



*Lithgow*  
CITY COUNCIL

# Lithgow Golf Course Plan of Management

# Table of Contents

<b>CONTENTS .....</b>	<b>1</b>
<b>1. INTRODUCTION.....</b>	<b>4</b>
1.1 Background .....	4
1.2 Purpose of Plan of Management.....	4
1.3 Requirements for Plans of Management – Local Government Act 1993.....	5
1.3.1 Categorisation of Community Land.....	5
1.3.2 Significance of categorisation.....	5
1.4 Leases, licenses and other estates.....	6
1.4.1 Express authorisation.....	6
1.4.2 Consistency with core objectives.....	6
1.4.3 Permitted purposes for leases, licences and other estates.....	6
1.4.4 Other provisions dealing with leasing etc.....	6
1.5 Other Statutory considerations.....	7
1.5.1 Local Environmental Plan.....	7
1.5.2 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.....	7
<b>2. OWNERSHIP .....</b>	<b>9</b>
2.1 History of Ownership.....	9
<b>3. CLASSIFICATION AND CATEGORISATION .....</b>	<b>10</b>
<b>4. LEASING .....</b>	<b>10</b>
<b>5. DESCRIPTION OF LITHGOW GOLF COURSE.....</b>	<b>10</b>
5.1 Overview .....	10
5.2 Vegetation .....	14
5.1 Birdlife.....	14
5.4 Fauna .....	14
5.5 Sewerage and Drainage.....	14
5.6 Water .....	14
<b>6. DESCRIPTION OF CLUB HOUSE .....</b>	<b>15</b>
6.1 Overview .....	15
6.2 Building.....	15
6.3 Access.....	15
6.4 Building Layout.....	15

<b>7. CURRENT USAGE</b> .....	<b>16</b>
<b>8. VALUES</b> .....	<b>16</b>
8.1 Recreational Values.....	16
8.2 Cultural and Historic Values .....	16
8.3 Aesthetic Values .....	17
8.4 Potential and Future Values .....	17
<b>9. MANAGEMENT OBJECTIVES</b> .....	<b>17</b>
9.1 <b>Lithgow City Council Community Strategic Plan 2013-2026</b> .....	<b>17</b>
9.1.1 Overarching Vision.....	17
9.1.2 Principal Activities and Vision Statements .....	17
9.1.4 Objectives – Community .....	17
9.2 Lithgow LEP 2014 .....	18
9.3 Local Government Act (1993).....	18
9.4 Community Land Categorised as Sportsground – Core Objectives .....	18
9.5 Lithgow City Council Objectives, Performance Targets and Assessment for Lithgow Golf Course and Club House .....	19
<b>10. MANAGEMENT STRATEGY / ACTION PLAN</b> .....	<b>20</b>
10.1 Current Status and Condition .....	20
10.2 Action Plan.....	31
<b>APPENDIX I: LEGISLATIVE DESCRIPTIONS</b> .....	<b>33</b>

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# 1. Introduction

## 1.1 Background

For over 50 years the Lithgow Golf Course and Club House have provided the residents of Lithgow and visitors to the area with quality golfing and recreational facilities.

The Lithgow Golf Club itself was founded in 1905, and it acquired the property in about 1947 and the Club House in the 1950s.

In 1980 the Greater Lithgow City Council assumed ownership of the golf course and club house with a 21 year lease being put in place with the Lithgow Golf Club.

In 1993, the existing Local Government Act 1993 (Act) was formed. This new Act outlined the need for all land to be classified as either 'operational' or 'community'. In 1994, the Council resolved to classify the Lithgow Golf Course as 'community' land.

It is a requirement under the Act that a Plan of Management be developed and that the Plan of Management specifies objectives for the management of the land.

It is also a requirement under the Act that a Plan of Management be in place to allow for a lease to be granted.

This Plan of Management details the objectives for the management of the land and the purposes for which a lease may be granted for the Lithgow Golf Course and Club House.

## 1.2 Purpose of Plan of Management

The Plan of Management for the Lithgow Golf Course and Club House has been developed because it is a highly valued site of particular importance in terms of public recreational use, namely as a golf course and club house.

The purpose of the Plan of Management is to:

- Ensure that the management of the facility complies with the requirements under the Local Government Act (1993) for Community Land.
- Outline objectives in terms of the usage of the facilities as a Golf Course and Golf Club House to accommodate the needs of the community
- Identify the values of the site.
- Recommend management strategies that are practical and within budgetary constraints.
- Inform and guide the Lithgow City Council in decisions effecting the management of the golf course and club house in the short term and over an extended period.
- Ensure management of the facility is consistent with Council's policies and plans including Lithgow City Council's Strategic Plan 2007, and Lithgow Local Environmental Plan 2014

To this end the management of the Lithgow Golf Course is included in the Council's Management Plan and reported on in its Quarterly Reports and Annual Report.

### 1.3 Requirements for Plans of Management – Local Government Act 1993

The **Public Land Management Practice Notes**<sup>1</sup> provides the following relevant comments:

*The requirement for the management of public land owned or controlled by councils was introduced on 1 July 1993 with the commencement of the Local Government Act 1993. The Act recognizes the council's responsibility to actively manage land and to involve the community in developing a strategy for management. Further changes were made to the Act in 1998. The Act provides a common foundation for each council to apply specific management strategies to public land, ...*

*Public land is defined (as per Dictionary of the Act) as to mean any land (including a public reserve) vested in or under the control of the council...*

*All public land must be classified by council as either 'community' or 'operational' land. (ss,25-26). 'Operational' land has no special restrictions other than those that may apply to any piece of land.*

*Classification as 'community' land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. Community land:*

- *Cannot be sold*
- *Cannot be leased, licenced or any other estate granted over the land for more than 21 year, without the approval of the Minister. Maximum lease period in accordance with s46(3) is 30yrs.*

- *Must have a plan of management prepared for it...*

*The minimum requirements under the Act are that a plan of management must:*

- *categorise the land in accordance with s.36(4) and (5)*
- *contain objectives for the management of the land*
- *contain performance targets*
- *specify the means of achieving the objectives and performance targets*
- *specify how achievement of the objectives and performance targets is to be assessed (s.36(3))....*

*For plans that are specific to one area of land made after 1 January 1999, the plan must also:*

- *describe the condition of the land as at the adoption of the plan*
- *describe the buildings on the land as at adoption*
- *describe the use of the buildings and the land as at adoption*
- *state the purposes for which the land will be allowed to be used, and the scale and intensity of that use (s.36(3A)).*

#### 1.3.1 Categorisation of Community Land

*Community land must be categorised according to the list in the Act, s.36(4). The categories reflect land use and/or describe the physical characteristics of the land. Categorisation is intended to focus council's attention on the essential nature of the land and how that may best be managed. ...*

#### 1.3.2 Significance of categorisation

*Categorisation of community land has always been an effective way in which to focus on the essential aspects of each area of land. ....*

*First, community land must be managed in accordance with the core objectives for the relevant category. They apply as a result of the legislation*

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<sup>1</sup> Department of Local Government, Public Land Management Practice Note No. 1, Revised May 2000

*and are not optional. Other objectives may be nominated by council, but neither these nor any other part of a plan of management should be inconsistent with the core objectives. ...*

*Second, a council may only grant a lease, licence or other estate in community land if the purpose of the grant is consistent with the core objectives for the category. This applies regardless of the actual authorisation for leases etc contained in a plan of management.*

## **1.4 Leases, licenses and other estates**

It is permissible for Council to grant a 'lease, license or other estate' over community land, however, the Local Government Act contains restrictions on the granting of such leases.

The LGA states that community land cannot be leased or licensed for more than 21 years without the approval of the Minister, and must have a Plan of Management. Council is required to call for tenders for leases over 5 years, unless the lease is to be granted to a non-profit organization.

The **Public Land Management Practice Notes**<sup>2</sup> provides the following relevant comments regarding leases:

### **1.4.1 Express authorisation**

*A plan of management does not need to name a particular lessee etc in order to authorise a lease. It must contain a statement of authorisation that is wide enough to apply to the particular lease proposal. Council can limit the purpose of any lease, the type of potential lessee, and the facilities that will be leased.*

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<sup>2</sup> Department of Local Government, Public Land Management Practice Note No. 1, Revised May 2000

### **1.4.2 Consistency with core objectives**

*A lease etc must be authorised in a plan of management AND be for purposes consistent with the core objectives for the category of land. Categorisation is therefore key to the management of community land. Categorisation will determine the core objectives for the land and the core objectives are essential to determining the ways in which community land may be alienated. ...*

### **1.4.3 Permitted purposes for leases, licences and other estates**

*The permitted purposes are listed in s.46(1)(b) of the Act and include:...*

- *activities appropriate to the current and future needs of the community in relation to a number of wide public purposes, including public recreation and social welfare.*

### **1.4.4 Other provisions dealing with leasing etc**

*A number of amendments to the Act relating to leasing etc of community land commenced on 1 January 1999:*

- *council must call tenders for leases etc over 5 years, unless the lease etc is to be granted to a non-profit organisation, (s.46A).*
- *subleases are only allowable for the same purpose as the original lease, except for a handful of exceptions listed in cl.26, Local Government (General) Regulation. council may only grant exclusive occupation of community land through a lease, licence or other estate. Council cannot bypass the Act by signing a 'management agreement' for example (s.47D)*
- *certain developments on community land must be determined by the council itself rather than by staff under delegated authority (s.47E).*

## 1.5 Other Statutory considerations

### 1.5.1 Local Environmental Plan

Lithgow Local Environmental Plan, 2014, guides and informs this Plan of Management through the zoning of lands which restricts and permits certain uses and activities.

The land is zoned RE1 - Public Recreation under Lithgow Local Environmental Plan, 2014.

- a) The objectives of this zone are: To enable land to be used for public open space or recreational purposes.
- b) To provide a range of recreational settings and activities and compatible land uses.
- c) To protect and enhance the natural environment for recreational purposes.
- d) To maintain or improve the water quality of receiving water catchments.

Under this plan, a golf course falls within the definition of a recreation facility (outdoor) and is permissible within the zone with consent. The clubhouse building is regarded as ancillary to the use of the site as a golf course.

An extract of Lithgow Local Environmental Plan 2014 zoning plan (Figure 1 page 10) is attached showing the zoning of the subject site and surrounding lands.

### 1.5.2 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The subject site is within the Sydney Drinking Water Catchment and as such SEPP (Sydney Drinking Water Catchment) 2011 applies.

The SEPP requires all development upon land to which it applies to have a neutral or beneficial effect upon water

quality. This will be assessed when determining development applications for any further development upon the site.

The objectives of the SEPP are:

- a) To support healthy water catchments that deliver high quality water and permit development that supports that goal
- b) To ensure that consent authorities only allow proposed developments that have a neutral or beneficial effect on water quality
- c) To support water quality objectives in the drinking water catchment.

The SEPP commenced on 1 March 2011 and replaced the Drinking Water Catchments Regional Environmental Plan No 1.



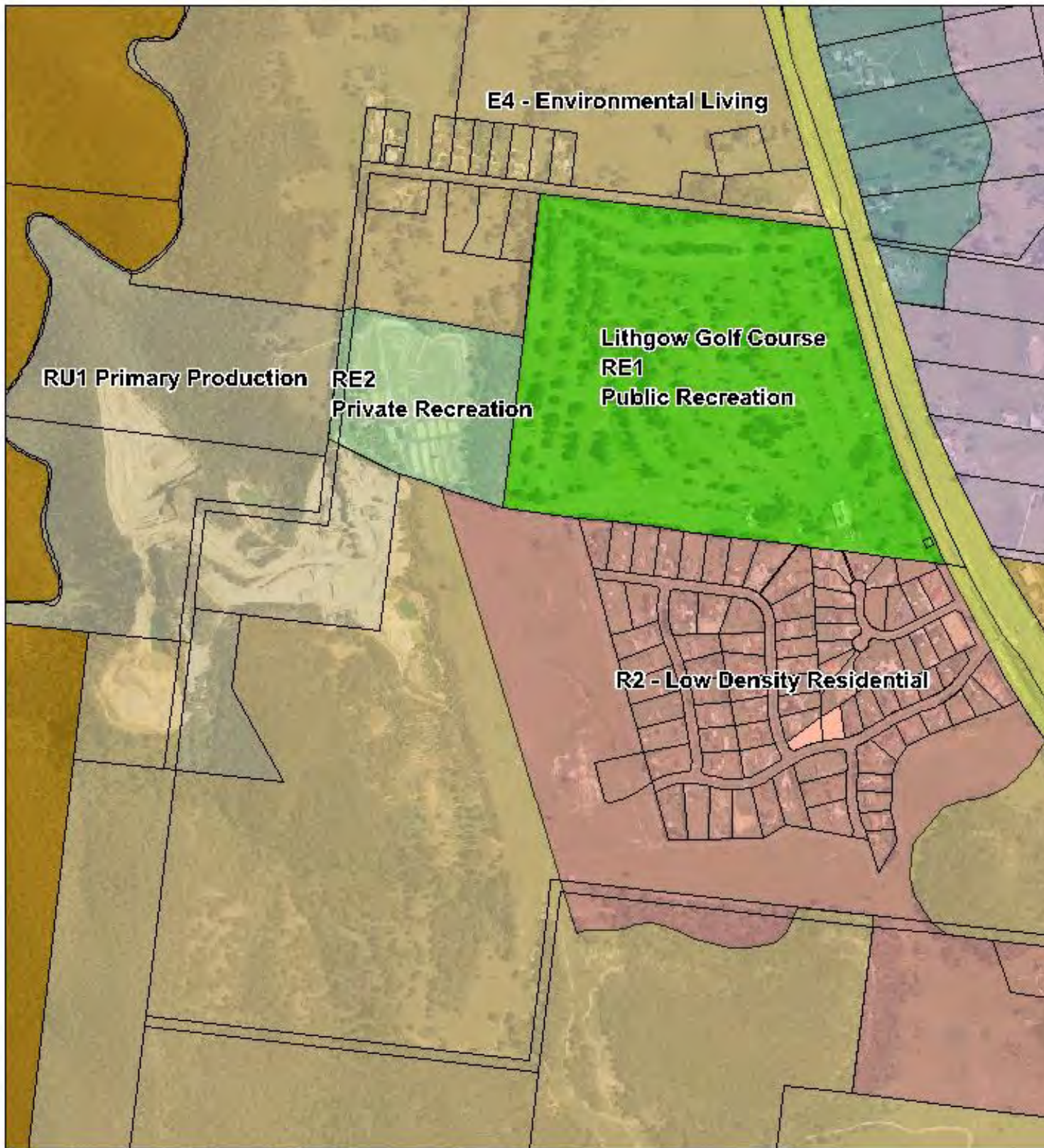


Figure 1 – Zoning Map Lithgow Local Environmental Plan 2014

## 2. Ownership

The Lithgow City Council is the registered proprietor of an estate in fee simple of Lot 1 DP 840412, commonly known as the Lithgow Golf Course.

### 2.1 History of Ownership

The property that is now used for the purposes of the Lithgow Golf Course and Club House was originally an estate of some 526 hectares *'with orchards and cultivation paddocks surrounding fine gardens'*<sup>3</sup>.

The original building on the property was a single-storey cottage built probably around 1880; it was developed by the ironmaster, William Sandford around 1895 into a two-storey house. It was sold to G & C Hoskins in 1906-07 and was a Hoskins House until the iron operations were transferred to Port Kembla in 1929-30.<sup>4</sup>

Lithgow Golf Club was founded in 1905 but it was not until about 1947 that the Club acquired the property. The Hoskins family sold the property to the Lithgow Golf Club after the Second World War and the Club House in the 1950s to accommodate the Club's small but growing membership.<sup>5</sup>

The Greater Lithgow City Council came into effect on the 1 April 1977 following amalgamation with the former Blaxland Shire Council. It appears that the Club had loans with the former Blaxland Shire Council which were passed on to the new Greater Lithgow City Council.

According to Ray Hammett, President of Lithgow Golf Club in 2009, *'Council received the whole golf club as payment for some back water rates (initially to Blaxland Shire Council)'*<sup>6</sup>.

By November 1979, the Lithgow Golf Club was negotiating with Council for the deferment of payment of the loans.

At a Special Meeting of the Greater Lithgow City Council held on 12 May 1980, the Council resolved:

- a) *As Council believes that a Golf Club is essential for Lithgow it purchase the land and buildings from the Lithgow golf club and then lease back land and buildings to the Club,*
- b) *The Mayor and Town Clerk negotiate a purchase price with the Lithgow Golf Club Directors and*
- c) *Council Auditors, Alan and Morse & Co., be requested to assist in drawing up the terms of a lease.*<sup>7</sup>

On the 13 February 1981 a 21 year lease was put in place, with the annual rental payment being \$1,000. This lease expired on 12 February 2002.

By 2003, the Club was again struggling to remain viable and approached Council requesting that Council commence the maintenance of the golf course. At the Ordinary Meeting of Council of 8 December 2003, the Council resolved that *'Council take over the course maintenance until the Golf Club is viable'*<sup>8</sup>.

A further lease was negotiated commencing on 1 May 2004 and concluding on 30 April 2009. This lease identified that the Council would maintain the golf course and club house, while the Lithgow Golf Club Ltd were provided with a lease over the land and club house with the permitted uses of: public golf course, licensed club house, golf pro shop, upstairs manager's residence.

There remains a strong sense of community ownership of the golf course and club house as the land and building have been used as a golf course and club house since around 1930. Today the Lithgow Golf Club Ltd continues to manage golfing activities and contributes to the maintenance and upgrade of the facilities by raising funds through club membership, the playing of golf and functions. All funds raised by the Golf Club are utilized for the purpose of providing golfing activities and for input into the maintenance of the facilities.

<sup>3</sup> Statement of Heritage Significance

<sup>4</sup> Lithgow Heritage Inventory (SHI Number 1960110, Study Number B106)

<sup>5</sup> Christo Aitken, 24/6/08, Heritage Advice to Lithgow City Council: *Marrangaroo – Lithgow Golf Club*

<sup>6</sup> RG Hammett President Lithgow Golf Club Ltd, Lithgow Mercury Saturday 7 February 2009.

<sup>7</sup> Minutes of the Special Meeting of the Greater Lithgow City Council held on 12 May 1980. (Resolution No. 594)

<sup>8</sup> Minutes of the Ordinary Meeting of Council 8 December 2003, (Min 1710. File 10715:100374)

### 3. Classification and Categorisation

The entire 40.27 ha site known as Lot 1 DP 840412 is classified as community land under Section 26 & 27 of the Act . This was resolved by Council on the 14 June 1994<sup>9</sup>.

Section 36 (4) of the *Local Government Act*, 1993 requires all community land to be categorized as one or more of the following:

- (a) *natural area,*
- (b) *a sportsground*
- (c) *a park*
- (d) *an area of cultural significance*
- (e) *general community use.*

The *Local Government (General) Regulation (2005)* provides guidelines for the categorization of community land. The categories reflect land use and/or describe the physical characteristics of the land.

This Plan of Management categorises the subject land as:

**Sportsground** - being land used or proposed to be used primarily for active recreation involving organized sports or the playing of outdoor games.

### 4. Leasing

This Plan of Management expressly authorises the provision of a lease and associated licenses over the golf course and club house with the permitted uses of: public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs residence and/or office.

These activities are consistent with the categorization of the land as 'sportsground'.

### 5. Description of Lithgow Golf Course

#### 5.1 Overview

The Plan of Management applies specifically to the community land described as Lithgow Golf Course and contained within Lot 1 DP 840412.

It is accessed off the Great Western Highway at Marrangaroo Fields some 3km west of Lithgow via a one-way bridge into Girraween Drive and Golf Links Road. It is bordered by the Main Western Railway line to the east, Oakey Forest Road to the North and private lands and the Go Kart track to the west and private lands to the south. Refer to the Location Maps on the following pages.

The site has a land area of 40.27ha. The site is gently undulating falling to the east.

The site is developed as an 18 hole golf course with one practice putting green. All greens are grass greens.

The site also accommodates maintenance sheds accessed by gravel roadways and a sealed car park area. These facilities are located in the south eastern quadrant of the site.

Windarra and Marrangaroo Fields residential estates adjoin the public carpark and the southern boundary of the golf course.



*An example of residences in Marrangaroo Fields Estate, adjoining the golf course.*

<sup>9</sup> Minutes of the Ordinary Meeting of Greater Lithgow City Council held on Tuesday 14 June 1994. Item 8 Classification of Land (A119/11/000/00)

Mature planting of predominantly large conifers shield residences from golf balls, with additional structured nets erected along the boundary of the 8<sup>th</sup> hole. The 8<sup>th</sup> hole tee and fairway was redesigned in the 1990's in an effort to minimize the impact of stray golf balls on adjoining residential development.

*A pedestrian pathway provides access from the residential area through to the golf course*



*Mature conifers provide a screen to the residential area*

There are two (2) public access pathways that provide pedestrian access between the adjoining residential areas and the golf club and course.



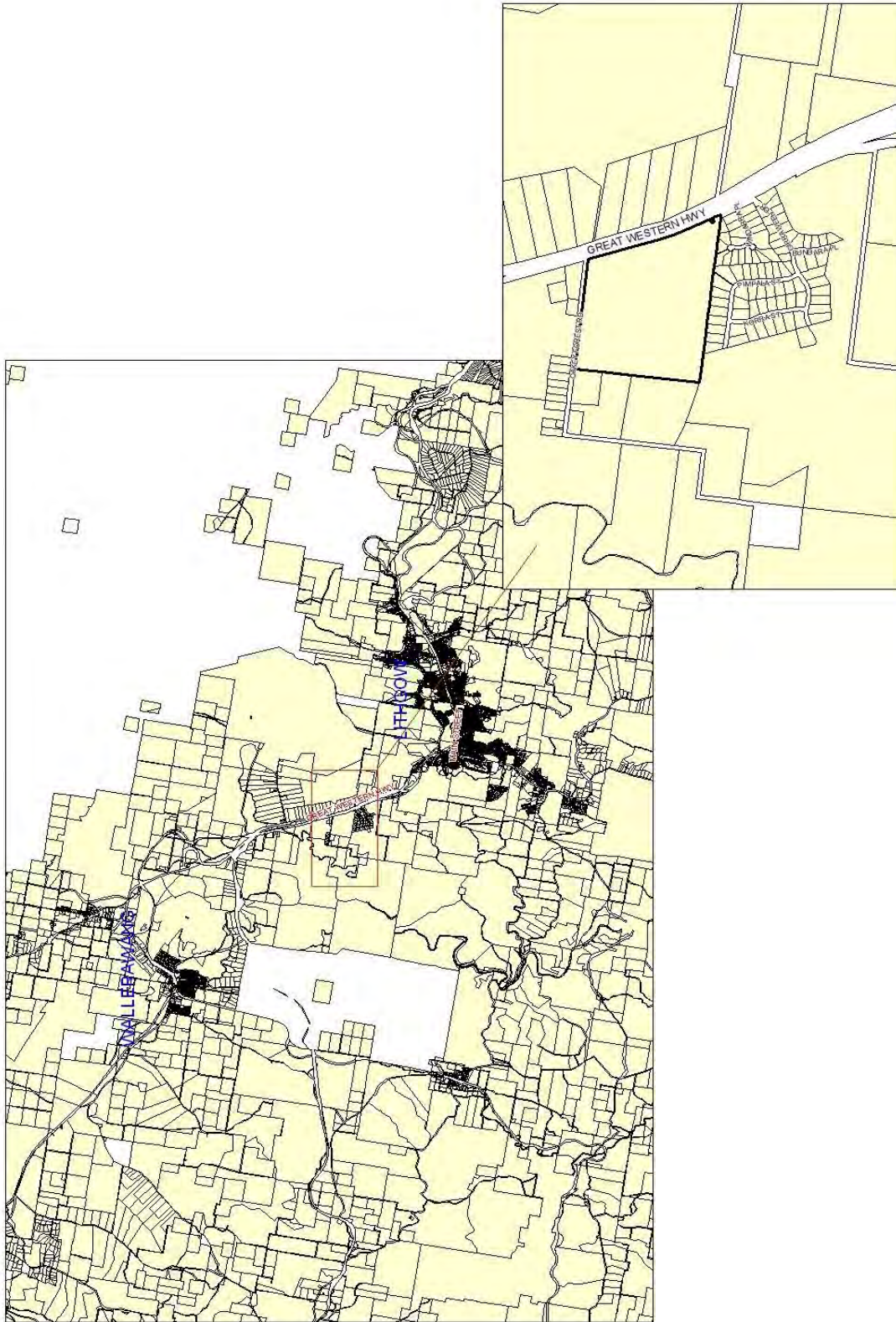


Figure 2 – Lithgow Golf Course Locality Map



Figure 3 – Lithgow Golf Course Aerial Map

## 5.2 Vegetation

Remnant vegetation on the site includes both native and introduced species that line the golf course fairways.

No threatened species of flora have been recorded upon the site through the National Parks and Wildlife Atlas.

The course contains a wide variety of mature trees including a variety of conifers and eucalypts. These plantings provide wind breaks, shade and habitat for wildlife.

There are a few gardens spread around the club house, some annual plantings take place along with garden beds of perennial shrubs.

The fairways and greens are grassed as required for use as a golf course.

## 5.1 Birdlife

Birdlife around the course is prolific with regular sightings of galahs, sulphur-crested cockatoos, yellow-tailed black cockatoos, crimson rosellas, eastern rosellas, noisy miners and wood ducks which frequent the two large dams on the property.



*Wood ducks are common around the golf course and dams*

## 5.4 Fauna

No threatened species of fauna have been recorded upon the site through the National Parks and Wildlife Atlas.

Wallabies and kangaroos can be seen on the golf course particularly in the early morning and late afternoon.

## 5.5 Sewerage and Drainage

All waste water and sewerage from the amenities is collected in septic tanks and

pumped to the sewer. No waste is treated or disposed of within the site.

Most stormwater forms sheet flows and infiltration rates are high. On-site stormwater is directed to two large dams, via contours or open grassed swales and through overland flow.



*Two dams on site provide storage for stormwater runoff as well as aesthetically enhance the property.*

## 5.6 Water

Water is supplied via the Fish River system. No water is recycled. Infrastructure exists for the future connection of the golf course to town water supply.

## 6. Description of Club House

### 6.1 Overview

The Club House is partly situated in the remnants of an historic house, originally known as Eskroy Park which is situated in the south east quadrant of the site.

### 6.2 Building



*The front facade of the original building remains significantly in tact even though extensions to the building have been made to the north and west of the building.*

The following advice has been prepared by the Council's Heritage Advisor<sup>10</sup>:

*The late Victorian mansion is a two-storey brick building with bay windows, hipped roofs, chimneys and attractively detailed brickwork. The brickwork to the main façade is characterised by its unique patterning of light and dark coloured bricks. The brickwork below the original verandah on the northern side of the house has a diagonal / criss-cross patterned brick bond. The Club built a single storey fibro extension abutting the western side of the house in the 1950s. Two patterns of fibro sheeting appear to have been used; a standard flat sheet but also a later patterned sheet with ribs to mimic mid 20<sup>th</sup> C weatherboards.*

*The main building has been altered internally in an adhoc manner over the years to accommodate the changing needs of the Club and recently minor verandah additions were completed with a concrete verandah for the dining room. Modern cladding was*

*applied over the fibro on the western elevation as part of the above recent works using a steel wall cladding system similar to 'Panelspan' using a traditional weatherboard profile.*

*In the short term, the Club is considering extending the new wall cladding to the rear of the 1950s building to replace the deteriorating log-cabin style fibro sheeting. In the longer term they are considering extending it to other sections of the 1950s building however detailed plans and drawings have not been prepared yet.*

### 6.3 Access

Access to the building is from the carpark with the front door situated on the easterly aspect of the building. The main entrance is up a series of steps through the original entrance into a lobby. To the left is the Golf Pro Shop, to the right, entrance into the main bar and function rooms.

Disability access is via a ramp from the carpark at the back of the building through doors into the function rooms.

The interior of the ground floor of the building is fully accessible for people with a disability. A fully compliant disabled toilet is provided.

### 6.4 Building Layout

The Club House contains the following spaces:

Lobby and hallway  
Golf Pro Shop  
Bar area and storage room  
Bar area seating  
Gaming room  
Dance floor  
Stage  
Dining room  
Kiosk  
Commercial style kitchen and storage room  
Male, Female and Disabled toilets  
Office space  
Front verandah  
Verandah off the dining room Meeting room  
Interior staircase to the flat up stairs  
Upstairs flat with three large rooms, hallway, bathroom and kitchen  
Under floor storage area

<sup>10</sup> Christo Aitken, 24/6/08, Heritage Advice to Lithgow City Council: Marrangaroo – Lithgow Golf Club



## 7. Current Usage

The site is currently used as a golf course and golf club house.

The Lithgow City Council currently extends a lease over the site with the permitted uses of: public golf course, licensed club house, golf pro shop, upstairs manager's residence.

The lease is currently held by a not-for-profit organisation which is a company limited by guarantee and not having a share capital. It has a membership base, as well as provides opportunities for social golfers, both local and visitors.

It is open on a daily basis for golfing activities, however, is not open in the evenings except for booked functions and/or organized social activities.

Golfing activities include:

- Tournaments
- Competitions
- Clinics
- Coaching
- Junior tournaments
- Social games
- Fun days

In addition, the club provides a venue for functions and meetings such as:

- Small conferences, meetings and forums
- Weddings and celebrations
- Education – eg responsible serving of alcohol and gaming related courses
- Golfing related activities

It has a restaurant and kiosk which cater for the needs of the players and visitors.

The current lessee, the Lithgow Gold Club is a registered club and holds a gaming licence for 5 gaming machines.

## 8. Values

### 8.1 Recreational Values

The Lithgow Golf Course provides a large open space for the use of a golf course and golfing related activities. As a public facility it is available for use by all members of the community.

### 8.2 Cultural and Historic Values

The original building housing the club house is listed on Council's Heritage Inventory. It is considered to have local social significance. The original house was known as Eskroy Park House.

The Statement of Significance states:

*Historic: the house for 40 years of successive ironmasters, Eskroy Park with its estate is highly significant as a symbol of Lithgow's greatest industry. For the last 60 years it has retained significance as the clubhouse for a major golf club. Aesthetic: the polychrome brickwork of the façade and the decorated brick wall in front give the house aesthetic significance. Something of its rural setting has survived thanks to the golf course. Social: the centre for entertainment of guests by the ironmasters and a busy golf clubhouse ever since, the house has considerable local social significance.*

The Historical Notes or Provenance state:

*Originally a single-storeyed cottage built probably around 1880, it was developed by ironmaster, William Sandford around 1895 into a dominating two-storey house named Eskroy Park after the Eskbank ironworks and Sandford's son Roy. The estate was large (526 hectares) with orchards and cultivation paddocks surrounding fine gardens. Sandford was a machete-gardener's son from Dorset and took the greatest pleasure in his flower and tree plantings. When he was forced to sell the Blast Furnace and Steelworks to G&C Hoskins in 1906-07, Eskroy became a Hoskins home until the iron operations were transferred to Port Kembla in 1929-30. Thereafter it became the Clubhouse for Lithgow Golf Club, which has made a number of alterations.*



### 8.3 Aesthetic Values

The most important aesthetic value of the site is its open space and vegetation.

### 8.4 Potential and Future Values

The potential and future values may include investigation of opportunities for expansion and development with new business models. For example:

- Further growth in residential amenity in time may potentially provide opportunities for increased patronage.
- Development of a tourist market, both domestic and international, could be explored further.
- Development into a country club style facility, or a residential/golf club complex has been flagged but not fully explored.

## 9. Management Objectives

### 9.1 Lithgow City Council Community Strategic Plan 2013-2026

The following information is an extract from the Council's Community Strategic Plan 2013-2026. It provides an overview of how the Council's Vision and Objectives relate to the golf course, club house and associated activities.

#### 9.1.1 Overarching Vision

The Lithgow City Council's overarching vision is:

*"A centre of Regional excellence that:*

- *Encourages community growth and development*
- *Contributes to the efficient and effective management of the environment, community and economy for present and future generations."*

#### 9.1.2 Principal Activities and Vision Statements

The principal activity and vision statement from the Council's Corporate Strategic Plan is:

*We retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA.*

#### 9.1.4 Objectives – Community

Relevant Objectives under the Principal Activity for Community in the Council's Strategic Plan include:

- Encouraging equitable access to services and facilities which meet the needs of the community.
- Determining and prioritising the recreational needs of the community and exploring funding options.
- Encouraging community involvement in recreational activities and the use of facilities.
- Providing support to community organisations to improve their ability to plan and deliver recreational activities.
- Ensuring adequate open space is provided throughout towns and villages.
- Improving the quality of open space and recreational facilities.

## 9.2 Lithgow LEP 2014

Lithgow Local Environmental Plan, 2014, guides and informs this Plan of Management through the zoning of lands which restricts and permits certain uses and activities.

The land is zoned Public Recreation RE1 under Lithgow Local Environmental Plan, 2014.

Under this plan, a golf course falls within the definition of a recreation facility (outdoor) and is permissible within the zone with consent. The clubhouse building is regarded as ancillary to the use of the site as a golf course.

## 9.3 Local Government Act (1993)

Under Section 36 of the Local Government Act 1993, Council must prepare a draft Plan of Management for community land. This plan may apply to one (1) or more areas of community land, and must identify a number of items in relation to the land, including:

- *The category of the land*
- *The objectives and performance targets of the plan with respect to the land*
- *The means by which Council proposes to achieve the plan's objectives and performance targets, and*
- *The manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.*

Community land is categorised as one (1) or more of the following:

- *A natural area (ie bushland, wetland, escarpment, watercourse, foreshore);*
- *A sports ground;*
- *A park;*
- *An area of cultural significance; or*
- *General community use.*

Lot 1 DP 840412, commonly known as the Lithgow Golf Course, is categorized as **Sportsground**.

The Local Government (General) Regulation 2005 (103) states:

*Land should be categorized as a sportsground under section 36(4) of the*

*Act if the land is used or proposed to be used primarily for active recreation involving organized sports or the playing of outdoor games.*

## 9.4 Community Land Categorised as a Sportsground – Core Objectives

The Act provides the following core objectives for management of community land categorized as a Sportsground:

- *to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games*
- *to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

## 9.5 Lithgow City Council Objectives, Performance Targets and Assessment for Lithgow Golf Course and Club House

	<b>Objectives</b>	<b>Performance Targets</b>	<b>Performance Assessment</b>
<b>Access and Equity</b>	To provide equitable access to the golf course and golf club	Facilities are available to all members of the community  Disability access is maintained to Club House and Golf Course	Lease conditioned to ensure public access to golf course.  Disability access meets required standards
<b>Recreational Needs</b>	To determine and prioritise the recreational needs of the community and explore funding options for improvements as identified.	Open Space and Recreational Needs Study 2010 adopted in principle as part of the Land Uses Strategy process, identified Golf as a specialized sport that is important to the community.	The needs of community for golfing activities identified as part of Council recreational plan.  Quantify the casual and member usage of the course to establish short, medium and long term asset planning in line with demand.
<b>Community Involvement</b>	To encourage community involvement in recreational activities and the use of facilities.	Council and any lessee of the golf course and golf club house promote community involvement in the management and participation of club activities.	Lessee is provided representation on Sports Advisory Committee.  Level of community involvement in terms of membership and participation.
<b>Supporting Community Organisations</b>	To provide support to community organisations to improve their ability to plan and deliver recreational activities.	Any lessee is provided information and support on planning and delivery of recreational activities as required.	Support and information provided as required and when available.  Annual subsidy of rental as contribution to maintaining this community asset.
<b>Recreational Facilities</b>	To improve the quality of open space and recreational facilities.	Golf course and club house are maintained to an agreed standard.	Asset management plan developed together with service delivery plan.

## 10. Management Strategy / Action Plan

The basis for the management for Lithgow Golf Course and Club House has been derived from discussions with Lithgow City Council staff, and through community consultation, along with relevant statutory requirements.

There is an onus on Council to ‘*encourage, promote, facilitate and provide*<sup>11</sup>’ for the safe enjoyment of community land through the provision and maintenance of appropriate structures and facilities.

The key values of recreational, cultural and historic, aesthetic and potential future uses, have been considered when putting together this management strategy and action plan.

The following Current Status and Condition Report informs the Action Plan.

### 10.1 Current Status and Condition

MANAGEMENT	
<b>Lease</b>	<p>This Plan of Management provides authorization for the Council to provide a lease for the running of golfing-related activities covering both the golf course and club house.</p> <p>The lease will provide the permitted uses of public golf course, licensed club house, golf pro shop, functions and meetings, and upstairs manager’s residence and/or office.</p> <p>Council will provide any lease in accordance with the Local Government Act 1993 under section 46.</p> <p>There is a requirement of the lessee to adhere to the intent of the conditions of the lease.</p>

<sup>11</sup> Local Government Act 1993

**Heritage**



The heritage of the building was discussed earlier in the document.

Only a few reminders are still evident in the interior of the house of the original decorations. For example only a small segment of the original decorative ceiling plaster in the now bar area remains. What appears to be an original light fitting and plaster circle remains in the room with the pool table.

**GOLF CLUB HOUSE**

**East (front) elevation**



The east elevation of the building is made up of two components. To the right is an addition added in 1976. It is made of timber frame with fibro cladding.

This part of the building is in reasonable condition with some repairs necessary including replacement of damaged cladding and stairway.

To the left the building is the original brick building with flat above and attached verandah.

This part of the building is in reasonable condition.

**West (back) elevation**



To the right, is the original building with flat above and the new toilets/amenities section renovated in 2003.

This part of the building is in good condition.

To the left is the addition added in 1976. It is constructed of timber framing and fibro clad.

This part of the building is in reasonable condition.

An access ramp leads from the carpark to a double door entrance into the dining room area.

**North elevation**



A new verandah constructed of concrete slab and steel roof runs along the extent of the building.

The building is clad with metal cladding.

The verandah is in good condition being constructed in 2003.

**South elevation**



The South wall of the building is part of the original brick building.

It is in reasonable.

Fire escape stairs lead from the top floor flat to the ground. They are made of steel and are in good condition.



**Golf Pro Shop**



The Golf Pro Shop can be found adjacent to the lobby. It is in the heritage area of the building. It is in good condition.

**Bar and storage room**



The bar and storage area are found in the centre of the building. The bar was refurbished in 2007 and was funded by the Lithgow Golf Club. It is in good condition.

**Gaming Room**



A small gaming room is accessed from near the bar area. The club is currently licensed for five machines.

This area is in good condition.

**Bar area seating room, Dining room, Stage, Dance floor**



There is a large open space used for seating, dining, stage and dance floor. It is recently renovated and is in good condition.



**Kitchen, kiosk and storeroom**



A fully fitted-out commercial kitchen is installed.

It is maintained to a satisfactory level.

A small kiosk area which serves tea, coffee, cakes and sandwiches, and a small selection of hot food sits adjacent to the kitchen. It has a display frig and associated fixtures. Orders from the kitchen can be placed at the kiosk.

A storeroom accessed from the kitchen is in sound order.



### North verandah



The verandah on the Northern side was built in 2006.

It is made of concrete and is in sound order.

### East verandah



The verandah is made of timber and has a timber railing and timber lattice in-fills.

This verandah provides access to the main entrance into the building.

The flooring is timber and may require replacement in the near future as it is in medium condition.

### Meeting room



The meeting room can seat up to 20 people comfortably.

It was refurbished in 2003 along with the toilets.

The room is in good repair.

**Toilets**



There are men's toilets, women's toilets and a disability access toilet which complies with building standards.

The toilets were refurbished in 2003 along with the meeting room.

**Office space**

Office space is provided in a room off from the dance floor.

The office area is well maintained.

**Stairwell**

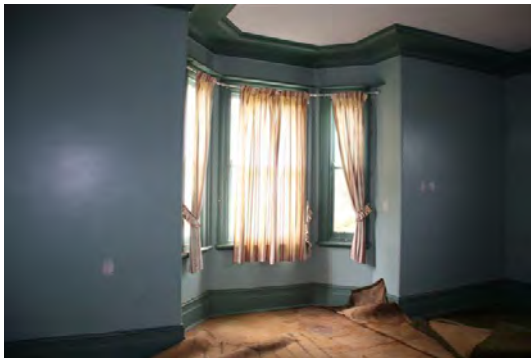
There is an interior stairwell leading to the flat on the first floor of the building. It is accessed from the outside of the back of the building. It is in reasonable condition.




**Upstairs Flat**



The upstairs flat consists of three main rooms, a hallway, a kitchen and bathroom. The flat has been vacant for some years and requires repairs before it could be occupied, being kitchen and bathroom renovation, floor repairs, painting throughout, replacement of defective door onto external stairs, and replacement of floor coverings.

It was once rented to the manager but has not been used for a number of years.



<p><b>Under floor storage</b></p>	<p>There is a basement connected by a passageway that is divided into a number of spaces including boiler room, storage, keg area, and male and female amenities area. It runs the width of the building from east to west and is about 10 metres in width.</p>
<p><b>Golf Course and Grounds</b></p>	
<p><b>Sheds</b></p> 	<p>There are a number of sheds co-located on site approximately 150m from the club house. These sheds are used to house plant and equipment used in the maintenance of the grounds. The sheds are of various ages, and various conditions, with one being built of galvanized iron, one steel and zinc aluminium, and another of concrete.</p> <p>The sheds are used to store plant and equipment and provide shelter and a meal room for ground employees.</p>
<p><b>Safety shower</b></p> 	<p>An outdoor shower is provided as a safety measure in case of emergencies due to such things as chemical spills. The shower meets with Australian standards.</p>
<p><b>Fuel storage tank</b></p> 	<p>A small fuel tank exists to provide diesel fuel for plant used to maintain the grounds.</p> <p>Some bunding work is required in this location to capture spills and minimize risk of contamination to nearby drainage lines.</p>

**Chemical storage shed**



A small shed built of stone and concrete houses chemicals and is secured with locks.

The shed is adequate for the purpose. A chemical spills kit is provided.

**Roads and car parking areas**



The entrance road and car park are formed with bitumen seal. There are approximately 50 parking spaces. On occasions when the car park is full, vehicles are parked on grassed areas. It is not considered that further car park areas are required in the immediate future.

The carpark requires ongoing maintenance as required in line with resourcing demands.. A designated disabled bay and signage needs to be provided close to the access ramp at the rear of the building.

**Pathways**



An informal system of pathways exists throughout the golf course which sets out directions for golfers to negotiate the fairways. These pathways are generally grassed and/or gravel and are maintained as part of the grounds maintenance program. They are considered appropriate for the existing use.

**Signage**



The Golf Club provides promotional signage. Signage exists in terms of directional signage, eg to the entrance to the club house, sponsorship signs are spread throughout the grounds, and there are interpretative signs regarding the history of the property.

Overall they are in a reasonable condition and are considered adequate.

Two billboard signs on the highway provide, along with finger blade signage adequate directional signage for the Golf Club.

**Disability access**

An identified disabled parking bay needs to be line marked at the rear of the car park



close to a formed access ramp leading into the back of the club house. This access ramp is in a sound condition. The interior of the building provides easy access for people with disabilities.

The course is spread over a gently sloping ground with easy access for motorized golf carts and other motorized mobility aids.

It is considered that access is appropriate to the needs of the users.

**Vegetation**



The course has any number of mature plantings of a wide variety of trees, predominantly conifers and eucalypts.

Routine maintenance is required to ensure the grounds remain safe from falling branches and trees.

Mature trees provide a shield between the golf course and adjacent residential area along the golf course boundary. These trees need to be maintained in a good order to ensure the ongoing safety of the residents.

There is no significant weed infestation on site. Routine inspections and annual spraying for weeds occurs.

**Fairways and Greens**



The golf course contains 18 holes and a practice green. Mowing of both the greens and fairways takes place on a routine basis.

Greens are renovated annually.

Council staff liaise regularly with the lessee.

**Irrigation**



Green with holding dam

Irrigation is provided to all 19 greens.

Currently one fairway is irrigated with no plans for augmentation of this system at the present time.

Water comes from a bore at the front of the property which is pumped to a holding dam at the top of the property. A pumping station then disperses the water to the greens and fairway.

Irrigation and pumping stations are in satisfactory condition.

**Dams**



There are two large dams on the site, along with a number of smaller ones, which catch some of the storm water run off. Both dams are in a healthy condition.

These dams, not only provide an aesthetic value to the course, but also provide habitat for water birds and amphibians such as frogs.

The top dam is a holding dam for irrigation (see above)

**Stormwater management**




Contours and open grassed swales provide for efficient and effective stormwater management throughout the site.

These contours and swales are maintained as part of the mowing schedule of works.

**Sewerage**

Sewerage is gravity feed to a septic tank system located in the south western corner of the carpark. One of the tanks has been converted to a pump station which pumps sewerage to the reticulation network in the Marrangaroo Fields estate. Pipes carrying waste from the building to the septic tanks were replaced in 2009.

Direct connection to the Councils sewerage reticulation system is recommended in the medium to long term as resourcing permits.

<p><b>Fences</b></p> 	<p>Periphery fences, in general, are in poor condition. They are made of chicken wire, barbed wire and plain wire. Currently they serve the purpose of delineating the boundaries of the golf course with neighboring properties.</p> <p>Council currently has no plans to replace the fencing in the short to medium term.</p>
<p><b>Utilities</b></p>	<p>Water is supplied to the site from the Fish River Water Supply. Infrastructure exists that may connect the water supply to the town supply in the future.</p> <p>Town power is supplied.</p> <p>Natural Gas is provided to the property.</p>
<p><b>Waste Management</b></p>	<p>Waste is removed from the site by weekly services from Lithgow City Council.</p>

## 10.2 Action Plan

The following action plan details the ongoing management of the golf course and club house.

Action Area Management Issue	Performance indicator/targets	Means of achieving objectives Action	Timeline	Manner of assessment of performance
<b>Lease Management</b>	Any lease current and monitored annually	Renew lease Inspect property for compliance of lessee with lease	Annually	Conditions of lease are met.
<b>Heritage</b>	Heritage values of club house recognised and conserved	Develop Conservation Plan of Management for the Heritage aspect of the Club House (Eskroy Park)	2016	Conservation Plan of Management developed by Community and Strategy.
<b>Building and infrastructure maintenance</b>	Building and infrastructure management and maintenance ensures buildings and other infrastructure maintained in satisfactory condition.  - Club House - Sheds - Other	Asset management plan to be prepared.  Council's public assets engineer will undertake annual inspections and oversee maintenance schedule.  Identify major maintenance and upgrade works in Council's Management Plan	2016  Annual	Asset management plan prepared in line with other assets of Council.  Annual maintenance schedule met within allocated budget
<b>Ground keeping</b>	Grounds are maintained to satisfactory level for competitive and social golf	Prepare a ground keeping management plan - Green keeping - lawn mowing - weed management - garden maintenance  Ensure ground keeping plans are carried out	Annual	Schedule prepared and monitored annually



<b>Entrance road and car Park</b>	Entrance road and carparking area are maintained in a safe condition	Maintenance management plan is identified and maintenance is carried out as required	2015/16  Ongoing	Designation and signposting of the disabled parking area to be undertaken in the next budget period  Seal and line marking renewed in line with budget.
<b>Water management</b> Irrigation  Storm water	Irrigation system maintained in working order  Stormwater dispersed effectively	Ground staff undertake routine maintenance on irrigation system as required.  Contours and swales maintained regularly	Ongoing	No breakages in irrigation system.  Contours and swales direct water to dams and other dispersal areas.
<b>Waste management</b>	Garbage service provided by Lithgow City Council	Monitor removal of waste	Ongoing	
<b>Sewerage</b>	Sewerage services are maintained	Routine inspections undertaken	2 times a year	
<b>Safety</b>	Provide a safe environment for all employers and users of the golf course and club house.	Conduct regular safety audits, assessing the area on a risk assessment basis.	2 times a year.	Safety audits conducted with 100% compliance.
<b>Communications Strategy</b>	Improved promotion of the site and facilities available	Include the golf course in promotions of the council.  Provide opportunities through inclusion in Council's Sports Advisory Committee for the lessee.	As required	Inclusion of Lithgow Golf Course in Council printed and digital communications media including tourist guide, website and Lithgow app

## APPENDIX I: LEGISLATIVE DESCRIPTIONS

The *Local Government Act* 1993 provides the following relevant sections:

### 35 What governs the use and management of community land?

Community land is required to be used and managed in accordance with the following:

- the plan of management applying to the land
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land
- this Division.

### 36 Preparation of draft plans of management for community land

- (1) A council must prepare a draft plan of management for community land.
- (2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division.
- (3) A plan of management for community land must identify the following:
  - (a) the category of the land,
  - (b) the objectives and performance targets of the plan with respect to the land,
  - (c) the means by which the council proposes to achieve the plan's objectives and performance targets,
  - (d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,and may require the prior approval of the council to the carrying out of any specified activity on the land.
- (3A) A plan of management that applies to just one area of community land:
  - (a) must include a description of:
    - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
    - (ii) the use of the land and any such buildings or improvements as at that date, and
  - (b) must:

- (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.
- (4) For the purposes of this section, land is to be categorised as one or more of the following:
    - (a) a natural area,
    - (b) a sportsground,
    - (c) a park,
    - (d) an area of cultural significance,
    - (e) general community use.
  - (5) Land that is categorised as a natural area is to be further categorised as one or more of the following:
    - (a) bushland,
    - (b) wetland,
    - (c) escarpment,
    - (d) watercourse,
    - (e) foreshore,
    - (f) a category prescribed by the regulations.
  - (6) The regulations may make provision for or with respect to the categorisation of community land under this section, including:
    - (a) defining any expression used in subsection (4) or (5), and
    - (b) prescribing guidelines for the categorisation of community land and the effect of any guidelines so prescribed.

### 36F Core objectives for management of community land categorised as a sportsground

The core objectives for management of community land categorised as a sportsground are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

### 38 Public notice of draft plans of management

- (1) A council must give public notice of a draft plan of management.
- (2) The period of public exhibition of the draft plan must be not less than 28 days.
- (3) The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
- (4) The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

#### **40 Adoption of plans of management**

- (1) After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.
- (2) If the council decides to amend the draft plan it must either:
  - (a) publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or
  - (b) if it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the plan of management for the community land concerned.
- (2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.
- (3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.

#### **40A Public hearing in relation to proposed plans of management**

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of

management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36 (4).

- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36 (5).
- (3) A council must hold a further public hearing in respect of the proposed plan of management if:
  - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
  - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36 (4) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

#### **41 Amendment of plans of management**

A council may amend a plan of management adopted under this Division by means only of a plan of management so adopted.

#### **42 Revocation and cessation of plans of management**

- (1) A plan of management for community land may be revoked by a plan of management adopted under this Division by the council.
- (2) A plan of management ceases to apply to land if:
  - (a) the land is reclassified as operational land, or
  - (b) in the case of land that is not owned by the council—the land ceases to be controlled by the council.

#### **43 Public availability of plans of management**

A plan of management must be available for public inspection at, and purchase from, the office of the council during ordinary office hours.

#### **44 Use of community land pending adoption of plan of management**

Pending the adoption of a plan of management for community land, the nature and use of the land must not be changed.

#### **45 What dealings can a council have in community land?**

- (1) A council has no power to sell, exchange or otherwise dispose of community land.
- (2) A council may grant a lease or licence of community land, but only in accordance with this Division.
- (3) A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

**Note.** The word **estate** has a wide meaning. See the *Interpretation Act 1987*, section 21 (1).

- (4) This section does not prevent a council from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to become, or be added to, land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*.

#### **46 Leases, licences and other estates in respect of community land—generally**

- (1) A lease, licence or other estate in respect of community land:
  - (a) may be granted for the provision of public utilities and works associated with or ancillary to public utilities, or
    - (a1) may be granted for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider, or
  - (b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:
    - (i) for a purpose prescribed by subsection (4), or for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or

- (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
  - (iii) for a short-term, casual purpose prescribed by the regulations, or
  - (iv) for a residential purpose in relation to housing owned by the council, or
  - (v) (Repealed)
  - (c) may be granted in order to allow a filming project to be carried out, whether or not the project is in accordance with the plan of management or is consistent with the core objectives of the categorisation of the land concerned, but may not otherwise be granted.
- (2) Despite subsection (1), a lease, licence or other estate in respect of community land may be granted for a purpose mentioned in subsection (1) (b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this Part, of its categorisation.
  - (3) A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 30 years.
  - (4) The following purposes are prescribed for the purposes of subsection (1) (b) (i):
    - (a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:
      - (i) public recreation,
      - (ii) the physical, cultural, social and intellectual welfare or development of persons,
    - (b) the provision of public roads.
  - (5) Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4) (a) (ii) include, but are not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf life saving clubs, restaurants or refreshment kiosks.
  - (5A) A council must grant an application under subsection (1) (c) for a lease, licence or other estate in respect of community land in order to allow a a

- copy of the newspaper notice of the proposal
  - a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
  - if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years
  - a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.
- (7) On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.
- (8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:
- (a) subsections (1), (2) and (6) have been complied with, and
  - (b) such consent would not contravene section 46, and
  - (c) in all the circumstances, it is desirable to grant consent,
- may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.
- (8AA) The Minister may consent to a lease or licence referred to in subsection (5)
- (b) only if the Minister is satisfied that there are special circumstances that justify the period of the lease or licence exceeding 21 years.
- (8A) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to,

- the granting of a lease, licence or other estate in accordance with subsection (8).
- filming project to be carried out on the land unless:
- (a) the community land is land referred to in section 47AA (1), or
  - (b) the plan of management for the land expressly prohibits use of the land for the purposes of filming projects, or
  - (c) the council is satisfied that there are exceptional circumstances that warrant refusal of the application.
- (5B) Before refusing an application on a ground referred to in subsection (5A) (c), the council must consider whether any concerns it has could be addressed by imposing conditions on the grant.
- (5C) If the council refuses an application, it must:
- (a) inform the applicant in writing of its decision as soon as practicable after it is made, and
  - (b) give the applicant reasons in writing for its decision within 3 business days after it is made.
  - (6) A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

#### **46A Means of granting leases, licences and other estates**

- (1) A plan of management is to specify, in relation to the community land to which it applies, any purposes for which a lease, licence or other estate may be granted only by tender in accordance with Division 1 of Part 3.
- (2) Nothing in this section precludes a council from applying a tender process in respect of the grant of any particular lease, licence or estate.
- (3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

#### **47 Leases, licences and other estates in respect of community land—terms greater than 5 years**

- (1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence

or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:

- (a) give public notice of the proposal, and
  - (b) exhibit notice of the proposal on the land to which the proposal relates, and
  - (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
  - (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.
- (2) A notice of the proposal must include:
- information sufficient to identify the community land concerned
  - the purpose for which the land will be used under the proposed lease, licence or other estate
  - the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
  - the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
  - a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.
- (3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.
- (4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.
- (5) The council must not grant the lease, licence or other estate except with the Minister's consent, if:
- (a) a person makes a submission by way of objection to the proposal, or
  - (b) in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.
- (6) If the council applies for the Minister's consent, it must forward with its application:
- a copy of the plan of management for the land
  - details of all objections received and a statement setting out, for each

objection, the council's decision and the reasons for its decision

- a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
  -
- (9) The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).
- (10) For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:
- (a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or
  - (b) would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted,
- is taken to confer an option for renewal for a term equal to the further term.

#### **47A Leases, licences and other estates in respect of community land—terms of 5 years or less**

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
  - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
  - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:

- (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
- (b) section 47 (9) has effect with respect to the Minister's consent.

been in force at the time it was granted, is void.

#### **47E Development of community land**

- (1) No power of a council under an environmental planning instrument to consent to the carrying out of development on community land may be delegated by the council, if:
  - (a) the development involves the erection, rebuilding or replacement of a building (other than a building exempted by or under subsection (2) from the operation of this paragraph), or
  - (b) the development involves extensions to an existing building that would occupy more than 10 per cent of its existing area, or
  - (c) the development involves intensification, by more than 10 per cent, of the use of the land or any building on the land, or
  - (d) the location of the development has not been specified in the plan of management applying to the land and the development is likely, in the opinion of the council, to be unduly intrusive to nearby residents.
- (2) The following buildings are exempt from the operation of subsection (1) (a):
  - (a) toilet facilities,
  - (b) small refreshment kiosks,
  - (c) shelters for persons from the sun and weather,
  - (d) picnic facilities,
  - (e) structures (other than accommodations for spectators) required for the playing of games or sports,
  - (f) playground structures,
  - (g) work sheds or storage sheds,
  - (h) buildings of a kind prescribed by the regulations.
- (3) An **existing area** referred to in subsection (1) (b) does not include the area of any awning, balcony, verandah or other thing that extends beyond the main structural outline of the building.
- (4) A delegation granted before the commencement of this section, to the extent that the delegation could not have been granted if this section had