

Plan of Management for part of
Crown Reserve 590046
Tony Luchetti Sportsground
and Showground



Acknowledgement of Country

The Lithgow Local Government Area comprises an area of 4,551 sq km, located about 140 kilometres west of the Sydney CBD and within the eastern part of the Central West Region. The Lithgow LGA lies almost wholly within the Wiradjuri Aboriginal nation, with the Gundungurra nation situated to the south and the Darug nation to the east.

Lithgow City Council acknowledges the Aboriginal people of the country on which we work, their traditions, culture and a shared history and identity and pays respects to Elders past and present and recognises the continued connection to country.



Adoption of plan of management

Council meeting of [TBC]
Minute No. [TBC]

Proposed adoption of Plan of Management for Part of Crown Reserve 590046
[TBC]

Upon being put to the council meeting, the motion was carried, the vote being unanimous.

TABLE OF CONTENTS

| | |
|--|----|
| 1. Introduction..... | 1 |
| 2. Reserve information | 3 |
| 3. Land covered by this Plan | 4 |
| 4. Category of the Land..... | 6 |
| 5. Management of the Land..... | 7 |
| 6. Future use of the Land..... | 10 |
| 7. Leases, licences and other estates..... | 10 |
| 8. Aboriginal interests in Crown land..... | 13 |

1. Introduction

The Local Government Act 1993 (**LG Act**) requires a Plan of Management (**Plan**) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act 2016 (**CLM Act**) authorises local councils appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. Therefore, all Crown land reserves managed by council are also required to have a Plan under the LG Act.

The use of the land described in this Plan must:

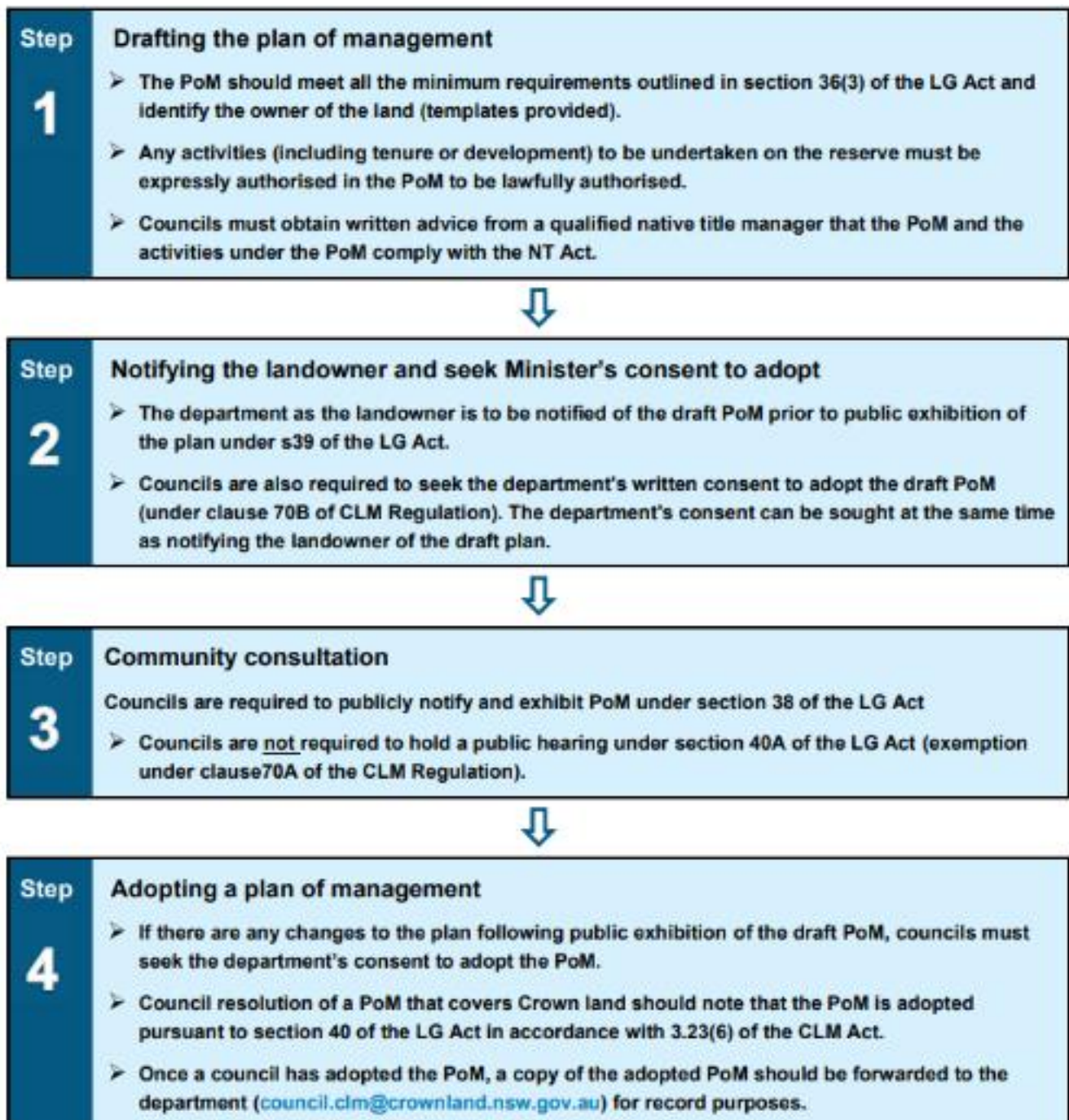
- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993 (NT Act)*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the CLM Act
- consider any interests held on title

This Plan establishes a framework for the development, management and maintenance of part of Crown Reserve 590046.

Lithgow City Council has prepared this Plan in accordance with the LG Act and CLM Act provisions for managing community land. It is designed to meet regulatory requirements and does not contain detailed background information.

Figure 1 on page 2 illustrates the process undertaken by Council in preparing and adopting this Plan.

Figure 1



2. Reserve information - Crown Reserve 590046

The Tony Luchetti Sportsground (**the Reserve**) is a highly valued and popular recreation park within Lithgow. It comprises sportsgrounds, a heritage grandstand, dedicated athletics field, skate park, aquatic centre, civic ballroom, men's shed, horse stables, poultry pavilion, amenities, and more. The Reserve is frequently used for popular cultural events, sporting competitions and celebrations. Reserve information is set out in table 1.

Table 1 - Reserve Information

| | |
|--|---|
| Crown reserve name (per Crown Lands Reserve Portal) | Tony Luchetti Sports Precinct |
| Crown reserve number | 590046 |
| Address | Geordie Street, Lithgow |
| Lot information | Lot 1 in DP1123449 |
| Reserve area | 20.57 ha |
| Gazetted date | 7 May 1913 |
| Gazetted purpose | Public park |
| Community land categories | Sportsground, General Community Use, Park |
| Lithgow Local Environmental Plan 2014 zoning | RE1 public recreation |
| Land owner | Minister for Lands |
| Land manager | Lithgow City Council |

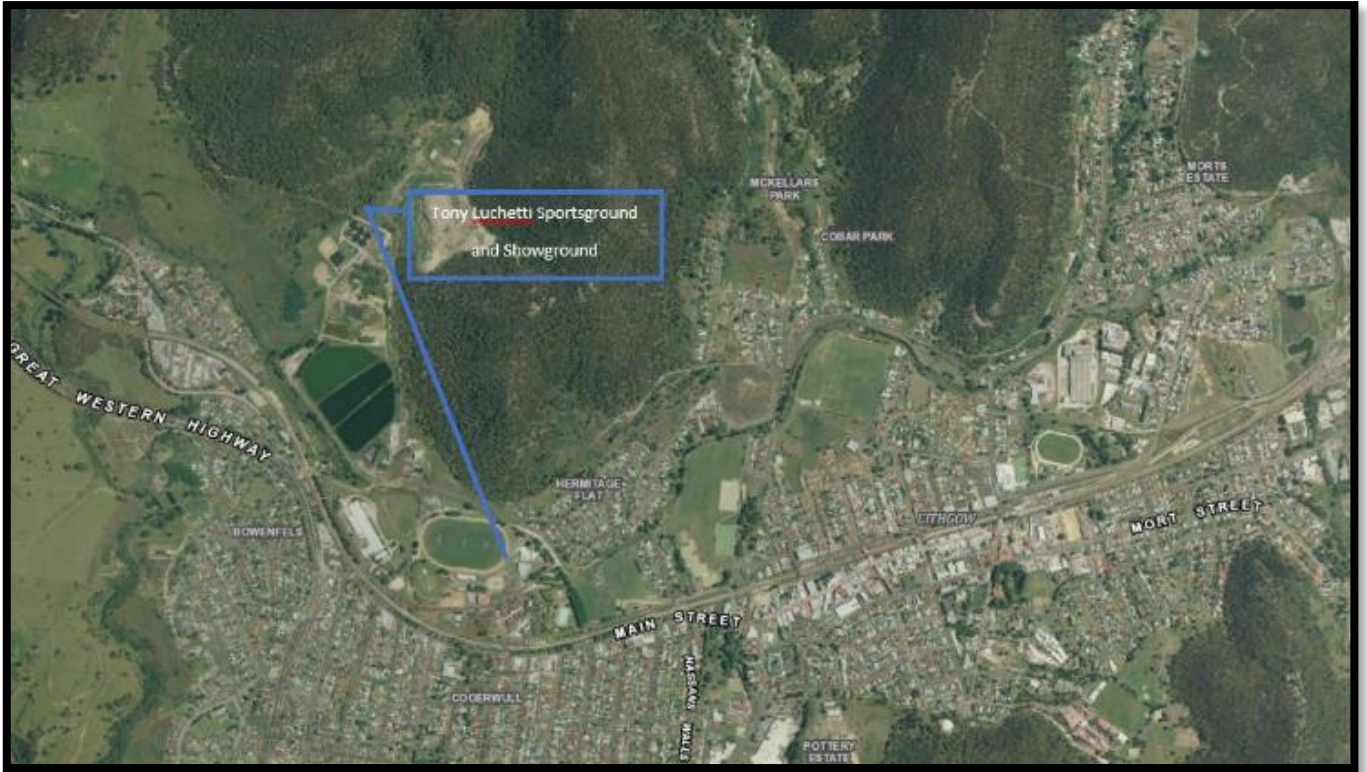
Reserve Location

The Reserve is centrally located between the Great Western Highway to the south and Lithgow Railway Station to the north, making it very accessible to the local community and the broader public by car, bus or train. It is also within walking distance of the Main Street precinct and surrounding areas.

The Reserve is nearby two large Council owned recreation parks to the north; Glanmire Oval comprises an area of 13.38 ha and offers tennis courts and facilities, a hockey field, croquet field, cricket nets and a large sports oval, while Marjorie Jackson Oval comprises an area of 7.79ha.

Figure 2 on page 4 provides a location image of the Reserve.

Figure 2 - Location



3. Land covered by this Plan (s. 36(3A(a) of the LG Act)

This Plan applies to a portion of land within the Reserve. The portion of land comprises an area of about 3,000 m² (**the Land**), equivalent to approximately 1.5% of the total Reserve area.

The Land consists of an area atop a slight hill, made of up course sandy ground with grass patches. There are no improvements on the Land other than two power poles and a small tree on the perimeter. The Land is presently used informally for car parking during sports and other events and is in fair condition.

Images of the Land are shown in figures 3 and 4 on page 5.

Figure 3 – the Land



Figure 4 – the Land



4. Category of the Land (s. 36(3)(a) of the LG Act)

Under the LG Act all community land must be categorised as one or more of the following categories and should align with the purpose for which the land is dedicated or reserved.

- Park – for areas primarily used for passive recreation
- Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games
- General community use – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries
- Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- Natural area – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories

The Land is presently categorised as park, but upon adoption of this Plan the Land will be categorised as 'general community use' to allow the Land to be used for a broader purpose.

Figure 5 shows the categories of the Reserve before adoption of this Plan and figure 6 shows the categories of the Reserve upon adoption of this Plan

Figure 5

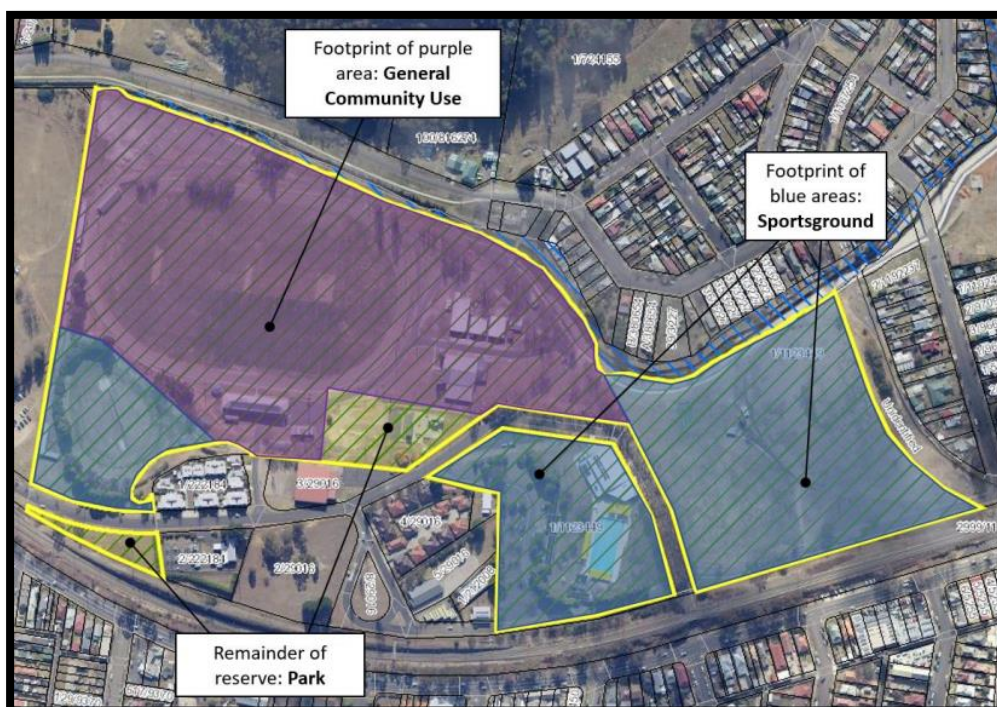
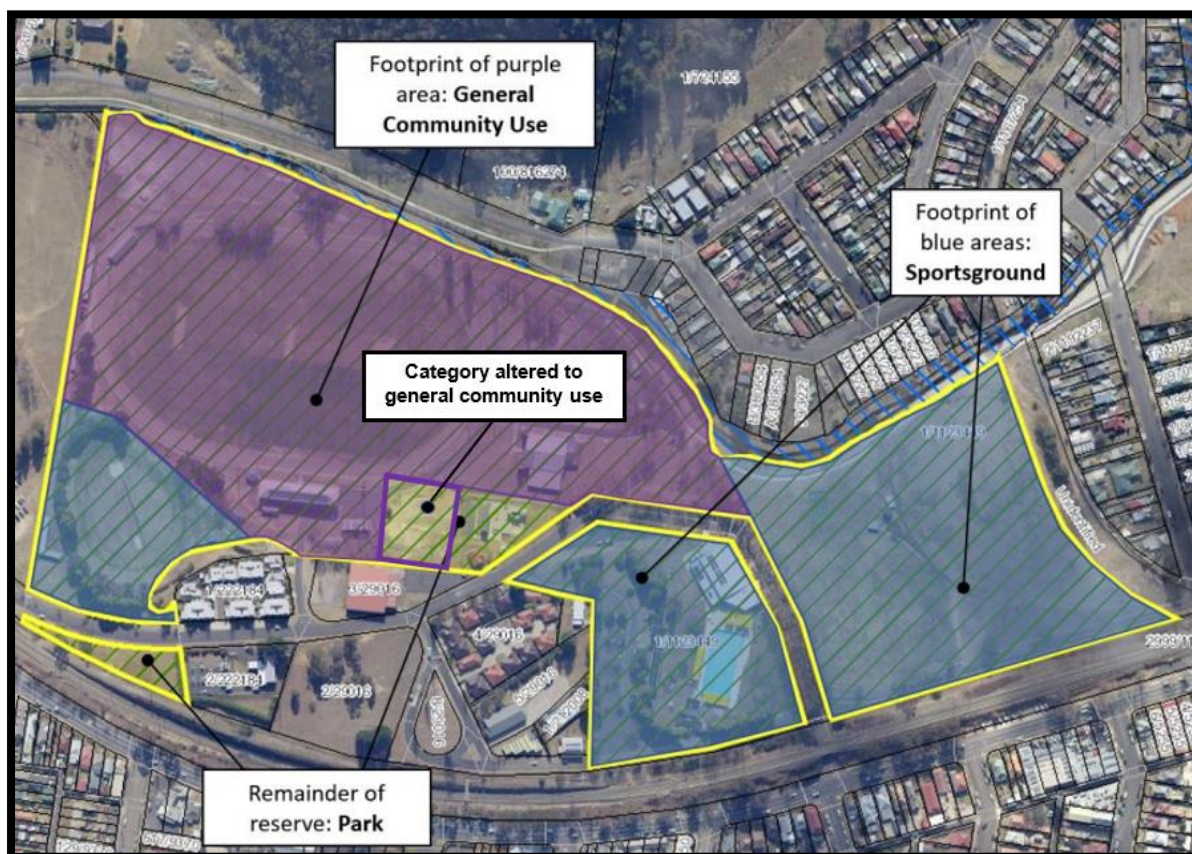


Figure 6



5. Management of the Land (s. 36(3)(b)-(d) of the LG Act)

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Section 36 of the LG Act requires that a plan of management for community land details:

- objectives and performance targets for the land

- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets

The Land will be managed in accordance with the objectives and methods set out in the Action Plan shown at Table 2.

Table 2 - Action Plan

| Management Issue | Objectives and performance targets | Means of achievement | Manner of assessment of performance |
|---------------------------------|--|---|--|
| Buildings and facilities | <p>Provide buildings and facilities that meet the needs of the community.</p> <p>Provide multi-purpose use buildings and facilities, where appropriate.</p> <p>Provide aesthetically high quality and suitable buildings and facilities, including appropriate on-site external works and landscaping.</p> <p>To provide safe, clean, convenient, and hygienic facilities for people of all abilities.</p> | <p>Application of relevant legislation, Council objectives, plans, policies, and procedures.</p> <p>Appropriate design and use of materials and equipment.</p> <p>Appropriate level of cleaning and maintenance.</p> <p>Regular assessment of buildings and improvements.</p> <p>Upgrading and enhancement of facilities and land, where appropriate.</p> | <p>Incidents of non-compliance with Council's relevant regulations, policies and Australian Standards.</p> <p>Public comments re:</p> <ul style="list-style-type: none"> - maintenance and hygiene - adequacy of buildings for community use <p>Consultation with users to determine appropriateness of existing facilities, grounds and amenities.</p> <p>Condition assessment reports to be undertaken in accordance with Council's Strategic Asset Management Plan and Asset Management System.</p> |
| Accessibility | <p>Provide access for people with disabilities, where appropriate.</p> | <p>Appropriate design of pavements, facilities, structures, and parking to comply with relevant Australian Standards.</p> | <p>Number of comments regarding ease of use and access.</p> <p>Assess useability of park by wheelchair users through observation and surveys.</p> |

| Management Issue | Objectives and performance targets | Means of achievement | Manner of assessment of performance |
|----------------------------------|---|--|---|
| Safety | To provide grounds and facilities that are safe and functional. | Application of safety principles and relevant policies. Routine patrols by rangers. Provision of security lighting. | Number of comments regarding sense of security and or safety. Number of reported incidents or near misses. |
| Parking | Provision of safe parking. Minimise the parking impact on surrounding areas. | Ensure adequate parking is available, where appropriate. Maintenance of car parking areas. Appropriate layout design, location and construction of parking areas. Install adequate and appropriate signage. | Assess the adequacy of car parking arrangements and parking impact, including emergency and disabled spaces. Number of comments received regarding car parking impacts. Number of comments about adequacy of parking. |
| Risk and liability issues | Minimise the risk of injury to people or damage to property. | Regular risk assessment of buildings and improvements. Address identified building safety hazards promptly. Ensure that organisations who hire or lease facilities hold public liability insurance cover. | Condition assessment reports to be recorded and maintained in Council's Asset Management System. Building safety hazards to be reported to appropriate council officer promptly. Certificate of currency showing public liability insurance cover to be provided when booking community facilities. |

6. Future use of the Land (s. 36(3A)(b) of the LG Act)

This Plan expressly authorises the Land to be used for construction of a multi-function building, estimated to have a gross floor area of around 400m². The building will showcase technologies demonstrating how to design and build fire-resistant, sustainable dwellings. This Plan also expressly authorises the use of the area around the building within the Land to be used for landscaping and parking.

The building will comprise a general area for use by the broader community. This area will include a multi-function meeting room, two offices, toilet facilities and a kitchen. The general area will be available for hire through Council's booking system for small functions, seminars, meetings and small community/social gatherings.

The building will also include a fit for purpose area customised for use as a women's shed, comprising a tool use room, tools storeroom, timber storeroom, workshop area and kitchenette. This area will be leased to Lithgow Area Women's Shed Inc. to provide a safe space for women and girls to learn new skills and improve mental health and wellbeing, and to host workshops.

Development and construction of the building will be funded by a government grant awarded to Lithgow Area Women's Shed Inc. Future maintenance of the facility will be borne by Council, which will be supported by the payment of booking fees generated by the hiring out of the general area.

7. Leases, licences and other estates (s. 46 of the LG Act)

Under the LG Act a lease, licence or other estate in respect of community land may be granted in accordance with an express authorisation in a plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate.

Councils are required to tender for leases of community land that are for more than five years, unless the lease is granted to a non-profit organisation.

Presently there are no tenures in relation to the Land.

This Plan expressly authorises the leases, licences and estates to be entered in relation to the Land, as listed in Table 3.

Table 3 – Leases, Licences and Estates

| Type of tenure arrangement | Term | Purpose for which tenure may be granted |
|---|---|---|
| Licence to Lithgow Area Women's Shed Incorporated | As approved by Council and in compliance with LG Act and Local Government (General) Regulation 2021 | Construction and operation of a women's shed on the Land to be used for workshops, education, meetings, social gatherings, exhibitions, community projects, markets and similar purposes that comply with the core objectives for general community use category |
| Licence via Council's booking system | Maximum 2 weeks per booking | Small functions, seminars, presentations, education, meetings, community/social gatherings, markets, exhibitions, exercise groups, kids holiday activities, office space and similar purposes that comply with the core objectives for general community use category |
| Other estates | In perpetuity | This Plan allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act. |
| Short-term licence (s.2.20 of the CLM Act) | Up to 12 months | Catering, community, training or education, emergency occupation, environmental protection, conservation or restoration or environmental studies, exhibitions, functions, markets, meetings, shows, sporting and organised recreation activities (clause 31 <i>Crown Land Management Regulation 2018</i>). |

Additionally, this Plan expressly authorises the issue of leases, licences and other estates over the Land, in accordance with section 46(1)(b) and section 36(3A) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved

- the purpose is consistent with the core objectives for the category of the Land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the NT Act
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* (NSW) (**ALR Act**) the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Leases and licences – Maximum Term and Tendering

- A. A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s. 46(3) LG Act).
- B. A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

Leases, licences and other estates - 5 years or less (s. 47A of LG Act)

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the

Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

8. Aboriginal interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the NT Act and the ALR Act.

Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the NT Act.

Native title does not transfer the land to the native title holder, but recognises the right to land and water by providing access to the land and, if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a plan of management, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

Aboriginal Land Rights

The ALR Act seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, the Reserve is not affected by an undetermined Aboriginal land claim.



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