

Public Hearing Information Pack
Proposed Draft
Categorisation of Community Land

Council Owned COMMUNITY LAND

Public Hearing

The information appearing herein relates to the public hearing to categorise Council owned community land within the draft Plan of Management (PoM) for Community Land in Mid-Western Regional Local Government Area.

The draft *Community Land PoM* will, if adopted, categorise the land as set out in Table 1 “Council Land Categorisation”.

Table 1 - Council Land Categorisation

Name	Location	Area	Parcel(s)			Zone	Category
		(m ²)	Lot	Sec	DP		
George Campbell Park	Bombira	6,751	18		747912	R2	Park
Hone Creek Reserve	Caerleon	835	157		1219918	R1	Park
Apex Park	Gulgong	506	8	6	758482	RE1	Park
		127	6c	6	758482	E1	Park
		1,012	7	6	758482	RE1	Park
Coronation Park	Gulgong	721	5	2	758482	RE1	Park
Gorrie Park	Gulgong	1,182	42		262671	RE1	Park
Pearls Park	Gulgong	3,256	39		260746	RE1	Park
White Crescent Park	Kandos	1,550	22	4	8161	RU5	Park
		2,109	24	8	8161	RU5	Park
Williamson Park	Kandos	1,191	17	7	8161	RU5	Park
		1,002	18	7	8161	RU5	Park
Garner Street Reserve	Lue	21,270	25		1140863	RU5	Park
Apex Park	Mudgee	607	1		230349	RE1	Park
		620	2		230349	RE1	Park
		803	12		225919	RE1	Park
		493	13		225919	RE1	Park
		2,150	14		225919	RE1	Park
Carmichael Park	Mudgee	2,242	14		828370	RE1	Park
Chapman Park	Mudgee	1,077	8		248938	RE1	Park

Name	Location	Area	Parcel(s)			Zone	Category
		(m ²)	Lot	Sec	DP		
Collyer Park	Mudgee	3,267	19		802144	RE1	Park
		2,005	19		788035	RE1	Park
Dewhurst Reserve	Mudgee	366	24		789072	RE1	Park
		8,343	706		808598	RE1	Park
		396	14		793691	RE1	Park
		1,139	30		813888	RE1	Park
		7,941	15		793691	RE1	Park
		3,266	19		261385	RE1	Park
		4,460	113		264562	RE1	Park
		107	20		737423	RE1	Park
		2,079	312		739789	RE1	Park
		5,436	2		702948	RE1	Park
		13,070	510		787908	RE1	Park
Donnelly Park	Mudgee	3,559	17		810434	RE1	Park
Gilbey Park	Mudgee	2,106	345		1106854	RE1	Park
Interact Park	Mudgee	1,024	8		230260	RE1	Park
Lahy Court Reserve	Mudgee	63	92		836490	RE1	Park
Lawson Park	Mudgee	681	1		787930	RE1	Park
Lions Park	Mudgee	8,047	57		248275	RE1	Park
		5,653	7		239875	RE1	Park
		3,276	41		262863	RE1	Park
Loy Avenue Reserve	Mudgee	1,551	2		1176841	RE1	Park
Macquarie Drive Reserve	Mudgee	7,994	47		862452	R1	Park
Matilda Park	Mudgee	38,010	340		1194168	RE1	Park
Moufarrige Park	Mudgee	3,174	49		262657	RE1	Park
Mulgoa Park	Mudgee	1,909	36		585586	RE1	Park
Mulley Park	Mudgee	6,425	53		802483	RE1	Park
		160	18		1120592	R1	Park
Nicholson Street Reserve	Mudgee	18,810	47		1065134	RE1	Park
Norm King Park	Mudgee	1,571	11		1182613	R1	Park
Redbank Park	Mudgee	2,323	6		261191	RE1	Park
		1,129	10		261247	RE1	Park
Weemaran Reserve	Mudgee	230	91		812546	RE1	Park
White Circle Reserve	Mudgee	9,021	254		1167671	RE1 R1	Park
Goolma Sports Ground	Goolma	23,800	20		1039881	RU5	Sportsground
Billy Dunn Park	Gulgong	536	1		629283	R1	Sportsground
Victoria Park	Gulgong	2,086	43		262671	RE1	Sportsground
Dr Darton Memorial Park	Kandos	2,061	1	10	12191	RU5	Sportsground
		2,049	3	10	12191	RU5	Sportsground
		1,910	4	10	12191	RU5	Sportsground
		1,935	5	10	12191	RU5	Sportsground
		1,770	6	10	12191	RU5	Sportsground
		1,429	7	10	12191	RU5	Sportsground
		1,378	8	10	12191	RU5	Sportsground
		1,277	9	10	12191	RU5	Sportsground
		1,378	10	10	12191	RU5	Sportsground
		1,378	11	10	12191	RU5	Sportsground

Name	Location	Area	Parcel(s)			Zone	Category
		(m ²)	Lot	Sec	DP		
		1,948	2	10	12191	RU5	Sportsground
Cahill Park	Mudgee	4,455	404		756894	RE1	Sportsground
Walker's Oval	Mudgee	14,420	6	24A	758721	RE1	Sportsground
		10,120	9	24A	758721	RE1	Sportsground
		17,550	10	24A	758721	RE1	Sportsground
		11,460	3		749570	RE1	Sportsground
Ulan Road Reserve	Bombira		9		1243029	R2	GCU
Wurth Drive Reserve	Bombira	6,541	20		1227585	R2	GCU
Bungaba Community Hall	Bungaba	4,533	100		1092931	R5	GCU
Cooks Gap Hall	Cooks Gap	2,972	901		864661	R5	GCU
Henry Lawson Memorial	Eurunderee	221	1		368450	RU4	GCU
Frog Rock Reserve	Frog Rock	4,413	61		250751	R5	GCU
Acacia Grove Reserve	Mudgee	80	12		1021781	R1	GCU
Charles Lester Reserve	Mudgee	155	6		1208541	R1	GCU
Church Walkway	Mudgee	700	3		812087	RE1	GCU
Gawthorne Walkway	Mudgee	523	65		825504	R1	GCU
Gladstone Street Reserve	Mudgee	937	84		831352	R1	GCU
Hardy Crescent Reserve	Mudgee	195	76		1076597	R1	GCU
Henry Bayly Reserve	Mudgee	28,030	4		828410	RE1	GCU
Macquarie Walkway	Mudgee	241	28		1051165	R1	GCU
Tennant Walkway	Mudgee	209	198		1089672	R1	GCU
Weemaran Reserve	Mudgee	4,771	22		791533	RE1	GCU
Winter Street Reserve	Mudgee	14,690	55		1172013	RE1 R1	GCU
White Circle Walkway 1	Mudgee	346	77		1076597	R1	GCU
White Circle Walkway 2	Mudgee	231	159		1082615	R1	GCU
Ulan Road Public Reserve	Mudgee	5,292	814		1262514	R2	GCU
Rylstone Showground	Rylstone	2,023	13		1136363	RU5	GCU
		2,023	14		1136363	RU5	GCU
		2,023	15		1136363	RU5	GCU
		1,631	A		151198	RU5	GCU
		2,447	B		151198	RU5	GCU

Background information

Why hold a public hearing to categorise community land?

All public land under the care and control of Council must be managed in accordance with *the Local Government Act 1993* (The Act).

The Act requires Council to classify the public land as “operational” or “community” and that a Plan of Management must be prepared.

The ways in which community land can be used and managed are strictly governed in accordance with the Plan of Management and any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

Mid-Western Regional Council is currently preparing a Plan of Management for the Community Land Mid-Western Regional Local Government Area.

This categorisation process is the first part of complying with the Act.

A public hearing is required under Section 40A of the Act, if the proposed Plan of Management would have the effect of categorising or altering the categorisation of community land under Section 36(4). That is, if the Plan of Management has not previously been prepared and adopted by Council, or the land has not previously been categorised, or the land is to be re-categorised.

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Classification/reclassification of community land is the process for determining whether council owned public land is defined as operational or community land.

Community land is protected under the Act and cannot be sold. Council has no power to sell, exchange or otherwise dispose of community land.

How are the categories decided?

A category describes the land, with each category having a set of core objectives with which the uses of the land must comply.

The *Local Government (General) Regulation 2021* provides guidelines for each of the categories. A council that is preparing a draft plan of management must have regard to these guidelines:

Category Guidelines

Guidelines for categorisation of land as an area of cultural significance

Land should be categorised as an area of cultural significance under section 36(4) of the Act if the land is—

- (a) an area of Aboriginal significance, because the land—
 - (i) has been declared an Aboriginal place under section 84 of the *National Parks and Wildlife Act 1974*, or

- (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or
 - (iii) is of significance or interest because of Aboriginal associations, or
 - (iv) displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or
 - (v) is associated with Aboriginal stories, or
 - (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or
- (b) an area of aesthetic significance, by virtue of—
 - (i) having strong visual or sensory appeal or cohesion, or
 - (ii) including a significant landmark, or
 - (iii) having creative or technical qualities, such as architectural excellence, or
- (c) an area of archaeological significance, because the area contains—
 - (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or
 - (ii) any other deposit, object or material that relates to the settlement of the land, or
- (d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or
- (e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or
- (f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.

Guidelines for categorisation of land as a natural area

Land should be categorised as a natural area under section 36(4) of the Act if the 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 under section 36(5) of the Act.

Guidelines for categorisation of land as bushland

- (1) Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—
 - (a) is the natural vegetation or a remainder of the natural vegetation of the land, or
 - (b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.
- (2) Such land includes—
 - (a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or

- (b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or
- (c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.

Guidelines for categorisation of land as wetland

Land that is categorised as a natural area should be further categorised as wetland under section 36(5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.

Guidelines for categorisation of land as an escarpment

Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the Act if—

- (a) the land includes such features as a long cliff-like ridge or rock, and
- (b) the land includes significant or unusual geological, geomorphological or scenic qualities.

Guidelines for categorisation of land as a watercourse

Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the Act if the land includes—

- (a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and
- (b) associated riparian land or vegetation.

Guidelines for categorisation of land as foreshore

Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

Guidelines for categorisation of land as a sportsground

Land should be categorised as a sportsground under section 36(4) of the Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

Guidelines for categorisation of land as a park

Land should be categorised as a park under section 36(4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

Guidelines for categorisation of land as general community use

Land should be categorised as general community use under section 36(4) of the Act if the land—

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under sections 102–105 of this Regulation for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

Core Objectives for Categories of Community Land

Core objectives for management of community land categorised as an area of cultural significance

- (1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
 - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance
 - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state
 - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact)
 - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

Core objectives for management of community land categorised as a natural area

The core objectives for management of community land categorised as a natural area are:

- (a) 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
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) 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
- (e) 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*.

Core objectives for management of community land categorised as bushland

The core objectives for management of community land categorised as bushland are:

- (a) 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
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) 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
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) 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
- (g) to protect bushland as a natural stabiliser of the soil surface.

Core objectives for management of community land categorised as wetland

The core objectives for management of community land categorised as wetland are:

- (a) 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
- (b) to restore and regenerate degraded wetlands, and
- (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

Core objectives for management of community land categorised as an escarpment

The core objectives for management of community land categorised as an escarpment are:

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

Core objectives for management of community land categorised as a watercourse

The core objectives for management of community land categorised as a watercourse are:

- (a) 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
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

Core objectives for management of community land categorised as foreshore

The core objectives for management of community land categorised as foreshore are:

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Core objectives for management of community land categorised as a sportsground

The core objectives for management of community land categorised as a sportsground are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Core objectives for management of community land categorised as a park

The core objectives for management of community land categorised as a park are:

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are 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:

- (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).