, LITHGOW | PATIO COVER | 17 |
| 236/06 | G & L HOWELL | 44 RABAUL STREET, LITHGOW | DWELLING ADDITION & GARAGE | 8 |
| 237/06 | JD SMITH & K BARNES | RANGE ROAD, PIPERS FLAT | SHED | 10 |
| 264/06 | LJ & SJ YEO | 8 CURRINGA PLACE, WALLERAWANG | GARAGE | 4 |
| 268/06 | SJ & JM COATES | 1165 WOLGAN VALLEY ROAD, LIDSDALE | SWIMMING POOL | 2 |
| 260/06 | TR & ID COATES | 39 GLENROCK PLACE, HARTLEY | CARPORT | 5 |
| 239/06 | AC & KM WILSON | 19 WINDARRA PLACE, MARRANGAROO | DWELLING & SHED | 18 |
| 181/06 | INTERGRAL ENERGY | COOERWULL ROAD, BOWENFELS | CONSTRUCTION OF A TRANSFORMER OIL BUND | 12 |
| 250/06 | R & CM | 16 PILLANS ROAD, | GARAGE & CARPORT | 5 |

MINUTES – FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL

| | BROWNLOW | LITHGOW | | |
|--------|--------------------------------|--|--|-----|
| 131/06 | D SHARP | 9 COX STREET PORTLAND | NEW SHED | 13 |
| 479/05 | DJ & PJ STEPHENS | 36 MARSDEN VIEW CLOSE, LITTLE HARTLEY | PARTITION PART OF SHED INTO ROADSIDE STALL | 150 |
| 67/06 | BA SPEHR & PEJ BAYCHELIER | 236 TABLEROCK ROAD, KANIMBLA VALLEY | SUBDIVISION INTO 2 LOTS | 82 |
| 40/06 | HARTLEY PASTORAL COMPANY | OFF CARROLL DRIVE, HARTLEY | SUBDIVISION INTO 2 LOTS | 98 |
| 129/06 | B BEDFORD & R SMITH | 196 BAANERS LANE, LITTLE HARTLEY | SUBDIVISION | 37 |
| 157/06 | A & R INZITARI | LOT 1 GREAT WESTERN HIGHWAY, BOWENFELS | REFURBISHMENT OF EXISTING SERVICE STATION | 76 |
| 241/06 | T & KF MENZ | 130 WALLERAWANG- RYDAL ROAD, WALLERAWANG | SWIMMING POOL | 1 |
| 275/06 | W DICK & CO | 131 MORT STREET, LITHGOW | CONSTRUCT OFFICE ALTERATIONS | 4 |
| 170/06 | ULTRA SERVICES P/L | LETT STREET, LITHGOW | STRATA SUBDIVISION – 4 UNITS | 43 |
| 168/06 | GT & KJ SIMMONS | 11 DONALD STREET, LITHGOW | COLOURBOND INDUSTRIAL SHED | 56 |
| 277/06 | MA JENKINS | 1 CORDEROY PLACE, WALLERAWANG | GARAGE | 5 |
| 125/06 | TA & LM CAMERON | 23 MAPLE CRESCENT, LITHGOW | GARAGE | 45 |

| | |
|---|---------------------|
| Total Estimated Cost: | \$1,427,180 |
| Average Approval Time | 24 days |
| Total Cost of Approvals from 1/01/06 | \$14,816,275 |
| No. of Applications from 1/01/2006 | |

06- 234 RESOLVED

THAT the information be received

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:14 **COMM - 07/08/06 - DEPARTMENT OF LOCAL GOVERNMENT -
DEPARTMENT ADVICE**

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

REFERENCE

NIL

SUMMARY

Council is supplied with the attached correspondence from the Department of Local Government which provides the Department's consideration of Council's financial position.

COMMENTARY

The correspondence indicates that while all councils are monitored regarding their financial performance, the Department advises that they have assessed and followed up matters arising from their consideration of the 2004/05 annual statements.

The Department advises there are no plans to conduct an investigation under section 430 of the Local Government Act 1993.

Council will be advised when details of any proposed visit are finalised.

06- 235 RESOLVED

THAT the correspondence from the Department of Local Government indicating satisfaction with Council's financial position be noted.

MOVED: Councillor W McAndrew

SECONDED: Councillor A E Thompson.

CARRIED

**ITEM:15 COMM - 07/08/06 - PROP 98490 RUSSELL ST, PORTLAND - LEASE
 TO PORTLAND AND DISTRICT EQUESTRIAN CLUB**

REPORT FROM: Rates Officer - Christine Watson

SUMMARY

To inform Council of the inability of the Portland and District Equestrian Club to pay outstanding rates on leased land at Russell Street Portland and to seek approval to write off the outstanding debt. The report further seeks Council consideration to terminate the existing lease and investigate alternate lessees for the land.

COMMENTARY

Council resolved on 27 June 1977 to approve an application from the Portland Pony Club to use Reserve 49823 bounded by Corlette, Russell and Humphrey Streets, East Portland for club activities. The land is vested in the control and care of Council, and the old Blaxland Shire Council were trustees of the reserve (Government Gazette 21 July 1961). Portland Pony Club was granted a twenty year lease on the reserve from 1 January 1980 to 31 December 1999. This lease expired and a new lease was granted to The Portland and District Equestrian Club for a further twenty year period from 1 January 2000 to 31 December 2019.

Council is in receipt of a letter from the past treasurer of The Portland and District Equestrian Club advising that the club ceased to operate prior to the new lease being enacted and that as the club operated as a non-profit organisation, no funds exist to pay the outstanding amounts for rates and water owed to Lithgow City Council.

The outstanding amounts on the property are:

| Debt Detail | Amount |
|----------------------|-------------------|
| Rate Levy 02/03 | \$250.00 |
| Rates Interest 02/03 | \$8.35 |
| Water Account 02/03 | \$34.58 |
| Water Interest 02/03 | \$2.21 |
| Rate Levy 03/04 | \$260.00 |
| Rates Interest 03/04 | \$35.04 |
| Water Interest 03/04 | \$3.37 |
| Rate Levy 04/05 | \$260.00 |
| Rates Interest 04/05 | \$56.59 |
| Water Interest 04/05 | \$3.10 |
| Rate Levy 05/06 | \$960.00 |
| Rates Interest 05/06 | \$108.80 |
| Water Interest 05/06 | \$3.10 |
| Rate Levy 06/07 | \$1,088.00 |
| Total | \$3,073.14 |

As no possibility of payment exists, Council's authorisation is sought to write off the outstanding rate and water debts on the leased property, terminate the existing lease, and seek expressions of interest from other community groups regarding lease of the land.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Reversal of rate and water debts totalling \$3,073.14 brought to account in the current and previous years.

LEGAL IMPLICATIONS

Termination of existing leases agreement between Lithgow City Council and The Portland and District Equestrian Club.

06- 236 RESOLVED

THAT

1. Council endorse write off rate and water accounts totalling \$3,073.14
2. The existing lease between Lithgow City Council and The Portland and District Equestrian Club be terminated
3. Expressions of interest be advertised from community groups regarding future lease of the reserve.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:16 COMM - 07/08/06 COUNCIL INVESTMENTS JULY 2006 **REPORT FROM: MANAGER INTERNAL SERVICES - CAROL FARNSWORTH**

REFERENCE

Min 06-170 Finance & Services Committee meeting of 5 June 2006
Min 06-215 Ordinary Council meeting of 17 July 2006

SUMMARY

To advise Council of 2006/07 investments held for the period ending 31 July 2006.

REPORT

The amount invested as at 31 July 2006 when compared to 30 June 2006 has decreased by \$1,448,411.22. This is due to the fact that Council's investments must sustain ongoing expenditure for a three month period from 31 May 2006, the date of the fourth 2005/06 rate instalment, until income is received for the 2006/07 rating year by 31 August 2006.

| INVESTMENT REGISTER 2006/07 | | | | | | | | |
|-----------------------------|----------|-------------|--------------|------|------|---|--|----------------|
| INSTITUTION | INV TYPE | DATE LODGED | DATE DUE | DAYS | INT | VALUE 30.06.06 (Inc Accrued Int to 30.06.06) | VALUE 31.07.06 (Reversal of Acc Int to 30.06.06) | % OF TOTAL |
| ANZ | TD | 27.06.06 | 27.09.06 | 92 | 6.02 | 537,573.93 | 537,308.07 | 6.23% |
| CBA | SHIELD | 04.12.04 | 04.12.06 | 730 | 6.75 | 602,887.07 | 600,000.00 | 6.96% |
| | On Call | | | | 5.70 | 1,021,804.29 | 121,804.29 | 1.41% |
| | Ethical | 20.06.06 | 20.06.11 | 1825 | 6.85 | 500,938.92 | 500,000.00 | 5.80% |
| CITIBANK | TD | 17.06.06 | 19.09.06 | 92 | 6.07 | 501,080.96 | 500,000.00 | 5.80% |
| LG FINANCIAL | TD | 13.06.06 | 14.08.06 | 60 | 5.89 | 1,157,897.46 | 1,154,729.70 | 13.39% |
| | TD | 28.06.06 | 29.08.06 | 62 | 6.03 | 764,866.42 | 764,613.78 | 8.87% |
| | TD | 30.05.06 | 01.08.06 | 61 | 5.86 | 595,850.09 | 590,165.10 | 6.85% |
| IMBS | On Call | | | | 5.75 | 4,940.52 | 4,940.52 | 0.06% |
| | TD | 10.05.06 | 10.07.06 | 61 | 5.97 | 529,025.44 | 529,883.56 | 6.15% |
| | TD | 03.06.06 | 04.09.06 | 91 | 6.02 | 1,004,741.64 | 1,000,000.00 | 11.60% |
| | TD | 28.06.06 | 29.06.07 | 364 | 6.41 | 450,079.03 | 450,000.00 | 5.22% |
| ALLIANCE | Managed | 01.04.02 | 28.02.07 | 365 | | 1,004,771.58 | 1,000,000.00 | 11.60% |
| ST GEORGE | TD | 06.05.06 | 06.07.06 | 60 | 5.50 | 519,691.00 | 0.00 | 0.00% |
| | TD | 05.06.06 | 08.08.06 | 64 | 5.86 | 502,087.12 | 500,000.00 | 5.80% |
| | TD | 26.06.06 | 25.08.06 | 60 | 5.98 | 371,954.89 | 368,334.12 | 4.27% |
| | | | TOTAL | | | 10,070,190.36 | 8,621,779.14 | 100.00% |

I, Carol G Farnsworth, Lithgow City Council Act Manager Internal Services (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 Councils Investment Policy.

Council should note an error reported to the meeting 17 July 2006. It was reported payments of \$101,927.59 were made to Geolyse, this should have been reported as \$11,210.65. The error occurred due an over type of the report of the 5 June 2006, where the payment to Geolyse was in fact \$101,927.59.

Policy Implications

All Council's investments are held in accordance with Lithgow City Council's Investment Policy.

Financial Implications

Investment income to date, 31 July 2006 totals \$20,708.58. Interest is paid on the maturity date of the investment and managed funds report earnings quarterly.

Legal Implications

Investments are held in accordance with the Lithgow City Council's Investment Policy which accords with the requirements of the:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of Minister) dated 17 March 2000
- Trustee Amendment (Discretionary Investments) Act 1997-Section 14A(2) 14c(1) & (2)
- The Local Government (General) Regulation 2005

06- 237 RESOLVED

THAT

1. Council's 2006/07 investments for the period ending July 2006 be received
2. Correction to the report and Council minute 06-215 dated 17 July 2006 be noted as the payment to Geolyse for the month of June 2006 was \$11,210.65 not \$101,927.59 as reported

MOVED: Councillor M J Wilson

SECONDED: Councillor M M Collins.

CARRIED

ITEM:17 COMM - 07/08/06 LEASE OF SUITE 2 HARTLEY BUILDING MORT ST, LITHGOW

REPORT FROM: MANAGER INTERNAL SERVICES - CAROL FARNSWORTH

REFERENCE

Nil

SUMMARY

This report will seek Council consideration to acknowledge the vacation of Suite 2 Hartley Building Mort St Lithgow by Country Employment and consideration of a lease to Mission Australia for the premises.

COMMENTARY

Country Employment have occupied the premises known Suite 2 Hartley Building Mort St Lithgow, being a lock up shop front for the past 12 months. Mission Australia occupies the adjoining premises and due to the growth in their business have expressed an interest in expanding into the vacated premises.

If approved the new lease will be as follows:

(NOTE: The rental quoted is for the additional area of Suite 2 only and if approved will be added to the currently rental charged for Suite 1, \$16,036.36 per annum, and one lease will be executed to include both premises.)

PROPOSED DETAILS OF THE LEASE:

- Commencing Date: 1 September 2006
- Terminating Date: 31 August 2009
- Term of lease: 3 years with 3 year option

- Annual Rental: \$29,186.97(GST Exc)\$2,432.24 per month- Suite 2
- Annual Rental: \$16,036.36(GST Exc)\$1,225.71 per month- Suite 1
- Total Rental: \$45,223.33(GST Exc)\$3,768.61 per month
- CPI Increase Subject to CPI annually
- Property Manager: L J Hooker

The rental quoted is market value as determined by Council's Property Manager,
L J Hooker

Policy Implications

Nil

Financial Implications

Annual Rental on combined lease \$45,223.33(GST Exc) \$3,768.61 per month

Legal Implications

Lease agreement for a period of three years from 1 September 2006

RECOMMENDATION

THAT

1. Council acknowledge the vacation of Country Employment Services from Suite 2 Hartley Building Mort St Lithgow
2. Council accept Mission Australia's offer to lease Suites 1 & 2 Hartley Building Lithgow
3. Council's Solicitors be instructed to prepare a draft lease
4. Council affix the Common Seal to the lease to Mission Australia for Suites 1 and 2 Hartley Building from 1 September 2006 to 30 August 2006.

06- 238 RESOLVED

THAT

1. Council acknowledge the vacation of Country Employment Services from Suite 2 Hartley Building Mort St Lithgow
2. Council accept Mission Australia's offer to lease Suites 1 & 2 Hartley Building Lithgow
3. Council's Solicitors be instructed to prepare a draft lease
4. Council affix the Common Seal to the lease to Mission Australia for Suites 1 and 2 Hartley Building from 1 September 2006 to 30 August 2006.

MOVED: Councillor H K Fisher

SECONDED: Councillor M J Wilson.

CARRIED

**ITEM: 18 COMM- 07/08/06 - PROPOSED AMENDMENT TO LEP TO REGULATE
SEX SERVICE PREMISES (BROTHELS) & RESTRICTED PREMISES
(SEX SHOPS)**

REPORT FROM: STRATEGIC PLANNER - SHERILYN HANRAHAN

REFERENCE

Item 5 14/11/05 Planning & Development Committee

SUMMARY

The purpose of this report is to review the direction of a Draft Local Environmental Plan to regulate the development of brothels and sex shops within the Lithgow Local Government Area having regard to issues emerging from Council's resolution of 14th November, 2005.

COMMENTARY

Background:

As a response to the overwhelming public objection to a development application in late 2005 for the establishment of an adult and lingerie shop, Council resolved to prepare a Draft Local Environmental Plan and accompanying policy to regulate the establishment of sex services premises (brothels), home occupations (sex services), and restricted premises (sex shops). The report outlined options to Council to restrict the location of these forms of development.

In the course of preparing justification of the Draft LEP for the Department of Planning it has come to light that if such restrictions were to be implemented it would effectively prohibit these types of development within the LGA. This course of action would not be supported by the Department of Planning who have advised that councils must be able to demonstrate that these types of development can be accommodated within a reasonable area of the LGA.

Acting on the advice from the Department of Planning, Central West Region, it is these options which are the subject of review in this report.

Definitions:

These developments have been given separate and distinct definitions within the Standard LEP template which must be adopted by all Council's in their Local Environmental Plans (LEP's).

Home occupation (sex services) means the provision of sex services in a dwelling, or in a building ancillary to a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
 - (c) the exhibition of any notice, advertisement or sign, or
 - (d) the sale of items (whether goods or materials), or the exposure of offer for sale of items, by retail,
- but does not include a home business or sex services premises.

Restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel accommodation, a pub, home occupation (sex services) or sex services premises.

Sex services means sexual acts or sexual services in exchange for payment

Sex services premises means premises used primarily for the provision of sex services, but does not include home occupation (sex services)

Under the current LEP, these uses fall within the definition of commercial premises or shops. As such they are permissible with consent over a wide area of the LGA including the central business district.

By adding these definitions to the current LEP Council will then be able to stipulate whether these uses are permissible either with or without consent or prohibited in each land use zone within the plan.

Review of Locational Restrictions

The previous report to Council on this matter in November, 2005 suggested introducing some separation distances between the subject premises and other sensitive land uses.

The proposed 150 m radial distance criteria when applied to the Lithgow LEP map highlighted the fact that it excluded the vast majority of the Business 3 Zone and Industrial 4 Zone due to the linear nature of the Business zone and the sporadic nature of the Industrial zone.

This in effect did not provide reasonable areas in which to locate these land uses and would not represent best practice planning. The risk of proceeding with this course of action could result in the Draft LEP being rejected by the Department of Planning and more importantly could result in the establishment of unregulated premises.

The proposed provisions as outlined below, although appearing to be less restrictive will provide better planning outcomes through providing greater certainty for the community and developers alike.

Proposed provisions

It is proposed under the Draft LEP to introduce provisions that will have the following effect; (the exact wording will be determined as the Draft LEP progresses to ensure that it meets the standards of the Parliamentary Counsel);

1. Add the definitions of home occupation (sex services), restricted premises, sex services and sex services premises into Clause 6 of the LEP.
2. Prohibit home occupation (sex service) in all zones by listing in the land use table as a prohibited use.
3. List sex services premises (brothels) as permissible with consent only in the Industrial 4 Zone.
4. To list restricted premises (sex shops) as permissible with consent in the Business 3 zone, Village 2(v) and Industrial 4 zone.
5. Add the following provisions;
 - (a) A restricted premises may only be located within the core business district of Lithgow on either the first floor or subsequent floors or basement level of the premises. Access from the street level will be restricted to a doorway entrance only. The core business district is described as that area surrounding Main St from Lithgow St to Bridge St as shown by hatching on the attached plan.

(b) Outside of the Lithgow core business district: a restricted premises or sex service premises shall not be located within 80m distance of either another restricted premises or sex services premises, school, church, child care centre or recreational facility. This distance is to be measured on a direct route via the nearest public road.

(c) A restricted premises or sex services premises shall not be located on any property that adjoins an arterial road.

Large scale plans illustrating an example of the effect of the proposed separation provisions of the Draft LEP (5(b)) will be provided at the Committee meeting.

Supporting Policy

In addition to the provisions to be introduced into the Draft LEP, a policy is being prepared to provide clearer direction in regard to at least the following matters;

- Shop front and entrance design, scale and character
- Advertising including awning and above awning advertising (to ensure that advertising is tasteful and in keeping with surrounding uses)
- Amenity
- Car parking
- Security
- Health & Building Standards
- Information required to accompany DA's
- Referral Mechanisms
- Notification Requirements

Process for Draft LEP

Due to planning reforms introduced in February, 2006 all notifications to prepare a Draft LEP will be reviewed by the LEP Review Panel. The Panel will consider whether Section 65 and 69 delegations under the Environmental Planning and Assessment Act, 1979 will be delegated to Council to proceed with the preparation of the Draft LEP. The Panel may decide that Council has no delegation and therefore cannot proceed, or grant delegation subject to conditions, or give Council full delegation to proceed with the Draft LEP.

The Department of Planning have been advised that the Draft LEP raises no issues of State or Regional significance and introduces only local planning controls that best meet the expectations of the community of the Lithgow LGA.

Upon receiving this advice the preparation of the Draft LEP will proceed accordingly.

POLICY IMPLICATIONS

Council does not currently have an adopted policy on this issue. A formal policy document is being prepared to support this Draft LEP amendment and will be presented to Council for consideration.

This report recommends a policy direction.

FINANCIAL IMPLICATIONS

The Draft LEP and policy preparation will incur costs associated with staff resources, preparation of plans, advertising and community consultation. These costs will be absorbed within the Policy and Planning Division recurrent budget.

LEGAL IMPLICATIONS

There is a legal process that must be followed for the preparation of Draft LEP's to ensure that the plans can legally be made. These requirements are set out in Part 3 of the Environmental Planning and Assessment Act, 1979 and its regulations.

06- 239 RESOLVED

THAT:

1. Council re-define the parameters for the preparation of the Draft LEP (Amendment No 12) to include the following more specific criteria;
 - Add the definitions of home occupation (sex services), restricted premises, sex services and sex services premises into Clause 6 of the current LEP.
 - Prohibit home occupation (sex service) in all zones by listing in the land use table as a prohibited use.
 - List sex services premises (brothels) as permissible with consent only in the Industrial 4 Zone.
 - To list restricted premises (sex shops) as permissible with consent in the Business 3 zone, Village 2(v) and Industrial 4 zone.
 - Add the following provisions into the current LEP;
 - A restricted premise may only be located within the core business district of Lithgow on either the first or subsequent floors, or basement level of the premises. Access from the street level will be restricted to a doorway entrance only. The core business district is described as that area surrounding Main St from Lithgow St to Bridge St as shown by hatching on the attached plan.
 - Outside of the Lithgow core business district, a restricted premises or sex service premises shall not be located within 80m distance of either another restricted premises or sex services premises, school, church, child care centre or recreational facility. This distance is to be measured on a direct route via the nearest public road.
 - A restricted premises or sex services premises shall not be located on any property that adjoins an arterial road.

2. Subject to the receipt of Department of Planning approval (LEP Review Panel) to proceed with the Draft LEP (Amendment No 12), the plan be prepared in accordance with Part 3 of the Environmental Planning and Assessment Act, 1979.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

COMMITTEE MEETINGS

ITEM:19 **MINUTES - THE LITHGOW TOURISM ADVISORY COMMITTEE
MEETING HELD ON 10 JULY 2006**

REFERENCE

NIL

SUMMARY

This report outlines the Minutes of the Lithgow Tourism Advisory Committee Meeting held on 10 July 2006.

COMMENTARY

At the Lithgow Tourism Advisory Committee meeting held on 10 July 2006, there were 5 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

06- 240 RESOLVED

THAT the Council note the recommendations of the Lithgow Tourism Advisory Committee for the meeting held on 10 July 2006.

MOVED: Councillor B P Morrissey

SECONDED: Councillor W McAndrew.

CARRIED

QUESTIONS WITHOUT NOTICE

Nil.

The meeting closed at 7.45pm