



LITHGOW CITY COUNCIL

## AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

18 APRIL 2006

AT 7.00pm

**PRESENTATION FROM  
COLONG FOUNDATION @6.00PM**

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# AGENDA

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## **PRESENT**

## **QUESTIONS FROM THE PUBLIC GALLERY**

## **PRESENTATIONS**

Colong Foundation - 6.00pm  
Upper Macquarie County Council

## **CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 MARCH 2006**

## **DECLARATION OF INTEREST**

## **MAYORAL MINUTES - NIL**

## **NOTICES OF MOTION - NIL**

## **NOTICE OF RESCISSION - NIL**

## **CORRESPONDENCE AND REPORTS**

General Manager Reports  
Corporate Services Report  
Environment and Planning Services Reports

## **REPORTS FROM DELEGATES - NIL**

## **COMMITTEE MEETINGS - NIL**

## **QUESTIONS WITHOUT NOTICE**

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## GENERAL MANAGER REPORTS

ITEM:1           EXEC - 18/04/06 - CULLEN VALLEY COAL MINE COMMUNITY  
CONSULTATIVE COMMITTEE - APPOINTMENT OF NEW MEMBER

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### REFERENCE

Dataworks Document 264185

### SUMMARY

This report seeks to establish a representative from Council to represent the community as part of the Cullen Valley Coal Mine Community Consultative Committee.

### COMMENTARY

Correspondence was received from the Chairman of the Cullen Valley Coal Mine requesting Council to appoint a new member to the Community Consultative Committee due to the resignation of Councillor McAndrew from the Committee.

It has been requested that by the Committee that Council appoint the General Manager to be the Council representative for this Committee, in which he will:

1. Attend each meeting and provide Council with feedback
2. Review and provide advice on the performance of the development

The dates of the meetings will be advised as soon as Council appoint a new member.

### POLICY IMPLICATIONS

NIL

### FINANCIAL IMPLICATIONS

NIL

### LEGAL IMPLICATIONS

NIL

### ATTACHMENTS

NIL

### RECOMMENDATION

**THAT** Council elect the General Manager or his nominee to sit on the Community Consultative Committee for Cullen Valley Coal Mine.

**ITEM:2 EXEC - 18/04/06 - LITHGOW ENTERPRISE DEVELOPMENT AGENCY  
INC (LEDA)**

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**REFERENCE**

NIL

**SUMMARY**

The purpose of this report is to advise Council of the "winding up" of the LEDA Inc and seek Council's agreement for the utilisation of LEDA's liquid assets for economic development activities.

**COMMENTARY**

As Council maybe aware LEDA is finalising the necessary process of cancellation of its Incorporation as a not-for-profit organisation. This will legally define that LEDA no longer exists as an entity or an organisation.

LEDA have offered to Council their liquid assets remaining following the winding up, if Council agrees to use such assets for the purposes to which LEDA was originally established, Council may internally restrict such funds for this purpose if agreeable.

LEDA was originally constituted for the following purposes:

- To seek out and encourage the establishment of new business in the Lithgow region.
- To assist existing business to prosper and expand.
- To assist and encourage new development in the region.
- To promote the advantages of living and working in Lithgow.

**POLICY IMPLICATIONS**

NIL at this stage, other than defining what the internally restricted funds are to be used for.

**FINANCIAL IMPLICATIONS**

This proposal will result in Council creating an internally restricted asset for the purposes detailed in this report.

**LEGAL IMPLICATIONS**

NIL

**CONCLUSION**

It would appear to make good sense for Council to receive the liquid assets from LEDA and to internally restrict the funds for the purposes identified. These funds could be supplemented by Council in coming years and used to secure other forms of funding from State and Federal Governments for the purpose of Economic Development in the Lithgow Local Government Area.

## **ATTACHMENTS**

NIL

## **RECOMMENDATION**

### **THAT:**

1. Council agree to accept the liquid assets from LEDA and to internally restrict such funds for the purpose of:
  - To seek out and encourage the establishment of new business in the Lithgow region.
  - To assist existing business to prosper and expand.
  - To assist and encourage new development in the region.
  - To promote the advantages of living and working in Lithgow.
2. Council thank LEDA for its operations and benefits it has provided to the growth and development of Lithgow since its inception.

## **ENVIRONMENT & PLANNING SERVICES REPORTS**

### **ITEM:3            EPS - 18/04/06 - THE GARDENS OF STONE PARK PROPOSAL PRESENTATION**

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#### **REFERENCE**

Item 8, EPS, 20 March 2006

#### **SUMMARY**

To provide a presentation on the Gardens of Stone Park Proposal Stage 2 by the Colong Foundation for Wilderness.

#### **COMMENTARY**

At its meeting of 20 March 2006, Council resolved to invite the Colong Foundation to provide an address on the Gardens of Stone Park Proposal Stage 2 at 6pm. In correspondence provided to Councillors dated 28 March 2006 from the Colong Foundation, the Foundation and the Blue Mountains Conservation Society welcomed the opportunity to provide the address.

In addition, the State Member for Bathurst, Gerard Martin, MP has advised that he will be in attendance at the meeting for the address.

#### **POLICY IMPLICATIONS**

The policy implications will be explored in a future report.

#### **FINANCIAL IMPLICATIONS**

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

#### **LEGAL IMPLICATIONS**

There are no legal implications as a result of this presentation.

#### **ATTACHMENTS**

Nil

#### **RECOMMENDATION**

**THAT** the presentation from the Colong Foundation be received.

**ITEM:4            EPS - 18/04/06 - LAND & ENVIRONMENT COURT APPEAL - DA  
504/04 REFUSAL OF CHURCH & CORPORATE RETREAT**

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**REFERENCE**

Item 4, EPS, 6 December 2004  
Item 4, EPS, 7 March 2005

**SUMMARY**

To advise of an appeal lodged in the Land and Environment Court against Council's refusal of development consent for a church and corporate retreat at Peach Tree Road, Megalong Valley.

**COMMENTARY**

Council has been served with an application by Norman Waterhouse Lawyers on behalf of Peter Delaney advising of an appeal to the Land and Environment Court against Council's refusal of development consent for a church and corporate retreat at Lot 301 DP 852548, Peach Tree Road, Megalong Valley. The matter has been referred to Council's Solicitors with the first telephone call over to take place on 22 May 2006.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Legal costs will be incurred but are unable to be estimated at this stage.

**LEGAL IMPLICATIONS**

The appeal has commenced in accordance with the provisions of Section 97 of the Environmental Planning and Assessment Act.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** the information be received.



**ITEM:5            EPS - 18/4/06 - MINISTERIAL CONSENT FOR THE NEWNES KAOLIN  
MINE & SAND QUARRY**

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**REFERENCE**

Question Without Notice, Councillor MF Ticehurst, 20 March 2006

**SUMMARY**

To advise Council of the Ministerial Consent for the development of a kaolin mine and sand quarry, off Sandham Road, Newnes Junction.

**COMMENTARY**

Further to a Question Without Notice from Councillor MF Ticehurst at Council's meeting of 20 March 2006 regarding a State Government approval for the Newnes development, it is advised that a copy of the Ministerial Consent for the kaolin mine and sand quarry, off Sandham Road, Newnes Junction was received by Council on 29 March 2006.

A copy of the consent can be made available to Councillors upon request.

**POLICY IMPLICATIONS**

There are no policy implications as a result of this report.

**FINANCIAL IMPLICATIONS**

A condition has been imposed on the consent relating to the payment of section 94 rural roads and fire contributions.

**LEGAL IMPLICATIONS**

There are no legal implications as a result of this report.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

**THAT** the information be received.

**ITEM:6            EPS - 18/04/06 - ENVIRONMENTAL PLANNING AND ASSESSMENT  
                         AMENDMENT BILL 2006**

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**SUMMARY**

To advise Council of the passage of the Environmental Planning and Assessment Bill 2006.

**COMMENTARY**

The Council may be aware through various press releases and Circulars provided by the Local Government and Shires Associations of the passage of the Environmental Planning and Assessment Bill 2006. The Bill received assent from both the Legislative Assembly and Legislative Council on 4 April 2006 although the timeline for its proclamation into law is not known at this stage. The main features of the Bill are:

- It permits the Planning Minister to appoint an external planning administrator or planning assessment panel to take over the planning and development functions of a council that is not carrying out these functions appropriately.
- It provides power to the Planning Minister to direct councils to submit reports on their performance.
- It provides the Minister the power to specify areas where infrastructure and services must be delivered hand in hand with development. In such areas (initially likely to be declared growth centres) the State Government will be able to raise a development contribution known as a special infrastructure contribution.
- It grants the Planning Minister powers to direct a council to make, change or revoke development control plans.
- It enables the Planning Minister to direct a council to make, amend or repeal a contributions plan within a certain time.

Essentially, it appears as though the Bill is directed at ensuring councils do not misuse their planning powers and their functions are carried out in accordance to both law and efficient practice.

**POLICY IMPLICATIONS**

Once proclaimed into law, there may be policy implications. If so, these will be separately reported.

**FINANCIAL IMPLICATIONS**

Once proclaimed into law, there may be some potential financial implications. For example, the Local Government and Shires Associations have claimed that the legislation will force councils whose functions are carried out by an assessment panel to reimburse the government for the costs of the panels.

### **LEGAL IMPLICATIONS**

The legal implications are the subject of this report.

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

**THAT** the information be received.

## **CORPORATE SERVICES REPORTS**

**ITEM:7            CORP - 18/04/06 - LEASE OF 29 ESKBANK ST LITHGOW TO  
DIGITAL WISDOM PTY LTD**

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### **REFERENCE**

Nil

### **SUMMARY**

This report will seek Council approval to attach the Common Seal to a lease to Digital Wisdom Pty Ltd for 29 Eskbank St, Lithgow from the 8 March 2006 to 7 September 2006.

### **COMMENTARY**

Digital Wisdom Pty Ltd have occupied Council premises known 29 Eskbank St Lithgow, being a lock up shop, since 8 March 2006.

### **PROPOSED DETAILS OF THE LEASE:**

- Commencing Date: 8 March 2006
- Terminating Date: 7 September 2006
- Further option to renew: 6 month period
- Annual Rental: \$5,200 (GST Exc) \$433.33 per month
- Max term under lease: Twelve (12) months
- Property manager: L J Hooker

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Rental income of \$5,200 (GST Exc) per annum.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

**THAT** Council affix the Common Seal to the lease to Digital Wisdom Pty Ltd for 29 Eskbank St Lithgow, commencing from 8 March 2006 to 7 September 2006.

**COMMITTEE MEETINGS**

Nil.

**QUESTIONS WITHOUT NOTICE**

Nil.