



LITHGOW CITY COUNCIL

**MINUTES**

POLICY AND STRATEGY COMMITTEE  
MEETING OF COUNCIL

HELD ON

01 MAY 2006

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING  
HELD AT THE CIVIC CENTRE, LITHGOW ON 1 MAY 2006**

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Meeting Commenced 6.01pm

Public Gallery: 15

**PRESENT**

His Worship the Mayor  
Councillor Neville Castle  
Councillor B P Morrissey  
Councillor M F Ticehurst  
Councillor W McAndrew  
Councillor H K Fisher  
Councillor B S Moran  
Councillor M M Collins  
Councillor A E Thompson  
Councillor M J Wilson

**APOLOGIES**

NIL

**Also in attendance**

General Manager, Mr Paul Anderson (arrived at 6.10pm)  
Acting Manager Engineering Services & Manager Environmental and Planning Services,  
Mr Andrew Muir  
Finance Manager, Mrs Carol Farnsworth  
Minutes Secretary, Miss Casey Clarke

**CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 3 April 2006 were taken as read and confirmed by Councillors M J Wilson and B S Moran

**06- 117 RESOLVED**

**Carried**

**DECLARATION OF INTEREST**

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

Councillor Wayne McAndrew declared a non pecuniary conflict interest in Item 2 due to his association with the coal mining industry, although he is not employed within the

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industry. He wished to take part in discussion and in the voting. He did not vacate the Chambers.

Councillor Margaret Collins declared a pecuniary interest in item 2 as she is a Director in company working in the coal mining industry. She will vacate the Chambers.

Councillor Barbara Moran declared a pecuniary interest in Item 2 as her Husband works with Centennial Coal. She will vacate the Chambers.

Councillor Michael Wilson declared a pecuniary interest in item 2 as he is employed by Delta. He will vacate the Chambers.

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## **QUESTIONS FROM THE PUBLIC GALLERY**

At 6.01pm members of public gallery were invited to address questions through the Mayor to Councillors and Staff: -

### **QUESTIONS**

#### **QPG - ARIEL ELLIOTT**

1. Mr Mayor could you tell me what are the advantages for Lithgow from the Bells Line of Road Super Highway, when it is planned to come out west of Marrangaroo and it completely by passes Lithgow CBD?

*The potential advantages of the Bells Line of Road proposal are significant. It will significantly reduce travelling time from the Sydney Metropolitan Area thus making the Lithgow LGA and the Central west more attractive to business. The future expansion of economic development in the Lithgow LGA will certainly not be constrained to the Lithgow CBD which would be impractical from a planning, traffic, environmental and transport perspective. Businesses of the type that will benefit from fast transport links are likely to evolve in a planned manner in locations other than the CBD thus providing easy linkages to the proposed road. These businesses will provide demand for other shops and services which are more likely to be located in the CBD. Furthermore, Council has taken a very responsible regional approach to the issue on the basis that a sustainable region will be beneficial to Lithgow.*

2. Mr Mayor does Lithgow council and the businesses support this bypassing of Lithgow CBD? Or is there some other planned exit which will allow traffic to follow through the Lithgow CBD?

*The Bells Line of Road proposal should not be seen as a by-pass. The Chifley Road will still remain in operation and of course the new road would have a direct link to the Lithgow CBD via the Great Western Highway.*

3. Mr Mayor have Councillors read the Councils Code of Conduct for th proper management of Council meetings?

*The relevant document would be the Code of Meeting Practice of which all Councillors have been provided a copy.*

#### **QPG - SUE GRAVES**

1. Mr Mayor why is it necessary to replace the "green machine sweeper" operated by one man to sweep the commercial footpaths at Lithgow, Portland and Wallerawang with two women who use a hand broom and wash the paths with a high powered hose?
-

Do you realise that it now takes one week to get back to the same area rather than all the footpaths being cleaned each day? Are you aware that the machine has been under constant repair for almost two years and spilling oil to the extent that it was not practical to use?

Was money allocated in a previous budget for a replacement machine but used elsewhere? How long it is proposed to continue this practise?

*The cleaning team has suffered from an unanticipated resourcing issue following Industrial action. These duties have been re-allocated within the program. However, it should be noted that the Green Machine sweeper has not been used to clean Wallerawang or Portland CBD's.*

*Council does realise that the cleaning of the footpaths is based on a weekly schedule. However, efficiency gains have occurred through this process. This information has also been passed on to the Lithgow Business Association. It should be noted that if Council is notified of an issue requiring immediate attention, Council will provide resources to rectify the situation.*

*Council's workshop staff indicate that all problems been rectified.*

*Funding has not been provided in previous budgets. This of course will be a matter for ongoing review.*

*This practice will continue for an indefinite period but a review of all functions will take place as part of the new structure. Efficiency gains will be compared to the level of service delivery to ascertain if practised remains the same or requires alteration.*

2. Mr Mayor when will council adopt a policy to reply to correspondence?

*Procedures for the efficient handling of correspondence will be the subject procedural review. However, should Mrs Graves have an individual issue she may wish to approach the General Manager?*

## **QPG - CHRIS JONKERS - GARDENS OF STONE**

1. Are Forestry staff and resources diminishing in our local area, relative to National Parks?

*There has been a slight increase in FNSW staff numbers since 2001 within Macquarie Region. As for positions in the field in the NE part of our Region (incorporating Sunny Corner, Lidsdale, Ben Bullen and Newnes State forests) there has been no change since 2001.*

2. Does Forestry produce Management Plans inviting public comment on issues of concern for areas like Newnes Plateau, like the NPWS does?
-

*The Ecologically Sustainable Forest Management (ESFM) plan for Macquarie Region is being reviewed and should be out for public comment by the end of this year.*

3. Why hasn't Forestry maintained the Ben Bullen SF section of the firetrail from Ben Bullen to Angus Place for many years, whilst NPWS has maintained the section within the Gardens of Stone National Park?

*Maintenance of Ben Bullen fire trails will be occurring this month. Trails have been inspected with the local RFS and we are waiting for some moisture so that the surface can be properly formed.*

4. Is Forestry doing such a good a job of Noxious Weed or Feral animal management these days relative to NPWS, given the state of Sunny Corner, Lidsdale and Jenolan SF's?

*Macquarie Region spend about \$48,000 on feral animals and \$331,000 on weeds (this does not include controlling competing weeds when establishing plantations, this a further \$0.5 million).*

5. Is the tired old Forestry vs National Parks argument about fire management relevant today, given recent local and interstate examples?

*Fire fighting in the Lithgow area has always been based upon cooperative arrangements between the fire fighting agencies: FNSW, RFS, Fire Brigade and NPWS.*

6. Why is Council so over-protective of the mining industry at the expense of other job creation opportunities, when the mining industry is already the most over-protected industry at both State and Federal level in Australia today?

*The coal mining industry is one of the major employment industries within the Lithgow Local Government Area. In 2004, coal mines directly employed 723 persons. In the 2001 Census, persons employed in mining were 685, which was second only to the retail trade which employed 1,128 persons. It is highlighted that these figures do not include indirect employment such as trucks drivers/contractors etc.*

## **PRESENTATIONS**

### **PRES - DR RICHARD STILES - GARDENS OF STONE**

1. Mr Mayor may I speak to the Council on the Gardens of Stone Stage Two Proposal?

Dr Stiles gave a brief presentation on his views of the Gardens of Stone Stage two Proposal. He had some questions that he wished to raise on the project and advised Council that he believes that council should support this proposal as it would benefit the Lithgow Government area in the future.

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## GENERAL MANAGER REPORTS

### ITEM:1            EXEC - 01/05/06 - TELSTRA LINE RENTAL CHARGES

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#### REFERENCE

Dataworks Document 265366

#### COMMENTARY

Correspondence was received from our Federal Member for Calare, Mr Peter Andren regarding the Telstra line rental charges.

*"Correspondence has been received from the Minister for Communications in relation to your recent inquiry regarding Line rental charges.*

*As you know, this matter has moved along in recent weeks, with discussion over whether or not a series of differential rates or a standard rate apply to CBD, regional and remote areas.*

*I am keeping a very close watch on this issue and I understand former Telstra Countrywide manager Gavin Priestley is preparing a submission on behalf of central west councils. Mr Priestley certainly has a very detailed understanding of this issue and I hope councils will support me and other representatives and groups in applying maximum pressure around this matter and others relating to any Telstra post - privatisation environment."*

#### POLICY IMPLICATIONS

NIL

#### FINANCIAL IMPLICATIONS

NIL

#### LEGAL IMPLICATIONS

NIL

#### 06- 118 RESOLVED

**THAT** the information be received.

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor B S Moran.

**CARRIED**

## ENVIRONMENT & PLANNING SERVICES REPORTS

### ITEM:2            EPS - 01/05/06 - THE GARDENS OF STONE PARK PROPOSAL                          STAGE 2

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#### REFERENCE

Item 8, EPS, 20 March 2006  
Item 3, EPS, 18 April 2006

#### SUMMARY

The Colong Foundation for Wilderness, the Blue Mountains Conservation Society and the Colo Committee are the proponents of the Gardens of Stone Park Proposal Stage 2 which is centred on the Lithgow Local Government Area. It advocates extensions to National Parks and proposes the establishment of new State Conservation Areas.

Council has received submissions and subsequently resolved to reject in principle the proposal. This Report provides an overview of the proposal, the submissions, the legalities and discusses major issues which are of concern. It will provide the basis on which Council can formally resolve a policy position on the Gardens of Stone Park Proposal Stage 2.

#### COMMENTARY

##### The Proposal

The Gardens of Stone Park Proposal Stage 2 was prepared by Mr Keith Muir on behalf of the Colong Foundation for Wilderness, the Blue Mountains Conservation Society (BMCS) and the Colo Committee. The proposal involves extensions to the Gardens of Stone and Blue Mountains National Parks and establishment of new State Conservation Areas (SCAs), ie. the Gardens of Stone SCA and the Western Escarpment SCA. It encompasses some 39,880 hectares from Medlow Bath to Mt Airly. In particular, it includes the following divisions. The proposal area is also illustrated on the attached map.

The Divisions of the Proposal		
Division	Area (Hectares)	Proposal
Genowlan Mountain	1,680	National Park Extension
Airly Mountain	2,020	State Conservation Area
Wollangambe Wilderness	2,380	State Conservation Area
Newnes Plateau	22,000	State Conservation Area
Baal Bone and Long Swamp	7,800	State Conservation Area
The Western Escarpment	4,000	State Conservation Area and National Park Extension

The proposal makes the following key recommendations.

1. Reserve as national park and state conservation area the Gardens of Stone and those parts of the Western Escarpment as indicated on the Proposed Park Extensions map.

2. Develop a conservation management plan for the oil shale ruins at Mount Airly. The plan to preserve these relics and visitation controls should be developed in co-operation with Centennial Coal.
3. Develop a recreation management plan through the park plan of management process that promotes responsible driving on roads and respects closed tracks and management trails. The roads leading into the Wolgan River headwaters, access to Cape Horn, Mount Genowlan and the identified Wollemi Wilderness should be closed and all tributary roads in these areas allowed to rehabilitate naturally.
4. Implement subsidence management plans for coal mining that should include subsidence protection for the Newnes Plateau upland swamps, pagodas, cliffs and streams. Wastes effluent from coal mines should be minimised, adequately treated, discharged away from the World Heritage Area and used to enhance environmental flows to the Coxs River.
5. Implement a strategy and management plan for Sydney's sand requirements which should investigate all options, including appropriate off shore options, so that Newnes Plateau and other sensitive sites can be permanently protected, while adequate sand reserves are identified and recycling of construction sand facilitated.
6. Refuse the development application by Sydney Construction Materials for a sand and clay mine near Newnes Junction and add the area subject to the proposal to the Gardens of Stone State Conservation Area.
7. Develop a restructuring package to facilitate termination of native forest logging operations on Newnes Plateau and the removal of the pine plantation, which should be revegetated using native plants of local provenance.
8. Establish appropriate management regimes for adventure recreation activities, particularly for adventure recreation on the Western Escarpment.
9. Prevent further climbing sites being developed on the Western Escarpment. Any intensification of use by commercial operations should be subject to environment assessment, public comment and review processes. Sites selected for development should have a high resilience to impact and not have high environmental values.

The proposal was forwarded for Council's consideration.

### **The Launch**

A media launch of the Gardens of Stone Park Proposal Stage 2 was held on 28 November 2005 at Parliament House sponsored by the Greens Upper House Member Ian Cohen, MLC. A second launch was held on 1 December 2005 at Hassans Walls Reserve to "capture the attention of the local media" (Muir, K, 2006, 'Launch of the Gardens of Stone – Stage Two', *Colong Bulletin*, January 2006, p4.). Council was invited to attend the second launch, although limited supporting documentation was provided with 3 days prior notice. Whilst the timeframe provided some logistical issues, the General Manager and Environment and Health Manager attended. At the launch the General Manager attempted to correct some inaccuracies in the proponent's speeches and stated Council's dismay that they had not firstly been consulted prior to the launch. He also refuted any inference that the proponents had Council's 'tacit support'. However, it was evident that these comments were not welcome.

### **Submissions**

Council sought and received submissions from various stakeholders on the proposal. Copies of all submissions are provided in the Councillors Business Paper Packages, as some submissions were provided on the basis that they are 'in confidence' and only for Council. However, the following provides a brief summary of the major issues raised.

- The proposal area covers a number of important resources such as coal, sand and forestry.

- The proposal will affect the local coal, sand and forestry industries with the potential impacts being of concern.
- The proposal is not supported.
- The report is based on misinformation and general statements which are not supported by evidence.
- The development of a strategy for sand resources is important and is supported.
- The map is not accurate and/or difficult to interpret.
- Concern was expressed that there was no prior consultation.
- The current approval, licence and Subsidence Management Planning processes are rigorous and involve environmental assessment.

In addition, Council has received copies of the following petitions.

- Petition 1 – signed by 575 people  
"TO THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF NEW SOUTH WALES

A proposal by the Colong Foundation for Wilderness in conjunction with others has been placed before the Government regarding the extensions to the existing National Parks and/or the creation of new parks in the Gardens of Stone and Western Escarpment areas.

Your petitioners request that the House takes note that we strongly object to these proposals regarding the Gardens of Stone and Western Escarpment. We ask that you protect the AUSTRALIAN RIGHTS FOR THE CONTINUATION OF FREE AND OPEN ACCESS TO LOCAL CROWN LAND and ask that you reject any attempt to provide Legislative force for this proposal."

- Petition 2 – signed by 252 people  
"VOTE TO KEEP OUR FREEDOM  
Petition to save Australian rights for the continuation of free and open access to our local CROWN LAND. We strongly object to:- Proposed Park Extension to the Gardens of Stone and the Western Escarpment."
- Petition 3 – signed by 46 people  
PETITION TO OBJECT  
"We the undersigned object to the:  
Proposed Extensions to the Gardens of Stone National Park, the Blue Mountains National Park, the Gardens of Stone and Western Escarpment State Conservation Areas

Mr Gerard Martin MP.....

We the undersigned, ask you to reject the proposed Park Extensions to the Gardens of Stone National Park, the Blue Mountains National Park and the Gardens of Stone and Western Escarpment State Conservation Areas that is being proposed by the Colong Foundation for Wilderness (Mr K Muir), Blue Mountains Conservation Society and The Colo Committee (Mr Haydn Washington). This petition is to voice our Australian Rights for the continuation of free and open spaces on Australian Crown Land."

- Petition 4 – signed by 18 people  
"TO THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF NEW SOUTH WALES

A proposal by the Colong Foundation for Wilderness in conjunction with others has been placed before the Government regarding the extensions to the existing National Parks and/or the creation of new parks in the Gardens of Stone and Western Escarpment areas.

Your petitioners request that the House takes note that we strongly object to these proposals regarding the Gardens of Stone and Western Escarpment. We ask that you protect the AUSTRALIAN RIGHTS FOR THE CONTINUATION OF FREE AND OPEN ACCESS TO LOCAL CROWN LAND and ask that you reject any attempt to provide Legislative force for this proposal that is being proposed by the Colong Foundation for Wilderness (Mr K Muir), Blue Mountains Conservation Society and The Colo Committee (Mr Haydn Washington). This petition is to voice our Australian Rights for the continuation of free and open spaces on Australian Crown Land."

The proposal was reported to Council's Environmental Advisory Committee for comments. At its meeting of 7 December 2005, the Committee expressed concerns about the lack of consultation prior to the launch and would like Council to write to the organising Committee expressing such.

Prior to the Council Meeting of 18 April 2006, the BMCS, the Colo Committee and the Colong Foundation addressed Council on the proposal. This address also provided the opportunity for Council and the community to ask questions of the proponents. Of particular interest were the following answers/comments from the proponents:

- The proposal involves an area between Medlow Bath and Mt Airly, including the Newnes Plateau. It will largely create SCAs, not National Parks and thereby the proposal does not stop underground mining.
- A SCA allows underground mining but protects the surface.
- The Airly Commission of Inquiry stated that coal is running out.
- As a follow up to the Proposal Report, the Gardens of Stone Park Proposal Stage Two, Illustrated has been produced which breaks down the proposal into values.
- Underground mining is recognised and Centennial Coal will not be interfered with. The preservation of the surface is addressed by the Subsidence Management Plans (SMPs) and the imposition of a SCA will not apply more stringent control than SMPs already impose.
- The proposal advocates multiple uses and better management.
- The proposed Running Stream project is not located within the proposal area.
- If concerned about sterilisation of coal resources, support SCA instead of National Park. The Department of Primary Industries says mining is short term.
- Tourism is potentially for ever; more jobs and money.
- Airly will be and a small part of Blue Mountains may be affected by the proposal. The proponents want to engage with Centennial Coal to discuss.
- Clarence Sawmills has something to fear about the proposal.
- To manage the four-wheel drivers, it is suggested to dedicate a pine forest such as Sunny Corner for this activity.
- To stop the degradation of an area without shutting it down, policing is required and once an area is reserved for conservation purposes an attitude change will occur.
- The maps are only indicative as the proponents do not have access to a geographical information system.
- How the proposal affects open cut mining is up to the Government, however, where a mining lease exists so does a right to mine.
- The 5 year review period on SCAs is an unwarranted fear as once a Company has a lease it would not be tolerated for it to be lost and the Company would seek compensation.

- Opposed to the Bells Line of Road upgrade.
- The Exploration Licence would have no effect if a National Park was established over the area.
- The benefits of the proposal include better protection and interpretation.
- The heritage values include the 3 passes at Mt York; oil shale ruins at Mt Airly; nationally endangered shrub swamps; and aboriginal heritage.
- More funding is gained through lobbying.

In addition, the Local Member, Mr Gerard Martin, MP was in attendance during the address. Mr Martin advised that there is no current proposal to privatise or sell off State Forests.

At this meeting Council resolved to "reject in principle" this proposal, and to receive this Report.

#### **Legislative Provisions - National Parks and Wildlife Act 1974**

The National Parks and Wildlife Act 1974 (NPWS Act) sets out a regime for the reservation of National Parks and SCAs. There is no set application process for a person to propose a new National Park or SCA but rather it appears that the reservation of the lands is subject to the whim of the government of the day. No doubt proposals can be brought to the Government's attention through lobby groups. The relevant provisions of the NPWS Act that appear to be relevant to the proposal are attached. In relation to likely concerns in regarding mining, Councillors may wish to peruse Sections 30G(1)(c), 2(c), 41 and 47J to explain the differences relating to the strict prohibition of mining in National Parks (s 41 (1)) without an act of parliament compared to less stringent requirements of SCAs (s 47J). The different restrictions on 'existing interests' in National Parks and SCAs is explained by comparing section 39 to section 47H and the details concerning State Conservation Area Trusts and Trust Boards is explained in sections 47GA, GB, GC and GD. Section 47M deals with the 5 year review of State Conservation Areas with 47M(2) being of particular interest.

#### **The Department of Environment and Conservation**

The Department of Environment and Conservation (DEC) have advised that the Gardens of Stone Park Proposal Stage 2 has been received and is being considered. The Government has not yet made a formal response to this proposal. However, the following situation exists.

- The Mt Airly section of the proposal is an existing Government State Conservation Area commitment which DEC are working on with the Department of Primary Industries and the coal mining company in relation to the establishment of this reserve.
- The Western Escarpment section is part of Blue Mountains Public Lands Rationalisation Process. The DEC is finalising details of future Blue Mountains City Council management of this section.
- Newnes Plateau is not a current park proposal of the Government and DEC is aware of a large number of competing interests in the land including sand mining, 4WD, timber production etc.

#### **Discussion**

##### Resources

The proposal area overlies significant and important resources such as coal, forests and sand. Coal mining and exploration titles cover the majority of the proposed area. Currently there are 7 operating coal mines and 1 mining proposal. Five of these operating mines supply thermal coal to the Mt Piper and Wallerawang Power Stations and 2 supply thermal and coking coal material to the export market.

The legislative impacts of the declaration of National Parks and SCAs are discussed in the above section on legislative requirements and the subsequent attachment.

Subsidence Management Plans (SMP) are now a requirement of all underground coal mines. Plans must be based on a full land use description and impact assessment. Physical landforms and surface infrastructure are addressed, along with ecosystems and items of potential heritage or archaeological significance.

The onus is on the company to demonstrate how it proposes to manage any subsidence which may be caused by underground mining. Applicants must advertise their intention to develop a draft SMP in a local and a State-wide newspaper; identify and consult with all directly affected landholders and local councils and take their views into account.

Applicants must readvertise when the draft SMP is finalised and submit such to the Department of Primary Industries – Mineral Resources. The advertisements must contain details of where the SMP can be accessed by the public.

The Proposal Report admits at page 22 that “the recently introduced coalmine subsidence management planning process should ensure that the values of the Gardens of Stone area are protected for future generations under subsidence management plans upland swamps, pagodas and cliff lines all qualify for protection from mine subsidence. Protection zones require parts of the coal seam to be retained to ensure that the surface environment does not experience environmentally unacceptable subsidence during mining operations.”

If one of the prime concerns driving the proposal is the impact of underground mining and the proponents admit that a regime is now in place to ensure those impacts are acceptable, it raises the question as to the motivation for the proposal.

The Newnes Plateau area contains extensive resources of friable (weathered) sandstone which are currently a significant source of construction sand for the Sydney and local markets. These resources also represent a major future source for the Sydney region. As Council is aware the Newnes Plateau area is being assessed by the Department of Planning as part of the Construction Materials Strategy. The Department has recently advised that it is awaiting the development of Issues Papers for all potential areas of interest to be prepared ie Port Stephens, Shellharbour, Southern Highlands, Newnes, Maroota and Somersby Plateau prior to presenting an overall plan. In addition, the Government has decided to prepare Best Practice Guidelines for Quarries and the Substitutes and Recycling Strategy first. It is envisaged that all Issues Paper and a plan for public exhibition will be ready late 2006, early 2007.

Council will recall that the Minister for Planning approved the development of a kaolin and sand quarry operation at Newnes Junction on 14 March 2006.

Furthermore, as highlighted in the some of the submissions received of which Councillors have a copy, the proposal provides misleading and generalised statements which are not based on fact and/or supported with evidence.

#### Bells Line of Road Upgrade

It is evident that the section in the Proposal Report regarding the upgrade of the Bells Line of Road is biased and inaccurate as indicated by the Mayor prior to Council's Meeting of 18 April 2006. It argues that most vehicle movements in the Blue Mountains are local and totally ignores the importance of providing transport corridors for future growth and economic development. Council has been supportive of this Project since its inception and believes that it is important for the growth and sustainability of the Central West Region.

### Helicopters

The comments in the proposal regarding helicopter joy flights demonstrate bias and statements are made on a lack of evidence. A limit on the altitude on helicopters could only be lawfully set through certain processes administered by the Civil Aviation Safety Authority. Any local 'fly neighbouring agreement' would only be voluntary in nature and have no legal standing.

### Proposed Emirates Luxury Resort

In relation to the Proposed Emirates Luxury Resort, the Proposal Report provides some information which differs from the Concept Plan lodged with the Department of Planning. For example, but not limited to; 40 villas being proposed; and the helipad will accommodate a maximum of 4 movements per week and flight paths will be determined to minimise potential impacts upon wilderness area, with the final route being confirmed with the Civil Aviation Safety Authority and National Parks and Wildlife Service. Council will recall that at its meeting of the 30 November 2005, it resolved to support the proposed Concept Plan, however concerns were raised pertaining the proposed limited improvements to the Wolgan Road.

### Crown Reserves

The DEC has confirmed previous advice that it favours the management of the Western Escarpment by Blue Mountains City Council (BMCC) and is currently finalising details. Council will recall from its meeting of 4 October 2005 that it had some concern over BMCC managing additional land within the Lithgow Local Government Area and wished to consult with the community prior to making a final determination on the matter. In order to prepare any exhibition material, Council firstly required information from DEC and BMCC, however, this information has not been forthcoming to date. Nevertheless, BMCC is preparing a Plan of Management for the Mount York area and has invited Council Officers to sit on the Steering Committee. It is envisaged that regular information reports will be provided to Council on the progress of the plan of management.

The proposal does involve the declaration of Hassans Walls Reserve and possibly other Crown Reserves which Council is Trustee of as SCAs and as such another land manager may be appointed by the Minister. If this was to eventuate, Council would need to re-consider its current/future funding and staff commitments to projects within these areas. This funding is potentially in the vicinity of \$444,500 and includes funds already committed by Council and government departments/authorities; Council budget proposals for 2006/07 to 2008/09; and funding applications already submitted or under preparation. It should be noted that this funding does not include staff costs.

### Other Issues – Tourism and Recreational Pursuits

On a positive note, the proponents promotion of conservation as a means of further developing the local tourism industry is admirable. However, it should not also ignore other economic development activities in a wider context and it lacks this analysis.

The proposal also makes valid comments in relation to damage caused by unrestricted use of recreational vehicles. However, the simple declaration of a locality as a National Park or SCA provides no guarantee that these areas would be better protected than under the current tenure. This is a complex supervision and resourcing issue which can not be adequately resolved by the proposal.

### **Conclusion**

In concluding, the Gardens of Stone Park Proposal Stage 2 Report provides a subjective and biased view which is based on misleading and generalised statements that lack scientific and evidentiary proof. It fails to provide any assessment of the potential impacts of the proposal on local coal, forest and sand resources. It is the economic and social impacts which are of major concern and which need to be fully assessed prior to any decision being made on the proposal.

Council is well aware that the Lithgow Local Government Area is a spectacular area and a great place to live, work and visit, however, the Gardens of Stone Park Proposal Stage 2 Report does not paint the same picture. Therefore, it is disappointing that Council and the community were not consulted during the development of this proposal.

Finally, due to the deficiencies in the proposal, it is considered that the Council has no alternative but to reject the Gardens of Stone Park Proposal Stage 2.

### **POLICY IMPLICATIONS**

Council's resolution from this Report may become Council's stance on the issue.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this Report.

### **LEGAL IMPLICATIONS**

The legal implications of the National Parks and Wildlife Act 1974 are discussed in the commentary of this Report with more specific requirements attached.

### **RECOMMENDATION**

#### **THAT**

1. The Gardens of Stone Park Proposal Stage 2 be rejected based on the contents of the Report.
2. A delegation to the Minister for Environment be requested through the Local Member, Gerard Martin, MP to present Council's position.

Councillor Wayne McAndrew declared a non pecuniary conflict interest in Item 2 due to his association with the coal mining industry, although he is not employed within the industry. He wished to take part in discussion and in the voting. He did not vacate the Chambers.

Councillor Margaret Collins declared a pecuniary interest in item 2 as she is a Director in company working in the coal mining industry. She vacated the Chambers.

Councillor Barbara Moran declared a pecuniary interest in Item 2 as her Husband works with Centennial Coal. She vacated the Chambers.

Councillor Michael Wilson declared a pecuniary interest in item 2 as he is employed by Delta. He vacated the Chambers.

### **06- 119 RESOLVED**

#### **THAT**

1. The Gardens of Stone Park Proposal Stage 2 be rejected based on the contents of the Report.
2. A delegation/submission to the Minister for Environment be requested through the Local Member, Gerard Martin, MP to present Council's position.

FOR: 4  
AGAINST: 1

**MOVED:** Councillor H K Fisher

**SECONDED:** Councillor B P Morrissey.

**CARRIED**

**ITEM:3            EPS - 01/05/06 - LITHGOW COUNCIL WINS MAJOR HERITAGE AWARD**

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## **SUMMARY**

To advise of Council's successful partnership with the community that has resulted in recognition in the Energy Australia / National Trust NSW Awards.

## **COMMENTARY**

The Energy Australia National Trust Heritage Awards were presented in Sydney by the Hon. Tony Kelly ALGA MLC, Minister for Lands at the Westin Hotel, attended by over 250 people from around New South Wales.

This year's awards program attracted over 70 entries with a total of 35 winners and commendations awarded. The annual awards event provides well-deserved recognition to those who protect NSW's heritage across all sectors of society, including government, community groups, commercial enterprises and individuals.

Lithgow's Furnace Fire & Forge entry received a Highly Commended award in the Education: Corporate / Government category. The judges commented that "Lithgow City Council has worked closely with their community and generated incredible interest in a new heritage trail entitled Furnace Fire & Forge. The trail reinforces Lithgow's importance as a centre for coal mining, minerals processing, manufacturing and railway heritage. It is the educational aspects of the trail that connect the community into this rich history. Many cities and towns could emulate Lithgow's example".

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

This recognition may assist in achieving funding opportunities with government agencies in the future.

## LEGAL IMPLICATIONS

Nil

## RECOMMENDATION

**THAT** the information be received.

### 06- 120 RESOLVED

**THAT:**

1. The information be received.
2. Council thank Mr Ian Rufus for his work on the Heritage Study.

**MOVED:** Councillor B P Morrissey

**SECONDED:** Councillor W McAndrew.

**CARRIED**

**ITEM:4            EPS - 01/05/06 - MARRANGAROO LAND USE LOCAL ENVIRONMENTAL STUDY**

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## SUMMARY

To provide Council with an update on the progress of the Marrangaroo land use / local environmental study.

## COMMENTARY

The Marrangaroo land use/Local Environmental study progress is progressing in accordance with the project time frame. A summary for the Council is provided.

### **Consultation with State Government & Infrastructure Providers**

**6 February, 2006** round table meeting of agencies and infrastructure providers.

**2 March, 2006** an **authority's workshop** was held to refine State and infrastructure parameters to development of the area. This meeting did not look at land use options but examined more closely constraints to development. The issues raised were then noted by the consultants for resolution in the draft Local Environmental Study.

That afternoon, a joint meeting was held with the **Marrangaroo Community Group and Marrangaroo Working Group** (Council's steering body).

This meeting considered the morning comments from the State agency and infrastructure providers and identified areas with similar characteristics and constraints. Possible land uses were canvassed. Issues raised were then noted by the consultants for resolution in the draft Local Environmental Study.

**An "Open House" was held at Lithgow Golf Club on 16 February 2006** comprising continuous presentation, fixed displays on the project and what had been found so far, feedback, updated newsletter, and one-on-one explanation. Open 9.00am – 8.00pm with most people attending during the day (9-5pm). An estimated 100 people came through. Where-ever possible the following comments were recorded: what people valued about the area, the opportunities and concerns/issues with development of the area. These have been summarised. A survey was also available and people invited to fill it in. The majority of attendees who completed the survey identified themselves as local residents and landowners of Marrangaroo. Most heard about the open house through the Newsletter.

The draft of the Local Environmental Study has been produced by the consultants, and a meeting of the Marrangaroo Working Group on 2 April 2006 considered the draft. A number of suggestions and amendments were proposed at the meeting and given to the consultants for amendment.

This was followed immediately by a meeting of the Marrangaroo Community Group, to update the community on the progress of the study, and noting that the Draft study was on track for exhibition.

### **Consultation with the community**

A number of avenues have been developed to let the community know about the project. These are:

- Council's official website (front page link),
- the Marrangaroo newsletter,
- the Marrangaroo Community Group
- newspaper advertisements
- information display and explanation (open house)
- Council's internal newsletter.

### **Project Schedule**

The project is on schedule with the draft LES being due for exhibition in June/July. A coloured updated schedule has been prepared to advise councillors of key periods.

### **POLICY IMPLICATIONS**

This study will provide Council with information to form decisions about the future of Marrangaroo.

### **FINANCIAL IMPLICATIONS**

The study including project management has been funded in the Council budget and no other financial implications are anticipated.

**LEGAL IMPLICATIONS**

Nil

**06- 121 RESOLVED**

**THAT** progress with the Marrangaroo study be noted

**MOVED:** Councillor M M Collins

**SECONDED:** Councillor W McAndrew.

**CARRIED**

The meeting closed at: 6.43pm.