



LITHGOW CITY COUNCIL

“A Centre of Regional Excellence”

AGENDA

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

03 MAY 2010

AT 7.00pm

AGENDA

APOLOGIES

PRESENT

QUESTIONS FROM THE PUBLIC FORUM

PRESENTATIONS

CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 12th April 2010

DECLARATION OF INTEREST

MAYORAL MINUTES - NIL

NOTICE OF RESCISSIONS – NIL

NOTICES OF MOTION - Councillor M F Ticehurst – Question Without Notice Councillor M F Ticehurst – Question Without Notice

CORRESPONDENCE AND REPORTS

General Managers Reports
Regional Services Reports
Community and Corporate Services Reports

COMMITTEE MEETINGS

Community Recognition Committee
Sports Advisory Committee

CLOSED REPORTS

Confidential Report - Offer to Purchase Commercial Property.

REPORTS FROM DELEGATES - NIL

BUSINESS OF GREAT URGENCY

As identified by Clause 241 of the Local Government (General) Regulations 2005

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NOTICES OF MOTION

ITEM:1 NOTICE OF MOTION - 03/05/10 - QUESTION WITHOUT NOTICE - COUNCILLOR M F TICEHURST

REFERENCE

Resolution 10 – 57: Development Application 002-10 Improvement and Upgrades to the Tony Luchetti Showground (Ashley Grandstand)

Resolution 10-150: Tender 05/10 Structural Rectification Works – Ashley Grandstand, Lithgow.

COMMENTARY

I have been reminded by ratepayers and residents and inform the Council and Councillors, that they may well remember the 1985 English Bradford City Football Grandstand fire disaster of which 56 people lost their lives.

With respect to the works proposed for the Ashley Grandstand, Lithgow it is vitally important that with the introduction of the new 974 fixed seats, additional hand rails and crush railing, the installation of two Coaches Boxes at the rear and a new Broadcast Booth at the front of the of the old wooden Grandstand, that the future and ongoing public safety of any patrons, particularly the aged and those with disabilities who may wish to access and use the new seating in Grandstand is paramount.

Following the recent raising of these public concerns, further public information is being sought with respect to the proposed Structural Rectification Works as indicated to be undertaken on the historic Ashley Grandstand.

With respect to the Lithgow City Councils Submission to the Federal Government under the RLCIP Grant Program for the following upgrading works to the Ashley Grandstand at the Tony Luchetti Showground,

- Plumbing and electrical modification and improvements
- Dressing shed modification and improvements
- Canteen modification and improvements
- Club storage area improvements
- Flooring/seating improvements

Q. What if any consideration was given to the patrons accessing and exiting the proposed new 974 fixed seating Grandstand to immediately egress the old wooden Grandstand the case of an immediate emergency, such as that caused by smoke, fire or flares?

- Q. What if any consideration was given to the patrons accessing and exiting the proposed new 974 fixed seating Grandstand, in particular patrons with all forms of disabilities and will the proposed new modern works comply with the Building Code of Australia Guidelines for people with disabilities?
- Q. Can the Council confirm if it is correct that patrons accessing and exiting the proposed new 974 fixed seating Grandstand, in particular patrons with all forms of disabilities, will be legally required to be provided with a large Public Lift at the rear of the Grandstand to allow for people with disabilities to access the rear and higher areas of the Grandstand and the new Coaches Boxes and alternatively to exit the Grandstand to access the Public Toilets, Dressing Rooms and Canteen which are all located under the Grandstand?
- Q. Will the Lithgow City Council seek the professional advice of Disability Advocate, Mr Bob Trimming who has previously provided updated advice to the Lithgow City Council on access issues for people with disabilities?
- Q. Does the Ashley Grandstand, which is substantially a mostly old wooden and iron structure, have any approved Fire Rating and if so, what is it?
- Q. Does the Lithgow City Council currently have a Fire Evacuation or Emergency Plan for the Ashley Grandstand, and if so, will this be upgraded to reflect the new works for the installation of 974 fixed seats and the associated crush barriers and hand rails in the Ashley Grandstand?
- Q. How will any Lithgow City Council Fire Evacuation or Emergency Plan for the Ashley Grandstand be enforced by the Lithgow City Council upon the Hirers of the Showground precinct, such as Ironfest, Show, Rugby League?
- Q. How many Fire Exits does the Ashley Grandstand currently have and with the new works for the installation of 974 fixed seats and associated crush barriers and hand rails; how many more Fire Exits will have to be installed, where will they need to be installed in the Grandstand and what will be the final cost?
- Q. Will the Lithgow City Councils Public Liability Insurers be satisfied with and sign off (like the Wolgan Gap) on that the Lithgow City Council complies with and has catered for all known public risks to future patrons accessing and egressing the new 974 fixed seated capacity Ashley Grandstand?

RECOMMENDATION

THAT the General Manager provides the Council, Councillors and ratepayers with a written response to the above Question with Notice.

**ITEM:2 NOTICE OF MOTION - 03/05/10 - COUNCILLOR M F TICEHURST -
QUESTION WITH NOTICE**

COMMENTARY

At the Ordinary Meeting of the Lithgow City Council on Monday 22 March 2010, the Lithgow City Council resolved with respect to Agenda Item 7. Ambulance Services in Portland, as follows: -

10- 98 RESOLVED

THAT Council:

1. Note the report on a possible Community First Responder Unit at Portland;
2. Advertise in the local media for Expressions of Interest from the community to become a member of the Community First Responder Unit in Portland;
3. Investigate whether the Rural Fire Services would be interested in being members of a First Responses Unit; and
4. Contact Delta Electricity regarding the possibility of a First Responder Unit at Mount Piper or Wallerawang Power Stations.

MOVED: Councillor G Danaher **SECONDED:** Councillor H K Fisher.

Q. 1. As the matter is considered medically urgent and life threatening, could the General Manager provide the Council with a public update on the above resolution as made?

And

Q. 2 Is the Council aware of a recent Media report (attached) in the Lithgow Mercury and on Prime TV relating to a similar request for Ambulance Services in Wallerawang and if so, could the Council also seek Expressions of Interest from Wallerawang and any other interested Towns and Villages in the Lithgow Local Government area?

RECOMMENDATION

THAT the General Manager provides the Council, Councillors and ratepayers with a written response to the above Question with Notice.

GENERAL MANAGERS REPORTS

ITEM:3 GM - 12/04/10 - PETITION FROM RATEPAYERS REGARDING AMBULANCE SERVICE IN WALLERAWANG

REFERENCE

NIL

SUMMARY

Lithgow City Council is in receipt of a petition from ratepayers in relation to a possible ambulance service in Wallerawang NSW.

COMMENTARY

Lithgow City Council is in receipt of a petition from ratepayers in the local government area requesting for an ambulance service to be based in the Wallerawang area.

The ratepayers believe that this service will service the community of Wallerawang and other communities such as Portland, Cullen Bullen, Sunny Corner and Capertee.

A possible ambulance service in this area will also benefit the mines located near by including Baal Bone, Angus Place, Airly and Springvale Collieries.

On behalf of the ratepayers, Lithgow Council has written to the Local Member, Gerard Martin asking him to investigate this matter further through the relevant Minister.

Councillors will recall at the Ordinary Meeting of Council held on 22nd March, it was reported by the Chief Executive of the Ambulance Service of NSW that there were no plans to base an ambulance at Portland, but there was an opportunity to establish a Community First Responder Unit in this area.

The Council resolved to advertise for interested members to join a Community First Responder Unit, as well as investigating the possibility of having First Response Units at Mount Piper and Wallerawang Power Stations which would also benefit the communities in this area.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

RECOMMENDATION

THAT the report on a possible ambulance service in Wallerawang be noted.

ITEM:4 GM - 03/05/10 - LITHGOW SWIMMING POOL / AQUATIC CENTRE

REFERENCE

Min No 09-196 – Ordinary Meeting 11 May 2009
Min No 09-270 – Ordinary Meeting 22 June 2009
Min No 09-518 – Ordinary Meeting 23 November 2009
Min No 10-23 – Ordinary Meeting 18 January 2010

SUMMARY

Centennial Coal has agreed to provide Council with an annual contribution of \$30,000 per year for five years for the upgrade of the Lithgow Swimming Pool. An option of a further five years may also be available at the conclusion of this period.

COMMENTARY

Lithgow City Council's long held goal to upgrade the local swimming pool has been given a major boost with Centennial Coal announcing a commitment to provide financial support toward the project.

This commitment is in response to Council's submission for Federal funds under the Regional and Local Community Infrastructure Program (RLCIP) Strategic Projects Round 2.

The company has indicated that half of its business interests are in the Lithgow area and will therefore be supporting Lithgow City Council's bid to upgrade the pool complex.

Centennial Coal will provide annual financial support (\$30,000) towards this project for the next five years. After five years Centennial will review this commitment with an option to continuing the support for a further five year period.

Council still awaits advice in relation to its application for funding under the RLCIP program.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

A financial contribution of \$30,000 per year for five years will be provided to Council for the upgrade of the Lithgow Swimming Pool.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

1. Letter from Centennial Coal.

RECOMMENDATION

THAT Council:

1. Note that Centennial Coal will be providing a financial contribution to Council of \$30,000 for five years; and
2. Note that Centennial Coal has offered to review its commitment after this five year period and will consider a commitment for a further five years;
3. Thank Centennial Coal for its commitment to the Lithgow Swimming Pool Complex and to the Lithgow LGA.

ITEM:5 GM - 03/05/10 - LITHGOW RECYCLED WATER (CLARENCE COLLIERY WATER TRANSFER SYSTEM UPGRADE)

REFERENCE

NIL

SUMMARY

Correspondence has been received from the Minister For Climate Change, Energy Efficiency and Water in relation to the Lithgow Recycled Water (Clarence Colliery Water Transfer System Upgrade) project.

COMMENTARY

Council is in receipt of correspondence from the Minister for Climate Change, Energy Efficiency and Water in relation to the Lithgow Recycled Water (Clarence Colliery Water Transfer System Upgrade) project.

Council was advised that following a due diligence assessment by the Department, they have approved the funding of \$3,895,728 to Lithgow City Council for Stage 2 of the project - Construction of Infrastructure. This amount is the remainder of the \$4 million committed by the Australian Government in 2008 for this project.

Final approval of funding is dependent upon Council entering into a legally binding funding agreement with the Australian Government, gaining of all environmental approvals necessary for the project and committing to identify alternative funding sources to enable implementation of the project in the vent of cost overruns.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Accept the funding of \$3,895,728 from the Federal Government for the Clarence Colliery Water Transfer System Upgrade.
2. Enter in to a funding agreement for these funds.
3. Authorise for the Council seal to be affixed to the necessary documentation.
4. Thank the Minister for the offer.

REGIONAL SERVICES REPORTS

ITEM:6 REG - 03/05/10 - LITHGOW ANTI-AIRCRAFT GUN BATTERY A - NOMINATION TO STATE HERITAGE REGISTER

REPORT BY: ANDREW MUIR – GROUP MANAGER REGIONAL SERVICES

REFERENCE

Nil

SUMMARY

To notify Council of a proposal by the Heritage Branch of the Department of Planning to place Lithgow Anti-Aircraft Gun Battery A, located off Kirkley Street, South Bowenfels, on the State Heritage Register.

COMMENTARY

The Heritage Branch of the Department of Planning have written to Council requesting its support to include the South Bowenfels gun emplacements on the State Heritage Register. Council already has the gun emplacements included as a Heritage Item in Schedule 1 of the Lithgow Local Environmental Plan 1994.

They advise that the Heritage Council of NSW has endorsed the State Heritage Register Thematic Listings Program. This is a strategic initiative to maintain a balanced and credible State Heritage Register which reflects the heritage diversity of the State of NSW. Four themes are being focused on in 2009-2011. The four themes are:

- Aboriginal heritage – to ensure this important aspect of the State's history continues to be recognised;
- Convict sites – to acknowledge work associated with the Australian Convict Sites World Heritage nomination;
- Governor Macquarie sites – to mark the bicentenary of Macquarie's tenure as Governor (1810-1821); and
- World War 1 & 11 sites – to acknowledge important anniversaries including the 70th anniversary of the beginning of WW11.

The Heritage Branch of the Department of Planning wishes to nominate Lithgow Anti-Aircraft Gun Battery A to the State Heritage Register under the World War 1 & 11 theme. The Battery is located in open space owned by Council. The South Bowenfels battery is an important element in the World War 11 network of defence sites and, in particular anti-aircraft gun batteries, which protected important Lithgow mining and manufacturing industries and the transport hub during the war. Together with its twin, Clwydd Battery on Scenic Hill at the other end of the Lithgow Valley, the South Bowenfels complex is believed to be the only anti-aircraft battery of its type in NSW (and possibly Australia).

The three heavy anti-aircraft guns making it the largest collection of guns in situ in Australia. Inclusion in the register would celebrate the sites role in this history.

Should the site be included in the register, day to day activities do not require approval under the Heritage Act (1977).

It is requested that Council provide its support for listing the Lithgow-Anti Aircraft Gun Battery A located off Kirkley Street, South Bowenfels on the State Heritage Register under the World War 1 & 11 theme.

This proposal has been discussed with Council's Heritage Advisor, Mr Christo Aitken. It is considered that this is a positive proposal that may lead to an increase in potential funding for the site as placement on the State Heritage list is one of the important criteria for priority funding requests.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Letter from the Department of Planning Heritage Branch.

RECOMMENDATION

THAT Council support the nomination of the Lithgow Anti-Aircraft Gun Battery A located off Kirkley Street, South Bowenfels for placement on the State Heritage Register under the World War 1 & II theme.

ITEM:7 REG - 03/05/10 - HARTLEY RYOLITE QUARRY

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

SUMMARY

Council is in receipt of a Development Application from Hy-Tec Industries on behalf of Hartley Pastoral Co P/L, for DA 103/94 seeking variation of operating hours to Hartley Ryolite Quarry at Jenolan Caves Road, Hartley.

COMMENTARY

An original approval for DA 103/94 regarding the construction of the quarry was submitted to Council, with the operating hours approved from being 6am to 6pm. The proposal is to change the hours to 5am to 10pm Monday to Friday and 5am to 3pm on Saturdays. The change of hours involves the quarry operations and traffic movements. It represents a minor variation to activities at the approved existing development consent (DA 103/94) and will not involve the expansion of the scale of activities. It is intended that the number of transport movement will not be affected. The expected outcome may result to lower truck operating hours on less congested roads, with a consequence of improving the scheduling time into the Sydney markets, including greater flexibility in situations during peak demand or recovery from maintenance downtimes.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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.

ATTACHMENTS

1. A complete Section 79C report for the modification of operation hours for DA 103/94.
2. Conditions of determination from the original DA 103/94 for the Establishment of a Hard Rock Quarry and Associated Processing Plant.

RECOMMENDATION

THAT:

A. Council approve DA 103-94 in accordance with the conditions outlined in the attached Section 79C report.

B. A division be called in accordance with the provisions of Section 375(3) of the Local Government Act 1993.

ITEM:8 REG - 03/05/10 - DROUGHT MANAGEMENT

REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Ordinary Meeting of 18 January 2010 – Min No 10-05.

Ordinary Meeting of 8 February 2010 – Min 10-33

Ordinary Meeting of 1 March 2010 – Min No 10-60

Ordinary Meeting of 12 April 2010 – Min No 10-131

SUMMARY

This report provides an update on various drought management issues as per Min No 10-03.

COMMENTARY

As at 27 April 2010 Farmers Creek Dam was at 92.2%% and Oberon Dam was at 10.02%.

CURRENT WATER USAGE FROM EACH SUPPLY

Table 1 below indicates total output from the Oakey Park Water Treatment Plant (consumption) and the volume transferred from the Clarence Transfer system for 2010 up to 12 April 2010.

Month	Oakey Park Water Treatment Plant (ML)	Clarence Transfer (ML)
January	109.99	74.68
February	100.07	19.37*
March	120.5	Nil
April (to 12 th)	39.9	21**
Total 2010	370.46	115.05

Table 1 – Oakey Park Output and Clarence Transfer 2010

* Stopped pumping on 8 February

** Recommended pumping on 8th April 2010

Table 2 below indicates consumption from customers of the Fish River Water Supply from 1 July 2009 to date. It also provides the Maximum Annual Quantity (MAQ) of each customer and their annual consumption since 2004/05.

Fish River Water Supply Consumption

2009/10	Water Consumption (ML)					Total
	Delta Electricity	Lithgow Council	Sydney Catchment Authority	Oberon Council	Minor Consumers	
Jul	179	36	0	44	20	278
Aug	328	48	0	58	20	454
Sep	266	45	0	47	20	378
Oct	370	55	0	59	20	504
Nov	356	49	0	50	20	475
Dec	193	61	0	42	20	316
Jan	107	48	0	32	20	222
Feb	251	49	0	46	20	366
Mar	165	69	0	69	20	323
Apr						
May						
Jun						
Total	2215	460	0	447	180	3302
2004/05	4,960	735	1,878	677	162	8,412
2005/06	6,367	959	2,098	725	228	10,378
2006/07	6,590	795	3,115	749	218	11,468
2007/08	4,367	747	1,077	601	150	6,942
2008/09	3,356	699	208	583	240	5,086
MAQ	8,184	2,092	3,650	750	200	14,876

Table 2 - Fish River Water Supply Consumption from 1 July 2009 to date

CURRENT WATER RESTRICTIONS UPDATE

Level 4 Water Restrictions are currently in place for residents of Lithgow and Marrangaroo. Level 5 restrictions apply to consumers on the Fish River Water Supply.

WATER SAVING SCHEMES OR PROCESSES UPDATE

Council's Rainwater Tank and Domestic Appliance Rebate program provides the following rebates for residential premises:

Rainwater Tank - Option 1

- Minimum 5000 litre tank – connected to Garden Tap only - **\$200**

Rainwater Tank - Option 2

- Minimum 5000 litre tank – connected to Garden Tap & Toilet and Washing Machine - **\$800**

Household Appliances – Washing Machines and Dishwashers

- For water efficient Household appliances such as Dishwasher or Washing machine that have a four star WELS rating or AAAAA rating a rebate of **\$150/appliance/Household**.

In April to date Council has received 4 applications for a household appliance rebate and no application for a water tank rebates.

ALTERNATE WATER SOURCES UPDATE

ANY OTHER MATTER RELATING TO THE ISSUE THAT SHOULD BE REPORTED TO COUNCIL

In relation to the Farmers Creek Water to Villages project survey works have been completed for the duplicate pipeline from Cook Street high level reservoir. NSW Public Works have been engaged to prepare a concept design/route for a duplicate pipeline and Review of Environmental Factors. Materials will be ordered once basic design is finalised.

At the Ordinary meeting of 12 April 2010, Council enquired as to the access charges for the Fish River Water Supply Scheme. Council is currently subject to an access charge of 0.36 per kl. With a MAQ of 2,092,000kl Council will pay \$753,120 in 2010/2011.

THAT ALL ITEMS ABOVE BE REPORTED BACK TO THE MEDIA SO THAT LOCAL RESIDENTS ARE AWARE OF THE SITUATION

The media are in the gallery this evening.

POLICY IMPLICATIONS

12.2 WATER RESTRICTIONS - This Policy determines Council's response to non-compliance with water restrictions.

FINANCIAL IMPLICATIONS

No specific legal issues arise as a result of this report.

LEGAL IMPLICATIONS

No specific legal issues arise as a result of this report.

RESOLVED

THAT the information in relation to drought management issues be noted.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:9 COMM - 03/05/10 - DRAFT ABORIGINAL CONSULTATION POLICY

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 10.36 - Ordinary Meeting of Council dated 8 February 2010.

SUMMARY

Council resolved at the Ordinary Meeting of Council held 8 February 2010 (Min 10-36)

THAT

1. Council endorse the attached Draft Aboriginal Consultation Policy and place it on public exhibition for a period of 28 days.
2. Following public exhibition, comments from the public be reported to the Council, including a recommendation for adoption of the policy.
3. A copy of the policy be forwarded to the two aboriginal groups located in Lithgow for consideration.

The Draft Aboriginal Consultation Policy was placed on public exhibition for 28 days until 18 March 2010.

Council forwarded the draft policy to Mingaan Aboriginal Corporation, Bathurst Local Aboriginal Land Council and Gundungurra Tribal Council Aboriginal Corporation seeking comment.

A submission was received from Mingaan Aboriginal Corporation requesting that Council amend the draft policy. Council subsequently sought a response from other Aboriginal organisations on Mingaan's submission with written advice being received from Gundungurra Aboriginal Heritage Association.

COMMENTARY

Draft Policy Background

The draft Aboriginal Consultation Policy has been developed following discussions with Mingaan Aboriginal Corporation in late 2008 in which Council was asked to develop such a policy.

The draft policy has been developed with reference to policies from other Councils and The Department of Environment, Climate Change and Water's *NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

This consultation policy will be used in relation to Council planning and decision-making around matters that have the potential to impact on Aboriginal people as defined by Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) which is the primary legislation regulating the protection of Aboriginal heritage.

This will include strategic land use planning, development applications being determined by Council and the development of Plans of Management for community lands.

The draft policy will also be applied in relation to Council plans, including the development of Social and Cultural Plans, and decision-making where Council considers that the matter has special significance or relevance to the Aboriginal community.

Council will consult with a range of organisations as detailed in the draft policy.

Mingaan Submission

Mingaan request that the draft policy be amended to state that consultation in accordance with the policy only be undertaken with people of the Wiradjuri Nation who reside in the local regional area of Lithgow, Bathurst, Orange and Mudgee. Mingaan believes that because each aboriginal nation has its own elders, culture, language, tradition and traditional laws etc, consultation only be undertaken with people of the Wiradjuri nation who have a thorough insight and understanding of local traditional indigenous culture.

On another matter, Mingaan claim in their submission that Council did not consult appropriately with people from the Wiradjuri Nation, including Mingaan in undertaking works at Hyde Park Reserve in 2008. Prior to works commencing, an Aboriginal Archaeological Assessment was undertaken on Council's behalf by the Australian Museum. Consultation with Aboriginal community groups was undertaken in accordance with the Department of Environment and Climate Change Community Consultation Guidelines (2004). Bathurst Local Aboriginal Land Council, Gundungurra Tribal Council and the Wiradjuri Council of Elders were given the opportunity to participate in the survey and assessment. These groups were also given the opportunity to provide comment on the draft version of this report, all groups were supportive of the findings of the assessment. Mingaan did not exist at the time the Archaeological Assessment was undertaken.

Gundungurra Aboriginal Heritage Association submission

Council contacted Gundungurra Aboriginal Heritage Association, Gundungurra Tribal Council (both based in the Blue Mountains) and Bathurst Land Council seeking their response to the Mingaan submission. Correspondence has been received from Gundungurra Aboriginal Heritage Association stating that in their view the draft policy is quite adequate and follows the Department of Environment, Climate Change and Water guidelines.

They support the draft policy as it stands and feel that consultation should be undertaken with all Aboriginal groups, not with one specific group. Gundungurra Aboriginal Heritage Association also state that they, in conjunction with Gundungurra Tribal Council have lodged a joint Indigenous Land Use Agreement in the Supreme Court for an area that includes a considerable part of Lithgow LGA.

They do request that the draft policy be amended to include Gundungurra Aboriginal Heritage Association as one of the organisations that Council will consult with under the draft policy.

No responses were received from Gundungurra Tribal Council and Bathurst Land Council.

Conclusion

The Department of Environment, Climate Change and Water's *NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* emphasise the need to consult with Aboriginal people who are the traditional owners or custodians of the land to which the proposal relates. These traditional owners or custodians are identified through Council or other proponents contacting a number of organisations (listed in Clause 7 of the draft policy) to identify Aboriginal people who may have an interest in the area being assessed and who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places. Information on who are the traditional owners or custodians of the land is therefore obtained from a range of sources, rather than one organisation.

It is recommended that Clause 7 of the draft policy be amended as follows to provide for a number of groups to be consulted in identifying those people who are the traditional owners or custodians of the land:

In accordance with DECCW Consultation Requirements, the Aboriginal people who can provide the information required to inform an assessment of cultural significance, are those Aboriginal people who are the traditional owners or custodians of the land. Council and other proponents using this policy must compile a list of Aboriginal people who may have an interest in the area being assessed and who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places. The list must be compiled by writing to:

- *Department of Environment, Climate Change and Water Environment Protection and Regulation Group.*
- *Bathurst Local Aboriginal Land Council*
- *National Native Title Tribunal*
- *Native Title Services Corporation*
- *The relevant Catchment Management Authorities for details of any Aboriginal Reference Groups*
- *Gundungurra Tribal Council Aboriginal Corporation*
- *Gundungurra Aboriginal Heritage Association*
- *Mingaan Aboriginal Corporation*
- *Native Title Services Corporation*
- *Wiradjuri Council of Elders*

Council and other proponents must then write to the people identified as having an interest in the area as well as any other individual or organisation that registers its interest with Council to notify them of the details of the proposed project.

Proponents will also place an advertisement in the Lithgow Mercury advising of the proposed project.

It is also recommended that Clause 5 of the Draft Policy be amended to reflect the most recent version of the Department of Environment, Climate Change and Water's *NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

POLICY IMPLICATIONS

This Aboriginal Consultation Policy is a new policy for Council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Local Government Act NSW 1993

National Parks and Wildlife Act 1974

ATTACHMENTS

1. Correspondence from Mingaan Aboriginal Corporation Dataworks Document No 580901
2. Correspondence from Gundungurra Aboriginal Heritage Association Dataworks Document No 585187

RECOMMENDATION

THAT:

Having placed the draft Aboriginal Consultation Policy on public exhibition for 28 days, Council now adopts the policy with the following amendments:

1. Replace the existing Clause 7 of the Draft Policy with the following:

In accordance with DECCW Consultation Requirements, the Aboriginal people who can provide the information required to inform an assessment of cultural significance, are those Aboriginal people who are the traditional owners or custodians of the land. Council and other proponents using this policy must compile a list of Aboriginal people who may have an interest in the area being assessed and who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places. The list must be compiled by writing to:

- *Department of Environment, Climate Change and Water Environment Protection and Regulation Group.*
- *Bathurst Local Aboriginal Land Council*
- *National Native Title Tribunal*
- *Native Title Services Corporation*
- *The relevant Catchment Management Authorities for details of any Aboriginal Reference Groups*
- *Gundungurra Tribal Council Aboriginal Corporation*
- *Gundungurra Aboriginal Heritage Association*
- *Mingaan Aboriginal Corporation*
- *Native Title Services Corporation*
- *Wiradjuri Council of Elders*

Council and other proponents must then write to the people identified as having an interest in the area as well as any other individual or organisation that registers its interest with Council to notify them of the details of the proposed project.

Proponents will also place an advertisement in the Lithgow Mercury advising of the proposed project.

3. Replace the existing Clause 5 of the Draft Policy with the following:

In undertaking consultation in accordance with this policy, Council will refer to *The Department of Environment, Climate Change and Water NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* which states the following:

"These Requirements are underpinned by the following guiding principles:

In recognising the rights and interests of Aboriginal people in their cultural heritage, all parties concerned with identifying, conserving and managing cultural heritage should acknowledge, accept and act on the principles that Aboriginal people:

- *are the primary source of information about the value of their heritage and how this is best protected and conserved*
- *must have an active role in any Aboriginal cultural heritage planning process*
- *must have early input into the assessment of the cultural significance of their heritage and its management so they can continue to fulfill their obligations towards their heritage*
- *must control the way in which cultural knowledge and other information relating specifically to their heritage is used, as this may be an integral aspect of its heritage value.*

For the purposes of these requirements:

- *Effective consultation requires a commitment by all parties to work in the spirit of cooperation, mutual understanding and respect.*
- *The richness, ancient and ongoing significance of Aboriginal culture and heritage to Aboriginal people and the broader community should be appreciated, valued, protected and conserved for the benefit of current and future generations.*
- *Consultation with Aboriginal people is important and needs to be sustained throughout the heritage assessment process to ensure cultural perspectives, views and concerns are taken into full account."*

It is Council's intention that proponents (including where Council is the proponent) of development strategies, studies, re-zoning or development proposals that impact on Aboriginal people, will consult early in the process, prior to the proposal or study etc being developed or lodged with Council.

Council will also notify relevant Aboriginal groups in accordance with this policy once Council receives a development proposal where that proposal has the potential to impact on Aboriginal people.

Council will require written correspondence from the relevant Aboriginal organisations as evidence of the consultation process or where no such correspondence has been received, evidence of the consultation process that was attempted.

3. Replace references to The Department of Environment, Climate Change and Water's *NSW Aboriginal Cultural Heritage Draft Community Consultation Requirements for Proponents May 2009* with The Department of Environment, Climate Change and Water's *NSW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

ITEM:10 COMM - 03/05/10 - DRAFT CRIME PREVENTION PLAN

REPORT FROM: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 09-396 – Ordinary Meeting of Council dated 14 September 2009
Min No 09-397 – Ordinary Meeting of Council dated 14 September 2009
Min No 10-112 – Ordinary Meeting of Council dated 22 March 2010

SUMMARY

This report recommends that Council adopts the Crime Prevention Plan following which endorsement of the Plan be sought from the NSW Attorney General's Department.

COMMENTARY

On the 22 March 2010 the Council resolved the following:

THAT Council place the Draft Lithgow Crime Prevention Plan on public exhibition for a period of 28 days.

1. Crime Prevention Plan

The development of a Crime Prevention Plan (CPP) for Lithgow was an identified action in Council's 2006-11 Social Plan and 2007/08 Management Plan. Community consultation on the plan commenced towards the end of 2007/08 and continued into 2008/09. Council has undertaken the development of the plan in response to widespread concerns within the community about crime rates in the Lithgow community and a desire by Council to take a lead role in the development and implementation of crime prevention strategies.

Through development of the Crime Prevention Plan, Lithgow City Council has gained a better understanding of community safety concerns and has begun to build partnerships with the community and other key agencies.

Key Findings of the Crime Prevention Plan

Crime data from the NSW Bureau of Crime Statistics shows that rates of criminal incidents in the Lithgow LGA are in some cases, significantly above the NSW average and the average of a number of Central West LGA's.

In particular, Lithgow stands out in relation to crimes against the person, including:

- Non-domestic violence related assault and,
- Domestic violence related assault

Rates of malicious damage to property in Lithgow are also well above the NSW average.

Incident rates in Lithgow are in some cases increasing, against the trend of NSW as a whole and a number of other Central West LGA's.

Extensive community and agency consultation was undertaken in the development of the Crime Prevention Plan. Community concerns raised in the consultations were generally consistent with the crime data.

Crime Prevention Strategies

Draft Action Plans have been identified in the Crime Prevention Plan in relation to crime issues that are having the most impact on the community. These are:

Alcohol Related Violence and Related Behaviours

This strategy involves developing a strong partnership between licensed premises, Lithgow Liquor Accord, Police, Crime Prevention Committee, the local community and local business to address alcohol related violence and related issues in the Lithgow CBD.

Malicious Damage and Harrassment

The strategy will target underage drinking, vandalism, harassment, street bullying and gang behaviours. This is a multi-pronged strategy which aims to target the underlying causes and manifestations of youth alienation in the Lithgow local government area.

Domestic Violence

The strategy will build partnerships between the Crime Prevention Committee, Council, schools, business, licensed premises and organisations that work with domestic violence victims to develop a social marketing campaign and other initiatives targeting Domestic Violence.

Crime Prevention Committee

The Crime Prevention Committee commenced meeting monthly from November 2009 and has commenced work on implementing the crime prevention strategies identified in the Plan, with a particular focus on domestic violence and alcohol related violence. The committee is also working on identifying funding sources to assist in its implementation. Once adopted by Council, Council will seek endorsement of the Action Plans within the Crime Prevention Plan by the NSW Attorney General's Department as a Safer Community Compact. Once endorsed, Council will be able to seek funding from the Attorney General's Department to implement strategies in the Crime Prevention Plan.

The Crime Prevention Committee has considered the crime prevention strategies included in the draft report and has made no suggestions for change.

The Plan was advertised for public comment for a period of 28 days until 20 April 2010 with no submissions being received.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Local Government Act NSW 1993

ATTACHMENTS

1. Draft Lithgow Crime Prevention Plan

RECOMMENDATION

THAT Council adopts the Lithgow Crime Prevention Plan.

ITEM:11 COMM - 03/05/10 - DRAFT CULTURAL PRECINCT STUDY

REPORT BY: MANAGER COMMUNITY AND CULTURE – MATTHEW JOHNSON

REFERENCE

Min No 10-113 – Ordinary meeting of Council 22 March 2010

SUMMARY

This report recommends that Council adopt the Cultural Precinct Study after being on public exhibition for a period of 28 days.

COMMENTARY

On the 22 March 2010 the Council resolved the following:

THAT Council:

1. Receives the Draft Cultural Precinct Study and advertises the Study for public comment for a period of 28 days; and
2. Notes that a forum will be held for members of the public to inform them of the contents of the Cultural Precinct Study and to gain their feedback.

Cultural Precinct Study Aims

The Cultural Precinct includes the area from the top of Main Street Lithgow, along Bridge and Inch Streets to Lake Pillans. Key sites within the precinct include the Hoskins Building, Union theatre, Eskbank Station, Eskbank House, Blast Furnace Park and Lake Pillans. The Cultural Precinct Study aims included to appraise the current functioning of the key sites and venues within the study area to examine how a viable Cultural Precinct may be most effectively supported.

The recommendations that have emerged from this study identify ways to capitalise on the strengths within the Lithgow community in order to establish a Cultural Precinct as an identifiable and thriving cultural cluster. Core to the study recommendations is the concept that visible and supported Cultural Industries can contribute flow-on benefits across the Local Government Area (LGA) by attracting tourists, skilled workers and business investment; diversifying the economy; and improving the quality of life of residents. It is anticipated that investing in the cultural industries could have a multiplier effect for Lithgow.

Summary of recommendations

The key recommendations of the Study are:

- Develop and implement a wayfinding and signage scheme
- Design and implement public space improvements
- Revitalise and support cultural infrastructure on Bridge Street
- Revitalise the top of Main Street
- Develop and Support temporary programs and events north of the railway

- Improve accessibility and circulation
- Encourage a whole of community approach to supporting the growth of the Cultural Industries
- Plan for future expansion of the Cultural Precinct

Council is giving consideration to how the study recommendations can be incorporated into Council's future Management Plans. Funding sources are also being explored to assist with implementation of the study recommendations.

Advertising

A public notice was placed in the Lithgow Mercury Council Column on 1, 8 and 15 April 2010.

The Draft Cultural Precinct Study was attached to the Council Report on 22 March 2010 and thus made available to the general public. The Public Notice in the Council Column advised that the Draft Study was made available on the Council's website, at the Council Administration Office and at Lithgow Library and branch libraries.

A forum was held on 31 March 2010 at Eskbank House for members of the public to inform them of the contents of the Cultural Precinct Study and to gain their feedback.

The Cultural Precinct Study was advertised for public comment for a period of 28 days until 20 April 2010. One submission has been received from Mitchell Conservatorium.

This Mitchell Conservatorium submission is largely supportive of the Study report, congratulates Council on undertaking the study and makes a number of suggestions for Council to consider in implementation of the Study recommendations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Submission from Mitchell Conservatorium Dataworks Document No 587947

RECOMMENDATION

THAT Council adopts the Cultural Precinct Study.

COMMITTEE MINUTES

ITEM:12 **COMM - 03/05/10 - COMMUNITY RECOGNITION COMMITTEE
MINUTES - 15/04/10**

**REPORT BY: CORPORATE PLANNING AND COMMUNICATIONS OFFICER – DEBORAH
MCGRATH**

SUMMARY

This report details the minutes of the Community Recognition Committee held on Thursday 15 April 2010 for Council's information.

COMMENTARY

At the Community Recognition Committee meeting held on 15 April 2010, 8 items were discussed by the Committee.

1. Declaration of Interest
2. Recognition of the Bracey Family
3. Road Naming
4. Recognition of Sir Joseph Cook
5. Recognition of HMAS Lithgow Collection
6. John Wellings Heritage Award
7. Recognition of the Robson Family
8. Dual Naming and Signage – Blackfellow Hands ` Ma yiny-gum arra-gu

The minutes contain updates for Council on the Community Recognition Committee with recommendations for Council.

ATTACHMENTS

1. Copy of the Minutes of the Community Recognition Committee meeting held on 15 April 2010.

RECOMMENDATION

THAT

1. Interpretive signage be developed and installed in suitable locations in Main Street, Lithgow to recognise the contribution of the Bracey Family, Sir Joseph Cook and Mr Jim Robson.
2. Plans for the redevelopment of Bracey Lookout to proceed.
3. The name of Cooper be endorsed as the preferred name for the cul-de-sac off Valley Drive, Lithgow.
4. Opportunities for temporary exhibition space be investigated to make the Nationally Significant Sir Joseph Cook and HMAS Lithgow Collections available to the public.

5. The un-named park in Church Street, Lithgow be renamed Jim Robson Park.
6. Interpretive Signage be developed and installed in the park along with suitable landscaping recognising the history of the "Maple Crescent Subdivision" and contributions made to the development of the area by Jim Robson, Robert Pitt and the Eskbank Estate.
7. Council support the dual naming of Blackfellow Hands in principle.

**ITEM:13 OPER - 03/05/10 - SPORTS ADVISORY COMMITTEE MEETING
MINUTES 27TH APRIL 2010**

REPORT BY: PROJECT CO-ORDINATOR – LEANNE KEARNEY

SUMMARY

Details of the Minutes of the Sports Advisory Committee Meeting held on Tuesday, 27 April 2010 for Council adoption.

COMMENTARY

At the Sports Advisory Committee Meeting held on Tuesday, 27 April 2010, there were ten (10) items discussed by the Committee, with all items except agenda Item 4 being actioned under the Committee's delegate authority, and requiring Council to note the items.

Item 4 relates to financial assistance requests, and the Committee has made a recommendation for Council's adoption.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Item 4 will require \$500.00 to be expended from the current allocation for Financial Assistance for Sporting Representations (recommended financial assistance to Toby Kenniff, Jayden Goodwin, Kobi Hunter, Cameron Denley and Karl Wilson (\$100.00 shared between Applicants), Jack Clough (\$100.00), and Jenna Heath (\$300.00)).

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

1. Minutes of the Sports Advisory Committee Meeting held on Tuesday, 27 April 2010.

RECOMMENDATION

THAT

1. Council approves financial assistance of \$500.00 from the current Financial Assistance for Sporting Representatives (approved financial assistance to Toby Kenniff, Jayden Goodwin, Kobi Hunter, Cameron Denley and Karl Wilson (\$100.00 shared between Applicants), Jack Clough (\$100.00), and Jenna Heath (\$300.00)); and
2. Council note the minutes of the Sports Advisory Committee meeting held on Tuesday, 27 April 2010.

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CLOSED COUNCIL

**ITEM:14 COMM - 3/5/10 - CONFIDENTIAL REPORT - OFFER TO PURCHASE
COMMERCIAL PROPERTY**

REPORT FROM STRATEGIC LAND USE PLANNER – S HANRAHAN

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) (i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

SUMMARY

The purpose of this report is to advise Council that a letter has been received offering Council first offer to purchase a commercial property in the Lithgow LGA.

RECOMMENDATION

THAT Council consider this report in closed Council pursuant to Section 10A(2)(d) (i) of the Local Government Act 1993.

BUSINESS OF GREAT URGENCY

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only of:

- a) *A motion is passed to have the business transacted at the meeting: and*
- b) *The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

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