



STRATHFIELD COUNCIL

PUBLIC HEARING BRIEFING PAPERS

**PROPOSED CATEGORISATIONS OF COMMUNITY LAND IN
BRESSINGTON PARK**

DATE & TIME: 6PM, MONDAY 1 MAY 2023

**LOCATION: IRONBARK ROOM, STRATHFIELD LIBRARY, 65
ROCHESTER STREET HOMEBUSH**

1 BACKGROUND

At the Council meeting of 7 March 2023, Council resolved to publicly exhibit the draft plan of management for Bressington Park. Bressington Park contains Crown Land and Council owned land, which are classified as 'community land'. Under the *Local Government Act 1993* and *Crown Land Management Act 2016*, community land is required to be included in a Plan of Management.

This is the first Plan of Management for Bressington Park.

Being the first Plan of Management, Council is proposing new categorisations of community land. Under the Local Government Act 1993, this process requires a public hearing to be chaired by an independent facilitator.

The area of Crown Land located in Bressington Park is exempt from public hearing requirements. Therefore, the public hearing will be concerned with only the land owned by Strathfield Council.

Information concerning the draft Bressington Park Plan of Management and the public hearing is available from the Council website at <https://haveyoursay.strathfield.nsw.gov.au/bressington-park>

Hard or electronic copies of the draft plans are available on the website or can be provided upon request.

Please contact Cathy Jones, Chief Strategy Officer, on 9748 9937 or email cathy.jones@strathfield.nsw.gov.au to request a copy of a draft plan. You will need to provide name and email address for an electronic copy or name, address and contact details, for a print copy to be sent to your address.

For further information, including register to attend the public hearing, please scan the QR code



Figure 1 Map of Council and Crown Land in Bressington Park

2 PUBLIC HEARINGS FOR CATEGORISATION AND RECATEGORISATION OF COMMUNITY LAND

A public hearing is required under Section 40A of the *Local Government Act 1993* if the proposed Plan of Management is either categorising (that is, the Plan has not previously been prepared and adopted by Council, or has not categorised community land), or re-categorising (changing the adopted category) the public land covered by the Plan of Management.

This public hearing is an opportunity for the Council to hear the community's views on the proposed categorisations of community land.

Who conducts the public hearing?

An independent chairperson will conduct the public hearing, and provides a report to Council with recommendations on the proposed categorisation of the community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- A Councillor or employee of the Council holding the public hearing.
- 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.

What happens after the public hearing?

- Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than 4 days after it has received the final report from the person presiding at the public hearing.
- The public hearing report will be presented in a report to Council with assessment of public submissions and representations and recommendations for consideration on the draft plans of management.

Participating in the public hearing

The community is invited to attend a public hearing about the proposed categorisation of community land for the draft Bressington Park Plan of Management at 6pm on Monday 1 May 2023 at the Ironbark Room, Strathfield Library, 65 Rochester Street Homebush.

You can register your interest by completing this registration form at <https://haveyoursay.strathfield.nsw.gov.au/bressington-park>.

You can also request that your written submission be presented to the meeting. Email your submission to cathy.jones@strathfield.nsw.gov.au, by Friday 28 April 2023. Please ensure the submission is of reasonable length (no more than 2 pages long).

3 COMMUNITY LAND

The *Local Government Act 1993* sets out a range of requirements that Council is required to address in preparing Plans of Management, including categorisation of land. The *Act* requires that all public land owned by Council must be classified as "community" or "operational" land (Section 26).

The Crown Land Management Act 2016 also requires local Councils to classify and prepare Plans of Management for Crown Land managed by Council.

Community and Operational Land

Community land is intended to be managed for use by the community for purposes including recreational, cultural, social, educational and environmental activities.

Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period, and can be sold.

Categorisation of Community Land

The Local Government Act 1993 requires that all land owned by the Council which is classified as community land be categorised. Community land is categorised as one or more of the following under Section 36(4) of the LG Act:

- a) natural area (sub-categories)
- b) sportsground
- c) park
- d) area of cultural significance
- e) general community use.

Natural Areas must include a sub-category (Section 36 (5)) which is either:

- a) Bushland
- b) Wetland
- c) Escarpment
- d) Watercourse
- e) Foreshore
- f) A category prescribed by regulations

Guidelines for categorising community land

Guidelines for categorising community land and Crown reserves as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2021*.

The revised Practice Note on Public Land Management (Department of Local Government, 2000) states that:

- the most appropriate category should be chosen based on all relevant material
- only one category can apply to any or all of the subject land, and categories cannot overlap

Guidelines and Core Objectives of the Categories

Each category of community land has core objectives that apply to it under the *Local Government Act*. The *Local Government (General) Regulation 2021* sets out guidelines on each category. The guidelines and core objectives for the Park, Sportsground and General Community Use are:

Category	Guidelines	Core objectives
Park	<i>cl.104 LG Regulation 2021</i> Land which is, or proposed to be, 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 not unduly intrude on the peaceful enjoyment of the land by others.	<i>s36G LG Act</i> <ul style="list-style-type: none"> • encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities. • provide for passive recreational activities or pastimes and for the casual playing of games. • improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sportsground	<i>cl.103 LG Regulation 2021</i> Land should be categorised as 'sportsground' if the land is used primarily for active recreation involving organised sports or the playing of outdoor games.	<i>Section 36FLG Act</i> <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	<i>cl.106 LG Regulation 2021</i> Land that may be made available for use of any purpose for which community land may be used, whether by the public at large or by specific sections of the public	<i>Section 36I – LG Act</i> <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: <ul style="list-style-type: none"> - in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - 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).

Natural Area Categories and Sub-Categories

The Act requires that the category of Natural Area be also sub-categorised as either bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by regulations (s.36(5)). The core objectives and guidelines are:

Category	Guidelines	Core objectives
Natural Area	<p><i>cl.102 LG Regulation 2021</i></p> <p>Natural areas are where land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore</p>	<p><i>Natural Area - (Section 36E)</i></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 to 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 implement 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 <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>
Natural Area – bushland	<p><i>cl.107 LG Regulation 2021</i></p> <p>Land that contains primarily native 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>	<p><i>Natural Area - Bushland (Section 36f)</i></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 (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and • to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and • to promote the management of 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 directed to minimising or mitigating any disturbance caused by human intrusion, and • 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.

Category	Guidelines	Core objectives
Natural Area – Wetland	<i>cl.108 LG Regulation 2021</i> Marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody.	<i>Natural Area - Bushland (Section 36K)</i> <ul style="list-style-type: none"> to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and to restore and regenerate degraded wetlands, and to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

4 DRAFT PLANS OF MANAGEMENT – PROPOSED CATEGORISATIONS AND RECATEGORISATIONS

The following plan of management contain new categorisations for community land.

Name	Proposed categorisation
Bressington Park Plan of Management	New/initial categorisation (first Plan of Management) Categorisation of community land as 'Sportsground'

The proposed new categorisation for Bressington Park in the draft Bressington Park Plan of Management (2023) is

1. 'Sportsground' as the "land is used primarily for active recreation involving organised sports or the playing of outdoor games" (defined in cl.103 *Local Government (General) Regulation 2021*)

The land categorisations are mapped below.



The area marked 'Natural Area (Wetland)' is located on Crown Land and is exempt from this Public Hearing.