



LITHGOW CITY COUNCIL

## **MINUTES**

FINANCE AND SERVICES COMMITTEE  
MEETING OF COUNCIL

HELD ON

02 JULY 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 2 JULY 2007**

---

Meeting Commenced 7.10pm

Public Gallery: 34

**PRESENT**

Councillor B P Morrissey  
Councillor M F Ticehurst  
Councillor W McAndrew  
Councillor H K Fisher  
Councillor B S Moran (Deputy Mayor) in the role of the chairperson.  
Councillor M M Collins  
Councillor A E Thompson  
Councillor M J Wilson

**APOLOGIES**

An apology was received and accepted from Mayor Neville Castle due to being out of the City on personal business.

**07-268 RESOLVED**

**MOVED:** Councillor H K Fisher **SECONDED:** Councillor M J Wilson.

**CARRIED**

**Also in attendance**

General Manager, Mr Paul Anderson  
Group Manager Regional Services, Mr Andrew Muir  
Minutes Secretary, Miss Casey Clarke  
Minutes Secretary, Miss Cortney Wood  
Internal Services Manager, Mrs Carol Farnsworth

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Finance and Services Committee Meeting of Council held on the 4 June 2007 were taken as read and confirmed by Councillors M J Wilson and W McAndrew

**07-269 RESOLVED**

**CARRIED**

**DECLARATION OF INTEREST**

The Chair called for Declarations of Interest on any matter before the Meeting.  
NIL

---

## QUESTIONS FROM THE PUBLIC GALLERY

At 7.10pm members of public gallery were invited to address questions through the Chair to Councillors and Staff: -

### QPG - 02/07/07 - ROD & STACY ALDER

1. If this development is approved what stops flats and duplexes from being built?

*Both such developments are permissible in the zone subject to obtaining development consent and complying with the provisions of the South Bowenfels DCP.*

2. Why does this need to be build in residential areas when:
  - a) There is plenty of industrial land around eg. Marrangaroo, Inch St, Chifly Rd
  - b) Why do the Brethren nee another church?

*(A & B) These are not matters for Council to consider. It must consider the application before it.*

3. Plus everything else that was outlined in the letter that was sent to Council on the 11/06/07?

*Details of all submissions provided in report.*

4. Can I please have a written response to these questions?

*Council moved to send the questions and answers to Mr Rod & Stacy Alder.*

### 07-270 RESOLVED

**MOVED:** Councillor M Collins    **SECONDED:** Councillor A Thompson.

**CARRIED**

### PRESENTATIONS:

A presentation was made by Martin Baker regarding a place of public worship in Thornton Avenue Lithgow.

Having had to review the resident objections to the application (DA 102/07 - Place of Public Worship 12 Thornton Place Lithgow), may we first say that we understand and are genuinely sympathetic towards these.

Our sincere wish is to build so as to fit with the amenity of the area; we are assured that this will prove to be the case. It has been so over the years in many different cities and towns.

We have avoided any ostentatious approach for this reason.

The need to fit with our neighbours and respect their apprehension will be uppermost in our considerations both in the building of our hall and its infrequent use.

---

The response of Council to the objections is balanced and fair and we would confirm our support in this.

In addition, we would be willing to forego the front fence and gate to further minimize any impact on the residential amenity. In lieu of this, we would install for security measures a pair of simple residential type gates on the building alignment.

Thanking you again for your support and service to the community. We look forward to a positive outcome in this matter.

---

---

# TABLE OF CONTENTS

---

| <u>ITEM</u>      | <u>TITLE</u>  | <u>PAGE</u> |
|------------------|---|-------------|
|                  | <u>REGIONAL SERVICES REPORTS</u>  | <u>5</u>    |
| <u>ITEM:1</u>    | <u>REG - 02/07/07 - PROPOSED WIND MONITORING TOWER, 1943<br/>RYDAL - HAMPTON ROAD, RYDAL</u>                    | <u>5</u>    |
| <u>ITEM:2</u>    | <u>REG - 02/07/07 - DA 102/07 - PLACE OF PUBLIC WORSHIP - LOT<br/>121 DP 1075659, 12 THORNTON PLACE LITHGOW</u> | <u>9</u>    |
| <u>ITEM:3</u>    | <u>REG - 02/07/07 - DEVELOPMENT AND CONSENT APPROVALS</u>   | <u>27</u>   |
| <u>CORPORATE</u> | <u>SERVICES REPORTS</u>   | <u>29</u>   |
| <u>ITEM:4</u>    | <u>COMM - 02/07/07 - COUNCIL INVESTMENTS MAY 2007</u>   | <u>29</u>   |
| <u>COMMITTEE</u> | <u>MEETINGS</u>   | <u>31</u>   |
| <u>ITEM:5</u>    | <u>REG - 02/07/07 - SPORTS ADVISORY COMMITTEE MEETING -<br/>MINUTES OF 28TH MAY 2007</u>                        | <u>31</u>   |
| <u>ITEM:6</u>    | <u>REG - 02/07/07 - SPORTS ADVISORY COMMITTEE MEETING -<br/>MINUTES OF 28TH MAY 2007</u>                        | <u>32</u>   |
| <u>QWN -</u>     | <u>02/07/07 - COUNCILLOR MF TICEHURST</u>   | <u>33</u>   |

---

## REGIONAL SERVICES REPORTS

**ITEM:1            REG - 02/07/07 - PROPOSED WIND MONITORING TOWER, 1943  
RYDAL - HAMPTON ROAD, RYDAL**

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

### **SUMMARY**

To assess and recommend determination of Development Application 87/07 which has been called in by Council. Recommendation will be for approval subject to conditions.

### **COMMENTARY**

A development application has been submitted by Annmaree Lavery (trading as Newtricity) for the construction of a wind monitoring tower on agricultural land near Rydal. The tower is to be 10m high, and supported by guy wires attached to four anchors which are to be attached to the ground. The instruments used for measuring the wind are an anemometer and wind vane, both which are approximately 40cm in height and will be secured to a horizontal beam approximately 1m long on top of the tower. A data collection logger is also located on the tower which is powered by a small solar panel. The information is then sent by a mobile phone link to be recorded off site.

The monitoring tower would be a on the site for a maximum of 2 years and if it revealed that the site had promising readings it would be proposed to submit an application for a larger monitoring tower at a later stage.

The site is described as Lot 86 DP 751651, and is near the top of Andy Stacks Hill at an elevation of approximately 1023m. The site is on a hilltop which is reasonably flat, has previously been cleared for grazing and is accessed via an existing farm track. Surrounding land uses are largely agricultural. It retains an existing trig-station at the highest point of the hill.

### **POLICY IMPLICATIONS**

There are no policies relevant to monitoring towers.

### **FINANCIAL IMPLICATIONS**

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

### **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. These matters for consideration are as follows:

#### **Any Environmental Planning Instrument**

#### LEP

The development is not specifically defined but has been assessed to be an 'innominate' use which is permissible in the zone subject to development consent. The facility is for monitoring and gathering of data and in that respect it is not a commercial premises.

**REP**

The property is outside the Sydney Catchment Area and is therefore not required to be assessed under the Drinking Water Catchments REP.

**SEPP's**

Technically the development could have been considered under SEPP 60 - Exempt and Complying Development as it is located on rural land and is only 10m in height. However, a Development Application has been submitted and will therefore be determined accordingly.

**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**

Nil

**Any Development Control Plan**

Council previously prepared a Draft Wind Energy Generation Facilities DCP which involved considerable community consultation. However the adoption of the plan was held up pending the preparation of a plan relating to cultural landscapes by the Heritage Council. However, no such plan moved beyond the draft phase and Council's DCP is yet to be adopted. In any case the DCP had no provisions for monitoring towers.

**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**

The application was assessed by one of Council's Building & Development Officers, who provided conditions to be applied in the event the development is approved.

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

The monitoring tower is only 10m in height and is not incompatible with existing rural structures in the area. Although it is proposed to be located at the highest point in the area it is unlikely to have any significant visual impacts on the surrounding locality and would be less intrusive than other existing structures such as high voltage power lines which are located nearby. The nearest house (excluding the land owner) appears to be approximately 1km away.

**The Suitability of the site for the development**

The scale of the structure fits the locality with its range of agricultural infrastructure, existing communications towers in the viewshed and power transmission infrastructure.

**Any submissions made in accordance with this Act or the Regulations**

The application was notified to the surrounding neighbours out to a radius of 2km. Accordingly, two submissions were received from neighbours and interested local people.

The submissions raised the following issues:

- Issues relating to the construction of wind turbines

*Generally they do not support the proposal but objections do not relate to valid planning issues in the case of this development application. The submissions raise a number of issues worthy of debate but these relate to assumed future development applications for wind tower generators. These matters would only be of relevance should a development application be lodged in the future for such a development.*

- Previous applications for wind monitoring towers were approved on the basis that they were removed after a specified timeframe. However, the one at Jerrys Mount is subsequently being used by the CSIRO, the other at Hampton has not yet been removed.

*The application for the monitoring tower at Tarana was legally modified to be retained for use by the CSIRO. The other, Council will investigate and require its removal independently of this application.*

### **Conclusion**

The proposal is relatively minor and will have minimal impact on the surrounding locality. Submissions were received from the local community based on the potential for the site to be developed for the purpose of wind turbines in the future if satisfactory wind recordings are received. However, Council can only assess the application that is before them and can not assume that wind turbines would be proposed in the future.

## **07-271 RESOLVED**

**THAT** the application be approved subject to the following conditions:

### **Administrative Conditions**

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
4. Prior to the issue of the construction certificate plans and specification in accordance with the Building Code of Australia and designed by an approved practising structural engineer for the wind monitor including footings, wind load, snow load and tie down details are to be provided.

**Prior to commencement of building works**

5. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
  
6. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
  - a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
  
7. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed.

**Requirements during construction**

8. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
  - b) Completion of the development and sign off to all conditions

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**
  
9. That the structure is erected and completed in accordance with the certified engineering plans and specifications.

**Prior to use of the Structure**

10. Prior to the use of the structure a Final Compliance Certificate must be issued by the Principal Certifying Authority.

**Other Conditions**

11. That the structure is removed and the site rehabilitated within two years of the date of approval.

12. That this approval does not imply approval for any wind farm development on this site.

**MOVED:** Councillor B P Morrissey

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:2            REG - 02/07/07 - DA 102/07 - PLACE OF PUBLIC WORSHIP - LOT  
121 DP 1075659, 12 THORNTON PLACE LITHGOW**

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

### **SUMMARY**

This report provides an assessment of a development application for a place of public worship at Thornton Place, Lithgow and recommends consent be granted subject to conditions.

### **COMMENTARY**

Council is in receipt of a Development Application/Construction Certificate from Lithgow Gospel Trust who are seeking to construct a place of public worship. The development will encompass an 81m<sup>2</sup> meeting hall, plus foyer, toilets and awning, and will resemble a small dwelling. The development will be utilised for persons residing in the local area and typically services a congregation of less than 50 people. The site will be provided with 15 car spaces (including one disabled space).

The property is part of proposed Lot 121 DP 1075659, being 12 Thornton Place, Lithgow. The proposed Lot slopes up to the east away from the street and flattens off at the top of the site. Therefore the hall would be set back over 35 metres from the street if approved.

The property is relatively cleared with a strand of trees close to the boundary on the adjoining Lot to the north.

### **POLICY IMPLICATIONS**

There are no policies applicable to the site or development.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## LEGAL IMPLICATIONS

Covenants have been placed on the site (DP 1075659) in accordance with Section 88B of the Conveyancing Act 1919. Covenants are generally not matters for Council's consideration. Lithgow's LEP provides under 4A (1) that *If any agreement, covenant or similar instrument prohibits a use of land allowed by this Plan, then that agreement does not apply to that use to the extent necessary to allow that use.* **Therefore, it is up to the developer of the subdivision (in this case Bullocky Way Ptd Ltd) to enforce their requirements.**

In determining a development application, a consent authority is also 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 site is zoned Residential 2(a) under Lithgow LEP 1994.

#### LEP

The objectives of the Residential 2(a) zone are:

- (a) to provide for housing and associated development, where such development is feasible,
- (b) to allow a variety of housing types,
- (c) to ensure that development does not create unreasonable demands for the provision or extension of public amenities or services, and
- (d) to allow other uses in the zone which are compatible with housing.

The proposal is defined as a Place of Public Worship under the Environmental Planning and Assessment Model provisions 1980 as follows: ***place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.*** A Place of Public Worship is permissible within the zoning subject to development consent. In relation to the zone objectives, the development could be considered to fall within the provision of "other uses in the zone which are compatible with housing". It is not uncommon for churches to be located within residential areas and they can be compatible providing matters of merit and impact are addressed

#### SEPP's

There are no SEPP's applicable to the development.

#### REP

The application was assessed using Module 1 of the Neutral or Beneficial Effect on Water Quality Assessment Tool as the development has a similar impervious area to a regular dwelling and the site is connected to sewer. The proposal has been assessed as satisfying the Neutral or Beneficial test.

### **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**

There are no draft EPI's relevant to the application.

## **Any Development Control Plan**

South Bowenfels DCP applies to the development. The development falls within Part Seven - Other Development Types which has the following objectives:

### *Appropriate Context*

There are no watercourses and riparian corridors, wetlands and buffer areas, remnant vegetation and ecological corridors or significant landforms affecting the site. There are also no items of heritage significance within sight of the property and the surrounding land uses are rural and residential, of which this development is not thought to adversely affect. Therefore, the development is considered to be within an appropriate context.

### *Appropriate Scale/Appropriate Built Form*

The proposed building is single storey and is setback well from the street, therefore the scale and built form of the building is thought to be appropriate for the site as it will have a minimal impact on the streetscape

### *Appropriate Density*

The proposal has not been assessed to be an over development of the site.

### *Appropriate Appearance*

The building whilst simple in design has 3 windows on the street frontage and an awning on the northern end, to break up the façade. The development is set well back from the street and with appropriate landscaping would not be highly visible from the street. The building whilst smaller than the residences in the estate is not thought to be incompatible with existing or future development in the area.

### *Appropriate Amenity*

The applicant provided information highlighting that the proposal involves no undue noise, no musical instruments or dancing, no hiring out of the parking area nor meeting hall, no social games or parties, no entertainment of any kind. Therefore, it is anticipated that there will be minimal impact on surrounding residences via way of noise. Furthermore, potential traffic noise will only be intermittent given the times in use of the hall.

### *Appropriate Resource, Energy and Water Efficiency*

The proposed development does not fall within the provisions of BASIX and only includes a hall and toilet facilities, and the applicant has advised that landscaping will involve plants native to Australia. Accordingly, the development is not thought to have a major impact on the environment in terms of energy and water efficiency.

### *Appropriate Safety and Security*

It is proposed to securely fence the site, with the side and rear fences being colourbond and the front with open tubular steel fencing. An automatic gate is also proposed.

The DCP has been designed in such a way as to incorporate the provisions of Council's Off Street Parking DCP. The Car Parking standards table details the required number of parking spaces for such a development. Places of Public Worship require either 1 space per 5 seats or where no seats or 1 space per 6.5m<sup>2</sup> and additional provision for overflow parking on site.

The area within the meeting hall is 81m<sup>2</sup>, which requires a minimum of 12 car spaces. The application has made provision for 15 car spaces and the applicant has advised that the congregation would typically be less than 50 people; therefore the number and layout of the car spaces would accommodate expected attendees for the development.

The DCP also requires:

- Manoeuvring areas are to be in accordance with AS/NZS 2890.1.2004 – Parking Facilities.
- Carparking areas to be suitably landscaped. Landscaped areas should be used throughout the car park rather than placed only on the perimeters. Pedestrian desire lines should be incorporated to ensure pedestrian traffic can move from the car park to the desired destination without the need for traversing landscaped areas.
- Parking spaces for the disabled are to be provided and signposted in accordance with the relevant Australian standard. Clear access from these spaces to the buildings /facility being served must be provided at suitable grades.

All of these requirements can be met through conditions of consent should Council decide to approve the application.

**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?**

None.

**Any matters prescribed by the regulations that apply to the land**

The application has been assessed by one of Council's Building and Development Officers whose conditions are included in the recommendations to this report.

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

The area in which the Place of Public Worship is being positioned is within a newly subdivided residential area. The area has the potential to be further developed with residential dwellings.

The proposed hall is small and of simple design, with 3 windows fronting the street. The awning extending from the east of the building breaks up the façade. The building is setback 35.7 metres from the street and is above street level. Therefore, the impact on the streetscape or nearby residences will be minimised. The structure will need to be connected to all essential services, namely water, sewer and power.

The applicant has advised that native landscaping will be provided to screen the fence, however no landscape plan has been provided as yet. Landscaping will be required for the suitable screening of the internal fences and to help reduce the visual impact of the building on adjoining properties. If approval is granted, a detailed landscaping plan will be required so any dead or diseased plants are appropriately replaced.

The applicant provided information highlighting that the proposal involves no undue noise, no musical instruments or dancing, no hiring out of the parking area nor meeting hall, no social games or parties, no entertainment of any kind. Therefore, it is anticipated that there will be no impact on surrounding residences via way of noise. Furthermore, potential traffic noise will only be intermittent given the times in use of the hall. However, no hours of operation have been provided. The design of the structure also minimises windows or other openings to face residences and future residential areas.

The amenity of the area will continue to change as the surrounding area is developed for residential purposes. The proposed building will be set back from the road and situated away from existing residences to minimise any potential impact associated with car movements or noise.

The use of the building is considered suitable having regard to the development of the surrounding area. There have been many examples of places of Public Worship that have been developed in residential areas around Lithgow as the township has expanded.

### **The Suitability of the site for the development**

The development will be situated within a newly constructed residential subdivision. Such a use is not considered to be inappropriate providing matters of impact on merit are addressed. There are no known natural or man-made hazards that affect the site. The site is located a satisfactory distance from known timbered areas. Therefore, there is no bushfire threat to the proposed structure or site.

### **Any submissions made in accordance with this Act or the Regulations**

The application was notified to the entire Hillcrest Estate. During the notification period 8 submissions were received raising concerns with the proposal. The submissions raised the following issues:

- The proposed building is less than 220 square metres as required by the covenants and all other landholders have to comply with this restriction.

*Comments: Whilst this private covenant relates to "living area" (ie, residential premises) covenants are a private issue in any event.*

- The covenant states no front fences and this development proposes a fence and automatic gate which will not be in keeping with the locality.

*Comments: Whilst the covenant itself is a private issue, the Council could impose a condition in relation to the location of the gate if this raises issues of compatibility and traffic/pedestrian conflict.*

- The size and proposed security measures of the development means it is not in keeping with the other development in the estate

*Comments: The applicant will be required as a condition of consent to provide a comprehensive landscape plan which will need to detail how the development can be adequately softened from adjoining properties.*

- There is already one Place of Worship situated nearby another is not needed.

*Comments: The Council must assess the application that has been submitted.*

- The car park and access will create noise impacts for adjoining properties.

*Comments: The car park is located at the rear of the site would be buffered from the existing nearby dwelling by the hall itself. The applicant has advised that typically 8 cars will be present on Sundays, Mondays and some Friday evenings.*

- The development will create additional traffic for the estate.

*Comments: The applicant has advised that it would be the intention of the families who use the hall to move into the estate. Additionally, in terms of the size of the estate itself, once each block has been built upon the number of vehicles entering and leaving the area will increase substantially, with this development having a negligible impact on the area in terms of traffic.*

- There are no hours of operation proposed.

*Comments: If approved it would be the intention to impose the following hours: 6am - 9pm Sunday to Thursday and 6am to 9pm Friday to Saturday.*

- The development will devalue the surrounding properties.

*Comments: The development is permissible in the area, subject to consent, and such developments are not uncommon within residential areas. No information has been provided to Council as to how such developments may have a negative financial impact on nearby properties.*

- Purchasers were lead to believe the estate would be for residential purposes only.

*Comments: Unable to comment what advise may or may not have been provided between private parties. However, each purchaser (or their Solicitor) would have been furnished with a Section 149 Certificate which details the types of developments that are prohibited in the Residential 2(a) zone.*

- Does not meet BASIX.

*Comments: BASIX is not required for this type of development.*

- The development could be undertaken in existing un-used church halls.

*Comments: The Council must assess the proposal as submitted.*

- Security gates will preclude the development from being a "public" place of worship.

*Comments: A place of public worship is defined as building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training. No part of the definition requires the premise to be open to general members of the public outside the religious organisation.*

- The proposed building is unattractive.

*Comments: The proposed hall is small and of simple design, with 3 windows fronting the street. The awning extending from the east of the building breaks up the façade. The building is setback 35.7 metres from the street and is above street level. Therefore, the impact on the streetscape or nearby residences will be minimised.*

Comments were also received from one of Council's Building and Development Officers whose conditions are included in the recommendations to this report.

### **The public interest**

The application has generated some public interest, however the matter for Council is whether those matters are valid planning considerations; can be addressed through conditions and whether the public interest would be served in approving or refusing the application.

### **DISCUSSION AND CONCLUSIONS**

The application has been assessed in accordance with the relevant legislative requirements. Whilst simple in design, it should not adversely impact upon the surrounding residential area providing appropriate measures are undertaken to ensure the site is adequately landscaped and managed without interference to the adjoining properties

### **RECOMMENDATION**

**THAT** the application be approved subject to the following conditions:

#### **General Conditions**

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. That external lighting shall be adjusted or hooded to prevent glare nuisance.
4. Egress from the building is not to be obstructed by vehicles parking or parked in the Porte Cochere.
5. The entry and exit point to the car-park shall be a minimum 6.0m wide thus allowing two-way vehicular movement at the intersection with adjoining road. This Vehicular crossover shall be constructed in accordance with Councils 'Vehicular Crossing Specifications'.
6. The access gate to the site is to be inset a minimum of 6 metres to the boundary to avoid any possible vehicular and pedestrian conflicts.
7. An amended detail of the access gate and any associated fencing shall be supplied for Council approval with the objective of setting back the location of the gate within the land and utilising design elements to enhance compatibility with future residential development in the area.
8. The hours of operation of the building are to be limited to 6am to 9pm Sunday to Thursday and 6am to 10pm Friday to Saturday.

**Requirements prior to commencement of works**

9. Prior to the commencement of any works the following is to be submitted to Council for approval:
- a) Plans and specifications for disabled toilets
  - b) Details, plans and specifications showing compliance of the building with Part J – Energy Efficiency requirements.
  - c) Certificate from an approved Mechanical Engineer certifying that the air conditioning system will comply with AS 3666.1
  - d) Documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction):
    - reinforced concrete floor slab on ground. (**Note:** Certification shall make specific reference to Australian Standard AS 2870-1986 and clearly indicate the soil classification for the given site).
    - retaining walls;
    - AFS Structural wall system including anchorage/tie downs to slab and roof truss/wall connections for the relevant wind/snow load.
10. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
- a) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
11. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
  - Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
12. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
  - b) Stating that unauthorised entry to the work site is prohibited and
  - c) Showing the name, address and telephone number of the principle certifying authority for the work.

- d) The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
13. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. (Note retaining walls over 800mm in height require Development Consent).
14. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
15. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
- a) the method of protection and
  - b) the date of installation of the system and
  - c) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.
16. An appropriate fence preventing public access to the site shall be erected for the duration of the Construction works.
17. Landscaping details are to be provided to Council, showing use of semi mature plants to provide screening and shading of the car parking facilities. The plan is to detail the type of plants and the height at maturity. All cultivars used should be frost tolerant and a maintenance plan should be implemented to ensure that any failures are replaced. The plan is to be submitted and approved by Council, prior to commencement of construction and is to be implemented prior to the issue of an Occupation Certificate.

#### **Requirements during construction**

18. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
  - b) Internal drainage carried out by licensed plumber prior to covering
  - c) Reinforcing steel in position and before concrete is poured (slabs footings, lintels, beams, columns, floors, walls and the like).
  - d) Framing when external wall and roof cladding is in place and prior to internal linings.

- e) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- f) Wet area flashing prior to tiling or covering.
- g) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

19. The hours of operation for the construction of the development are to be restricted to Monday to Friday 7am to 6pm and 7am to 5pm on Saturdays, with no excavation or loud construction works to be undertaken outside the hours of 8am to 1pm on Saturdays. No work shall take place on Sundays or public holidays.
20. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.
21. Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, piers are to be provided and taken through filled ground to foundation material of uniform adequate bearing pressure.
22. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).  
Details shall include:
  - a) job address and builder's name;
  - b) design wind velocity;
  - c) terrain category;
  - d) truss spacing;
  - e) roof pitch;
  - f) material of roof;
  - g) roof batten/purlin spacing;
  - h) material of ceiling;
  - i) job number
 This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-**2006** (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).
23. That, owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.

24. That glazing complies with the provisions Australian Standard 1288.
25. That rainwater drains are connected to the street gutter to the satisfaction of Council.
26. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with AS 3740 "Waterproofing of Wet Areas within Residential Buildings".
27. That floors of all wet rooms, bathrooms, laundry and WC compartments are properly graded and drained to suitable floor wastes.
28. That an application to carry out sewer drainage in sewered areas is to be submitted to Council before any drainage work commences.
29. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
30. In accordance with the Building Code of Australia, all portable fire extinguishers must be installed to comply with the requirements of Australian Standard AS 2444.
31. The access doors must be fitted with a panic bar located between 900mm and 1200mm to permit egress by single hand pushing action in accordance with Clause D2.21 Building Code of Australia – Volume 1.
32. It is recommended that exit signs be installed above all access doors. The exit signs should be designed and installed in accordance with AS2293.
33. Fire hazard properties of floor, walls, ceiling linings/coverings, sarking and the like are to comply with Specification C1.10/C1.10a. Details/certification is to be provided to Council prior to installation.
34. Access for disabled persons and the provision of sanitary facilities shall be in accordance with the Building Code of Australia and Australian Standard 1428 "Design for Access and Mobility".
35. All concrete driveways and parking areas shall conform to Lithgow City Council's Standards for Constructing Special Footpath Crossings and be a minimum of 150mm thick with a layer of F72 mesh centrally located in the slab. The formwork and mesh placement is to be inspected prior to concrete being poured by Councils Development Engineer. At least 48 hours notice is to be given for the formwork inspection.
36. All roofwaters and associated runoff shall be discharged directly into Councils stormwater system or a defined natural water course.

**After completion of Building works**

37. Structural Engineering certification is to be submitted to Council prior to issue of occupation certificate certifying that the building has been erected in compliance with the approved structural drawings, AFS structural wall technical manual, relevant SAA Codes and BCA and is structurally adequate.
38. The church/hall is approved to accommodate a maximum of 70 people. If it is proposed to accommodate more than 70 people further parking will be required and a modification of consent will be required accordingly.
39. The positioning of unfixed seating is not to impede egress from the church/hall and a one (1) metre path of travel is to be provided to the exit door from any point within the hall.
40. Prior to the use/occupation of the church an Occupation Certificate must be issued by the Principal Certifying Authority.
41. Subject to the provisions of essential fire or other safety measures, Environmental Planning and Assessment Regulation 2000 as detailed below:
  - Essential fire or other safety measures are subject to specific requirements under Environmental Planning and Assessment Regulation 2000. Upon completion of the building and prior to issue of an Occupation Certificate, all of these services must be certified on a Fire Safety Certificate as required and submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.
  - Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:
    - (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
    - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.The essential fire and other safety measures services are:

**EXIT SIGNS:** Exit Signs - refer E4.5 & 6 of the Building Code of Australia and AS 2293.1 (if applicable)

**PORTABLE FIRE EXTINGUISHERS:** Portable Fire Extinguishers - refer Part E1.6 of the Building Code of Australia and AS 2444 & AS 1851.1

42. Noise generated from the mechanical ventilation system or from activities carried out on the premises, shall not exceed the background noise level when measured on the property boundary, by more than 5dB(A).

Councillor Morrissey moved a suspension of standing order to discuss this item at the beginning of the meeting.

**MOVED:** Councillor B Morrissey

**SECONDED:** Councillor M Collins

## **07-272 RESOLVED**

**THAT** the application be approved subject to the following conditions:

### **General Conditions**

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. That external lighting shall be adjusted or hooded to prevent glare nuisance.
4. Egress from the building is not to be obstructed by vehicles parking or parked in the Porte Cochere.
5. The entry and exit point to the car-park shall be a minimum 6.0m wide thus allowing two-way vehicular movement at the intersection with adjoining road. This Vehicular crossover shall be constructed in accordance with Councils 'Vehicular Crossing Specifications'.
6. The access gate to the site is to be inset a minimum of 6 metres to the boundary to avoid any possible vehicular and pedestrian conflicts.
7. An amended detail of the access gate and any associated fencing shall be supplied for Council approval with the objective of setting back the location of the gate level with the building line and utilising design elements to enhance compatibility with future residential development in the area.
8. The hours of operation of the building are to be limited to 6am to 9pm Sunday to Thursday and 6am to 10pm Friday to Saturday.

### **Requirements prior to commencement of works**

9. Prior to the commencement of any works the following is to be submitted to Council for approval:
  - a) Plans and specifications for disabled toilets
  - b) Details, plans and specifications showing compliance of the building with Part J – Energy Efficiency requirements.
  - c) Certificate from an approved Mechanical Engineer certifying that the air conditioning system will comply with AS 3666.1

- d) Documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction):
- reinforced concrete floor slab on ground. (**Note:** Certification shall make specific reference to Australian Standard AS 2870-1986 and clearly indicate the soil classification for the given site).
  - retaining walls;
  - AFS Structural wall system including anchorage/tie downs to slab and roof truss/wall connections for the relevant wind/snow load.
10. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
- a) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
11. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
  - Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
12. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
- b) Stating that unauthorised entry to the work site is prohibited and
- c) Showing the name, address and telephone number of the principle certifying authority for the work.
- d) The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
13. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed.

Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. (Note retaining walls over 800mm in height require Development Consent).

14. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
15. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
  - a) the method of protection and
  - b) the date of installation of the system and
  - c) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.
16. An appropriate fence preventing public access to the site shall be erected for the duration of the Construction works.
17. Landscaping details are to be provided to Council, showing use of semi mature plants to provide screening and shading of the car parking facilities. The plan is to detail the type of plants and the height at maturity. All cultivars used should be frost tolerant and a maintenance plan should be implemented to ensure that any failures are replaced. The plan is to be submitted and approved by Council, prior to commencement of construction and is to be implemented prior to the issue of an Occupation Certificate.

#### **Requirements during construction**

18. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
  - b) Internal drainage carried out by licensed plumber prior to covering
  - c) Reinforcing steel in position and before concrete is poured (slabs footings, lintels, beams, columns, floors, walls and the like).
  - d) Framing when external wall and roof cladding is in place and prior to internal linings.
  - e) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
  - f) Wet area flashing prior to tiling or covering.
  - g) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

19. The hours of operation for the construction of the development are to be restricted to Monday to Friday 7am to 6pm and 7am to 5pm on Saturdays, with no excavation or loud construction works to be undertaken outside the hours of 8am to 1pm on Saturdays. No work shall take place on Sundays or public holidays.
20. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.
21. Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, piers are to be provided and taken through filled ground to foundation material of uniform adequate bearing pressure.
22. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection **(alternatively, full design details are to be submitted prior to commencement of construction)**.  
Details shall include:
  - a) job address and builder's name;
  - b) design wind velocity;
  - c) terrain category;
  - d) truss spacing;
  - e) roof pitch;
  - f) material of roof;
  - g) roof batten/purlin spacing;
  - h) material of ceiling;
  - i) job numberThis includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2-**2006** (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).
23. That, owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.
24. That glazing complies with the provisions Australian Standard 1288.
25. That rainwater drains are connected to the street gutter to the satisfaction of Council.

26. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with AS 3740 "Waterproofing of Wet Areas within Residential Buildings".
27. That floors of all wet rooms, bathrooms, laundry and WC compartments are properly graded and drained to suitable floor wastes.
28. That an application to carry out sewer drainage in sewered areas is to be submitted to Council before any drainage work commences.
29. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
30. In accordance with the Building Code of Australia, all portable fire extinguishers must be installed to comply with the requirements of Australian Standard AS 2444.
31. The access doors must be fitted with a panic bar located between 900mm and 1200mm to permit egress by single hand pushing action in accordance with Clause D2.21 Building Code of Australia – Volume 1.
32. It is recommended that exit signs be installed above all access doors. The exit signs should be designed and installed in accordance with AS2293.
33. Fire hazard properties of floor, walls, ceiling linings/coverings, sarking and the like are to comply with Specification C1.10/C1.10a. Details/certification is to be provided to Council prior to installation.
34. Access for disabled persons and the provision of sanitary facilities shall be in accordance with the Building Code of Australia and Australian Standard 1428 "Design for Access and Mobility".
35. All concrete driveways and parking areas shall conform to Lithgow City Council's Standards for Constructing Special Footpath Crossings and be a minimum of 150mm thick with a layer of F72 mesh centrally located in the slab. The formwork and mesh placement is to be inspected prior to concrete being poured by Councils Development Engineer. At least 48 hours notice is to be given for the formwork inspection.
36. All roofwaters and associated runoff shall be discharged directly into Councils stormwater system or a defined natural water course.

**After completion of Building works**

37. Structural Engineering certification is to be submitted to Council prior to issue of occupation certificate certifying that the building has been erected in compliance with the approved structural drawings, AFS structural wall technical manual, relevant SAA Codes and BCA and is structurally adequate.

38. The church/hall is approved to accommodate a maximum of 70 people. If it is proposed to accommodate more than 70 people further parking will be required and a modification of consent will be required accordingly.
39. The positioning of unfixed seating is not to impede egress from the church/hall and a one (1) metre path of travel is to be provided to the exit door from any point within the hall.
40. Prior to the use/occupation of the church an Occupation Certificate must be issued by the Principal Certifying Authority.
41. Subject to the provisions of essential fire or other safety measures, Environmental Planning and Assessment Regulation 2000 as detailed below:
- Essential fire or other safety measures are subject to specific requirements under Environmental Planning and Assessment Regulation 2000. Upon completion of the building and prior to issue of an Occupation Certificate, all of these services must be certified on a Fire Safety Certificate as required and submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.
  - Once the building is occupied, an Annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:
    - (i) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
    - (ii) That the path of travel is clear of anything which would impede free passage of any person at any time.The essential fire and other safety measures services are:
- EXIT SIGNS:** Exit Signs - refer E4.5 & 6 of the Building Code of Australia and AS 2293.1 (if applicable)
- PORTABLE FIRE EXTINGUISHERS:** Portable Fire Extinguishers - refer Part E1.6 of the Building Code of Australia and AS 2444 & AS 1851.1
42. Noise generated from the mechanical ventilation system or from activities carried out on the premises, shall not exceed the background noise level when measured on the property boundary, by more than 5dB(A).

**MOVED:** Councillor W McAndrew

**SECONDED:** Councillor M J Wilson.

**CARRIED**

**ITEM:3 REG - 02/07/07 - DEVELOPMENT AND CONSTRUCTION APPROVALS**

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

**SUMMARY**

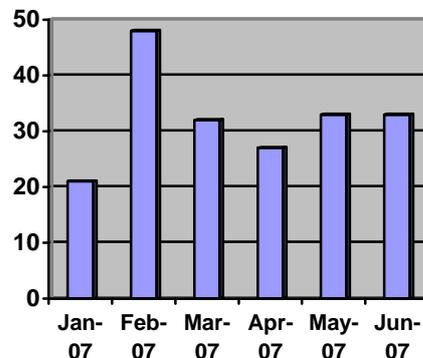
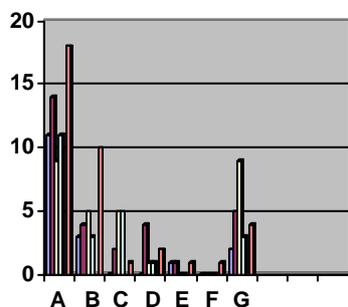
To provide statistical information on Development Applications and Construction Certificates processed.

**COMMENTARY**

Following installation of a new electronic registration system the traditional reports on Development Applications and Construction Certificates have been replaced with a report detailing the types of applications processed in each month. Over time this will evolve into useful statistical information. A full list of individual applications will be made available to Councillors and the press.

|            | Minor Development Approvals (including carports, garages and patios)<br>A | Dwelling Approvals<br>B | Dwelling Addition Approvals<br>C | Other Residential Applications (including Dual Occupancies, Flats)<br>D | Rural Subdivision Approvals<br>E | Residential Subdivision Approvals<br>F | Commercial /Industrial Approvals<br>G | Total Applications Received |
|------------|---|-------------------------|----------------------------------|---|----------------------------------|--|---------------------------------------|-----------------------------|
| Jan 2007   | 11  | 3                       | 0                                | 0   | 1                                | 0                                      | 2                                     | 21                          |
| Feb 2007   | 14  | 4                       | 2                                | 4   | 1                                | 0                                      | 5                                     | 47                          |
| Mar 2007   | 9   | 5                       | 5                                | 1   | 0                                | 0                                      | 9                                     | 32                          |
| April 2007 | 11  | 3                       | 5                                | 1   | 0                                | 0                                      | 3                                     | 27                          |
| May 2007 * | 12  | 3                       | 3                                | 1   | 1                                | 0                                      | 2                                     | 33                          |
| June 2007  | 18  | 10                      | 1                                | 2   | 1                                | 1                                      | 4                                     | 33                          |

\* includes Approvals from 30/05/2007 TO 25/06/2007



**APPROVALS**

|  |              |
|--|--------------|
| Total Estimated Cost:                  | \$4,757,593  |
| Average Approval Time                  | 25           |
| Total Cost of Approvals from 1/01/2007 | \$18,737,483 |
| No. of Applications from 1/01/2007     | 209          |

**RECOMMENDATION**

**THAT** the information be received

**07-273 RESOLVED****THAT**

1. The information be received
2. DA's 137/07 and 034/07 be called in for consideration of the Committee as a matter of community concern.

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor M M Collins.

**CARRIED**

## CORPORATE SERVICES REPORTS

### ITEM:4 COMM - 02/07/07 - COUNCIL INVESTMENTS MAY 2007

#### REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

#### REFERENCE

- Min 06-237 Finance and Services Committee 7 August 2006 (July 2006)
- Min 06-330 Finance and Services Committee 3 October 2006 (August 2006)
- Min 06-378 Finance and Services Committee 6 November 2006 (September 2006)
- Min 06-436 Finance and Services Committee 4 December 2006 (October 2006)
- Min 07-35 Finance and Services Committee 5 February 2007 (November 2006)
- Min 07-36 Finance and Services Committee 5 February 2007 (December 2006)
- Min 07-92 Finance and Services Committee 5 March 2007 (January 2007)
- Min 07-124 Finance and Services Committee 5 March 2007 (February 2007)
- Min 07-185 Finance and Services Committee 7 May 2007 (March 2007)
- Min 07-238 Finance and Services Committee 4 June 2007 (April 2007)

#### SUMMARY

To advise Council of 2006/07 investments held for the period ending 31 May 2007.

#### COMMENTARY

The amount invested as at 31 May 2007 when compared to 30 April 2007 has increased by \$1,344,936.20 due to ongoing Council expenditure awaiting income of the 4<sup>th</sup> rate instalment on the 31 May 2007 and the 4th payment of the 06/07 Financial Assistant Grant.

#### INVESTMENT REGISTER 2006/07

| INSTITUTION  | INV TYPE | DATE LODGED | DATE DUE     | DAYS  | INT  | VALUE 31.05.07       | VALUE 30.04.07       | % OF TOTAL     |
|--------------|----------|-------------|--------------|-------|------|----------------------|----------------------|----------------|
| ANZ          | TD       | 30.05.07    | 29.06.07     | 30    | 6.32 | 568,947.79           | 562,924.06           | 4.29%          |
| CBA          | CMS Nt   | 06.11.11    | 06.11.16     | 1,825 | 7.12 | 500,000.00           | 500,000.00           | 3.77%          |
|              | On Call  |             |              |       | 6.20 | 1,074,147.35         | 168,546.47           | 8.11%          |
|              | Ethical  | 20.06.06    | 20.06.11     | 1825  | 9.25 | 500,000.00           | 500,000.00           | 3.77%          |
|              | TD       | 31.05.07    | 29.06.07     | 30    | 6.31 | 907,374.99           | 500,000.00           | 6.85%          |
| CITIBANK     | TD       | 11.04.07    | 11.07.07     | 60    | 6.53 | 519,867.69           | 519,867.69           | 3.92%          |
| LG FINANCIAL | On Call  |             |              |       | 6.15 | 684,714.43           | 684,714.43           | 5.17%          |
|              | TD       | 04.05.07    | 06.07.07     | 60    | 6.38 | 806,783.43           | 798,120.43           | 6.09%          |
|              | TD       | 16.04.07    | 18.06.07     | 63    | 6.53 | 520,173.29           | 520,173.29           | 3.93%          |
|              | TD       | 06.03.07    | 05.06.07     | 90    | 6.40 | 505,317.31           | 505,317.31           | 3.81%          |
| IMBS         | On Call  |             |              |       | 6.25 | 266,011.56           | 266,011.56           | 2.01%          |
|              | TD       | 05.03.07    | 07.06.07     | 92    | 6.45 | 1,047,920.10         | 1,047,920.10         | 7.91%          |
|              | TD       | 28.06.06    | 29.06.07     | 364   | 6.41 | 450,000.00           | 450,000.00           | 3.40%          |
|              | TD       | 06.03.07    | 06.06.07     | 92    | 6.46 | 762,249.86           | 762,249.86           | 5.75%          |
|              | TD       | 21.05.07    | 22.06.07     | 32    | 6.40 | 761,965.07           | 750,000.00           | 5.75%          |
| ALLIANCE     | Managed  | 01.04.02    | 28.02.08     | 365   |      | 1,000,000.00         | 1,000,000.00         | 7.55%          |
| ST GEORGE    | TD       | 07.05.07    | 06.06.07     | 29    | 6.45 | 261,606.68           | 256,298.15           | 1.97%          |
|              | TD       | 16.04.07    | 16.07.07     | 90    | 6.54 | 1,348,460.74         | 1,348,460.74         | 10.18%         |
|              | TD       | 11.04.07    | 12.06.07     | 62    | 6.45 | 766,294.35           | 766,294.35           | 5.78%          |
|              |          |             | <b>TOTAL</b> |       |      | <b>13,251,834.64</b> | <b>11,906,898.44</b> | <b>100.00%</b> |

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Investment income to date 31 May 2007 is \$ 486,590.01 with interest 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 dated 17 March 2000
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

**07-274 RESOLVED**

**THAT** Council's 2006/07 investments for the period ending 31 May 2007 be received.

**MOVED:** Councillor M J Wilson

**SECONDED:** Councillor W McAndrew.

**CARRIED**

**COMMITTEE MEETINGS**

**ITEM:5            REG - 02/07/07 - SPORTS ADVISORY COMMITTEE MEETING -  
MINUTES OF 28TH MAY 2007**

**REPORT BY:    STRATEGIC ENGINEER – LEANNE KEARNEY**

---

**SUMMARY**

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 28 May 2007 for Council adoption.

**COMMENTARY**

At the Sports Advisory Committee Meeting held on Monday, 28 May 2007, there were eleven (11) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

It should be noted that with regard to item 4 that the ability to provide financial assistance depends on annual sponsorship. As the current allocation has been exhausted, financial assistance cannot be granted at this time. It should also be noted, with regard to item 6, that due to Council's previous decision to rescind all policies and adopt those only in the policies register, that there is not strictly an existing policy in respect of these matters. The policies presented to the Sports Advisory Committee are being reviewed and will be reported in due course.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**07-275 RESOLVED****THAT**

1. Council adopt the recommendations of the Sports Advisory Committee for the meeting held on Monday, 28 May 2007.
2. Further financial assistance requests be declined until such time additional sponsorship is forthcoming.

**MOVED:** Councillor M Wilson

**SECONDED:** Councillor B Morrissey

**CARRIED**

---

**ITEM:6            REG - 02/07/07 - SPORTS ADVISORY COMMITTEE MEETING -  
MINUTES OF 28TH MAY 2007**

**REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY**

---

## **SUMMARY**

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 28 May 2007 for Council adoption.

## **COMMENTARY**

At the Sports Advisory Committee Meeting held on Monday, 28 May 2007, there were eleven (11) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

It should be noted that with regard to item 4 that the ability to provide financial assistance depends on annual sponsorship. As the current allocation has been exhausted, financial assistance cannot be granted at this time. It should also be noted, with regard to item 6, that due to Council's previous decision to rescind all policies and adopt those only in the policies register, that there is not strictly an existing policy in respect of these matters. The policies presented to the Sports Advisory Committee are being reviewed and will be reported in due course.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **07-276 RESOLVED**

### **THAT**

1. Council adopt the recommendations of the Sports Advisory Committee for the meeting held on Monday, 28 May 2007.
2. Further financial assistance requests be declined until such time additional sponsorship is forthcoming.

**MOVED:** Councillor M Wilson

**SECONDED:** Councillor MM Collins

**CARRIED**

## QUESTIONS WITHOUT NOTICE

**QWN - 02/07/07 - COUNCILLOR MF TICEHURST**

**MINUTES - FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL 2 JULY 2007**

1. Madam Chair, is Council intending on making a submission on the rail unloader at Pipers Flat?

*It was advised that Council had previously resolved that this will not happen until further investigations.*

The Meeting closed at 7.55pm