

15 Exhibition and Public Hearing of Plans of Management

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Outcome	<i>Work together</i>
Strategy	<i>Manage resources sustainably for current and future generations</i>
Principal Activity	<i>Strategically manage Council's assets, fleet and plant to minimise risk, reflect lifecycle costs and meet community needs</i>

Executive Summary

The purpose of this report is to consider four (4) new generic Plans of Management that relate to Council's Community Land, together with a site-specific Plan of Management for Gipps Street Recreation Precinct. In particular, we seek Council's endorsement of the Plans for exhibition, together with the delivery of a 'Public Hearing' as required under the terms of the Local Government Act.

Penrith City Council has over 2,000 reserves; approximately 300 of these reserves are classified as Operational Land. The majority of Council land is classified as Community Land, which includes Crown Land reserves for which Council is Crown Land Manager (CLM). Community Land that is owned by Council or Crown Land managed by Council must have a Plan of Management (PoM) in place under the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act).

In accordance with the requirements of these Acts, five draft PoM's, have been prepared to cover Council's Community Land, being:

1. General Community Use,
2. Sportsgrounds,
3. Parks (separately enclosed),
4. Natural Areas and
5. Gipps Street Recreation Precinct

As part of the PoM adoption process, the Department of Planning, Housing and Infrastructure (DPHI) on behalf of the Minister have reviewed the General Community Use, Sportsgrounds, Parks and Natural Areas PoM's and provided approval to progress Public Exhibition and Public Hearing subject to Council endorsement.

The Gipps Street Recreation Precinct Plan of Management does not require DPHI or Ministerial approval and as such a public exhibition period occurred between 25 June 2024 and 22 July 2024. Two written submissions from the NSW State Emergency Service (SES) were received and issues raised were addressed in the design of the Gipps Street facility and accommodated in the PoM documentation. Following the conclusion of the public exhibition there was a further update and corrections required to the PoM, which necessitates a re-exhibition of the Plan. In addition, as part of the PoM process a Public Hearing is also required regarding the land classification.

Background

Penrith City Council has over 2,000 reserves. Approximately 300 of these reserves are classified as Operational Land and the remainder are classified as Community Land; including Crown Land reserves for which it is Crown Land Manager (CLM). Community Land must be categorised as either Park, Sportsground, Natural Area, General Community Use or a combination of these.

Importantly, Plans of Management are required not only to meet legislative requirements, they provide documented classification of public land and indicate how the land may be used or developed. All Community Land owned by Council, or where Council is designated as a CLM, must have a PoM in place.

Following a four-year review, the CLM Act was amended and adopted in 2016 and became 'active' from 1 July 2018. The CLM Act requires Councils to undertake some functions that were previously managed by Crown Lands. These functions include Native Title compliance for dedicated or reserved Crown land managed by a Council CLM and land vested in a Local Council under Division 4.2 of the CLM Act. Due to the provisions under the CLM Act, all Councils were required to update their current PoM's to be in line with the new legislation.

At its Council's Ordinary Meeting on 28 March 2022 Council considered a report on Plans of Management. This report identified that Council's existing PoM's were under review to comply with new legislation under the CLM Act and the LG Act.

In addition to the review of existing PoM's, Council considered a report at its Ordinary Meeting on 24 June 2024 on Gipps Street Recreation Precinct – Draft Plan of Management. The report recommended that a draft PoM be placed on Public Exhibition for Gipps Street Recreation Precinct. The public exhibition period occurred between the 25 June and 22 July 2024. After an extensive notification period, including letter box drops to 1,331 residents, two written submissions were received from the NSW State Emergency Services. Subsequently the PoM was updated to address those submissions.

Current Situation

To adopt a Plan of Management (POM) for Community Land in NSW, you must first classify the land as "Community" under the Local Government Act 1993, then prepare a draft POM by engaging the community, get Ministerial consent for the classification and management approach, and finally, follow the public exhibition and consultation requirements of the Local Government Act before formally adopting the plan.

In point form the steps to adopt a new PoM are:

1. Draft the PoM's and obtain written advice from a qualified Native Title Manager
2. Secure endorsement from Council to notify DPHI and obtain their written consent to adopt the draft PoM's
3. Notify the landowner (DPHI) of the draft PoM and seek the DPHI's written consent to adopt the draft PoM's
4. Once this is received, Council publicly notifies and exhibits the PoM's under section 38 of the LG Act
5. If there are changes to the PoM following public exhibition, Council must seek DPHI's consent to adopt the PoM
6. Seek Council approval to adopt the PoM's.

Council Officers have been through an extensive internal stakeholder engagement process to update the existing PoM's to meet the requirements of the CLM Act and the LG Act and to bring the format and quality of information to a contemporary standard. Native Title Manager Advice has also been secured to ensure that the draft PoM's comply with the CLM Act and the LG Act. Council has notified the DPHI of the draft PoM's and secured DPHI's written consent to adopt the draft PoM's.

This has proven to be an essential and exhaustive process; the next step is to place the PoM's on public exhibition and to conduct a Public Hearing.

Financial Implications

Council has budgeted for and engaged an external consultant to run the public hearing and finalise a report. As such there are no financial implications for the exhibition and nor the public hearing process.

Risk Implications

Council is required to adopt their draft PoM's to comply with the CLM Act and the LG Act.

Conclusion

In line with the required legislation and process, and internal engagement, Council has updated their PoM's for - General Community Use, Sportsgrounds, Parks, Natural Areas and Gipps Street Recreation Precinct to meet the requirements of the CLM Act and LG Act. They are ready to be placed on public exhibition and the associated Public Hearing, in accordance with the legislation.

RECOMMENDATION

That:

1. The information contained in the report on Exhibition and Public Hearing of Plans of Management be received.
2. Council endorses the Four (4) Draft Generic Plans of Management, and the Draft Gipps Street Plan of Management, for the purpose of Exhibition and to conduct a Public Hearing.

ATTACHMENTS/APPENDICES

1. Plan of Management - General Community Use	53 Pages	Attachments Included
2. Plan of Management - Sportsgrounds	64 Pages	Attachments Included
3. Plan of Management - Natural Areas	73 Pages	Attachments Included
4. Plan of Management - Gipps Street	75 Pages	Attachments Included