



LITHGOW CITY COUNCIL

A CENTRE OF REGIONAL EXCELLENCE

REVISED AGENDA - LATE ITEMS

ORDINARY MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE,
LITHGOW

ON

14 FEBRUARY 2011

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2011

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**ITEM: 17 LATE MAYORAL MINUTE - 14/02/11 -
PORTLAND GOLF CLUB**

REPORT FROM: THE MAYOR, COUNCILLOR NEVILLE CASTLE

REFERENCE

NIL

SUMMARY

This Minute proposes to provide financial assistance to the Portland Golf Club.

COMMENTARY

Following representations from the Portland Golf Club, Council's General Manager and myself met in January with representatives from the Portland Golf Club in relation to their current financial position.

It was outlined by those representatives that the Club is suffering financially and requires assistance. It was indicated that the Club had recently sold three poker machines and is presently looking at subdividing and selling some residential parcels.

The assistance requested was for:

- Mowing in areas that require specialist machinery, i.e. a long arm mower. This would be required approximately three times per year
- Gravelling and grading of a carpark area.
- Some bitumen patching of the sealed carpark

This season the major event for the Club, the Open, was cancelled due to scheduling issues.

The Club has approximately 275 members.

Each year Council provides financial assistance to the Portland Golf Club as a sponsor. Typically this has been \$800.00.

The assistance above would provide some valuable assistance to the Club but would only have a minimal impact on Council's finances.

Council may provide financial assistance to various organisations. In this instance Council should consider this assistance in terms of Section 356 of the Local Government Act which provides that 28 days advertising of the proposal to grant such financial assistance is required.

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Additional funding of \$10,000 is required in the 2010 / 2011 financial year.

LEGAL IMPLICATIONS

NIL

ATTACHMENTS

NIL

RECOMMENDATION

THAT Council:

1. Advertise a proposal under Section 356 of the NSW Local Government Act 1993 to provide additional financial assistance in 2010/11 to the Portland Golf Club of up to \$10,000 in in-kind works to generally assist with the maintenance of areas of the Portland golf course and car parking areas;
2. Consider in future Council Management Plans a proposal of \$7,000 for works as outlined in above; and
3. Identify in future Council Management Plans specific amounts as sponsorship to the Portland Golf Club.

**ITEM: 18 REG - 14/02/11 - LATE REPORT - DEPARTMENT
OF ENVIRONMENT, CLIMATE CHANGE &
WATER (DECCW) - V - LITHGOW COUNCIL**

**REPORT FROM: GROUP MANAGER REGIONAL SERVICES – ANDREW
MUIR**

REFERENCE

Nil

SUMMARY

This report advises Council of the judgement in the Land & Environment Court in respect to offences under the National Parks and Wildlife Act relating to road maintenance activities in the Capertee Valley.

COMMENTARY

Councillors would be aware of the hearing in July 2010 relating to the alleged offences under Section 118A (2) of the National Parks and Wildlife Act 1974, concerning the alleged ‘picking’ of plants listed as *endangered* under the Threatened Species Conservation Act. In this instance, ‘picking’ related to the carrying out of road works utilising a grader and roller, which “cut, pulled up, destroyed, dug up, removed and/or injured the plants”. This judgement was handed down on 11 February 2011 by Justice Sheahan in the Land & Environment Court. Council pleaded guilty to two offences, being, firstly, the picking of 76 plants of the species *Grevillea Obtusiflora*, and the second, being the picking of 1 plant of the species *Phebalium Bifidum* in the Capertee Valley on roadsides between 22 April 2008 and 2 May 2008.

The Court convicted Council of the offences under Section 118A (2) of the National Parks and Wildlife Act and in respect of the first matter, fined Council the sum of \$90,000 and in respect of the second matter, fined Council the sum of \$15,000. Council was also ordered to pay the prosecutors’ costs, as previously agreed, in the amount of \$25,000. However, in lieu of these orders, the amount of the fines, being \$105,000 are to be paid to Industry & Investment NSW to be used by the Derelict Mines Programme (DMP) to assist in the site rehabilitation at Glen Davis Oil Shale Quarry, located in the Capertee Valley. Council is also required to place an advertisement in the Lithgow Mercury within 14 days of the Court’s judgement, outlining the offences.

POLICY IMPLICATIONS

Council has prepared a Standard Working Procedure in order to properly consider such matters in the future.

FINANCIAL IMPLICATIONS

Council will be required to pay a total amount of \$130,000 plus its own legal costs in relation to this matter. Consideration is now being given to how the Management Plan and budget may be amended to fund the fines and costs. This will be the subject of the March Quarterly Budget Review.

LEGAL IMPLICATIONS

The subject of this report. Furthermore, in accordance with the provisions of Clause 413A of the Local Government (General) Regulation 2005, the General Manager is required to ensure the following information is made available to each Councillor as soon as practicable, after the Order is made:

- (a) the date on which the order was made (*The Order was made on 11 February 2011*)
- (b) the amount of the fine, penalty or costs (*"Total fines issued \$105,000 + \$25,000 costs"*)
- (c) the act or omission giving rise to the fine or penalty, or the nature of the legal proceedings giving rise to the costs, as the case may be. (*"picking" of plants of threatened species, which are listed as endangered in Part 1 of Schedule 1 of the Threatened Species Conservation Act 1995*)

ATTACHMENTS

Nil

RECOMMENDATION

THAT the information in relation to the prosecution in the Land and Environment Court be noted.