



LITHGOW CITY COUNCIL

## AGENDA

FINANCE AND SERVICES COMMITTEE  
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

02 OCTOBER 2007

AT 7.00pm

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# **AGENDA**

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**PRESENT**

**QUESTIONS FROM THE PUBLIC GALLERY**

**PRESENTATIONS - NIL**

**CONFIRMATION OF THE MINUTES OF THE FINANCE AND SERVICES  
COMMITTEE MEETING OF COUNCIL HELD ON 3 SEPTEMBER 2007**

**DECLARATION OF INTEREST**

**NOTICE OF MOTION - NIL**

**NOTICE OF RECISSION - Nil**

**CORRESPONDENCE AND REPORTS**

Regional Services Reports

Community and Corporate Services Reports

**COMMITTEE MEETINGS**

**QUESTIONS WITHOUT NOTICE**

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## REGIONAL SERVICES REPORTS

ITEM:1            **REG - 02/10/07 - UPPER MAQUARIE COUNTY COUNCIL - AUGUST  
2007 WEEDS REPORT**

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### **SUMMARY**

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

### **COMMENTARY**

Attached are the reports from the Chief Weeds Officer of Upper Macquarie County Council for August 2007.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. The Chief Weeds Officer's Report for August 2007 (Doc. 367019).

### **RECOMMENDATION**

**THAT** the information be received.

**ITEM:2            REG - 02/10/07 - 043/07DA - MARKETS, ZIG ZAG RAILWAY CHIFLEY ROAD, CLARENCE**

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

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**SUMMARY**

This report outlines the assessment of development application 043/07 and recommends consent be granted subject to conditions. The application is referred for determination as it has been ‘called in’ in accordance with Council policy.

**COMMENTARY**

Council is in receipt of a Development Application from Zig Zag Railway Co-op Ltd to undertake Sunday markets once a month from the Zig Zag Railway site at Clarence. Stall holders will be required to have their own public liability insurance and the Zig Zag Railway also has its own public liability insurance. The site already has an extensive parking area and it is anticipated that the majority of people going to the markets will already be frequenting the railway. The applicant hopes to attract approximately 50 people extra to the venue.

The development is considered relatively minor and is not incompatible with the existing Zig Zag Railway operations. The markets are likely to attract an estimated additional 50 people to the site once a month, and all existing parking areas and amenities are considered suitable for the proposal. Bushfire is considered an issue for the site and in addition to the Management Plan undertaken for the property an Evacuation Plan will be required to be submitted specifically dealing with the issue of safely removing visitors from the site in the event of an emergency.

**ZONING:**            Rural 1 (a) under Lithgow's Local Environmental Plan 1994.

Legal Description :	Lot 1 DP 826250
Property Address :	CHIFLEY ROAD CLARENCE NSW 2790

The site retains the existing Zig Zag Railway Station, office and toilet block. The area proposed for the stalls is grassed and landscaped. The site retains an existing parking area adjacent to the Chifley Road, which is gravelled. Access to the site is off a road which is understood to be a private road which has been used by Zig Zag Railway for many years. The section of road is potholed and requires repair.

**POLICY IMPLICATIONS**

The application was called in for Council determination under Policy 7.7 - Calling in of Development Applications by Councillors. The application is now being referred to Council for consideration in accordance with Policy.

**FINANCIAL IMPLICATIONS**

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

## LEGAL IMPLICATIONS

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the Environmental Planning and Assessment Act 1979. These matters for consideration are as follows:

### Any Environmental Planning Instrument

#### LEP

The development is defined as a shop under the Environmental Planning and Assessment Model Provisions 1980, which means *"a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause."* Shops are prohibited in the zone, however Clause 32 of the Lithgow LEP allows Council to consent to *"the carrying out on any land, for a maximum period of 28 days whether consecutive or not in any 12 month period, of development otherwise prohibited on that land."*

The Zone No 1 (a) Objectives are as follows:

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

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

The proposed development is not inconsistent with the objectives of the zone.

**SEPP's**

There are no SEPP's relevant to the development as State Environmental Planning Policy No 22—Shops and Commercial Premises is applicable only to business zones.

**REP**

The development does not involve any construction and is not considered to fall under the Drinking Water Catchments REP.

**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**

None.

**Any Development Control Plan**

The Off Street Parking DCP is applicable to shops. However, this development is not for shops as traditionally defined, therefore the parking requirement based on Gross Floor Area cannot be applied to the development. The parking area on the site has provision for substantial additional parking. As the applicant has advised that the proposal is aimed at those frequenting the railway already and will attract a likely 50 extra people to the site, the existing parking area is deemed to be suitable for the proposal. However, if the markets start to attract more than the estimated number of customers then parking may need to be revisited.

The Outdoor Advertising DCP is also applicable to the development. The applicant has advised that temporary signage is proposed at the entrance to the site on the days that the markets are proposed. This signage will need to be kept clear of the road reserves and must not impede on traffic flows in any way.

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

Nil.

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

Nil.

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

The development is not incompatible to the existing Zig Zag Railway, and should only attract an additional 50 people one Sunday a month. The existing parking area for the railway is extensive, however it should be regularly maintained and long term stormwater solutions investigated to minimise continued eroding of the access.

The site for the markets is behind the existing railway station, and is already landscaped with grass, mature trees and pathways. It will not be highly visible from the road.

Inspections will be required prior to markets opening for any food vendors.

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

Bushfire has been raised as an issue for the site but as the development is only minor in comparison to the existing operations it will not be exacerbating the existing issue. However, an evacuation plan will be required to be formulated for the site as a condition of consent if the development is approved. The development is considered suitable for the site.

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

#### Environmental Comments

You may like to include the following consent conditions with any approval for the markets:

- That all store holders comply with the *NSW Food Act 2003* and the NSW Food Authority guidelines, "Food Handling Guidelines for Temporary Events(2006)."
- Council's Environmental Health Officer is to be given sufficient notification of the events so as inspections of food vendors can be completed. All inspections will incur an inspection fee in accordance with Council's adopted fees and charges.

#### Building Comments

The applicant plans to hold a market once a month and the proposal does not involve any building works. Existing toilet facilities will be used and the existing onsite waste disposal system has a capacity for approximately 300 people. No building objections are raised to the provision of a market.

#### Roads & Traffic Authority Comments

I refer to your letter dated 12 June 2007 concerning the proposed markets at Zig Zag Railway, Clarence. It is noted that the intersection treatment at the junction of Chifley Road and Petra Avenue provides a protected right and an auxiliary left turn into the site. It is anticipated that this treatment will adequately cater for traffic.

It is noted that the expected additional patronage is 50 additional visitors, however, should the patronage exceed the capacity of existing parking on the site, it will be the responsibility of Zig Zag Co-Operative to amplify existing parking provisions to ensure overflow parking on Chifley Road is eliminated.

The Roads and Traffic Authority (RTA) will raise no objection to the proposed development subject to all parking being contained within the confines of the Zig Zag Development and any signage being located clear of the road reserve.

#### Rural Fire Service Comments

Consultation was undertaken with the RFS who advised it would be appropriate to apply a condition requiring the applicant to develop an evacuation plan to be approved by Council and the RFS

### **The public interest**

No wider public interest issues have arisen as a result of the development application process.

### **DISCUSSION AND CONCLUSIONS**

The application has been assessed in accordance with the relevant legislation, regulations and policies and is considered appropriate for the site subject to conditions.

### **ATTACHMENTS**

1. Site Plan (Doc 347824)
2. Supporting letter (Doc 347824)

### **RECOMMENDATION**

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

#### **Administrative Conditions**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.
2. Markets are generally to be held once a month as detailed in the application. A maximum of 15 markets are to be held yearly.

#### **Traffic and Access**

3. Should patronage of the market exceed the predicted numbers, parking must be revised to ensure at no time are visitors parking within the Chifley Road reserve.
4. The access road and car park are to be maintained to a suitable standard of construction to avoid the formation of potholes. Existing potholes evident on the access road are to be repaired prior to the first market occurring. Stormwater drainage within the car park is to be upgraded to enable the removal of the existing open drainage ditch traversing the access to the site.

#### **Bushfire**

5. An Emergency Evacuation Plan is required to be submitted for the approval of Council and the Rural Fire Service. The plan is to deal specifically with the safe exit from the site by all visitors and staff in the event of a bushfire or other emergency. This plan is to be approved prior to the commencement of markets on the site.

#### **Health**

6. That all store holders comply with the *NSW Food Act 2003* and the NSW Food Authority guidelines, "Food Handling Guidelines for Temporary Events(2006)."

7. Council's Environmental Health Officer is to be given sufficient notification of the events so as inspections of food vendors can be completed. All inspections will incur an inspection fee in accordance with Council's adopted fees and charges.

**Other Conditions**

8. Any temporary signage is to be erected clear of the Chifley Road reserve.

**ITEM:3            REG - 02/10/07 - LAND AND ENVIRONMENT COURT APPEAL - M LILLEY HELIPORT CAPERTEE****REPORT FROM: REGIONAL SERVICES MANAGER – ANDREW MUIR**

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**SUMMARY**

To inform Council of the decision of the Land and Environment Court to uphold the appeal by Mr M Lilley for the development of a Heliport at 4675 Castlereagh Highway, Capertee.

**COMMENTARY**

Council refused Development Application No.319/06 at its meeting of 4/6/06. The applicant, Mr M. Lilley subsequently lodged an appeal to the Land and Environment Court. The appeal was heard by the Court at Capertee and Lithgow on 17/18 September 2007.

The Court, after hearing submissions from objectors and supporters of the proposal, three acoustic experts and a court appointed town planner, handed down its decision on 25 September 2007 upholding the appeal. The development can now proceed once the applicant has met the requirements of the Deferred Commencement Consent which requires him to develop a Fly Neighbourly Policy and meet a number of conditions. The Court has placed restrictions on the number of flights and has specifically limited the number of flights that can occur on a weekend. The consent is time limited for five (5) years and requires lodgement of a new Development Application after the expiration of this period.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The total cost to Council of the legal proceedings is not yet known but will be in the vicinity of \$30,000. Council will also have a policing role in enforcement of the court imposed conditions which will have cost implications which are unknown at this stage.

**LEGAL IMPLICATIONS**

The appeal was upheld.

**ATTACHMENTS**

1. Copy of Judgement and Consent Issues

**RECOMMENDATION**

THAT the information be received and noted.

**ITEM:4 REG - 02/10/07 - DEVELOPMENT AND CONSTRUCTION APPROVALS**

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

**SUMMARY**

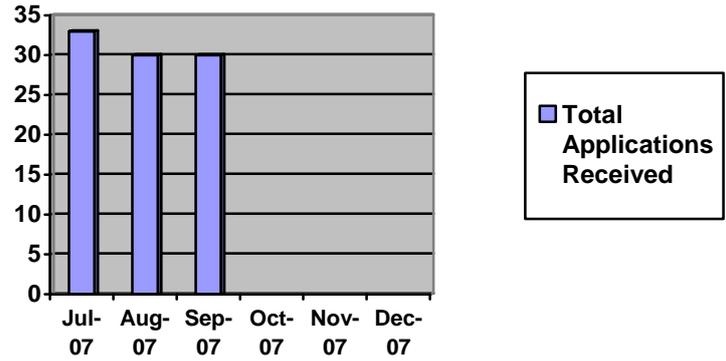
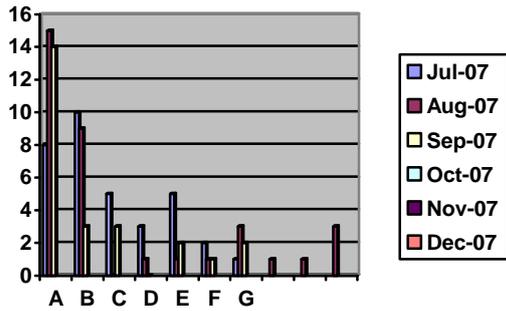
To provide statistical information on Development Applications and Construction Certificates processed.

**COMMENTARY**

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

	Minor Development Approvals (including carports, garages and patios) A	Dwelling Approvals B	Dwelling Addition Approvals C	Other Residential Applications (including Dual Occupancies, Flats) D	Rural Subdivision Approvals E	Residential Subdivision Approvals F	Commercial /Industrial Approvals G	Total Applications Received
Jul * 2007	8	10	5	3	5	2	1	33
Aug 2007	15	9	0	1	1	1	3	30
Sep 2007	14	3	3	0	2	1	2	25
Oct 2007								
Nov 2007								
Dec 2007								

\* includes Approvals from 28/08/2007 TO 21/09/2007



**APPROVALS**

Total Estimated Cost:	\$1,012,060
Average Approval Time	31
Total Cost of Approvals from 1/01/2007	\$24,283,974
No. of Applications from 1/01/2007	302

**RECOMMENDATION**

**THAT** the information be received

## COMMUNITY AND CORPORATE SERVICES REPORTS

### ITEM:5 COMM - 02/10/07 - HASSANS WALLS WORKING PARTY

REPORT FROM: COMMUNITY AND CULTURE MANAGER P.HALL

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#### REFERENCE

Min No. 07-344: Finance and Services Committee Meeting 6 August 2007 (TALC Minutes)

#### SUMMARY

The report provides an update on the Hassans Walls Working Party.

#### COMMENTARY

The Hassans Walls Working Party consists of Councillor Michael Wilson, Len Ashworth, Helen Drewe and Tim Breen. There has been progress in upgrading the Hassans Walls Reserve including the gating of the reserve.

The following actions have taken place:

- The grant agreement for the River Lett Project was finalised early in 2007. The Hassans Walls project is part of this but does not receive a huge financial input other than Council's contribution.
- The Traffic Authority Local Committee considered a report about the part time road closure on 6 June 2007. TALC recommended "that a gate be placed at both entrances to Hassans Walls Reserve and that these gates be locked with an e-lock and emergency services be provided with a key for access and that a notice be placed on the gate advising anyone with a legitimate need to gain access (contractors), a telephone number to call so as entry can be made." Council at its Finance and Services Committee Meeting of 6 August 2007 resolved to note the minutes of TALC.
- The final design and associated costings for the gates and Bracey Lookout are currently being completed.

The next meeting of the working party will occur once the final design and costings have been provided.

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### LEGAL IMPLICATIONS

Nil

#### RECOMMENDATION

**THAT** the information be received.

## **COMMITTEE MEETINGS**

### **ITEM:6            COMM - 02/10/07 - S355 ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES**

#### **REPORT FROM: COMMUNITY AND CULTURE MANAGER P.HALL**

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#### **REFERENCE**

Min No 07-389: Policy and Strategy Committee Meeting 3 September 2007

#### **SUMMARY**

Minutes of the Environmental Advisory Committee meeting held on 22 August 2007.

#### **COMMENTARY**

The committee discussed the draft terms of reference which had been prepared by the Environmental Advisory Committee. These were adopted by Council on 3 September 2007.

The representative groups are to be written to asking for a member to be nominated for the S355 Committee as per the membership in the Terms of Reference.

With regard to item 6 – the reference to the proposed agreement between the Council and the Community Nursery is centered around the Community Nursery seeking to establish a formal agreement with Council that will ensure that the Community Nursery can supply Council with its planting needs for the various rehabilitation projects coming up such as the STP's and waste facilities and at the same time provide certainty for the Nursery. Regional Services will review and contact the Community Nursery directly.

#### **POLICY IMPLICATIONS**

In accordance with the terms of reference of S355 Committees of Council.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **LEGAL IMPLICATIONS**

Nil

#### **ATTACHMENTS**

1. Environmental Advisory Committee Meeting Minutes 22 August 2007 (Doc: 370438)

#### **RECOMMENDATION**

**THAT** the information be received.

**ITEM:7            REG - 02/10/07 - SPORTS ADVISORY COMMITTEE MINUTES OF  
                         24TH SEPTEMBER 2007**

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

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**SUMMARY**

Details of the Minutes of the Sports Advisory Committee Meeting held on Monday, 24 September 2007 for Council adoption.

**COMMENTARY**

At the Sports Advisory Committee Meeting held on Monday, 24 September 2007, there were fifteen (15) items discussed by the Committee, and it is considered that all these items be adopted by Council as per the Committee's recommendations.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Minutes of the Sports Advisory Committee Meeting held on Monday, 24 September 2007.

**RECOMMENDATION**

**THAT** Council adopt the recommendations of the Sports Advisory Committee for the meeting held on Monday, 24 September 2007.

## QUESTIONS WITHOUT NOTICE

## **ATTACHMENTS**

**ITEM:7            REG - 02/10/07 - SPORTS ADVISORY COMMITTEE MINUTES OF  
                         24TH SEPTEMBER 2007**

**SPORTS ADVISORY COMMITTEE MEETING MINUTES  
MONDAY 24 SEPTEMBER 2007**

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## **PRESENT**

Councillor Neville Castle (Chairman), Mr Neil Gambrill, Mr Wayne Vought, Mr Russell Blanchard, Mr Mark Cronin, Mr John Boyd, Mr Danny Whitty, Mrs Robyn Whitty, Mr Eric Arnold, Mr Glen Ryan, and Miss Leanne Kearney (Strategic Engineer).

## **APOLOGIES**

Mr Ray Stoneley, Mr Mal Kearns, Mr Keith Dunleavy, and Mr Maurie Weekes (Acting Recreation Supervisor).

## **REPORT**

**ITEM 1 - DECLARATION OF INTEREST**  
Nil.

### **ITEM 2 - MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Sports Advisory Committee Meeting held on Monday, 27 August 2007 were read and confirmed.

The Committee recommends that the Minutes of the meeting held on Monday, 27 August 2007, be taken as read and confirmed.

MOVED: Neil Gambrill

SECONDED: Danny Whitty

### **ITEM 3 - BUSINESS ARISING FROM THE MINUTES**

- Mr Ray Stoneley has raised some concerns regarding Mr John Boyd's request for Council to investigate the possibility of installing a synthetic surface along the 100 metre straight at Jim Monaghan Athletics Oval, Lithgow. Should this project proceed, it could pose major safety issues for competitors participating in events longer than 100 metres, as they would need to change surfaces variable times during their event. Ray is pleased that other sporting users have identified the current poor surface condition (which is a problem every year, however, Council do a great job in fixing the track), however, does not believe that replacing just the 100 metre section is a suitable solution. Mr Eric Arnold reiterated these concerns, and suggested that if the running surface was to be replaced, the entire length of the track should be resurfaced, not just the straight. Mr Neil Gambrill advised that if the sand based turf at the Glanmire was to be used for this purpose, there would be adequate supply of material, however, prior to

laying, the surface would need to be completely grass free, as there can be some future problems caused by grass infiltrating the surface.

- Mr Mal Kearns advised that he has been sent another reminder for payment of fees and charges by Council, however, would like the Committee to note that these fees are still in dispute. Councillor Neville Castle advised that at last week's Council meeting, Council resolved to conduct a meeting between all four (4) football clubs regarding the fees and charges issued, to explain this process. A report will be presented to the Sports Advisory Committee meeting at the conclusion of this meeting.
- Mr Mark Cronin was in attendance at the last meeting, however, this was accidentally omitted from the minutes.
- Mr Neil Gambrill enquired if any action had been taken regarding the conflicting use at Kremer Park, Portland. Councillor Neville Castle advised that he and Council's Acting Recreation Supervisor Mr Maurie Weekes had inspected the site, and signage had been installed. Council will write to both the Portland Owners and Trotters Association and the Lithgow District Cricket Association advising of the signage and requesting compliance, with users being requested to preferably park their vehicles in front of the amenities building near the childrens play equipment.
- Mr Eric Arnold requested Council to undertake some urgent topdressing and levelling of the 100 metre straight at Jim Monaghan Athletics Oval, Lithgow, as there are areas with large clumps of grass and potholes.
- Mr Eric Arnold thanked Council for the work undertaken to rectify the flooding of the running straight at Jim Monaghan Athletics Oval, Lithgow, advising that the work undertaken has rectified the problem.
- Mr Danny Whitty thanked Council for the work topdressing and reseeding around the cricket pitch at Kremer Park, Portland, and advised that this job has also been successful.
- Mr Danny Whitty enquired if Council has progressed with a decision regarding the installation of an irrigation system at Conran Oval, Lithgow. Councillor Neville Castle expressed disappointment regarding the original quotation received (in terms of the price being excessive), and requested that Council seek further quotations for this work, including a quotation from a contact provided by Mr Neil Gambrill.

#### **ITEM 4 – 2007 REG COWDEN MEMORIAL SPORTS STAR AWARDS**

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

- Joseph Radburn (Hockey) – Joseph was selected in the NSW PSSA Boys Hockey Team, which competed undefeated at the Adelaide PSSA Hockey Exchange National PSSA Championships, becoming the Australian Primary School Champions;
- Jack Neale (Hockey) – Jack was selected in the NSW PSSA Boys Hockey Team, which competed undefeated at the Adelaide PSSA Hockey Exchange National PSSA Championships, becoming the Australian Primary School Champions;
- Zach Sharp (Hockey) – Zach was selected in the NSW PSSA Boys Hockey Team, which competed undefeated at the Adelaide PSSA Hockey Exchange National PSSA Championships, becoming the Australian Primary School Champions;
- Amie Sharp (Hockey) – Amie was selected in the NSW Girls Under 13 Hockey Team to compete in Melbourne in October;
- Madeline Bott (Hockey) – Madeline was selected in the NSW Girls Under 13 Hockey Team to compete in Melbourne in October;

- Brendan Hall (Soccer) – Brendan was selected in the Under 15 Western Soccer team to contest the State Championships in October, and was also selected in the Under 15 NSW Country Soccer team to contest the Australian Titles in Coffs Harbour in October;
- Daniel Rodgers (Athletics) – Daniel came first in the 12 years Boys High Jump, and was a member of the winning 12 year boys 4 x 100 metre relay team at the Western CHS Championships;
- Jenna Heath (Athletics) – Jenna competed in the PSSA Athletics District Carnival in Bathurst, and won the 100 metre, 200 metres, 800 metres running events, won the High Jump (equalling the record), and won the Long Jump (breaking the record which stood since 1984, with a jump of 4.35 metres); and
- Cassie Ford (Lawn Bowls) – Cassie was selected in the 2007 Australian Junior Championships, the team for a one off test against Tasmania, the NSW State team to play against ACT, won the gold medal at the CHS State Championships, played in the NSW Under 18 Inter Zone 7 a side Championships, and won the Club Mixed Pairs Championship.

The Committee selected Amie Sharp (Hockey) and Madeline Bott (Hockey) to be the joint Junior Sports Star winners for the month of August 2007.

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

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

- Alan Mostyn (Hockey) – Alan was selected in the Australian Hockey Team to compete in the International Masters Hockey Tournament in Birmingham UK against Germany, Holland, England, Scotland, Wales, Singapore, Malaysia and New Zealand;
- Robert Redding (Hockey) – Robert was selected in the Australian Hockey Team to compete in the International Masters Hockey Tournament in Birmingham UK against Germany, Holland, England, Scotland, Wales, Singapore, Malaysia and New Zealand;
- Cheryl Rutherford (Hockey) – Cheryl played in the Lithgow Over 35's team at the Half State Veteran's tournament, and from this, was selected in the NSW Over 45's Veteran Hockey Team to compete at the National Championships at Homebush;
- Amanda Saladine (Hockey) – Amanda was a member of the NSW Country Women's Hockey team, winning the National Title at the Australian Country Championship by beating Queensland 3 – 1. The NSW Country Women's team

was also named the joint winner of the “Whistle Blowers Award” for sportsmanship both on and off the field. From this performance, Amanda was named a shadow player for the Australian Women’s Country Hockey Team; and

- Wayne Gaynor (Hockey) – Wayne was the coach of the NSW Country Women’s Hockey team, winning the National Title at the Australian Country Championship by beating Queensland 3 – 1. The NSW Country Women’s team was also named the joint winner of the “Whistle Blowers Award” for sportsmanship both on and off the field.

The Committee selected Alan Mostyn (Hockey) and Robert Redding (Hockey) to be the joint Senior Sports Star winners for the month of August 2007.

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

The Committee recommends that the Junior Sports Star Award be awarded to Amie Sharp (Hockey) and Madeline Bott (Hockey) for the month of August 2007, and the Senior Sports Star Award be awarded to Alan Mostyn (Hockey) and Robert Redding (Hockey) for the month of August 2007 and for merit certificates to be awarded to the other nominees.

MOVED: Wayne Vought

SECONDED: Mark Cronin

#### **ITEM 5 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – LITHGOW ATHLETICS ASSOCIATION**

Correspondence has been received from Mr Ray Stoneley on behalf of the Lithgow Athletics Association requesting permission to use a portion of Tony Luchetti Sportsground, Lithgow on Friday afternoons between 4.00pm and 5.00pm for the tots athletes to undertake playtraining activities.

Only a small area is required to conduct some games and skills activities, and will not interfere with other sporting users of Tony Luchetti Sportsground, Lithgow.

This booking does not conflict with any other approved bookings, however, use will not be available on Friday, 14 March 2008 due to exclusive use requested by the Lithgow Show Society.

The Committee recommends that permission be granted to the Lithgow Athletics Association to use the southern section of Field 3 at Tony Luchetti Sportsground,

Lithgow, on Fridays between 4.00pm and 5.00pm to conduct playtraining activities for tots athletes (excluding Friday, 14 March 2008).

MOVED: Robyn Whitty

SECONDED: Glen Ryan

### **ITEM 6 – GREAT ESCAPADE 2008 – USE OF GLANMIRE OVAL, LITHGOW AND KREMER PARK, PORTLAND**

Council has received an application from the Great Escapade 2008, a bike ride organised by Bicycle Victoria and Bicycle NSW, requesting permission to camp for one (1) night in the old caravan park at Glanmire Oval, Lithgow on 29 March 2008, and one (1) night at Kremer Park, Portland on 31 March 2008.

The event will attract between 2,500 and 3,000 participants, as well as a number of visiting friends and relatives, and supporters interested in bicycle riding events. It is anticipated that this event will inject approximately \$125,000.00 into the local economy during this event.

These areas at Glanmire Oval, Lithgow and Kremer Park, Portland, have been requested, as the organisers require an area to camp between 2,000 and 3,000 people, as well as area to host four (4) trucks containing luggage, four (4) to five (5) trucks containing shower facilities, and five (5) to six (6) trucks for toilet amenities, and trucks for catering purposes.

The event managers are also requesting access to the Hockey Clubhouse building and the Mick Moore Pavillion to site medical, physio and massage therapists.

Organisers of the event will ensure site cleanliness after the event, to the extent that they sweep the grounds with a metal detector to ensure all tent pegs are removed.

Neil Gambrill raised a number of concerns regarding this proposal, including the following:

- Council don't allow their own vehicles to drive on the playing surface at the Glanmire Oval, Lithgow, to prevent any damage to water cannon points and connecting watermains which are at varying and unknown depths below the surface, can Council ensure that this infrastructure is not damaged by the proposal for a number of large, heavy trucks to park on the playing surface?
- Who will be responsible for ensuring that all pegs and broken glass etc will be removed from the playing surface, to prevent any injury, mainly concerning juniors, as most seniors use the turfs?
- Are there any alternative proposals should the weekend weather conditions be unfavourable, traversing by heavy vehicles during wet weather could damage the surface which will not be suitable for use as it is expected that the hockey season will commence within two (2) weeks of this event?
- A formal letter will be required from Council to the Greater Lithgow Hockey Association requesting approval to use the Hockey Clubhouse, and this letter will have to be presented to a meeting of the Greater Lithgow Hockey Association for determination.

Neville Castle advised that whilst he hasn't heard any feedback regarding the events organised by these particular promoters, his recollection of the RTA Big Bike Ride that was conducted a few years ago at Portland was very favourable, and two (2) days after

the previous event, the grounds were in a condition where the conduct of the event was unnoticeable. Neville suggested that the Committee support this application in principal, and for a further report to be presented to the next Committee meeting satisfactorily addressing the above concerns, as this event will favourably promote Lithgow as a community, as well as benefit local businesses.

The Committee recommends that the concerns raised by the Committee be directed to the organisers of the event via Council's Tourism Manager, Ms Jodie Raynor, and a further report be presented to the next Sports Advisory Committee for endorsement.

MOVED: Neil Gambrill

SECONDED: John Boyd

**ITEM 7 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – LITHGOW TOUCH FOOTBALL ASSOCIATION**

Correspondence has been received from the Lithgow Touch Football Association requesting permission to use Tony Luchetti Sportsground, Lithgow, on Mondays between 5.00pm and 9.00pm from 15 October 2007 until end of March 2008.

The grounds will also be required to conduct an Intertown competition, however, a date for his event is yet to be determined, and will be provided to Council as soon as possible.

The Association would also like to thank Lithgow City Council for previous use of the grounds, as they are now in their tenth (10<sup>th</sup>) year, and membership is continuing to grow. Thanks are also extended to Council's employees who mark and maintain the grounds, as they are always helpful and punctual.

This booking does not conflict with any other approved booking, however, use will not be available on Monday, 17 March 2008 due to exclusive use requested by the Lithgow Show Society.

The Committee recommends that permission be granted to the Lithgow Touch Football Association to use Tony Luchetti Sportsground, Lithgow, on Mondays between 5.00pm and 9.00pm from 15 October 2007 until end of March 2008 (excluding 17 March 2008), and on a date yet to be determined for an Intertown competition.

MOVED: Robyn Whitty

SECONDED: Mark Cronin

**ITEM 8 – BOOKING REQUEST – TONY LUCHETTI SPORTSGROUND, LITHGOW – LITHGOW SHOW SOCIETY**

Correspondence has been received from the Lithgow Show Society requesting permission for exclusive use of Tony Luchetti Sportsground, Lithgow to conduct the 2008 Annual Lithgow Show and the 2008 Summer Horse Show.

The grounds will be required all day on Saturday, 26 January 2008 for the Summer Horse Show, and from Thursday, 13 March 2008 to Tuesday, 18 March 2008 to conduct the Annual Show.

This booking does not conflict with any other approved bookings, however, Russell Blanchard advised that the conduct of the Summer Horse Show on a Saturday may result in further disruptions to senior cricket, noting that Easter also falls in March 2008, as well as the Annual Show, and may pose problems trying to complete finals for the

season should there also be washed out games. The Committee suggested that the booking be approved subject to successful liaison with the Lithgow District Cricket Association, and for Council to determine if this event can be conducted on Sunday, 27 January 2008.

The Committee recommends that permission be granted to the Show Society for exclusive use of Tony Luchetti Sportsground, Lithgow from Thursday, 13 March 2008 to Tuesday, 18 March 2008 to conduct the Annual Show, and on Saturday, 26 January 2008 for the Summer Horse Show subject to successful liaison with the Lithgow District Cricket Association.

MOVED: Russell Blanchard

SECONDED: Wayne Vought

**ITEM 9 – BOOKING REQUEST – LITHGOW WAR MEMORIAL OLYMPIC SWIMMING CARNIVAL – WALLERAWANG PUBLIC SCHOOL**

Correspondence has been received from Wallerawang Public School requesting permission to use Lithgow War Memorial Olympic Swimming Pool on Wednesday, 6 February 2008 to conduct their annual school swimming carnival.

This booking does not conflict with any other approved booking.

The Committee recommends that permission be granted to Wallerawang Public School to use Lithgow War Memorial Olympic Swimming Pool on Wednesday, 6 February 2008 to conduct their annual school swimming carnival.

MOVED: John Boyd

SECONDED: Neil Gambrill

**ITEM 10 – ANNUAL REGATTA – LAKE WALLACE, WALLERAWANG, WALLERAWANG SAILING CLUB INC**

Correspondence has been received from the Wallerawang Sailing Club Inc, advising that the Club are finalising preparations for their Annual Regatta at Lake Wallace, Wallerawang, scheduled for 10 and 11 November 2007.

The Waterways regulations require the Club seek approval from Council for this event, which does not require any additional demands around the lake, with the only variation from a normal Club meeting being the increased number of boats present, and in the past, the area in front of the existing Club house has been more that adequate in catering for this increase.

The Committee recommends that Council approve the Wallerawang Sailing Club Inc's proposal to conduct their Annual Regatta at Lake Wallace, Wallerawang, on 10 and 11 November 2007.

MOVED: Glen Ryan

SECONDED: Eric Arnold

**ITEM 11 – BOOKING REQUEST – LITHGOW WAR MEMORIAL OLYMPIC SWIMMING POOL, LITHGOW – CATHY HOULISON**

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

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

MOVED: John Boyd

SECONDED: Wayne Vought

**ITEM 12 – BOOKING REQUEST – JIM MONAGHAN ATHLETICS OVAL, LITHGOW – ST PATRICK'S SCHOOL**

Correspondence has been received from St Patrick's School requesting permission to use Jim Monaghan Athletics Oval, Lithgow between 9.00am and 3.00pm on Tuesday, 13 and Wednesday, 14 November 2007 to conduct athletics development days.

This booking does not conflict with any other approved bookings.

The Committee recommends that permission be granted to St Patrick's School to use Jim Monaghan Athletics Oval, Lithgow, between 9.00am and 3.00pm on Tuesday, 13 and Wednesday, 14 November 2007 to conduct athletics development days.

MOVED: Eric Arnold

SECONDED: Danny Whitty

**ITEM 13 – BOOKING REQUEST – VARIOUS GROUNDS – LITHGOW DISTRICT JUNIOR CRICKET ASSOCIATION**

Correspondence has been received from the Lithgow District Junior Cricket Association requesting permission to use various grounds from 1 October 2007 to 31 March 2008 to conduct training and competition games for the 2007/2008 junior cricket season.

Grounds required include Glanmire Oval, Kremer Park, Portland, Marjorie Jackson Oval, Zig Zag Oval, Saville Park, Portland, Tony Luchetti Sportsground, Wallerawang oval, Watsford Oval and Conran Oval, for competition games on Saturday mornings between 8.00am and 12.00pm, and for weekday training from 3.00pm until 7.00pm.

Whilst a draw have not been finalised, once available, this draw will be provided to Council, including the district matches are also scheduled for Sundays, 28 October 2007, and 17 February 2008, requiring the use of Tony Luchetti Sportsground, Conran Oval, Glanmire Oval, and Marjorie Jackson Ovals Lithgow.

Watsford Oval, Lithgow is also required on Monday afternoons from 3.00pm until 7.00pm from 20 October 2007 to end February 2008 to conduct the MILO Have A Go programme – a clinic conducted for children under the age of competition cricket, but wanting to participate and improve skills.

The Association have taken into consideration the availability of Tony Luchetti Sportsground, Lithgow due to the Lithgow Show, and this booking does not conflict with any other approved bookings.

The Committee recommends that permission be granted to the Lithgow District Junior Cricket Association to use various grounds from 1 October 2007 to 31 March 2008 to conduct training and competition games for the 2007/2008 junior cricket season.

MOVED: Neil Gambrill

SECONDED: Russell Blanchard

**ITEM 14 – BOOKING REQUEST – VARIOUS GROUNDS – LITHGOW DISTRICT CRICKET ASSOCIATION**

Correspondence has been received from the Lithgow District Cricket Association requesting permission to use various grounds from 1 October 2007 to 5 April 2008 to conduct training and competition games for the 2007/2008 senior cricket season.

Grounds required include Glanmire Oval, Kremer Park, Portland, Marjorie Jackson Oval, Saville Park, Portland, Tony Luchetti Sportsground, Wallerawang oval, Watsford Oval and Conran Oval, for competition games on Saturday afternoons between 12.30pm and 7.00pm, and for weekday training from 4.00pm until 8.00pm.

Whilst a draw have not been finalised, once available, this draw will be provided to Council, including any district matches which will be conducted at Tony Luchetti Sportsground, Conran Oval, and Glanmire Ovals on Sundays (dates yet to be determined).

This booking includes the training nets located at the Glanmire Oval, Lithgow and Kremer Park, Portland.

The Association have taken into consideration the availability of Tony Luchetti Sportsground, Lithgow due to the Lithgow Show, and this booking does not conflict with any other approved bookings.

The Committee recommends that permission be granted to the Lithgow District Cricket Association to use various grounds from 1 October 2007 to 5 April 2008 to conduct training and competition games for the 2007/2008 cricket season.

MOVED: Wayne Vought

SECONDED: Robyn Whitty

**ITEM 15 - GENERAL BUSINESS**

- Mr Danny Whitty advised that he attended a meeting last week regarding the proposed Lithgow Gift running event, which is to be held on Saturday, 23 February 2008 at the Tony Luchetti Sportsground, Lithgow, and enquired why the Sports Advisory Committee had not been informed of this booking, as this will also disrupt the proposed cricket season. Councillor Neville Castle advised that he was aware of preliminary discussions involving Council, however, was not aware of any further confirmation. The Committee resolved for Council's Tourism Manager, Ms Jodie Raynor to be invited to address the next Sports Advisory Committee meeting regarding this event.
- Mr Russell Blanchard advised that the cricket training nets at Glanmire Oval, Lithgow need repairing on the bottom sections, and requested that the garbage bin next to the nets be replaced and possibly concreted in to prevent theft.
- Mr John Boyd requested Council to trim the hedge located between the barbeque area and the Swimming Club Clubhouse at the Lithgow War Memorial pool, Lithgow.
- Mr Eric Arnold requested Council to install a sanitary napkin bin in the disabled toilet at the Jim Monaghan Athletics Oval, Lithgow, connect the stormwater down pipes from the roof guttering to the stormwater infrastructure, and whether Council has progressed with planning for additional toilets on the site. Eric further advised that during the building works, the alarm system was disrupted and no longer

works effectively, and who is responsible for repairing this. Eric also thanked Council for recent works including clearing of the pathways and trimming of the claret ashes.

- Mr Danny Whitty requested Council to contact him regarding the installation of rubber belting along the bottom of the cricket training nets at Kremer Park, Portland, as previously advised, volunteers are not allowed to undertake this project. Danny will have to acquire new materials as the previous materials have been stolen.

MOVED: Danny Whitty

SECONDED: Neil Gambrill

The meeting closed at 6.25pm.

## **RECOMMENDATION**

**THAT** the minutes of the Sports Advisory Committee be adopted.

Lithgow City Council

Scanned

- 5 JUN 2007

Lithgow City Council

180 Mort Street Lithgow NSW 2790
Telephone (02) 63549927
Postal Address: PO Box 19 Lithgow NSW 2790 Fax: (02) 63512927

Doc. No .....
GDA Ref. ....
Years .....

OFFICE USE ONLY

REGISTRATION NO. 04310708A
PROPERTY NO. 79090

DEVELOPMENT APPLICATION

made under the Environmental Planning and Assessment Act 1979 Section 78A

Applicant Details

Name: 216 246 RAILWAY CO-OP LTD
Postal Address: P.O. BOX 1, LITHGOW NSW Postcode: 2790
Contact No. (Telephone): 0263552955 (Fax): 0263552954 Email: .....

22ROFFIC@BILPOND.NET.AU

Land to be Developed

Address: CLARENCE STATION
BELL'S LINE OF ROAD CLARENCE

Lot No/DP/Portion, etc: .....

Parish: ..... County: ..... OR  map(s) attached (see note 1)

Proposed Development (type)

- use of land/building
erection of a building
subdivision of land/building
carrying out of work
demolition
other

Description: RUN MARKETS @ THE 216 246 RAILWAY.

(eg Residential Flat Building)

Proposed Use: .....

Estimated Cost (see note 2) \$ ..... If Subdivision, No. Of Lots: .....

Approvals under s 68 Local Government Act 1993 (see note 3 for explanation)

Does this application seek approval for one or more of the approvals listed in the note to s 78A(3)?(see note 3)

- Yes
No

List approval(s) sought: .....

Integrated Development (see note 4 - requires one or more of the following approval(s))

is this application for integrated development?

- Yes
No

List other approvals required to be obtained (see note 4)

- Fisheries Management Act 1994 s 144 s 201 s 205
Heritage Act 1977 s 58
Mine Subsidence Compensation Act 1961 s 15
Water Act 1912 s 10 s 13A s 18F s 20B s 20CA s 20L s 116 Pt 8
Protection Environment Operations Act 1997 s 43(a), 47 & 55 43(b), 48 & 55 43(d), 55 & 122
Rivers & Foreshores Improvements Act 1948 Part 3A
Roads Act 1993 s 138
National Parks & Wildlife Act 1974 s 90

OFFICE USE ONLY

DA Fee: \$ 220.00 (138550000-6320)

PlanNSW (138558000-6320)

Advertising: \$ .....

Other: \$ .....

\* If Private Certifier

\* LSL Fee: \$ ..... (100BLBLSLBCRS)

\* Sewer Drainage Fee: \$ ..... (363092000-6320)

\* Water Connection \$ ..... (138554000-6320)

\* Septic Tank Fee: \$ ..... (138211000-6320)

(Septic Application form required with this application)

Date: 4/6/07

Receipt: 220.00 164783

TOTAL: 220.00

Zig Zag Co-operative Ltd

**Construction Certificate**

is a construction certificate application to be lodged at the same time as the application for development consent?

yes

no

Information to be submitted

Where **YES** Form 11 must be completed and lodged with the application

**Type of consent Sought**

standard  staged development

deferred commencement  Crown

**Required attachments**

3 copies of plan of land (see note 5)

3 copies of plans/drawings of proposed development (see note 6)

1 copy of plan for purposes of clause 48B of the Environmental Planning and Assessment Regulation 1994 (see note 7)

other information (see note 8)

Application fee

**Environmental Impact**

(for designated development) or

an environmental impact statement (EIS) is attached

(for other development) or

a statement on environmental effects is attached (see note 9)

the proposed development is considered to have negligible effect

**Other Attachments**

additional material requested by consent authority (see note 10)

additional material submitted by applicant (see note 11)

details of any prior staged consent granted

**Long Service Levy**

see note 12

**Principal Certifying Authority** (you may appoint Council as a Principal Certifying Authority if applicable or seek a private certifier)

I hereby nominate Lithgow City Council as the Principal Certifying Authority

Yes

No

**Consent of Owner(s)**

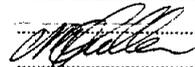
Signature(s) (required if the applicant is not the owner of the land)

As the owner of the subject property, I/we consent to this application (see note 13)

Name(s)

MARGARET FULLER - COMMERCIAL MANAGER

Signature(s)



Date: 28/5/2007

Previous Owner's Name/s: If purchased within last 3-4 months

**Signed by Applicant**

or person signing on behalf of applicant - please state in what capacity

Signature(s)



Name if not Applicant:

MARGARET FULLER

Capacity if not Applicant

COMMERCIAL MANAGER

Date: 28/5/07

**PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE.**

By completion of this form you may be providing Council with personal information. Council will collect the information only for a lawful purpose directly related to the function of Council. We will take reasonable care not to disclose personal information. Exempt documents may come under Section 12 of the Local Government Act.



# Lithgow City Council

ABN: 59 986 092 492

180 Mort Street, Lithgow NSW 2790  
P.O. Box 19, Lithgow NSW 2790  
Telephone: (02) 6354 9999 Fax: (02) 6351 4259

## TAX INVOICE

*Applicant:*

ZIG ZAG CO-OPERATIVE LTD  
PO BOX 187  
LITHGOW NSW 2790

Invoice No: 2006395  
Date: 4/06/2007  
Application Ref: 043/07DA

*Property Owner:* ZIG ZAG CO-OPERATIVE LTD

Description	Qty	Due Date	Charge Comment	Amount (ex.tax)	Discount	Tax	Amount Due (incl. Tax)
Application - Change of Use	1.00	01/06/07	Dev Appl Other	\$220.00	\$0.00	\$0.00	\$220.00
Total				\$220.00	\$0.00	\$0.00	\$220.00

**Invoice Only**

**No statement will be issued**

✂

ZIG ZAG CO-OPERATIVE LTD  
PO BOX 187  
LITHGOW NSW 2790

Invoice No: 2006395

Invoice Date: 4/06/2007

Application Ref: 043/07DA

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Total				\$220.00	\$0.00	\$0.00	\$220.00

Lithgow City Council

**OFFICIAL RECEIPT**

ABN: 59986092492

4/06/2007 Receipt No: 164783

To ZIG ZAG CO-OPERATIVE LTD

PO BOX 187  
LITHGOW NSW 2790

Thank You

<b>Applic. Reference</b>	<b>Amount</b>
Rams 043/07DA	\$220.00
Application - Change of Use	
To Rams:CHIFLEY ROAD	
CLARENCE NSW 2790	

**Transaction Total: \$220.00**

**Amounts Tendered**

Cheque	\$220.00
Total	\$220.00
Rounding	\$0.00
Change	\$0.00
<b>Nett</b>	<b>\$220.00</b>

Printed 4/06/2007 12:37:45 PM

Cashier: GDA

# ZIG ZAG RAILWAY CO-OP. LTD.

ABN 96 139 641 108

A Non-profit Community Advancement Society.  
Registered under the N.S.W. Charitable Collections Act.

Tel: (02) 6355 2955  
Fax: (02) 6355 2954  
Email: zigzag@pnc.com.au  
Website: www.zigzag.com.au

Lithgow City Council  
Mort Street.  
Lithgow NSW 2790

P.O. Box 1  
Lithgow, N.S.W. 2790  
Australia.

28<sup>th</sup> May, 2007

Dear Skye,

The Zig Zag Railways intention is to run markets on a Sunday, once a month. The date is yet to be set and our intention is to not coincide with any other local events being run at the present.

The stall holders will all need to have their own Public Liability insurance and the Zig Zag railways Public liability insurance will cover visiting public for this event. We have checked with Aon Insurances.

The stall holders will be placed in the grassed grounds behind the Clarence station enabling people to wonder in safety- therefore no need to worry about cars in the car park and Steam trains on the line. Our yellow picket fence and cement platform will keep the public safe.

Our opening times will be from 9am to 3pm on the Sunday.

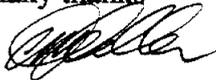
Signage will be one black and white sign saying "Markets today" with an arrow pointing to the Zig Zag entrance. This will be placed on the highway before the Zig Zag Railway entrance at 8.30am and taken down at 3pm by our staff.

We hope to attract approx. 50 extra people to our venue and are sure our amenities will handle this.

Attached is a simple map for your information.

If the council or yourself require any further information please call me on 0263 552 955 or email; zzroffic@bigpond.net.au

Many thanks



Margaret Fuller  
Commercial Manager.  
Zig Zag Railway Co-op Ltd.

Chief Weeds Officer's Report Submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7th September, 2007.

30 AUG 2007

**CHIEF WEEDS OFFICER D.F. BALDWIN –AUGUST, 2007:**

Doc. No .....  
GDA Ref. ....  
Years .....

**PROPERTY INSPECTIONS:**

1. **275 & 277 Megalong Place, Little Hartley – 20.65ha.**  
Inspection of the property with owner. Scattered to heavy patches of tussock. Owner will join Council's aerial spraying program this season and spray 10 hectares of heavy infestations.
2. **279 Megalong Place, Little Hartley – 12.2ha.**  
Scattered to heavy infestations of serrated tussock. Contacted owner who will join Council's aerial spraying program this season and spray 10 hectares.
3. **281 Megalong Place, Little Hartley – 9ha.**  
Scattered to heavy infestations of serrated tussock. Contacted owner who has agreed to join Council's aerial spraying program this season and spray the whole property.
4. **273 Megalong Place, Little Hartley – 10.35ha.**  
Scattered to heavy infestations of serrated tussock, owner has agreed to join Council's aerial spraying program this season and will spray 5 hectares of heavy infestations.
5. **243 Megalong Place, Little Hartley – 11.24ha.**  
Scattered to heavy tussock. Contacted owner who has agreed to join Council's aerial spraying program this season.
6. **193 Megalong Place, Little Hartley – 11.ha.**  
Scattered to medium patches of tussock. Contacted owner who has agreed to join Council's aerial spraying program this season to spray the infestations.
7. **255 Megalong Place, Little Hartley – 9.98ha.**  
Scattered to heavy patches of tussock. Owner has agreed to aerial spray 5 hectares of tussock by helicopter this season.
8. **171 Megalong Place, Little Hartley – 8.17ha.**  
Inspection of property with owner found scattered light infestations of tussock. Owner has a satisfactory spraying and digging program in place.

**Certificate**  
 This is page 1 of 5 pages of the Chief Weeds Officers report to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman..... General Manager ... ..

Upper Macquarie County Council

Chief Weeds Officer's Report Submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7th September, 2007.

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- 9. 78 Megalong Place, Little Hartley – 12.36ha.**  
Scattered to light tussock regrowth, owner employed a contractor to spray the infestations two seasons ago. Follow up spraying on regrowth is required this season. Contacted owner.
- 10. 134 Kanimbla Drive, Little Hartley – 10.18ha.**  
Scattered to heavy infestations of serrated tussock, no evidence of any work having been carried out. Inspectors report sent to owner requesting work be carried out.
- 11. 148 Kanimbla Drive, Little Hartley – 16.4ha.**  
Scattered to small patches of tussock, contacted owner to spray this season.
- 12. 174 Kanimbla Drive, Little Hartley – 14.18ha.**  
Scattered to small patches of tussock. Owner has sprayed infestations previously, further work is required this season. Inspectors report has been sent to owner requesting work be carried out.
- 13. 186 Kanimbla Drive, Little Hartley – 13.12ha.**  
Scattered to medium patches of tussock. Contacted owner to spray infestations this season.
- 14. 86 Kanimbla Drive, Little Hartley – 15ha.**  
Light scattered tussock. Owner has a satisfactory eradication and tree planting program in place with very good results.
- 15. 167 Ophir Road, Dunkeld – 10.1ha.**  
Isolated small blackberry along creek. Owner sprayed the plants last season. Property is satisfactory.
- 16. 533 Freemantle Road, Mt Rankin – 1034ha.**  
Scattered to medium patches of tussock and blackberry. Owner participated in Council's aerial spraying program last season and will continue with the program again his season.

**Certificate**

This is page 2 of 5 pages of the Chief Weeds Officers report to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman..... General Manager ... ..

Upper Macquarie County Council

Chief Weeds Officer's Report Submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7th September, 2007.

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**17. 753 Freemantle Road, Mt Rankin – 40.51ha.**

Isolated tussock plants in one paddock on the western side. Contacted owner to dig the plants before seeding in November.

**18. 1020 Freemantle Road, Mt Rankin – 144ha.**

Scattered to medium patches of blackberry and briar, scattered small patches of tussock. Owner stocks goats to control blackberry and briar with good results. Spot sprays isolated tussock plants.

**19. 653 Killongbutta Road, Gowan – 1247ha.**

Scattered to heavy patches of tussock on steep hillsides overlooking Macquarie River frontage. Owner aerial sprayed 80 hectares of heavy infestations last season and will follow up with a further 40 hectares of heavy infestation this coming aerial spraying program in February, 2008.

**Private Property Inspections Program Statistics**

<b>Bathurst Regional Council &amp; Lithgow Shire</b>	<b>Total</b>
Total Ground Inspections	<b>19</b>
Actual Properties Inspected	<b>19</b>
Properties Surveyed from Air	
Nurseries Inspected	
Other Businesses Inspected	
Section 18 Notices issued	
Section 20 Entries	
Successful Prosecutions	
Unsuccessful Prosecutions	
Penalty Notices Issued	
Programmed Surveys	
Resolution to Prosecute	
Roadside Inspections	

**Certificate**

This is page 3 of 5 pages of the Chief Weeds Officers report to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman..... General Manager ... ..

Upper Macquarie County Council

Chief Weeds Officer's Report Submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7th September, 2007.

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**WORK REPORT:**

Time spent on administration, chemical stores duties, reports, etc .

Three days spent on organisation before the Integrated Weed Management Seminar.

Two days spent attending Weed Management & Goat Seminar on 14<sup>th</sup> & 15<sup>th</sup> August, 2007.

**MONTHLY INSPECTION PROGRAMS FOR SEPTEMBER, 2007:**

***Chief Weeds Officer – D. F. Baldwin***

Administration and supervision and property inspections where required.

***C R Austen – Lithgow Council***

Continuation of property inspections in the Pipers Flats serrated tussock program and other parts of the Shire.

***C.K. Roweth – Blayney Shire***

Property inspections in the Barry, Newbridge and Carcoar areas.

***L. Willott – Bathurst Regional Council***

Property inspections in the Freemantle, Turondale and Bridle Track areas.

One weeks Annual Leave

**Certificate**

This is page 4 of 5 pages of the Chief Weeds Officers report to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman..... General Manager... ..

Upper Macquarie County Council

Chief Weeds Officer's Report Submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7th September, 2007.

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**D J Hotham – Oberon Council**

Property inspections in the Lowes Mt, Hazelgrove and Tarana areas.

Toyota Speedo = 4,028                      Travelled = 2,151km

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**D.F. Baldwin**

**Certificate**

This is page 5 of 5 pages of the Chief Weeds Officers report to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman..... General Manager ... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**INSPECTOR C R AUSTEN – LITHGOW COUNCIL – AUGUST 2007:**

**PROPERTY INSPECTIONS:**

1.     **366 Red Hill Road, Paling Yards – 300ha.**  
Aerial of treatment of 30 hectares of serrated tussock last season with excellent results. Owners will continue program by spot spraying other areas in the current season.
2.     **368 Red Hill Road, Paling Yards – 500ha.**  
Inspection of 100 hectares of serrated tussock treated by air last season with excellent results. Owner is considering continuation of program by air or ground methods.
3.     **P/N 79010 Sir Thomas Mitchell Drive, South Bowenfels – 50ha.**  
Inspection of 10 hectares of serrated tussock treated by air last season with good results. Owner will follow up and continue program by ground methods in the current season.
4.     **190 Magpie Hollow Road, South Bowenfels – 130ha.**  
30 hectares of serrated tussock treated by air last season with good results. Owner will follow up and continue program by ground methods in the current season.
5.     **P/N 100561 Rydal Road, South Bowenfels – 45ha.**  
Scattered and some medium patches of serrated tussock noted during inspection. Inspectors report to be sent to owner requesting work be carried out prior to seeding.
6.     **Willowvale Lane, Wallerawang – 30ha.**  
Inspection with owner found scattered and some small patches of serrated tussock which will be treated as part of Pipers Flat Project.
7.     **P/N 95900 Honeysuckle Falls Road, Tarana – 400ha.**  
Inspection with National Parks & Wildlife Ranger. Scattered and some small patches of serrated tussock found which have previously been treated. Work to be carried out by contractor during the next couple of months prior to seeding.

**Certificate**

This is page 1 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman ... .. General Manager ... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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- 8. 427 Cullenbenbong Road, Kanimbla Valley – 450ha.**  
40 hectares of serrated tussock treated by air last season with good results. Owner has been following up and continuing program by ground methods. Further aerial treatment will be carried out as part of upcoming program.
- 9. 1012 Cullenbenbond Road, Kanimbla Valley – 90ha.**  
10 hectares of serrated tussock treated by air last season with good results. A further 10 hectares to be treated as part of upcoming program.
- 10. 710 Cullenbenbong Road, Kanimbla Valley – 40ha.**  
Scattered serrated tussock is being treated by owner, scattered blackberry to be treated by owner in coming season.
- 11. 52 Tweed Road, Lithgow – 7ha.**  
Inspection with owner of area of gorse, scattered and some medium serrated tussock, blackberry and St John's Wort. Notice has expired and no work has been carried out. Chief Weeds Officer to report to meeting.
- 12. 407 Sir Thomas Mitchell Drive, South Bowenfels – 41ha.**  
Inspection of 10 hectares of medium and heavy serrated tussock treated by air last season with excellent results. Owner will follow up and continue program in the current season.
- 13. 302 Cox's River Road, Little Hartley – 600ha.**  
Past treatment of serrated tussock by air has been with good results. A further 20 hectares to be treated as part of future program.
- 14. 792 Sunny Corner Road, Portland – 50ha.**  
Inspection with contractor of medium areas of serrated tussock to be treated as part of Pipers Flat Project.
- 15. 364 Bonaventure Road, Mt Lambie – 160ha.**  
Mainly timbered block with one area containing medium serrated tussock. 5 hectares treated last season by air with good results, a further 5 hectares to be treated as part of future program.

**Certificate**

This is page 2 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman... .. General Manager... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**16. P/N 102838 Jerrys Meadow Road, Sodwalls – 180ha.**

Scattered and some medium areas of serrated tussock subject to some treatment last season. Further work to be carried out prior to seeding. Scattered and some medium areas of blackberry and St John's Wort to be treated in coming spring/summer season.

**17. P/N 102839 Jerrys Meadow Road, Sodwalls – 40ha.**

Scattered and some medium areas of serrated tussock, no work evident since inspection approximately 12 months ago. Work is required prior to seeding, Notice of Intent to be sent.

**Private Property Inspections Program Statistics**

<b>LITHGOW COUNCIL</b>	<b>Total</b>
Total Ground Inspections	<b>17</b>
Actual Properties Inspected	<b>17</b>
Properties Surveyed from Air	
Acquaria/Pet Shops Inspected	
Nurseries Inspected	
Other Businesses Inspected	
Section 18 Notices issued	
Section 20 Entries	
Successful Prosecutions	
Unsuccessful Prosecutions	
Penalty Notices Issued	
Programmed Surveys	
Resolution to Prosecute	
Roadside Inspections	

**OTHER TIME SPENT:**

One day sick leave

Time spent with property owners filling out Property Weed Management Plans for Pipers Flat Project.

**Certificate**

This is page 3 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman ... .. General Manager ... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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Preparation for and one day at Glen Alice Environmental Field Day run in conjunction with Hawkesbury /Nepean Catchment Management Authority, DPI and Rural Lands Protection Board.

Two days attending Integrated Weed Management Seminar at Bathurst.

Ford Speedo = 32,900

km Travelled = 3,400

**INSPECTOR D J HOTHAM – OBERON COUNCIL – AUGUST 2007:**

**PROPERTY INSPECTIONS:**

- 18. 1362 Bald Ridge Road, Burruga – 336ha.**  
Heavy patches of serrated tussock and blackberry, no work has been carried out since last inspection. Notice of Intent issued.
- 19. 643 Purdons Lane, O’Connell – 30ha.**  
No work has been carried out on serrated tussock since last inspection. Notice of Intent issued.
- 20. 1503 O’Connell Road, O’Connell – 58ha.**  
Heavy patches of serrated tussock, no work has been carried out since last inspection. Notice of Intent issued.
- 21. 300 Purdons Lane, O’Connell – 25ha.**  
Medium to heavy infestation of serrated tussock, no work has been carried out since last inspection. Notice of Intent issued.
- 22. 1694 Sewells Creek Road, Rockley – 348ha.**  
Scattered to medium patches of serrated tussock and blackberry. Work has been carried on blackberry in recent years with good results. Aerial spraying has been carried out on serrated tussock in recent years with good results. Further aerial spraying will be carried out this season.

<p><b>Certificate</b> This is page 4 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.</p> <p>Chairman ... .. General Manager ... ..</p>
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Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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- 23. 1720 Arkstone Road, Arkstone – 276ha.**  
Owner sprayed heavy infestations of serrated tussock last season with good results. Follow up work will be carried out this season.
- 24. 302 Emden Vale Road, Arkstone – 325ha.**  
Inspection carried out with owner. Medium infestation of serrated tussock on western boundary will be aerial sprayed this spraying program.
- 25. Crown Land – Arkstone Road, Arkstone – 20ha.**  
Medium to heavy patches of serrated tussock, will aerial spray 10 hectares this spraying program.
- 26. 700 Campbells River Road, Black Springs – 275ha.**  
Aerial spraying carried out last season with good results. Owner will aerial spray a further 30 hectares this spraying program.
- 27. 1579 Arkstone Road, Arkstone – 326ha.**  
Heavy patches of serrated tussock and blackberry. Some work has been carried out on blackberry. Inspectors report sent to owner requesting work be carried out.
- 28. 219 Emden Vale Road, Arkstone – 112ha.**  
Scattered patches of serrated tussock and blackberry. Inspectors report sent to owner requesting work be carried out.
- 29. Emden Vale Road, Arkstone – 48ha.**  
Scattered patches of serrated tussock and blackberry. Inspectors report sent to owner requesting work be carried out.
- 30. 911 Duckmaloi Road, Oberon – 468ha.**  
Owner to aerial spray 20 hectares of serrated tussock this spraying program.
- 31. 1269 Beaconsfield Road, Black Springs – 1115ha.**  
Owner aerial sprayed 10 hectares of serrated tussock last season with good results. Further work will be carried out this season.
- 32. 90 Faugha-Ballaugha Road, Oberon – 112ha.**  
Heavy patches of serrated tussock on northern boundary, owner will aerial spray 10 hectares this spraying program.

**Certificate**

This is page 5 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman... .. General Manager... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**33. 103 Faugha-Ballaugha Road, Oberon – 46ha.**

Scattered patches of blackberry sprayed last season with good results. No other weeds found on inspection.

**34. 589 Beaconsfield Road, Black Springs – 469ha.**

Inspection carried out with owner who will aerial spray 50 hectares of serrated tussock this spraying program.

**35. 908 Campbells River Road, Black Springs – 222ha.**

Owner has sprayed serrated tussock on boundaries and ploughed other infestations since last inspection with good results.

**36. 1138 Beaconsfield Road, Black Springs – 221ha.**

Aerial spraying of serrated tussock carried out last season with good results. Owner to do follow up work this season by ground.

**37. 1000 Dog Rocks Road, Black Springs – 340ha.**

Owner aerial sprayed 10 hectares of serrated tussock last season with good results. Follow up work will be carried out this season by owner.

**38. 2296 Beaconsfield Road, Wisemans Creek – 562ha.**

Owner to aerial spray 50 hectares of serrated tussock this spraying program.

**39. 1212 Duckmaloi Road, Oberon – 375ha.**

Owner to aerial spray 20 hectares of serrated tussock this spraying program.

**Certificate**

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Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**Private Property Inspections Program Statistics**

<b>OBERON COUNCIL</b>	<b>Total</b>
Total Ground Inspections	<b>22</b>
Actual Properties Inspected	<b>22</b>
Properties Surveyed from Air	
Nurseries Inspected	
Other Businesses Inspected	
Section 18 Notices issued	
Section 20 Entries	
Successful Prosecutions	
Unsuccessful Prosecutions	
Penalty Notices Issued	
Programmed Surveys	
Resolution to Prosecute	
Roadside Inspections	

**OTHER TIME SPENT:**

Office duties.

2.5 days roadside spraying for serrated tussock with Inspector Willott.

One day pamphlet dropping and setting up for Integrated Weed Management Seminar.

Two days attending Integrated Weed Management Seminar at Bathurst.

Ford Speedo = 56,771

km Travelled = 3,021

**Certificate**

This is page 7 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman... .. General Manager... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**INSPECTOR L A WILLOTT – BATHURST REGIONAL COUNCIL  
– AUGUST, 2007:**

**PROPERTY INSPECTIONS:**

- 40. 132 Mersing Road, Glanmire – 62.38ha.**  
Owner will spray medium to scattered infestation of serrated tussock.
- 41. 4578 Great Western Highway, Glanmire – 37ha.**  
Inspection of property with owner in response to an inspectors report for the control of heavy infestation of serrated tussock. Owner will aerial spray 20 hectares next aerial spraying program.
- 42. 2686 Mitchell Highway, Vittoria – 160ha.**  
Inspection of property in response to an inspectors report for the control of heavy infestation of serrated tussock. Owner will aerial spray 20 hectares next aerial spraying program.
- 43. Rockley Road, Rockley – 1.2ha.**  
Work required on heavy infestation of serrated tussock. Inspectors report sent to owner requesting work be carried out.
- 44. 579 Mitchell Highway, Robin Hill – 11.3ha.**  
Work required on medium to scattered infestation of serrated tussock. Inspectors report sent to owner requesting work be carried out.
- 45. 216 Box Ridge Road, Turondale – 30ha.**  
Owner had contractor spray heavy areas of serrated tussock with good results.
- 46. 152 Box Ridge Road, Turondale – 16.3ha.**  
Work required on heavy infestation of serrated tussock. Inspectors report sent to owner requesting work be carried out.
- 47. 2453 Turondale Road, Turondale – 102.7ha.**  
Owner working on scattered serrated tussock with good results.
- 48. 1673 Freemantle Road, Watton – 40.55ha.**  
Owner will have contractor spray medium to scattered infestation of serrated tussock.
- 49. 1663 Freemantle Road, Watton – 33.65ha.**  
Owner will spray medium infestation of serrated tussock.

**Certificate**

This is page 8 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman... .. General Manager... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**50. 1659 Freeantle Road, Watton – 43.26ha.**

Work required on medium to scattered areas of serrated tussock.  
Inspectors report sent to owner requesting work be carried out.

**Private Property Inspections Program Statistics**

<b>BATHURST REGIONAL COUNCIL</b>	<b>Total</b>
Total Ground Inspections	<b>11</b>
Actual Properties Inspected	
Properties Surveyed from Air	
Acquaria/Pet Shops Inspected	
Nurseries Inspected	
Other Businesses Inspected	
Section 18 Notices issued	
Section 20 Entries	
Successful Prosecutions	
Unsuccessful Prosecutions	
Penalty Notices Issued	
Programmed Surveys	
Resolution to Prosecute	
Roadside Inspections	<b>6</b>

**FOLLOWING ROADS WERE SPRAYED FOR SERRATED TUSSOCK ON BATHURST REGIONAL COUNCIL AREA:**

Rockley Road, James White Drive, Black Rock Road, Burraga Road,  
Lagoon Road, Box Ridge Road.

**OTHER TIME SPENT:**

Two days Integrated Weeds Management Seminar.

Two days roadside spraying Bathurst Regional Council with Chief Weeds Officer.

2.5 days roadside spraying Oberon Shire with Inspector Hotham.

One day roadside spraying Blayney Shire with Inspector Roweth.

**Certificate**

This is page 9 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7th September, 2007.

Chairman... .. General Manager... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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Half day insect release for the control of Paterson's Curse with the DPI.

Half day delivering pamphlets for the General Manager, re Integrated Weeds Management Seminar.

Ford Speedo = 35,096

km Travelled = 2,972

**INSPECTOR C K ROWETH – BLAYNEY SHIRE COUNCIL –  
AUGUST, 2007:**

**NOTICES OF INTENT:**

**51. 366 Mandurama Road, Mandurama – 21.ha.**

No work has been carried out on scattered serrated tussock infestation on property in recent times. Notice of Intent has been issued.

**52. 67 Somers Lane, Mandurama – 6ha.**

Owner was unaware of what serrated tussock was. Scattered to heavy infestations on property. Notice of Intent issued to owner, subsequent works program has been worked out with owner for spraying to be carried out.

**53. 9 Stringy Bark Lane, Newbridge – 32ha.**

Scattered to heavy areas of serrated tussock on property. No recent control work evident. Notice of Intent issued.

**54. 9 Campbell Street, Newbridge – 8ha.**

Heavy area of serrated tussock found on property. Notice of Intent issued.

**PROPERTY INSPECTIONS:**

**55. 570 Caloola Road, Newbridge – 66ha.**

Scattered tussock found on property. Inspectors report sent to owner requesting work be carried out.

**Certificate**

This is page 10 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman ... .. General Manager ... ..

Upper Macquarie County Council

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- 56. 579 Caloola Road, Newbridge – 124ha.**  
Owner has been controlling scattered serrated tussock by spot spraying.
- 57. 27 Somers Lane, Mandurama – 5ha.**  
Owner has spot sprayed scattered serrated tussock on property with good results
- 58. 69 Somers Lane, Mandurama – 6ha.**  
Owner has been controlling scattered serrated tussock by chipping.
- 59. 417 Mandurama Road, Mandurama – 15ha.**  
Scattered serrated tussock has been controlled by spraying on property.
- 60. 88 Jones Lane, Newbridge – 163ha.**  
Extensive areas of the property have been ploughed to control scattered to heavy areas of serrated tussock.
- 61. 250 Garland Road, Lyndhurst – 263ha.**  
Inspection of property with owner who has been chipping scattered serrated tussock infestation on property.
- 62. 62 Junction Reefs Road, Mandurama – 356ha.**  
Scattered area of serrated tussock found on property with inspection with Manager. Contractor has been organised to spray this season.
- 63. 27 Lyons Road, Lyndhurst – 37ha.**  
Inspection of property with owner who has controlled a small proportion of scattered serrated tussock on property. Owner to carry extensive spraying program this spring. Further inspection required.
- 64. 67 Lyons Road, Lyndhurst – 23ha.**  
Scattered blackberry found on property, owner to be contacted regarding control this summer.
- 65. 15 Leabeater Street, Lyndhurst – 35ha.**  
Lessee of property has controlled scattered tussock and blackberries this season.
- 66. 6659 Mid Western Highway, Lyndhurst – 43ha.**  
Scattered serrated tussock has been sprayed by contractor.

**Certificate**

This is page 11 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman ... .. General Manager ... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**67. 1 Burke Street, Lyndhurst – 20ha.**

Paddock has been cultivated to remove scattered serrated tussock. Remainder of property has been spot sprayed.

**68. 159 Dicksons Lane, Tallwood – 118ha.**

Contractor has been employed to boom spray paddocks for true scotch thistle and wild radish infestation.

**69. 186 Beaufort Road, Neville – 75ha.**

Owner has chipped isolated tussock plants on property, otherwise property well kept.

**70. 189 Glenarvon Lane, Neville – 97ha.**

Owner to be contacted regarding control of wild radish infestation on property.

**71. 143 Dowsetts Lane, Hobbys Yards – 21ha.**

Well kept property.

**72. 226 Dowsetts Lane, Hobbys Yards – 80ha.**

Scattered blackberry found on property. Owner to control this summer.

**73. 1633Hobbys Yards Road, Hobbys Yards – 120ha.**

Owner to be sent an inspectors report requesting work be carried out on English Broom infestation on property.

**74. 1635 Hobbys Yards Road, Hobbys Yards – 122ha.**

Owner to be contacted regarding isolated true scotch thistle infestation found on property.

**Certificate**

This is page 12 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman ... .. General Manager ... ..

Upper Macquarie County Council

Inspectors Report submitted to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, Kelso, on Friday, 7<sup>th</sup> September, 2007

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**Private Property Inspections Program Statistics**

<b>BLAYNEY COUNCIL</b>		<b>Total</b>
Total Ground Inspections		<b>24</b>
Actual Properties Inspected		
Properties Surveyed from Air		
Acquaria/Pet Shops Inspected		
Nurseries Inspected		
Other Businesses Inspected		
Section 18 Notices issued		
Section 20 Entries		
Successful Prosecutions		
Unsuccessful Prosecutions		
Penalty Notices Issued		
Programmed Surveys		
Resolution to Prosecute		
Roadside Inspections		<b>2</b>

**SECTION 64 CERTIFICATES:**

75. S W & C A Lamor – 56 Peach Street, Mandurama.

76. S H & R H Wrigley – 1109 Mandurama Road, Mandurama.

**OTHER TIME SPENT:**

Office Work, Reports, Notices etc.

One day roadside spraying with Inspector Willott. Carcoar Dam Road and part of Mid Western Highway were treated.

Two days at Integrated Weeds Management Seminar.

Time spent preparing for Seminar.

Ford Speedo = 91,246

km Travelled = 3,177

**Certificate**

This is page 13 of 13 pages of the Inspectors Reports to the Ordinary Meeting of the Upper Macquarie County Council held at the Council Chambers, Kelso on Friday, 7<sup>th</sup> September, 2007.

Chairman... .. General Manager... ..

3rd Floor  
50 King Street  
Sydney 2000

T 02 9262 6188  
F 02 9262 6175  
DX 521 Sydney

E [ppf@pikepikefenwick.com.au](mailto:ppf@pikepikefenwick.com.au)  
W [www.pikepikefenwick.com.au](http://www.pikepikefenwick.com.au)



**PIKE PIKE & FENWICK**  
LAWYERS

Lithgow City Council  
Scanned



26 SEP 2007

Doc No .....  
CUA Ref .....  
Fax No .....

**FAX SHEET**

To	Andrew Muir	From	Natalie M Lowe
Company	Lithgow City Council	Date	25 September 2007
Fax number	6351 4259	Total pages	incl cover - 31
Phone number	6354 9918	Senders ref	LTH0040
Re	Heliport at Capertee	Your ref	DA 3019/06

Urgent

Original to follow in post/DX

By fax only

Notes/Comments:

Letter follows

Level 3  
50 King Street  
Sydney 2000

DX 521 Sydney  
T 02 9262 6188  
F 02 9262 6175

E [ppf@pikepikefenwick.com.au](mailto:ppf@pikepikefenwick.com.au)  
W [www.pikepikefenwick.com.au](http://www.pikepikefenwick.com.au)  
ABN 77 357 538 421



PIKE PIKE & FENWICK  
LAWYERS

25 September 2007

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

FACSIMILE 6351 4259

Dear Sir

**LITHGOW CITY COUNCIL c/o LILLEY  
HELIPORT AT 4675 CASTLEREAGH HIGHWAY, CAPERTEE  
LAND AND ENVIRONMENT COURT PROCEEDINGS NO. 10390 OF 2007  
Our ref NML:cid:LTH0040  
Your ref DA 3019/06 Jim Nichols**

We advise that the judgment in this matter was handed down today and the Court saw fit to uphold the appeal subject to conditions. We **enclose** for your records a copy of the Court Orders, including the conditions of consent and the judgment. We further **attach** Exhibit F referred to in deferred commencement condition 4.

While ultimately the appeal was upheld, in our opinion the conditions imposed have significantly reduced the potential impact on the neighbouring properties. The Court has accepted the additional conditions suggested by the experts and :

- a limited the flight numbers, including on the weekend;
- b restricted the flight paths;
- c limited the consent to five years only;
- d provided for the Fly Neighbourly Policy to be reviewed annually and submitted to Council for approval;
- e restricted the use of the helipad to helicopters used by the applicant in the operation of the premises.

The joint acoustic evidence was that with amended flight paths and restricted flight numbers, the nearby properties should not be subject to significant noise.

We will advise the objectors who attended the hearing of the outcome of the matter. As a result of the appeal the objectors now have a procedure to make complaints and Council has conditions of consent that can be supervised and enforced.

25 September 2007  
Lithgow City Council  
Page 2

We thank you for instructions and your assistance.

Yours faithfully



Natalie M Lowe  
Lawyer

encl.

E [nlowe@pikepikefenwick.com.au](mailto:nlowe@pikepikefenwick.com.au)

**COPY**

**In the Land and Environment Court of New South Wales**

**No 10390 of 2007**

**Mark Lilley**

Applicant

**Lithgow City Council**

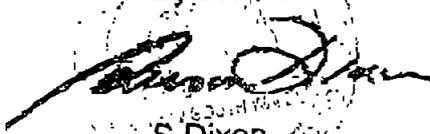
Respondent

**Order**

**The Court orders that:**

- 1 The appeal is upheld.
- 2 Development application to establish a heliport lot 5 DP 244899, known as 4675 Castlereagh Highway, Capertee is determined by the grant of consent subject to the conditions in Annexure A.
- 3 The exhibits are returned except Exhibits 8, A, B and F.

**Ordered: 25 September 2007**

By the Court  
  
 S Dixon  
 Registrar

*Appeal No. 10390 of 2007*

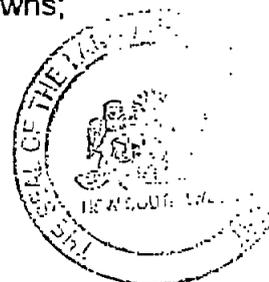
## **Annexure A” Conditions of Consent**

### **Mark Lilley v Lithgow City Council**

Pursuant to s80(3) of the Environmental Planning and Assessment Act 1979 the consent authority grants 'deferred commencement consent' to development application DA 319-06 for establishment of a helipad at 4675 Castlereagh Highway Capertee subject to the following conditions:

#### **DEFERRED COMMENCEMENT CONDITIONS**

- A The consent will not operate until Council is satisfied in respect of the following matters:
- 1 An amended Fly Neighbourly Policy (FNP) incorporating the following matters:
    - a Approved hours of operation in accordance with general condition 18;
    - b Maximum number of flights per day in accordance with conditions 14, 15 & 16;
    - c Number and type of helicopters to be used in accordance with condition 11;
    - d Alternative flight paths in accordance with conditions 14 and 15 and exhibit F;
    - e Flight paths for charter flights for commuter and other commercial activities in accordance with conditions 14 and 15 and attachment 2 amended in accordance with exhibit F;
    - f Minimum flight height of 1500 feet (and 2000 feet over Wilderness Areas and National Parks) at the rates of climb and descents on take off and landings;
    - g Limitations on hovering and circling manoeuvres;
    - h Noise monitoring and reporting in accordance with the DECC Licence;
    - i Bird avoidance protocols;
    - j Emergency/safety procedures in relation to ground activities (example, control public within vicinity of helicopters, fuel spillage cleanup, etc);
    - k Emergency/safety procedures in relation to airborne activities, such as suitable locations for emergency setdowns;
    - l Measures to minimise blade slap noise;



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- m Procedures to monitor and review the fly neighbourly policy to adjust any of the above criteria in response to operational difficulties, complaints received or changes in the environment (eg. additional dwellings constructed). The plan should include a provision for its review on an annual basis and submission to Council for approval;
  - n Scheduling and locating of ground activities such as helicopter maintenance to comply with licence limits for noise and avoiding impacts;
  - o The procedures to record and respond to complaints as required by general condition 7.
- 2 A car parking layout, which shall indicate construction standards as well as manoeuvring areas. A hard paved disabled person's car parking space, 3.2 metres wide and 5.5 metres long and signposted, shall be provided. A 1 metre wide hard paved path shall be provided from beside the car parking space to the entry to the facility in accordance with Australian Standard AS 1428.1. Drainage shall be provided to satisfy the requirements of Council's Subdivision and Development Code.
- 3 Final plans depicting all proposed on site works, landscaping and buildings shall be submitted for Council's approval. These plans shall be consistent with the Plans prepared by Robin White entitled Details Site Plan & Site Plan (Sept 2007, Dwg A01), Office & Amenities Layout (August 2007, Dwg A02) and Carpark Plan (August 2007, Dwg A03) with the following additional requirements:
- (a) Fence height and materials that reflect a rural type fence;
  - (b) Elevations, materials and colours of buildings to be earthy non reflective;
  - (c) The existing access to the Castlereagh Highway is to be relocated to the northerly position shown on Drawing No. A01, with a driveway connecting to the proposed parking and circulation driveway, which is generally parallel to the Castlereagh Highway and setback a maximum of 20m from this boundary. The driveway intersection with the highway shall be designed in accordance with the RTA requirements and approved by the RTA. An RTA type BAR (Basic Right Turn), BAL (Basic Left Turn) intersection is required;
  - (d) Details of the "barrier fuel storage building", including truck access and building and safety measures required to be installed in accordance with the requirements of the relevant authorities, and general condition 21.
4. The plans at attachment 2 shall be amended to incorporate the flight paths in exhibit F.

The applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied in respect of the above matters such information to be produced within 12 months.

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### General Conditions

- B Upon Council's written approval of satisfactory compliance with the "deferred commencement" matters listed in the condition above, the development consent will operate subject to the following conditions:
- 1 The Applicant shall carry out the development generally in accordance with:
    - DA 319-06, as submitted
    - EIS titled *Environmental Impact Statement for Proposed Helipad* dated December 2006 and *Acoustic Report, Assessment of Noise Emission During Ground Borne Operations of Proposed Helipad, Capertee, NSW.* prepared by PKA Acoustic Consulting., dated March 2005.
    - Applicant's response to the issues raised in submissions
    - Documents submitted and approved in accordance with the deferred commencement condition A and general conditions of this consent

If there is any inconsistency with the above, the conditions of this consent shall prevail to the extent of the inconsistency.
  - 2 The operator of the development shall obtain from the Department of Transport any authorisation required for the operation of the helipad.
  - 3 The helicopter joy flights proposed are restricted to the flight paths depicted on the plan titled "Example Long Scenic Routes" and "Example Short Scenic Routes" annexed and marked "Attachment 2". There shall be no hovering or circling manoeuvres.
  - 4 The operations shall be conducted in accordance with the Fly Neighbourly Policy approved in accordance with deferred commencement condition 1.
  - 5 In all flights the helicopter is to ascend to a height of at least 1500 feet above local ground level (except in the case of flights over Wilderness Areas and National Parks where the helicopter shall maintain a height of 2000 feet above local ground level) and maintain that height above local ground level until landing
  - 6 The applicant is to prepare and implement a flight log register that will document all flights and flight paths associated with the development. This register will be available to Council upon request at any time during the operation of the development.
  - 7 The applicant shall maintain a complaint register to be held at the site and in which a legible record of all complaints made to the applicant, employee or agent of the applicant. The register must include details of the following:
    - a The date and time of the complaint;
    - b The method by which the complaint was made;



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- c Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d The nature of the complaint;
- e The action taken in relation to the complaint including any follow up contact with the complainant; and
- f If no action was taken, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of Council who asks to see it.

The operator must provide a copy of the annual return to Council which it is required to lodge with DECC at the same time that the annual return is provided to the DECC.

The Applicant shall comply with any reasonable request from Council arising from complaints associated with the development whether received by the Applicant directly or by the Council.

The Applicant must operate a telephone complaints line for the purpose of receiving any complaints from the members of the public in relation to the operation of the development. An answer phone system must also be installed. The applicant must notify the public of the complaints telephone number and the fact it is a complaints line so that the impacted community knows how to make a complaint.

- 8 Any advertising signs are to be located outside the road reserve, are not to resemble road signs by design or colour, and not to prove a distraction to drivers on the Castlereagh Highway. Further, any proposed signage will need to address the requirements of Council's Outdoor Advertising Development Control Plan and/or *State Environmental Planning Policy 64 - Advertising Signage*.
- 9 No works are to be undertaken within the Castlereagh Highway road reserve without the consent of the RTA, and will require the developer entering into a Works Authorisation Deed with the RTA. All works are to be at no cost to the RTA.
- 10 The Applicant shall implement the principles outlined in the Civil Aviation Advisory Publication (CAAP) 92-2(1) into the construction and operations of the facility.
- 11 The approval to operate this activity is restricted to the helicopter Robinson 22R or Bell 47G. or another helicopter which has been acoustically certified so as to emit no more noise than the Robinson 22R or Bell 47G helicopter Only one helicopter may be used at any one time.



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- 12 Except for emergency purposes, only helicopters used by the applicant in the operation of the premises and referred to above may use the helipad.
- 13 The Applicant shall comply with the General Terms of Approval (GTA) issued by the Department of Environment and Conservation attached herewith as Schedule 1. These terms of approval may only be varied with the authority of the Department of Environment, Conservation and Climate Change.
- 14 Except in the case of emergencies, the number of flights from the helipad shall be limited as follows:
  - (a) There shall be no more than 110 flights per week and no more than 1500 flights per annum;
  - (b) There shall be no more than 20 flights on any one day;
  - (c) There shall be no more than 42 movements using the easterly flight path in any one week;
  - (d) There shall be no more than 168 movements using the western or curved flight path in any one week.
  - (e) There shall be no more than 7 flights on any single tourist flight route on any one day.
15. Notwithstanding condition 14 there shall be no more than 34 flights in aggregate on Saturday and Sunday of which there shall be no more than 12 movements using the eastern flight path and 56 movements using the western or curved flight path.
16. For the avoidance of doubt in conditions 14 and 15:

"movement" is a take-off or a landing;

"flight" consists of a take-off and landing.
17. The applicant shall allow Council officers full access to flight records and shall provide copies to Council if requested to monitor compliance with this condition.
18. Except in the case of emergencies the hours of operation shall be restricted to between 7am - 6pm Monday to Saturday and 8.00am to 6.00pm on Sundays and public holidays.
19. A construction certificate will be required to be lodged for all proposed structures to be erected on-site.
20. A Geotechnical investigation or relevant water balance assessment is required to be lodged and approved by Council prior to the issue of a construction certificate for the proposed toilet facilities to be constructed on site.
21. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.



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22. The Applicant shall ensure that all external lighting associated with the development complies with *Australian Standard AS4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version to the satisfaction of Council.
23. The Applicant shall:
  - a ensure that the development is suitably equipped to respond to any fires on site; and
  - b assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site during the development.
24. The Applicant shall implement measures to mitigate the visual impacts of the development, including:
  - a designing and constructing development infrastructure in a manner that minimises visual contrasts;
  - b providing a landscaping plan aimed at placing and maintaining visual screens around the development; and
  - c providing landscaping in accordance with the approved plan.
25. An accessible Water Closet and basin shall be provided on the site in accordance with Table F2.3 of the Building Code of Australia.
26. The Applicant shall ensure that impervious bunds are constructed around all fuel, oil and chemical storage areas in accordance with the requirements of DEC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.
27. Bunding of all fuel storage is to be undertaken to a capacity of 110% of the tank in order to prevent any contamination of adjoining lands.
28. The use permitted by this consent will cease at the expiration of five (5) years from the date this consent is granted. Any further development application to continue the use must be lodged before the end of the five-year period.

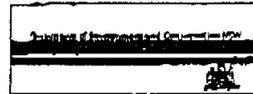
*Appeal No. 10390 of 2007*

# Attachment 1 (Schedule 1)



*Appeal No. 10390 of 2007*

Environment Protection Licences - Protection of the Environment Operations Act 1997

**General Terms of Approval**

Notice No. 1070010

**ATTACHMENT A****ADMINISTRATIVE CONDITIONS****Note:** Mandatory conditions for all general terms of approval**A1. Information supplied to the EPA**

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA No. 319/06 submitted to Lithgow City Council on 2 January 2007
- the Environmental Impact Statement for Proposed Helipad Capotes (December 2006) by Mjadwisch Environmental Service Support relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including: Supplement to Acoustic Report 205 042 R01 Ground Measurements of Various Helicopters (Project 205 04) June 2005.

**A2. Fit and Proper Person**

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

**Limit conditions****L1. Pollution of waters**

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

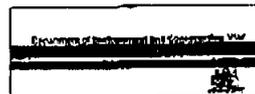
**L5. Waste**

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Appeal No.10390 of 2007

Environmental Protection Licences - Protection of the Environment Operations Act 1987

**General Terms of Approval**

Notice No 1070060

**L6. Noise limits**

L6.1 Noise generated at the premises must not exceed the noise limits presented in the table below:

Noise Limits (dB(A))

Location	Day	Evening	Night	Night
	$L_{Aeq}(15 \text{ minutes})$	$L_{Aeq}(15 \text{ minutes})$	$L_{Aeq}(15 \text{ minutes})$	$L_{A1, 1 \text{ minute}}$
Receiver 1 No 4564	37 dB(A)	37 dB(A)	35 dB(A)	45 dB(A)
Receiver 2 "Koorra"	38 dB(A)	38 dB(A)	35 dB(A)	45 dB(A)
Receiver 3 Capertea "Koorra" and other noise sensitive receiver	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

L6.2 For the purpose of Condition 6.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.
- Evening is defined as the period from 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

L6.3 Noise from the premises is to be measured within the most affected point on or within the residential boundary or at the most affected point within 30 meters of the dwelling (rural situations) where the dwelling is more than 30 meters from the boundary to determine compliance with the  $L_{Aeq}(15 \text{ minutes})$  noise limits in condition L6.1.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

L6.4 Noise from the premises is to be measured at 1m from the dwelling facade to determine compliance with the  $L_{A1}(1 \text{ minute})$  noise limits in condition L6.1.

L6.5 The noise emissions limits identified in condition L6.1 apply under meteorological conditions of:

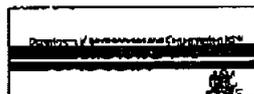
- wind speeds up to 3 m/s at 10 metres above ground level for the day and evening period; and
- temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10 metres above ground level for night time

Environmental Protection Authority - NSW

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Appeal No. 10390 of 2007

Environment Protection Licence - Protection of the Environment Operations Act 1987

**General Terms of Approval**

Notice No: 1070000

L8.6 The proponent shall develop and implement a Noise Management Plan that addresses noise impacts from the heliport ground operations. The Plan should include, but not necessarily be limited to:

- Licence limits for noise;
- Approved hours of operation;
- Scheduling and locating of ground activities such as helicopter maintenance to comply with licence limits for noise and avoiding impacts;
- A system for recording and responding to complaints;
- A site contact person to follow up complaints; and
- Contingency measures when noise complaints are received.

**Definition:**

$L_{Aeq}$  is the equivalent continuous noise level - the level of noise equivalent to the energy-average of noise levels emitted by the premises over the stated measurement period.

**Operating conditions.****D3. Stormwater/sediment control - Construction Phase**

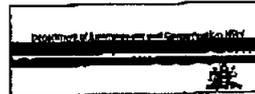
D3.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater, Soils and Construction* (available from the Department of Housing).

**Reporting conditions**

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1987 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Environmental Protection Licence - Protection of the Environment Operations Act 1997

**General Terms of Approval**

Notice No. 1029080

**ATTACHMENT - MANDATORY CONDITIONS FOR ALL EPA LICENCES****ADMINISTRATIVE CONDITIONS****OPERATING CONDITIONS**

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

• This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity

**Maintenance of plant and equipment**

• All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

**MONITORING AND RECORDING CONDITIONS****Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

• The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorized officer of the EPA who asks to see them.

**Telephone complaints line**

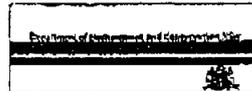
The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

Environmental Protection Authority - NSW

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Environment Protection Licence - Protection of the Environment Operations Act 1997

**General Terms of Approval**

Notice No. 1070080

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

**REPORTING CONDITIONS****Annual Return documents****What documents must an Annual Return contain?**

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
  - a) a Statement of Compliance; and
  - b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

**Period covered by Annual Return**

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee.
  - a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
  - a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

**Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the "due date")

**Licensee must retain copy of Annual Return**

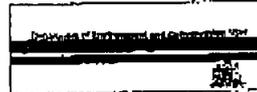
The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Environment Protection Authority - NSW

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Appeal No. 10390 of 2007

Environmental Protection Licences - Protection of the Environment Operations Act 1997

**General Terms of Approval**

Notice No: 1070080

***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence;

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

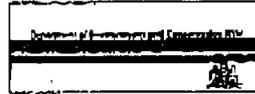
- The request may require a report which includes any or all of the following information:
  - a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
  - g) any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

*Appeal No. 10390 of 2007*

Environment Protection Licence - Protection of the Environment Operations Act 1997

**General Terms of Approval**



Notice No. 1070080

**GENERAL CONDITIONS**

**Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

**Dr J Roseth**  
**Senior Commissioner**



Land and Environment Court  
of New South Wales

**CITATION :** Lilley v Lithgow City Council [2007] NSWLEC 608

**PARTIES :** Applicant:  
Mark Lilley

Respondent:  
Lithgow City Council

**FILE NUMBER(S) :** 10390 of 2007

**CORAM:** Roseth SC

**KEY ISSUES:** Development Application :- aircraft noise, appropriate standards for aircraft noise

**DATES OF HEARING:** 17/09/2007 and 18/09/2007

**DATE OF JUDGMENT :** 25 September 2007

**LEGAL REPRESENTATIVES:** Applicant:  
Mr C McEwen, SC and Mr M Staunton, barrister instructed by Ms T Minas, solicitor of Bartier Perry

Respondent:  
Mr S Griffith, solicitor of Pike Pike & Fenwick

**THE LAND AND  
ENVIRONMENT COURT  
OF NEW SOUTH WALES**

**Roseth SC**

**25 September 2007**

**10390 of 2007 Mark Lilley v Lithgow City Council**

**JUDGMENT**

- 1 **Senior Commissioner:** This is an appeal against the refusal by Lithgow City Council (the council) of a development application to establish a helipad on lot 5 DP 244899, known as 4675 Castlereagh Highway, Capertee.

**The site**

- 2 The site is 12.6ha in area, located on the Castlereagh Highway, 3km north of Capertee. It is mostly cleared of vegetation. Adjoining properties are of similar size and in rural-residential occupation. There are several national parks nearby, including the World Heritage area of the Blue Mountains National Park.

**The proposal and its history**

- 3 The applicant proposes to establish a helipad on his property for a single engine Robinson R44 II or similar helicopter. The helipad includes a lockable compound, fuel containers, security and lighting systems, a bund for chemical spills, parking, toilets and a hangar. None of these facilities is in contention.
- 4 The applicant proposes to operate joy flights between 7am and 6pm Monday to Saturday and 8am to 6pm on Sundays and public holidays. He

proposes a maximum of 20 flights a day, with an annual maximum of 1500.

- 5 The applicant lodged the application in December 2006. Following notification, the council received 60 objections. The council referred the application to the then Department of Environment and Conservation, which provided its General Terms of Approval. The council also referred the application to the Roads and Traffic Authority, which indicated that it would agree to the proposal subject to conditions relating to access and signage. Those requirements are reflected in the conditions of consent.
- 6 In June 2007 the council's Finance and Services Committee considered a report prepared by the council's planning staff, which recommended approval, though with a lower limit on the number of flights. The committee rejected the recommendation and refused the application. The applicant filed the appeal in May 2007.

### **Zoning**

- 7 ***Local Environmental Plan 1994*** (the LEP) zones the site, and areas around *General Rural 1(a)*.

### **Matters in contention**

- 8 The council submitted its Statement of Contentions listing nine matters. During the hearing, the council's advocate, Mr S Griffith, reduced these to the following three:
- The impact of aircraft noise (take-off and landing) on nearby properties is unacceptable and inconsistent with the zone objectives.
  - The impact of airborne noise on the environmentally sensitive areas over which the helicopter joy flights will fly is against the public interest.
  - If the consent is granted, it should be limited to five years.

### The objectors' evidence

- 9 During the visit to the site the Court visited the properties of two neighbours who objected to noise impact. Mrs Wilma Barry, who lives at "Capertee Kraal", 4739 Castlereagh Highway, said that she is now disturbed by the helicopter flights undertaken by Mr Lilley, though she added that recently the noise nuisance has been less than it used to be. On weekends she was aware of two to three flights a day.
- 10 Mr Karl and Mrs Marianne Stockmann, who live at 4718 Castlereagh Highway, said that they were now disturbed by the three flights per day on weekends. During the week there were fewer flights. They referred to a *red helicopter* that flies in at low altitude.
- 11 The Court also heard the evidence of objectors who did not wish the Court to visit their property. Ms Veronica Nolan, representing the *Capertee Valley Environment Group*, said that the proposed site was an inappropriate location for a helipad, being in the midst of rural residential holdings and close to national parks. Mr Keith Muir, who represented the *Colong Foundation for Wilderness*, said that helicopter noise would have an adverse impact on World Heritage areas and national parks. The application did not indicate the proposed flight path, once the helicopter was over the national park. The proposal was an example of private gain against public loss. Dr Brian Marshall, the President of the *Blue Mountains Conservation Society*, said that the noise of helicopter flights over national parks is a well-recognised threat.
- 12 Mr Bill Sanday, who lives at lot 2, Coorain Street, Glen Davis, objected to noise and said that there would be no policing of the activity, once it was allowed. Mrs Susan Bennett, who lives at lot 4 Vincent Street, Capertee, and who also represented Mr N and Mrs P Bennett, said that she lived in an idyllic location and fears that the helicopter noise will reduce the quality of her life. The flights that now occur do disturb her. Ms Elizabeth Cutajar, who lives at "Kanangra" 4839 Castlereagh Highway, Capertee, said that

values of properties within 2km of the site would be lowered, if the application were approved. Mr Thomas Ebersoll, who owns the Newnes Hotel at Wolgan Valley, said that helicopters would destroy his environment. He does allow the occasional helicopter to land at his property. Mrs Sharon Freeman, who lives "Wongaburra", 4861 Castlereagh Highway, Capertee, said that she could hear Mr Lilley's helicopter now, as well as the *red helicopter*. Mr Jim Bennett, who lives at "Bungaree", Airly Street, Capertee, said that he feared that the activity, once given consent, would expand. Mr Alfred McGhee, who lives at 4918 Castlereagh Highway, said that he was concerned about accidents. Ms Ariel Elliott, who lives at 6 Spring Street, Lithgow, said that she was concerned that no attention was paid to charter flights that might use the helipad.

### **The supporters' evidence**

- 13 The Court heard nine persons speak in favour of the proposal. Mrs Karen Alston, who lives at 4654 Castlereagh Highway, one of the properties identified by the acoustic consultants as receiving noise impact from the proposal, said that she supported the joy flights. The noise from existing flights is not bad. The noise from the road is much worse.
  
- 14 Mr Geoffrey Moon, who lives at 102 Mudgee Road, Capertee and is the secretary of the *Capertee Progress Association*, said that the Progress Association supports the proposal. Capertee must go forward. Given the trucks on the highway, there is nothing peaceful about Capertee now. Mr Peter Mills, who lives at Glenbrook, said that he was the owner and operator of the *red helicopter* that others have referred to. He pointed out that, once his helicopter was over 500 feet, he could hover over an area for hours without breaking the law. If the application were refused, helicopters could take off from Bathurst or Mudgee airports, about half an hour from Capertee, and fly over the Capertee Valley.

- 15 Mr Gorrell, who lives at the "Waterhole", Glen Alice and is a grazier in the region, said that he supported the application because there are already many flights over the area, including training flights from Richmond Air Base, which fly quite low. His focus is to get tourism into the area. Mr Graham Annavazzi, who lives at "Noika", Glen Davis Road, Glen Davis, said that his property is frequently overflowed and this has not disturbed his cattle or the wildlife on his property. Mr Col Ribaux, who lives at "Airly Mountain", Capertee, said that he wanted to "*share the valley*" and therefore bring in tourism. Mr Grant Willis, who lives at 5162 Castlereagh Highway, Capertee, said that he could hear the existing helicopter flights, but the annoyance was minor. His main objective is to keep the town going and this needs the influx of tourism. The advantages outweigh the drawbacks. Mr Peter Docker, who lives at 39 Razorback Road, Running Stream, about 8km west of the site, pointed out the need for tourism. He considered that rural areas are already subject to many other kinds of noise. Stock and wildlife do not react to helicopter noise. Mr Roy Pearce, who lives at Lithgow, said that if the application is refused, the joy flights will take off from Bathurst or Mudgee and those towns will receive the tourist dollar.

### **Consideration of public comment**

- 16 It is clear that public opinion on the proposal is divided. In general it appears that many of the supporters live further from the site than the objectors, though this is not the case for Mrs Alston, whose property was assessed as one of the two worst affected, and who supports the proposal. The division of opinion is basically between two views of the world: one that wants tourism to liven up the economy of Capertee, and the other, which places a higher value on a quiet lifestyle. It is a debate that occurs throughout society and this appeal is not the forum to resolve it. In effect, support for and opposition to the proposal cancel each other out, except to the extent that the opposition comes from persons who are directly affected, ie from Mrs Barry and Mr and Mrs Stockmann.

### Take-off and landing noise over neighbouring properties

- 17 The Court heard the evidence of Dr Robert Bullen for the council, Mr Robert Fitzell for the Capertee Valley Environmental Group, and Mr Steven Cooper for the applicant, all three acoustic consultants. It was common ground among the experts that there was no single recognised criterion for airborne noise. One criterion, the ANEF, had been devised to deal with the need to insulate buildings already affected by aircraft noise. Mr Fitzell and Dr Bullen considered it unsuitable for this reason. These two experts agreed that the most suitable (or rather, the least unsuitable) criterion was to be found in the AirServices Australia document *Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise* (the AirServices document). Principle 5 of this document indicates that aircraft noise is not considered significant if it is less than 40dB(A)  $L_{Aeq(24\text{ hours})}$ . The criterion is intended to refer to a long-term average rather than a worst-case day. A *Fly Neighbourly Guide* issued by AirServices Australia includes a recommended range of 40-50dB(A)  $L_{Aeq(24\text{ hours})}$ .
- 18 In the experts' joint report Dr Bullen wrote that aircraft noise below the above figure would not be relevant for selecting preferred flight paths and similar options, although it may still cause annoyance to some people. In his oral evidence he agreed that, if the noise impact were at or below this figure, he would have no reason to advise against the proposal. Mr Fitzell wrote in the joint report that the 40dB(A) represents a useful criterion for consideration of a new operation. Mr Cooper thought that the criterion was too onerous.
- 19 Between the first and second day of the hearing the three experts met and agreed to a Table identifying the noise impact on neighbouring properties of various combinations of flight numbers and take-off paths. The Table came to the Court as Exhibit F, and, though it was fitted on a single page, it was the most useful piece of information among the mountain of paper devoted to presenting and defending the appeal.

- 20 The experts identified five residential properties on which the noise impact would fall. They were:
- Mrs Barry's property, Capertee Kraal, No 4739;
  - Mr and Mrs Barnes' property, Bandanora;
  - Mr and Mrs Alston's property, No 4654;
  - Mr and Mrs Stockman's property, No 4718; and
  - Mr and Mrs Manne's property, No 4613.
- 21 The applicant's counsel, Mr Chris McEwen, suggested that the Court should accept the general criterion of 40dB(A)  $L_{Aeq(24 \text{ hours})}$  for neighbouring properties, with the exception of Mrs Barry's property, where the raising of the 40 criterion by one decibel to 41 would allow the applicant an average of two additional flights a day. Mr Fitzell agreed that the difference between 40 and 41 would not be perceptible. Dr Bullen was less keen to raise the criterion (and thereby lower the standard), though he agreed that the difference between 40 and 41 was not significant.
- 22 Mr and Mrs Alston's property is a special case, since it is one of the most vulnerable to the noise and Mrs Alston, who supports the proposal, indicated that she found road noise far worse than aircraft noise. Mr McEwen suggested that the criterion for the Alstons' property should be raised to 45dB(A). Given that the AirServices document suggests that aircraft noise between 40 and 50dB(A) is acceptable, in my opinion the acceptance of 45dB(A) for a supporter's property is reasonable.
- 23 The application of the above criteria results in a limitation of 20 flights per day and 110 flights per week. The applicant accepts a limitation of 1,500 per annum. This last limitation does not arise out of the expert evidence, though it is supported by it.
- 24 Dr Bullen and Mr Fitzell supported the inclusion of a further limitation, namely a maximum number of 34 flights spread over the weekend and a maximum number of 12 movements using the eastern flight path and a

maximum number of 56 movements using the western and curved flight path. Mr Cooper thought this was unnecessary. I take into account that the proposal is in a rural-residential area where some residents place a high value on quiet, particularly on the weekend. In addition, they are unlikely to have anticipated, when buying their property, that they will be living close to a helipad. I am therefore inclined to accept the recommendation of the acoustic experts, Dr Bullen and Mr Fitzell. I do not consider that the limitation is onerous on the applicant, as it allows an average of 17 flights a day during the weekend.

### **Noise over wilderness areas and national parks**

- 25 It was common ground between the experts that the noise emanating from up to 26 helicopter flights a day would result in  $L_{Aeq(24 \text{ hours})}$  of 40dB(A). A lesser number of flights would be below 40dB(A). As mentioned above, it was also common ground that at that level, noise disturbance would not be significant. I conclude therefore that the noise impact of the proposal on wilderness areas is acceptable.
- 26 I note that the council has not brought expert evidence to suggest that helicopters, at any level of noise, have an adverse impact on flora and wildlife in national parks. In identifying it as an issue, the council relied presumably on the evidence of objectors, such as *Capertee Valley Environment Group*, the *Colong Foundation for Wilderness* and the *Blue Mountains Conservation Society*. While helicopter flights certainly disturb the peace of those who try to experience nature from the ground, this is not the same thing as having an adverse impact on flora and fauna. Helicopter flights over the Capertee Valley and the Blue Mountains National Park are possible from other nearby airports. If helicopter flights over these areas are harmful to the environment or disturbing to bush walkers, they should be prohibited by more effective and more appropriate means than the refusal of this application.

## Consistency with the LEP

- 27 It is in the light of the above findings that I turn to those parts of the LEP with which the council contends that the proposal is inconsistent. First, the council refers to the aims under 2(a), (b)(iv), and (c)(vii) of the LEP.
- 28 The aims of the LEP under those subclauses are:
- 2(a) to recognise and promote the City of Lithgow as a desirable and viable place in which to live and to visit and invest;*
  - 2(b) to encourage the proper management, development and conservation of natural resources and the built environment within the City of Lithgow by protecting, enhancing or conserving:
    - (iv) places or features of high scenic or recreational value, and**
  - (c) to replace the former local planning controls with a comprehensive local environmental plan to help facilitate growth and development of the City of Lithgow in a manner which is consistent with the aims specified in paragraph (a) and which:
    - (vii) encourages the separation of conflicting land uses.**
- 29 The council contends that the proposal is antipathetic to the conservation of natural resources and the separation of conflicting land uses. Given the expert evidence as well as the limitations on the number of flights and the use of taking-off paths, I do not accept that this contention can be upheld.
- 30 Clause 9(2) states:
- The Council must not grant consent to development unless it is of the opinion that such development is consistent with the objectives for the zone in which it is proposed to be carried out.*
- 31 The council contends that the proposal is inconsistent with the objectives of the 1(a) zone, in particular with (a)(1), (a)(vii) and (f).

- 32 The objective of the 1(a) zone is to promote the proper management and utilisation of natural resources by:
- (a) protecting, enhancing and conserving:
    - (i) rural land, in particular prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential, and
    - (vii) localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat, and
  - (f) providing for the separation of conflicting land uses.
- 33 There was no evidence before the Court that the proposal is inconsistent with any of the above objectives.
- 34 Clause 11 deals with general considerations for development in rural areas. Clause 11(1) states:
- 11(1) Before determining a development application relating to land within Zone No 1 (a) or 1 (c), the Council must take into consideration the effect that the proposed development would have on:*
- (d) the protection of areas of nature conservation significance or of high scenic or recreational value, and of items of heritage significance,*
  - (f) development on adjoining land and on other land in the locality, including any cumulative impact.*
- 35 The only concept introduced here that differs from those already discussed under other parts of the LEP is that of cumulative impact. I do not see how cumulative impact can be an issue, given that there is no other helipad proposed, nor is it suggested that one might be in the future. If the contention is that *cumulative* refers to the sum total of all flights over the Blue Mountains National Park (including those originating from Richmond Air Base, Mudgee and Bathurst), then I have no evidence on the number of existing flights on which to base an opinion.

### **Time-limited consent?**

- 36 The council suggest that there be a time limitation of five years on the consent. The joint planning expert agreed to by the parties, Mr Paul Grech, supports the time limitation. He points out that there is little

investment required to implement the consent. A five-year limitation would allow an assessment of the actual aircraft noise rather than the hypothetical one undertaken for the appeal. For obvious reasons, the applicant does not want the limitation.

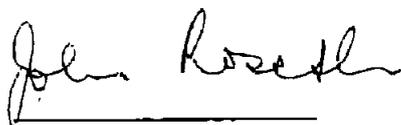
- 37 I am persuaded by Mr Grech's reasons. The need to renegotiate the consent in five years' time will give the objectors some comfort. It will also motivate the applicant, or another person who has taken over the consent, to observe the conditions of consent and keep aircraft noise to a minimum.

### Conclusions

- 38 The expert evidence in this appeal has demonstrated that the aircraft noise generated by the granting of the appeal will be kept to a level that is not considered significant. It is common ground that the conditions imposed on the consent are the most stringent yet imposed on the flying of helicopters in Australia. In the circumstances there is no reason to withhold consent and the appeal is upheld.

### Orders

1. The appeal is upheld.
2. Development application to establish a heliport lot 5 DP 244899, known as 4675 Castlereagh Highway, Capertee is determined by the grant of consent subject to the conditions in Annexure A.
3. The exhibits are returned except Exhibits 8, A, B and F.



**Dr John Roseth**  
**Senior Commissioner**



### Proposed Helipad Location with Typical Departure Flight Paths.



Source: Upper Turon 8831-I-N & Capertee 8831-I-S 1:25 000 Topographic Maps

© Department of Lands  
 Panorama Avenue Bathurst NSW  
[www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)

# **ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES**

**22<sup>nd</sup> of August 2007**

**LITHGOW CITY COUNCIL MORT STREET, LITHGOW**

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## **ITEM 1 IN ATTENDANCE**

Alison Murphy, Sarah Childs, Alan and Ros Rayner, David Durie, Michael Rodda, George Quinell

## **ITEM 2 APOLOGIES**

Trish Kidd, Trevor Flewin, Wayne Levi, Karen Mclaughlin

## **ITEM 3 CONFIRMATION OF THE PREVIOUS MINUTES**

Minutes of the meeting of May 9<sup>th</sup> and 13<sup>th</sup> of June 2007 were confirmed by George Quinell, Ros Rayner, Sarah Childs, and David Durie.

## **ITEM 4 Section 355 Committees under the Local Government Act 1993.**

The committee discussed the draft “terms of reference” for the S.355 Committee. It was agreed that the principal responsibilities of the committee are to:

- Advise Council on environmental issues;
- To draft and propose policy on environmental issues to Council;
- To assist Council in prioritising environmental projects and preparing them as budget submissions;

Council’s Contact officer shall be responsible for:

- Preparing a report to the Council containing the minutes and providing staff comment on the recommendations made by the Committee for Council’s consideration;
- Provide to the Committee the outcome and resolutions of the Council regarding each recommendation.

The existing Environmental Advisory Committee agreed that S. 355 Committee shall be comprised of the following representation:

- 1 nominated member of Lithgow and Oberon Landcare Association and 1 alternate nominated member;
- 1 nominated member of Lithgow Environment Group and 1 alternate nominated member;
- 1 nominated member of Tidy Towns and 1 alternate nominated member;
- 1 nominated member of the Community Nursery and 1 alternate nominated member;

- 1 Hawkesbury Nepean Catchment Management Authority representative and 1 alternate;
- 1 Department of Environment and Climate Change Threatened Species Officer;
- 1 adult education person and 1 alternate;
- 2 School Teachers;
- 2 Senior Students;
- 2 Councillors with one position alternating;
- 1 Council staff and one alternate.

A copy of the draft, “terms of reference” is attached to these minutes.

#### **ITEM 5 COMMUNICATION**

It was noted that not all emails were being received and there was a need for better communications and consistency of the meetings. It was decided that meetings should be held bi-monthly and on the second Wednesday with meetings held on even months, such as February then April. The agenda will be prepared and distributed to members 14 days before each meeting and shall have attached Minutes from the previous meeting. Agenda items shall be submitted to the Council Contact Officer a minimum of 15 days before each meeting.

#### **ITEM 6 GENERAL BUSINESS**

- The committee was advised that the NSW Minister for Environment and Climate Change, Phil Koperberg, was to present George Quinell with an award for winning the "individual landcarer" category of the Hawkesbury Nepean Landcare Awards. The award recognises George's long-term contribution to improving the environment of Lithgow and its surrounds.
- The committee was advised that Australian Ecosystems Foundation was working on an agreement with the landowner of Copper Butterfly Habitat behind the Community Nursery. The agreement will allow access to this land and the butterfly trail again.
- It was noted that an agreement between Council and the Community Nursery had not progressed or been formalised.
- Trees on Rabaul Street near Suvla Street as part of works have been removed and it is requested that these be replaced.

#### **ITEM 7 NEXT MEETING**

**The next meeting will occur at 4.00 pm in the Committee Room at Lithgow City Council on the 10<sup>th</sup> of October 2007.**

