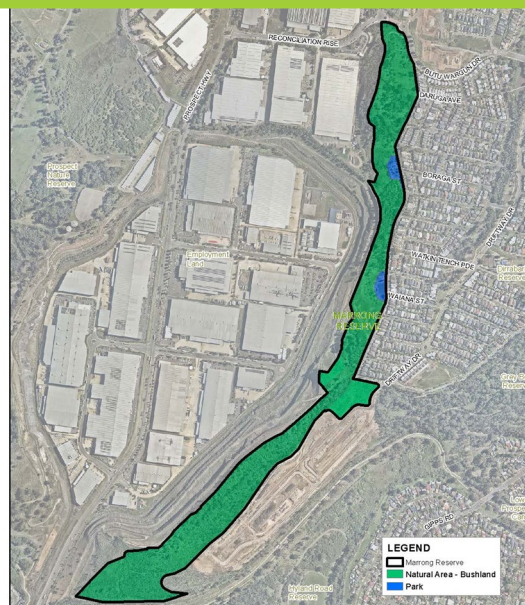


# PUBLIC HEARING FOR PROPOSED CATEGORISATION OF MARRONG RESERVE BACKGROUND INFORMATION

17 JULY 2023



# CUMBERLAND CITY COUNCIL

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## PUBLIC HEARING FOR PROPOSED CATEGORISATION OF MARRONG RESERVE

### BACKGROUND INFORMATION

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17 JULY 2023



ABN: 33 114 513 647

PO Box 41  
FRESHWATER NSW 2096

ph. (02) 9452 6377  
mob: 0411 191 866

[sandy@parklandplanners.com.au](mailto:sandy@parklandplanners.com.au)

[www.parklandplanners.com.au](http://www.parklandplanners.com.au)

**DIRECTOR: Sandy Hoy**

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# 1 INTRODUCTION

## 1.1 Background

Marrong Reserve comprises land owned by Cumberland City Council which is classified as community land under the *Local Government Act 1993*. Community land is required to be categorised under the *Local Government Act 1993* as either Natural Area, Park, Sports-ground, Area of Cultural Significance or General Community Use.

Cumberland City Council proposes to categorise Marrong Reserve as Natural Area-Bushland and Park which is consistent with the guidelines for categorisation of community land in the *Local Government (General) Regulation 2021*, and the core objectives for each category in the Local Government Act.

Community land is also required to be included in a Plan of Management prepared under the Local Government Act. A Draft Plan of Management has been prepared for Marrong Reserve which will be placed on public exhibition for comment until Wednesday 30 August 2023.

A public hearing is required under Section 40A of the *Local Government Act 1993* to receive community submissions about categorising community land. Under the Act the public hearing must be chaired by an independent facilitator. Details of the public hearing on Thursday 17 August 2023 and how to make a submission are in Section 1.2 below.

## 1.2 Public hearing and submissions

**The public hearing for the proposed categorisation of Marrong Reserve will be held:**

**Thursday 17 August 2023  
6.00 pm - 7.00 pm  
Alan G Ezzy Community Centre,  
1 Newport Street, Pemulwuy**

**Submissions** about the proposed categorisation of Marrong Reserve can be made from Thursday 20 July 2023 until **Wednesday 30 August 2023**:

- ☐ **verbally at the public hearing on Thursday 17 August 2023**
- ☐ via the **online submission form** on Council's Your Say page at <https://haveyoursay.cumberland.nsw.gov.au/marrong-reserve-pom>
- ☐ **email to Council** [Council@cumberland.nsw.gov.au](mailto:Council@cumberland.nsw.gov.au)
- ☐ **in writing to** The General Manager, Cumberland City Council, PO Box 42, Merrylands NSW 2160

**The question to address in your submission is:**

**Do you agree or not with the proposal to categorise community land in Marrong Reserve as Natural Area-Bushland and Park as shown in Figure 10 of the Draft Marrong Reserve Plan of Management (July 2023) and Figure 3 of this document?**

**Why or why not?**

## 1.3 About this background information document

This background information document sets out the legislative requirements for categorisation of community land in Section 2, particularly:

- ☐ categorisation of community land
- ☐ preparation of Plans of Management for land classified as community land
- ☐ public hearings regarding the categorisation of community land.

Section 3 explains the proposed categorisation of Marrong Reserve.

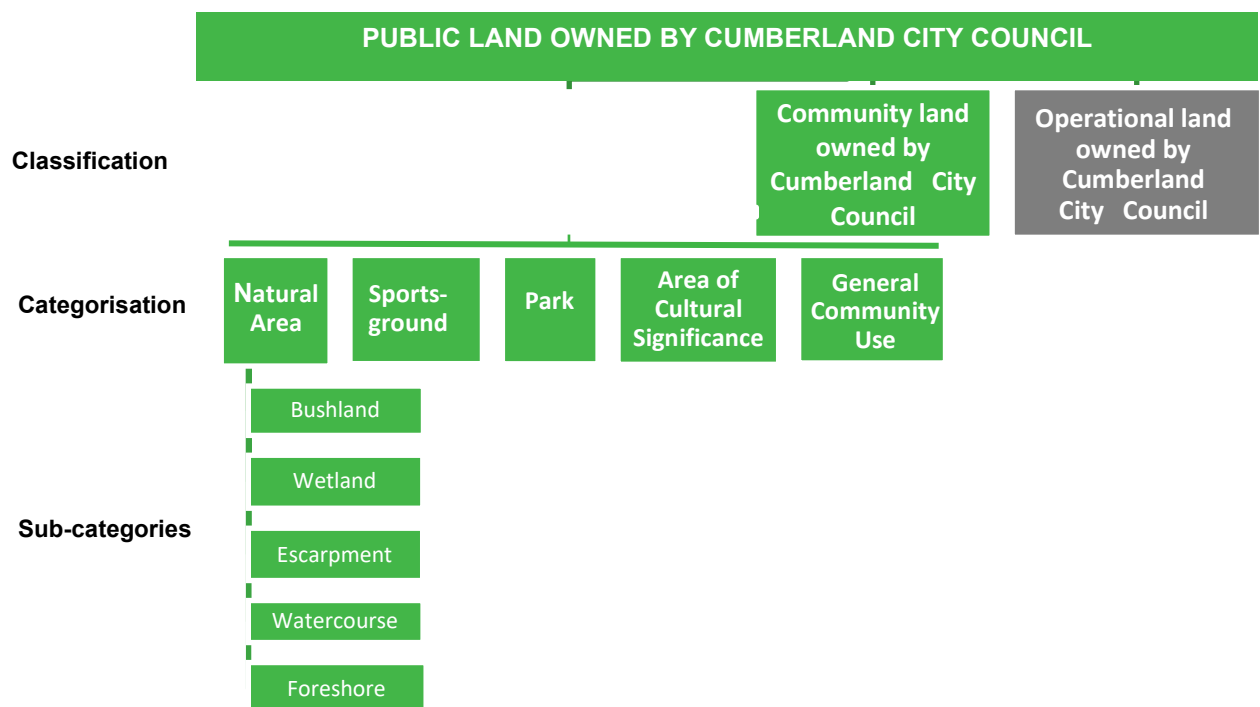
# 2 COMMUNITY LAND CATEGORISATION

## 2.1 Community land

The *Local Government Act 1993* sets out a range of requirements that Cumberland City Council is legally bound to adhere to. These requirements include the management of community land owned by Cumberland City Council.

Marrong Reserve comprises land owned by Cumberland City Council, which is classified as community land under the *Local Government Act 1993*.

Figure 1 Classification and categorisation of community land



The Local Government Act requires that all land owned by Council must be classified as "community" or "operational" land (Section 26).

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

## 2.2 Categorisation of community land

### 2.2.1 What are the categories for community land?

The *Local Government Act 1993* requires that all land owned by a Council which is classified as community land be categorised.

Community land may be categorised as one or more of the following under Section 36(4) of the Act:

- ☐ natural area.
- ☐ sportsground.
- ☐ park.
- ☐ area of cultural significance.
- ☐ general community use.

Community land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland.
- ☐ wetland.
- ☐ escarpment.
- ☐ watercourse.
- ☐ foreshore.
- ☐ a category prescribed by the regulations.

### 2.2.2 What are the guidelines for categorising community land?

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

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

*"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."*

*Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."*

## 2.2.3 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category, and are set out in Sections 36E to 36N of the *Local Government Act 1993*.

The guidelines and core objectives for the proposed Natural Area-Bushland and Park categories are in Table 1.

Table 1 Guidelines and core objectives for proposed categories of community land

Category	Guidelines <sup>1</sup>	Core objectives <sup>2</sup>
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.	<ul style="list-style-type: none"> <li>- 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</li> <li>- maintain the land, or that feature or habitat, in its natural state and setting, and</li> <li>- provide for the restoration and regeneration of the land, and</li> <li>- 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</li> <li>- 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 <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>
Natural Area-Bushland	<p>(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—</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(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.</p> <p>(2) Such land includes—</p> <p>(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</p>	<ul style="list-style-type: none"> <li>- 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</li> <li>- protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</li> <li>- 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</li> </ul>

Category	Guidelines <sup>1</sup>	Core objectives <sup>2</sup>
	<p>(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</p> <p>(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.</p>	<ul style="list-style-type: none"> <li>- restore degraded bushland, and</li> <li>- protect existing landforms such as natural drainage lines, watercourses and foreshores, and</li> <li>- 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</li> <li>- protect bushland as a natural stabiliser of the soil surface.</li> </ul>
Park	Land that 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.	<ul style="list-style-type: none"> <li>- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and</li> <li>- provide for passive recreational activities or pastimes and for the casual playing of games, and</li> <li>- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>

1 *Local Government (General) Regulation 2021*

2 *Local Government Act 1993*

## 2.3 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)). Community land is required to be used and managed according to a Plan of Management applying to the land.

Requirements of the Local Government Act for the contents of a Plan of Management include categorisation of the land.

## 2.4 Public hearings for categorisation of community land

### 2.4.1 Why hold a public hearing to categorise community land?

A public hearing is required under Section 40A of the *Local Government Act 1993* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not been previously been prepared and adopted by Council, or has not categorised community land) the community land covered by the Plan of Management
- ☐ a Plan of Management proposes to re-categorise (changing the adopted category) the community land covered by the Plan of Management

*Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.*

### 2.4.2 Who conducts a public hearing?

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

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

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

### 2.4.3 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 four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers adopting the Marrong Reserve Plan of Management, and the proposed categorisation of community land in Marrong Reserve.

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# 3 PROPOSED CATEGORISATION OF MARRONG RESERVE

## 3.1 Introduction

Marrong Reserve has not yet been formally categorised under the *Local Government Act 1993*. Background information about the proposed categorisation of Marrong Reserve is set out below.

## 3.2 Draft Landscape Master Plan

The Draft Landscape Masterplan for Marrong Reserve is in Figure 2 (Sheets 1 and 2).

Figure 2 Marrong Reserve - Draft Landscape Masterplan (Sheets 1 and 2)

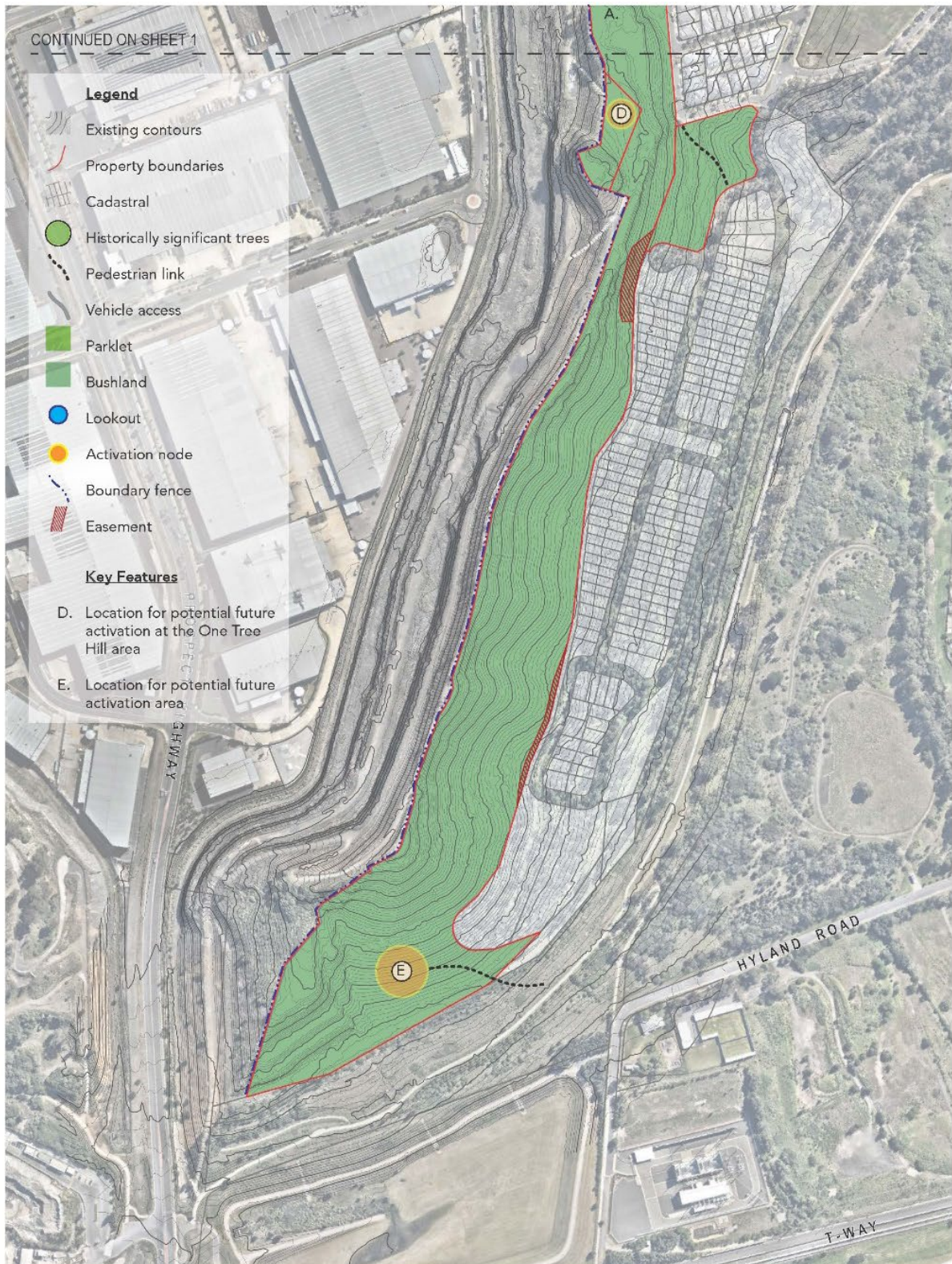


## MARRONG RESERVE

Landscape Master Plan  
Sheet 1 of 2

SCALE 1:5000 @ A4  
0 25 50 100 200





## MARRONG RESERVE

Landscape Master Plan  
Sheet 2 of 2

SCALE 1:5000 @ A4  
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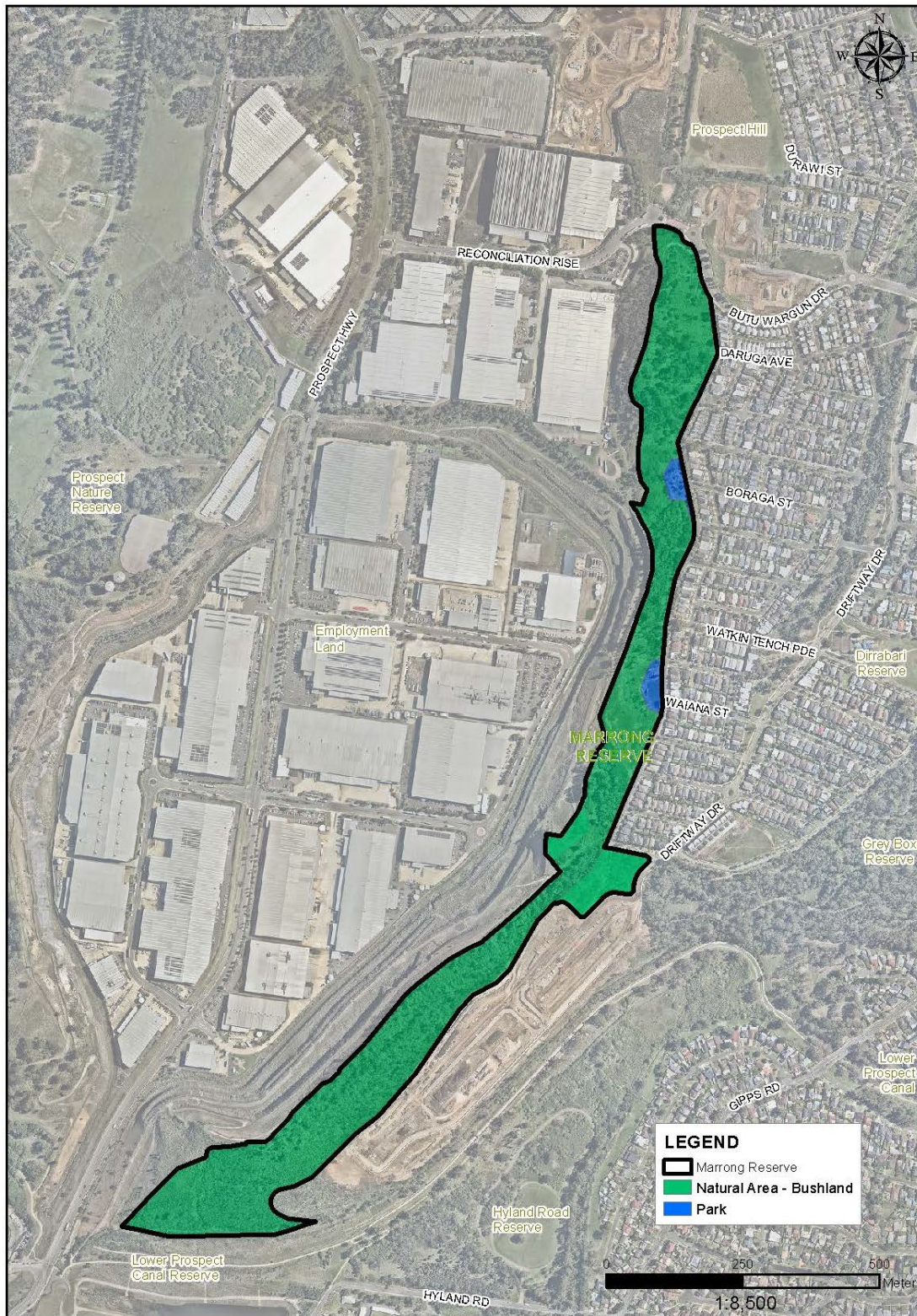


Source: Draft Marrong Reserve Plan of Management (July 2023)

### 3.3 Proposed categorisation of Marrong Reserve

Council proposes to categorise Marrong Reserve as Natural Area-Bushland and Park. The proposed categorisation of Marrong Reserve is shown in Figure 3.

Figure 3 Proposed categorisation of Marrong Reserve



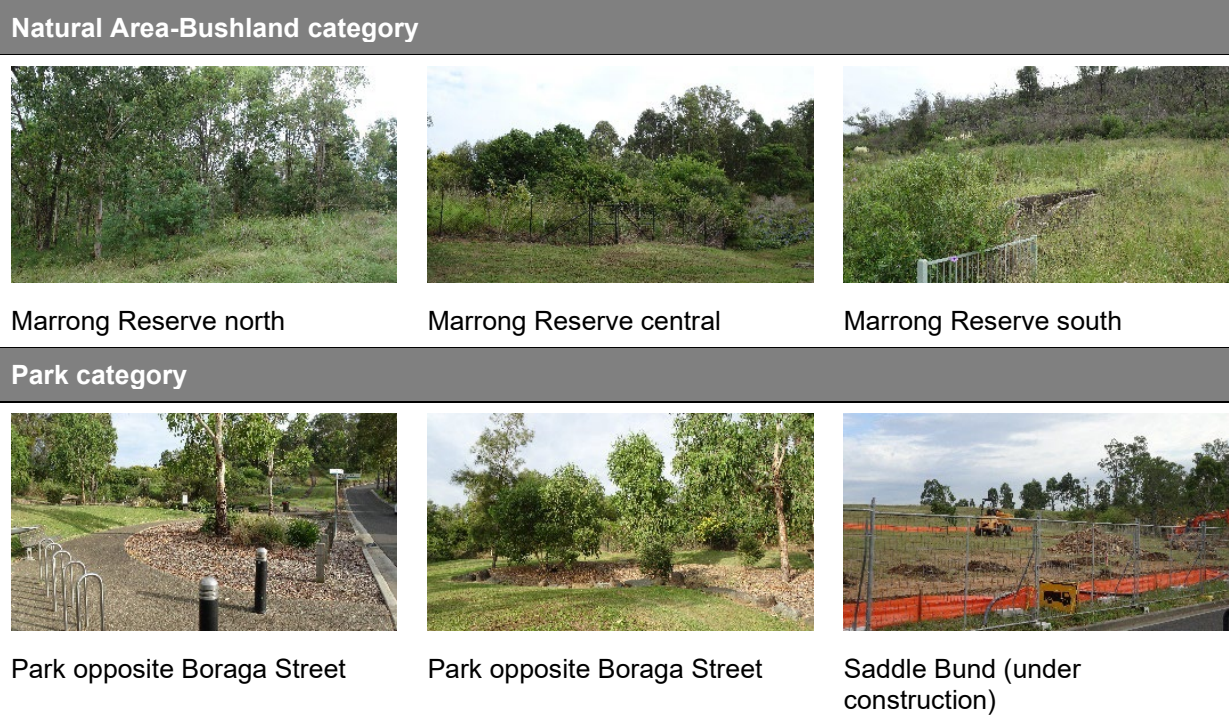
Source: Draft Marrong Reserve Plan of Management (July 2023)

The Park category corresponds with the parklet in Marrong Reserve opposite Boraga Street and at the Saddle Bund opposite Waiana Avenue. The Natural Area-Bushland category would apply to the remainder of the reserve.

### 3.4 Features of Marrong Reserve in proposed categories

Features of Marrong Reserve in each category are shown in Figure 4 below.

Figure 4 Features of Marrong Reserve by category



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