

Our Ref 82015042-03
Contact Daniel Thompson

Date 20/02/2017

Lithgow City Council
PO Box 19
Lithgow
NSW, 2790

Attention: Jessica Heath

**RE: Forthcoming DA Section 94A Levy Exemption & DA Application Fee Waiver -
Environmental Protection Works on Zig Zag Railway**

Dear Jessica

The Zig Zag railway has been closed since 2013 when bushfires burnt railway sleepers at various locations along the track and subsequent heavy rains caused a minor landslip that undermined a section of railway track on Chifley Road, Clarence. These twin natural events have resulted in the railway being inoperable for the past two years.

Cardno has been engaged by the railway operator to design the appropriate remediation works and undertake the approvals process so that restorative works can be undertaken and the railway returned to working condition. Cardno is currently preparing engineering drawings and a Statement of Environmental Effects to inform a development application to Council.

These works specifically involve:

- Earthworks,
- Removal of vegetation,
- Installation of a new retaining wall, and
- A minor relocation of the railway track to a more stable alignment within the railway corridor.

The subject site is located adjacent to Chifley Road, Clarence, as identified by the aerial photo below and the enclosed plan. The affected lots are:

- 150//DP751650
- 217//DP751650
- 9//DP788554
- 1//DP1140300

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Aerial Photo: The Location of the proposed works.


Zig Zag Railway is a not-for-profit organisation of limited financial means. Due to the shutdown, Zig Zag's finances are limited. Consequently, this letter requests that Council apply the exemptions clauses within its Section 94A contributions plan; and waive the DA application fees. The relevant section of the plan is Section C7.

"The following types of development or components of development will also be exempted from a levy under this Plan:

...c) Development that involves rebuilding or repair after natural disasters such as flooding or bushfires;"

These works are designed to repair the damage caused by natural disasters in the form of fires and heavy rains that led to flooding. Additionally, the works will help to secure the future operations of the railway, providing a local tourist facility, with the associated economic benefits for the area.

We also seek an exemption from the DA application fees levied by Council and subsequent re-imbursement of fees paid at the time of DA lodgement.

Council is requested to consider these exemptions at its next meeting to ensure that these works can occur as soon as possible. Should you have any questions about these forthcoming works, please contact me via the information below.

Yours faithfully



Daniel Thompson
 Manager Planning
 For Cardno