



Public Hearing Report

Generic Plan of Management for Community
Land and Crown Land

Client: City of Canterbury-Bankstown

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1 Introduction

1.1 Objective of this Report

Elton Consulting was engaged by City of Canterbury Bankstown (Council) to facilitate and manage a public hearing and prepare an outcomes report in relation to the draft generic Plan of Management for Community Land and Crown Land (PoM).

The objective of this report is to advise of the outcome of the public hearing as facilitated by an independent person.

1.2 Background

Council has prepared a draft generic Plan of Management for Community Land and Crown Land (PoM) to satisfy the requirements of the *Local Government Act 1993*, *Local Government Regulations 2005*, and the *Crown Land Management Act 2016*.

The draft generic PoM will guide future use and management of the majority of Council's Community Land and Crown Land. The document will list the uses and developments allowed and the leases and licenses allowed. It is the first generic PoM for the amalgamated Council.

The draft generic PoM is on public exhibition from 25 November 2020 to 26 February 2021.

In accordance with the section 40A of the Local Government Act, Council must hold a public hearing if they seek to prepare a Plan of Management that seeks to re-categorise community land.

Deborah Palmer from Elton Consulting was engaged to chair an independent public hearing held in relation to the proposed alteration of the categorisation of the subject lands.

The *Local Government Act 1993* stipulates that the person presiding at the public hearing must not be:

- (a) a councillor or employee of the council holding the public hearing, or
- (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.

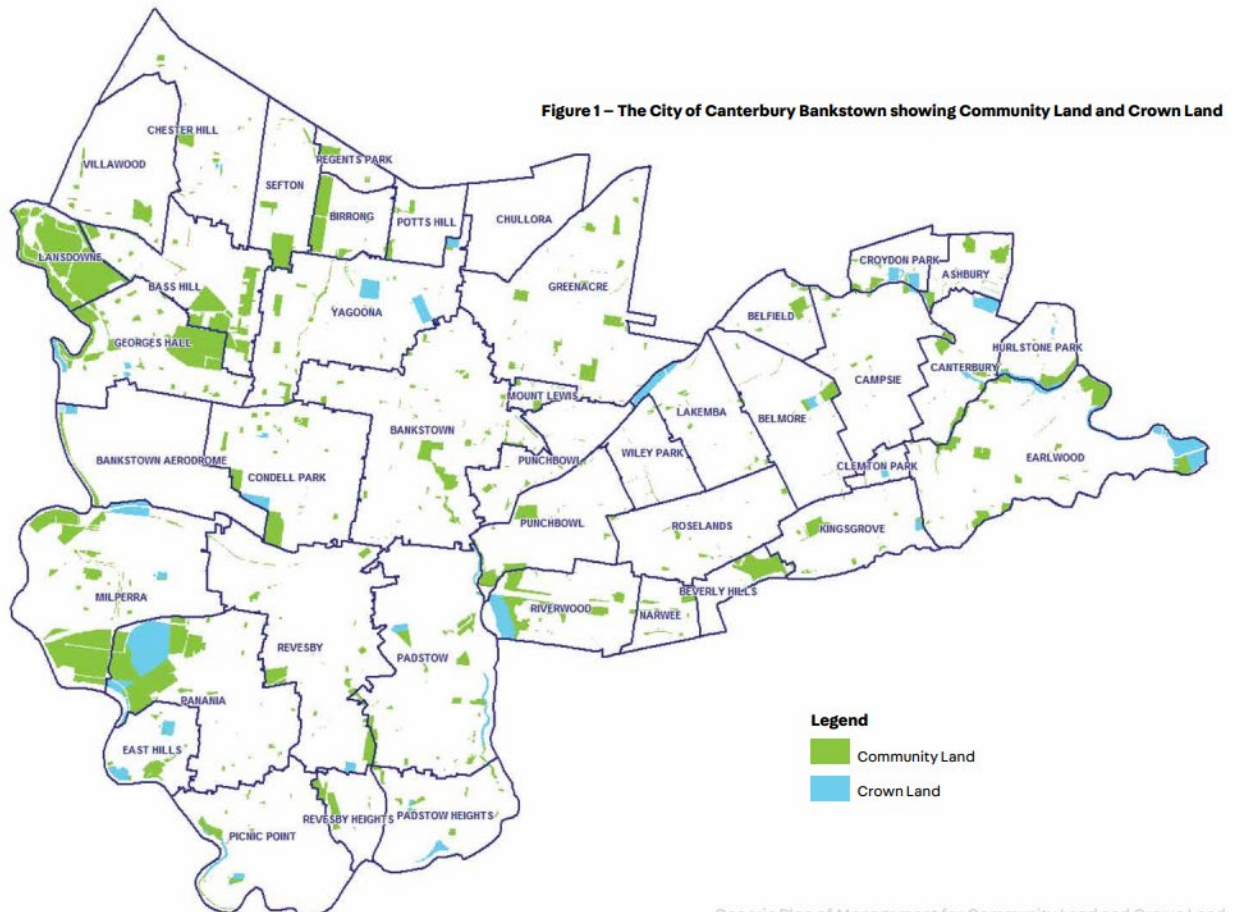
The *Local Government Act 1993* also notes that no later than 4 days after it has received a report from the person presiding at the hearing as to the result of the hearing, the Council must make a copy of the report available for inspection by the public at a location within the area of the Council.

Council must consider the report before making any decision with respect to the matter to which it relates.

The public hearing was conducted on 15 December 2020, 5:25pm -6:00pm.

2 Subject Site

The new generic PoM will oversee the use and management of Community Land and Crown Land in the Canterbury-Bankstown local government area (LGA).



The City of Canterbury Bankstown is 11,000 hectares in size.

The City maintains a diverse network of Community Land over a total of 41 suburbs, with 52 of Council's parks also containing Crown land.

The total area of Crown land is 173 Ha. This valuable network of land supports the recreational and ecological functions of the City.

The following list shows the area covered by each Community Land category:

- » Park – 244.6 ha
- » Sportsground – 449.1 ha
- » Natural Area – 403.2 ha
- » General Community Use – 34.8 ha
- » Other - 17.3 ha

Total: 1,149 ha

The generic PoM applies to –

- » 474 community land and Crown land parks (including 20 parks entirely Crown land)
- » 45 road reserves acting as small parks
- » 10 parks that are on operational land (neighbourhood level and above only)

Total: 529 parks and reserves.

The legislation does not require a PoM for road reserves acting as small parks or parks that are on operational land. They have been included in this document because Council manages this land in the same way as community and Crown land.

3 Existing and proposed categorisation

The generic PoM will cover Community land and Crown land. Community land is described as:

- » Land owned or controlled by Council
- » Recognised as an important component of the urban environment, and
- » Provides the community with opportunities for recreation and leisure.

Crown land is described as:

- » Owned by the state government
- » Land managed under the *Crown Land Management Act 2016* which allows councils to manage it in a similar way to community land, including categorisation.

3.1 Hierarchy of open space

Open spaces, or community land, are divided into 5 categories as described below. They are differentiated by size, form, function and accessibility.

- » State

At this level an open space facility will be very high quality with the capacity to host state or national events. It will be unique within the region and potentially funded by State and Federal Government grants. The City has 2 open spaces at this level – Bankstown Memorial Oval and The Crest of Bankstown.
- » Regional/City-wide

At this level an open space facility will have significant proportion, uniqueness or standard. The open space will usually be the only one of its type in the City of Canterbury Bankstown, servicing city-wide and regional needs. It is likely to attract State Government capital funding. The City has 17 open spaces at this level. Examples are Jensen Park, Mirambeena Regional Park, and Belmore Sportsground.
- » District

At this level an open space typically has organised active sporting facilities and services a large area. There is capacity to stage city-wide competitions for sports such as football and cricket. Most will have a number of secondary functions such as park, general community use or natural area. A small number of sites will not have sportsgrounds but will still have multiple categories. The City has 96 open spaces at this level. Examples are Newland Reserve, East Hills Park and Ewen Park.
- » Neighbourhood

At this level an open space may have some qualities of a district park but usually only supports passive recreation for a local catchment within 400m. The City has 151 open spaces at this level. Examples are Starr Reserve, and Montgomery Reserve.
- » Local

At this level an open space services the passive recreation needs of residents and contributes to the natural amenity of local areas. Offering minimal recreation activity, they are typically parcels of land less than 0.2Ha, surplus from sub-divisions, road reserves or infrastructure easements. The City has 191 open spaces at this level.

3.2 Aims of the generic Plan of Management

The generic PoM aims to:

- » Fulfil Council's statutory obligations in respect to public land management under the requirements of the Local Government Act 1993;
- » Maximise the passive and active recreational opportunities of Council's community and Crown land;
- » Manage natural areas for their ecological, aesthetic, recreational, educational and scientific values;
- » Provide a framework and maximise opportunities for sustainable, long-term management of community land; and
- » Be a resource for both Council staff and the public regarding the potential leasing and licensing of community and Crown land.

3.3 Legislation and management of lands

To help understand the aims of the generic PoM, the core objectives of each categorisation as detailed in the guidelines from *Local Government (General) Regulation 2005* and *Local Government Act 1993* are included below:

Category	Guidelines from <i>Local Government (General) Regulation 2005</i>	Core objectives from <i>Local Government Act 1993</i>
Parks	<p>Regulation 104 - Parks:</p> <ul style="list-style-type: none"> » 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. 	<p>Category Park (Section 36G):</p> <ul style="list-style-type: none"> » To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and » To provide for passive recreational activities or pastimes and for the casual playing of games, and » To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sportsgrounds	<p>Regulation 103 - Sportsgrounds:</p> <ul style="list-style-type: none"> » Land used primarily for active recreation involving organised sports or the playing of outdoor games 	<p>Category Sportsground (Section 36F):</p> <ul style="list-style-type: none"> » To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and » To ensure that such activities are managed having regard to any adverse impact on nearby residences.
General Community Use	<p>Regulation 106 - General Community Use:</p> <ul style="list-style-type: none"> » 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. 	<p>Category General Community Use (Section 36I):</p> <ul style="list-style-type: none"> » To promote, encourage and provide for the use of the land, and » To provide facilities on the land, to meet the current and future needs of the local community and of the wider public: <p>(a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual</p>

		<p>members of the public, and</p> <p>(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).</p>
Natural Areas	<p>Regulation 102 - Natural Areas:</p> <ul style="list-style-type: none"> » Land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore. 	<p>Category Natural Area (Section 36E):</p> <ul style="list-style-type: none"> » 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, and • To maintain the land, or that feature or habitat, in its natural state and setting, and » To provide for the restoration and regeneration of the land, and » 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, and » To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.
Natural Areas: Bushland	<p>Regulation 107 - Bushland:</p> <ul style="list-style-type: none"> » 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. 	<p>Category Bushland (Section 36J):</p> <ul style="list-style-type: none"> » 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, and » To protect the aesthetic, heritage, recreational, educational and scientific values of the land, and » 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, and

		<ul style="list-style-type: none"> » To restore degraded bushland, and » To protect existing landforms such as natural drainage lines, watercourses and foreshores, and » 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, and » To protect bushland as a natural stabiliser of the soil surface
Natural Areas: Wetlands	<p>Regulation 108 - Wetlands:</p> <ul style="list-style-type: none"> » Marshes, mangroves, backwaters, billabongs, swamps, sedge lands, wet meadows or wet heathlands that form a waterbody. 	<p>Category Wetland (Section 36K):</p> <ul style="list-style-type: none"> » To protect the biodiversity and ecological values of wetlands, particularly their hydrological environment (including water quality and water flow), flora, fauna and habitat value, and » To restore and regenerate degraded wetlands, and » To facilitate community education in relation to wetlands, and community use of wetlands, without compromising the ecological values of wetlands.
Natural Areas: Escarpment	<p>Regulation 109 - Escarpment:</p> <ul style="list-style-type: none"> » Land that includes such features as a long cliff-like ridge or rock, and significant or unusual geological, geomorphological or scenic qualities. 	<p>Category Escarpment (Section 36L):</p> <ul style="list-style-type: none"> » To protect any important geological, geomorphological or scenic features of the escarpment, and » To facilitate safe community use and enjoyment of the escarpment
Natural Areas: Watercourse	<p>Regulation 110 - Watercourse:</p> <ul style="list-style-type: none"> » Any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation, 	<p>Category Watercourse (Section 36M):</p> <ul style="list-style-type: none"> » 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, and » To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and » To restore degraded watercourses, and

		» To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.
Natural Areas: Foreshore	<p>Regulation 111 - Foreshore:</p> <p>» Land situated on the water's edge forming a transition zone between the aquatic and terrestrial environment.</p>	<p>Category Foreshore (Section 36N):</p> <p>» To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and</p> <p>» To protect and enhance all functions associated with the foreshore's role as a transition area, and</p> <p>» To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use</p>

3.3.1 Other related legislation

The management of community land and Crown land must also comply with the following legislation:

- » Environmental Planning and Assessment Act 1979 (NSW)
- » State Environmental Planning Policy (SEPP) 19 (NSW)
- » State Environmental Planning Policy (infrastructure) 2007 (NSW)
- » National Park and Wildlife Act 1974 (NSW)
- » Biodiversity Conservation Act 2016 (NSW)
- » Native Title Act 1993 (Cth)
- » Fisheries Management Act 1994 (NSW)
- » Environmental Protection and Biodiversity Conservation Act 1999 (Cth)
- » Rural Fires Act 1997 (NSW)
- » Heritage Act 1977 (NSW)
- » The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance, 2013

Below are the uses and development of Community and Crown Land in the City of Canterbury Bankstown:

Item	Description
Zoning	<p>The majority of community and Crown land covered by this PoM is on land zoned RE1 – Public Recreation under Council’s Local Environmental Plan (LEP).</p> <p>The main objectives specified for Zone RE1 are:</p> <ul style="list-style-type: none"> > To enable land to be used for public open space or recreational purposes; > To provide a range of recreational settings and activities and compatible land uses; and > To protect and enhance the natural environment for recreational purposes. Some open spaces in the City of Canterbury Bankstown are not zoned appropriately but are managed as if they were.
State Environmental Planning Policy (Infrastructure)	<p>Under Clause 65 of the ISEPP certain development may be carried out by Council without consent in public reserves under its control. Refer to the ISEPP for these development types.</p> <p>Under Clause 66 of the ISEPP certain development is exempt development if it is carried out by Council in public reserves under its control. Refer to the ISEPP for these development types.</p>
SEPP 19	<p>State Environmental Planning Policy No 19 - Bushland in Urban Areas (SEPP 19) is relevant to the land categorised as Natural Area – Bushland in this Generic PoM.</p> <p>Clause 6 outlines the consent required to disturb bushland zoned or reserved for public open space.</p>
The Local Environmental Plan (LEP)	<p>Council’s LEP lists development that may be carried out with or without development consent on land zoned RE1 Public Recreation.</p>
The Development Control Plan (DCP)	<p>Council’s DCP lists development permitted without consent on any land under the control of Council. This includes land zoned RE1 Public Recreation.</p>
Crown Land Management Act 2016	<p>This Act states that the use of Crown land is required to be compatible with the reserve purpose.</p>

4 The Public Hearing

The public hearing was convened online at 5:25pm on Tuesday 15 December 2020. Due to the pandemic and in-line with COVID-safe guidelines, the public hearing was held online.

The person presiding at the public hearing was Deborah Palmer of Elton Consulting. Deborah Palmer is not, and has not, at any time in the past, been a councillor or employee of Canterbury-Bankstown City Council.

The hearing was attended by 3 people from the community. The meeting was also attended by the following representatives from City of Canterbury Bankstown:

- » Nadine Croker – Senior Recreation and Open Space Planner
- » Sean Mooney - Team Leader Urban Policy and Planning

Deborah Palmer opened the meeting at 5.25pm, with an Acknowledgement of Country, welcomed those present and made a short introduction with information about how questions would be asked and responded to in the online forum. This was followed by a presentation by a Council officer followed by questions from attendees before the meeting concluded.

4.1 Presentation by Council

Nadine Croker, Senior Recreation and Open Space Planner, delivered a PowerPoint presentation to the attendees. The areas covered were:

- » What is a Plan of Management (PoM)?
- » Types of Plans of Management
- » What is 'Community Land'?
- » What is 'Crown' Land'?
- » Public Land hierarchy
- » Community land categories – maps
- » Related Council documents
- » Open space hierarchy
 - > Open space hierarchy table
 - > Open spaces at different levels in hierarchy
- » Objectives and performance targets
- » Steps to adopt the Plan of Management
- » Have Your Say – Council's website.

4.2 Attendee Feedback

During the presentation, and following it, attendees provided views, concerns and feedback about the generic PoM for community land and Crown land:

Question	Response
Belmore Stadium: with the urban renewal policy and the LSPS that Council has passed, how does this affect the state land and Crown land?	The generic PoM does not affect or impact this. Under this plan, Belmore Stadium has been identified as being used as a sports precinct.
We are at Horizon Theatre location in Wiley Park. This had a Wiley Park landscape masterplan in April 2019, Is this Wiley Park current and connected to this generic PoM?	<p>Council has engaged a landscape architect to develop the Wiley Park masterplan in consultation with residents. The masterplan will be used to inform the costs and priorities to be factored into Council's forward planning and capital costs.</p> <p>This planning is not impacted by this generic PoM. This plan reflects the aspirations of the Wiley Park masterplan.</p>

5 Recommendation

From the questions that were asked at the public meeting (section 4.2), I recommend that Council adopt the generic Plan of Management for community land and Crown land.

