



LITHGOW CITY COUNCIL

## AGENDA

FINANCE AND SERVICES COMMITTEE  
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

04 JUNE 2007

AT 7.00pm

---

# AGENDA

---

## **PRESENT**

**CONFIRMATION OF THE MINUTES OF THE FINANCE AND SERVICES COMMITTEE MEETING OF COUNCIL HELD ON 7 MAY 2007**

**QUESTIONS FROM THE PUBLIC GALLERY**

**PRESENTATIONS - NIL**

**DECLARATION OF INTEREST**

**NOTICE OF MOTION - NIL**

**NOTICE OF RECISION MOTION - NIL**

**MAYORAL MINUTES** - Lake Wallace Community Boat Centre

## **CORRESPONDENCE AND REPORTS**

General Manager Reports

Regional Services Report

Community and Corporate Services Reports

## **COMMITTEE MEETINGS**

Environmental Advisory Committee

---

---

# TABLE OF CONTENTS

---

<u>ITEM</u>	<u>TITLE</u>	<u>PAGE</u>
	<u>MAYORAL MINUTE</u>	<u>3</u>
<u>ITEM:1</u>	<u>04/06/07 - MAYORAL MINUTE - LAKE WALLACE COMMUNITY BOAT CENTRE</u>	<u>3</u>
	<u>GENERAL MANAGERS REPORTS</u>	<u>5</u>
<u>ITEM:2</u>	<u>GM - 04/06/07 - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - FAIR FUNDING CAMPAIGN</u>	<u>5</u>
	<u>REGIONAL SERVICES REPORTS</u>	<u>7</u>
<u>ITEM:3</u>	<u>REG - 04/06/07 - REQUEST FOR CONSTRUCTION OF ACCESS RAMP - WARATAH STREET LITHGOW</u>	<u>7</u>
<u>ITEM:4</u>	<u>REG - 4/06/07 - PROPOSED ROAD NAMING CAPEERTEE</u>	<u>8</u>
<u>ITEM:5</u>	<u>REG - 04/06/07 - DEVELOPMENT AND CONSTRUCTIONS APPROVALS</u>	<u>9</u>
<u>ITEM:6</u>	<u>REG - 04/06/07 - EMIRATES - MINISTER APPROVAL MODIFIED CONSENT</u>	<u>10</u>
<u>ITEM:7</u>	<u>REG - 04/06/07 - DA 319/06 CONSTRUCTION AND OPERATION OF HELIPORT - CASTLEREAGH HWY, CAPEERTEE</u>	<u>11</u>
<u>ITEM:8</u>	<u>REG - 21/05/07 - ROAD NAMING DEVELOPMENT APPLICATION 66/05 AND 67/05 - STRATHLONE ESTATE PTY LTD</u>	<u>51</u>
	<u>COMMUNITY AND CORPORATE SERVICES REPORTS</u>	<u>52</u>
<u>ITEM:9</u>	<u>COMM - 04/06/07 - GOODS AND SERVICES TAX CERTIFICATE 1 JULY 2006 TO 30 APRIL 2007</u>	<u>52</u>
<u>ITEM:10</u>	<u>COMM - 04/06/07 - COUNCIL INVESTMENTS APRIL 2007</u>	<u>55</u>
<u>ITEM:11</u>	<u>COMM - 04/06/07 - REPAYMENT OF INTEREST FREE LOAN TO LITHGOW AND DISTRICT VOLUNTEER RESCUE SQUAD</u>	<u>56</u>
	<u>COMMITTEE MEETINGS</u>	<u>58</u>
<u>ITEM:12</u>	<u>COMM - 04/06/07 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES HELD ON 9TH MAY 2007</u>	<u>58</u>

---

## **MAYORAL MINUTE**

**ITEM:1            04/06/07 - MAYORAL MINUTE - LAKE WALLACE COMMUNITY  
                         BOAT CENTRE**

### **REPORT FROM - NEVILLE CASTLE, MAYOR**

---

#### **REFERENCE**

NIL

#### **SUMMARY**

Correspondence has been received from the Lake Wallace Community Boat centre in relation to developing rowing, canoeing and other recreational boating activities on Lake Wallace.

#### **COMMENTARY**

The Lake Wallace Community Boat Centre Inc have based their model of management on that of the Wallerawang Indoor Sporting Complex Management Committee. They have been most helpful in providing them with assistance in developing an organisation.

Michael Wilson has been elected as President of the association.

The Lake Wallace Community Boat Centre Inc has as their objective the development, management and use of a community boat shed on the shores of Lake Wallace. To meet these objectives they are planning to build a twenty five metre by twelve meter shed of the shores of the Lake. The prime aim of the shed is to provide for the storage of boats as well as premises from which training and boating activities can be carried out.

The Committee has adopted the strategy to develop the shed in stages as funding becomes available. Their initial costing has shown that we can purchase the shed without erection costs for approximately \$22,000. To erect the shed requires earth works and development of foundations which we believe will cost in the vicinity of \$6000. To bring the structure to completion will require the connection of sewerage, power and water and in time a concrete floor. Each of these items will be prioritised and completed as funding becomes available.

Development of the simple shed structure will fast track the use of the lake for water sports and encourage a greater community participation in the use of the lake. The Lake Wallace Boat Centre Inc would like to meet with Council as the lessee's of the foreshores of the lake and as the consent authority to start negotiations between Council and Delta Electricity over what will be required to construct the complex. They understand that a Memorandum of Understanding between the three parties is needed to translate the shed dream into a reality.

#### **POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT:**

1. The information be received
2. Council consider possible support in principle only to the Lake Wallace Boat Centre Inc

## **GENERAL MANAGERS REPORTS**

**ITEM:2            GM - 04/06/07 - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
                         - FAIR FUNDING CAMPAIGN**

---

### **REFERENCE**

NIL

### **SUMMARY**

This report outlines correspondence received from the Australian Local Government Association (ALGA) in relation to their Fair trading campaign.

### **COMMENTARY**

Correspondence has been received from the Australian Local Government Association (ALGA) in relation to their Fair Trading.

Twelve months ago the Board of the Australian Local Government Association (ALGA) resolved to pursue concerted campaign to achieve fair treatment, fair trading and formal recognition on behalf of local government across the country. The campaign has been led by ALGA and has received extremely strong support from your Associations and their strengthening Local Government task Force.

Since the launch of our campaign together we have achieved two historic milestones:

1. On fair treatment – we have achieved an intergovernmental agreement (IGA) to stop cost shifting. The Cost Shifting IGA was signed by all governments in April 2006 and it sets out a process to ensure that local government is appropriately consulted and that funding matters will be addressed when local government is called upon to deliver services on behalf of another sphere of government. On a state level, the Associations and the Strengthening Local Government task Force are having constructive discussions with the NSW government on a similar IGA to establish a mechanism for determining the respective roles, service responsibilities and financial obligations of each level of government and dealing with cost shifting, limits of State intervention in Local Government and future consultative processes.
2. On formal recognition – we have achieved the passage of a joint parliamentary resolution recognising the importance of local government in the system of Australian government. This is a significant first step in the long journey to achieving constitutional recognition. With the passage of this resolution we have achieved an unprecedented level of bipartisan support which will be essential when the time comes to put the issue to a referendum.

We are writing to Council to provide you with important information on the third plank of our campaign – Fair Funding. In April 2006, ALGA supported by your associations, commissioned PricewaterhouseCoopers (PwC) to undertake a national study into the financial sustainability of Local Government. The study was designed to build upon similar studies conducted in South Australia, New South Wales and Western Australia. Important work on this topic had also been completed by the Municipal Association of Victoria (MAV).

The PwC final report findings are broadly consistent with these state-based studies. The reports conclusion is quite stark. That up to 30% of Australian councils face substantial financial sustainability challenges and that urgent action is required to address this problem.

We urge Councils over the coming months to document examples of failing infrastructure and send this documentation to your Associations or directly to the ALGA Community Infrastructure Ideas Register. Together through ALGA we will ensure that this issue is at the forefront of national debate.

As our campaign builds momentum throughout 2007 it will be important for councils to pay a more direct role.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** the information on the Australian Local Government association Fair Funding Campaign be received.

## **REGIONAL SERVICES REPORTS**

**ITEM:3            REG - 04/06/07 - REQUEST FOR CONSTRUCTION OF ACCESS RAMP - WARATAH STREET LITHGOW**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

---

### **SUMMARY**

To advise of a request for an adjustment to kerbing and guttering to allow wheelchair access for residents in Waratah Street, Lithgow.

### **COMMENTARY**

A request has been received from occupants of a residential premise in Waratah Street requesting that Council adjust the kerbing and guttering outside their premises indicating that "my husband is now wheelchair bound and we are having great difficulty in getting him in and out of the house and into the car".

Whilst Council has no obligation to adjust the kerbing and guttering by the construction of an access ramp, there are some circumstances where the expenditure of public funds to assist residents for social reasons is considered reasonable and it is submitted that this is such a situation. It is suggested that this issue gives rise to a need to amend Council's policy for kerb and guttering contributions where access issues are identified.

### **POLICY IMPLICATIONS**

Policy kerb and guttering - contributions applies

### **FINANCIAL IMPLICATIONS**

The construction of a small access ramp would be in the order of \$500 and can be funded from the recurrent budget for kerbing and guttering.

### **LEGAL IMPLICATIONS**

No particular legal issues arise.

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

#### **THAT:**

1. Council construct a small access ramp in the vicinity of 20 Waratah Street, Lithgow to allow wheelchair access.
2. A review of Council's policy "kerb and guttering contributions" be undertaken with a view to explicitly identifying issues where accessibility is demonstrated how Council may provide works and the amended policy be brought back before council for its consideration.

**ITEM:4            REG - 4/06/07 - PROPOSED ROAD NAMING CAPERTEE****REPORT FROM: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES****SUMMARY**

To advise Council of a request to name a previously unnamed portion of road which runs off the Castlereagh Highway north of the village of Capertee.

**COMMENTARY**

Council has received a proposal to name a previously unnamed road which runs off the Castlereagh Highway "Tim Dickson Close". This road services three properties and the suggestion came from a resident of Capertee as a way of remembering a former resident who was killed in the Capertee Valley some years ago. The resident making this suggestion has canvassed this idea with other residents at Capertee who are in agreement.

Following advertisement in the Lithgow Mercury calling for submissions on this proposed road naming, Council received two letters requesting the road be named after past prominent families who lived in the area. The proponents of these road names have submitted information which they claim links the names to families who have an historical association to the Capertee area. These proposals are that the road be named either "The Theobald Way" or "Theobald Close" or "Stampfli Way" or "Stampfli Drive".

Mr Ted Theobald was born and reared in Palmers Oakey and his family was one of the original pioneering families in the area. He moved to Capertee in the late 1920's where he purchased approximately 80 acres adjacent to the section of road to be named. He built his own house and another for a friend and was known as the local handyman/builder and bee farmer, which was his main occupation. He built a number of buildings around Capertee, including the facade on the old garage next to the Royal Hotel. He put the front step on the main entry to the hotel, which was virtually right on the alignment of the Castlereagh Highway.

The Stampfli family settled in Capertee in the 1930's and purchased a large property known as 'Bernina' which ran for a number of kilometres along the Castlereagh Highway. The Stampfli family employed a number of people in the district on their property and participated in the ten pound assistance scheme which brought migrants to Australia.

**POLICY IMPLICATIONS**

This road should be named in accordance with Council's Street Naming Policy.

**FINANCIAL IMPLICATIONS**

Approximate cost of \$100.00 for the purchase of sign and installation.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1    Location plan attached.

## RECOMMENDATION

THAT Council name this section of road “Tim Dickson Close” and place the names “The Theobald Way” or “Theobald Close” or “Stampfli Way” or “Stampfli Drive” on Council’s database for the naming of future streets in the Capertee area.

## ITEM:5 REG - 04/06/07 - DEVELOPMENT AND CONSTRUCTIONS APPROVALS

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

#### SUMMARY

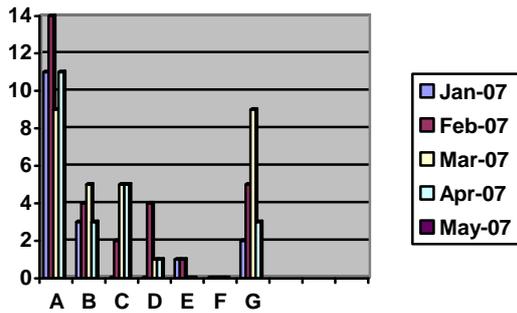
To provide statistical information on Development Applications and Construction Certificates processed.

#### COMMENTARY

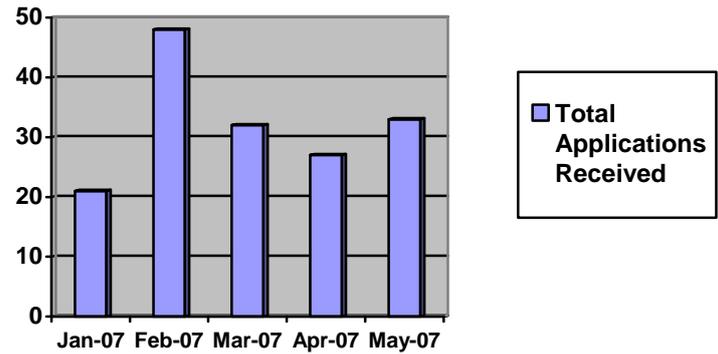
Following installation of a new electronic registration system the traditional reports on Development Applications and Construction Certificates have been replaced with a report detailing the types of applications processed in each month. Over time this will evolve into useful statistical information.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

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

\* includes Approvals from 01/05/2007 TO 29/05/2007



APPROVALS



Total Estimated Cost:	\$2,273,543
Average Approval Time	24
Total Cost of Approvals from 1/01/2007	\$13,979,890
No. of Applications from 1/01/2007	176

**RECOMMENDATION**

**THAT** the information be received

**ITEM:6 REG - 04/06/07 - EMIRATES - MINISTER APPROVAL MODIFIED CONSENT**

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

**SUMMARY**

To inform Council of the decision by the Minister for Planning to approve the modified concept plan for the Emirates resort in the Wolgan Valley.

**COMMENTARY**

On 20 November Emirates lodged two applications with the Department of Planning to modify the concept plan approved under Part 3A of the Environmental Planning and Assessment Act for the resort, and seeking approval for the modified concept plan.

The modification covered additional infrastructure including a gatehouse, pool building, stables and an electricity line and fibre optic cable. As part of the modification Emirates

proposed to relocate some of the resort facilities into land that is owned by the Department of Environment and Conservation that forms part of the Wollemi National Park.

Emirates and the Department of Environment and Conservation have negotiated a land swap with an interim lease of the National Park land. The Department of Planning assessed the merits of the project and was satisfied that it would not generate unacceptable impacts on the surrounding area. Subsequently, the modification was approved subject to conditions.

Council has been successful in negotiations with Emirates to process the Construction Certificate for the project. This is a major achievement as these large projects are usually won by private certifiers acting for the owner. A number of meetings have been held with the developer in this regard.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The contribution towards the cost of upgrading the Wolgan Road is currently being negotiated between the parties.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Copy of the Modification Approvals from the Department of Planning.

### **RECOMMENDATION**

**THAT** the information be noted.

**ITEM:7            REG - 04/06/07 - DA 319/06 CONSTRUCTION AND OPERATION OF  
HELIPORT - CASTLEREAGH HWY, CAPERTEE**

**REPORTED BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES**

---

### **REFERENCE**

Min 07-94: Finance and Services Committee 5 March 2007 (DA 319-06) – calling in the development application.

## **SUMMARY**

The purpose of this report is to determine Development Application 319-06 for the construction and operation of a heliport at 4675 Castlereagh Highway, Capertee. The report proposes to recommend approval of the application subject to conditions.

## **COMMENTARY**

Council is in receipt of a designated and integrated development application from Mr Mark Lilley who is seeking approval for the construction and operation of heliport on land described as Lot 5 DP 244899, 4675 Castlereagh Highway, Capertee.

The proposal seeks to establish a heliport facility capable of accommodating 40 movements per day (i.e. 20 take offs and 20 landings). The site will cater for one single engine helicopter (Robinson R44 II or similar) as well as utilising existing infrastructure associated with rural activity on the land. A lockable compound, containers for fuel storage, security and lighting systems, bunding for chemical spills, emergency facilities, parking, toilet facilities and a hangar are proposed as part of the facility.

Layout and design of the final proposed helicopter landing site infrastructure, including siting and dimensions of the final approach and take off area will be subject to criteria set out in CAAP 92-2 (1) Guidelines for the establishment and use of helicopter landing sites administered by the Civil Aviation Safety Authority (CASA) and site survey.

Visitor access to the site is proposed via car or bus utilising the Castlereagh Highway. The Environmental Impact Statement indicates that substantial landscaping will be established as part of the proposal, with additional screening being proposed for the boundary fronting the Castlereagh Highway and the northern boundary.

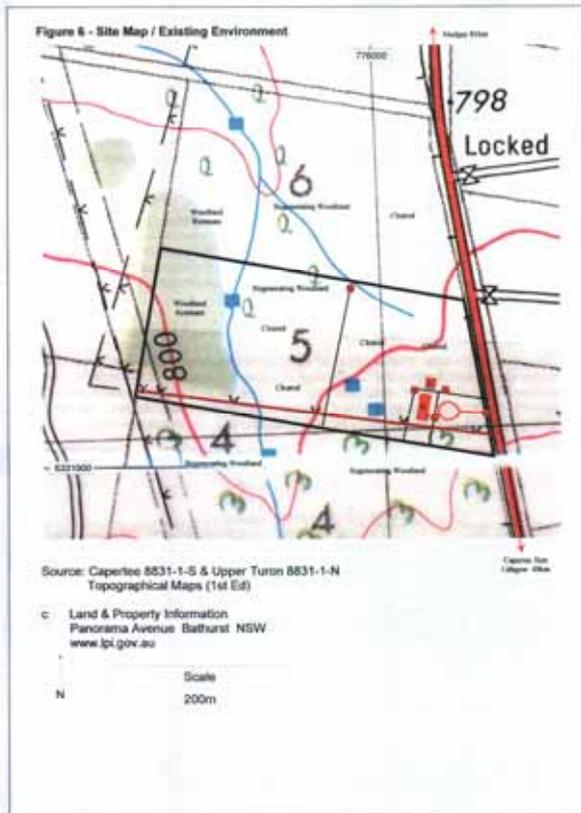
Approach and departure flight paths have been identified in accordance with Civil Aviation Safety Authority (CASA) guidelines (1996), with take off and landing routes avoiding proximate residences. Rate of climb is proposed between 500 and 1500 ft/min (500 vertical height may be reached with 600m at 45 knots), with an angle of approach and departure being at or more than 15°.

Examples of proposed flight paths are indicated in attachment 4. However, flight routes will be variable within this reference area so that residents along flight paths are not repeatedly exposed to the impacts of the proposal. It is proposed that scenic joyflight routes over conservation areas will be subject to finalisation of a "Fly Neighbourly Agreement" for the area. If consent were to be granted, it would be proposed that a condition be placed on the consent requiring a Fly Neighbourly Agreement to be put in place in consultation with CASA and potentially affected landholders.

It is proposed that joyflights be conducted between 7.00am and 6.00pm Monday-Saturday and 8.00am to 6.00pm Sunday and Public Holidays, however peak activity will occur on weekends and during holiday periods. The heli-service is proposed to cater to various client requirements, from short (6 min) flights for coach passengers who may stop at the site, to long (half to one hour) pre-booked flights which will take clients further afield. Otherwise air transit, emergency operations and training/check flights will be conducted as necessary.

## **LOCATION OF THE PROPOSAL**

The site is located 3.5km north of Capertee and has been cleared of most remnant vegetation, apart from a small section in the western end of the land. It is approximately 12.6ha in area containing current infrastructure such as sheds and a dwelling. The aspect of the development is in a northerly direction and the site drains towards the Turon River and eventually the Macquarie/Lachlan River system. The following plan extracted from the Environmental Impact Statement (EIS) submitted with the development application shows the site.



**ZONING:** The land is currently zoned General Rural 1(a) in accordance with Council's Local Planning Instrument, LEP 1994.

**PERMISSIBILITY:** The heliport is permissible in the zone as the development is not prohibited under Clause 9(1)(4) of Council's Local Environmental Plan 1994.

Under the Environmental Planning and Assessment Model Provisions 1980 the development is defined as a heliport. A heliport is defined as:

"heliport" means an area or place open to public use which is licensed by the Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

Legal advice relating to an identical proposal (in terms of use) previously rejected by Council has confirmed that;

*The proposal as outlined in the Environmental Impact Statement is clearly a 'heliport' under the Model Provisions, therefore, it does not fall within the definition of 'commercial premises', which excludes places elsewhere defined.*

## POLICY IMPLICATIONS

The application was 'called in' under Council's Policy for councillor's calling in development applications.

## FINANCIAL IMPLICATIONS

The only financial implication pertaining to this matter would occur should the application be refused and the applicant lodges an appeal in the Land and Environment Court. However this would not be a relevant consideration in determining the development application.

## 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

Under the provisions of the Lithgow City Local Environmental Plan (LEP) 1994, the land where the development is proposed is zoned *General Rural 1(a) Zone*. The aims and objectives of the zone are outlined below with a comment provided after each objective. They include:

*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, The land is currently considered Class 3 Agricultural Land, however, given the size of the allotment it is considered that prime crop and pasture land will not be affected by the proposal.*
  - (ii) *soil, by controlling and locating development in accordance with soil capability, given the size and nature of the development it is considered that the site is suitable and soil capability will not be affected.*
  - (iii) *forests of existing and potential commercial value for timber production, N/A*
  - (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, N/A.*
  - (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, the proposal does not propose any clearing and has submitted a detailed fauna and flora report outlining impact.*
  - (vi) *water resources for use in the public interest, preventing the pollution of water supply catchment and major water storages, the proposal will have no impact*
  - (vii) *localities of significance for nature conservation, including places with rare plants, wetlands and significant wildlife habitat, the land use, which is Council's role to consider, will have no impact and*
  - (viii) *items of heritage significance, no impact*

- (b) *preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, no impact*
- (c) *facilitating farm adjustments,N/A.*
- (d) *minimising the cost to the community of:*
  - (i) *fragmented and isolated development of rural land, and N/A.*
  - (ii) *providing, extending and maintaining public amenities and services,N/A*
- (e) *providing land for other non-agricultural purposes, in accordance with the need for that development, and the proposal is consistent with this objective*
- (f) *providing for the separation of conflicting land uses.* The application contends that the proposal has been sited near the Castlereagh Highway which separates the main noise impact from the surrounding rural area.

Providing the development is carried out in a controlled manner as indicated in the EIS in addition to conditions of development consent that will be proposed should consent be granted, the proposal is not antipathetic to any of these objectives.

### **State Environmental Planning Policy No 11 -- Traffic Generating Developments**

The SEPP applies to the development and as such was forwarded to the Roads and Traffic Authority for comment and concurrence. The RTA have indicated that approval can be granted for the development subject to conditions.

### **State Environmental Planning Policy No 44 -- Koala Habitat Protection**

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

### **State Environmental Planning Policy 55 - Remediation of Land**

No signs of contamination are present on the land.

The application is considered to be designated development and as such must comply with the provisions outlined in Schedule 3 of the Environmental Planning and Assessment Regulations 2000, which indicate:

#### **Aircraft facilities**

Aircraft facilities (including terminals, buildings for the parking, servicing or maintenance of aircraft, installations or movement areas) for the landing, taking-off or parking of aeroplanes, seaplanes or helicopters:

- (a) in the case of seaplane or aeroplane facilities:
  - (i) that cause a significant environmental impact or significantly increase the environmental impacts as a result of the number of flight movements (including taking-off or landing) or the maximum take-off weight of aircraft capable of using the facilities, and
  - (ii) that are located so that the whole or part of a residential zone, a school or hospital is within the 20 ANEF contour map approved by the Civil Aviation

Authority of Australia, or within 5 kilometres of the facilities if no ANEF contour map has been approved, or

**(b) in the case of helicopter facilities (other than facilities used exclusively for emergency aeromedical evacuation, retrieval or rescue):**

**(i) that have an intended use of more than 7 helicopter flight movements per week (including taking-off or landing), and**

**(ii) that are located within 1 kilometre of a dwelling not associated with the facilities, or**

(c) in any case, that are located:

(i) so as to disturb more than 20 hectares of native vegetation by clearing, or

(ii) within 40 metres of an environmentally sensitive area, or

(iii) within 40 metres of a natural waterbody (if other than seaplane or helicopter facilities).

The application has been lodged in accordance with the above provision.

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

Nil.

**Any Development Control Plan**

Nil.

**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**

N/A.

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

The proposed development will be situated within the grassland vegetation community in the eastern half of the property. Gravel has been distributed over much of the ground to accommodate plant associated with the proponents current activity. Consequently, impacts associated with the construction phase of the development will not be significant.

Given that there is no clearing required under the proposal, the greatest impacts on the environment are likely to be those impacts associated general amenity. These include:

**Visual & Noise** – visual impacts and impacts of noise will potentially be the greatest along the approach and departure paths where helicopter height is lowest, flight frequency will be greatest and residentially occupied properties are nearer to the proposed helicopter landing site.

The EIS indicates that secondary disturbance will affect persons and animals along flight paths. Impacts along flight paths will be limited to periodic noise and low level visual impacts. This has the potential to cause concern to residents in the area or along designated flight paths.

Noise from the proposed operation of a heliport at the site is considered the major impact of the proposal. The EIS has indicated that several noise abatement procedures will be implemented under the proposal. They include:

- “Blade Slap” will be avoided (in accordance with the Robinson Helicopters noise abatement guidelines).
- Departure from and approach to the landing site is to be direct.
- Prolonged flight over residential dwellings is to be avoided.
- Flight paths are to be varied so that the same buildings are not repeatedly subjected to the impacts of the operations.
- Flight is to be above 500ft AGL, and will be preferably above 1000ft AGL.
- Scenic joyflight operations will occur between the hours of 7.00am and 7.00pm. Bushfire emergencies and other circumstances (eg: check flights, Sydney transit) may mean flights will occur at other times.

The appropriate regulatory authority (in this case the Department of Environment and Conservation) may at any time issue, in writing, a noise control notice prohibiting a specified activity or operation of a specified article (in this case a helicopter) in such a manner as to cause emission from the premises. This notice may specify times or days during which the emission, when measured at any specified point, must not exceed a specified level. In this particular case the operation of a heliport is subject to approval being issued by the Department of Environment and Conservation (DEC). As such, General Terms of Approval (GTA) must be issued by the DEC prior to any final assessment of the proposal by Council. This has occurred.

It was a requirement of the development application that an assessment was made of the noise emission resulting from all the ground borne operations of a helicopter operating at the site. Noise level measurements were undertaken on 7 March 2005 at the critical receiver locations of warm up and initial take off, landing and the staged cool down procedure of the helicopter operation. The report was submitted by PKA Acoustic Consulting using a Robinson R22 helicopter. A supplementary report dated June 2006 by PKA Acoustic Consulting has also been submitted utilising both a Robinson 44 and Bell 47 Helicopter. Results of that report indicate that the ground borne noise output allows for their operation at the proposed site. Thus any conditions of approval will be limited to the type of helicopter proposed.

**Natural & Man Made Hazards** – running operations such as restocking hangar fuel supplies, helicopter refuelling and maintenance present potential for a chemical (fuel) spill. Appropriate bunding will be installed to cover the possibility of environmental harm via a spillage. Operations at night will be kept to a minimum, however low level light pollution may occur at times. Screening the landing site with vegetation will potentially ameliorate or minimise this impact.

**Vibration** – although separate to the land use issues relevant to this application, the impact of vibration at very low altitudes (whilst not proposed) may have the potential to cause cliff collapse. It is considered that if approval is given then mechanisms be put in place such as a Fly Neighbourly Policy to help address this concern.

**Flora & Fauna** – Flora, fauna and habitat values at the site were assessed in the EIS. Given that the proposal will develop lands presently cleared and presenting very poor

Fauna/flora/habitat values the proposal is not considered likely to have any significant impact on these natural values.

Section 5a of the Environmental Planning and Assessment Act (EPAA) 1979 and Section 94 of the Threatened Species Conservation Act (TSCA) 1999 require that an investigation into the potential for the development to impact significantly on threatened species, populations and ecological communities be undertaken.

As such, the applicant submitted the respective report which concluded that the scale of the development and nature of its impact on the environment (primarily noise) precludes it posing any potential to significantly impact on any threatened species, endangered populations or ecological communities in the area.

The EIS further indicated that the proposal does not remove or modify any area of significant habitat, and is not considered likely to have significant impact on any threatened species. There are no endangered populations or ecological communities in the region that will be affected by the proposals operation. Further, as part of the assessment Council contacted the Commonwealth Department of Environment & Heritage who have indicated that no further assessment would be warranted as part of the assessment.

**Access** – Access to the facility will be via the Castlereagh Highway. As the application is subject to assessment under SEPP 11 the RTA were notified of the proposal and asked to comment. The RTA have responded and indicated that approval is subject to conditions.

**Rural & Natural Landscape Qualities-** Impacts of operation of the proposal will include the creation of dust and visual impacts. The flight paths have been identified which avoid local residential dwellings, and noise levels resulting from the proposed heliport operation are proposed to be well within the limits for residential areas.

The EIS indicates that there will be several mitigation techniques developed to reduce the impacts of the development. These include:

- the proposed heliport site is a heavily disturbed location, having been cleared and grazed historically, and being subject to movement of earthmoving machinery. This being the case the excavation for the landing pad slab will have no impact on environmental or cultural values, and no mitigation in construction, beyond sediment control measures, are required for earthworks and construction.
- Visual impacts/distractions caused by the heliport and operations (including lighting at night) which may affect motorists passing along the Castlereagh Highway will be minimised by the establishment of thick screening vegetation in areas to the north of the site and the east of the site, fronting the Castlereagh Highway.
- Pollution controls such as bunded fuel storage areas and emissions control have been incorporated into design and maintenance schedules for the proposal.
- Operations will be conducted in accordance with guidelines on impact mitigation of helicopter activities. These strategies include those in the DEC (NPWS) Fly Neighbourly Advice and noise minimisation guidelines in Noise Control Guidelines for Helicopters 1985, i.e. orientating flight paths to minimise the noise exposure of residential land and minimizing ground idle time.

- Strategies such as variation of flight paths so that residents along flight paths are not subject to repeated impacts will be applied, and a response to community feedback (complaints) will be incorporated into running of the activity including the identification of exclusion zones within a 1km radius.
- A minimum height of 500ft is required for general air transport (lower heights are permissible for air taxi services and approach and departure manoeuvres). The proponent expects most scenic joyflight activities will be conducted at around 1500ft (2000ft over National Parks and other sensitive areas) significantly reducing visual impacts and impacts of noise on residents and visitors to the region, as well as stock and wildlife.
- Impact on bird and other wildlife will be monitored by providing a feedback mechanism to organizations conducting research and observing wildlife in the region
- Notwithstanding the Council's responsibility relating to landuse assessment, impacts such as cliff collapses as a result of vibration are acknowledged as a remote possibility. The potential for impacts will be minimised by responsible flying (minimizing blade slap and not flying close to clifflines). Any new cliff collapses along flightpaths will be documented and provided to regulatory authorities as part of the operators safety report.

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

The proposed development is consistent with the objectives of the Rural 1(a) zone. Conditions of consent pertaining to issues addressed by concerned parties can be incorporated into any approval therefore minimizing the overall impacts.

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

The development was notified to adjoining landowners and placed on public exhibition. Council received over 60 submissions regarding the proposal, all objecting to the proposal. Copies of submissions have been provided to Councillors.

A brief outline of the relevant submissions is summarised below followed by a comment.

**Noise** – it is contended within a majority of the submissions that noise created by the development could have a negative impact on quality of life within the Capertee Valley. Further due to the close proximity of the development to adjoining residences both adjoining the development and within the proposed flight paths of the development. *Bearing in mind that the application is for the landuse, the application is considered to be integrated with the Department of Environment and Conservation (DEC). As such, prior to the issue of any General Terms of Approval (GTA) the DEC must take into account all noise and air impacts of the development and be satisfied that the proposal is suitable for the site. The DEC issued their GTA's on the 19 April 2007.*

**Loss of Privacy** – with numerous flights over residences it is contended that the proposal may encroach on resident's privacy around the site and within the Capertee Valley. *Council is not an air authority. However, as part of any proposed conditions of consent a site specific Fly Neighbourly Policy (FNP) will be proposed to be developed minimising the impact on loss of privacy*

**Peace and Quiet** – many people utilise the Capertee Valley as a nature observation and bird watching sanctuary. The impact of low flying helicopter activity has the potential of destroying the fauna and flora within the valley. Once again, Council is not an air authority. However, *as part of the application the applicant has indicated substantial undertakings to minimise this concern.*

*The applicant has indicated that flight heights will be limited to allow for overall aesthetic advantage. As such most flights are limited to 1500ft, minimising noise and loss of any overall tranquillity.*

**World Heritage Area** – the Capertee Valley must be considered to be part of the Blue Mountains which is currently a World Heritage Listed area. Council is not an air authority. *The Commonwealth office of the Department of Heritage regulates activities which pose risks to world heritage areas by considering how an activity may affect identified world heritage values. In correspondence received the DEH have indicated that they will take no further action pertaining to the development at this time.*

**Recreational Environment** – the proposal does not properly address the potential impacts of frequent helicopter operations on the recreational environment beneath the proposed flight paths. *As part of the application the applicant has indicated substantial undertakings to minimise this concern. The applicant has indicated that flight heights will be limited to allow for overall aesthetic advantage. As such most flights are limited to 1500ft, minimising noise and loss of any overall tranquillity.*

**Biodiversity** of the Valley and World heritage area - particularly birds. For instance the threatened Peregrine Falcon uses cliffs in the valley such as those at Genowlan Point, Mt Glenowlan an area planned to be visited regularly by helicopters. *The applicant in the EIS has indicated that all attempts will be made to avoid areas were known threatened species and vulnerable species are known. Additional to this the requirements of the FNP will set minimum allowable distances proposed to these known areas and will be prepared in consultation with the DEC, Council, the Department of Transport, and CASA.*

**Fauna & Flora** – the application does not seem to substantially address the impacts of Flora and Fauna within the site and around the proposed flight areas. The EIS indicates that there is known nesting areas of the Regent Honeyeater on the verge of the Castlereagh Highway, however no significant flora or fauna assessment follows that statement. *The effect on Fauna and Flora has been substantially addressed in the application. As part of the application process the application was forwarded to the DEC (formerly the National Parks and Wildlife Service) who indicated that the proposal can be approved subject to conditions.*

**Hours of Operation** – the 7.00am to 7.00pm time frame for operation is of concern. The 12 hours of operation is considered to affect adjoining landowners (especially those who still agriculturally work their land). *As part of the GTA's issued by the DEC the hours of operation have been limited to address these concerns.*

**Sound Vibration** – there is concern over the affect of helicopter sound vibration and the impact of that vibration on the fragile sandstone cliff of the Capertee and Wolgan Valleys. *The applicant has contested that the possibility of cliffs collapsing as a result of*

*helicopter noise and subsequent vibration is remote, and will be minimised by compliance with a FNP in relation to flying in proximity to cliffs.*

**Fly Neighbourly Principles** – these are voluntary guidelines and do not hold any legislative pull when it comes to enforcement. *The EIS indicates that a Fly Neighbourly Policy will be implemented into the overall development.*

*As such, the FNP (should approval be considered) will not be voluntary, but will sit as part of the operation, requiring compliance.*

**Property Values** – The establishment of this facility could have detrimental effects on property values in and around the area. *No evidence can be found that would support the notion that property values would be substantially affected.*

**Flight Paths** – there are concerns that the proposed flight paths lodged with the EIS have a potential to cause a negative impact on all areas surrounding Capertee, including the Wolgan Valley and Turon National Park. Additionally, concern was raised over specific height levels proposed by the application. *The applicant has indicated within the EIS that operations will rarely pass over residential areas (Capertee). When this does occur it will be at heights around 1500ft, and noise will be well within amenity and intrusiveness limits. The FNP will additionally enforce this.*

**The Effect on current Tourism** – many submissions indicated that not enough attention has been made concerning the affect this proposed development would have on the current tourist activities that take place currently in the valley. Some include bird watching, bush walking and hiking. Some submissions indicate that the approval may have detrimental affect on the eco-tourism activity currently undertaken in the Valley. *The EIS indicates that the proposal could be considered to have a positive effect on Tourism in the area, believing that an additional business promoting one of the most scenically beautiful sites in Australia is of great importance to a small community. The spin offs from the proposal, including over night stays and meals are considered beneficial. Further, as indicated in the EIS, the applicant is happy to discuss routes and exclusion zones with other users of the valley.*

**Valley less attractive to visitors** – concerns were raised through submissions that helicopters flying over the valley will have a detrimental affect on other users in the Valley. *The applicant in his response to submissions has indicated that the operator is currently a sole trader and the development consists of utilising his own helicopter. As such a single helicopter is not considered to substantially, if at all, impact on the attractiveness of the valley to other users.*

**No limits to flights** – concerns raised over the potential to exploit flights given the average 15min flight proposed. *The applicant has indicated that there are self proclaimed limits addressed in the EIS. However, should approval be recommended it is proposed to further reduce those flights to minimise any impact.*

**Adverse Social Impact** – the proposal is considered to have had a divide in the local community. *This is not a matter Council can assess in the development application process.*

**Impacts on Stock** – a concern raised through the exhibition process indicated that the development has the potential to adversely affect stock surrounding the site. *It is stated in the EIS that should this be a factor (especially around the site) the applicant would be happy to discuss exclusion zones around stud farms etc.*

**Impacts on adjoining neighbours** – concerns were raised pertaining to negative noise and amenity related impacts on adjoining landowners that have not been addressed in the EIS. *The applicant has indicated that very concerned objections were put by nearby neighbours that they were going to be subjected to increased impacts under the new proposed approach and departure paths. CASA are able to intervene in situations where flight paths are causing problems. Previously Council when considering the initial application also considered this to be of concern and should approval be considered it is recommended that exclusion zones be placed around and over adjoining residences.*

**Fuel stored is a safety hazard** – concerns were raised over the property with fuel stored on-site could be hazardous. *As part of the approval, should one be granted, appropriate fire fighting requirements will be needed in accordance with the Building Code of Australia (BCA). Further, as part of any approval bunding of 110% of the total capacity of holding tanks will be required to stop the potential for contamination on-site.*

**Refuting Acoustic Report** – as part of the submission process the Capertee Environmental Group (CVEG) submitted their own privately contributed acoustic report addressing the application (attached). *Through the regulatory process Council forwarded the refuting document to the DEC for comment prior to the issuing of any General Terms of Approval. The comments received by the DEC are attached as Schedule 2. However, after carefully assessing the application the DEC indicated that they were able to issue General Terms of Approval relating to the proposed development, given the report submitted and conditions.*

#### **Roads & Traffic Authority.**

The RTA indicated that although it did not object to the proposal it did have concerns that would need addressing should development consent be provided. They included:

1. that sight distance be maximised to achieve 225m sight distance in either direction. Sight distance would improve if the driveway is relocated to the north.
2. An RTA type BAR (Basic Right Turn), BAL (Basic Left Turn) intersection is required.
3. Any advertising signage is to be on private land, is not to replicate any regulatory signage and is not to cause distraction to passing motorists.

#### **Civil Aviation Safety Authority (CASA)**

Council contacted CASA and asked for comment pertaining to the application. CASA responded on the 21<sup>st</sup> February 2007 indicating that it does not have any requirement to be involved with the proposed heliport. It is the operator's responsibility to ensure that an area is safe and suitable for their operations in accordance with their operations Manual and relevant legislation.

Civil Aviation Advisory Publication (CAAP) 92-2(1) provides *guidelines for the establishment and use of HLS's* and most operators adopt this document as their policy for landing sites. The CAAP also states there should not be non-essential personnel within 30m of the aircraft and that the area should be cleared of objects which could be a hazard to the aircraft.

**It is recommended that the principles outlined in the CAAP 92-2(1) be incorporated into any approvals process.**

Previous correspondence from CASA indicated that the Civil Aviation Safety Regulation 157 Low Flying applies to the development, which indicates:

- (1) The pilot in command of an aircraft must not fly the aircraft over:
  - (a) any city, town or populous area, at a height lower than 1000ft; or
  - (b) any other area at a height of 500ft.
- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) A height specified in subregulation (1) is the height above the highest point of the terrain, and any object on it, within a radius of:
  - (a) in the case of an aircraft other than a helicopter – 600m; or
  - (b) in the case of a helicopter – 300m; from a point on the terrain vertically below the aircraft
- (3A) Paragraph 1(a) does not apply in respect of a helicopter flying at a designated altitude within an access lane details of which have been published in the AIP or NOTAMS for use by helicopters arriving at or departing from a specified place.
- (4) Subregulation (1) does not apply if:
  - (a) through stress of weather or any unavoidable cause it is essential that a lower height be maintained; or
  - (b) the aircraft is engaged in private operations or aerial work operations, being operations that require low flying, and the owner or operator of the aircraft has received from CASA either a general permit for all flights or a specific permit for the particular flight to be made at a lower height while engaged in such operations; or
  - (c) the pilot of the aircraft is engaged in flying training and flies over a part of a flying training area in respect of which low flying is authorized by CASA under subregulation 141 (1); or
  - (d) the pilot of the aircraft ie. engaged in a baulked approach procedure, or the practice of such procedure under the supervision of a flight instructor or a check pilot; or
  - (e) the aircraft is flying in the course of actually taking-off or landing at an aerodrome; or
  - (f) the pilot of the aircraft is engaged in:
    - (i) a search; or
    - (ii) a rescue; or
    - (iii) dropping supplies:  
in a search and rescue operation; or
  - (g) the aircraft is a helicopter:
    - (i) operated by, or for the purposes of, the Australian Federal Police or the police force of a state or territory; and
    - (ii) engaged in law enforcement operations; or

- (h) the pilot of the aircraft is engaged in an operation which requires the dropping of packages or other articles or substances in accordance with directions issued by CASA.

These stipulations will be encumbrances on the applicant should development consent be considered.

### **Department of Environment & Conservation (Environmental Protection Unit)**

The General Terms of approval issued by the DEC are attached as part of Schedule 1 of the recommendations.

In their correspondence the DEC indicated that in assessing the proposal and reviewing the public submissions, as with the first Development Application (DA 22-05) the EPA again identified the potential impact of noise on the amenity of the residents of the Capertee Valley and the surrounding areas as an important issue. Lithgow City Council should consider the issue in its overall assessment of the application. The noise from helicopters in flight is outside the control of the EPA; nevertheless, it is apparent from the public submissions that noise from helicopters in the air is the overwhelming impact of concern for people who made submissions objecting to the proposed development.

### **The Department of Environment & Conservation (Threatened Species Unit)**

Information received from the Threatened Species Unit of the DEC led to Council forwarding the information to the Commonwealth Department of Environment and Heritage.

### **The Commonwealth Department of Environment and Heritage**

In correspondence received from the Department of Environment and Heritage it was found that after careful examination of the development application information the Department has concluded that the impact the proposal would have on the Regent Honeyeater, in this case, is unlikely to be significant. The Department therefore concluded that they do not propose to take any compliance action

### **The public interest**

The approval of such an application is of particular public interest . Council has received substantial objection pertaining to the application with the predominant objection being related to airborne noise and privacy. Council being a landuse authority has limited compliance authority over airborne activity, however through the applicant's undertakings in the EIS it is proposed to implement conditions to minimise these potential concerns. Having community input into the preparation of a Fly Neighbourly Policy (FNP) can also help minimise these potential concerns.

### **DISCUSSION AND CONCLUSIONS**

The development application has been the subject of much public interest. Issues relating to potential impacts of the helicopter whilst in the air and the relevant controlling authority have led to the conclusion that Council's responsibility lies in the impacts directly related to the landuse. Notwithstanding this, after extensive consultation and assessment it has been concluded that development consent can be granted subject to a number of conditions. These include limiting the number of flights and also placing a sunset condition limiting the operation to 5 years. However, the option is given to the

applicant to lodge a modification application, prior to the expiration of this period for an extension which will need to be assessed in accordance with past performance.

## ATTACHMENTS

1. Schedule 1 – DEC General Terms of Approval
2. Refuting Acoustic Report submitted by Capertee Environmental Group
3. Schedule 2 – DEC response to Refuting Acoustic Report submitted by Capertee Environmental Group.
4. Potential Flight Path Patterns.

## RECOMMENDATION

### THAT:

1. The Applicant shall carry out the development generally in accordance with:
  - DA 319-06, as submitted
  - EIS titled *Environmental Impact Statement for Proposed Heliport* 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
  - Conditions of this consent
2. If there is any inconsistency with the above, the conditions of this consent shall prevail to the extent of the inconsistency.
3. The applicant shall prepare a site specific Fly Neighbourly Policy (FNP) in consultation with the Department of Transport and Regional Services, Department of Environment and Conservation, Council and adjoining residents. The FNP shall incorporate all proposed flight paths and incorporate impact minimisation techniques proposed to reduce impact on the World Heritage Blue Mountains National Park, the Gardens of Stones National Park, residential premises that will be overflowed at altitudes between 500 and 1000 feet as well as major existing tourist developments or those that have lodged development proposals. Further the FNP will document proposed designated flight heights and distances from known vibration hazards such as potential cliff falls. This shall be completed prior to the commencement of the development. However, a trial of 3 months will be permitted to allow the proponent to test specific requirements that will be incorporated into the FNP prior to the lodgement of the final documentation.
4. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development.
5. The applicant shall implement a complaint feedback register indicating the details of any complaints received and actions taken. Details of complaints shall be provided to Council every 6 months after the commencement of operations.  
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.

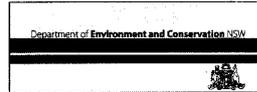
6. The Applicant shall discuss the proposed access point with RTA with a view to providing the access at or near the northern boundary of Lot 5 to increase the available sight distance to 225m in either direction.
7. The access shall provide sealed widened shoulders in accordance with the RTA Road Design Guide for a basic right and a basic left turn layout to increase the safety of vehicles entering the site.
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.
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, 44 or Bell 47) used in the Acoustic Report, *Assessment of Noise Emission During Ground Borne Operations of proposed Heliport, Capertee, NSW* prepared by PKA Acoustic Consulting. Any proposed deviation in the type of helicopter will require further acoustic testing and an application for modification of development consent.
12. 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 and Conservation.
13. This consent operates for a period of 5 years after the date on which it commences.  
*Note: Should the applicant seek an extension of this period, then, subject to proper environment and legislative process a modification of consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 can be lodged for assessment.*
14. The number of joyflight movements shall be restricted to 12 movements per day (6 take offs & 6 landings) Monday to Friday. The number of joyflight movements shall be restricted to 20 movements per day (10 take offs & 10 landings) Saturday and Sunday. 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.  
*Note: Should the applicant seek additional movements, then, subject to proper environmental and legislative process a modification of consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 can be lodged for assessment.*
15. A construction certificate will be required to be lodged for all proposed structures to be erected on-site.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
  - (c) providing landscaping in accordance with the approved plan.
21. A carparking layout shall be provided to Council prior to commencement of operations. Such layout shall indicate construction standards as well as manoeuvring areas. A hard paved disabled person's carparking 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 carparking space to the entry to the facility in accordance with Australian Standard AS 1428.1. Also, within the toilet facility, a Water Closet shall be fitted out to comply with AS 1428.1, with detailed plans submitted to, and approved by Council prior to carrying out this work.
22. A separate male and female and accessible Water Closet and basins shall be provided on the site in accordance with Table F2.3 of the Building Code of Australia.
23. 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*.
24. The applicant is to provide evidence prior to the commencement of operations copies of all relevant licence approvals obtained through the Department of Transport pertaining to the operation.
25. 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.

# Attachment 1 (Schedule 1)

Environment Protection Licence - Protection of the Environment Operations Act 1997

## General Terms of Approval



Notice No: 1070080

### 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 Heliport Capertee (December 2006) by Mjadwesch 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.

Environment Protection Licence - Protection of the Environment Operations Act 1997

**General Terms of Approval**

Department of Environment and Conservation NSW

Notice No: 1070080

**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 <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (evening)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> , 1 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 Capertee "Kraal" 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<sub>Aeq</sub>(15 minute), 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 façade to determine compliance with the L<sub>A1</sub>(1 minute) noise limits in condition L6.1.

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

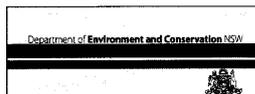
- wind speeds up to 3 m/s at 10 metres above ground level for the day and evening period; and
- temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10 metres above ground level for night time.

Environment Protection Authority - NSW

Page 2 of 7

Environment Protection Licence - Protection of the Environment Operations Act 1997

## General Terms of Approval



Notice No: 1070080

**L6.6** 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.

#### 03. Stormwater/sediment control - Construction Phase

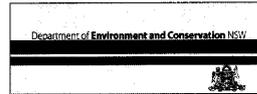
**03.1** An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared 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 1997 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.

Environment Protection Licence - Protection of the Environment Operations Act 1997

## General Terms of Approval



Notice No: 1070080

### 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 authorised 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.

Environment Protection Authority - NSW

Page 4 of 7

Environment Protection Licence - Protection of the Environment Operations Act 1997

## General Terms of Approval

Department of Environment and Conservation NSW



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*

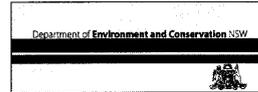
The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Environment Protection Authority - NSW

Page 5 of 7

Environment Protection Licence - 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.

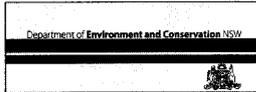
The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

- 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.

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.

## Attachment 2

Lithgow City Council  
Scan:

28 Feb 2007

# Capertee Valley Environmental Group Inc

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

ABN 31 096 498 385  
Telephone: 02 63797200  
Postal Address  
Lot 2: Coorain Street  
GLEN DAVIS NSW 2846

Gary Wallace  
Environmental Planner  
Lithgow City Council  
180 Mort Street  
LITHGOW N SW 2790

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

Dear Mr Wallace,

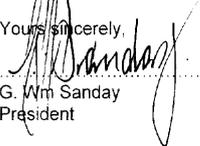
**Submission as an Objection to Development Application 319/06 – Proposed Heliport, 4675 Castlereagh Highway, Capertee, NSW; Associated Environmental Impact Statement (EIS) 18/12/06, by Mjadwesch Environmental Service Support; Acoustic Report, March 2005 and Supplement to the Acoustic Report, Ground Measurements Report, by PKA Acoustic Consulting, June 2005.**

Further to Capertee Valley Environmental Group's (CVEG) previous Submissions as objection to the above development application please find enclosed a Report on proposed Capertee Heliport prepared for the Capertee Valley Environmental Group by John Bassett (M.Des.Sci Usyd, MAAS) Audio and Acoustic Design.

In summary, this Report's appraisal of the EIS and its accompanying Acoustic Reports focuses on the noise and acoustical elements of the proposal. The Acoustic Report prepared by Peter Knowland and Associates, has errors of omission, calculation and interpretation all of which are used to justify that heliport operations will be acceptable. Using PKA's data, the Bassett report clearly indicates that the noise will be significantly greater than the DEC's Industrial Noise Policy criterion; that the LAeq15min should not exceed the background noise level by more than 5dB.

Council should request the Proponent to provide an Acoustic Report which meets DEC's "Information required to assess general terms of approval."

The EIS and its Accompanying Acoustic Reports are materially deficient and an inappropriate basis for Council to make decisions concerning the proposed heliport. CVEG asks that Council refuse development consent for Development Application 319/06/ Proposed Heliport near Capertee.

Yours sincerely,  
  
.....  
G. Wm Sanday  
President

Report on Proposed Capertee Heliport

The Capertee Valley Environment Group has requested an appraisal of the EIS for the proposed heliport at Capertee focusing on the noise and acoustical elements of the report. In discussion with members of the group three points of enquiry were raised;

Questions relating to assessment of possible impacts

- i is the EIS assessment a thorough assessment of the potential impacts?
- ii is the assessment instrument an appropriate instrument for assessment of this proposal?
- iii is the assessment of only the ground based operations acceptable?

Summary

The Noise Impact Statement on the proposed Capertee Heliport, prepared by Peter Knowland and Associates, has errors of omission, calculation and interpretation all of which are used to justify that the heliport operations will be acceptable. Using the data in PKA's report clearly indicates that the noise will be significantly greater than the DEC's Industrial Noise Policy criterion that the  $L_{Aeq,15min}$  should not exceed the background noise level by more than 5dB.

This report shows that;

- i the EIS and its attached acoustic report does not fully assess the potential impacts of the development because it fails to assess the possible intrusive nature of helicopter noise. The NSW Industrial Noise Policy specifies that a correction factor be applied to noise that is of an impulsive nature due to the possibility of causing greater annoyance. The test, specified in the policy has not been carried out by the consultant.  
**Further to this modeling and calculations carried out for this report show that the intrusive criteria will be significantly exceeded for all properties within a 1km radius.**
- ii the Department of Environment and Conservation has specified the use of the Industrial Noise Policy as the instrument for assessment of this proposal. This may be recognition of the flawed Australian Standard AS2363 yet is far removed from the recognition that helicopter noise is considered to be more intrusive than the more constant noise sources that are usually dealt with in the INP.  
The policy specifies two criteria, intrusive and amenity. This report shows that the intrusive criterion is the one to be applied in these circumstances. **The consultant's reliance on the amenity criterion in their report is, in this circumstance, erroneous.**  
The primary concern is the use of the  $L_{Aeq15}$  criterion for assessment of the noise from the helicopter relative to the background noise. This measurement 'averages' the noise over a 15 minute period. This report will show that calculating high level short duration noise against a low noise background environment will skew the results downwards.
- iii although Lithgow Council have taken the position that they will assess on the ground based operations only there is a strong argument that the impact of the proposed joy flights should be assessed over the entire flight path. This report shows that the level experienced directly under the helicopter's path will exceed the intrusive criteria by 30 – 40dBA with an area 1km each side of the flight path experiencing levels above the intrusive criteria. This questions whether a 'Fly Neighbourly' programme can be used in circumstances where the aircraft is returning to the one point. This report indicates that the Intrusive Criteria will be exceeded for all residences within 2km of the site. Outside this area the 'noise spreading' of 20 flights per day would result in exceedance of the Intrusive Criteria everywhere within a 12km radius and only some parts of the outer fly zone being exempt from excessive noise.  
**The Fly Neighbourly approach will not work in circumstances where the flights are numerous, of short duration and distance.**

Is the EIS assessment a thorough assessment of the potential impacts?

The Department of Environment and Conservation have advised Mjadwesch Environmental Service Support that the proposal should be assessed against the NSW Industrial Noise Policy.

It can be debated that this is not the appropriate instrument for assessment of helicopter noise. This will be discussed in section ii.

The NSW Industrial Noise Policy states that there are two criteria against which noise is assessed to ascertain whether the proposed development will be found to have an adverse impact on the community. The criteria are intrusive noise and land use amenity. The amenity criteria in the INP is used to prevent 'background noise creep'. It is inappropriate to assess this development against the criteria. Reference to page 8 of the Policy states "*Generally, the intrusive criterion applies for all new industries until an area begins to become more developed, causing increased noise levels.*" Clearly this not the case for this proposal. This is unequivocally stated in Appendix 2(a) of the INP, a case study which almost mirrors the proposal being assessed.

It appears that the use of amenity criterion by PKA is in error. This report will assess the potential impacts using the intrusive criterion, as required by the NSW Industrial Noise Policy.

The Intrusive Criterion in the Industrial Noise Policy is the  $L_{Aeq15min}$  less than or equal to the background noise level + 5dB.

The background noise level ( $L_{A90}$ ) has been established by PKA and confirmed by our own measurements to be 30dBA. (refer Appendix A)

The policy recognises the intrusive nature of impulsive noise requiring up to a 5dB adjustment to the criterion. It is tested by comparison between Fast and Impulsive levels measured on a sound level meter. Where the level difference is greater than 2dB that difference is applied as the correction factor. (p33 of INP) In both the original report and the supplementary report the impulsive test was not applied by PKA. It could be argued that, on this basis, the proposal has not been fully assessed by the proponent. (ref. Point 3 on page 3 of the policy)

There is also an adjustment recommended for circumstances where the duration of the noise event is short, however, the policy sets an adjustment based on a single event each day. If the proponent intends to take off and land at the same site then it appears that this adjustment should not be made.

Following from this is the question of the expected level from the heliport at the residences within the 1km radius specified by the Department of Environment and Conservation. It is difficult to see how the levels quoted in the PKA report have been arrived at. It seems that the levels quoted in the supplementary report have simply been added to the figures quoted in the initial report. In order to estimate the level at the receivers it is useful to establish the levels at the receivers for the various operational stages, run up/cool down and take off. Initial calculations were based on the simple line of sight calculation where there are no significant reflectors or absorbers, calculated by;

$$L2 = L1 - 20 \log D2/D1$$

where;

- D1 = measurement distance from source (50m for supplement report measurements)
- D2 = receiver distance from source
- L1 = measured level
- L2 = estimated level at receiver

Source Level (dBA) Measurement Distance (m)	Bell 47		Robinson R22		Robinson R44	
	Warm up/ cool down	Take off	Warm up/ cool down	Take off	Warm up/ cool down	Take off
	50	68	unknown	65		77
Receiver Distance	Receiver Level					
4564 Castlereagh Hwy	320	52	49	61	55	62
Koora	420	50	47	59	53	60
4613 Castlereagh Hwy	620	48	45	55	49	56
Capertee Kraal	680	45	42	54	48	55
1km radius	1000	42	39	51	45	52
Berrydale Park	1500	38	35	47	41	48

Clearly the three different helicopters proposed all exceed the intrusive criterion of LA90 +5db (35dBA) without the consideration of a further reduction in the intrusion criteria due to the impulsive nature of the helicopter noise character.

A more detailed analysis of the terrain is justified using a modeling package such as ENM or Soundplan. This was not carried out in the submitted report. PKA have carried out some calculations in the supplementary report but only for one property. This appears to be in contradiction to the information required by the DEC, as outlined in the EIS (p53).

It is interesting to note that the received levels at Receiver 2 – Koora are stated by PKA as 51 and 52dBA for the Robinson models. These levels far exceed the intrusive criterion. How PKA then come to show that the criterion is not exceeded is unclear. This question is examined further in the next section.

There are, however, two questions outstanding in the report; if the Bell 47 is reported to be the proponent's preferred vehicle for the joy flights why wasn't it assessed to the same detail as the Robinsons were in the supplementary report. More importantly the question of helicopters operating from the heliport needs to be resolved. Will the DA be assessed on the use of the helicopters measured in the report, requiring further DA applications if the vehicles used by the proponent are changed or is the DA effectively for the use of any helicopter at the site. If the later is the case then, in order to adhere to the precautionary principle, the assessment should take into consideration the 'worst case' scenario of the loudest machine that may use the site.

The Transportation Noise Reference Book provides level estimates for three sizes of helicopters measured at a distance of 152m. (individual models used as reference to the type) From this we estimate the level at a distance of 1km from the proposed heliport.

Large Single Rotor	Sikorsky S61N	79dB <sub>Amax</sub>	62dB <sub>Amax</sub> at 1km
Medium Twin Turbo	Augusta 109	76-84dB <sub>Amax</sub>	67dB <sub>Amax</sub> at 1km
Small Single Turbo	Bell 206	75dB <sub>Amax</sub>	58dB <sub>Amax</sub> at 1km

In each case the levels within the 1km radius far exceed the background noise level and hence the Intrusive Criteria.

**Overall the conclusion reached is that the proposed helicopters ,and in all likelihood any helicopter, operating from the proposed site will exceed the levels stated by the DEC (p53 EIS) and exceed the intrusive criteria of the NSW Industrial Noise Policy.**

Is the assessment instrument an appropriate instrument for assessment of this proposal?

The use of the  $L_{Aeq15min}$  criterion is where the application of the Industrial Noise Policy is called into question. In the case of the proposed operation the noise is of a high level for a short duration. (A comparison could be a neighbour starting a noisy car in a quiet neighbourhood and driving it away. Was the event less disturbing because it was of a short duration or was it more disturbing because it shattered the peace?)

The  $L_{Aeq}$  measure is effectively adjusted downward when the noise is of short duration in a quiet environment. The results may be further skewed by the assumption that once the helicopter is in the air it is no longer the jurisdiction of Lithgow council. These two factors allow PKA to calculate the total noise dose for the 15 minute period down significantly.  $L_{eq}$  is a statistical measure that seeks to establish an equivalent continuous level for a sound environment where the level is fluctuating. The calculation of this equivalent level is carried out by making a number of measurements within a particular time window, in this case 15 minutes. Because the dB is a relative measure it is converted to the sound pressure and then averaged over the number of readings taken. This is illustrated in the formula below, where  $L_i$  is the individual level measured and  $n$  is the number of measurements taken.

$$L_{eq} = 10 \log_{10} \left[ \frac{1}{n} \sum_{i=1}^n \text{antilog} (L_i/10) \right]$$

Let us take the receiver position at Capertee Kraal which had a  $L_{Aeq}$  level of 40dBA. In the PKA report calculations were based on a first stage warm up of 1 min, 2<sup>nd</sup> stage of 2 minutes and a take off of 4 seconds. Furthermore let us use the levels estimated for the Robinson R44. So over a 15 minute measurement, we have 1 min at 48dBA (1<sup>st</sup> stage warm up), 2 minutes at 51dBA (2<sup>nd</sup> stage warm up), 4 seconds at 55dBA (take off) and 11 minutes of quiet rural ambiance at 40dBA.

Performing the calculation above produces a figure of 45dBA, 10dB above the background level and 15dB above the background ( $L_{A90}$ ) level but still an adjustment down of 10dB from the actual level experienced at the receiver on take off. It is unclear from these calculations how PKA manage to estimate a level from the helicopter a further 10dB lower.

If we perform the calculation over 5 minutes, substituting the take off level of 55dBA for a minute (rather than the improbable 4 seconds) with 1 minute of ambient level the result is 51dBA a result that more closely represents the level experienced by residents of the property.

The Australian Standard 'AS 1259.2—1990 Acoustics –

Sound level Meters Part 2: Integrating–averaging' states;

*"Integrating sound level meters are used to measure many types of sound, under different conditions and for a variety of reasons. For each application, the measurement technique should be chosen and controlled carefully to obtain valid and consistent results."*

Clearly in this case the use of the 15 minute  $L_{eq}$  measurement is not the most appropriate measure of intrusiveness.

Reference to the Environmental Noise Control Manual is informative in stating "...noise from a particular source might be offensive if it is clearly audible, distinct from the prevailing background noise and of a volume or character such that a reasonable person conscience of the intrusion and (sic; would) find it annoying or disruptive."

The  $L_{eq15}$  measure allows the intrusive nature of the noise to be skewed downwards because of the relative short duration of the noise within a low noise environment.

**A 5 minute  $L_{eq}$  measurement is the more appropriate measure to apply in these circumstances. Section 2.3 of the INP indicates that in some circumstances noise descriptors may be more appropriate. In this case the use of a 15 minute descriptor is not the best criterion to use.**

Is the assessment of only the ground based operations acceptable?

There is a strong argument that Lithgow Council should assess the proposed development on the basis of the entire environmental effects not just those of the ground based operations. In doing so some understanding of the levels experienced under the flight paths would be useful.

There appears to be no guidelines in relation to acceptable noise levels in the Air Services Australia Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise although it is worth noting that it states that a Bell 412 flying at 1500ft will produce a noise level in the vicinity of 70dBA.

Following are calculations of level for flights between 500 and 1500ft (150 – 450m) proposed in the EIS.

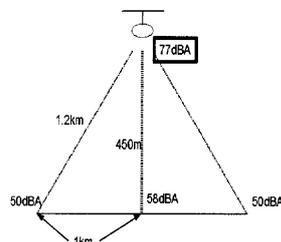
Calculation of level based of free field conditions;

For the Robinson 22 ranging in height from 150 – 450m will produce levels ranging from 68 to 58dBA directly below the craft. (based on take off levels supplied by PKA.) (Levels supplied by Airservices Australia indicate that flyover levels vary 1-2 dB above and below the take-off level) For the Robinson 44 ranging from 150 – 450m will produce levels ranging from 69 to 59dBA These levels are far in excess of the background noise levels and even the LAeq levels measured in Glen Davis and Capertee. It is clear that helicopter fly-overs in the Capertee valley will disturb the quiet environment of the valley with levels directly below the helicopter of 30 to 40dBA above the background noise level.

It has been proposed that the proponent will use a Fly Neighbourly flight path we assume to reduce the noise impact to individual properties.

In the absence of any clear guidelines we refer back to the NSW Industrial Noise Policy that allows a correction factor where the noise event occurs once in a 24 hour period. Depending on the duration of the noise an adjustment may be made to the Acceptable Noise level at the receiver. For example; for a noise event that has a duration between 15 minutes and 1 hour an additional 5dB is added to the acceptable daytime criterion, ie Background Noise Level + 10. The shortest duration considered is less than 1.5 minutes where a correction factor of +20dBA is applied. With a background noise level in the Capertee Valley of 30dBA this means that a fly-over that occurs once a day would be acceptable, according to the INP, if it was at a level of 50dBA. Calculations show that this occurs for residences that are further than 1.2km from the helicopter.

This means that for a particular radius around the heliport any residence will experience noise in excess of the criterion set in the INP. This radius has been calculated to be 2km, as illustrated below;

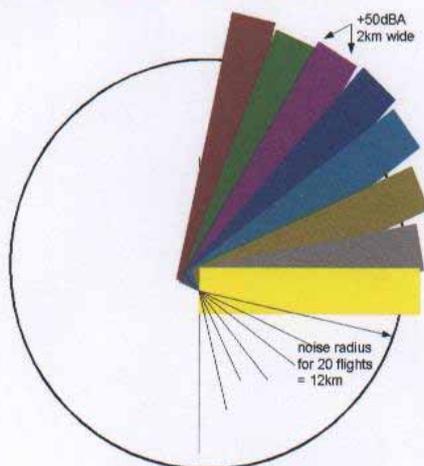


This means that, for a Robinson 22 flying at a height of 450m (1500ft) 'cuts a swathe of noise' higher than 50dBA 1 km either side of its flight path. It appears that the Department of Environment and Conservation were incorrect in specifying a radius of 1km for assessment of effects from the heliport.

Following from this, in order to 'fly neighbourly' the operator would have to ensure that they only flew over a residence once each day. The EIS states there would be a maximum of 20 flights per day which would require 40 different flight paths radiating from the proposed site.

(It is questionable that this could be achieved where weather conditions may dictate particular take off and landing routes)

This would mean that the radius outside of which the criterion would not be exceeded would be equal to 12km as each noise swathe laps against the previous route taken. This is roughly illustrated below where each colour bar represents a flight path from the site;



It appears that the fly neighbourly approach may work in circumstances where the flights are of a commuting nature it doesn't work for short duration flights radiating out from one point. A large area around the proposed heliport will experience noise in excess of the criterion outlined in the Industrial Noise Policy without any justification for making adjustments for short duration incidents. It may be possible to produce flight plans that avoid residences by several kilometres but there is no evidence of this in the current EIS.

Further to this the Environmental Principles and Procedures for Minimising the Impact of Aircraft Noise document suggests that where a fly neighbourly plan is to be put in place community consultation should inform the formation of the plan. There appears to be no indication within the EIS that this has occurred.

Finally, PKA state that there may be exceedances of the intrusive criterion but suggest that the incidence will be minor. In keeping with the precautionary principle the consultants estimates should be confirmed by measurements during actual operations. There appears to be no mechanism proposed for checking the levels. This begs the question, if approved what noise monitoring programme will be put in place?

Overall, calculations of levels experienced below the proposed helicopters, flying at the maximum height specified by the proponent, will produce levels in excess of 20dB above the background noise level measured in the Capertee Valley. In fact the proponent would have to fly at a height of 6.3km to avoid exceeding the background +5dB of the Industrial Noise Policy.

**Due to the circular nature of the flight paths it is impossible to share the noise load and carry out more than a few flights a day, recognising that residences within a 2km radius will always experience noise in excess of the acceptable criteria. There appears to have been no consultation in the formation of a fly neighbourly plan and no plan for implementation of noise monitoring.**

Noise Level Measurements

A calibrated Bruel and Kjaer 2250 Sound Level meter set at 1.5 metres used for all measurements.

Glen Davis - 8/2/07 0730-0830

LAeq - 39.1  
 LCpeak- 75.2  
 LAF90- 29.2

LAFmax- 58.3  
 LAFmin- 24.6  
 LCeq- 45.5



Capertee Kraal - 8/2/07 1200-1300

Meter set 6m from corner of house.

Temp. - 29°C  
 RH - 46%  
 Wind - 2m/s from North

LAeq - 40.3  
 LCpeak- 86.1  
 LAF90- 29.4  
 LAFmax- 61.6  
 LAFmin- 24.0  
 LCeq- 56.1

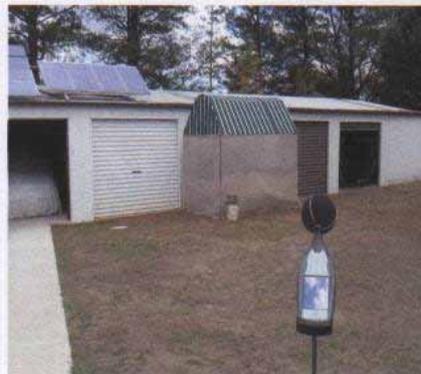
Note: When there are no cars on the highway the level reads 31dBA – dominant noise at this point is cracking noise of roof expanding in the heat.

4718 Castlereagh Hwy - 8/2/07 1345-1400

Meter set 2m from corner of house.

Temp. - 31°C  
 RH - 37%  
 Wind - 0.3 - 2.5m/s from North

LAeq - 38.5  
 LCpeak- 77.4  
 LAF90- 30.9  
 LAFmax- 60.0  
 LAFmin- 26.4  
 LCeq- 48.5



Note: Quiet level 28dBA– dominant noise at this point is buzzing flies

# Attachment 3 (Schedule 2)

**ATTACHMENT B****Report on Proposed Capertee Heliport – John Bassett (Audio and Acoustic Design)**

The following is a summary of the key findings by the DEC of the noise issues from Public Submission received from Capertee Valley Environment Group report prepared by John Bassett – Audio and Acoustic Design (hereafter referred to as the Basset Report). The response below follows the headings and chronology of the Basset Report.

**1. Is the EIS assessment a thorough assessment of the potential impacts?**

The EIS and the supporting Noise Impact Assessment (NIA) documents appear to be a thorough assessment of possible noise impacts from ground operations.

The DEC notes that the Basset Report states that the Industrial Noise Policy (INP) is not an appropriate instrument to assess helicopter noise. The NSW INP is not directly applied to helipads, however, the INP significantly informs the DEC's current assessment requirements for ground operations of 'Aircraft (helicopter) facilities'.

The Basset Report states that Peter Knowland and Associates (PKA) are in error by applying amenity criterion. The DEC advised Lithgow City Council in the letter dated 14 February 2005 of DEC's noise assessment requirements. The assessment approach provided presented an INP based approach, however did not seek to directly apply the 'amenity criteria', but rather assess noise impacts against both the intrusive criteria and the 'acceptable noise levels' (ANL) in Table 2.1 of the INP. In this instance, the intrusive criteria is lower than the ANL, and as such only an assessment against the intrusive criteria is relevant, as compliance with the intrusive criteria will by default render compliance with the ANL.

The Basset Report presents an unsupported position that noise from the helicopter on the helipad is impulsive. The DEC generally accepts that helicopters operating on helipads are not impulsive in nature. Impulsiveness is characterised by maximum noise level events with a short rise time of 35 Milliseconds (ms) and a decay time of 1.5 secs. (Ref: Table 4.1 Modifying factor Corrections INP). Noise events associated with activities such as drop forges and pile driving are usually assessed for impulsiveness. The DEC understands that impulsiveness modifying factor adjustments do not need to be applied to helicopters operating on helipads and PKA make no mention of the need to apply modifying factor corrections to helicopters operating on helipads.

The Basset Report makes reference to 'residences within the 1km radius specified by the DEC'. The DEC's noise assessment requirements relate to impacts at receivers potentially impacted by the proposed ground operations and are not restricted to within a 1km radius. The DEC can only assume that the position in the Basset Report may have come from a misunderstanding of the POEO, Schedule 1 definition of 'Aircraft (helicopter) facilities'.

The Basset Report includes a table of noise levels predicted at sensitive receiver locations that are higher than the levels presented in the EIS and NIA. The levels appear to be instantaneous sound pressure level calculations that only consider distance attenuation. The calculations in the EIS and NIA use a more detailed modelling approach which considers other attenuation factors such as air attenuation, ground attenuation and the effect of intervening structures & topography. Additionally, the levels reported in the NIA are adjusted

...1

to reflect contribution noise levels from the ground operations over a fifteen minute period.

The conclusions at the bottom of page 3 of the Basset Report, that the applicable noise criteria will be exceeded, appear to be based on the noise calculations in Basset Report. The reasons for the differences between noise levels presented in the NIA and the Basset Report have been explained above.

**2. Is the assessment instrument an appropriate instrument for the assessment of this proposal?**

As previously explained, the DEC notes that the Basset Report states that the Industrial Noise Policy (INP) is not an appropriate instrument to assess helicopter noise. The NSW Industrial Noise Policy (INP) is not directly applied to helipads, however the INP significantly informs the DEC's current assessment requirements for ground operations of 'Aircraft (helicopter) facilities'.

The acoustical consultant makes the assertion that the  $L_{Aeq,15\text{ minute}}$  descriptor is not an appropriate descriptor to define helicopter helipad noise. The  $L_{Aeq,period}$  is an equal energy indices that is routinely used to assess the impact of level varying noise events. The use of the  $L_{Aeq,15\text{ minutes}}$  is consistent with what is generally submitted to the DEC for developments and is consistent with the requirements of INP for earth moving equipment and other noise varying industrial equipment. The intrusive criterion specifically calls for the use of the  $L_{Aeq,15\text{ minute}}$  descriptor.

The DEC does not concur with the opinion expressed in the Basset Report which calls for the use of an  $L_{Aeq,5\text{ minute}}$  noise descriptor. The DEC understands that Sect 2.3 of the INP does state that a more appropriate descriptors can be used, and it does provide an example of where an  $L_{A90}$  is more appropriate than a  $L_{Aeq}$ , however it **does not** infer that different time intervals i.e. 5 minute instead of a 15 minute intervals could be adopted. The INP makes no recommendation on whether different time intervals can be applied.

**3. Is the assessment of only the ground based operations acceptable?**

The DEC has licensing responsibilities under the POEO Act for 'Aircraft (helicopter) facilities'. In 1998 the Solicitor General decreed that (the EPA) licence helicopter noise whilst the helicopter is on the ground. The instant that the helicopters skids or wheels leave the helipad surface the helicopter noise becomes the responsibility of Air Services Australia.

Therefore, in order for the DEC to undertake its licensing responsibilities an assessment of noise impacts from ground operations is required. The noise from the helicopters in flight will not be covered by any DEC licence, and as such the potential impacts associated with in flight operation have not been assessed by the DEC.

**Other Matters Related to the Proposed Capertee Helipad Development**

**1. The Property located at 4718, Castlereagh Highway**

The PKA reports make no direct reference to the property located at 4718, Castlereagh Highway. However, the property appears on the Map of 'Acoustic Report – Assessment of Noise Emission During Ground Borne Operations of Proposed Helipad, Capertee, NSW', Sect 7 - Site Map on Page 8. The property is designated as a "Locked Gate" property.

...2

The DEC has been made aware of the existence of this property and that it is a similar distance from the proposed helipad to Capertee 'Kraal'. The noise impacts at Capertee "Kraal" are assumed by the DEC to be similar at 4718, Castlereagh Highway.

Consequently, the DEC's General Terms of Approval (GTAs) for the proposal apply noise limits for 'other noise sensitive receivers'. These limits will apply for the residence on the property located at 4718, Castlereagh Highway.

## **2. The Bell 47 Helicopter**

The EIS and NIA documents indicate that the Robinson R44 is the loudest of the three helicopters measured, which included the Bell 47.

The EIS and NIA include measured noise data confirming that the Robinson R44 is louder than a Bell 47 based on typical ground based operations. The measured noise levels from ground based Robinson R44 operations forms the basis of the GTAs for the proposed helipad. Additionally, recent discussions with Peter Knowland (Principal, PKA) further confirms that measurements have been undertaken using the actual helicopter proposed for the Capertee operations (Bell 47 - registration VH-SGD). Mr Knowland confirms that the measurements indicate that the use of the Bell 47 helicopter will meet the noise limits in the GTAs issued by the DEC for DA 22-05, which are the same as those being issued for DA – 319/06.

...3

# Attachment 4



**ITEM:8            REG - 21/05/07 - ROAD NAMING DEVELOPMENT APPLICATION  
66/05 AND 67/05 - STRATHLONE ESTATE PTY LTD**

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

---

## **SUMMARY**

To advise Council of road naming proposals for a residential subdivision at South Bowenfels.

## **COMMENTARY**

Council has received a submission on the naming of unnamed roads in Stages 1 and 2 of a 101 Lot residential subdivision at the back and adjacent to the Donny Brook hotel in Strathlone Estate. The applicant requested that Council name the roads in accordance with their preferred list of names, which has a tree name theme which is consistent with road names in previous stages of Strathlone Estate. The suggested road names are:-

- Beech Place
- Conifer Place
- Eucalypt Close
- Fern Grove
- Magnolia Gardens
- Quince Court
- Mulberry Close

## **POLICY IMPLICATIONS**

These roads will be named in accordance with Council's Street Naming Policy.

## **FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

## **LEGAL IMPLICATIONS**

Nil

## **ATTACHMENTS**

1. Plan showing the subdivision.

## **RECOMMENDATION**

**THAT** in accordance with Council's Policy for the naming of streets, Council advertise the road names as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days, with the exception of Beech Place given its similarity to other street names in the Estate area.



Council has claimed refunds of the following GST amounts in the required period:

<b>MONTH</b>	<b>GST REFUNDS</b>
<b>2006</b>	
July	113,748
August	65,647
Sept	80,741
October	77,794
November	93,316
December	44,444
<b>2007</b>	
January	46,958
February	140,322
March	76,980
April	41,092

As previously reported to Council the Australian Taxation Office completed a problem free GST audit of Council records in past years which extensively covered the following risk areas:

- Implementation Activities
- Management of Transitional Issues
- Risk Identification and Mitigation
- Internal control relating to computer system (including QA activities)
- Decision Making - Supplies (eg sales, Division 81 Fees and Charges)
- Contracts Management
- BAS Preparation - in depth on the October 2004 BAS
- Training and Succession Planning
- Grant Providers (Grant paid to other entities)
- Grants Received
- Recipient Created Tax Invoices - supplies and acquisition tother than grants
- Acquisitions
- Tax Invoice Integrity - Supplier and Recipient
- Disposal and acquisition of assets
- Related Party Transactions
- Record keeping and Tax Invoice Management

**Policy Implications**

Nil

**Financial Implications**

Nil

**Legal Implications**

Nil

**ATTACHMENTS**

1. Goods and Services Tax Certificate

## RECOMMENDATION

**THAT:**

1. The information be received
2. Council authorise the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer to sign the Goods and Services Tax Certificate for the period 1 July 2006 to 30 April 2007.

COUNCIL OF/COUNCIL OF THE CITY OF .....

**GOODS AND SERVICES TAX CERTIFICATE**

**Payment of Voluntary GST 1 May 2006 to 30 April 2007**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by (name of Council) for the period 1 May 2006 to 30 April 2007.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on .....

.....  
Mayor's Name  
**MAYOR**

.....  
Councillor's Name  
**COUNCILLOR**

.....  
General Manager's Name  
**GENERAL MANAGER**

.....  
Name  
**RESPONSIBLE  
ACCOUNTING OFFICER**

**ITEM:10 COMM - 04/06/07 - COUNCIL INVESTMENTS APRIL 2007****REPORT FROM - INTERNAL SERVICES MANAGER - C FARNSWORTH****REFERENCE**

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

**SUMMARY**

To advise Council of 2006/07 investments held for the period ending 30 April 2007.

**COMMENTARY**

The amount invested as at 30 April 2007 when compared to 31 March 2007 has decreased by \$472,397.67 due to ongoing Council expenditure awaiting income of the 4<sup>th</sup> rate instalment on the 31 May 2007 and the 4th payment of the 06/07 Financial Assistant Grant.

**INVESTMENT REGISTER 2006/07**

INSTITUTION	INV TYPE	DATE LODGED	DATE DUE	DAYS	INT	VALUE 31.03.07	VALUE 30.04.07	% OF TOTAL
ANZ	TD	28.02.07	30.03.07	30	6.30	560,024.21	562,924.06	4.73%
CBA	CMS Nt	06.11.11	06.11.16	1,825	7.12	500,000.00	500,000.00	4.20%
	On Call				6.20	168,547.47	168,546.47	1.42%
	Ethical	20.06.06	20.06.11	1825	9.25	500,000.00	500,000.00	4.20%
	TD	03.03.07	03.05.07	60	6.31	500,000.00	500,000.00	4.20%
CITIBANK	TD	11.04.07	11.07.07	60	6.53	514,000.34	519,867.69	4.37%
LG FINANCIAL	On Call				6.15	1,184,714.43	684,714.43	5.75%
	TD	06.03.07	04.05.07	60	6.39	798,120.43	798,120.43	6.70%
	TD	16.04.07	18.06.07	63	6.53	517,279.92	520,173.29	4.37%
	TD	06.03.07	05.06.07	90	6.40	505,317.31	505,317.31	4.24%
IMBS	On Call				6.25	5,013.50	266,011.56	2.23%
	TD	05.03.07	07.06.07	92	6.45	1,047,920.10	1,047,920.10	8.80%
	TD	28.06.06	29.06.07	364	6.41	450,000.00	450,000.00	3.78%
	TD	22.01.07	23.04.07	90	6.54	256,631.12	0.00	0.00%
	TD	06.03.07	06.06.07	92	6.46	762,249.86	762,249.86	6.40%
	TD	20.02.07	21.05.07	91	6.47	750,000.00	750,000.00	6.30%
ALLIANCE	Managed	01.04.02	28.02.08	365		1,000,000.00	1,000,000.00	8.40%
ST GEORGE	TD	10.01.07	07.05.07	122	6.30	256,298.15	256,298.15	2.15%
	TD	16.04.07	16.07.07	90	6.54	1,341,238.63	1,348,460.74	11.33%
	TD	11.04.07	12.06.07	62	6.45	761,940.64	766,294.35	6.44%
			<b>TOTAL</b>			<b>12,379,296.11</b>	<b>11,906,898.44</b>	<b>100.00%</b>

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

Investment income to date 30 April 2007 is \$ 404,969.48 with interest paid on the maturity date of the investment and managed funds report earnings quarterly.

### **LEGAL IMPLICATIONS**

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

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

### **RECOMMENDATION**

**THAT** Council's 2006/07 investments for the period ending 30 April 2007 be received.

**ITEM:11            COMM - 04/06/07 - REPAYMENT OF INTEREST FREE LOAN TO LITHGOW AND DISTRICT VOLUNTEER RESCUE SQUAD**

**REPORT FROM: INTERNAL SERVICES MANAGER: - C FARNSWORTH**

---

### **REFERENCE**

Min 06 - 465    Council Meeting 18 December 2006  
Min 07 - 98     Council Meeting 19 March 2007

### **SUMMARY**

Council received a request from the Lithgow and District Volunteer Rescue Squad on the 4 December 2006 to provide an interest free loan of \$11,000 to enable the organisation to complete a program of grant works. This report advises Council the funds have been repaid in full on the 14 May 2007.

## **COMMENTARY**

The Lithgow and District Volunteer Rescue Organisation received a grant from the Federal Government Attorney-General's Department - Emergency Management Division, which provided for a project the Squad was to complete in early 2007.

The organisation was not able to access the grant funds until the project was finalised and hence sought Council's assistance through the Council policy "Financial Assistance to Community Groups and Organisations – Interest Free Loans" for a loan of \$11,000.

In March 2007 Council resolved to extend the repayment deadline to 14 May 2007 to allow the Squad to complete the few remaining tasks in this project.

Council is advised that the loan has now been repaid in full.

## **POLICY IMPLICATIONS**

Council's Policy Financial Assistance to Community Groups and Organisations – Interest Free Loans applies.

## **FINANCIAL IMPLICATIONS**

Full repayment of the \$11,000 interest free loan has occurred.

## **LEGAL IMPLICATIONS**

NIL

## **ATTACHMENTS**

Nil

## **RECOMMENDATION**

**THAT** Council note the repayment of the \$11,000 interest free loan provided to the Lithgow and District Volunteer Rescue Squad in December 2006.

## **COMMITTEE MEETINGS**

**ITEM:12            COMM - 04/06/07 - ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES HELD ON 9TH MAY 2007**

**REPORT FROM: COMMUNITY AND CULTURAL MANAGER– P. HALL**

---

### **REFERENCE**

Min 07-183:     Finance and Services Committee meeting 7 May 2007

### **SUMMARY**

Attached are the Environmental Advisory Committee meeting minutes held on the 9 May 2007 provided for Council's information.

### **COMMENTARY**

The items which particularly need to be noted / determined by Council are:

#### **Item 5 Terms of Reference**

Council is aware that there will be a report brought to Council on those "committees" that are currently involved in assisting councils which will determine their status with regard to s355 of the Local Government Act 1993.

Council has provided the Committee with a draft set of the Terms of Reference (attached) being developed for the other Committees to gather their comments on the document.

**STAFF RECOMMENDATION:** That Council seek guidance and a list of environmental organisations that Council could consider to invite to be members on the Environmental Advisory Committee when it is reformed within the Terms of Reference framework and to ask for their recommendation on the tenure for committee members.

#### **Item 6 Purple Copper Butterfly**

Considerable concern was expressed by committee members that land behind the Community Nursery has been sold by Xstrata to a private citizen and a critical habitat for the Purple Copper Butterfly and location of the Butterfly Trail may not be managed properly.

The requested action from this Committee was that a Council and a NPWS representative meet with the new owner and clearly explain the restrictions on the land and what can and can't be done with it. This would include the owner's responsibility in regard to weed and pest control.

**STAFF RECOMMENDATION:** That in Council's ongoing discussions with the owner of the land discuss the issues raised by the Committee including identifying the information sources available for the new owner's information.

**Item 7 General Business**

**STAFF RECOMMENDATION:** That Council investigate and consider the Indian Minor program for Lake Pillans as proposed by the Committee as a component in the 2007/08 budget with assessment and recommendation to proceed or not to the quarterly review in September 2007.

**STAFF RECOMMENDATION:** That Council discuss with the Community Nursery the options for the provision of trees from the nursery.

**STAFF RECOMMENDATION:** That Council continue to update the Committee on the progress of the Hyde Park Plan of Management.

**STAFF RECOMMENDATION:** That Council note the request for consideration of a Natural Area Manager but advise the Committee that there are no plans for such a position within the 2007/08 budget.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

- 1.Minutes of the Environmental Advisory Committee meeting held on the 9<sup>th</sup> of May 2007.
- 2.Draft Terms of Reference document

**RECOMMENDATION****THAT:**

1. Council note the minutes of the Environmental Advisory Committee held on 9 May 2007;
2. That Council seek guidance and a list of environmental organisations that Council could consider to invite to be members on the Environmental Advisory Committee when it is reformed within the Terms of Reference framework and to ask for their recommendation on the tenure for committee members;
3. That in Council's ongoing discussions with the owner of the land the issues raised by the Committee be highlighted and reference to the information sources available be identified for the new owner's information;
4. That Council investigate and consider the Indian Minor program for Lake Pillans as proposed by the Committee as a component in the 2007/08 budget with assessment and recommendation to proceed or not to be included in the quarterly review in September 2007;

5. That in Council discuss with the Community Nursery the options for the provision of trees from the nursery;
6. That Council continue to update the Committee on the progress of the Hyde Park Plan of Management;
7. That Council note the request for consideration of a Natural Area Manager but advise the Committee that there are no plans for such a position within the 2007/08 budget.

## QUESTIONS WITHOUT NOTICE

Nil.