



LITHGOW CITY COUNCIL

AGENDA

FINANCE AND SERVICES COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

06 MARCH 2006

AT 7.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY

PRESENTATIONS

CONFIRMATION OF THE MINUTES OF THE FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL HELD ON 6 FEBRUARY 2006

DECLARATION OF INTEREST

NOTICES OF MOTION

NIL

NOTICES OF RESCISSION

NIL

CORRESPONDENCE AND REPORTS

General Manager Reports
Corporate Services Report
Engineering Services Reports
Environment And Planning Services Reports

REPORTS FROM DELEGATES

Associated of Mining Related Council Meeting held on 10 February 2006

COMMITTEE MEETINGS

RFS / SES Joint Headquarters Working Party

QUESTIONS WITHOUT NOTICE

TABLE OF CONTENTS

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>GENERAL MANAGER REPORTS</u>	<u>3</u>
<u>ITEM: 1</u>	<u>EXEC - 06/03/06 - THE MACQUAIRE PHILHARMONIA - AUSTRALIAS INLAND SYMPHONY ORCHESTRA</u>	<u>3</u>
	<u>ENGINEERING SERVICES REPORTS</u>	<u>5</u>
<u>ITEM: 2</u>	<u>ENG - 06/03/06 - REQUEST FOR A MEETING - GLEN DAVIS COMMUNITY ASSOCIATION INCORPORATED</u>	<u>5</u>
	<u>ENVIRONMENT & PLANNING SERVICES REPORTS</u>	<u>7</u>
<u>ITEM: 3</u>	<u>EPS - 06/03/06 - COMMUNITY CONSULTATIVE COMMITTEE - CLARENCE COLLIERY EXTENSION APPROVAL</u>	<u>7</u>
<u>ITEM: 4</u>	<u>EPS - 06/03/06 - CHILDCARE CENTRE HARTLEY</u>	<u>8</u>
<u>ITEM: 5</u>	<u>EPS - 06/03/06 - DEVELOPMENT APPLICATIONS SUBMITTED</u>	<u>10</u>
<u>ITEM: 6</u>	<u>EPS - DEVELOPMENT AND CONSTRUCTION APPROVALS</u>	<u>11</u>
<u>ITEM: 7</u>	<u>EPS - 06/03/06 - LITHGOW ENVIRONMENT GROUP</u>	<u>13</u>
<u>ITEM: 8</u>	<u>EPS - 06/03/2006 - NATIONAL TRUST - MEMORIAL TO CHARLES DARWIN</u>	<u>14</u>
	<u>CORPORATE SERVICES REPORTS</u>	<u>15</u>
<u>ITEM: 9</u>	<u>CORP - 06/03/06 - INTERIM AUDIT REPORT ALAN MORSE & CO 2005/06 FINANCIAL YEAR</u>	<u>15</u>
<u>ITEM:10</u>	<u>CORP - 06/03/06 - COUNCIL INVESTMENTS FEBRUARY 2006</u>	<u>17</u>
<u>ITEM:11</u>	<u>CORP - 06/03/06 - INSURANCE PREMIUMS 06/07 & STATISTICAL DATA</u>	<u>19</u>
	<u>REPORTS FROM DELEGATES</u>	<u>21</u>
<u>ITEM 12</u>	<u>ASSOCIATED MINING RELATED COUNCILS MEETING HELD IN SINGLETON ON 10 FEBRUARY 2006</u>	<u>22</u>
	<u>COMMITTEE MEETINGS</u>	<u>23</u>
<u>ITEM:13</u>	<u>ENG - 06/03/06 - MINUTES OF THE RFS/SES JOINT HEADQUARTERS WORKING PARTY</u>	<u>23</u>
	<u>ATTACHMENTS</u>	<u>25</u>
<u>ITEM:4</u>	<u>EPS - 06/03/06 - CHILDCARE CENTRE HARTLEY</u>	<u>25</u>
<u>ITEM:7</u>	<u>EPS - 06/03/06 - LITHGOW ENVIRONMENT GROUP</u>	<u>43</u>
<u>ITEM:8</u>	<u>EPS - 06/03/2006 - NATIONAL TRUST - MEMORIAL TO CHARLES DARWIN</u>	<u>44</u>
<u>ITEM:13</u>	<u>ENG - 06/03/06 - MINUTES OF THE RFS/SES JOINT HEADQUARTERS WORKING PARTY</u>	<u>46</u>

GENERAL MANAGER REPORTS

ITEM: 1 EXEC - 06/03/06 - THE MACQUAIRE PHILHARMONIA - AUSTRALIAS INLAND SYMPHONY ORCHESTRA

REFERENCE

NIL

SUMMARY

This report is requesting Council to consider supporting the Macquarie Philharmonia for the next four years.

COMMENTARY

"With Fiona Thompson - Director of the Mitchell Conservatorium of Music in Bathurst - our company is supporting the establishment of the Macquarie Philharmonia - Australia's Inland Symphony. The orchestra draws on the exceptional musical talents of our young secondary and tertiary students and the wealth of talents of professional musicians in Central NSW.

The orchestras first concert, held in 2004 at St Stanislaus College Bathurst, featured internationally celebrated pianist "local boy" Michael Clark and more than sixty Musicians drawn from Bathurst, Orange, Lithgow, Katoomba, Dubbo, Parkes, Mudgee, Cowra and all points in between. Last years performances Tchaikovsky's "Romeo and Juliet", Prokofiev's "Peter and the Wolf" and Dvoraks "New Worlds Symphony" were held at the Bathurst Memorial Entertainment Centre and the Orange Civic Centre.

I am writing to see if I can meet with Lithgow City Council to invite you to join us and others in supporting the orchestra over the next four years.

To fund the Orchestra, we are seeking to raise \$700,000 over the next four years. There are three main Donor levels: GOLD at \$2,500 per annum (\$10,000), SILVER at \$1250 per annum (\$5000) and BRONZE at \$250 per annum (\$1000). All donations are tax deductible.

You may have also heard the donor endorsements and on-air acknowledgments on 1503 2BS Gold and B-Rock 99.3 FM. Our radio stations have committed over \$50,000 (airtime) each year to promote the orchestra and its donors and will continue to do so.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Lithgow City Council will need to consider a possible donation, however, Council must be cognisant of the fact that the Council has expanded all its donation votes for 2005/06.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Lithgow City Council consider a possible donation towards the Macquarie Philharmonia for the next four years.

ENGINEERING SERVICES REPORTS

ITEM: 2 ENG - 06/03/06 - REQUEST FOR A MEETING - GLEN DAVIS COMMUNITY ASSOCIATION INCORPORATED

REFERENCE

NIL

SUMMARY

Recent correspondence has been received from the Glen Davis Community Association Incorporated regarding concerns for public safety due to road surface issues along the Glen Davis Road.

COMMENTARY

The Glen Davis Community Association Incorporated have requested a meeting be held with Council to discuss several key issues within the area of Glen Davis and the impacts and implication that are currently being placed upon the Glen Davis Community, particularly with relation to Glen Davis Road.

The Glen Davis Community Association Incorporated have raised the below concerns:

- Increase in visitor popularity/commuters to Rylstone and National Park, additional grading is requested due to the increase in vehicular movements.
- The increase road accidents in which 5 out of 12 accidents have been overturned vehicles.
- Dust pollution from an increase in commuter and visitor traffic utilizing Glen Davis Road.

Glen Davis Community Association are requesting a meeting to discuss a solution for special funding and consideration for fast tracking the sealing of the Glen Davis Road to Glen Davis.

It is requested that Council hold a Meeting with the Glen Davis Community Association Incorporated to discuss the impact of the above concerns in order to resolve issues within Council 06/07 budget allocations.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT:

1. Council conduct a Meeting with the residents of the Glen Davis Community Association on Saturday, 1 April 2006 at 11.30am at the Glen Davis Community Hall to discuss the impact of the Associations concerns in order to resolve the issues within Council's 2006/2007 budget allocations.
2. Council notify the Glen Davis Community Association if this time and date is not convenient so that they can advise the Glen Davis Community.

ENVIRONMENT & PLANNING SERVICES REPORTS

ITEM: 3 EPS - 06/03/06 - COMMUNITY CONSULTATIVE COMMITTEE - CLARENCE COLLIERY EXTENSION APPROVAL

SUMMARY

This report is to inform Council of an approval issued by the Minister for Planning for the Clarence Coal Mine Extension submitted by Centennial Coal Company Limited, and to seek Council representation on the Community Consultative Committee.

COMMENTARY

In notification received by Council from the NSW Department of Planning it was advised that on the 19 December 2005, the Minister for Planning, the Hon Frank Sartor MP, approved the development application (DA 504-00) by Centennial Coal Limited, for the Clarence Coal Mine Extension. Conditions of consent pertaining to that approval accompanied the notification.

As part of the approval Condition 9(a) in Schedule 5 indicates that a requirement for at least one representative of Council be a member of the Community Consultative Committee (CCC). Other members of the Committee are to be 2 representatives of Centennial, 3 representatives from the local community and an independent Chair.

Council is now in receipt of correspondence from Centennial Coal asking that Council indicate its elected member for the CCC. It is recommended that one member of Council be nominated for the committee together with one Council officer.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

This committee is a requirement attached to the development approval. Under these conditions the Committee must be established.

ATTACHMENTS

1. Conditions of consent pertaining to the approved extensions to Clarence Colliery.

RECOMMENDATION

THAT Council elect a Councillor to sit together with the General Manager or delegate on the Community Consultative Committee for Clarence Colliery.

ITEM: 4 EPS - 06/03/06 - CHILDCARE CENTRE HARTLEY

REFERENCE

Development Application 209/05.

SUMMARY

To report back to Council actions that have ensued following the resolution of its Finance and Services Committee of 6 February 2006 and to seek final determination of the development application.

COMMENTARY

Council's Finance and Services Committee considered a detailed report in relation to the abovementioned matter at its meeting of 6 February 2006. The Committee resolved the following:

"That Council explore other options that were raised by the community and report back to Council in 2 weeks. This was DECLARED CARRIED."

Two meetings were subsequently held with the Applicants to discuss options in relation to alternative locations. Very limited options exist in relation to potentially suitable Council lands with only two potential sites at Wallerawang and Clarence. These were not suitable to the Applicants. They have also investigated potential lands at South Bowenfels in private ownership. However, in addition to land purchase and development application costs, they have taken some years to find a site that satisfied what they were trying to achieve in a location that they believe to be an excellent environment for young children. Their site location is partly based on their investigation of other facilities overseas and they simply wish to have their development application determined on its merits. They believe that all the matters raised have been adequately addressed and ask that the matter be determined so they can then consider their options.

Whilst presented to Council at its meeting of 20 February 2006, some Councillors were unable to peruse the supplementary report and the matter was deferred.

POLICY IMPLICATIONS

The prime policy in relation to the matter is Council's Local Environmental Plan. The land is zoned 1 (a) General Rural under the LEP and the development is permissible in the zone with Council consent. The Section 79C report addresses all the other issues in relation to the LEP including the zone objectives. The other relevant Council policy that applies is the Off Street Car Parking Development Control Plan. The application has been assessed under the provisions of the DCP and Council officers recommend that 20 spaces be provided in accordance with its provisions.

FINANCIAL IMPLICATIONS

There are no immediate financial implications to Council. Whilst costs may eventuate if an appeal is lodged by the Applicants if the application is refused, this is not an appropriate or relevant matter for consideration in Council's decision.

LEGAL IMPLICATIONS

The development application has been fully assessed under the matters for consideration provided in section 79C of the Environmental Planning and Assessment Act, 1979. A copy of this assessment and recommendation is attached to this supplementary report. The Council should fully consider this assessment in the decision it makes. Should the Council determine to refuse the application then it will need to provide reasons in accordance with the provisions of Section 79C. Should this ensue the Council should be cautious if it considers providing reasons for refusal where the particular issue has been fully assessed and addressed in the Section 79C assessment.

Section 82 (1) of the Environmental Planning and Assessment Act provides where a consent authority has not determined a development application within the relevant period (40 days in this case) the development application is taken to have been determined by refusing consent. However, section 82 (2) provides that 82 (1) does not prevent a consent authority from determining a development application after the expiration of the period and it would not be appropriate for a consent authority to decline determination of an application on the basis that it has already been “deemed” as refused.

Section 97 of the Environmental Planning and Assessment Act provides rights of appeal to an applicant who is dissatisfied with the determination of a development application in relation to their development proposal. Objectors attract no such merit based rights of appeal, however section 123 of the Act provides that any person may bring proceedings in the Court for an order to remedy or restrain a breach of the Act. Once again, it is stressed that the possibility of an appeal or challenge on legal grounds is not relevant to Council’s consideration and determination of a development application.

CONCLUSIONS

Whilst the Council’s concerns in relation to the development application are appreciated, it has been thoroughly assessed under Section 79C of the Environmental Planning and Assessment Act and on individual merit no professional recommendation other than approval subject to conditions can be made.

Finally, it is noted that at Council’s last meeting, a resident queried the “level” of construction in relation to the requirements of the Rural Fire Service which was subsequently re-stated in a letter from the gentleman’s Solicitor. The Rural Fire Service have been subsequently contacted and have indicated that requiring a higher level of construction in this instance is not an option and they maintain that their original condition still applies. This is indicated in proposed condition 42 which states:

“Asset Protection Zones shall be provided 20m to the east of proposed development. This shall be incorporated through establishment of a section 88B restriction on adjoining property. Alternatively the proposed building envelope shall incorporate a setback of 15m to the west on the proposed development site.”

If Council resolves to grant consent to the application it would be suggested that the following sentence be added to the condition to ensure amended plans for the setback area are provided and the necessity to move the effluent disposal area is taken into consideration.

“If the alternative proposal is chosen, then amended plans shall be submitted to Council in respect of the amended setback as well as modified details of effluent disposal areas having regard to the report prepared by Blue Mountains Geological and Environmental Services P/L (dated May 2005).”

ATTACHMENTS

1. Copy of report to Council's Finance and Services Committee of 6 February 2006 including Section 79C Assessment.

RECOMMENDATION

THAT matter is submitted for Council's determination.

ITEM: 5 EPS - 06/03/06 - DEVELOPMENT APPLICATIONS SUBMITTED

REPORT

Purpose of Report

To inform the Council of recently submitted development applications.

Background

In order to keep the Council informed of current development proposals, the following list is provided of development applications which have been received after last reported to the Planning, Policy & Development Committee on 6 February 2006. The list excludes dwellings, additions, carports and associated residential proposals or proposals of a minor nature.

Significant Development Applications received			
DA No.	Date Received	Proposal	Property
31/06	6/02/06	Subdivision into 2 lots	Lot 54 Pinnacle Fire Trail, Portland
36/06	10/02/06	Laser Clinic	164 Main Street Lithgow
40/06	14/02/06	Subdivision into 2 lots	Lots, 1 – 4 DP 456814 Jenolan Caves Road, Hartley

Comments

If Councillors wish to receive more detailed information on any of the aforementioned applications, then this can be provided. Councillors should also be aware that the development application for 128 Seniors Living Villas at Lot 1 DP 1044978 Great Western Highway, South Bowenfels was lodged on 28 February 2006. Summaries of the proposal can be provided to Councillors on request.

RECOMMENDATION

THAT the information be received.

ITEM: 6 EPS - DEVELOPMENT AND CONSTRUCTION APPROVALS

REPORT

Purpose of Report

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

DA NUMBER	OWNERS NAME	SITE ADDRESS	PROPOSAL	APPROVAL TIME (DAYS)
447/05	ST VINCENT DE PAUL SOCIETY	193-197 MAIN STREET, LITHGOW	CONSTRUCTION OF COMMERCIAL BUILDING	50
496/05	J & B MORRIS	894 BROWN'S GAP ROAD, LITTLE HARTLEY	DUAL OCCUPANCY	29
410/05	RD & PJ TAYLOR	335 CURLY DICK ROAD, MEADOW FLAT	SUBDIVISION INTO 4 ALLOTMENTS	44
11/06	PA KENNY & DS SCOTT	17 HAYLEY STREET, LITHGOW	CARPORT	2
516/05	MM BURTON	20 HENDERSON PLACE, LITHGOW	DWELLING	39
1/06	RG MUDIE	2 RAY CRESCENT, CLARENCE	GARAGE	7
4/06	LITHGOW CITY COUNCIL	PART POR 35 LOT D DP 376167 BARTON STREET, LITHGOW	NEW STAGE FOR CIVIC BALLROOM	6
2/06	JR BENNETT	80 RABAU STREET, LITHGOW	GARAGE	7
12/06	SJ & C HOULISON	5 MCKENZIE PLACE, LITHGOW	PATIOPORT	1
13/06	RA & RA FITZGERALD	1472 SUNNY CORNER ROAD, MEADOW FLAT	SWIMMING POOL	4
510/05	L PETERSON	37 MACAULEY STREET, LITHGOW	ADDITION & CARPORT	10
480/05	RR & MG THURLOW	7 HENDERSON PLACE, LITHGOW	DWELLING	28
14/06	JP & HM BAXTER	1 KIRKLEY STREET, SOUTH BOWENFELS	DWELLING EXTENSION	11
15/06	GC & LA NELSON	9 CURRINGA PLACE, WALLERAWANG	PATIOPORT	11
25/06	RD & MV LANGFORD	20 GRANGER PLACE, HARTLEY	POOL FENCING & SURROUND	4
523/05	JA ROEBUCK	1 VICTORIA AVENUE, LITHGOW	SHELTAPORT	14
224/05	MINISTER OF CORRECTIVE SERVICES	596 GREAT WESTERN HIGHWAY MARRANGARRO	25 CAR CARPARK	3
519/05	MJ & KL PEARCE	14 THORNLEY CLOSE, LITHGOW	DWELLING	24
07/06	AJ LAWSON	1019 BROWNS GAP ROAD, HARTLEY	DWELLING ADDITIONS	23

AGENDA – FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL

524/05	DJ & KE MOLLA	50 MARSDEN VIEW CLOSE, LITTLE HARTLEY	DUAL OCCUPANCY	20
29/06	DJ COLLINS	16 BEAUFORT STREET, LITHGOW	GARAGE	5
17/06	ENHANCE PLACE PTY LTD	LOT 38 DP 827626 CASTLEREAGH HIGHWAY, BLACKMANS FLAT	PORTABLE BUILDING & CRUSHER SHED	17
21/06	GL & MP COMMINS	2515 JENOLAN CAVES ROAD, HAMPTON	SOLID FUEL HEATER	12
22/06	GL & MP COMMINS	2515 JENOLAN CAVES ROAD, HAMPTON	SOLID FUEL HEATER	12
20/06	DJ & SP COATES	1509 WOLGAN ROAD, LIDSDALE	SWIMMING POOL	14
33/06	MW & ME ANDREWS	LOT 101 DP 755794 CNR RAILWAY STREET & PLAIN STREET, RYDAL	PATIO	1
32/06	SG & TC MCMILLAN	26 COMMENS STREET, WALLERAWANG	GLASS ENCLOSURE & PATIO COVER	7
407/05	LITHGOW CITY COUNCIL	LOT 22 DP 773810 MORT STREET, LITHGOW	SUBDIVISION INTO 3 ALLOTMENTS	
16/06	AJ & BL BOYLING	14D BAYONET STREET, LITHGOW	PATIO COVER	18
522/05	NW & MA THOMPSON	6 FULLAGHER AVENUE, LITHGOW	PATIOPORT	17
248/05	G & P EPENIAN	78-80 HARTLEY VALLEY ROAD, LITHGOW	ALTERATION & ADDITION TO TERRACES	32
19/05	GD BOYD	POR 154 DP 757051 CULLENBENBONG ROAD, KANIMBLA VALLEY	SUBDIVISION INTO 3 ALLOTMENTS	9
30/06	MC & DM BETTISON	30 HIGH STREET, PORTLAND	DWELLING ADDITION	7
27/06	NC STEPHENSON/LM ORCHARD & OD MURRAY	3086 GREAT WESTERN HIGHWAY, SOUTH BOWENFELS	DWELLING	23
10/06	PS & SL EVANS	26 JAMES O'DONNELL DRIVE, LITHGOW	DWELLING	16

Total Estimated Cost:	\$2,786,252
Average Approval Time	15 DAYS
Total Cost of Approvals from 1/01/06	\$6,629,665
No. of Applications from 1/01/2006	61

RECOMMENDATION

THAT the information be received

ITEM: 7 EPS - 06/03/06 - LITHGOW ENVIRONMENT GROUP

SUMMARY

To advise of correspondence from the Lithgow Environmental Group proposing an informal 'get together'.

COMMENTARY

Correspondence has been received from the Lithgow Environmental Group proposing an informal social 'get together' to learn more about each other and foster a good working relationship.

In the interests maintaining mutual understanding and relationships that may be beneficial to the community, no objection is raised to organising an event between Lithgow Environment Group, Councillors and relevant staff. This of course, is subject to the elected Council's position.

POLICY IMPLICATIONS

No specific policy considerations arise as a result of this report.

FINANCIAL IMPLICATIONS

No specific financial considerations arise as a result of this report other than perhaps some minor catering costs if Council provides some light refreshments.

LEGAL IMPLICATIONS

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

ATTACHMENTS

1. Letter from Lithgow Environment Group dated 14 February 2006.

RECOMMENDATION

THAT a social gathering be arranged with the Lithgow Environment Group at a date and time to be organised by staff and LEG representatives.

ITEM: 8 EPS - 06/03/2006 - NATIONAL TRUST - MEMORIAL TO CHARLES DARWIN

SUMMARY

To advise of a proposal by the National Trust proposing to erect a memorial to commemorate Charles Darwin's visit to Wallerawang in 1836.

COMMENTARY

Correspondence has been received from the Lithgow Regional Branch of the National Trust advising of a proposal to erect a memorial at Lake Wallace commemorating Charles Darwin's visit to Wallerawang in 1836. A copy of the correspondence is attached.

The Trust has indicated a desire to participate in the project and in this regard it is understood they may be able to provide a sandstone plinth and appropriate plaque to be attached. It is understood that they would be seeking some assistance from Council in regard to re-locating the plinth and providing some minor site works. It should be noted that Delta Electricity would need to be consulted.

POLICY IMPLICATIONS

If Council provided some in-kind assistance it would be for community benefit rather than private works and in this regard should have no policy implications.

FINANCIAL IMPLICATIONS

Should Council provide some in kind support then the costs would be related to labour and plant. This has not been calculated as the final details would need to be refined but would not be expected to be major.

LEGAL IMPLICATIONS

No significant legal issues arise.

ATTACHMENTS

1. Letter from National Trust – Lithgow Regional Branch.

RECOMMENDATION

THAT Council indicate its support and willingness to provide 'in kind' works subject to Delta Electricity being consulted and the Trust providing finer details on the specific location and extent of 'works' that would be required of Council.

CORPORATE SERVICES REPORTS

ITEM: 9 CORP - 06/03/06 - INTERIM AUDIT REPORT ALAN MORSE & CO 2005/06 FINANCIAL YEAR

REFERENCE

27.06.05 Ordinary Meeting of Council: Adoption of 2005/06 Management Plan
31.10.05 Ordinary Meeting of Council: Sept 2005/06 Management Plan Review
06.02.06 Ordinary Meeting of Council: Dec 2005/06 Management Plan Review

SUMMARY

To advise Council of the interim audit visit for the 2005/2006 financial year by Auditors Alan Morse and Co.

COMMENTARY

Councils' auditors Alan Morse and Co have completed their 2005/2006 interim audit of Council records on 21 to 23 February 2006. This covered the period 1 July 2005 to 31 January 2006.

An interim audit letter was received on the 27 February 2006 and I am pleased to advise the audit was completed very efficiently and no areas of concern arose. A copy of the audit report is tabled for viewing.

Of interest to Councillors may be the scope of the audit, which allows the auditors to form an opinion on the financial reporting of the Council and their audit procedures have been primarily designed to achieve audit objectives related to this purpose. In order to meet these objectives in a cost-effective and efficient manner their approach concentrates on area of materiality and high risk.

To achieve an efficient audit the auditors have taken into account, to the relevant extent, the internal control structure consisting of:

- a) The control environment, incorporating management policies and procedures:
- b) The information system, incorporating the financial reporting process use to prepare the Councils financial reports: and
- c) Internal controls using those policies and procedures which management has established to provide reasonable assurance that specific organisation objectives will be achieved."

Scope of current review:

- Expenditure
- Payroll
- Rates
- Bank Reconciliations

- Debtors Reconciliations
- Inventory Reconciliations
- Water Charges

The only issue raised as a result of the audit was the absence of debtors listings for rates, and water for the months of July and Sept, and monthly reconciliations for stores, this was due to the illness of a staff member, but the alternate months of Aug, Oct, Nov and Dec were available and audited for rates and water and the December stores stock take reported to the Council meeting of 20.02.06 which ensures compliance. Upon investigation reconciliations were done for all debtors for all months but the months highlighted July and Sept contained listings but no formal cover sheet. Procedures have been implemented for relieving staff to ensure all months are completed.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information be received

ITEM:10 CORP - 06/03/06 - COUNCIL INVESTMENTS FEBRUARY 2006

SUMMARY

To advise Council of investments held and cash movements for the two month period ending 28 February 2006.

REPORT

The amount invested as at 28 February 2006 when compared to 31 January 2006 has increased by \$367,629.93 due to payment of 3rd instalment due on the 28 February 2006 and the 3rd payment of the 05/06 Financial Assistant Grant.

The most significant outgoing amounts were:

CREDITOR	AMOUNT	PURPOSE
Bathurst Flooring	41,697.00	Flooring Ballroom
Country energy	11,922.30	Utility
Gracey Earthmoving	14,806.00	Earthmoving
Henry Plant Hire	28,084.46	Plant Hire
Inzitari Electrical	30,255.46	Electrical work
K D Deveigne	17,183.10	Fencing
Statecover Mutual	108,051.46	Insurance
Integral Energy	41,868.90	Utility
Shell	45,752.36	Fuel
West Orange Motors	95,700.00	Vehicles / Plant
Telstra	17,007.35	Utility
TOTAL	914,643.88	(Less investment transfers)

INVESTMENT REGISTER 2005/06								
INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.01.06	VALUE 28.02.06	% OF TOTAL
ANZ	TD	24.01.06	28.03.06	60	5.60	524,690.62	524,690.62	5.51%
CBA	SHIELD	04.12.04	04.12.06	730	6.46	600,000.00	600,000.00	6.30%
	On Call				5.35	1,710,680.77	1,310,680.77	13.76%
LG FINANCIAL	TD	28.02.06	30.05.06	60	5.66	582,042.03	582,042.03	6.11%
	TD	10.02.06	11.04.06	60	5.64	1,122,873.10	1,133,091.86	11.90%
	TD	13.02.06	17.03.06	30	5.61	306,489.86	306,489.86	3.22%
	TD	27.02.06	26.04.06	61	5.66		750,000.00	7.87%
IMBS	On Call				5.45	715,603.99	715,603.99	7.51%
	TD	06.02.06	07.04.06	60	5.72	507,142.88	512,061.75	5.38%
	TD	09.02.06	10.05.06	90	5.75	514,822.17	517,314.47	5.43%
ALLIANCE	Managed	01.04.02	28.02.06	365		1,000,000.00	1,000,000.00	10.50%
ST GEORGE	TD	06.01.06	06.03.06	60	5.45	508,340.14	508,340.14	5.34%
	TD	05.01.06	05.04.06	90	5.10	411,361.67	411,361.67	4.32%
	TD	23.01.06	24.03.06	60	5.62	652,962.08	652,962.08	6.86%
			TOTAL			9,157,009.31	9,524,639.24	100.00%

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

Policy Implications

All Councils investments are held in accordance with the Lithgow City Council Investment Policy.

Financial Implications

The total budget for investment income in 2005/2006 Dec review is \$447,422. Investment income to date ie 28.02.06 totals \$312,779.56. This represents 69% of the expected revised budget. Councillors should be aware interest is not paid until the maturity date of the investment and managed funds report earning quarterly. Therefore timing differences between actual income received and budget will occur.

Legal Implications

All of Councils investments are held in accordance with the Lithgow City Councils Investment Policy which accords with the requirements of the:

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

RECOMMENDATION

THAT Councils investments for the month of February 2006 be received

ITEM:11 CORP - 06/03/06 - INSURANCE PREMIUMS 06/07 & STATISTICAL DATA

REFERENCE

Nil

SUMMARY

To advise Council of proposed insurance premiums for 2006/07 and insurance history over the past three years

COMMENTARY

Councils insurer has advised the expected premium increase for the 2006/07 financial year will be approx 5% due to the past years' severe weather conditions overseas. The annual premium renewals have also historically been from the 1 April until 31 March, this period will also change in 06/07 to align with the financial year and therefore Council will need to allow premiums for 15 months.

Council should provide the following estimates for the Draft 2006/07 Management Plan:

PREMIUM	2005/06 (Inc GST)	2006/07 (Inc GST + 5%) + Additional 3 months to 06/07	Increase 2006/07
Public Liability	\$689,920.00	\$905,520.00	\$215,600.00
Miscellaneous	\$77,000.00	\$101,062.50	\$24,062.50
TOTAL	\$766,920.00	\$1,006,582.50	\$239,662.50

A statistical overview of insurance claims was also provided by the insurer as well as verbal advice that Lithgow Council is an "individual Council doing well" with risk management and claims reduction.

CLAIMS	2003	2004	2005
Property	3	4	3
Vehicle & Plant	3	7	12
Public Liability	3	4	3

(a) Policy Implications

Nil

(b) Financial Implications

Increase of \$239,662.50 for insurance premiums in the 2006/07 Draft Management Plan.

(c) Legal Implications

Nil

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information be received and Council allow an increase of \$239,662.50 on the 2005/06 insurance premiums for the Draft 2006/07 Management Plan.

REPORTS FROM DELEGATES

ITEM 12 ASSOCIATED MINING RELATED COUNCILS MEETING HELD IN SINGLETON ON 10 FEBRUARY 2006

REFERENCE

NIL

SUMMARY

This report advises Council of the meeting of the Association of Mining Related Council held on 10 February 2006.

COMMENTARY

At the latest meeting of the Mine Related Council, David Grove, Director of OH&S of the New South Wales Minerals Council spoke on fatigue management in the mining industry in response to concerns by the Association members on the length of shift workers and the implications on their safety and lifestyle including social impact on their families and communities.

Also on the agenda was the assessment of cumulative impacts of mining carried out by the Centre for Social Responsibility in Mining, QLD Uni, currently in its final stages. The information in this study is eagerly awaited.

Further information was also supplied regarding the length of shifts and it was interesting to note Mining and Agriculture, Forestry and Fishing were the two groups that have by far the highest proportion of long work hours by industry in Australia, with mining being slightly higher than the Agriculture, Forestry and Fishing area.

It was also interesting to note that in mining, 60 hours per week for every year is relatively common and that Australian mine workers work 5 to 6 weeks more per year than their counterparts in other developed countries.

On the same agenda was also a report that had been released by Minister Sartor of possible additional coal mining potential in the Upper Hunter Valley area. This draft report indicated there were only two areas south of Murrumbidgee near the Pages River that was suitable for open cut coal mining. This process was looking at identifying coal mining in the short to medium term of up to about 15 years.

It was interesting to note also that a brief report on royalties was presented and that in the last financial year nearly \$400M has been contributed to the State Government in royalties from mining.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT the information be received.

COMMITTEE MEETINGS

ITEM:13 ENG - 06/03/06 - MINUTES OF THE RFS/SES JOINT HEADQUARTERS WORKING PARTY

REFERENCE

Nil

SUMMARY

Details of the Minutes of the RFS/SES Joint Headquarters Working Party Committee meeting held on Wednesday 1 February 2006.

COMMENTARY

At the RFS/SES Joint Headquarters Working Party Committee meeting held on Wednesday 1 February 2006 there were numerous items discussed by the Committee and it is considered that all these items be noted by Council.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the RFS/SES Joint Headquarters Working Party Committee meeting that was held on Wednesday 1 February 2006.

RECOMMENDATION

THAT Council note, the minutes of the Rural Fire Service/State Emergency Service Joint Headquarters Working Party held on Wednesday, 1 February 2006.

QUESTIONS WITHOUT NOTICE

Nil.

ATTACHMENTS

ITEM:4 EPS - 06/03/06 - CHILDCARE CENTRE HARTLEY

REFERENCE

DA 209/05.

SUMMARY

This report seeks determination of development application 209/05 for a Childcare Centre at Hartley Vale Road, Hartley. After full assessment the report recommends that consent be granted subject to conditions.

COMMENTARY

Council is in receipt of Development Application No 209/05 from P and M Williams through Springwood Drafting and Construction Service P/L for a childcare centre for 51 children aged from 0-5 years. The property is described as Lot 16 in DP 751644 in the Parish of Hartley. The property has a total area of 3667sqm. The land is a triangular shaped, partially timbered, vacant rural allotment, bounded on the northern and eastern boundaries by crown roads and the Hartley Vale Road on the southern boundary.

The development comprises a building of bagged brick construction with aluminium windows and a colourbond roof, to be located on the cleared eastern section of the site. A car park is to be provided for 10 spaces at the front of the centre, with separate entry and exit points onto Hartley Vale Road. The site would be accessible off Hartley Vale Road only. The crown road to the east is formed and provides access to land to the north. The crown road to the north is unformed.

LEGAL IMPLICATIONS

Council is bound to consider the development application under the provisions of Section 79C of the Environmental Planning and Assessment Act. The following matters must be considered by Council.

Any environmental planning instrument

The principal environmental planning instrument is Lithgow Local Environmental Plan 1994. The land is zoned 1 (a) General Rural under the LEP and its development is permissible in the zone with Council consent. The development is not determined to be commercial or industrial development by definition, but is considered to be under the separate definition of a child care centre. That definition states:

Child care centre means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

(a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990: and

(b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator);

The **objectives of the zone** are 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.
Officers comment: The site is Class 3 agricultural land and is deemed prime crop and pasture land. However due to the size of the lot and the timbered nature the land could never be used for agriculture.
 - (ii) Soil, by controlling and locating development in accordance with soil capability.
Officers comment: The development would be subject to the construction of the entrance and car park in accordance with Council's "Subdivision and Development Code", which includes measures to control soil erosion and sediment control. The construction of the development would also be subject to soil and sediment control measures. No other use of the land is proposed which would impact on the soil capability of the land.
 - (iii) Forests of existing and potential commercial value for timber production.
Officers comment: There are no relevant commercial timber reserves in the vicinity of the proposed development.
 - (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.
Officers comment: There are no known deposits in the location relevant to this development.
 - (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.
Officers comment: There are no environmentally sensitive areas relevant to this development.
 - (vi) Water resources for use in the public interest, preventing the pollution of water supply catchment and major water storage.
Officers comment: It is not expected that the centre would impact upon water quality. The development would be constructed in accordance with Council's and the Sydney Catchment Authority's requirements for sediment and erosion control and effluent disposal, preventing any erosion or impact on water quality. Emissions would be well below the maximum levels for health considerations.
 - (vii) Localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat.
Officers comment: There are no known areas for nature conservation in the vicinity of the proposed development site. The River Lett and its environs is located some 400m to the west
 - (viii) Items of heritage significance.
Officers comment: There are no heritage matters of significance to this development.
- (b) Preventing the unjustified development of prime crop and pasture land for purposes other than agriculture.
Officers comment: The site is Class 3 agricultural land and is deemed therefore to be prime crop and pasture land. However, due to the size of the lot and its timbered nature, the land could not be used for a viable agricultural pursuit.
- (c) Facilitating farm adjustments.
Officers comment: Not applicable.
- (d) Minimising the cost to the community of:
- (i) fragmented and isolated development of rural land.
Officers comment: No subdivision is proposed and no farming operations occur on the land adjacent to the site. The development of a childcare centre is being considered within the context of the claimed need for a facility to address a shortfall in the services provided in the area, as dictated by research carried out by the developer.
 - (ii) Providing, extending and maintaining public amenities and service.

Officers comment: The proposal does attempt to address this issue. The developer's research has determined that there is a demand for this type of facility (long day care) in the area.

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

Officers comment: The subject site is zoned as General Rural and the land use is not prohibited in the zone. The developer has claimed that such a need is warranted and has been advised by the Department of Community Services that this is a suitable and unique site.

- (f) Providing for the separation of conflicting land uses.

Officers comment: The location of this particular development would appear at first instance to have the potential to be in conflict with the existing land uses and this is an issue raised in submissions received. However, it is permissible in the zone and therefore must be assessed by Council on merit according to its suitability for the site. Such is the subject of this report. On balance the report concludes that adequate separation exists between land uses to ensure impacts are acceptable.

SEPP 58 - Protection of Sydney's Drinking Water Catchment is the other relevant Environmental Planning Instrument that applies to the development as it falls within the Sydney Drinking Water Catchment. As the development will not be connected to Council's reticulated system, referral to the Sydney Catchment Authority was required to establish that the development would have a neutral or beneficial effect on water quality. The SCA concurred with the proposal subject to conditions relating to stormwater, soil and water management, and erosion and sediment controls.

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

A draft **Regional Environmental Plan for the Sydney Catchment Authority (SCA)** was on public exhibition until July 30 2004. The main change for Council as a result of this draft is that Council will be able to make the preliminary site investigation of the effects of development on the catchment for development applications. In the meantime the proposed development has been considered in light of this draft document and concurrence was obtained from the SCA concerning the proposal.

Any development control plan

Off Street Car Parking Development Control Plan - the application has been assessed under the provisions of that Plan and the requirement for car parking spaces is based on the number of staff for infants and primary schools. The requirement was calculated to be 10 spaces in accordance with discussions held with the developer prior to lodgement of the application, and 10 have been provided under the initial submission. The applicant has indicated that more spaces can be provided on site to the north, not with standing that part of this area will be occupied by the effluent ecomax system.

Any matters prescribed by the regulations,

Council's Building inspector has indicated requirements for compliance with the Building Code of Australia.

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

Amenity. There is expected to be **visual impact** of the proposed development on the landscape of the locality, particularly from the surrounding properties and the public roads. The setbacks from the roads are at the minimum, being 2.1m from the eastern boundary. This line is bounded by a formed lane. The development is 18m from the front road boundary. At the closest point to the northern boundary it will be 2.1m. This line is bounded by an unformed crown road which is timbered. The closest occupied dwelling is some 200m to the north of the site. A new dwelling is being constructed on the land immediately to the east of the site and will be some 90m away.

The block itself is timbered toward the western end and it is intended that this vegetation will remain around the ecomax effluent system. A landscape plan has been provided with the application, indicating considerable planting to screen the site to the north, east and south. The car park would be also landscaped. A list of native species has been provided.

There would be expected to be impact on the locality from **noise** associated with the site. The main elements raised through submissions has been the noise of children during outdoor play, and through traffic generated by the development. However the developer commissioned a noise report which indicated the proposal would be able to operate in compliance with the relevant noise criteria. However, the noise consultant did make some recommendations to ensure noise impacts continue to be mitigated both in construction and operation.

The hours of operation of the centre would be restricted to 6.30am to 6.30pm, with the majority of traffic accessing the site from 8am to 9am and 3pm to 5pm. It was felt that these hours would not affect the amenity of the area greatly, with minimal impact during times when the ambient noise levels are lowest.

Access. The site would be accessible off Hartley Vale Road and into a formed and landscaped car park. The car park would provide spaces for 10 cars. Council's Off Street Car Parking Development Control Plan requires that a child care centre should provide one (1) space per staff plus one (1) space per eight (8) children. There would be 14 staff members (9 full time, 5 casual) and 51 children, meaning a total of 20 spaces should be provided. The developer has however designed the car park in accordance with the car parking requirements under AS 2890.1 - 1993 Parking Facilities. This Standard does not have a calculation for the number of spaces to be provided. The applicant has indicated that more spaces can be provided on site to the north, notwithstanding that part of this area will be occupied by the effluent ecomax system.

Council's Engineer has assessed the application and is satisfied that the Hartley Vale Road is adequate to handle the development. However, he has required the location of the entrances to have a minimum of 160m sight distance in each direction, be 6m wide, and should be constructed and sealed in accordance with Council's Subdivision and Development Code.

Utilities. The utilities required for the operation of the development would be power and telephone, and it is confirmed that this will be by underground connection. The developer would consult with the relevant authority for this connection. The service is already available in the locality and is adequate for the development. No gas installation is proposed.

Social and Economic Impact. As it has been shown above, the proposed development will be generally in keeping with the provisions of the planning instruments. The social and economic impacts must also be considered. The research carried out by the developer indicates that there is a need for such a day care facility in the Lithgow area. The developer has carried out a specific Statement of Social and Economic Impact for the proposed childcare centre. The Statement examines community profiles, age and gender, culture and beliefs, workforce, and incomes. The conclusions from the report include the **positive economic impacts** of employment, recycling of centre fees into local services and resources, and increased opportunities for childcare services. The **negative economic aspects** include income spent on childcare would reduce income available for other spending, the centre may place a strain on local resources and services in terms of services required for the centre as well as population increases.

The **positive social impacts** include improved childcare options, positive contribution to child development, potential for increase in net family income and improvements in general quality of life, increase in opportunities for more free time or employment for primary carers, and health aspects of the rural location.

The **negative social impacts** include potential for a move to two income families thus decreased emphasis on quality family time, adjustment for adjoining residents, a residential/commercial type development in a rural area, and the cumulative effect of the location of an inappropriate landuse in a rural area.

Although the above positive impacts would seem to out weigh the negative, it should be noted that:

- The employment opportunities would be limited to qualified staff.
- The improvements to child development, increased free time for carers and improvements to local services cannot be guaranteed.
- The development of such a facility could assist the expansion of the local community and lead to an increase in net family income.
- It could also place a strain on other resources such as health care and emergency services, and may include environmental disturbances for adjoining residents.

These conclusions are drawn by the applicant and acknowledged by Council. However the main consideration for Council is whether this type of development is appropriate or desirable in the chosen location, in the light of the objectives of the zone and the cumulative effect of locating a non rural landuse in a rural area. The Department of Community Services advises no written approval would be issued until Council consent is granted. They have indicated verbally to the developer that they have inspected the site and that it is a suitable and unique site. They have indicated through a letter dated 11 November 2005 supplied by the developer, that the siting or viability are not usually considered by the Department unless the safety or welfare of the children or staff are at risk. In this case it would appear that they have no issues with the site.

Contamination. A site history indicates that there does not appear to be any reason to expect contamination to be an issue on the site.

Other. There are no other known heritage, bushfire, water, effluent, or flora/fauna issues relating to the proposed development.

(a) *the suitability of the site for the development*

Comments

There are no natural or man made hazards which would render the site unsuitable for the development eg. fire hazard, contamination. The matter of bushfire was referred to the NSW Rural Fire Service who have indicated that the land is suitable for the development.

(b) *any submissions made in accordance with the Act or the Regulations*

Residents of the locality were notified of the proposal and a number of submissions were received. Council referred the issues raised to the applicant who has responded in writing. The issues raised were as follows, and the applicant's and the Council officers response are provided:

- Such a development would be totally inconsistent with the current rural zone.

Applicant's response: the building will complement other buildings in the area, the zone is evolving and new subdivisions will be approved.

Officer response: the development is permissible in the zone, however must be considered in light of the objectives of the zone. In regard to these objectives it will come down to Council's considering the cost to the community in the fragmented and isolated development of rural land, the provision of land for other non agricultural purposes in accordance with the need for that development and the provision for the separation of conflicting land uses.

- May be permissible in the zone but it is a commercial business and contrary to the intent of the zone, in minimizing and separating conflicting landuses.

Applicant's response: it will be a purpose built facility, not intended to change the nature of the area, but to provide a service. It does not change the zoning.

Officer response: the objectives of the zone are relevant including the consideration of possible land use conflict. The degree of landuse conflict often stems from the perception of the assessor, be it Council or the residents as to the impact of the establishment of a facility. The perception on the part of the community is of a considerable impact. Council must consider this input and determine whether it is justified based on the information provided.

- High level of noise to immediate neighbours inconsistent with reasonable expectations of an area zoned rural. Due to children's noise at play, and traffic. No actual noise assessment has been carried out. This is relevant in particular to shift workers living in the vicinity.

Applicant's response: children's noise at the age of 0-6 years is not excessive. Having spoken to neighbours the developers are willing to alter their plans to accommodate any noise issues eg fencing and dense landscaping. The operation of other similar child care facilities has indicated that noise is not an issue.

Officer response: A noise report commissioned by the developer has indicated that noise will be within the criteria and has also recommended other measures.

- An over development of the site due to little or no setbacks.

Applicant's response: setbacks, landscaping and car parking were discussed and agreed on at a pre-lodgement meeting with Council. Not an overdevelopment of the site.

Officer response: These matters were discussed with Council officers prior to the lodgement of the application. The proposal as presented indicates the result of those discussions and complies with any relevant legislation. Additional car parking may be required on site.

- It will set a precedent and change the nature of the area in the future.

Applicant's response: It will not set a precedent as it will not change the nature of the area.

Officer response: this application and any other non rural type landuses which may seek to be approved in the rural area would be assessed by Council in light of the zone objectives and on the merits of the development.

- A further degradation of the rural character of the valley. It is a rural area not a commercial one.

Applicant's response: childcare facilities can be built in any zone, and it does not mean that the zone will change from rural to commercial.

Officer response: although it is a rural area, the use is permitted in the zone and Council must assess it on its merits and under the zone objectives.

- Increase in theft and vandalism - vandalism on the facility which may spread to surrounding premises. Closed and unoccupied buildings attract crime.

Applicant's response: security will be addressed by down lighting, and after hours, random and daily security patrols.

Officer response: although the issue is questionable, the applicant has provided a reasonable solution.

- Loss of privacy, peace and tranquillity of a rural environment.

Applicant's response: many changes since the area was first discovered. This development will no more contribute to the loss of privacy, peace and tranquillity than any other development.

Officer response: the applicant has addressed the issues.

- Misleading information in regard to the number of existing childcare facilities - there are at least 7 in the area including Mt Victoria and other at Blackheath and Katoomba. These centres indicate that their numbers are dwindling due to the presence of early learning centres in the region (3). Many families who need this facility live in Lithgow and are without transport.

Applicant's response: the proposed centre is unique. It differs from existing centres adding to facility choice for the community. A business plan is provided which shows that only one LONG day care centre exists in the area.

Officer response: The developer has made an economic decision to commence the business and their market research indicates that a demand exists for long day care centres.

- Too close to other similar businesses. This will jeopardise their viability.

Applicant's response: the proposed centre offers choice to parents.

Officer response: it would appear as though the proposed childcare centre is a little different to other centres in the Lithgow area in that it is a long day care centre. The matter of viability of other such facilities is a matter not within the jurisdiction of Council to assess. The developer has made a market decision to commence such an operation in this locality.

- Bureau of Statistics figures cover ages up to 15. The 6-15 age group is where most of the children fall. No need for another centre in the region.

Applicant's response: the figures quoted are from the 2001 Census for Lithgow and looked at the population in the 0-4 year age band.

Officer response: these statistics are for the developer to consider in their economic decisions. With no economic development officer or assessment in place within Council's organisation the matter of research for supply and demand must be placed in the hands of the developer.

- An isolated site for access by emergency vehicles such as ambulance, fire and police. A risk for the safety of the children.

Applicant's response: no hindrance for emergency vehicle access to the site, there being three direct possible routes available.

Officer response: there are a number of routes available for access to the site, roads which Council's Engineer has deemed available and adequate for the development.

- Inaccessible site in times of extreme climatic situations eg road closures due to snow at Mt Victoria.

Applicant's response: this concern is dealt with under the developer's Policy and Procedures document under Extreme Emergency Circumstances. The Department of Community Services requires that a mandatory list of policies and procedures be addressed, written and submitted to the Department for licensing purposes.

Officer response: the developer would have appeared to address this matter in its compliance requirements to the Department of Community Services.

- The site is a topographic low spot and is subject to temperature inversions. Severe frosts occur, and thick fog, which can exist all day. Such conditions will enhance noise.

Applicant's response: not applicable.

Officer response: noise issues have been addressed.

- No compliance with the guidelines of the Early Childhood Australia Policy in regard to selection of site. Inadequate consideration for the community and the children they hope to cater for. Not near other community learning centres, no convenient access by public transport or emergency services, not in rural zonings.

Applicant's response: The Department of Community Services visited the site on 19 May 2005 and have viewed the preliminary plans. They are enthusiastic about the choice of site as it offers a unique setting for childcare and a wide variety of experiences will be offered to the children.

Officer response: information supplied by the developer from the Department of Community Services indicates that they have inspected the site and that it is suitable. They have indicated through a letter dated 11 November 2005 supplied by the developer, that the siting or viability are not usually considered by the Department unless the safety or welfare of the children or staff are at risk.

- The application states that the nearest dwelling is 200m away. A new dwelling is being built next door, some 50m away. Houses to the north are more like 100m away.

Applicant's response: when the architects first visited the site there was no physical, written or verbal indication that there was to be a dwelling constructed in the near future on the property to the east. When the plans were submitted the nearest dwelling was 200m away. A letter was left at the "east" property on 8 May 2005.

Officer response: the development application for the child care centre was lodged on 24 May 2005. The development application for the adjoining dwelling now under construction was lodged on 28 June 2004 and the consent was issued on 13 August 2004. The construction of the dwelling was not immediately commenced, and a variation was requested on 13 April 2005 to relocate the site of the house to be approximately 25m east of the position originally shown. The new location would be some 90m away from the childcare building.

- The development comes under the provisions of State Environmental Planning Policy No 33 - Hazardous and Offensive Development, due to the potential impact. From the potential for noise to be a polluting discharge.

Applicant's response: not applicable.

Council's response: The SEPP is not applicable.

- Insufficient noise barriers have been provided. Should be in accordance with the Environment Protection Authority guidelines - reducing line of sight, no gaps, close to noise source or receiver, dense material and have noise absorbing material.

Applicant's response: children's noise at the age of 0-6 years is not excessive. Having spoken to neighbours the developers are willing to alter their plans to accommodate any noise issues eg fencing and dense landscaping. The operation of other similar child care facilities has indicated that noise is not an issue.

Officer response: The developer commissioned a noise report which indicated the proposal would be able to operate in compliance with the relevant noise criteria. However, the noise consultant did make some recommendations to ensure noise impacts continue to be mitigated both in construction and operation.

- The current condition of Browns Gap Road is unrepairable (say Council) as it cannot be closed for repairs. The road is already in bad shape and the proposed use will exacerbate this. The road is also used as a bypass when the highway is closed in emergency.

Applicant's response: not applicable.

Officer response: Council's Engineer indicates that the road is adequate for the development and has requested the formation and sealing of the entrances to Council's standards. The Hartley Vale Road is programmed into Council's roads program for regular maintenance.

- The unsealed section of Hartley Vale Road does have a high level of use, and does not limit through traffic. It is often seen as a short cut and this will increase due to the proposed development. If Council intends the sealing of this road the problems will only increase.

Applicant's response: there is no proof to this.

Officer response: the road is programmed into Council's works program for regular maintenance and monitoring, and further sealing may occur in the future, although not necessarily related to this development.

- Any upgrading of the local roads will result in an increase in traffic volume, speed and land rates. Who will pay?

Applicant's response: the developer is also a ratepayer.

Officer response: a Section 94 contribution is not specifically contemplated under Council's Rural Roads Contributions Plan for childcare centres. However, as the traffic generation will clearly be in excess of the number of vehicle movements for a dwelling which equals 1 ET under the plan, it is considered reasonable that a contribution be sought. There is no evidence to suggest that speed along the road would increase, or that land rates would change

- Access and egress via Browns Gap Road and Hartley Vale Road is a problem due to - proximity to an intersection, already high level of traffic, possibility of fog, and the movement of heavy vehicles on Browns Gap Road.

Applicant's response: it is the individual's responsibility to be a responsible driver and obey traffic rules and regulations.

Officer response: Council's Engineer has indicated that the road is adequate for the development. The NSW Police regulate speed and driving violations.

- The intersection itself is quite dangerous already with the volume and speed of cars.

Applicant's response: it is the individual's responsibility to be a responsible driver and obey traffic rules and regulations.

Officer response: Council's Engineer has indicated that the road is adequate for the development. The NSW Police regulate speed and driving violations.

- Many heavy vehicles use this road. Safety issues for slow moving turning traffic.

Applicant's response: again it comes down to the responsibility of drivers.

Officer response: Council's Engineer has indicated that the road is adequate for the development. The NSW Police regulate speed and driving violations.

- Increased traffic, especially during peak times of deliver and pickup, will jeopardise safety of pedestrians, cyclists or animals including horse riding, along Hartley Valley Road. Should it have a 40km speed zone? It is currently a 100km speed zone.

Applicant's response: we have asked Council to consider speed zones through the area.

Officer response: Council is not in a position to consider changing the speed limit on this road at this point in time.

- There will be special events at the site and this will exacerbate traffic numbers and movements.

Applicant's response: the events would be at Christmas and Book Week and held within the times and days specified in the application.

Officer response: the events to be held would be within the specified days and hours, and not held in peak traffic periods.

- Devaluation of homes in the surrounding area (as supported by a local real estate agent) due to loss of peace and tranquillity, increase in traffic flow, noise emitted and the high visible nature of the facility. Would Council or the developer be offering compensation for this devaluation?

Applicant's response: a letter has been provided from a local real estate agent who states that in their opinion a child care centre at the location would have little effect either positive or negative, on sale prices in the general area. Similarly it is felt that the sale price of land in the immediate vicinity would not be affected.

Officer response: there is no evidence to suggest that the location of the centre would impact upon home values. Council would not be in a position to offer any form of compensation for a perceived impact.

- The new dwelling proposed for next door was required to be 18-20 setback from the northern boundary to protect the privacy and amenity of immediate neighbours to the north. The proposal has a setback of only 2m. Why is the centre not required to be the same?

Applicant's response: the architects met with Council prior to lodgement of the application to discuss details such as set backs. Requirements for the neighbouring property are between Council and that landowner.

Officer response: a variation to the adjoining dwelling consent was requested on 13 April 2005 to relocate the site of the house to be approximately 25m east of the position originally shown. Each application is considered on its merits.

- Any one who subdivides is required to pay Council approximately \$3000 per block for extra traffic. What will the centre be paying for an increase in 108 cars per day?

Applicant's response: not applicable.

Council's response: Whilst childcare centres are not specifically contemplated in the Section 94 contributions plan it is only fair and reasonable that a contribution be sought.

- Requirements for a childcare centre require one staff per 5 children. The car parking indicated will not be sufficient and parents will have to park on the roadway and the lane with serious traffic repercussions during peak traffic periods. How will use of the stipulated car parking and drop off area be policed?

Applicant's response: staff levels are :

0-2 years - 1 staff for 5 children

2-3 years - 1 staff for 8 children

3-5 years - 1 staff for 10 children

Staffing levels vary throughout the day and Council staff have agreed on the car parking. Under the Policy and Procedure, one staff member will be present in the car parking area during peak drop-off and pick-up times.

Officer response: Council did agree on 10 car parking spaces based on information supplied by the architect to Council staff at the time. The applicant now clarifies that staff number amount to 14 (9 full time, 5 casual). Further car parking may be required.

- Proximity to the River Lett - danger of pollution by effluent and grey water. Drainage is an issue on this block of land in wet seasons.

Applicant's response: refer to the Geological and Environmental Services report for the siting of the effluent disposal system.

Officer response: the geotechnical report for effluent disposal was referred to the Sydney Catchment Authority who have indicated their approval to the application subject to conditions.

- Compromising the area's culturally significant history.

Applicant's response: There is no compromise.

Officer response: there are no known and listed relevant items of heritage within the vicinity of the site. The cultural history of the locality shows that a variety of landuses do exist in rural areas. Although there is currently no similar type of facility in the locality, the zoning also provides for such diversity to occur. However, each development proposed must be considered by Council on it's merits under current planning legislation.

- No benefits to the Hartley valley community, ruining the character and environment of the valley.

Applicant's response: their research shows that the Centre will be a valuable asset to the Hartley Valley community, not only providing a unique long day care centre but also employment and a meeting point for isolated families.

Officer response: this is a subjective matter and has been addressed by Council in the consideration of social and economic impacts above. As with any new development, apart from a dwelling in a rural area, there would be positive and negative impacts. Council has to weigh up the benefit or otherwise of the development to the community and in this case whether the type of development is appropriate for this particular site/locality.

- High fire risk on the timbered section of the land.

Applicant's response: at the time of response the applicant was waiting feedback from the NSW Rural Fire Service

Officer response: the NSW Rural Fire Service has granted a Bush Fire Safety Authority subject to conditions.

- The development should be located in an area with reticulated water.

Applicant's response: not applicable.

Officer response: the developer has indicated that a 100,000 litre rainwater tank is being supplied on site for domestic supply and a 5000 litre rainwater tank for fire fighting purposes. The NSW Rural Fire Service and Council's Building Inspector are satisfied with this provision. Potable water will need to comply with the Australian drinking water guidelines.

- Many of the people using the facility and therefore contributing to the degradation of roads and amenity may no be residents of Lithgow LGA. Who will pay?

Applicant's response: it cannot be proved that the families using the centre will be from outside the Lithgow area.

Council's response: there is no evidence to suggest who the patrons of the centre will be. A contribution will be sought for the road.

- Adequate addressing of issues at the planning stage will reduce the recourse that the residents will have to the Land and Environment Court, or notices served under the Environment Operations Act and Noise Control Regulation.

Applicant's response: nil.

Council's response: this report is drawn up under the current planning legislation for planning assessment, and examines all known issues regarding the development which apply or have been raised. The planning process provides that Council make a decision based on the information provided. The applicant has addressed all matters relevant to the proposal.

Objectors do not have any merit based third party appeal rights to the Land and Environment Court.

(c) ***the public interest***

A Citizens Access Meeting was held on the site on 13 September 2005. A number of issues were raised at the meeting, many of which were also drawn to Council's attention in the abovementioned submissions. In addition, a request was made for a formal Noise Assessment to be obtained from the developer. This was requested and received and has been considered as part of the above report.

Conclusions

The application has been processed and thoroughly assessed in accordance with the Environmental Planning and Assessment Act and Regulations. The developer has made all reasonable attempts to address the matters raised by Council and the submissions received. The main issues would appear to be **noise and traffic**. The developer has indicated their willingness to install soundproof fencing along relevant boundaries to protect adjoining dwellings. They have also agreed to increase landscaping to assist with noise impact and to address the visual impact. The developer has provided car parking, however additional will be required so that as many staff and carers as possible can pull off Hartley Vale Road to park during peak periods. The proposal is permissible under the provisions of the local planning instrument, and complies with the requirements of other statutory authorities and with the Building Code of Australia. However, Council must consider the objectives of the zone and in particular the provision in the rural zone for non agricultural landuses in accordance with the need for that development, and provision for the separation of conflicting landuses.

The applicant indicates that their market research justifies the need for a long day care centre in this region.

Council must consider the submissions raised and the developer's attempts to address these and determine whether this development is appropriate in term of those conflicts, in this rural locality. Whilst Council's contributions plans for rural roads and rural fire services do not specifically define 'child care centres' it is considered fair and reasonable for contributions to be paid and it is suggested that these be negotiated with authority delegated to the General Manager.

Having regard to all the above it would appear appropriate to approve the application for the proposed Child Care Centre subject to conditions.

ATTACHMENTS

1. Site plan.

RECOMMENDATION

A. THAT Development Application 209/05 for a childcare centre be approved subject to the following conditions:

- 1 That the development shall be carried out in accordance with the application and plans submitted with the application or otherwise amended by the following conditions:
2. All development shall be constructed in accordance with Lithgow City Councils "Subdivision and Development Code" adopted by Council on the 28 of September 1992, Minute No. 1439.
3. Access to the site from Hartley Vale Road shall have a minimum sight distance of 160metres either side of the accesses to be constructed.

4. Access shall have an Entry and Exit splay of no less than 6 metres to allow for safe vehicle movements.
5. Access that intersect bitumen roads shall have a minimum 150mm compacted road base (DGB 20) or equivalent material, and a minimum two coat seal in accordance with Council's "Subdivision and development Code" . The access shall be inspected before sealing work can commence.
6. That minimal site disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council.
7. The developer to consult with Integral Energy for the supply of underground power to the site. Evidence of same to be provided to Council prior to the issue of the Construction Certificate.
8. The developer to consult with Telstra for the supply of telephone services to the site. Evidence of same to be provided to Council prior to the issue of the Construction Certificate.
9. Compliance with all requirements of the Department of Community Services.
10. Additional landscaping be provided to assist in the noise and visual impacts of the development on the adjoining properties. The details of this must be arranged with Council prior to the issue of the Construction Certificate.
11. Appropriate fencing to be constructed along the northern boundary and part of the eastern boundary of the property to further assist in reducing potential noise impact from the site on adjoining dwellings.
12. Additional car parking spaces are to be provided on site to achieve compliance with the provisions of Council's Off Street Car Parking Development Control Plan. AN amended plan is to be provided for approval prior to the commencement of construction.
13. Special events on the site are to be held within the days and hours specified in the application, and not during peak traffic periods on Hartley Vale Road.
14. All excavations associated with erection or demolition of a building must be property guarded and protected to prevent them from being dangerous to life or property.
15. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of person in charge of the work site and telephone number of which that person may be contacted outside working hours.
 - c) stating name and contact details of the Principal Certifying Authority (PCA) being, Lithgow City Council.
 - d) stating DA 209/05.
16. That minimal site disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council.
17. That suitable sediment control measures are put in place in accordance with Council's guidelines to prevent soil erosion and the transport of sediment off the site during rainfall and run-off. These measures are to be in place prior to commencement of any works on the site.

(Note: Measures could include the installation of geotech style fabric or a staked hay bale wall located downslope of the construction site or adequate sediment detention basins at the lowest point of the site to collect all run-off, and earthen contour banks constructed so as to have adequate sediment retention capacity). You should discuss the method of control with Council prior to commencement of construction.
18. That site and building works (including delivery of materials to the property) are carried out between the hours of 7.00 am to 6.00 pm only on Mondays to Saturdays. No building or site works are to be carried out on Sundays and Public Holidays.
19. The building works are to be inspected during construction, by the Council and documentary evidence of compliance with the relevant terms of the approval/standards of construction detailed in the Building Code of Australia, is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key

stages: (**Note:** copies of the stated documentary evidence are to be submitted to the Council upon completion of each specified stage of construction and prior to occupation of the building.):

- a) Footings;
 - b) Wall and roof frame;
 - c) Wet area flashing;
 - d) Stormwater drainage prior to covering connections;
 - e) Final.
- 20 That temporary toilet accommodation be provided on site to Council's satisfaction.
- 21 That documentary evidence of structural adequacy prepared by an approved practising Structural Engineer are submitted to and approved by Council prior to the commencement of the following work. (**Note:** any such Certificate is to set forth the extent to which the Engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction):
- a) reinforced concrete floor slab on ground. (**Note:** Certification shall make specific reference to Australian Standard AS 2870-1986 and clearly indicate the soil classification for the given site).
- 22 That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. The proposed method of termite treatment is to be submitted to and approved by Council prior to commencement of work. **A durable notice must be permanently fixed to the building in a prominent location, such as in a meter box or the like, indicating:**
- a) the method of protection; and
 - b) the date of installation of the system; and
 - c) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.
- 23 That all footings are taken through filled ground to foundation material of uniform adequate bearing pressure.
- 24 That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**). Details shall include:
- a) job address and builder's name;
 - b) design wind velocity;
 - c) terrain category;
 - d) truss spacing;
 - e) roof pitch;
 - f) material of roof;
 - g) roof batten/purlin spacing;
 - h) material of ceiling;
 - i) job number
- 25 That the rainwater drains are connected to water storage tanks which are located in a position that will not create a nuisance to the building or adjoining properties. **Note: Overflow pipes are to be discharged away from the building.**
- 26 That a Septic Tank Application is submitted to and approved by Council prior to commencement of any building work.
- 27 That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
28. Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Australian Standard AS 1428.1. In this regard the following is required:-
- a. A disabled person's car parking space, hard paved, level and measuring 3.2 metres wide by 5.5 metres long, shall be provided on the site;
 - b. Access from the disabled person's car parking space to the entry of the building and to all parts within the building shall comply with AS 1428.1;

- c. The disabled person's WC shall comply with AS 1428.1, with a detailed floor plan to indicate compliance being submitted to, and approved by Council prior to work commencing;
 - d. Tactile indicators shall be provided in accordance with Clause D3.8 of the Building Code of Australia; and
 - e. Signage for the disabled person's car parking space and WC shall be provided in accordance with Clause D3.6 of the Building Code of Australia.
29. Portable fire extinguishers shall be provided in accordance with Clause E1.6 of the Building Code of Australia.
30. Emergency lighting and illuminated exit signs shall be provided in accordance with Part E4 of the Building Code of Australia.
31. Subject to the provisions of essential fire or other safety measures Environmental Planning and Assessment Regulation 2000 as detailed below:
Essential fire or other safety measures are subject to specific requirements under the Environmental Planning and Assessment Regulation 2000. Upon completion of the building and prior to issue of an Occupation Certificate, all of these services must be certified on a Fire Safety Certificate as required and submitted to Council stating that the essential fire and other safety measures have been installed and comply with the relevant standard specified below.
Once the building is occupied, an annual Fire Safety Statement must be submitted to Council and the NSW Fire Brigades, PO Box A249, SYDNEY SOUTH NSW 2001, and a copy retained on site certifying that:
- a) The essential fire and other safety measures have been maintained and serviced at regular intervals in accordance with the appropriate maintenance specified below and are still operable; and
 - b) That the path of travel is clear of anything which would impede free passage of any person.

The essential fire and other safety measures are:

EMERGENCY LIGHTING: Emergency Lighting - refer Part E4.2 of the Building Code of Australia and As 2293.1

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

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

32. The amended soil system must be designed, installed and maintained in accordance with the recommendations contained within the report prepared by Blue Mountains Geological and Environmental Services P/L (dated May 2005) and the manufacturer's specifications, with the exceptions that a design loading rate of 10mm/day is to be used for the sizing of the surrounding absorption field based on soils data and the holding tank is to have a minimum capacity of 4500l to cater for wet weather events and short term overloads.
33. All effluent must be assimilated within the boundaries of the property. In this regard the soil mounds are to be capped with a soil of moderate permeability, eg. loam to clay loam and the mounds are to be satisfactorily turfed prior to the opening of the childcare centre.
34. No effluent management area is to be located within 100m of any creek or watercourse, whether perennial or intermittent or within 40m of a drainage depression.
35. AAA-rated water conservation devices are to be installed in the childcare centre to minimise the volume of wastewater produced. In particular taps that can be easily opened and left running by children are not to be installed.
36. Both the septic and holding tanks are to be fitted with outlet filters and both are to be subject to 3 yearly desludging regimes.
37. Pumping from the septic tank to the soil mound is to be designed so that a minimum spare capacity of 2000l is maintained in the holding tank at all times to cater for system overloads.
38. All stormwater collected from roofs and other hard surface areas including the car park area is to be diverted away from the amended soil mounds, eg. by means of a stabilised

- bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
39. The septic tank and holding tanks and the amended soil mounds are to be fenced off from child access.
 40. Effective erosion and sediment controls are to be installed prior to any construction activity (including earthworks for the dwelling and site access). The controls must prevent sediment entering drainage depressions and watercourses, and are to be regularly maintained and retained until works have been completed and groundwater established.
 41. A Bushfire Evacuation Plan is to be submitted to the NSW Rural Fire Service - Development Control Services for approval. The evacuation plan is to detail the following:
 - a) Under what circumstances will the complex be evacuated.
 - b) Where will all persons be evacuated to.
 - c) Roles and responsibilities of persons coordinating the evacuation.
 - d) Roles and responsibilities of persons remaining with the complex after evacuation.
 - e) A procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.
 42. Asset Protection Zones shall be provided 20m to the east of proposed development. This shall be incorporated through establishment of section 88B restriction on adjoining property. Alternatively proposed building envelope shall incorporate a setback of 15m to the west on proposed development site.
 43. The property to the west of the proposed development to a distance of 35m, shall be maintained as an "Inner Protection Area" (IPA) and 15m shall be maintained as an Outer Protection Area (OPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
 44. Access shall comply with section 4.3.2 Planning for Bushfire Protection 2001. Note: access/egress must be demonstrated to provide facilities for a Cat 1 tanker to enter and exit the site. This may be facilitated by a loop road with suitable turning radius or a turning bay that is 15m deep, again with suitable turning radius.
 45. The 100,000 litre domestic water tank shall provide 10,000 litres of dedicated water for firefighting purposes.
 46. Access to within 10m of water tank is to be provided.
 47. Construction shall comply with AS 3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.
 48. The structure shall incorporate gutterless roofing or leafless guttering and valleys are to be screened to prevent the buildup of flammable material.
 49. Structures and shade materials within the outdoor play area shall be non combustible or have a flammability index of not greater than 5 when tested in accordance with AS 1530.2.
 50. Contributions for Rural Roads and Rural Fire Services are to be negotiated and paid in full prior to the issue of an Occupation Certificate for the development.
 51. That the proposed food premises area is designed and constructed in accordance with the Food Act 2003. In this regard, the Applicant is to provide a detailed food premises fit-out plan and specification illustrating compliance with AS 4674-2004 Design, construction and fit-out of food premises for Council's approval with the Construction Certificate Application.
 52. That an appropriately sized grease trap is to be installed with details provided to Council for approval prior to the commencement of construction activities
 53. Hours of operation during construction works shall be permitted between 7am to 6pm, Monday to Friday and 8am to 1pm, Saturdays. No work shall be permitted on Sundays or Public Holidays.
 54. The recommended measures outlined in section 7.1 of the Environmental Noise Assessment dated 16 December 2005 prepared by Renzo Tonin & Associates shall be implemented by the proponent in both the construction and operation of the facility.
 55. That a Waste Management Plan based on the waste management hierarchy of avoid, reuse, recycle and dispose is provided to Council for approval prior to the commencement of construction works outlining the following during all phases of the development:
 - the type and amount of waste/recyclable material to be generated
 - how waste/recyclable materials will be stored and treated on-site

- how disposal of waste/recyclable materials will take place.
56. That appropriate dust mitigation measures be implemented during construction to Council's satisfaction.
 57. That the installation, operation and maintenance of any regulated system ie warm water systems as listed under the Public Health Act 1991 is undertaken in accordance with the requirements of the Act, Public Health (Microbial Control) Regulation 2000 and AS/NZS 3666.1- 2002 Air-handling and water systems of buildings – Microbial control – Design, installation and commissioning.
 58. Prior to the issue of an Occupation Certificate, the applicant shall provide details of potable water supply to the development along with documented evidence of compliance with the Australian Drinking Water Guidelines.
- B. The General Manager be delegated authority to negotiate and reach agreement on contributions for Rural Roads and Rural Fire Services.**

ITEM:7 EPS - 06/03/06 - LITHGOW ENVIRONMENT GROUP

LITHGOW ENVIRONMENT GROUP

c/o 6 Spring Street, Lithgow. 2790

14 February 2006

Lithgow City Council
Scanned

15 FEB 2006

Mr. Paul Anderson
General Manager
Lithgow City Council
Mort Street
LITHGOW. 2790

Mr. Neville Castle
Mayor
Lithgow City Council
Mort Street
LITHGOW. 2790

Doc. No.
GDA Ref.
Years

Dear Sirs,

re: Bridge-building between Lithgow City Council and the Lithgow Environment Group

I write on behalf of the Lithgow Environment Group (LEG) to propose an evening or possibly a day time when the Council and LEG might get together in an informal way on a social basis to learn more about each other and hopefully reach understanding and ultimately a good working relationship.

LEG proposes to share some very beautiful and rare photography (digitally operated) of the Newnes Plateau area taken by resident Karen McLaughlin, together with a very brief talk about the aims and agenda of LEG.

LEG will not be pushing any political issues. It is our way of saying that we would like to be considered as a positive and useful group in the Lithgow region and that we do have a lot that is positive to contribute to the overall picture.

We, LEG, would be happy to offer this session which would probably be of an hour to an hour and a half duration and, if it would be suitable and convenient to you, could run the session in the Council Chambers. If not, we will run the session at the Workmen's Club.

The earliest proposed date for this session would be Thursday 16 March. However, before we decide on details of date and venue we would appreciate feedback from you as to your interest and any comments you might have.

I look forward to hearing from you and hope you will be able to join us and enjoy some very beautiful scenery of our local area.

Yours sincerely,



Ariel Elliott
Co-ordinator

c.c. Mr. Andrew Muir and
Mrs. Amanda Muir, Environmental Services

ITEM:8 EPS - 06/03/2006 - NATIONAL TRUST - MEMORIAL TO CHARLES DARWIN

National Trust of Australia (New South Wales)
ABN 82 491 958 802

Lithgow City Council
Scanned

20 DEC 2005

Doc. No
GDA Ref
Years



P.O. Box 25
Lithgow NSW 2790

Lithgow Regional Branch

12th December 2005

The General Manager,
Mr. Paul Anderson
Lithgow City Council
P.O. Box 19
LITHGOW 2790

Dear Mr. Anderson,

Re: Charles Darwin Memorial – Wallerawang

Charles Darwin visited Australia in 1836 while travelling on the “Beagle”. During his only inland journey he stayed for two nights (from 18th to 20th January) at the Wallerawang homestead where he was the guest of the manager, Andrew Brown. That house is now under the waters of Lake Wallace. Details of the visit to Wallerawang are recorded graphically in the “Voyage of the Beagle”.

It is clear that his visit to Wallerawang was significant in many ways for Darwin. His observation of the platypus in particular made him record his thoughts about the origins of Australian fauna.

The Lithgow Branch of the National Trust considers that it would be very appropriate to erect a memorial beside Lake Wallace to commemorate the visit of Charles Darwin to Australia.

The Trust considers that the benefits of erecting a memorial would include:-

1. Recording an important event in the history of scientific development and in the history of Australia.
2. Providing an important educational resource for students and the broader community.
3. Providing a point of interest for tourists, and encourage tourism in the district.
4. Providing a third item of heritage interest with in St Johns Church and the Wallerawang Railway Station to make a joint visit to these a worthwhile destination for visitors.

Charles Darwin Memorial – Wallerawang – 12/12/05

1

The National Trust is a not-for-profit, non-government, community-based organisation working to conserve our built, natural and cultural heritage.

I have been asked to write to you seeking that Council consider the construction of such a memorial. In addition to a memorial it is considered appropriate to have information boards, car/bus parking areas and perhaps a shelter shed. It is not envisaged that a large financial outlay would be involved.

A site beside the old access road to the Wallerawang homestead (Barton Park) is considered appropriate for a memorial. It is noted that this area is the property of Delta, but that under an arrangement Council maintains this part of the Lake Wallace foreshore as a recreation area. Delta has indicated that it has no objection to the concept and may have some funds to contribute to the cost.

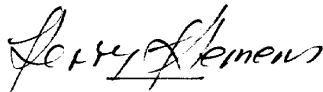
The Lithgow Branch of the Trust is willing to assist in the project.

It is noted that Bathurst has had a memorial plaque to Darwin's visit, erected in 1949, although Darwin was more impressed with Wallerawang than he was with Bathurst. The Blue Mountains commemorates the fact that he passed through the mountains on his way west.

The Trust is planning to draw media attention to Darwin's visit, 170 years earlier, around 19 January 2006. While it is understood that Council may take some time to consider the implication of the proposal that the Trust is making, it is suggested that Councillors should be aware of the proposal as soon as possible.

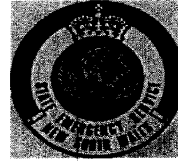
If you would like further discussion on this matter it is suggested that you contact our President, John Wellings phone 6355 6368, or myself on 6355 1797.

Yours sincerely,



Kerry Klemens
Secretary
Lithgow Branch of the National Trust

ITEM:13 ENG - 06/03/06 - MINUTES OF THE RFS/SES JOINT HEADQUARTERS WORKING PARTY



RFS/SES JOINT HEADQUARTERS WORKING PARTY

1st February 2006 Meeting Minutes

MEETING DETAILS:

Meeting Date: 1st February 2006

Location: Lithgow Fire Control Centre

Start: 1506 hrs

End: 1610 hrs

Participants:		Present	Apology
Clive Cawthorne	LCC		X
Supt. Tom Shirt	RFS	X	
DC Craig Ronan	SES		X
UC Peter Witt	SES	X	
DGC Charles Johnson	RFS	X	
SDC Brendan Connolly	RFS		X
Insp. Ian Jackson	RFS	X	
SGC Allen Dickson	RFS		X
Jim Nichols	LCC		X
Damien Berger	RFS		X
Leanne Kearney	LCC	X	
Allan Gerke	RFS		X

1. Apologies

Clive Cawthorne, Craig Ronan, Damien Berger, Allen Dickson, Jim Nicols, Allan Gerke

2. Minutes of the meeting 9th of November 2005.

3. Business Arising.

Supt. Tom Shirt will contact Allan Gerke to find out if he is a member of the RFS/SES Joint Headquarters Working Party

4a – Availability of future sites

Supt Tom Shirt reported that he contacted Property Manger of ADI Trish Russell, who informed him that there is currently a Development Application before Council

for sub-dividing the area to the rear of the site. Most of these buildings have little in the way of amenities, and are mostly storage units.

It was resolved that the RFS/SES Joint Working party will as a priority develop a facility needs analysis specification and costing and will submit this plan to Council for urgent determination and progression.

4. General Business

a. Other Joint Facilities

Discussion took place on visiting other Joint RFS/SES facilities to see how they function together.

It was resolved that Supt. Tom Shirt will seek permission from Wyong FCC for a tour of their facilities and arrange a suitable date with Craig Ronan. It was agreed that Wednesdays would be more suitable for all parties.

b. Development of Pottery Estate

It was resolved that Council carefully consider the implications of the impact of proposed adjacent development to the RFS and SES and what affect the activities of the RFS and SES will have on the occupants of such development.

Meeting closed at 1600 hrs.

Next meeting – It was agreed that the date for the next meeting would be set after the fact finding trip as mentioned in **General Business a – Other Joint Facilities**.