**Template 1 – Generic plan of management for all community land (council-managed Crown reserves)**

Purpose of this template

This plan of management (PoM) template is designed to help NSW councils develop a PoM that is applicable to all council-managed Crown reserves classified as ‘community land’, and to ensure the PoM complies with the minimum requirements of both the Local Government Act 1993 (LG Act) and Crown Land Management Act 2016 (CLM Act). Where council includes council-owned land in the generic PoM the ownership needs to be clearly identified in separate sections and maps throughout the PoM.

**Note: Before using this template, councils should read:**

* Guideline for developing Plans of Management for community land
* Office of Local Government (OLG) Public Land Management Practice Note No.1

Refer to PoM Template 2 which covers particular categories and PoM Template 3 provides an outline of a site-specific PoM, required for reserves with the categorisation of an Areas of Cultural Significance, have Significant Natural Areas and Areas with Critical Habitat or for one reserve where the use of the land is complex, with multiple categories and multiple uses.

A caravan park on a Crown reserve also requires a site-specific plan of management. However, if there are multiple caravan parks on Crown land managed by council, these can be combined into one plan of management.

***Disclaimer:*** *This template is an example only and the format and wording can be adapted as required. Council is responsible for ensuring the PoM meets the requirements of the LG Act and CLM Act.*

This generic PoM template is for all community land defined under section 36 of the LG Act that can be included in a generic PoM – i.e., parks, sportsgrounds, general community use and natural areas. Use this PoM template for a group of reserves which may have similar functions but are geographically separate.

**Note:** Where there are multiple categories within reserves these all need to be cross-referenced (in text and maps) in all PoMs that cover reserves by category.

This generic template is detailed to fulfil the minimum requirements for a generic PoM under the LG Act. It is likely to be of most benefit to councils with limited resources to create their own PoMs, and/or for councils that do not have complex management issues for reserves. Councils can adapt the template specific to the council, adding extra detail and deleting sections that do not apply.

Councils should note the restrictions on inclusion of certain land in the generic PoM under the LG Act (see Land that cannot be included in a generic PoM in the PoM Guidelines).

**Note:** This PoM template does not cover land which requires a site-specific PoM under section 36 of the LG Act, i.e., land declared:

* as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
* by council to contain significant natural features (section 36C(2))
* complex reserve

Using the template

**Instructions and guidance**

Instructions are in blue italics, with blue shading. There should be no blue shaded text left in the final document.

**Sample text** is included, as an example, however the text is optional, council can use their own wording as required.

Within the sample text, any text in [square brackets and orange shading] indicates where text should be inserted.

For example:

[Name of council] adopted its previous Generic Plan of Management for Community Land [or other title] in the [council name] local government area in [month and year of last PoM adopted].

Title page

Plan of management template for Crown reserves (generic/all categories **except for** Area of Cultural Significance, Complex Reserves, Reserves which have Significant Natural Features and Areas with Critical Habitat)

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# Key information

Include the following key information at the start of the document:

* Plan of Management for X Land
* X Council
* Draft and date or X date of adoption.

If applicable:

* Table of versions
* Acknowledgement of the traditional owners of the land

**Sample text**

This plan of management (PoM) has been prepared by [council name] Council and provides direction as to the use and management of council-managed Crown reserves classified as ‘community land’ in the [council name] area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a generic document covering most of the community land and open space within the [council name] local government area (LGA) categorised as park, sportsground, general community use and natural area. ‘Natural area’ community land is further categorised into bushland, wetland, escarpment, watercourse and foreshore.

# Introduction

Provide a short overview of contextual information about the council – description of the location, size, population and characteristics of LGA. Include any overarching planning strategies, corporate objectives, visions for open space or recreational provisions and mission statements.

Optional – Council may also wish to outline Council’s corporate objectives, as outlined in the Delivery Program and/or other relevant strategic plan

[Your text]

## Purpose of the plan of management

Provide an overview of why the plan has been prepared. The main points are the requirements of the LG Act and CLM Act.

**Sample text**

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as ‘community land’ under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this generic PoM is to:

* contribute to the council’s broader strategic goals and vision as set out in [name of strategy/document]
* ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*
* provide clarity in the future development, use and management of the community land
* ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix [A3] of this document.

## Process of preparing this plan of management

It is important to communicate the steps involved in preparing a PoM to the community to provide transparency. A diagram has been prepared for use in the PoM.

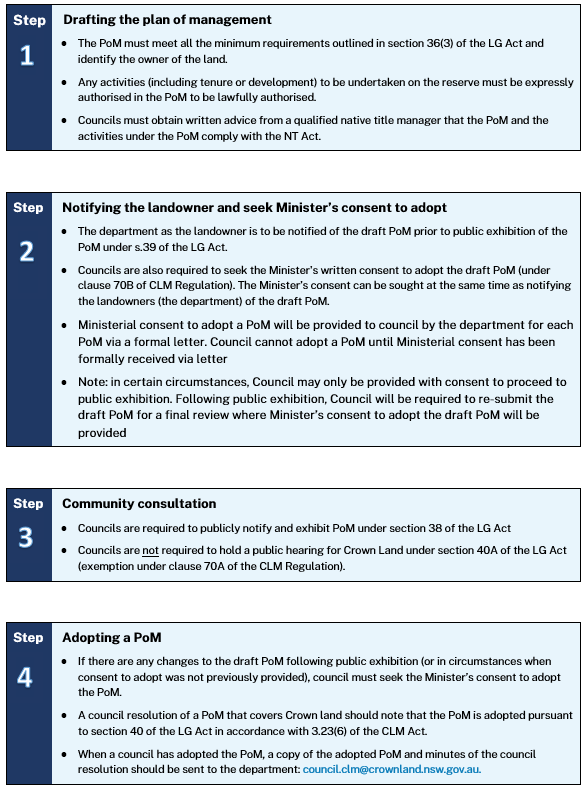


Figure 1: process for preparing a PoM for council managed Crown Reserves.

## Change and review of plan of management

**Sample text**

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within [*X*] years of its adoption. However, the performance of this PoM will be reviewed on a [XX monthly/yearly] basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council’s ownership by dedication of land for open space. The appendices to this PoM may be updated from time to time, reflecting significant changes to the condition of the community land, or to reflect new acquisitions or dedications of land.

The community will have an opportunity to participate in reviews of this PoM.

## Community consultation

Provide an overview of the general community engagement principles that have guided the development of the PoM and will guide any future revision. Align these with council’s community engagement strategy.

Include an overview of the LG Act public exhibition requirements for PoMs.

**Sample text**

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department – Crown Lands.

# Land description

Provide a clear overview of the land to which the PoM applies, and link to relevant maps and other descriptive information (in appendices).

A link may also be provided to the council’s land register, and any other relevant spatial or mapping information sources.

Include a clear statement about the ownership of the land.

**Important Note:** If there is a Native Title Determination or registered claim over the land in the PoM, include details in the land description. This information can be found on the Native Title Tribunal website at Native Title Vision (nntt.gov.au).

**Sample text**

The community land that is covered by this document is listed in Appendix [A1]. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only).

Some community land is not covered by this plan of management, generally because they need site-specific plans of management to be prepared. Contact the council or refer to the council’s website for information about other public land not listed in Appendix [A1].

## Owner of the land

Include a clear statement about the ownership of the land.

If the PoM also includes Council owned community land, the PoM must be explicitly clear about the ownership of different parcels of land. The PoM must be clear of the different legislative requirements of managing Crown Land compared to Council owned community land. Refer to the PoM Guidelines for further advice.

**Sample text**

The PoM includes land owned by the Crown which is managed by the council as Crown Land Manager (CLM) under the *Crown Land Management Act 2016*. Further details about the owner of the land is provided in Appendix [A1].

**Delete sections not relevant to this PoM.**

**Where the PoM covers land which is part of a native title determination, or registered native title claim**

The department is committed to managing Crown land consistently with the Native Title Act 1993 (NT Act). This responsibility also extends to Crown land managers (CLMs).

Native title is how Australian law recognises the rights and interests that Aboriginal people hold in land and waters under their traditional laws and customs. Native title is recognised and protected by the NT Act. Native title holders may be formally recognised by the Federal Court through a native title determination.

A determination can be made by the Court either with the agreement of each of the parties to the claim (a 'consent determination') or following a trial process (a ‘litigated determination’). If either of these have occurred over a reserve in the PoM, it should be stated.

The nature and extent of native title rights determined can vary and may include exclusive possession, use and occupation of traditional country or non-exclusive native title rights, such as the right to access and camp or to hunt and fish on traditional country.

Specifically, determined outcomes of Native Title include either/all of the following:

- native title does not exist.

- native title exists (exclusive possession),

- native title exists (non-exclusive possession),

- native title is extinguished.

Where the PoM covers reserves where a native title determination or registered claim exists, this is identified, either by maps, drawings or by description, and included in this section of the PoM. Specifically, the following should be included:

1. That there has been a Native Title Determination or claim registered under the Native Title Act 1993,
2. The name of the Native title Holder or claimants e.g., Barkandji People,
3. The area the determination or claim covers in relation to the LGA i.e., a map or a description,
4. The determined outcomes i.e. extinguished, does not exist, or non-exclusive possession (note that on Crown land there are no exclusive rights),
5. The determined outcome per Crown reserve – these could be included in the Land Description or a separate schedule,
6. A statement about what the determination or registered claim means for council managed Crown reserves e.g., non-exclusive rights and interests may allow for access for the purpose of camping, hunting, fishing, teaching of traditional law or customs. But not the right for native title holders to control access to and use of land and waters.
7. A statement that the council will engage with the native title holders for proposals authorised in the PoM.

**Note**: On Crown reserves, where native title has been extinguished, council does not need to provide Native Title Manager advice. **Note: Only the Federal Court of Australia can determine if native title has been extinguished**. Whether or not native title has been determined on a Crown reserve, council is still required to manage the reserve, for the purpose it was reserved, under the CLM Act.

More information is available on the native title section of the Council Crown land manager webpage.

[Your text]

# Basis of management

Provide an overview of the categorisation of the Crown Reserves covered by the PoM, as well as any inherent restrictions on the management of the Reserves, and council’s broad strategic goals and objectives for the Reserves.

**Note for Coastal councils:** Reference should be made to section 22 of the Coastal Management Act 2016 and the implementation of coastal management programs in the management section of this plan. Also include any authorised coastal management development work in the Permissible uses/future uses section of the PoM and any other relevant activities, including leases and licences, for coastal reserves.

**Sample text**

[Council name] intends to manage its community land to meet:

* assigned categorisation of community land
* the LG Act guidelines and core objectives for community land set out in [Table X1]
* restrictions on management of Crown land community land Note: this section isn’t required in the first plan of management
* the council’s strategic objectives and priorities
* development and use of the land outlined in Section 6 of the LG Act.

## Categorisation of the land

**Sample text**

If council chooses to include council-owned community land, it will need to be categorised as one or more of the following categories. **Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.**

The LG Act defines fivecategories of community land:

* **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.
* **Area of 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 categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

**Note:** The category of **Area of Cultural significance,** are areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance, they should be included in a site-specific PoM. Other reserves that should be included in a site-specific PoM, reserves which are complex, reserves that have Significant Natural Areas and Areas with Critical Habitat – must also be in a site-specific PoM.

The categorisation of the land is identified in Appendix [A1], as well as shown by maps in Appendix [A2].

## Guidelines and core objectives for management of community land

**Sample text**

The management of community land is governed by the categorisation of the land, its purpose and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Park, Sportsground, General Community Use and Natural Area categories are set out in Table [X1] below.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the [council name] area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

[Council name] encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, [council name] intends to permit and encourage a broad range of appropriate activities.

[Delete those that don’t apply to the Reserves covered in this PoM]

Table X1: Guidelines and Core Objectives for Community Land Categories

|  |  |
| --- | --- |
| **Guidelines – from the Local Government (General) Regulation 2021** | **Core objectives – from the *Local Government Act 1993*** |
| **Clause 104 – Parks:**  Land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others. | **Category Park (Section 36G):**  • to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities  • to provide for passive recreational activities or pastimes and for the casual playing of games  • to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. |
| **Clause 103 – Sportsgrounds:**  Land used primarily for active recreation involving organised sports or playing outdoor games. | **Category Sportsground (Section 36F):**  • 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. |
| **Clause 106 – General Community Use:**  Land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance. | **Category General Community Use**  **(Section 36I):**  • to promote, encourage and provide for the use of the land  • 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). |
| **Clause 102 – Natural Areas:**  Land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore. | **Category Natural Area (Section 36E):**  • to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area  • to maintain the land, or that feature or habitat, in its natural state and setting  • to provide for the restoration and regeneration of the land  • to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion  • to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994.* |
| **Clause 107 – Bushland:**  • land containing primarily native vegetation that is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation, is still representative of the structure or floristics of the natural vegetation in the locality. | **Category Bushland (Section 36J):**  • to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna of the land and other ecological values  • to protect the aesthetic, heritage, recreational, educational and scientific values of the land  • to manage the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures to minimise or mitigate disturbance caused by human intrusion  • to restore degraded bushland  • to protect existing landforms such as natural drainage lines, watercourses and foreshores  • to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term  • to protect bushland as a natural stabiliser of the soil surface. |
| **Clause 108 – Wetland:**  • Marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody. | **Category Wetland (Section 36K):**  • to protect the biodiversity and ecological values of wetlands, particularly their hydrological environment (including water quality and water flow), flora, fauna and habitat value  • to restore and regenerate degraded wetlands  • to facilitate community education in relation to wetlands, and community use of wetlands, without compromising the ecological values of wetlands. |
| **Clause 109 – Escarpment:**  • Land that includes such features as a long cliff-like ridge or rock, and significant or unusual geological, geomorphological or scenic qualities. | **Category Escarpment (Section 36L):**  • to protect any important geological, geomorphological or scenic features of the escarpment  • to facilitate safe community use and enjoyment of the escarpment. |
| **Clause 110 – Watercourse:**  • Any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation. | **Category Watercourse (Section 36M):**  • to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows  • to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability  • to restore degraded watercourses  • to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category. |
| **Clause 111 – Foreshore:**  • Land situated on the water’s edge forming a transition zone between the aquatic and terrestrial environment. | **Category Foreshore (Section 36N):**  • to maintain the foreshore as a transition area between the aquatic and the terrestrial environment  • to protect and enhance all functions associated with the foreshore’s role as a transition area  • to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use. |

## Restrictions on management of Crown Land

**Note:** This section does not apply to the first plan of management, but council may wish to include as required.

The plan must also state any restriction, covenant, trust, etc. applying to the land. It must state whether the use or management of the land is subject to any condition imposed by the owner (s.37 of the LG Act).

The following statement can be included in the PoM, along with information regarding interests over the land.

**Sample text**

Council is the Crown land manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management 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*
* 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 *Crown Land Management Act 2016*
* consider any interests held on title.

Include additional information as required

## Council’s strategic objectives and priorities

Provide an overview of Council’s strategic planning objectives for the land. Also insert a list of council objectives and priorities.

**Sample text**

[Insert name] Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

# Development and use

Provide an overview of the council’s broad development and maintenance strategy for the Crown reserves it manages. This may include references to prioritisation within resourcing constraints, identifying revenue options, and linking the strategy to the council’s resourcing strategy.

[Your text]

## Current use of the land

**Sample text**

Each relevant category section of this plan of management contains information about the existing use of the land, including condition of the land and structures, use of the land and structures, and current leases, licences and estates on the land.

## Current leases and licences

The PoM should include information about any current leases or licences on the reserve/s including the reserve details, purpose of the tenure/s, and commencement/expiry dates. If there are no current leases or licences, include a statement confirming this.

Council may choose to present this information within each category section, or within the Schedule of Land in Appendix A1.

**Sample text**

Information about the current leases and licences on the land are detailed in Appendix A1.

[Your text]

## Permissible uses / future uses

Outline the uses currently permitted on the land and any planned or committed future uses of the land. For future use, cross reference to Council’s integrated planning and reporting framework where possible.

**Sample text**

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the [council name] area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

[Council name] encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, [Council name] intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks. The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in Table X2 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to ‘football’ includes any variations of that game.

It is anticipated that new sports may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of ‘active recreation’ enjoyed by the community. References such as ‘field’, or ‘court’, are not intended to exclude other sporting surfaces.

**Table** X2 **Permissible use and development of community land categorised as Park, Sportsground, General Community Use and Natural Area by council**

[*Consider reserve purpose when assigning permissible uses and development.* Delete categories/uses/developments which don’t apply, modify as necessary and add any required]

|  |  |
| --- | --- |
| **Park** | |
| **Purpose/Use such as…**  • Active and passive recreation including children’s play and cycling  • Group recreational use, such as picnics and private celebrations  • Eating and drinking in a relaxed setting  • Publicly accessible ancillary areas, such as toilets  • Festivals, parades, markets, fairs, exhibitions and similar events and gatherings  • Low intensity commercial activities (e.g. recreational equipment hire)  • Filming and photographic projects  • Busking  • Public address (speeches)  • Community gardening  NB: Some of the uses listed above require a permit from the council. | **Development to facilitate uses, such as…**  • Development for the purposes of improving access, amenity and the visual character of the park, e.g. paths, public art, pergolas  • Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts  • Amenities to facilitate the safe use and enjoyment of the park e.g. picnic tables, BBQs, sheltered seating areas  • Café/Kiosk or refreshment areas  • Lighting, seating, toilet facilities, courts, paved areas  • Hard and soft landscaped areas  • Storage sheds  • Car parking and loading areas  • Commercial development which is sympathetic to and supports use in the area, e.g. hire of recreation equipment  • Community gardens  • Heritage and cultural interpretation, e.g. signs  • Advertising structures and signage (such as A-frames and banners) that:  - relate to approved uses/activities  - are discreet and temporary  - are approved by the council  • Bio-banking and carbon sequestration initiatives  • Water saving initiatives such as stormwater harvesting, rain gardens and swales  • Energy saving initiatives such as solar lights and solar panels  • Locational, directional and regulatory signage |

|  |  |
| --- | --- |
| **Sportsground** | |
| **Purpose/Use**  • Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities  • Organised and unstructured recreation activities  • Community events and gatherings  • Commercial uses associated with sports facilities | **Development to facilitate uses**  Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example:  • Sports field (cricket, football, track and field athletics, baseball, softball)  • Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.)  • Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities)  • Professional rooms for hire  • Change room/locker areas  • Shower/toilet facilities  • Kiosk/café uses  • Car parking and loading areas  • Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)  • Shade structures  • Storage ancillary to recreational uses, community events or gatherings, and public meetings  • Facilities for sports training, e.g. batting cages, tennis walls  • Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas  • Café/kiosk facilities  • Heritage and cultural interpretation, e.g. signs  • Equipment sales/hire areas  • Meeting rooms/staff areas  • Compatible, small scale commercial uses, e.g. sports tuition  • Advertising structures and signage (such as A-frames and banners) that:  - relate to approved uses/activities  - are discreet and temporary  - are approved by the council  • Water saving initiatives such as stormwater harvesting, rain gardens and swales  • Energy saving initiatives such as solar lights and solar panels  • Locational, directional, and regulatory signage |

|  |  |
| --- | --- |
| **General community use** | |
| **Purpose/Use**  Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.  Providing multi-purpose buildings (e.g. community halls and centres) with specialised community uses such as:  • casual or informal recreation  • meetings (including for social, recreational, educational or cultural purposes)  • functions  • concerts, including all musical genres  • performances (including film and stage)  • exhibitions  • fairs and parades  • workshops  • leisure or training classes  • childcare (e.g. before and after school care, vacation care)  • designated group use (e.g. scout and girl guide use)  • educational centres, including libraries, information and resource centres  • entertainment facilities. | **Development to facilitate uses**  Development for the purposes of social, community, cultural and recreational activities – such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.  Development includes:  • provision of buildings or other amenity areas to facilitate use and enjoyment by the community  • development (particularly within buildings) for the purposes of addressing the needs of a particular group (e.g. a stage)  • landscaping and finishes, improving access, amenity and the visual character of the general community area  • water saving initiatives such as rain gardens  • energy saving initiatives such as solar lights and solar panels  • carparking and loading areas  • advertising structures and signage (such as A-frames and  banners) that:  - relate to approved uses/activities  - are discreet and temporary  - are approved by the council  • locational, directional, and regulatory signage  . |

|  |  |
| --- | --- |
| **Natural area** | |
| **Purpose/Use**  • Preservation of the council’s natural heritage including the identified endangered ecological communities  • Preservation of biological diversity and habitat  • Providing a location for relaxation and passive informal recreation  • Walking and cycling  • Guided bushwalks  • Environmental and scientific study  • Bush regeneration works  • Carbon sequestration  • Bio-banking | **Development to facilitate uses**  • Toilets  • Picnic tables  • BBQs  • Sheltered seating areas  • Lighting  • Low impact carparks  • Low impact walking trails  • Interpretive signage  • Water saving initiatives such as rain gardens, swales and  sediment traps  • Energy saving initiatives such as solar lights and solar panels  • Bridges  • Observation platforms, signs  • Information kiosks  • Refreshment kiosks  • Work sheds or storage sheds required in connection with the maintenance of the land  • Bicycle/boat hire or similar  • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out  • Locational, directional, and regulatory signage |

## Express authorisation of leases and licences and other estates

**Note:** This section is critical as it outlines the expressly authorised activities which may be undertaken on the Reserve.

The LG Act requires that any lease, licence or other estates over community land must be expressly authorised by a PoM.

As a general rule, express authorisation of leases, licences or other estates should cover the:

* type of arrangement authorised – that is council may authorise leases and/or licences and/or other estates
* land or facilities to be covered – that is council may allow leases and/or licences and/or other estates on all or some of the land and facilities
* purpose for which leasing, etc. will be granted – council may choose to allow leasing for community purposes, business purposes, or more limited purposes such as sports or childcare facilities.

Any authorisation should be consistent with a statement required in specific PoMs about the permissible future development of the land.

More information about express authorisation can be found in Practice Note No. 1 – Public Land Management and the PoM Guidelines

**Sample text**

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

### Leases and licences authorised by the plan of management

Outline what leases and licence are authorised by the PoM (as required under section 46(1)(b) of the LG Act). At a minimum council should include the sample text below. However, council may wish to include further detail to specify the purposes for which leases and licences can be issued (see Table X3). The purposes listed in the table are examples of tenures that apply to different categories of community land and are not exhaustive.

**Sample Text**

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) 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 *Local Government Act 1993* 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 *Native Title Act 1993* (Cth)
* where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* 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 *Local Government Act 1993* 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.

Table X3 further identifies the purposes for which leases and licences may be issued over the reserves identified in this plan of management and the maximum duration of leases, licences and other estates.

Table X3. Express authorisation for leases, licences and other estates on reserves listed in this plan of management delete categories/purposes that don’t apply, modify as necessary, add any required]

| **Community land covered** | | **Maximum term** | **Purpose for which tenure may be granted** |
| --- | --- | --- | --- |
| **Leases** |  | |  |
| Park/Sportsground | |  | * café/kiosk areas, including seating and tables * management of court facilities * hire or sale of recreational equipment |
| General Community Use | |  | * childcare or vacation care * health or medical practitioners associated with the relevant facility (e.g. nutrition, physiotherapy) * educational purposes, including libraries, education classes, workshops * cultural purposes, including concerts, dramatic productions and galleries * recreational purposes, including fitness classes, dance classes and games * sporting uses developed/operated by a private operator * kiosk, café and refreshment purposes * commercial retail uses associated with the facility (e.g. sale or hire of sports goods) |
| Natural Area | |  | * walkways, pathways, bridges, causeways * observation platforms, signs * information kiosk * kiosk selling light refreshments * bicycle/boat hire or similar * work sheds or storage sheds required in connection with the maintenance of the land * toilets * temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| **Licences** |  | |  |
| Park/Sportsground | |  | * outdoor café/kiosk seating and tables * management of court or similar facilities * hire or sale of recreational equipment |
| General Community Use | |  | * social purposes (including childcare, vacation care) * educational purposes, including libraries, education classes, workshops * recreational purposes, including fitness classes, dance classes * café/kiosk areas |
| Natural Area | |  | * walkways, pathways, bridges, causeways * observation platforms, signs * Information kiosk * Kiosk selling light refreshments * Bicycle/boat hire or similar * work sheds or storage sheds required in connection with the maintenance of the land * toilets * temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| **Other estates** |  | |  |
| All community land and buildings | |  | This PoM 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 licences

There are specific limitations on short-term licensing under Clause 116 of the Local Government (General) Regulation 2021. Outline the purposes for which a short-term licence may be issued on the land.

Council may also wish to continue to use the provisions of s2.20 of the Crown Land Management Act 2016 for issuing short term licences on the Crown reserves they manage. The prescribed purposes for a short-term licence under this provision are listed in Clause 31 of the Crown Land Management Regulation 2018.

**Sample Text**

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council’s adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the *Local Government (General) Regulation 2021* are authorised for the purpose of:

(a)  the playing of a musical instrument, or singing, for fee or reward

(b)  engaging in a trade or business

(c)  the playing of a lawful game or sport

(d)  the delivery of a public address

(e)  commercial photographic sessions

(f)  picnics and private celebrations such as weddings and family gatherings

(g)  filming sessions

(h)  the agistment of stock.

Additionally, this PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the *Crown Land Management Act 2016* for the prescribed purposes listed in Clause 31 of the *Crown Land Management Regulation 2018.* Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

(a) access through a reserve,

(b) advertising,

(c) camping using a tent, caravan or otherwise,

(d) catering,

(e) community, training or education,

(f) emergency occupation,

(g) entertainment,

(h) environmental protection, conservation or restoration or environmental studies,

(i) equestrian events,

(j) exhibitions,

(k) filming (as defined in the Local Government Act 1993),

(l) functions,

(m) grazing,

(n) hiring of equipment,

(o) holiday accommodation,

(p) markets,

(q) meetings,

(r) military exercises,

(s) mooring of boats to wharves or other structures,

(t) sales,

(u) shows,

(v) site investigations,

(w) sporting and organised recreational activities,

(x) stabling of horses,

(y) storage.

### Native title and Aboriginal land rights considerations in relation to leases, licences and other estates

Provide information to outline council’s role in providing native title advice for leases and licences on Crown land.

**Sample Text**

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983* (ALR Act).

It is the role of the council’s engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A4 for more information).

# Action plan

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

* the objectives and performance targets of the plan with respect to 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 with respect to the plan’s objectives and performance targets.

It is ultimately a matter for council to determine how it structures this section. However, council may wish to use Table X4 as template for presenting this information.

**Sample text**

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

* the objectives and performance targets of the plan with respect to the land
* the means by which the council proposes to achieve the plan’s objectives and performance targets,
* the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets.

Table X4 sets out key objectives and performance targets for management of the land.

**Table X4. Objectives and performance targets, means of achieving them and assessing achievement** [note: these are examples only – add to, modify or delete as required]

| **Management Issues** | s.36(3)(b)  **Objectives and Performance Targets** | s.36(3)(c)  **Means of achievement of objectives** | s.36(3)(d)  **Manner of assessment of performance** |
| --- | --- | --- | --- |
| Broad issues can be listed here (for example landscaping, equipment, facilities, traffic management, neighbour amenity)  Example – Equity of access | Council must list all the objectives that apply to the land.  Objectives must be consistent with core objectives under the LG Act.  Example – Ensure access to and within parks to people with disabilities | List practical steps that will be taken to achieve the objectives.  Example – Design wheelchair friendly paths. | List practical measures of assessment.  Example – Assess useability of park by wheelchair users through surveys and observation. |
| **Sample text** | | | |
| **Use and recreation** | To enhance opportunities for a balanced organised and unstructured recreational use of parks, sportsgrounds and general community use land.  To optimise public access to all areas of parks, sportsgrounds, and general community use land.  Provide opportunities for all kinds of activity in open space for people of all ages, abilities and cultural backgrounds.  To increase community participation in natural area conservation and restoration. | Maintain and increment the range of organised and informal/unstructured activities in parks and sportsgrounds.  Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual parks and sportsgrounds.  Provide amenities to increase use and enjoyment of parks and sportsgrounds including toilets, change rooms and kiosk/ café facilities.  Undertake accessibility audit of facilities to identify compliance.  Provide well-managed off-leash areas for social use with signage and fencing if appropriate.  Undertake effective community education campaigns and workshops with respect to natural areas. | Increased local use of parks and sportsgrounds measured by survey and observation.  Increased appreciation of natural areas measured by survey.  Number of visitors to the environmental education centres.  Number of people attending workshops and environmental events organised by the council. |

# Appendices

Use this section to provide more detail about information referred to in the body of the PoM. This may include information such as:

* detailed maps, aerial photos or drawings of all reserves included in the PoM, presented in a manner that clearly describes which category applies to the reserve (see the section on Mapping in the PoM Guideline for further information on mapping).
* specific lease or license provision descriptions for individual categories
* authorised purposes for leases and licences
* facilities that may be approved on Crown reserves
* permitted and prohibited activities on Crown reserves (including activities that do require council approval, those that do not require approval, and activities that are prohibited).

This section may also be used to provide related information from other plans, strategies and policies. This may include information such as:

* other plans of management adopted by councils (e.g. site-specific PoMs not covered by the generic PoM)
* land registers and/or land schedules
* references and supporting documents.

Four appendices have been included in this template to be included in a PoM:

* List of community land covered by the plan of management
* Reserve maps to show categorisation of reserves
* Plan of management legislative framework
* Aboriginal interests in Crown land (optional)

Council may wish to add to these appendices as required.

## Appendix A1 ­­– Community land covered by this plan of management

Include a table to show the land covered by the plan of management. The table should include at a minimum the:

* Reserve number (if Crown reserve)
* Owner of the land
* Lot and DP
* Reserve purpose
* Gazettal dates
* Assigned category
* Details of current leases and licences (if applicable)

## Appendix A2 - Maps

The Local Government (General) Regulation 2021 (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area.

The maps should clearly identify:

* The owner of the land, (**Note:** if the PoM also covers land owned by council this must be clearly identified throughout the PoM)
* The community land categories applied to the land, whether one category is assigned or multiple categories
* Reserve boundaries
* When the reserve(s) in the PoM is only part reserve
* Cadastral lines (Lot & DPs)
* Key features of the land
* Zoning of the land under the LEP (optional)

## Appendix A3 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### *Local Government Act 1993*

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

* the plan of management applying to that area of community land, and
* any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
* the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

1. the category of the land,
2. the objectives and performance **targets** of the plan with respect to the land,
3. the means by which the council proposes to **achieve** the plan’s objectives and performance targets,
4. 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.

A plan of management that applies to just one area of community land:

1. must include a description of:
2. 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
3. the use of the land and any such buildings or improvements as at that date, and
4. must:
5. specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
6. specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
7. describe the scale and intensity of any such permitted use or development.

**Note:** photographs of buildings/structures located on the reserve should be considered. Council should also consider including a rating system for buildings/structures.

Land is to be categorised as one or more of the following:

1. a natural area
2. a sportsground
3. a park
4. an area of cultural significance (Site-specific PoM only)
5. general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

1. bushland
2. wetland
3. escarpment
4. watercourse
5. foreshore
6. a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

* as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
* by council to contain significant natural features (section 36C(2))
* by council to be of cultural significance (section 36D(2)).
* council should also consider a site-specific PoM for reserves that are complex.

#### Classification of public land

The LG Act requires classification of public land into either ‘community’ or ‘operational’ land (Section 26). The classification is generally made for council-owned public land by the council’s Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council’s ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

### *Crown Land Management Act 2016*

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

**Principles of Crown land management**

* Environmental protection principles are to be observed in the management and administration of Crown land.
* The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
* Public use and enjoyment of appropriate Crown land are to be encouraged.
* Where appropriate, multiple uses of Crown land should be encouraged.
* Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
* Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

**Crown land management compliance**

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

### *Native Title Act 1993*

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

* provide for the recognition and protection of native title
* establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
* establish a mechanism for determining claims to native title
* provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council’s dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

1. granting leases, licences, permits, forestry rights, easements or rights of way over the land
2. mortgaging the land or allowing it to be mortgaged
3. imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
4. approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

### Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

Provide a list of all relevant council plans, policies and strategies

### Other State and Commonwealth legislation

#### NSW State legislation

[delete any not relevant]

***Environmental Planning and Assessment Act 1979***

The *Environmental Planning and Assessment Act 1979*(EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

***Aboriginal Land Rights Act 1983***

The Aboriginal Land Rights Act 1983 (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

***National Parks and Wildlife Act 1974***

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

***Coastal Management Act 2016***

The Coastal Management Act 2016 (the Act) establishes a strategic framework and objectives for managing coastal issues in NSW. The Act promotes strategic and integrated management, use and development of the coast for the social, cultural, and economic wellbeing of the people of NSW.

***Biodiversity Conservation Act 2016***

**Note:** This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the [*Biodiversity Conservation Act 201*6](https://www.legislation.nsw.gov.au/%23/view/act/2016/63). However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department’s Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

***Fisheries Management Act 1994***

The *Fisheries Management Act 1994* (FMAct) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

***Water Management Act 2000***

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

* the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
* the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
* to be properly effective, water management must be a shared responsibility between the government and the community
* water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
* social and economic benefits to the state will result from the sustainable and efficient use of water.

1. ***Heritage Act 1977***

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

#### Commonwealth legislation

1. ***Environmental Protection and Biodiversity Conservation Management Act 1999***

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

1. ***Telecommunications Act 1997***

This Actprovides for telecommunication facilities being permitted on community land without authorisation in a PoM.

#### State Environmental Planning Policies

**State Environmental Planning Policy no. 19 – Bushland in urban areas**

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

**State Environmental Planning Policy (Transport & Infrastructure) 2021**

This planning policy lists development allowed with consent or without consent on community land.

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

#### Other relevant legislation, policies and plans

Delete those that don’t apply or add any that are not listed.

*Biosecurity Act 2015*

*Catchment Management Authorities Act 2003*

*Companion Animals Act 1998*

*Disability Discrimination Act 1992*

*Local Land Services Act 2013*

*Pesticides Act 1999*

*Protection of the Environment Operations Act 1997*

*Retail Leases Act 1994*

*Soil Conservation Act 1938*

NSW Invasive Species Plan 2015-2022

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

A Vegetation Management Plan for the Sydney Region (Green Web Sydney)

Australian Natural Heritage Charter

## Appendix A4 – Aboriginal interests in Crown land

This section includes detail about Aboriginal interests in Crown land, and considerations that are made by council when preparing a plan of management. This section is optional but may be worthwhile if there are native title or Aboriginal land claims on any land covered by this plan of management.

**Sample Text**

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 *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW).

### 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 Commonwealth *Native Title Act 1993* (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 PoM, 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](https://www.crownland.nsw.gov.au/protection-and-management/aboriginal-land-rights-and-native-title/native-title).

### [Aboriginal](https://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title) Land Rights

The *Aboriginal Land Rights Act 1983* (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, Housing and Infrastructure (Crown Lands) 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, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.