



LITHGOW CITY COUNCIL

AGENDA

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

03 SEPTEMBER 2007

AT 7.00pm

AGENDA

PRESENT

CONFIRMATION OF THE MINUTES OF THE FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL HELD ON 6 AUGUST 2007

QUESTIONS FROM THE PUBLIC GALLERY

PRESENTATIONS - NIL

DECLARATION OF INTEREST

NOTICE OF MOTION - NIL

NOTICE OF RECISION MOTION - NIL

MAYORAL MINUTES - NIL

CORRESPONDENCE AND REPORTS

General Manager Reports

Regional Services Report

Community and Corporate Services Reports

COMMITTEE MEETINGS

Sports Advisory Committee

Traffic Authority Local Committee

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GENERAL MANAGER REPORTS

ITEM:1 GM - 03/09/07 - EMAILING OF DLG CIRCULARS

REFERENCE

NIL

SUMMARY

This report advises Council of an offer to Councillors to access DLG circulars via email. This report will request interested Councillors to complete a form, so it can be forwarded to the DLG for action.

COMMENTARY

The Department of Local Government is keen to provide elected Councillors with an electronic version of circulars issued to Councils.

The Department issues a variety of circulars to councils of significant matters requiring Council's attention and are used by various Local Government stakeholders to stay informed about issues facing the sector.

Currently Circulars are emailed to council and posted on the Departments website at www.dlg.nsw.gov.au, however, the Department is willing to email them directly to elected officials.

Should Councillors wish to avail themselves of this initiative by the Department they are requested to complete the enclosed form so an application can be forwarded to the Department on their behalf.

Should Councillors elect to receive the circular electronically any requests will remain valid until the next general council election scheduled for September 2008.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

Should Councillors wish to receive circulars by email, then it may provide an efficient alternative to the hard copy version.

ATTACHMENTS

1. The form from DLG for Councillors to complete should they be interested.

RECOMMENDATION

THAT those Councillors wishing to receive electronic copies of the Department of Local Government circulars advise the General Manager by completing the enclosed form so a general request can be coordinated with the DLG.

REGIONAL SERVICES REPORTS

ITEM:2 REG - 03/09/07 - WIRRAWAY STREET SUBDIVISION FENCING REQUIREMENTS

REPORT BY: ANDREW MUIR GROUP MANAGER REGIONAL SERVICES

REFERENCE

NIL

SUMMARY

To advise Council of two submissions received in objection to the South Bowenfels DCP with specific reference to current fencing limitations.

COMMENTARY

Previously, Council attended an on-site meeting in relation to issues in the Wirraway Street subdivision. As part of the Wirraway Street subdivision Council's Development Control Plan (DCP) for South Bowenfels applies to the land. The DCP has two criteria that can be implemented to assess standards or objectives required to achieve a satisfactory outcome in terms of minimum required standards for such things as amenity, privacy, public and private security and alike. Each criteria (properly incorporated into a development) addresses these standards in order to achieve the same outcome. The two criteria are as follows:

- Performance Criteria – these are general statements of achieving the objectives. They are not limiting in nature, and provide designers/applicant an opportunity to develop a number of different design solutions. Not all performance standards will be applicable to each development.
- Prescriptive Measures – provide development standards, which if satisfied, are deemed to satisfy either or all of the objectives.

To utilise the prescriptive measures to erect a fence the DCP requires a maximum of 1.2m solid (masonry) lower section and a 50% transparent upper section of fencing to a maximum height of 1.8m. Colorbond material is not recommended within the DCP.

Council is now in receipt of two letters from owners of land within the estate, seeking a variation to the Prescriptive Measures of the DCP to allow the erection of a colorbond material to a height of 1.8m on side and rear fences that adjoin public open reserves. Each have indicated that the development can comply with the performance criteria outlined in the DCP.

Each of the attached letters outline reasons for the variation, however one to the key objectives of the fencing requirements seeks adequate public surveillance to public reserves. It is considered that each application has not addressed this key objective of the DCP.

Upon assessment, it is considered that a compromise can be achieved for each development as follows:

1. A maximum of 1.2m solid colorbond construction be permitted for each boundary adjoining any open reserve.
2. Any additional fencing is to be a minimum of 50% transparent to a maximum of 1.8m (for the entire fence, from natural ground level).

These simple compromises allow for the objectives of the fencing criteria within the DCP to be addressed whilst allowing the privacy issues outlined in each piece of correspondence to be adequately met.

POLICY IMPLICATIONS

There are no perceived policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no perceived financial implications associated with this report.

LEGAL IMPLICATIONS

There are no perceived legal implications associated with this report, as Council has the power to vary the DCP where it sees fit.

ATTACHMENTS

1. Two items of correspondence received regarding variation to the South Bowenfels DCP (Confidential attachment).

RECOMMENDATION

THAT:

1. The report be received.
2. Each of the landowners be informed that the compromised measures indicated in the above report are the only variations permissible relating to this issue. Any further variation or request for variation will be required to address the objectives outlined in the South Bowenfels DCP and submitted for Council consideration.

ITEM:3 REG - 03/09/07 - HARTLEY QUARRY - TRANSPORT TONNAGE INCREASE

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Nil

SUMMARY

To advise on receipt of correspondence and advice from Councils solicitors regarding Adelaide Brighton's Hartley Quarry and road transportation from their existing quarry.

COMMENTARY

Previously Council had been provided with correspondence from RW Corkery & Co. on behalf of Adelaide Brighton Pty Ltd, the new proprietor of Hartley Quarry, indicating that they were seeking a variation to their current licence (through the EPA) to haul product from the site to 1,000,000tpa.

As part of the original development approval in 1994 the consent restricted transportation of product from heavy vehicles to 198 daily, being 99 accessing and 99 egressing the site.

The applicant contends that no stipulation within the consent restricts total tonnage limits and as such, as long as vehicle movements do not exceed 198 the tonnage limits remain uncapped.

From this initial correspondence Council sought legal advice which indicated the following:

In our opinion, all Council can say for the purposes of the development consent is that there is no specific limitation on production, nor requirement for strict compliance with the EIS, but at best, a general implied limitation that the numbers of heavy vehicular movements should not generally exceed 198 per day.

Thus, it is concluded that the development consent for the quarry included no limitations on the maximum tonnages allowed to be transported but only the number of road transportation vehicles accessing and leaving the site.

It is considered that in correspondence back to the company Council reiterate the advice of its legal advisors and indicate that limits exist primarily to vehicle movements for the development.

POLICY IMPLICATIONS

There are no policy implications perceived as part of this report.

FINANCIAL IMPLICATIONS

There are no financial implications.

LEGAL IMPLICATIONS

Council's Solicitors have outlined the legal position.

ATTACHMENTS

1. Pike, Pike & Fenwick advice relating to the application. (Doc No: 357385)

RECOMMENDATION

THAT:

1. The information be received
2. Council send correspondence to Adelaide Brighton indicating the results of Council's investigation and advice.

ITEM:4 REG - 03/09/07 - WESTERN RAIL UNLOADER

REPORT BY: ANDREW MUIR GROUP MANAGER REGIONAL SERVICES

REFERENCE

Nil

SUMMARY

To advise Council of the details of the Western Rail Unloader proposal.

COMMENTARY

A Major Project application being the proposed Western Rail Unloader has been submitted to the NSW Department of Planning by Delta Electricity. The development application has been lodged under Part 3A of the Environmental Planning and Assessment Act (EP&A) 1979, being critical infrastructure required to carry out state significant development.

The proposal seeks to construct and operate a Rail Coal Unloader and would comprise of the following:

- A rail loop comprising a branch line off the Wallerawang – Mudgee Main Line;
- A coal unloader building which would allow coal to be delivered into a hopper located below the rail line;
- A conveyor system which would carry the coal to the existing coal handling facility at the Mt Piper Power Station.

Council has previously sent preliminary correspondence to the NSW Department of Planning initially indicating that it will not support the current proposal unless long term local coal contracts are developed with Springvale and Angus Place Colliery, being local coal mines developed expressly to produce coal for the local market. The Department did not formally inform Council or provide the relevant documents to Council until after the formal exhibition period. Therefore, Council has been granted a substantial extension of time to provide its additional comments.

A detailed investigation of the proposal has been undertaken and it is recommended that Council in its reply to the NSW Department of Planning indicate that the following issues will need to be addressed prior to finalisation of the project. These include:

1. A feasibility study be undertaken on all alternative sites proposed for the development. This could include further studies incorporating more appropriate locations for the rail siding that do not significantly impact on current residential (Village) infrastructure.
2. Further studies be undertaken indicating the potential impact of increased rail usage on the Town of Portland, given the Wallerawang – Mudgee line dissects east and west Portland.
3. Plans being submitted prior to any final assessment indicating appropriate landscaping and other measures proposed to minimise and potential impacts in terms of amenity, noise and dust (airborne particulate) bulk and scale for the proposed development in a rural environment.
4. The studies undertaken by SKM on flooding for creek systems around the site leave unresolved issues within the document. It is claimed within the Flood Study attached to the Environmental Assessment that issues such as scouring, attributed to excessive velocities in peak flood times, are an issue of concern that may require more investigation. This investigation should be required to be addressed prior to any final assessment occurring.
5. Within the Environmental Noise Assessment Report considered by SKM, conclusions are made that noise emissions produced from the development, although compliant with the Department of Environment and Climate Change Industrial Noise Policy Guidelines, are at some locations marginal. It is considered that given the proposed location of the development within a surrounding rural zone that noise impacts should be negligible. As such it is considered that the applicant give further consideration to mitigation measures for adjoining landowners prior to any final assessment by the Department.
6. A detailed investigation needs to be implemented into the Environmental Assessment (EA) regarding the Willewa Street rail crossing in Portland and the need for an option that does not intersect the street at the same grade. In a majority of correspondence received by Council pertaining to this application concerns over this crossing were paramount.

7. A major concern is what impact a potential break down would have on incoming coal supplies. The proposal does not indicate a coal stockpile to be incorporated into the development and no reference is made concerning potential mitigating mechanisms being put in place to continue coal movement. These mechanisms (should they be road transport related) effect external receptors which otherwise are not documented within the EA.
8. Further traffic studies will be required to be submitted for comment in relation to the likely impact of increased traffic (especially during construction phase) on the existing Pipers Flat Road.

POLICY IMPLICATIONS

There are no perceived policy considerations pertaining to this report.

FINANCIAL IMPLICATIONS

It is considered that should approval be recommended that Council request a contribution by way of a Planning Agreement in relation to infrastructure and/or community facilities.

LEGAL IMPLICATIONS

There are no perceived legal considerations pertaining to this report at this time other than those mentioned above.

ATTACHMENTS

Nil

RECOMMENDATION**THAT:**

1. That Council reiterate its position to the Department of not supporting the current proposal unless long term local coal contracts are developed with Springvale and Angus Place Colliery, being local coal mines developed expressly to produce coal for the local market.
2. Council indicate to the Department of Planning that notwithstanding No 1 above it does not object to the proposal at this time on planning grounds, however it does have concerns and requests further information and actions as outlined in this report.
3. Council reserves the right to object to the proposal after consideration of the additional information as outlined within the report.
4. Council indicate that should approval be recommended that a condition be included in relation to a monetary contribution for public infrastructure and/or community facilities.

**ITEM:5 REG - 03/09/07 - DEVELOPMENT / CONSTRUCTION CERTIFICATE
138/07 COUNCILLOR H K FISHER****REPORT FROM: REGIONAL SERVICES MANAGER – ANDREW MUIR**

SUMMARY

To advise council of the submission of a Development/Construction Certificate Application No.138/07 on behalf of Councillor H Fisher and recommend approval.

COMMENTARY

An application has been received from Spectrum on behalf of Councillor H Fisher for the erection of a patio cover at Lot 1 DP 1029892, 1 Busby Street, Lithgow.

The proposal involves the construction of a steel framed and aluminium structure attached to the back of the existing dwelling.

POLICY IMPLICATIONS

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that any Development Application lodged where the applicant is a councillor must be referred to council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Planning report undertaken in accordance with Section 79C of the EPA Act.

RECOMMENDATION

THAT Development/Construction Certificate Application No.138/07 be approved subject to the following conditions:

1. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

2. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.

3. That the structure is securely bolted at its supports and fixed rigidly at its base.
4. That the proposed rainwater drains are connected to the existing rainwater disposal system.
5. 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:
 - g) Framing when external wall and roof cladding is in place and prior to internal linings.
 - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - k) 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.
6. That the external cladding and roofing of the enclosed patio are of a natural tone, non reflective condition.
7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) 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.

ITEM:6 REG - 03/09/07 - DEVELOPMENT / CONSTRUCTION CERTIFICATE APPLICATION 160/07 LITHGOW CROQUET CLUB

REPORT FROM: REGIONAL SERVICES MANAGER – ANDREW MUIR

SUMMARY

To advise council of the submission of Development/Construction Certificate Application No.160/07 from Lithgow Croquet Club for clubhouse additions on Council owned land at the Glanmire Reserve, Lithgow and recommend approval.

COMMENTARY

An application has been received from Lithgow Croquet Club for the construction of additions and alterations to the existing croquet clubhouse located on Lot 45 DP 171939 Glanmire Reserve Lithgow owned by council.

The proposal involves the construction of an additional storage room, disabled access ramp, disabled toilet and other internal improvements to the clubhouse.

POLICY IMPLICATIONS

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that such application be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.

FINANCIAL IMPLICATIONS

Council is partially funding the project though the 2007/08 Management Plan.

LEGAL IMPLICATIONS

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act.

ATTACHMENTS

1. Planning report undertaken in accordance with Section 79C of the EPA Act.

RECOMMENDATION

THAT Development/Construction Certificate Application No. 160/07 be approved subject to the following conditions:

CONDITIONS

1. 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) Trenches complete with reinforcing and prior to filling with concrete.

- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured .
- e) Floor frame, dampcourse, ant capping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- h) Wet area flashing prior to tiling or covering.
- i) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- j) 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.

2. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
3. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
4. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
6. 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.
7. The person constructing any works shall install, prior to any construction work, adequate sediment and soil erosion controls. The controls shall be in accordance with the Department of Infrastructure Planning & Natural Resources current guidelines for erosion and sediment control.
8. The building or any part of the building which is the subject of a development consent and construction certificate must not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
9. The disabled handrails, access ramp and WC are to comply with the requirements of Australian Standard 1428 Design for Access and Mobility.

ITEM:7 REG - 03/09/07 - DEVELOPMENT AND CONSTRUCTION APPROVALS

REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR

SUMMARY

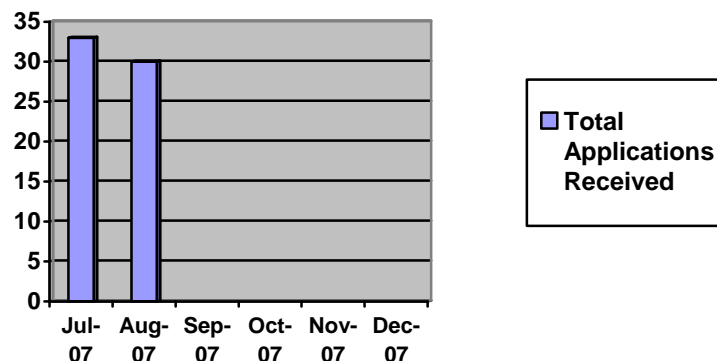
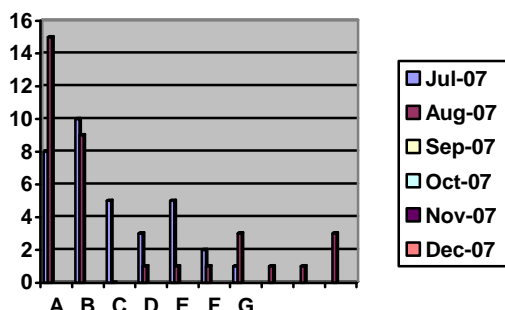
To provide statistical information on Development Applications and Construction Certificates processed.

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) A	Dwelling Approvals B	Dwelling Addition Approvals C	Other Residential Applications (including Dual Occupancies, Flats) D	Rural Subdivision Approvals E	Residential Subdivision Approvals F	Commercial /Industrial Approvals G	Total Applications Received
Jul * 2007	8	10	5	3	5	2	1	33
Aug 2007	15	9	0	1	1	1	3	30
Sep 2007								
Oct 2007								
Nov 2007								
Dec 2007								

* includes Approvals from 28/07/2007 TO 27/08/2007



APPROVALS

Total Estimated Cost:	\$1,866,607
Average Approval Time	21
Total Cost of Approvals from 1/01/2007	\$23,271,914
No. of Applications from 1/01/2007	272

RECOMMENDATION

THAT the information be received

ITEM:8 REG - 03/09/07 - DA 461/04 MODIFICATION OF CONSENT - PUBLIC ROAD TRANSPORTATION AND INCREASED PRODUCTION - PINEDALE OPEN CUT MINE

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Nil

SUMMARY

To report on a Section 96(2) Modification application in relation to the Pinedale open cut mine. The report recommends refusal of the application.

COMMENTARY

Previously, Council issued development consent to DA 461-04 being the construction and operation of the Pinedale Open Cut Mine in Blackman's Flat. Council is in receipt of a Modification of Development Consent Application for the approved development, seeking to modify current conditions relating to the use of public roads for a period no less than 6 years for the transportation of coal and to increase current maximum tonnages for the development to 350,00tpa from existing levels of 200,000tpa. A comprehensive Section 79C planning report is attached.

As part of the conditions of consent Council indicated that:

13.2 Private Roads

13.2. The Applicant shall ensure that within six months of the commencement of operations, all coal is to be transported to Mt. Piper and Wallerawang Power Stations by means other than public roads.

The applicants have lodged a Modification of Development Consent Application under Section 96(2) of the Environmental Planning and Assessment Act 1979, seeking to modify the above condition with the following:

13.2 Private Roads

13.2.1 This consent sanctions the transportation of coal by public road to Mt Piper and Wallerawang Power Stations for a period of 5 years from the commencement of coal transportation.

- 13.2.2 Within six(6) months of the commencement of coal transportation, the Applicant shall convene a meeting with Council, Delta Electricity, the owner/operator of the Angus Place to Mt Piper Haul Road, the owner/operator of the Angus Place to Wallerawang Haul Road and Centennial Coal, or such of those parties who accept the convening, to discuss ways in which a practicable agreement may be reached to use the Angus Place to Mt Piper Haul Road and the Angus Place to Wallerawang Power Station Haul Road. If these discussions are successful, a timetable shall be implemented to ensure coal purchased from the applicant by Delta Electricity is generally transported to Delta Electricity power stations by private haul road, other than at times when access to the private haul roads may for some reason be unavailable. If these discussions are not successful then condition 13.2.3 shall apply.
- 13.2.3 Notwithstanding the provisions of condition 13.2.1, the applicant may apply to Council to extend the period for the transportation of coal to Mt Piper and Wallerawang Power Stations for the term of this consent on public roads if the discussions outlined in condition 13.2.2 do not result in agreement to utilise either or both of the private haul roads. Should this occur then this extension must be applied for in writing no later than six (6) months prior to the expiration of the five year period as outlined in condition 13.2.1. In determining whether to grant any such extension, the Council may consider previous performance of heavy vehicle haulage and any complaints received by Council or the Community Consultative Committee. Council's granting of an extension under this sub-clause may not be unreasonably withheld.

The modification application has been made under the justification that the applicant considers that sub-clause 13.2 of the consent is arguably, either not consent to its application or is unreasonably imposed, or both, by virtue of:

- a) by restricting the transportation of coal to means other than freely and readily available public roads, the purported consent significantly alters the development in respect of which the application was made so that the purported consent is not a not consent to the application at all; and
- b) the condition fails the common law test of validity in that, the condition imposed is so unreasonable that no reasonable local authority properly advised would impose such a condition.

To understand the basis on which to proceed, the modification application was referred to Council's Solicitors (Pike Pike & Fenwick) for comment on the justification supplied by the applicant. In their reply Pike, Pike and Fenwick indicated in their opinion the condition imposed as part of the original consent is "in legal principle" a valid condition.

The modification application was placed on public exhibition. In addition, the application is considered to be integrated development through the Roads Act 1993 and as such was forwarded to the RTA concerning any issues they may have.

The two modifications sought are summarised below

Increased Tonnage

The modification seeks to increase tonnages from the site from 200,000tpa to 350,000tpa which would be an increase of 75%. The increased tonnages have been sought as additional contracts to the local (Mt Piper) markets and as such in order to activate those additional contracts the modification is required to be approved. The potential impacts of the modification are arguable. The additional contracts proposed have the potential to reduce the life of the mine significantly. As part of the original Environmental Impact Statement (EIS) for the Pine Dale proposal it was indicated that the total resource within the mining lease area was 1.9 million tonnes. An increase in tonnage potentially decreases the life of the mine from approximately 10 years to approximately 6 years. This decreases the effect on the adjoining residents of Blackman's Flat and Lidsdale. Additionally, the Statement of Environmental Effects (SoEE) indicates that this increase in operation will have no additional affect on limits pertaining to noise, hours of operation or mining method. The alternative view is that the modification seeks to increase production to an additional 75% of the approved development. Therefore, there will be increased pressure placed on the adjoining area through such impacts as vehicle movements (both light and heavy) noise and amenity.

It is considered by assessing officers that the additional pressure placed on residents through increased truck movements and the like cannot be justified in this instance.

Transportation of Coal

Council officers consider the issue of coal transportation to be one which requires careful consideration. The existing mining operations are situated adjacent to a private haul road and it seems incongruous that heavy vehicles would have to travel by public road when such a facility is so close. However, the applicant has indicated within the SoEE that there are private contractual issues which apparently make the potential usage of the private road improbable. The current development consent condition provides the following:

13.2. The Applicant shall ensure that within six months of the commencement of operations, all coal is to be transported to Mt. Piper and Wallerawang Power Stations by means other than public roads.

Council officers strongly favour the retention of this condition.

POLICY IMPLICATIONS

There are no perceived policy consideration pertaining to this report.

FINANCIAL IMPLICATIONS

The only perceived financial consideration pertaining to this report relate to costs involved in appealing a consent in the Land & Environment Court. However, this is not a relevant consideration in the development assessment process.

LEGAL IMPLICATIONS

The application is considered to be integrated development through the Roads Act 1993, and as such the RTA was advised of the modification and asked to comment.

In correspondence received by the RTA several recommendations were identified. These include;

1. The proponent monitor the volume of vehicles entering and leaving the site, ensuring 'busy days' are captured. For this purpose it is recommended that a traffic classifier be installed in an appropriate location within the site, and reports provided to Lithgow City Council for assessment.
2. In the event that the volume of vehicles turning into the site exceeds 10km's per hour, that the intersection is upgraded to a higher standard based on the RTA Road Design Guide 'AUR' or 'CHR' as appropriate for the volumes and road safety requirements.
3. The proponent to monitor traffic incidents, including 'near misses' at or near the site access that involve vehicles intending to access or having left the site.
4. The proponent to prepare a traffic management plan that includes induction and regular reminders to haulage vehicle drivers relating to safe operation of the vehicles on public roads.

However, in concluding the RTA state in their correspondence that *it is noted that a private haul road may be accessed for haulage operations. The use of a private haul road mitigates the majority of public road safety and traffic impacts accompanying the proposal and further negotiations should be encouraged.*

From the response submitted by the RTA it can be assumed that in their opinion usage of the private haul road to transport coal is a better option given it can mitigate all safety concerns on public roads.

Conclusions

Considerable time has elapsed since the lodgement of the modification application, which was within the 6 month consent period. This has been primarily due to the time taken by the Department of Planning to allocate delegated authority for Council to undertake the assessment.

Further, Councillors should be aware that as part of the original development application extensive negotiations had taken place with the proponents in relation to conditions of consent prior to approval being given. Whilst general agreement was reached on draft conditions there remained two areas where this could not be achieved. Firstly, in relation to the life of the proposal Council recommended a limitation of 10 years which can only be extended through a Section 96 modification where ongoing environmental compliance would need to be demonstrated. In relation to haulage on public roads and access to other private means of transportation, Council was of the opinion that, irrespective of private matters of access, the proximity to the private haul road was too great a consideration to ignore.

ATTACHMENTS

1. Complete 79C Planning Report under separate cover.

RECOMMENDATION

THAT:

1. The Section 96 modification application be refused subject to recommendations and reasons outlined in the attached 79C Planning Report.
2. Council indicate to the applicant that it will provide a period of three months from 3 September 2007 for it to arrange alternative transport measures by means other than public roads. However, if such is not in place within this timeframe, Council will commence enforcement proceedings.

ITEM:9 REG - 03/09/07 - RECOVERY OF LOW USAGE PAYPHONES BY TELSTRA

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

REFERENCE

Council has previously been informed by Telstra that they are reviewing the number of under utilised payphones in the Lithgow Local Government Area, which is an ongoing process and underway for a number of years.

SUMMARY

Details of notification by Telstra for the recovery of two (2) low usage payphones within the Lithgow Local Government Area.

COMMENTARY

Correspondence has been received from Telstra advising that they are proposing to remove low usage payphones at the following locations:

- 3 Roy Street, Lithgow (at the telephone exchange); and
- 25 Williwa Street, Portland (near the Portland Post Office).

Telstra have determined that these facilities are low usage payphones after investigating the evident community demand, financial viability, operational standards, and Telstra's obligations under the Universal Service Obligation, over a prolonged period, which Telstra believes is attributed to the widespread availability of mobile telephone services.

A prominent notice will be placed on the Williwa Street payphone for a period of at least three (3) months, advising of the proposal to remove this facility, and inviting comments from the users and members of the community, addressing relevant local factors such as evidence that there is a need for a payphone service at these locations, the social demography of the communities which these payphones are located, and evidence of groups in the community that rely on the payphones in this location.

These comments will be evaluated by Telstra prior to a final decision regarding the removal being made. At the Roy Street payphone, a notice is not required, as at least one (1) payphone will remain at this site.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information be received.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:10 COMM - 03/09/07 - HUMAN RIGHTS MEDAL AND AWARDS

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

REFERENCE

NIL

SUMMARY

To provide Council with details of the Human Rights and Equal Opportunity Commission (HREOC) awards and medals and to determine if Council wishes to resolve any nominations.

COMMENTARY

Council has been advised by the Local Government and Shires Associations through a recent Weekly Circular that the Human Rights and Equal Opportunity Commission is seeking nominations for the 2007 Human Rights Medal and Awards.

Nominations close on 5 October 2007 should Council wish to identify a nominee.

The circular provided the following information:

“Since 1987, HREOC has recognised the contribution made to Australian society by a variety of men and women committed to issues of human rights, social justice and equality through these awards.

The President of the Human Rights and Equal Opportunity Commission (HREOC), John von Doussa QC, noted that the Human Rights Medal and Awards celebrate their 20th anniversary this year and provide an opportunity to acknowledge the outstanding contributions of individuals and organisations by nominating them for these awards.

Nominees don't have to be famous or well known – the medal and awards are about celebrating the efforts of those who work tirelessly everyday without fuss to promote and protect human rights and to overcome discrimination in Australia.

Each year HREOC receives nominations for the Human Rights Medal and award categories of Law, Community (individual and organisation), Arts Non-Fiction, Print Media, Television and Radio.

To nominate the achievements of an individual or organisation for the 2007 Human Rights Medal or one of the award categories, fill in the entry form at www.humanrights.gov.au/hr_awards and forward supporting material by 5 October.

There is a luncheon ceremony at the Sheraton on the Park in Sydney on Monday 10 December to hear the winners announced. Julie McCrossin will MC the event and Mr von Doussa will deliver the annual Human Rights Day Oration. For information on tickets contact 9284 9618 or go to www.humanrights.gov.au/hr_awards “

POLICY IMPLICATIONS

No implications arise from this report.

FINANCIAL IMPLICATIONS

No implications arise from this report.

LEGAL IMPLICATIONS

No implications arise from this report.

CONCLUSION

Council may wish to nominate for this award.

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council determine the name of any potential nominees for this award so applications can be processed.

ITEM:11 COMM - 03/09/07 - COUNCIL INVESTMENTS JULY 2007

REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH

REFERENCE

NIL

SUMMARY

To advise Council of 2007/08 investments held for the period ending 31 July 2007.

COMMENTARY

The amount invested as at 31 July 2007 when compared to 30 June 2007 has decreased by \$1,593,710.79. This is due to the fact that Council's investments must sustain ongoing expenditure for a three month period from 31 May 2007, the date of the fourth 2006/07 rate instalment, until income is received for the first rate instalment of the 2007/08 rating year on 31 August 2007.

INVESTMENT REGISTER 2007/08								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.07.07	VALUE 30.06.07	% OF TOTAL
ANZ	TD	30.07.07	01.10.07	91	6.56	574,972.99	571,903.20	4.32%
CBA	CMS Nt	06.11.06	06.11.11	1,825	7.31	500,000.00	500,000.00	3.76%
	On Call				6.20	644,199.15	894,199.15	4.84%
	Ethical	20.06.06	20.06.11	1,825	9.25	500,000.00	500,000.00	3.76%
CITIBANK	TD	11.07.07	11.09.07	62	6.45	528,331.28	519,867.69	3.97%
LG FINANCIAL	On Call				6.15	684,714.43	684,714.43	5.14%
	TD	06.07.07	06.11.07	120	6.56	300,000.00	806,783.43	2.25%
	TD	18.06.07	12.09.07	86	6.47	526,036.14	526,036.14	3.95%
	TD	05.06.07	07.08.07	63	6.41	513,380.24	513,380.24	3.86%
	TD	06.06.07	08.08.07	63	6.40	500,000.00	500,000.00	3.76%
	TD	25.06.07	15.10.07	107	6.54	2,425,000.00	2,425,000.00	18.22%
IMBS	On Call				6.25	267,809.72	267,809.72	2.01%
	TD	07.06.07	07.09.07	92	6.49	1,064,956.70	1,064,956.70	8.00%
	TD	29.06.07	15.10.07	364	6.55	478,765.97	478,765.97	3.60%
	TD	06.06.07	06.09.07	92	6.46	774,661.38	774,661.38	5.82%
	TD	23.07.07	23.08.07	31	6.41	754,208.22	754,208.22	5.67%
ALLIANCE	Managed	01.04.02	28.02.08	365		1,000,000.00	1,000,000.00	7.51%
ST GEORGE	TD	16.07.07	17.07.07	30	6.34	500,000.00	1,348,460.74	0.00%
	TD	12.06.07	13.08.07	62	6.40	774,690.00	774,690.00	3.76%
			TOTAL			13,311,726.22	14,905,437.01	100.00%

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 July 2007 is negative \$17,592.28 due to accrued interest of \$68,764.70 which was brought to account to 30 June 2007 which must be reversed in 2007/08. 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 dated 17 March 2000
- Local Government (General) Regulation 2005
- Trustee Amendment (Discretionary Investments) Act 1997- Section 14A(2), 14c(1) & (2)

RECOMMENDATION

THAT Council's 2007/08 investments for the period ending 31 July 2007 be received.

ITEM:12 COMM - 03/09/07 - NEWNES HOTEL - SEC 356 DONATIONS**REPORT FROM: COMMUNITY AND CULTURE MANAGER – P. HALL****REFERENCE**

Minute 07-258: Extraordinary Meeting 28 June 2007
 Minute 07-289: Council meeting 16 July 2007
 Minute 07-360: Council meeting 20 August 2007

SUMMARY

To advise Council regarding Cr Barbara Moran's urgent question at Council meeting on 20 August 2007 relating to support and sponsorship for Newnes Hotel 100 year celebrations.

COMMENTARY

A letter has been received from Newnes Hotel proprietors requesting sponsorship for printing and laminating of the posters for the celebration. An amount of \$788.25 is requested.

At the Council meeting on 20 August 2007 it was resolved that subject to the necessary advertisement Council support the following donations:

1.	Portland District Motor Sports Club	\$ 60.00
2.	Portland Pool Donation	\$5,000.00

Council should note the remaining balances in the donations funds in 2007/08 from the budgeted \$22,000 are \$385.58 in the general donations funds with the inclusion of the \$5,000.00 for the Portland Pool and \$60.00 for the Portland District Motor Sports Club.

To remain within budget Council could allocate the remaining \$385.58 to the Newnes Hotel if it so resolved.

It is advised that there are a number of other requests which have been made to Council which are to be reported at the September meeting.

POLICY IMPLICATIONS

Donation payments are made in line with Council's policies including "Donations – Section 356 of the Local Government Act" and "Request for donation by waiving of fees for council facilities"

FINANCIAL IMPLICATIONS

The general donations budget provides \$385.58 remaining and \$238.00 remaining in the hire of facilities donations budget. If the Newnes Hotel sponsorship request is met this will mean there is nil left in the general donations budget for 2007/08.

LEGAL IMPLICATIONS

Local Government Act 1993 s356 applies

ATTACHMENTS

1. Newnes Hotel donation request dated 8 June 2007 (Doc: 349106)

RECOMMENDATION

THAT:

1. Council provide the remaining \$385.58 in the general donations budget from the \$22,000 budgeted in 2007/08 to the Newnes Hotel subject to advertising in accordance with s356 of the Local Government Act;
2. Council note this will result in nil funds remaining in the 2007/08 Section 356 general donations budget;
3. Council note the remaining budget for the waiving of hire fees for Council facilities is \$238.00;

COMMITTEE MEETINGS

ITEM:13 REG - 03/09/07 - SPORTS ADVISORY COMMITTEE MEETING -
MINUTES OF 27TH AUGUST 2007

REPORT BY: STRATEGIC ENGINEER – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 27 August 2007 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Monday, 27 August 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.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

- 1.Minutes of the Sports Advisory Committee Meeting held on Monday, 27 August 2007.

RECOMMENDATION

THAT Council note the recommendations of the Sports Advisory Committee for the meeting held on Monday, 27 August 2007.

ITEM:14 REG - 03/09/07 - TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING - MINUTES OF 9TH AUGUST 2007

REPORT BY: GROUP MANAGER REGIONAL SERVICES– ANDREW MUIR

SUMMARY

Details of the Minutes of the Traffic Authority Local Committee Meeting held on 9 August 2007 for Council adoption.

COMMENTARY

At the Traffic Authority Local Committee Meeting held on 9 August 2007, there were a number of items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee’s recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Copy of Minutes of Meeting 9 August, 2007.

RECOMMENDATION

THAT the Minutes of the Traffic Authority Local Committee Meeting be noted.

QUESTIONS WITHOUT NOTICE

ATTACHMENTS

ITEM:13 REG - 03/09/07 - SPORTS ADVISORY COMMITTEE MEETING - MINUTES OF 27TH AUGUST 2007

PRESENT

Councillor Neville Castle (Chairman), Mr Neil Gambrill, Mr Mark Cronin, Mr John Boyd, Mr Wayne Vought, Mr Russell Blanchard, Mr Barry Dorrough, Ms Sue Metcalf, Mr Danny Whitty, Mrs Robyn Whitty, Mr Eric Arnold, Mr Glen Ryan, Mr Maurie Weekes (Acting Recreation Supervisor), and Miss Leanne Kearney (Strategic Engineer).

APOLOGIES

Mr Grahame Danaher, Mr Ray Field, Mr Ray Stoneley, Mr Bob Martin and Mr John Craig.

REPORT

ITEM 1 - DECLARATION OF INTEREST

Nil.

ITEM 2 - MINUTES OF THE PREVIOUS MEETING

The Minutes of the Sports Advisory Committee Meeting held on Monday, 30 July 2007 were read and confirmed.

The Committee recommends that the Minutes of the meeting held on Monday, 30 July 2007, be taken as read and confirmed.

MOVED: Neil Gambrill

SECONDED: Danny Whitty

ITEM 3 - BUSINESS ARISING FROM THE MINUTES

- Ray Field requested a progress report on the rectification of the guttering on the stables at Kremer Park, Portland, as no action has been taken on this item to date. Council's Urban Overseer has inspected the stables, and identified guttering to be installed, and has placed this project on Council's Works Programme, to be completed when resources are available.
- Mr Ray Field enquired of the progress of the watermain replacement works and reseeding of Saville Park, Portland, raising concerns that the grounds may not be usable for the upcoming touch football season, and this will again impact on the Portland Owners and Trainers Association. Council's Acting Recreation Supervisor is liaising with Council's Water and Wastewater Overseer to determine a timeframe for these works, as well as liaising with the Portland Touch Football Association to minimise any inconvenience during these works.
- Council has reviewed the fees and charges sent to users of various sporting facilities, and is currently reviewing the lighting charges for Wallerawang Oval, Tony Luchetti Sportsground, and Kremer Park, with Neville Castle advising that Council's General Manager Mr Paul Anderson and Mr Andrew Muir, Group Manager Regional Services are investigating the current fees and charges, and will be having meetings with users at the conclusion of this review. A further report will be present to the Sports Advisory Committee upon completion of this review.

- Council's Acting Recreation Supervisor has arranged for the covering of the cricket wicket at Kremer Park, Portland to be removed and for renovation works to be undertaken in the next two (2) weeks allowing the wicket to be ready for the commencement of the cricket season.
- Council has arranged for rectification works to be undertaken in the area surrounding the location where the tree was removed at Glanmire Oval, Lithgow, and this work should be completed during the week ending 31 August 2007.

ITEM 4 – 2007 REG COWDEN MEMORIAL SPORTS STAR AWARDS

Junior Nominations for the month of July 2007 were received from the following:

- Dane Russell (Soccer) – Dane was selected as the Goal Keeper in the NSW Country Under 13 Soccer Team that competed at the Friendship Games in July 2007;
- Cassie Ford (Lawn Bowls) – Cassie was the winner of the 2007 Western Region Academy of Sport's Pairs Championships, runner up in the 2007 Western Region Academy of Sport's Singles Championships, competed as a member of the NSW Lawn Bowls team that defeated Queensland 2-1 in a test series, won a bronze medal at the NSW CHS Girls Pairs championships, and has been selected in the NSW Elite Lawn Bowling Squad; and
- Aaron Reid (Hockey) – Aaron competed in the Cape Town Under 18 Hockey Tournament, as a member of the NSW Bushrangers, and was named Goal Keeper of the Tournament.

The Committee selected Dane Russell (Soccer) to be the Junior Sports Star winner for the month of July 2007.

MONTH	RECIPIENT
January	Samuel Hourigan
February	Michael Cox
March	Jenna Heath
April	Cassie Ford
May	Lisa Matthews
June	Amelia Leard and Laura Mahoney
July	Dane Russell
August	
September	
October	
November	

Senior Nominations for the month of July 2007 were received from the following:

- Ben Kelly (Hockey) – Ben was selected in the NSW Country Men's Hockey Team to compete at the Australian Championships; and
- Alan Alderson (Hockey) – Alan was selected in the NSW Country Men's Hockey Team to compete at the Australian Championships;

The Committee was advised that Alan Alderson was selected in this team, however withdrew and did not compete as part of the team.

The Committee selected Ben Kelly (Hockey) to be the Senior Sports Star winner for the month of July 2007.

MONTH	RECIPIENT
January	Brad De Losa
February	Dale Ryan
March	Nil
April	Rodney Wood
May	Nil
June	John Baxter
July	Ben Kelly
August	
September	
October	
November	

The Committee recommends that the Junior Sports Star Award be awarded to Dane Russell (Soccer) for the month of July 2007, and the Senior Sports Star Award be awarded to Ben Kelly (Hockey) for the month of July 2007 and for merit certificates to be awarded to the other nominees.

MOVED: Neil Gambrill

SECONDED: Wayne Vought

ITEM 5 – BOOKING REQUEST – LAKE WALLACE, WALLERAWANG, BARRY F COSIER AND ASSOCIATES

Correspondence has been received from Barry F Cosier and Associates, requesting permission to use Lake Wallace, Wallerawang to conduct their office Christmas party on Saturday, 15 December 2007, commencing at 11:30am.

The area required is the barbeque area near the children's playground, and they are hoping to have a small jumping castle operational on site.

This booking does not conflict with any approved booking.

The Committee recommends that permission be granted to Barry F Cosier and Associates to use Lake Wallace, Wallerawang to conduct their office Christmas party on Saturday, 15 December 2007, commencing at 11:30am.

MOVED: Robyn Whitty

SECONDED: Eric Arnold

ITEM 6 – BOOKING REQUEST – LITHGOW WAR MEMORIAL OLYMPIC SWIMMING POOL, LITHGOW – REBEKAH MURRAY

Correspondence has been received from Ms Rebekah Murray requesting permission to use the Lithgow War Memorial Olympic Swimming Pool, Lithgow to conduct swimming lessons for the 2007/2008 season.

The Committee recommends that permission be granted to Ms Rebekah Murray to use the Lithgow War Memorial Olympic Swimming Pool, Lithgow subject to a meeting being conducted closer to the opening of the Pool for the 2007/2008 season between Council's Pool Manager and all approved users of the Pool.

MOVED: Mark Cronin

SECONDED: John Boyd

ITEM 7 – BOOKING REQUEST – LITHGOW WAR MEMORIAL OLYMPIC SWIMMING POOL, LITHGOW – CENTRAL TABLELANDS SWIMMING ASSOCIATION

Correspondence has been received from the Central Tablelands Swimming Association requesting permission to use Lithgow War Memorial Olympic Swimming Pool, Lithgow on Sunday 10 February 2008 to conduct their annual Championship Meet.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to the Central Tablelands Swimming Association to use Lithgow War Memorial Olympic Swimming Pool, Lithgow on Sunday, 10 February 2008 to conduct their annual Championship Meet.

MOVED: Barry Dorrough

SECONDED: Robyn Whitty

ITEM 8 – BOOKING REQUEST – SAVILLE PARK, PORTLAND – PORTLAND TOUCH FOOTBALL ASSOCIATION

Correspondence has been received from the Portland Touch Football Association requesting permission to use Saville Park, Portland from 10 October 2007 until mid April 2008 to conduct the 2007/2008 touch football competition.

The fields will be required on Wednesdays between 5.00pm and 8.00pm, and on Thursdays between 4.00pm and 8.00pm (additional time required to conduct a junior competition), as well as on one (1) Sunday to host a knockout (date yet to be determined).

The Association are aware that Council is intending to topdress and reseed Saville Park, Portland, and if the grounds are unavailable, the Association are seeking permission to use Kremer Park, Portland until the works at Saville Park are completed.

This booking in relation to Saville Park, Portland does not conflict with any other approved booking, however, use of Kremer Park, Portland will conflict with the approved booking by the Portland Owners and Trainers Association.

Maurie Weekes advised that reseeding, topsoiling and levelling will be taking place shortly, and will not affect this booking, and therefore the Association will not need to use Kremer Park, Portland for this booking.

The Committee recommends that approval be given to the Portland Touch Football Association to use Saville Park, Portland on Wednesdays between 5.00pm and 8.00pm, and Thursdays from 4.00pm until 8.00pm from 10 October 2007 until mid April 2008 to conduct the 2007/2008 touch football competition, as well as on one (1) Sunday to host a knockout (date yet to be determined).

MOVED: Neil Gambrill

SECONDED: Wayne Vought

ITEM 9 – BOOKING REQUEST – LITHGOW WAR MEMORIAL OLYMPIC SWIMMING POOL, LITHGOW – LITHGOW SWIMMING CLUB

Correspondence has been received from the Lithgow3 Swimming Club requesting permission to use the Lithgow War Memorial Olympic Swimming Pool, Lithgow, to

conduct their training, race nights and Saturday morning learn to swim classes for the 2007/2008 season.

The times and days required are as follows:

- Monday to Thursday from 3.00pm until close (three (3) lanes of the Olympic Pool plus one (1) lane for public lap swimmers);
- Fridays from 4.30pm until close (five (5) lanes of the Olympic Pool for Friday Club Nights);
- Saturdays from 9.00am until 11.00am (access to the Learners Pool and two (2) lanes of the Olympic Pool).

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to the Lithgow Swimming Club to use the Lithgow War Memorial Olympic Swimming Pool, Lithgow on Mondays to Thursdays from 3.00pm until close (three (3) lanes of the Olympic Pool plus one (1) lane for public lap swimmers), on Fridays from 4.30pm until close (five (5) lanes of the Olympic Pool for Friday Club Nights), and on Saturdays from 9.00am until 11.00am (access to the Learners Pool and two (2) lanes of the Olympic Pool) subject to a meeting being conducted closer to the opening of the Pool for the 2007/2008 season between Council's Pool Manager and all approved users of the Pool.

MOVED: Russell Blanchard

SECONDED: Barry DorrOUGH

ITEM 10 – BOOKING REQUEST – LAKE WALLACE, WALLERAWANG – LITHGOW STORM JUNIOR RLFC

Correspondence has been received from the Lithgow Storm Junior RLFC requesting permission to use Lake Wallace, Wallerawang on Sunday, 2 September 2007 from 11.00am until 6.00pm to conduct their annual mini league presentation.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to the Lithgow Storm Junior RLFC to use Lake Wallace, Wallerawang, on Sunday, 2 September 2007 between 11.00am and 6.00pm to conduct their annual mini league presentation.

MOVED: Danny Whitty

SECONDED: Glen Ryan

ITEM 11 – GENERAL BUSINESS

- Neil Gambrill thanked Council for the recent works in removing the tree and tidying up the site at Glanmire Oval, Lithgow, and also advised that the “No Smoking” signs have finally been replaced. Neil requested that the grounds be mowed, and Maurie Weekes advised this will be placed on Council's works programme.
- John Boyd enquired of a progress report on the proposed indoor aquatic centre, and Neville Castle advised that Council's request for a rate increase was rejected, and Council has applied for this to be reviewed by the Minister, and if the review is successful, this will not be determined until December 2007. Even if the rate increase is approved, no works will be undertaken during this swimming season, and existing bookings will not be affected. The Committee will be kept informed of the progress of this matter.

- John Boyd advised that the running straight at Jim Monaghan Oval, Lithgow is not in great condition, and enquired if Council has any plans of replacing the grass straight with a synthetic surface. Neil Gambrill advised that the Hockey Association will eventually be replacing the existing sand hockey turf with another water based turf, and that negotiations between the Hockey Association and Council could be undertaken to reuse the synthetic turf from the sand based facility, however, this project will not be taking place for a number of years. Neville Castle advised that Maurie Weekes will arrange for some maintenance to be undertaken on the running track to fill any holes etc.
- Russell Blanchard enquired if the cricket wicket at Kremer Park, Portland has been protected during the football season, and Neville Castle advised that Council lays a carpet like matting over the wicket during football season for safety reasons and asset protection.
- Danny Whitty enquired if Saville Park, Portland will be prepared for use for cricket, and Maurie Weekes advised that it will be suitable for use after the reseeding, topdressing and levelling has taken place. Danny further asked when the matting covering the cricket wicket at Kremer Park, Portland will be removed, and Maurie advised that this will be completed in the next week, as well as required grading works. Danny enquired if Council has made any progress with obtaining a quotation for sprinkler heads for Conran Oval, Lithgow, and Maurie advised that he has a quotation and will speak with Danny after the meeting regarding this matter. Danny further enquired if Council has produced the calendar for bookings for Council's grounds for the senior and junior cricket associations, and Leanne Kearney advised that these have been produced and provided to both Mark Cronin and Michael Brown.
- Neil Gambrill enquired if the use of the cricket training nets at Kremer Park, Portland will cause a conflict between the Portland Owners and Trainers Association and the Cricket Association, and Neville Castle advised that he will undertake an inspection of the site with Maurie Weekes to determine if any conflict will arise, and if so, this matter will be sorted out between Council and the two (2) users rather than the Sports Advisory Committee.
- Eric Arnold advised that the inside lane of the running track at Jim Monaghan Athletics Oval, Lithgow is being affected heavily by flooding, from the finishing line through for approximately fifty (50) metres. Maurie Weekes advised that he will inspect his, and undertake any drainage works deemed necessary.

MOVED: Neil Gambrill

SECONDED: Wayne Vought

The meeting closed at 5.47pm.

RECOMMENDATION

THAT the minutes of the Sports Advisory Committee be adopted.

ATTACHMENTS

FINANCE & SERVICES

Item 1.

DEPARTMENT OF LOCAL GOVERNMENT
EMAILING OF FORMS TO COUNCILLORS

This form will allow Councillors to receive DLG Circulars via electronic copy. If you wish to receive the circulars via email, please fill in the form below and return to Casey Clarke, Personal Assistant to General Manager as soon as possible.

NAME: _____

EMAIL ADDRESS: _____

SIGNED: _____

DATE: _____

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Item 3.

PIKE, PIKE & FENWICK

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Lithgow City Council
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Sydney 2000 DX 521 Sydney

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Year

PIKE PIKE & FENWICK
LAWYERS

FAX SHEET

To	Andrew Muir Lithgow City Council	From	Stephen Griffiths
Fax number	6351 4259	Date	19 July 2007
Re	ADVICE AUSTEN QUARRY, HARTLEY - DEVELOPMENT CONSENT 103/94 Our ref SNG:cw:LTH0042	Total pages	4 incl cover

Urgent Original to follow in post/DX By fax only

Notes/Comments:

Letter follows

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ABN 77 357 538 421



PIKE PIKE & FENWICK
LAWYERS

19 July 2007

The General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

FACSIMILE 6351 4259

Dear Sir

ADVICE
AUSTEN QUARRY, HARTLEY – DEVELOPMENT CONSENT 103/94
Our ref SNG/AMH:cw:LTH0042
Your ref Andrew Muir GWR

We refer to your letter of 3 July 2007.

- 1 There is no condition in the development consent seeking to restrict the volume of material extracted.
- 2 The current attitude of the Court of Appeal appears to be a general presumption against the incorporation of extrinsic evidence in order to construe the practical effect of a consent. See the recent Court of Appeal decision in *Alcoa Australia Rolled Products Pty Ltd v Weston Aluminium Pty Ltd* [2006] NSWCA 273 reported at 148 LGERA 439 at paras 35-42 and in particular at para 39 where Bastin JA commented:

"It is common practice for a consent to refer to the application to which consent is being given. However, it is doubtful that the existence of a reference to another document in a consent is to be treated generally as incorporating the contents of the other documents."
- 3 Doubt was cast on the previous decision of *Holland J in Wollongong City Council v Australian Iron and Steel Pty Ltd* (1988) 67 LGERA 51 at 57 where he held that it was permissible to look at the application and EIS documents in construing the consent.
- 4 While this is an indication of the current attitude of the Court of Appeal i.e., generally a presumption against incorporating extrinsic documents in the terms of a consent, we still think as a matter of legal principle, the terms of another document can still be incorporated in a development approval, either expressly or by necessary implication. For example, the Court of Appeal in *Alcoa* did not expressly disapprove the previous leading decisions e.g. in *Ryde Municipal Council v Royal Ryde Homes* (1970) 19 LGERA 321 or *House of Peace Pty Ltd v Bankstown City Council* (2000) 106 LGERA 440. In this particular

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case, as you correctly observe, condition no. 1 of the consent states that the development is "to be carried out generally in accordance with the development application and accompanying Environmental Impact Statement...".

- 5 The practical problem is of course in attempting to determine precisely what this condition means, which is largely why the Court of Appeal have issued cautionary words to the effect above.
- 6 On the application of the legal principles, we agree with the advice given by Freehills and the relevance of the cases to which they refer:

"a "Generally" in accordance with does not mean "strictly" in accordance with."

See the comments of Talbot J and Bignold J cited in the Freehills advice in the cases of Colin Maybury and of Guideline Drafting and Design, referred to therein. See further the comments of Stein J in Wingecarribee and of Talbot J in Katoomba Gospel Trust.

- 7 In addition, we agree with Freehills' construction of the EIS that section 3 dealing with the outline of the proposed development and forecast quarry production are merely that. They are forecasts, not limits on production. Indeed, the EIS specifically states (at page 3-10, para 3.3.3) that:

"Since quarry industry is market driven, rates of extraction will be tied to demand for quarry products over any given period of time, and consequently, it is not possible to determine exact production rates..."
- 8 The strict technical legal answer to the question raised is that the development consent as such contains no limitation whatsoever on the amount of material to be produced. It would thus become a matter of fact and degree, extremely difficult in practice to prove as to when hypothetically the development might no longer be operated "generally" in accordance with the scenario sketched out in the EIS.
- 9 In our opinion, it is open to argument as to whether the expectations and predictions in relation to traffic and transport are again intended as specific strict limitations and furthermore, we are uncertain, in any event, as to whether the predicted noise impact arising from 198 traffic movements per day of what were regarded as heavy vehicle movements in 1994 would equate with a similar number of daily heavy vehicle movements, of what we understand may be significantly larger vehicles in 2005. It may or may not be the case that the noise impact of such vehicles is all but identical. This would be a matter for professional advice. It would appear from an inexpert analysis of table 7.2 that on average, loaded trucks would carry 25 tonnes each, whereas, we note Freehills in their letter of 22 June 2007 are "instructed" that the average

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capacity of trucks now using the quarry is 33 tonnes whereas you instruct us that the level in 1994 was 20 tonnes and today standard is 35 tonnes. Indeed, perhaps the very imposition and variability in these figures indicate the complicated task with which a Court would be faced in attempting to construe the traffic predictions as restrictions on the amount of production. We further note that immediately above table 7.2, the EIS also contains the cautionary note that *"this table provides data on an annual average basis with an anticipated daily average. Both production and trucking levels will vary according to market demand."* It is again a prediction, rather than a limitation.

- 10 In our opinion, the better way to construe condition 1 which requires general but not strict compliance would be to advise that there is no limitation whatsoever on extraction as such, but that the number of heavy vehicle movements should not *"generally"* exceed 198 per day. We can see no other general implied limitation within the EIS e.g., in relation to noise or dust impact which might otherwise generally limit the amount of production.
- 11 This does not, of course, automatically conclude the matter for the purposes of whatever licence may be required from the Department of Environment and Climate Change, and they should, of course, exercise their statutory powers to grant such licence as they consider appropriate, in the light of what they consider to be the relevant environmental considerations they must consider under their statutory duties and responsibilities.
- 12 All Council can say for the purposes of the development consent is that there is no specific limitation on production, nor requirement for strict compliance with the EIS, but at best, a general implied limitation that the number of heavy vehicular movements should not generally exceed 198 per day.

Yours faithfully


Stephen N. Griffiths
Partner
Accredited Specialist Local Government and Planning Law

encl.

Item 5

**ITEM REG – 03/09/2007 - DEVELOPMENT
ASSESSMENT REPORT - DA/CC 138/07 PATIO
ADDITION - 1 BUSBY STREET LITHGOW**
REPORT FROM: GROUP MANAGER REGIONAL SERVICES

PROPOSAL

A development /construction certificate application has been received from Spectrum seeking permission to construct a steel framed pergola at No.1 Busby Street, Lithgow.

SUMMARY

To assess and recommend for approval DA/CC No.138/07 subject to conditions.

LOCATION OF THE PROPOSAL

Lot 10 DP 1029892 No.1 Busby Street, Lithgow.

ZONING: The land is zoned Residential 2(a) in Council's Local Environmental Plan 1994.

PERMISSIBILITY

The development is permissible in the zone subject to development consent.

POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that any Development Application lodged where the applicant is a councillor must be referred to council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.

FINANCIAL IMPLICATIONS (eg Section 94)

Nil

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

Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required.

The development is permissible under the Lithgow LEP 1994 subject to consent.

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

If applicable, is the development consistent with the objectives of the draft instrument?

N/A

Any Development Control Plan

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

N/A

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?

N/A

Any matters prescribed by the regulations that apply to the land

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether appropriate to require the building to brought into conformity with BCA.

N/A

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 relevant matters are up to assessment and merit. As a guide only, the following may be considered if they are considered to be of relevance to the proposal. Amenity, streetscape, scenic quality, bulk, scale character, density, design, adjacent landuse compatibility, solar access, noise, access & traffic, utility services, heritage, water, soils, air, flora & fauna, wastes, safety, security, crime prevention, natural hazards, social, economic & cumulative impacts.

The development is compatible with the existing built environment.

The Suitability of the site for the development

Does the proposal suit the site? Bulk/Scale/Sensitivity? Are there any natural or man made hazards?

The site is suitable for the development.

Any submissions made in accordance with this Act or the Regulations

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

N/A

The public interest

Have any genuine Planning issues been raised in by the wider public? Is there genuine irrefutable concerns relating to public health & safety?

N/A

DISCUSSION AND CONCLUSIONS

The development application should be approved.

RECOMMENDATION

THAT Development/Construction Certificate No.138/07 be approved subject to the following conditions:

1. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
2. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
3. That the structure is securely bolted at its supports and fixed rigidly at its base.
4. That the proposed rainwater drains are connected to the existing rainwater disposal system.
5. 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:
 - g) Framing when external wall and roof cladding is in place and prior to internal linings.
 - j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - k) 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.
6. That the external cladding and roofing of the enclosed patio are of a natural tone, non reflective condition.

7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) 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.

Report prepared by: Jim Nichols
Development Manager

Dated: 16/08/2007

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DEVELOPMENT ASSESSMENT REPORT - DA/CC 160/07 – LITHGOW CROQUET CLUB

PROPOSAL

A Development/Construction Certificate application has been received from Lithgow Croquet Club for Clubhouse additions to the existing croquet clubroom at the Glanmire Reserve.

SUMMARY

To assess and recommend for approval DA/CC No. 160/07 subject to conditions.

LOCATION OF THE PROPOSAL

Lot 45 DP 171939 Glanmire Reserve Lithgow.

ZONING: The land is zoned Open Space 6 in Council's Local Environmental Plan 1994.

PERMISSIBILITY:

The development is permissible in the zone subject to development consent.

POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's policy **Development Applications by Councillors and Staff and Relatives or on Council Owned Land** requires that such application be referred to Council or its appropriate committee for consideration and determination and that no aspect of the application be dealt with under delegated authority.

FINANCIAL IMPLICATIONS (eg Section 94)

Council is partially funding the project through the 2007/08 Management Plan.

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

Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required.

The development is permissible under the Lithgow LEP 1994 subject to consent.

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

If applicable, is the development consistent with the objectives of the draft instrument?

N/A

Any Development Control Plan

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

N/A

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?

N/A

Any matters prescribed by the regulations that apply to the land

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether appropriate to require the building to brought into conformity with BCA.

N/A

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 relevant matters are up to assessment and merit. As a guide only, the following may be considered if they are considered to be of relevance to the proposal. Amenity, streetscape, scenic quality, bulk, scale character, density, design, adjacent landuse compatibility, solar access, noise, access & traffic, utility services, heritage, water, soils, air, flora & fauna, wastes, safety, security, crime prevention, natural hazards, social, economic & cumulative impacts.

The development is compatible with the existing built environment.

The Suitability of the site for the development

Does the proposal suit the site? Bulk/Scale/Sensitivity? Are there any natural or man made hazards?

The site is suitable for the development.

Any submissions made in accordance with this Act or the Regulations

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

N/A

The public interest

Have any genuine Planning issues been raised in by the wider public? Is there genuine irrefutable concerns relating to public health & safety?

N/A

DISCUSSION AND CONCLUSIONS

The development application should be approved.

RECOMMENDATION

THAT Development/Construction certificate Application No.160/07 be approved subject to the following conditions:

CONDITIONS

1. 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) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured .
 - e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - f) Framing when external wall and roof cladding is in place and prior to internal linings.
 - g) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - h) Wet area flashing prior to tiling or covering.
 - i) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - j) 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.
2. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and Public Holidays	No work
3. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
4. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

6. 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.
7. The person constructing any works shall install, prior to any construction work, adequate sediment and soil erosion controls. The controls shall be in accordance with the Department of Infrastructure Planning & Natural Resources current guidelines for erosion and sediment control.
8. The building or any part of the building which is the subject of a development consent and construction certificate must not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
9. The disabled handrails, access ramp and WC are to comply with the requirements of Australian Standard 1428 Design for Access and Mobility.

Report prepared by: Jim Nichols
Development Manager

Dated: 16/08/2007

Item 8.

Modification of Development
Consent Application 461-04

Pine Dale Open Cut Mine
Proposal

Applicant: Enhance Place Pty Ltd.



SECTION 79C
PLANNING REPORT

DEVELOPMENT ASSESSMENT REPORT PINE DALE SECTION 96 MODIFICATION

PREAMBLE

Previously, Council issued development consent to DA 461-04 being the construction and operation of the Pinedale Open Cut Mine in Blackmans Flat. Council is in receipt of a Modification of Development Consent Application for the approved development, seeking to modify current conditions relating to the use of public roads for a period no less than 6 years for the transportation of coal and to increase current maximum tonnages for the development to 350,000tpa from existing levels of 200,000tpa. A comprehensive Section 79C planning report is attached.

As part of the conditions of consent Council indicated that:

13.2 Private Roads

13.2.. The Applicant shall ensure that within six months of the commencement of operations, all coal is to be transported to Mt. Piper and Wallerawang Power Stations by means other than public roads.

The applicants have lodged a Modification of Development Consent Application under Section 96(2) of the Environmental Planning and Assessment Act 1979, seeking to modify the above condition with the following:

13.2 Private Roads

- 13.2.1 This consent sanctions the transportation of coal by public road to Mt Piper and Wallerawang Power Stations for a period of 5 years from the commencement of coal transportation.
- 13.2.2 Within six(6) months of the commencement of coal transportation, the Applicant shall convene a meeting with Council, Delta Electricity, the owner/operator of the Angus Place to Mt Piper Haul Road, the owner/operator of the Angus Place to Wallerawang Haul Road and Centennial Coal, or such of those parties who accept the convening, to discuss ways in which a practicable agreement may be reached to use the Angus Place to Mt Piper Haul Road and the Angus Place to Wallerawang Power Station Haul Road. If these discussions are successful, a timetable shall be implemented to ensure coal purchased from the applicant by Delta Electricity is generally transported to Delta Electricity power stations by private haul road, other than at times when access to the private haul roads may for some reason be unavailable. If these discussions are not successful then condition 13.2.3 shall apply.
- 13.2.3 Notwithstanding the provisions of condition 13.2.1, the applicant may apply to Council to extend the period for the transportation of coal to Mt Piper and Wallerawang Power Stations for the term of this consent on public roads if the discussions outlined in condition 13.2.2 do not result in agreement to utilise either or both of the private haul roads. Should this occur then this extension must be applied for in writing no later than six (6) months prior to the expiration of the five year period as outlined in condition 13.2.1. In determining whether to grant any such extension, the Council may consider

previous performance of heavy vehicle haulage and any complaints received by Council or the Community Consultative Committee. Council's granting of an extension under this sub-clause may not be unreasonably withheld.

The modification application has been made under the justification that the applicant considers that sub-clause 13.2 of the consent is arguably, either not consent to its application or is unreasonably imposed, or both, by virtue of:

- a) by restricting the transportation of coal to means other than freely and readily available public roads, the purported consent significantly alters the development in respect of which the application was made so that the purported consent is not a not consent to the application at all; and
- b) the condition fails the common law test of validity in that, the condition imposed is so unreasonable that no reasonable local authority properly advised would impose such a condition.

To understand the basis on which to proceed, the modification application was referred to Council's Solicitors (Pike Pike & Fenwick) for comment on the justification supplied by the applicant. In their reply Pike, Pike and Fenwick indicated in their opinion the condition imposed as part of the original consent is "in legal principle" a valid condition.

In addition, the application is considered to be integrated development through the Roads Act 1993 and as such was forwarded to the RTA concerning any issues they may have.

PROPOSAL

Council is in receipt of a modification of consent application for an existing designated and integrated development application from RW Corkery & Co. on behalf of Enhance Place Pty Ltd. who are seeking a modification to their existing approval, to allow production limits to increase to 350,000 and allow continual haulage of coal on public roads.

The Statement of Environmental Effects indicates that the purpose of the development would remain the same as the currently approved development, being to mine and provide coal to local power stations and other buyers in an environmentally responsible manner.

The proposed modifications to the approved development include an increase in the approved production from 200,000tpa to 350,000tpa and continued transport of coal at the increased production rate via public road network. The proposed increase in production would result in the need for an additional bulldozer within the area of mining and front-end loader within the crushing, stockpile and maintenance area. No additional processing equipment or increase to operational hours would be required. No other operational or design features would change as a result of the production increase.

It is asserted that the proposed modification would result in substantially the same environmental impacts as the operation currently approved. The applicant concludes in

the Statement of Environmental Effects that the application satisfies the requirements of Section 96(2) of the Environmental Planning and Assessment Act 1979.

The modification seeks the following variations:

- (i) increase annual approved production from a maximum of 200,000tpa (Section 2.6.4 of EIS (RWC, 2004)), to 350,000tpa; and
- (ii) transport up to 350,000tpa to the Mt Piper and Wallerawang Power Stations via the public road network.

The proposal is considered 'integrated development' under Section 91 of the Environmental Planning and Assessment Act 1979 as it also requires a Section 138 permit under the Roads Act 1993 for the installation of a centre median at the heavy

SUMMARY

To assess and recommend determination of Modification of Development Consent Application 461-04 Recommendation will be for refusal.

LOCATION OF THE PROPOSAL

The project site covers an area of 82.4 hectares on the northern side of the Castlereagh Highway at Blackmans Flat. The boundary of the project area is partly coincident with the boundary of Consolidated Coal Lease 770 (CCL 770), currently held by the Wallerawang Collieries Limited. An agreement exists between the applicant and Wallerawang Collieries that relates to the transfer of ownership of that part of CCL 770 within the project site, subject to the applicant assuming all existing rehabilitation liabilities for the former Wallerawang Collieries Pit Top. Subject to fulfillment of this agreement, the applicant would assume control of the remaining coal resources within the project site in accordance with the conditions of CCL 770 currently held with the Department of Primary Industries (DPI), formerly the Department of Mineral Resources.

The legal property description of the proposal is described as the following:

Part Portion 29 DP 751636
Part Portions 290 & 291 DP 751636
Part Lot 31 DP 827626
Lot 21 DP 751636
Lot 33 DP 827626
Part Lots 29 & 30 DP 827626
Part Lot 27 DP 827626
Part Lot 34 DP 827626
Ben Bullen State Forest
Crown Road Reserves

ZONING: The land is zoned General Rural - 1(a) & Forestry - 1(f) according to Council's Local Environmental Plan 1994.

PERMISSIBILITY: The proposal is permissible within the zone subject to development consent. The application has been lodged in accordance with Section 96(2) of the Environmental Planning and Assessment Act 1979.

Thus the proposal is permissible within Council's Local Environmental Plan 1994 for subdivision in the rural 1(a) zone however the aims and objectives of the zone must also be met.

Further, these aims and objectives of the rural 1(a) zone must be taken into consideration as part of any application. Due to the substantial nature of the modification and as part of the Acts integrated development component, Council sought comment from the Roads and Traffic Authority. . advice is highlighted later in this report.

POLICY IMPLICATIONS (OTHER THAN DCP's)

No other policy implications are perceived as part of this application.

FINANCIAL IMPLICATIONS (eg Section 94)

Should development approval be recommended the proposal would be subject to Section 94 Contributions for Industrial development. Each additional employee will be required to pay appropriate contributions accordance with the Section 94 requirements.

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

Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required.

On the 12 February 2004, the Minister Assisting the Minister for Infrastructure and Planning delegated the approvals process to Lithgow City Council subject to certain conditions. Those conditions included:

1. the delegation may only be exercised in relation to a development application lodged by Enhance Place Pty Ltd to Lithgow City Council for the Pine Dale Coal Extraction proposal.
2. the Council unless otherwise directed by me, the Minister, cannot refuse the subject development application;
3. the Council and its officers shall consult with the Department of Infrastructure, Planning and Natural Resources (the Department) in finalizing its report for determination;
4. the Council shall forward a copy of the draft instrument of consent to enable any conditions to be agreed to by the Department on behalf of the Minister.

Under the provisions of the delegation Council has complied with each of the conditions. The Department has agreed to the draft conditions in a letter received on 15 September 2005, and the amended conditions received via e-mail on 12th October 2005.

Further, on the 7th February 2007 the Minister for Planning the Honorable Frank Sartor issued a further delegation instrument that would allow Lithgow City Council to determine any application to modify the Pine Dale Coal Extraction development consent (DA No 461/04) under sections 96(1), 96(1A) and 96(2) of the Environmental Planning and Assessment Act 1979.

It should be noted that considerable time has elapsed since the lodgment of the modification application, which was within the 6 month consent period. This delay has been primarily due to the time taken by the Department of Planning to allocate relative delegated authority for Council to undertake the assessment.

Local Environmental Plan's

Under the provisions of the Lithgow City Council Local Environmental Plan (LEP) 1994, the development is zoned in Council's *General Rural 1(a) Zone*. The aims and objectives of that zone are outlined below. They include:

Zone No 1 (a) Rural (General)

1 Objective of the zone

The objective of the zone is to promote the proper management and utilisation of natural resources by:

- (a) protecting, enhancing and conserving:
 - (i) rural land, in particular prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential,
 - (ii) soil, by controlling and locating development in accordance with soil capability,
 - (iii) forests of existing and potential commercial value for timber production,
 - (iv) valuable deposits of minerals, coal and extractive materials, by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,
 - (v) trees and other vegetation in environmentally sensitive areas, where the conservation of the vegetation is significant for scenic amenity or natural wildlife habitat or is likely to control land degradation,
 - (vi) water resources for use in the public interest, preventing the pollution of water supply catchment and major water storages,
 - (vii) localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat, and
 - (viii) items of heritage significance,
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,
- (c) facilitating farm adjustments,
- (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services,
- (e) providing land for other non-agricultural purposes, in accordance with the need for that development, and
- (f) providing for the separation of conflicting land uses.

2 Without development consent

Development for the purpose of agriculture (other than intensive livestock keeping establishments or ancillary dwellings); bushfire hazard reduction; forestry (other than ancillary dwellings); home based child care.

3 Only with development consent

Any development except that permitted without consent or prohibited.

4 Prohibited

Development for the purpose of boarding houses; bulky goods salesrooms and showrooms; commercial premises; motor showrooms; residential units; shops (other than general stores).

The objective of the zone is to promote the proper management and utilisation of natural resources by:

(a) protecting, enhancing and conserving:

- (i) rural land, in particular prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential;
- (ii) soil, by controlling and locating development in accordance with soil capability;
- (iii) forests of existing and potential commercial value for timber production;
- (iv) **valuable deposits of minerals, coal and extractive materials, by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits;**
- (v) trees and other vegetation in environmentally sensitive areas, where the conservation of the vegetation is significant for scenic amenity or natural wildlife habitat or is likely to control land degradation;
- (vi) water resources for use in the public interest, preventing the pollution of water supply catchment and major water storages;
- (vii) localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat; and
- (viii) items of heritage significance;

(e) providing land for other non-agricultural purposes, in accordance with the need for that development;

It is considered that the application can be considered as it complies with the provisions set out in the aims and objectives of the 1(a) zone.

Further the application falls within the Forestry 1(f) zone and as such must comply with the provisions of that zone which indicate:

Zone No 1 (f) Rural (Forestry)

1 Objectives of the zone

The objectives of the zone are:

- (a) to identify land managed by the Forestry Commission under the *Forestry Act 1916*,
- (b) to preserve existing forests within the City of Lithgow, while allowing compatible development, and
- (c) to prevent pollution of water supply catchments and water quality in major water storages.

2 Without development consent

Development for any purpose authorised by the Forestry Commission under the *Forestry Act 1916*.

3 Only with development consent

Development for the purpose of extractive industries; mining; veterinary clinics.

4 Prohibited

Any development except that permitted without consent or only with consent.

It is considered that the application can be considered as it complies with the provisions set out in the aims and objectives of the 1(f) forestry zone.

Regional Environmental Plan's

The Drinking Water Catchments REP No.1 applies to the development. As part of the concurrence process the application was assessed under Module 5 of the NoRBE assessment guide and referred to the SCA for concurrence. The SCA in its correspondence indicated that the development could be granted subject to development consent.

State Environmental Planning Policies applicable to the proposal are:

State Environmental Planning Policy No 11 -- Traffic Generating Developments

The issues incorporating the SEPP has been addressed in the impacts of the report.

No change is proposed as part of the modification.

State Environmental Planning Policy No 44 -- Koala Habitat Protection

SEPP 44 – Koala Habitat Protection applies to the Lithgow City Local Government Area. One of the species identified in Schedule 2 of SEPP 44 as habitat trees, namely, Ribbon Gum (*Eucalyptus viminalis*), was identified on the Project Site. SEPP 44 states that potential Koala habitat is an area “.....of native vegetation where trees of the types listed in Schedule 2 [of SEPP 44] constitute at least 15% of the total number of trees in the upper and lower components of the tree component.” The few scattered Ribbon Gum identified along some drainage lines within the Project Site do not constitute 15% of the total tree cover, hence SEPP 44 does not apply.

No change is proposed as part of the modification.

State Environmental Planning Policy 55 - Remediation of Land

The remediation of land is considered through the rehabilitation process involved within the development and requirements through General Terms of Approval issued by concurrence agencies.

No change is proposed as part of the modification.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

It is considered that under the provisions of the SEPP the modification can be considered under Clause 16(2) Transport.

State Environmental Planning Policy (Major Projects) 2005

It is considered that under the provisions of the SEPP the modification can be considered by Council with no further state consideration under Clause 6(2)(a) of the SEPP.

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
If applicable, is the development consistent with the objectives of the draft instrument?

Nil.

Any Development Control Plan

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

Lands zoned Rural 1(a) where industrial developments are permitted under the LEP are also covered by the Greater Lithgow Development Control Plan No. 6 relating to Industrial development. The plan provides detailed guidance for the development of land for industrial purposes, and imposes standards on design and appearance of buildings, landscaping, parking, access, setbacks, storage areas, advertising signs, drainage, security fencing, requirements when adjoining residential areas, S94 contributions for coal related development, garbage and trade refuse storage and collection areas, and soil erosion and sediment control.

Industrial developments within rural zones must also conform to the DCP requirements on visual character, ribbon development, relationship with agricultural use, concentrations of industrial use, services and advertising signs.

The proposal seeks to additionally employ 2 people as such further Section 94 contributions would be applicable should Council recommend approval for the modification.

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

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether appropriate to require the building to brought into conformity with BCA.

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

The relevant matters are up to assessment and merit. As a guide only, the following may be considered if they are considered to be of relevance to the proposal. Amenity, streetscape, scenic quality, bulk, scale character, density, design, adjacent landuse

compatibility, solar access, noise, access & traffic, utility services, heritage, water, soils, air, flora & fauna, wastes, safety, security, crime prevention, natural hazards, social, economic & cumulative impacts.

Increased Tonnage

The modification seeks to increase tonnages from the site from 200,000tpa to 350,000tpa an increase of 75%. The additional tonnages have been sought as additional contracts to the local (Mt Piper) markets and as such in order to activate those additional contracts the modification is required to be approved. The potential impacts of the modification are arguable. The additional contracts proposed have the potential to reduce the life of the mine significantly. As part of the original Environmental Impact Statement (EIS) for the Pine Dale proposal it was indicated that the total resource within the mining lease area was 1.9 million tonnes. An increase in tonnage potentially decreases the life of the mine from approximately 10 years to approximately 6 years. This decreases the long term effect on the adjoining residents of Blackmans Flat and Lidsdale. Additionally, the Statement of Environmental Effects (SoEE) indicates that this increase in operation will have no additional affect on limits pertaining to noise, hours of operation or mining method.

However, the applicant also states within the SoEE that exceedances of the noise level criteria are likely to occur during stripping and mining cell development activities, more widely when operations occur within Area C which is closer to the eastern receivers. The noise exceedances predicted are considered marginal to moderate and would be noticeable to some people but not noticeable to others. These noise exceedances would occur on a regular but infrequent basis, generally for 2 or 3 days per month.

It is considered that allowing the modification to be approved has the potential to activate acquisition clauses within the current consent. As such, it could be considered that Council could be incorporated should approval be recommended.

The alternative view is that the modification seeks to increase production to an additional 75% of the approved development. Therefore there will be increased pressure placed on the adjoining area through such impacts as vehicle movements (both light and heavy) noise and amenity.

It is considered by assessing officers that the additional pressure placed on residents through increased truck movements, noise and the like cannot be justified in this instance.

Transportation of Coal

Council officers consider the issue of coal transportation to be one which requires careful consideration. The existing mining operations are situated adjacent to a private haul road and it seems incongruous that heavy vehicles would have to travel by public road when such a facility is so close. However, the applicant has indicated within the SoEE that, there are private contractual issues which apparently make the potential usage of the private road improbable. The current development consent condition provides the following:

13.2. *The Applicant shall ensure that within six months of the commencement of operations, all coal is to be transported to Mt. Piper and Wallerawang Power Stations by means other than public roads.*

Council officers strongly favour the retention of this condition.

Any submissions made in accordance with this Act or the Regulations

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

It is considered that due to the nature and scale of the proposed modification the application cannot be supported. The application fails to outline how the development can adequately be undertaken without compromising the overall aims and objectives of the zone, in accordance with Council's current Local Environmental Plan 1994 as well as minimise impacts such as noise, dust and airborne pollutants on the adjoining landowners.

Public Submissions

The development was notified to adjoining landowners for comment with closing date for submissions being Friday 30 March 2007. Council received four submissions regarding the proposal during the exhibition period. A summary of these submissions are outlined below.

SUMMARY OF SUBMISSIONS

Council's Duty of Care – to care, respect, protect the communities rights, value the community in which it is responsible for. Lithgow City Council will be negligent in its duty of care if it chooses to allow this modification to proceed.

Noise – Given the expected exceedances (especially in Area C) due to the increased tonnages and transport movements Council should indicate that the applicant has no option other than utilisation of the private haul road.

Timing – objections are raised over additional truck movements for longer periods of the day.

Cumulative Affect – given the number of industrial developments surrounding Blackmans Flat it is considered that an increase in traffic movements will once again increase the cumulative impacts surrounding Blackmans Flat.

We are unaware of anything that has occurred since the approval of Pine Dale Mine that justifies this modification. Conditions have gotten worse for residents of Blackmans Flat given the substantial industrial/heavy development that has been approved since. It is considered that all development approved in and around Blackmans Flat has minimised any concerns relating to cumulative impact. Any potential increases in Haulage or Traffic only further increases impacts on the community of Blackmans Flat.

Private Haul Road – the proponent claims that it is not economically viable to use the private coal haul road. The use of the private haul road is a condition in the original consent documentation and as part of the proponents duty should take responsibility for

this. It is considered that the applicant had no intention of using the private haul road and knew that a modification was imminent. This is a blatant display of dishonesty and non transparent application process.

Road Impacts – seriously major traffic increases through the area of Blackmans Flat have been approved since Council first approved Pine Dale. It is totally unfair and unjust for Council to regard Pine Dale Mine as a stand alone project, these cumulative traffic increases must be taken into account holistically. While some of these projects have no other option than to use the Castlereagh Highway, the owners of Pine Dale do have a perfectly viable alternative, being the private haul road.

Further Cumulative Impacts – continuing health and safety risks, noise dust, air and quality of life impacts are occurring from substantial industrial development in the vicinity of Blackmans Flat.

Authority Submissions

Department of Environment & Conservation (Environmental Protection Unit)

In correspondence received from the Department of Environment and Climate Change (DECC) who indicated that based on the information provided, the proposal will not be integrated development (IDA) for the purposes of the EPA under the Protection of the Environment Operations Act 1997 as the activity is already licensed with the EPA, being environmental protection licence 4911, and the proposed modification does not trigger a requirement to vary environment protection licence 4911.

The conditions on environment protection licence 4911 will adequately cover any potential impacts associated with increasing the annual coal production from 200,000 to 350,000 tonnes.

Notwithstanding the above, the DEC would recommend that the applicant review and update as necessary, their Air Quality Monitoring Program (part of the Mining Operations Plan) to consider any increased dust generation that may be associated with the increased activity on site, and ensure that existing mitigation measures are sufficient to minimise such impacts.

The Department of Environment & Conservation (Threatened Species Unit)

No further considerations required.

The Department of Primary Industries

The Department of Primary Industries (Mineral Resources) indicated in their correspondence that it has no objection to the proposed modification relating to the current modification. They further indicated that the modification will not alter the current mining method or result in an increase in disturbed areas within the Mine Lease. As the rate of mining will be increased by the modification, the rehabilitation schedule will be accelerated.

The proposed increase in mining rate could bring about an increase in dust generated by the increased truck movements, however this can be mitigated by increased use of a water truck.

There will be an increase in noise levels at nearby residences when mining moves to Area C. This will occur whether or not the modification is granted. The increased noise levels will be over shorter time period if the rate of mining is increased.

It is considered that the proposed modification will not significantly increase the environmental effects from the mining operation at the Pine Dale Coal Mine.

Sydney Catchment Authority

As part of the modification the application was forwarded to the SCA for comment. In their response the SCA indicated that concerns are raised however should Council resolve to approve the application the following conditions would be required to be incorporated, those being:

- Procedures and safeguards should be implemented to reduce coal material overspill and offsite loss from trucks onto the roadways and verges (and hence prevent material from entering waterways and impacting water quality); and
- Contingency plans and procedures (including prior planning, training and availability of equipment) should be developed to respond to a spill of fuel or coal materials during a hazardous material incident arising from a truck accident which may affect water quality.

Roads & Traffic Authority

The application is considered to be integrated development through the Roads Act 1993, and as such the RTA was advised of the modification and asked to comment. In correspondence received by the RTA several recommendations were identified. These include;

1. The proponent monitor the volume of vehicles entering and leaving the site, ensuring 'busy days' are captured. For this purpose it is recommended that a traffic classifier be installed in an appropriate location within the site, and reports provided to Lithgow City Council for assessment.
2. In the event that the volume of vehicles turning into the site exceeds 10km's per hour, that the intersection is upgraded to a higher standard based on the RTA Road Design Guide 'AUR' or 'CHR' as appropriate for the volumes and road safety requirements.
3. The proponent to monitor traffic incidents, including 'near misses' at or near the site access that involve vehicles intending to access or having left the site.
4. The proponent to prepare a traffic management plan that includes induction and regular reminders to haulage vehicle drivers relating to safe operation of the vehicles on public roads.

However, in concluding the RTA state in their correspondence that *it is noted that a private haul road may be accessed for haulage operations. The use of a private haul road mitigates the majority of public road safety and traffic impacts accompanying the proposal and further negotiations should be encouraged.*

From the response submitted by the RTA it can be assumed that in their opinion usage of the private haul road to transport coal is a better option given it can mitigate all safety concerns on public roads.

The public interest

Have any genuine Planning issues been raised in by the wider public? Is there genuine irrefutable concerns relating to public health & safety?

Should Council consider that approval should be recommended additional section 94 monies would be required to be paid for two additional employees.

DISCUSSION AND CONCLUSIONS

Councillors should be aware that as part of the original development application extensive negotiations had taken place with the proponents in relation to conditions of consent prior to approval being given. Whilst general agreement was reached on draft conditions there remained two areas where this could not be achieved. Firstly, in relation to the life of the proposal Council recommended a limitation of 10 years which can only be extended through a Section 96 modification where ongoing environmental compliance would need to be demonstrated. In relation to haulage on public roads and access to other private means of transportation, Council was of the opinion that, irrespective of private matters of access, the proximity to the private haul road was too great a consideration to ignore. Thus it is recommended that the application be refused.

RECOMMENDATION

THAT the application for modification to Development Application 461-04 be refused for the following reasons;

1. The additional impact of the development on adjoining landowners in terms of noise from increased coal production and traffic movements, and
2. The additional impact of the development on the adjoining residents with respect to Area's B and C of the original development consent (DA 461-04), and
3. The proposed additional development will have a negative social and environmental impact, and
4. The public Interest.

Item 12.

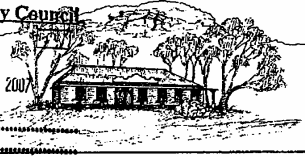
The Newnes Hotel

Nature, history, pleasure and more

Lithgow City Council
Scanned

12 JUN 2007

Doc. No.
GDA Ref.
Years



Neville Castle
Lord Mayor of Lithgow
Lithgow City Council
180 Mort Street
Lithgow 2790

June 8, 2007

Dear Neville Castle,

I am writing to you to ask for your sponsorship and that of Lithgow Council for an important event which will take place later this year in the Lithgow City Council area, namely the centenary celebration of the Newnes Hotel, Wolgan Valley. The Newnes Hotel is the only surviving building of the historic township of Newnes. It is heritage listed at both the state and federal levels and is a focal point for visitors not only to the Wolgan Valley but also to Lithgow itself. The Hotel is the heart of our family business - Newnes Hotel Cabins owned and operated by myself (Helen Drury Ebersoll) and my husband (Thomas Ebersoll). Over the last 5 years, we have begun to develop our vision of a sustainable tourist development. We have installed a state of the art solar energy system and sewage disposal facility and built 2 self contained cabins and are building the third. Our aim is to generate a cash flow to eventually be able to renovate the old Hotel which currently operates as a small kiosk, providing information on Newnes and basic camping supplies.

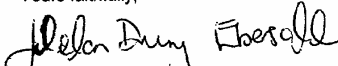
This year the Hotel will turn 100 and we are planning a celebration over the October long weekend of 28th September to 1st October. As part of this celebration we will be creating a small museum display in the Hotel hallway. The display will consist of 5 posters on topics ranging from the aboriginal history of the Wolgan Valley to recent developments at Newnes, as well as a display of objects connected with the Hotel and the Newnes township. The posters will be designed and developed by myself as I have considerable expertise in this area (see attached mock poster). I would like to display the Lithgow City Council logo on these posters to show the support of Council for our efforts to bring visitors to the area and to promote its history. To this end, I am asking for Council sponsorship for the printing and laminating of the posters. The budget for this as quoted by FedEx Kinko's is as follows:

Printing from PowerPoint slide : \$16.50 per poster x 5 posters =	\$ 82.50
Printing of A0 poster \$125 per poster x 5	\$ 625.00
Laminating of A0 poster \$16.15 per poster x 5	\$ 80.75
TOTAL	\$ 788.25

We would very much like to have Council support and sponsorship for this celebration of one of the icons of the Lithgow area.

We look forward to your reply.

Yours faithfully,


Helen Drury Ebersoll

CC. Barbara Moran, Deputy Mayor; Paul Anderson, General Manager

The Newnes Hotel
PO Box 63
Wallerawang
NSW 2845

Proprietors
Thomas Ebersoll
Helen Drury
ABN 61 453 496 165

Contacts:
Tel: +(61 2) 6355 1247
Sydney Office: +(61 2) 9698 8251
Email: newnes@lisp.com.au

Towards a Sustainable Future at Newnes (draft poster only)

Solar energy

The sun provides energy in two forms - light and heat. The sun can be used to heat water in our homes and businesses. It can also produce electricity. Energy produced by the sun is called solar-power.

Since the beginning of mankind we have used the energy of the sun to dry clothes and food, but it wasn't until 1954 that scientists in the United States worked out a way to use the sun to create electricity.



Energy Australia has a 2.75 hectare solar farm (the size of about 5 football fields) at Singleton in NSW. It is the largest of its type in the southern hemisphere and produces enough electricity (400 kW) each year to power about 100 homes.

By generating electricity through the sun we prevent the release into the atmosphere of around 500 tonnes of greenhouse gases each year.

Solar energy falls into two main categories

1. "Solar photovoltaic" energy.

The scientists invented photovoltaic cells (or panels) to capture the sun's energy and turn it into electricity. They wanted to use this solar electricity to power satellites in space.

Photovoltaic cells are made up like a sandwich - two layers of silicon containing special chemicals. Sunlight is used to change electrons in the silicon layers. The energised electrons move through the cell and flow into a wire, creating an electric current.

Solar photovoltaic power is the same technology that powers some calculators and watches. It is also used for remote telephones in some regional areas. The power of the sun is also used as a direct source in solar hot water units.

Solar power is particularly useful in remote areas (and there are a lot of these in Australia) where regular electricity supply is not available.

2. "Solar thermal" energy - solar hot water falls into this category also.

Energy from the sun is absorbed and used to heat things like water. The hot water can be used directly or it can be used to create steam to drive a small turbine which generates electricity. There are not many working examples of this in Australia but there has been a lot of research into it.



Advantages of using solar energy

- It's almost free once the equipment is installed.
- Energy from the sun is renewable (it won't run out)
- It's very useful for remote areas that are not connected to the main electricity grid.
- It is environmentally safe (ie it produces no greenhouse gases)
- Australia has heaps of sunshine!

Disadvantages of using solar energy

- It doesn't work well on days when it is overcast or cloudy and it doesn't work at all at night.
- Solar generators are expensive and require a lot of space.



NEW SOUTH WALES

MEDIA RELEASE

The Hon Frank Sartor MP

Minister for Planning

Minister for Redfern Waterloo

Minister for the Arts

21 August 2007

NSW PUBLIC LIBRARIES FUNDING REVIEW ANNOUNCED

State Plan Priority E8: More people participating in the arts and cultural activity

Minister for the Arts Frank Sartor today announced an independent review of public library funding in NSW, to help ensure libraries retain their important role in local communities.

Former Independent Pricing and Regulatory Tribunal chair Dr Tom Parry will carry out the review, beginning immediately.

"This strategic review will help to ensure Government funding is distributed in the most effective way," Mr Sartor said.

"Dr Parry will look at a range of relevant issues including local government funding for public libraries and the areas in greatest need of public funding support."

The review will include consultation with a range of stakeholders such as the Library Council of NSW and its Public Libraries Consultative Committee, the Local Government and Shires Associations of NSW, the NSW Arts Advisory Council, the Metropolitan Public Libraries Association of NSW and the Country Public Libraries Association of NSW.

"The lemma Government recognises the important service provided by public libraries, particularly in regional areas," Mr Sartor said.

"Since 1995, State Government funding to the public library network has increased by almost 40% to \$23.5 million in 2007/08.

"This review of public libraries funding – in consultation with industry – will help to ensure we are working to the best possible advantage for the community and the arts."

Minister Sartor said he expected to receive a report from Dr Parry by the end of the year and would consider any recommendations.

Media contact:

Ann-Marie Wilcock

9228 4700 / 0413 872 275

TERMS OF REFERENCE – REVIEW OF GOVT FUNDING FOR PUBLIC LIBRARIES

The NSW Minister for the Arts has identified the need for a strategic review of the Government's funding support for public libraries to ensure the most effective application of these funds for the benefit of the NSW public libraries system as a whole.

The review will examine and report on:

- Revenue raising potential of local government authorities by local government area (detailed for sources of revenue and demographic factors);
- Options for the most strategic application of State Government funding which would ensure this funding is directed towards areas of greatest need;
- Any regulatory implications associated with these options;
- Transitional arrangements including an implementation plan to guide the migration to a new more strategic system of funding;
- Any other means by which library services may be enhanced in NSW; and
- Identification of special issues and anomalies.

**TRAFFIC AUTHORITY LOCAL COMMITTEE MEETING
MINUTES – 9 AUGUST, 2007**

PRESENT Bob Walker, George Schurr, Mark Brown, Kym Snow, Bob Wilison, Howard Fischer, Paul Creelman, Matthew Wade

APOLOGIES No apologies

REPORT

ITEM 1 - DECLARATION OF INTEREST

ITEM 2 - MINUTES OF THE PREVIOUS MEETING

The Minutes of the Traffic Authority Local Committee Meeting held on 6 June 2007 were read and confirmed.

The Committee recommends that the Minutes be taken as read and confirmed

VOTE:

ITEM 3 - BUSINESS ARISING FROM THE MINUTES

- 50kmh on Sunny Corner Road-RTA
- The work at the intersection of Cranebrook Park Road, Little Hartley and Cox's River Road, Little Hartley will be completed shortly.
- Letters have been responded to or will be as soon as the work has been allocated.

The Committee recommends the minutes of previous meeting be taken as read.

VOTE: Unanimous

ITEM 4 – A request has been received as to the possibility of upgrading the Williwa Street/ Commonwealth Road, Portland intersection.

The Committee recommends that the Roads & Traffic Authority has investigated this intersection and at this stage no action be taken.

VOTE: Unanimous

ITEM 5 – An issue with access from the lane behind 24 Roy Street, Lithgow. Whilst vehicles are not parking directly behind the premises, they are close enough to interfere with vehicles entering and leaving the garage.

The Committee recommends that the resident be advised that a meeting be arranged between representatives of Council, the resident and his neighbours to see if an amicable solution can be arranged.

VOTE: Unanimous

ITEM 6 – A request from Councillor M McAndrew about having flashing lights installed in School zones. Sharon Grierson has advised that the flashing lights will be considered on an individual basis by submission.

The Committee recommends that Council make a general submission to the RTA for the installation of flashing lights at pedestrian crossings at schools with the Lithgow Council LGA.

VOTE: Unanimous

ITEM 7 – A car is parking at 125 Chifley Road, Lithgow where there is a no parking sign in place. Mr Passmore has advised that the sign is in the wrong place.

The Committee recommends that this 'No Stopping' zone be closed off by placing another 'No Stopping' sign on the power pole in Chifley Road and residents be written to advising that Council will be enforcing this No Stopping zone.

VOTE: Unanimous

ITEM 8 – Council was made aware of a car rally in the Sunny Corner State Forest on 1 September 2007. Bathurst Light Car Club would like the approval of Council to run this event.

The committee recommends that permission be granted subject to approval by State Forests and that the rally be carried out in accordance with the special events guidelines.

VOTE: Unanimous

ITEM 9 - Mrs Howell of Berry Street, Lithgow would like a convex mirror installed to improve the safety of the intersection of Berry Street and Redgate Street, Lithgow.

The Committee recommends that a convex mirror be placed at this intersection. Investigations to be made as to the owner of a shrub that is obstructing motorists view with the owner to be requested to trim back this vegetation.

VOTE Unanimous

ITEM10 – A request to put a loading zone in Naomi Street for the building 171 Main Street, Lithgow.

The Committee recommends that we seek further information be obtained from the proponent.

VOTE: Unanimous

ITEM 10 – A question from Mrs Sewell of Portland if anything could be done about decreasing the amount of trucks using Range Road.

The Committee recommends that Mrs Sewell be written to advising that Range Road is a major road connecting the township of Portland to the Great Western Highway and that at this stage nothing can be done to reduce the number of trucks using this road.

VOTE Unanimous

ITEM 11 – The issue of loading zones in Main Street Lithgow has been raised by the LBA.

The Committee recommends that the LBA be requested to provide more information as to what it would like to see Council adopt as far as special parking zones in Main Street. Currently the 'Bus Zones' in Main Street are 24 hour, Seven days a week, which is not a requirement in Lithgow as the buses only run Monday to Friday

with the first service in Main Street not stopping until after 9.00 am. The 'Bus Zones' could be designated loading zones between the hours of 6.00pm until 9.00am.

VOTE: Unanimous

ITEM 12 – Mr Wilson has raised the issue of pedestrian access across the highway near the hospital. Could the Committee look into any options available.

The Committee recommends this matter be referred to the RTA.

VOTE: Unanimous

ITEM 13 – The signage in the Portland area in respect to directions to other towns, is reported to be insufficient.

The Committee recommends the signs be replaced that are unreadable and any signs that are obscured by trees have the trees trimmed. Also the Council will look at the general sign plan in the Portland area.

VOTE: Unanimous

ITEM 14 – A request has been received from NPWS to install a load limit on Glow Worm Tunnel Road.

The Committee recommends that Council advise NPWS who is the responsible body for this road.

VOTE: Unanimous

ITEM 15 – It has been reported that there have been extensive delays at the level crossing at Pipers Flat level crossing. Could the Committee look into it please?

The Committee recommends at this be noted as a problem and that the relevant body be advised of this situation.

VOTE: Unanimous

ITEM 16 – A request that a pedestrian crossing be installed outside the Blinky Bill Childcare Centre, Portland.

The committee recommends that talks be held with Blinky Bill management to ascertain their requirements and the ramifications of having a pedestrian crossing placed out the front of Blinky Bill be explained. These ramifications include the loss of parking for 40 metres on each side of the pedestrian crossing to allow for safe sight distance.

VOTE: Unanimous

ITEM 17- General Business

- The possibility of turning the carpark at the back and side of the Council building to a road related area to restrict public parking and be able to enforce it.

Recommendation- That signage be placed advising that under 633 and 632 of the Local Government Act, 1993, parking on the designated land without a permit result in the issuing of an infringement notice.

VOTE: Unanimous

- Bridges at Glen Davis

That Council has compiled a sign plan for the placement of signs on these bridges which is in accordance with the RTA requirements for the placement of approach signage for bridges of this size and location.

Recommendation- That Council proceed with the installation of the signs.

VOTE: Unanimous

The next meeting will be on **Thursday the 4 October, 2007, at 2.00pm** in the Committee Room, Administration Building, 180 Mort Street, Lithgow.

The meeting closed at 3.10 pm.

RECOMMENDATION

THAT the minutes of the Traffic Authority Local Committee be adopted.