

# PLAN OF MANAGEMENT FOR CROWN RESERVES MANAGED BY LITHGOW CITY COUNCIL



#### Disclaimer

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# 1 KEY INFORMATION

## ACKNOWLEDGEMENT OF COUNTRY

The Lithgow Local Government Area comprises an area of 4,551 sq km, located about 140 kilometres west of the Sydney CBD and within the eastern part of the Central West Region. The Lithgow LGA lies almost wholly within the Wiradjuri Aboriginal nation, with the Gundungurra nation situated to the south and the Darug nation to the east.

Lithgow City Council acknowledges the Aboriginal people of the country on which we work, their traditions, culture and a shared history and identity and pays respects to Elders past and present and recognises the continued connection to country.

### 1.1 Adoption of plan of management

This plan of management was adopted by Lithgow City Council as follows:

- Council meeting of [SP TO INSERT]
- Minute No. [SP TO INSERT]
- Motion: [SP TO INSERT]
- Upon being put to the council meeting, the motion was carried, #the vote being unanimous.

### 1.2 Basis for plan of management

This plan of management has been adopted by Lithgow City Council and provides direction as to the use and management of council managed Crown reserves classified as 'community land' in the Lithgow local government area. The plan of management is required under Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

The document outlines the way the land may be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This plan of management is a generic document covering most of the Crown reserves classified as "community land". Each Crown reserve covered by this plan has been assigned one or more categories, namely Park, Sportsground, Natural Area or General Community Use under the Local Government Act 1993.

Council recognises the importance of community land, which can provide havens from urban stress, places for people to connect and for children to play; they help provide us with a sense of place, cultural identity, and spiritual nourishment.

This plan of management covers only Crown reserves managed by Lithgow City Council. In addition to Crown reserves, Council manages several other parcels of community land that are either owned or leased by Council. The following table shows an estimate of numbers of community land that Council manages. These numbers vary from time to time and may not be accurate due to re-classification of land to operational, legacy discrepancies, or unknown factors.

Community land category	Park	Sportsground	General Community Use	Natural Area	Cultural Significance
Crown owned land Council-managed	12	6	3	19	2
Council owned land + leased land Council-managed	34	6	78	46	2
Total	46	12	81	65	4

With high numbers of categorised land to manage, the level of service and improvements that Council can dedicate to a particular reserve is dependent upon available resources and funding in any given year. This plan of management identifies key issues and action plans for council-managed Crown reserves, and will assist Council to prioritise objectives and align resources and funding accordingly, but it needs to be recognised that some action plans included in this plan of management are aspirational at this stage.

### 1.3 Acronyms

Acronyms used throughout this plan of management have the corresponding meaning below:

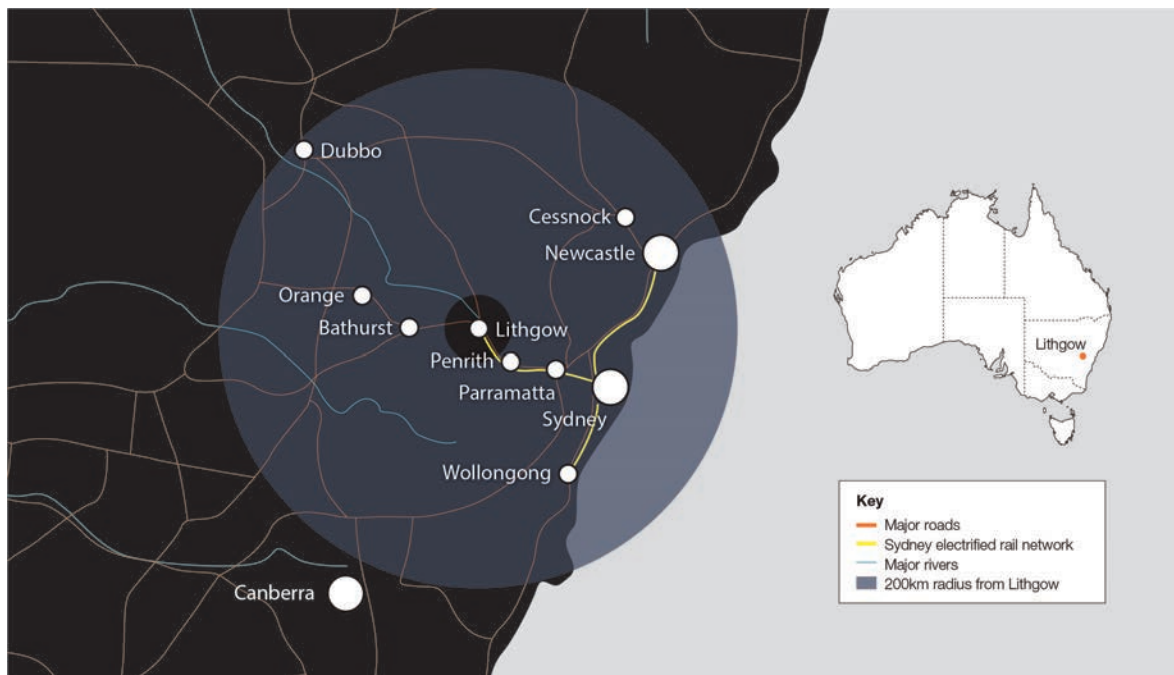
- CLM Act means the Crown Land Management Act 2016 (NSW).
- CLM Reg means the Crown Land Management Regulation 2018 (NSW).
- LEP means Local Environmental Plan.
- LG Act means the Local Government Act 1993 (NSW).
- LG Reg means the Local Government (General) Regulation 2021 (NSW).
- LGA means the Lithgow local government area.
- NT Act means Native Title Act 1993 (Cth).
- PoM means plan of management.

## 2 INTRODUCTION

### 2.1 Background to the Lithgow LGA

Lithgow is located just two hours drive from Sydney and Goulburn and 40 minutes from Bathurst. CityRail trains travel directly between Lithgow and Sydney's Central Railway Station, via the scenic Blue Mountains. The majority of the resident population is located in the town of Lithgow followed by Portland and Wallerawang. According to the 2011 Census, there were 20,161 people resident within the region. This figure increased to 21,090 in 2016 and declined slightly to 20,842 in 2021 (ABS 2021 Census data).

Best known for its industrial heritage, the Lithgow Local Government Area (LGA) also boasts several scenic national parks, rare flora and fauna and is steeped in rich Indigenous and colonial heritage.



### 2.2 Purpose of the Plan of Management

The Local Government Act 1993 (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act 2016 (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM for Crown Reserve Land classified 'community' in the Lithgow LGA is to:

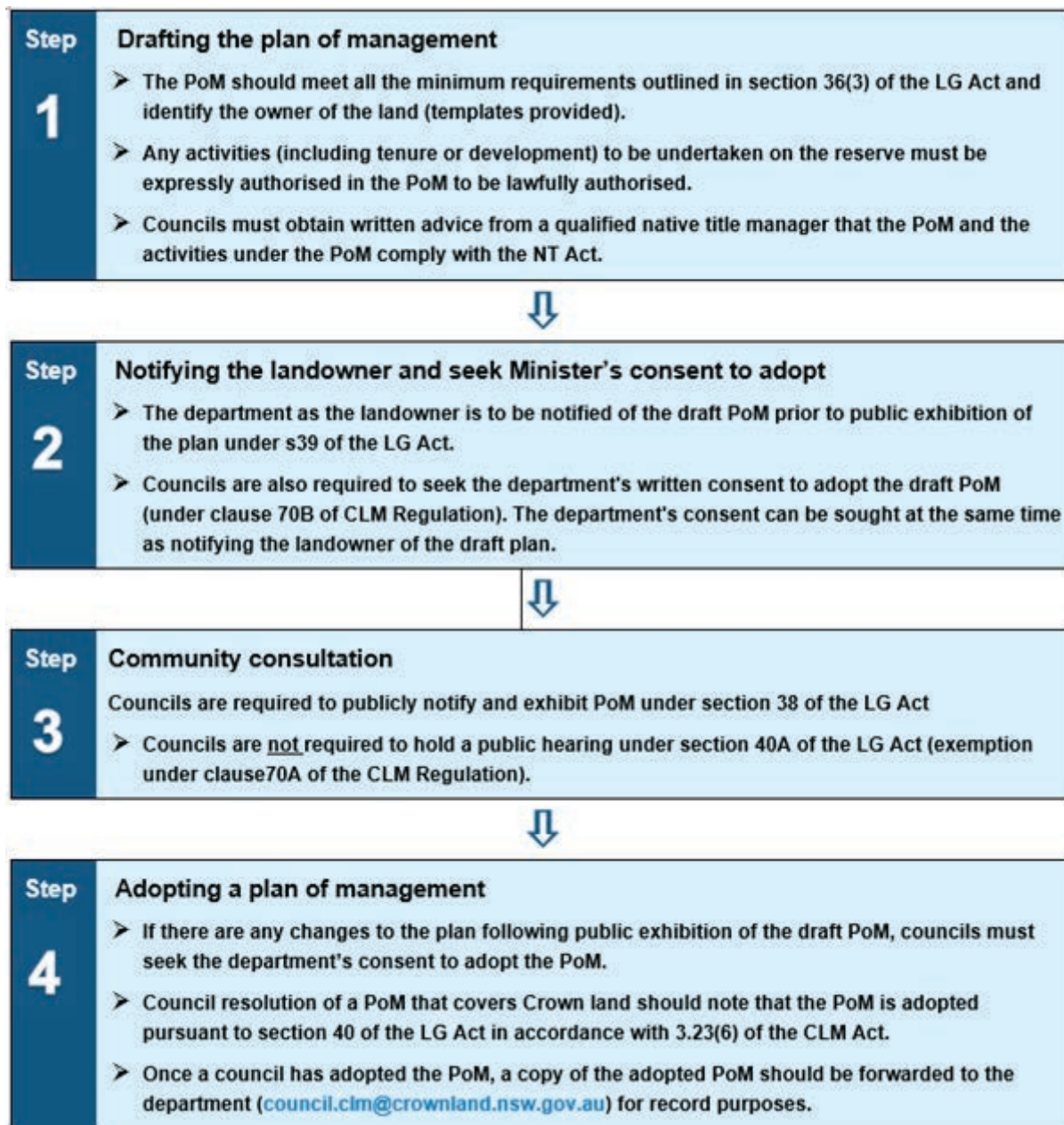
- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan 2035.
- ensure compliance with the LG Act and the CLM Act.
- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix A3 in this document.

## 2.3 Process of preparing this Plan of Management

Lithgow City Council has prepared this PoM in accordance with the LG Act and CLM Act provisions for managing crown reserves that are classified 'community land. It is designed to meet regulatory requirements and does not contain detailed background information.

Figure 1 below illustrates the process undertaken by Council in preparing and adopting this Plan.



## 2.4 Change and review of Plan of Management

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities.

Council has determined that it will review the PoM within 5 years of its adoption. However, the performance of this PoM will be reviewed on a yearly basis to ensure that the Reserves are being managed in accordance with the PoM, are well maintained and provide a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space.

The community will have an opportunity to participate in reviews of this PoM.

## DOCUMENT CONTROL

Version number	Date	Author
1	01 October 2023	A.P. SHEERE CONSULTING/LITHGOW CITY COUNCIL

## 2.5 Community consultation

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the LG Act. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning, Industry and Environment – Crown Lands.

## 3 LAND DESCRIPTION

### 3.1 What land is covered by this PoM?

The land covered by this PoM is listed in Table 1 below and defined by real property identifiers (lots and deposited plans) and reserve numbers.

Table 1 Land covered by this generic POM for Crown Reserve Land classified 'community' in the Lithgow LGA						
RESERVE_NO	RESERVE_TYPE	RESERVE_NAME	GAZETTED	PURPOSE	LOTS	Category assigned
<b>SPORTSGROUND</b>						
59812	RESERVE	WALLERAWANG SPORTS GROUND	15/07/1927	Public Recreation	Whole: Lot 2 DP 727021	Sportsground
49823	RESERVE	THOMPSON STREET RESERVE PORTLAND	8/04/1914	Public Recreation	Whole: Lot 1 DP 1015942	Sportsground
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	Sportsground (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	Sportsground (part)
78970	RESERVE	LIDSDALE RECREATION PARK (TENNIS COURTS)	12/10/1956	Public Recreation	Whole Lot 133 DP751651	Sportsground (part)
190078	RESERVE	GLEN ALICE RECREATION RESERVE	22/12/1989	Public Recreation	Whole: Lots 1-2 Section 4 DP758445, Lot 7003 DP1124865	Sportsground (part)
<b>PARK</b>						
1000398	DEDICATION	ZIG ZAG OVAL	1/11/1929	Public Recreation	Whole: Lot 7025 DP 1020348	Park
97696	RESERVE	PORTLAND COMMON	22/02/1985	Public Recreation	Whole: Lot 95 DP755767	Park
46129	RESERVE	ROXBURGH STREET RESERVE PORTLAND	21/12/1910	Public Recreation	Whole: Lot 349 DP729077	Park
97514	RESERVE	RYDAL RECREATION RESERVE	2/11/1984	Public Recreation	Whole: Lot 13 Section 38 DP758890 - 33 Railway Street, Rydal	Park
81486	RESERVE	GLEN ALICE PUBLIC RESERVE	20/03/1959	Public Recreation	Whole: Lots 7-8 Section 1 DP758445, Lots 5-15 Section 4 DP758445, Lot 7001 DP1050948	Park
1002886	RESERVE	LIDSDALE ST RESERVE	3/12/1999	Public Recreation	Whole: Lot 7040 DP 1006869	Park
91537	RESERVE	BEN BULLEN RESERVE	17/08/1979	Public Recreation	Whole: Lot 1 DP 1155042	Park
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	Park (part)
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	Park (part)

590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	Park (part)
51028	RESERVE	LIMESTONE CREEK RESERVE	1/12/1915	Public Recreation	Whole: Lot 7006 DP1055485, Lot 7342 DP1150429	Park (part)
190078	RESERVE	GLEN ALICE RECREATION RESERVE	22/12/1989	Public Recreation	Whole: Lots 1-2 Section 4 DP758445, Lot 7003 DP1124865	Park (part)
GENERAL COMMUNITY USE						
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	General Community Use (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	General Community Use (part)
NATURAL AREA - BUSHLAND						
59960	RESERVE	BLACKMAN'S FLAT CROWN RESERVE	2/09/1927	Public Recreation	Whole: Lots 304-305 DP 751636, Lot 7004 DP 1026541; Part: Lots 306-307 DP 751636	NA - bushland
84837	RESERVE	LIDSDALE PUBLIC RESERVE	10/04/1964	Resting Place	Whole: Lot 7326 DP1150037	NA - bushland
72786	RESERVE	BLACKMAN'S FLAT PLAYGROUND	16/07/1948	Children's Playground	Whole: Lot 310 DP751636	NA - bushland
69115	RESERVE	CAPETEE PUBLIC RESERVE	21/03/1940	Public Recreation	Whole: Lot 1 Section 10 DP 758222	NA - bushland
79494	RESERVE	HARTLEY RESTING PLACE	5/04/1957	Resting Place	Whole: Lot 7029 DP 1028434	NA - bushland
83012	RESERVE	JEWS CREEK RESERVE	20/01/1961	Resting Place	Whole: Lots 60-62, 66 DP 755759	NA - bushland
91601	RESERVE	PITTS CORNER PUBLIC RESERVE	26/10/1979	Public Recreation	Whole: Lot 8 DP 252075 and Lot 4 DP252075	NA - bushland
95074	RESERVE	HYDE PARK RESERVE	5/06/1981	Public Recreation	Whole: Lot 342 DP 41316, Lot 7010 DP 1028429	NA - bushland
26013	RESERVE	BLUNDER STREET RESERVE	22/05/1987	Public Recreation	Part Lot 310 DP751650	NA - bushland
1038228	RESERVE	PEARSON'S LOOKOUT	6/06/2014	Access; Environmental Protection	Whole: Lot 7308 DP 1130828	NA - bushland
53410	RESERVE	THE CROWN Rserve	8/08/1919	Public recreation	Whole: Lots 7007-7009 DP 1124442	NA - bushland (part)
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	NA - busland (part)

80616	RESERVE	BINDO PUBLIC RESERVE	2/05/1958	Public Recreation	Whole: Lots 7009-7011 DP 1075845, Lots 7002-7003 DP 1075865	NA - bushland (part)
78970	RESERVE	LIDSDALE RECREATION PARK (TENNIS COURTS)	12/10/1956	Public Recreation	Whole Lot 133 DP751651	NA - bushland (part)
<b>NATURAL AREA - WATERCOURSE</b>						
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	NA - watercourse (part)
80616	RESERVE	BINDO PUBLIC RESERVE	2/05/1958	Public Recreation	Whole: Lots 7009-7011 DP 1075845, Lots 7002-7003 DP 1075865	NA - watercourse (part)
51028	RESERVE	LIMESTONE CREEK RESERVE	1/12/1915	Public Recreation	Whole: Lot 7006 DP1055485, Lot 7342 DP1150429	NA - watercourse (part)
<b>NATURAL AREA - ESCARPMENT</b>						
53410	RESERVE	THE CROWN RESERVE	8/08/1919	Public Recreation	Whole: Lots 7007-7009 DP 1124442	NA - escarpment (part)

### 3.2 What land is not covered by this PoM?

The land listed in Table 2 is owned by the Crown and managed by Lithgow City Council but is not covered by this PoM. Additionally, a small part of reserve 590046 (Tony Luchetti Sports Precinct) is not covered by this PoM because it is governed by a specific PoM adopted by Council on 27.02.2023, Minute No. 23-32.

Table 2 Crown reserves not covered in this PoM			
RESERVE NO.	RESERVE NAME	LOTS	REASON NOT COVERED BY THIS POM
97	Hyde Park Reserve	Lot 7011 DP1028430	Site specific PoM
42350	Maiyingu Marragu	Lot 7001 DP1055079 Lot 7006 DP1055080	Site specific PoM
52017	Hassans Walls	Lots 5-6 DP33996, Lots 1-3 DP251935, Lots 69, 90, 203, 206, 294 DP751650, Lot 2 DP875910, Lot 7036 DP1059097, Lots 1-2 DP1094395, Lot 207 DP 1118161, Lots 1-3 DP1192477	Site specific PoM
91260	Blackmans Flat Public Reserve	Lots 298-299 DP751636	Reserve status pending
79154	Capertee Community Hall	Lots 3-4, Section 3, DP758222	Reserve status pending

### 3.3 Owner of the land

All land covered by this PoM is owned by the Crown and managed by Lithgow City Council as Crown Land Manager under the CLM Act.

### 3.4 Native Title rights and interests

Native title rights and interests are assumed to exist in Crown land unless the Federal Court of Australia has determined that they do not exist, or they have been extinguished.

A native title claim was registered in the Federal Court of Australia on 22 November 2018 in relation to land within the Lithgow LGA. The claimant is Warrabinga-Wiradjuri #7, the claimed area extends to the boundaries of Lithgow LGA and beyond, and the claim excludes areas that fall within certain categories under the NT Act. The claim also excludes any area in relation to which native title rights and interests have otherwise been wholly extinguished and any area for which there is an approved determination of native title, as defined in the NT Act.

Lithgow City Council may be liable for compensation in relation to its acts (that is use, development or grant of tenure in relation to Crown land) that has the effect of extinguishing native title rights and interests, pursuant to section 8.12 and 8.13 of the CLM Act.

Lithgow City Council is committed to observing and fulfilling the requirements of the future acts regime under the NT Act, including compliance with procedural requirements.

## 4 BASIS OF MANAGEMENT

Lithgow City Council intends to manage the land under this PoM to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

### 4.1 Categorisation of the land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

Section 36(4) of the LG Act requires community land to be categorised (or broken down) into one of five categories as set out in the Act, which are:

1. Park – for areas primarily used for passive recreation.
2. Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
3. General community use – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
4. Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
5. Natural area – for all areas that play an important role in the area's ecology.

The categorisation of the land is identified in Table 1 and Appendix 1, as well as shown by maps in each category chapter.

Any land categorised as 'Natural Area' must also be further categorised into either one/or a combination of any of the following:

- Bushland
- Wetland
- Escarpment
- Watercourse
- Foreshore

The categories relevant to the community classified land in this Plan of Management are:

- General Community Use
- Park
- Sportsground
- Natural Area - Bushland, Watercourse and Escarpment

### 4.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the LG Reg. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the Park, Sportsground, General Community Use and Natural Area categories are set out in the relevant category sections of this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Lithgow City Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Lithgow City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Lithgow City Council intends to permit and encourage a broad range of appropriate activities.

### 4.3 Restrictions on management of Crown land

Council is the Crown Land Manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the CLM Act. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth NT Act 1993
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the CLM Act
- consider any interests held on title.

### 4.4 Council's strategic objectives and priorities

Lithgow City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

- Lithgow Community Strategic Plan 2035
- Lithgow Land Use Strategy 2010-2030
- Lithgow Regional Economic Development Strategy 2018- 2022 (REDS)
- Heritage Development Control Plan Study 2020
- Lithgow Cultural Precinct Study
- Open Space and Recreational Needs Study
- Lithgow Destination Management Plan

The key themes that influence Council's objectives and priorities throughout the various strategies and plans developed can be summarised by the themes detailed in the Lithgow Community Strategic Plan 2035 as follows:

Objectives/key themes
<p><b>Caring for Our Community</b></p> <p>To retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA.</p>
<p><b>Developing Our Built Environment</b></p> <p>To provide a choice of effective public and private transport options, suitable entertainment and recreational facilities, and lifestyle choices while enhancing the existing rural areas, villages and towns that make up the Lithgow LGA.</p>
<p><b>Strengthening Our Economy</b></p> <p>To provide for sustainable and planned growth through the diversification of the economic base, the development of diverse job opportunities and the provision of a broad range of formal and non-formal educational services.</p>
<p><b>Enhancing Our Natural Environment</b></p> <p>To balance, protect and enhance our diverse environmental elements, both natural and built, for the enjoyment and support of both current and future generations</p>
<p><b>Responsible Governance &amp; Civic Leadership</b></p> <p>To develop community confidence in the organisation by the way it is directed, controlled and managed.</p>

## 5 DEVELOPMENT AND USE

### 5.1 Permissible uses / future uses

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Lithgow LGA.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Lithgow City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Lithgow City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this plan of management.

### 5.2 Express authorisation of leases and licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

#### **Leases and licences authorised by the plan of management**

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) and section 36(3A) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any

lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted

- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Tables in the relevant category sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

### **Short-term licences**

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions
- (h) the agistment of stock.

However, the use or occupation of community land for events listed above must not involve the erection of any building or structure of a permanent nature.

Additionally, this PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the CLM Act for the prescribed purposes listed in clause 31 of the CLM Reg.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- (a) access through a reserve,
- (b) advertising,
- (c) camping using a tent, caravan or otherwise,
- (d) catering,
- (e) community, training or education,
- (f) emergency occupation,
- (g) entertainment,
- (h) environmental protection, conservation or restoration or environmental studies,
- (i) equestrian events,
- (j) exhibitions,
- (k) filming (as defined in the LG Act),
- (l) functions,
- (m) grazing,
- (n) hiring of equipment,
- (o) holiday accommodation,

- (p) markets,
- (q) meetings,
- (r) military exercises,
- (s) mooring of boats to wharves
- (t) sales,
- (u) shows,
- (v) site investigations,
- (w) sporting and organised recreational activities,
- (x) stabling of horses,
- (y) storage

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

### **Native title and Aboriginal land rights considerations in relation to leases, licences and other estates**

When planning to grant a lease or licence on Crown reserves, council must comply with the requirements of the Commonwealth NT Act 1993 (NT Act) and have regard for any existing claims made on the land under the NSW Aboriginal Land Rights Act 1983.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A3 for more information).

## 6 MANAGEMENT OF LAND BY CATEGORY

As stated in clause 4.1 all community land is required to be assigned into one or more categories. This clause 6 identifies each crown reserve by categories, and includes:

- an overview of the core objectives and purpose of areas relevant to each category (as outlined in the LG Act and Regulation)
- an overview of any statutory guidelines that may apply (e.g. state environmental planning policies)
- an overview of the status of reserves in the category
- an overview of any values council wishes to articulate associated with the category
- a link to the relevant appendix that includes detailed maps, aerial photos or drawings of all reserves included in the PoM, presented in a manner that clearly describes where the category applies on each reserve.

The community land categories are provided in the following order:

- 6.1 Park
- 6.2 Sportsground
- 6.3 General community use
- 6.4 Natural area
  - a. Natural Area – Bushland
  - b. Natural Area - Watercourse
  - c. Natural Area – Escarpment

Where a reserve has been assigned more than one category, eg Park, Sportsground and General Community Use, the area categorised as Park will be dealt with in clause 6.1 the area categorised as Sportsground will be dealt with in clause 6.2, and the area categorised as General Community Use will be dealt with in clause 6.3, and so on.

### 6.1 Park

#### 6.1.1 Overview of land categorised as park covered by the PoM

This PoM includes 12 crown reserves that are either wholly categorised as Park or contain an area that is categorised as Park. These reserves are listed in Table 8 in clause 6.1.10, and clause 6.1.11 includes individual reserve information and maps identifying each area categorised as Park.

#### 6.1.2 Guidelines and core objectives

Parks are defined in clause 104 of the LG Reg as 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.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

- 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.

### 6.1.3 Community Values and Objectives for Parks

Community values are the attributes that make something (e.g. Parks and Sportsgrounds) important to the community as a whole.

Community values tend to change little over time and to be broad in nature. Management plans, however, must be flexible enough to allow for changes in community values to be incorporated when appropriate. These community values have been developed through research and public consultation undertaken during the development of the Lithgow City Council Open Space and Recreation Needs Study, 2011 and the Community Strategic Plan 2025.

This value based approach allows Council and the community to highlight what is considered to be important now and in the future, in terms of what to protect, enhance, develop or review. Each category of community land (park, sportsgrounds, general community use and natural area) has been assigned its own set of community values and resulting objectives. The objectives are drawn from the core values attributed to each category as legislated in the S36 of the LG Act, as supplemented by the specific community objectives developed as a result of the community consultation process.

Table 3.0 Park - Values and Objectives	
Value	Objectives
Recreational	<ul style="list-style-type: none"> <li>• Provide parks that are highly valued as social and passive recreational spaces as well as being venues for both organised and non-organised recreational activities.</li> <li>• Develop high quality and engaging play areas (e.g. adventure park) for passive recreational activities or pastimes.</li> <li>• Provide linkages between parks by developing better quality walkways/ cycleways.</li> <li>• Develop appropriate ancillary facilities within parks and along cycleways and walkways to improve the use and enjoyment of these areas.(shading, seating and bubblers etc).</li> </ul>
Social and cultural	<ul style="list-style-type: none"> <li>• Continue to provide community amenities in parks that encourage individuals and groups to come together for social, community, educational, cultural and leisure activities. Amenities include: covered b.b.q areas, shaded seating and toilets.</li> <li>• Ensure the equitable distribution and access to parks throughout the Lithgow LGA to meet local needs.</li> <li>• Adoption of signage for Parks to encourage and guide their appropriate usage and development in terms of Council's risk management policy.</li> <li>• Encourage a diverse range of activities and events in parks to maximise public benefit.</li> </ul>
Health	<ul style="list-style-type: none"> <li>• Maximise opportunities for the community to participate in locally based, no-cost physical activity.</li> </ul>
Scenic	<ul style="list-style-type: none"> <li>• Ensure that parks are managed and embellished in a manner that enhances the local area's visual amenity.</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• Provide parks which are ecologically sustainable, promote biodiversity and have a minimal adverse effect on surrounding natural areas.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• Provide access to quality amenities in parks to help encourage Tourism.</li> <li>• Ensure appropriate and regular promotion of facilities/amenities, activities and events.</li> <li>• Ensure appropriate service levels and standards are identified and maintained.</li> </ul>

### 6.1.4 Key issues

Management issues are matters that periodically occur and generally impact on areas of community land. Category specific management issues have been developed to help define the resulting Action Plans ensuring that community land is maintained and managed in a sustainable way.

Table 4 Park specific management issues	
Issue	Discussion
Large number of small sites to maintain within the LGA	The large number of small sites to be maintained throughout the Lithgow LGA places significant pressure on the allocation of resources to ensure that such sites are maintained to a minimum standard.
Vandalism and security	This is an ongoing issue facing management and every opportunity will be taken to review both existing and proposed facilities and equipment to identify opportunities to minimise vandalism and security breaches.
Regulating the use of Parks	Inappropriate and unlawful use of parks is an ongoing problem. Appropriate signage should be placed at sites where such activities are prevalent. Council's Rangers monitor the use of parks and take appropriate action against offenders.
Meeting the community's expectations regarding the provision of passive recreational facilities	Council recognises that it may not be able to meet all of the community's demands in regards to the provision of and maintenance of facilities in parks. Council will formulate a priority listing for the allocation of funding through the Council's own management plan/budget process. The community consultation phase of this process allows feedback from the community in project and priority identification.
Lack of formal naming of Parks	The lack of formal names for parks makes some sites difficult to identify when the exact location is not known. It is proposed that all parks throughout the Lithgow LGA be formally named in accordance with the guidelines issued by the Geographical Names Board. The community will be consulted during this process.
Unlawful occupation of Parks	Unlawful occupations of parks have been identified throughout the Lithgow LGA on occasion. Council will take appropriate action to have such occupations either removed or formalised and appropriately managed to ensure that this issue does not escalate.
The potential for Aboriginal heritage sites.	If Aboriginal heritage sites are identified, then a site specific plan of management will be required.
Impact of parks on neighbouring natural areas, especially watercourses and wetlands	Any development which involves excavations or works within 40 m of the bank of a river, lake or lagoon requires approval from the State Government under the Water Management Act 2000. Management practices such as fertiliser application rates and rehabilitation of bare areas need to be carefully controlled where they may affect natural areas such as watercourses and wetlands. Council will manage parks to maintain the ecological values of surrounding natural areas.

### 6.1.5 Management framework

Council intends to manage the crown reserve areas categorised as Park and covered by this PoM in accordance with the core objectives listed in clause 6.1.2 and the Action Plan set out in clause 6.1.9. The types of uses and development which may occur within the category of Park are identified in clauses 6.1.6 and 6.1.7

### 6.1.6 Development and use

The development and use of community land categorised as Park should be generally compatible with both the intended function of the land, and the wider community context. Council supports a broad range of activities and the use of Parks is encouraged, and supported, by appropriate ancillary development, (for example, playground equipment, amenity blocks, or food kiosks).

Based on the value objectives and legislative core objectives for each Park, the uses and development that may be permitted on community land categorised as Park include development to support passive uses such as picnics and development to support active uses such as exercise. Additionally, the use of Parks for community festivals and events is supported. A full list of the types of uses and development that can occur within Parks is set out in Table 5 in clause 6.1.7.

### 6.1.7 Permissible uses / future uses

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in Table 5 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to 'football' includes any variations of that game.

**Table 5 Permissible use and development of community land categorised as Park by council**

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> <li>• Active and passive recreation including children's play and cycling</li> <li>• Group recreational use, such as picnics and private celebrations</li> <li>• Eating and drinking in a relaxed setting</li> <li>• Publicly accessible ancillary areas, such as toilets</li> <li>• Festivals, parades, markets, fairs, exhibitions and similar events and gatherings</li> <li>• Low-intensity commercial activities (for example recreational equipment hire)</li> <li>• Filming and photographic projects</li> <li>• Busking</li> <li>• Public address (speeches)</li> <li>• Community gardening</li> <li>• Exercise groups</li> <li>• Mobile food vending</li> <li>• Coffee carts</li> <li>• Camping associated with an approved event</li> </ul>	<ul style="list-style-type: none"> <li>• Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas</li> <li>• Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts</li> <li>• Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas</li> <li>• Café or refreshment areas (kiosks/restaurants) including external seating</li> <li>• Lighting, seating, toilet facilities, courts, paved areas</li> <li>• Hard and soft landscaped areas</li> <li>• Storage sheds</li> <li>• Car parking and loading areas</li> <li>• Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment</li> <li>• Community gardens</li> <li>• Heritage and cultural interpretation, for example signs</li> <li>• Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>o relate to approved uses/activities</li> <li>o are discreet and temporary</li> <li>o are approved by the council</li> </ul> </li> <li>• Bio-banking and carbon sequestration initiatives</li> <li>• Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>• Energy-saving initiatives such as solar lights and solar panels</li> <li>• Locational, directional and regulatory signage</li> <li>• Off-leash dog areas</li> <li>• Fencing and retaining walls</li> <li>• Shade sails</li> <li>• Tree planting</li> </ul>

A proposed use or development of the land may be subject to obtaining approvals or permits under various legislation, including the Environmental Planning and Assessment Act 1979 and the LG Act.

#### 6.1.8 Express authorisation of leases, licences and other estates – Park

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Park for the purposes listed in Table 6, provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any

lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted

- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table 6 identifies the purposes for which leases and licences may be issued over the reserve categorised as Park in this PoM.

Table 6 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park		
Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As approved by Council and in compliance with the LG Act and LG Reg	<ul style="list-style-type: none"> <li>• café/kiosk areas, including seating and tables</li> <li>• management of court facilities</li> <li>• hire or sale of recreational equipment</li> <li>• exercise groups</li> <li>• markets/festivals</li> </ul>
Licence	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>• café/kiosk areas, including seating and tables</li> <li>• management of court facilities</li> <li>• hire or sale of recreational equipment</li> <li>• exercise groups</li> <li>• markets/festivals</li> <li>• dog exercise/off leash areas</li> </ul>
Short-term licence (under s2.20 of the CLM Act)	Up to 12 months	For a purpose prescribed in clause 31 of the CLM Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided at clause 5.2 of this PoM.)
Short-term casual licence (under s46(1)(b)(iii) of the LG Act)	Up to 12 months	For a purpose prescribed in clause 116 of the LG Reg, provided the purpose is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided at clause 5.2 of this PoM.)
Other estates	In perpetuity	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

The use or occupation of Community Land for these purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

### Leases and licences – Maximum Term and Tendering

- A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s.46(3) LG Act).
- A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

### **Leases, licences and other estates - 5 years or less (s. 47A of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

### **Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

#### **6.1.9 Action plan**

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 7 below sets out these requirements for community land categorised as Park.

Table 7 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Park					
Park Management Issue	Objectives/ Performance Targets	Means of Achievement	Performance Indicators	Timeframe	Partners
Large number of small sites to maintain.	To ensure that all Parks are maintained to minimum standard.	Allocation of resources and funding through Council's budgeting processes (Council's Management Plan).	Number of complaints received regarding the maintenance of parks.	Ongoing	LCC
Vandalism and security	To reduce opportunities for vandalism within any park.	Review design of any building or facility within a park to minimise opportunities for vandalism.	Number of vandalism incidents reported.	Ongoing	LCC Local Police
Regulating the use of parks	Address all breaches of prohibited or inappropriate activity within a park.	Undertake appropriate action against offenders as appropriate. Provide regulative signage.	Number of reported breaches. Number of successful investigation and prosecutions.	Immediate	LCC Local Police
Meeting the community's expectations regarding the provision of passive recreational facilities	Ensure that passive recreation facilities are provided in accordance with Council Policy.	Assessing requests for new facilities from Open Space and Recreational Needs Study and reviewing priority list for new facilities.	Level of demand for new recreational facilities.	Short term	LCC General Community
Lack of formal naming of parks	Ensure that all Parks are formally named and appropriate signage is provided on site.	Initiate consultation with community to establish names for unnamed Parks. Provide budgetary item for the establishment of Park signs.	Number of Parks formally named with appropriate signs.	Immediate	LCC Local community
Unlawful occupation of Parks by encroachment by adjoining landowners	Identify unlawful occupation of parks and take appropriate action to eliminate such occupation.	Negotiate with encroaching landowners to ensure that unlawful occupations are eliminated.	Number of unlawful occupations of community land successfully eliminated.	Ongoing	LCC Local Police

The potential for Aboriginal heritage sites to be located on lands which have not been surveyed	Investigate prior to disturbance of natural ground surface.	If required, undertake archaeological survey. Allocate resources for a Heritage Officer to work for Council.	Number of archaeological surveys carried out prior to development.	Immediate	LCC Heritage Officer Local Aboriginal Groups Biodiversity and Bushland Officer Lithgow Oberon Landcare Association
Impact of parks on neighbouring natural areas	To manage parks so as to maintain the ecological values of surrounding natural areas.	Identify sensitive natural areas adjacent to parks. Determine management requirements and development constraints for the protection of those natural areas. Implement necessary management practices and development constraints.	Number of sites where environmental requirements determined. Percentage of environmental requirements implemented. Key environmental indicators for natural areas.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee

#### 6.1.10 Schedule of Parks covered by this PoM

Table 8 below lists the twelve reserves categorised as Parks in this PoM.

Table 8 Reserves categorised as Parks						
RESERVE NUMBER	RESERVE TYPE	RESERVE NAME	GAZETTED	PURPOSE	LOTS	CATEGORY ASSIGNED
1000398	DEDICATION	ZIG ZAG OVAL	1/11/1929	Public Recreation	Whole: Lot 7025 DP 1020348	Park
97696	RESERVE	PORTLAND COMMON	22/02/1985	Public Recreation	Whole: Lot 95 DP755767	Park
46129	RESERVE	ROXBURGH STREET RESERVE PORTLAND	21/12/1910	Public Recreation	Whole: Lot 349 DP729077	Park
97514	RESERVE	RYDAL RECREATION RESERVE	2/11/1984	Public Recreation	Whole: Lot 13 Section 38 DP758890 - 33 Railway Street, Rydal	Park
81486	RESERVE	GLEN ALICE PUBLIC RESERVE	20/03/1959	Public Recreation	Whole: Lots 7-8 Section 1 DP758445, Lots 5-15 Section 4 DP758445, Lot 7001 DP1050948	Park
1002886	RESERVE	LIDSDALE ST RESERVE	3/12/1999	Public Recreation	Whole: Lot 7040 DP 1006869	Park
91537	RESERVE	BEN BULLEN RESERVE	17/08/1979	Public Recreation	Whole: Lot 1 DP 1155042	Park

66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	Park (part)
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	Park (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	Park (part)
51028	RESERVE	LIMESTONE CREEK RESERVE	1/12/1915	Public Recreation	Whole: Lot 7006 DP1055485, Lot 7342 DP1150429	Park (part)
190078	RESERVE	GLEN ALICE RECREATION RESERVE	22/12/1989	Public Recreation	Whole: Lots 1-2 Section 4 DP758445, Lot 7003 DP1124865	Park (part)

#### 6.1.11 Park - maps

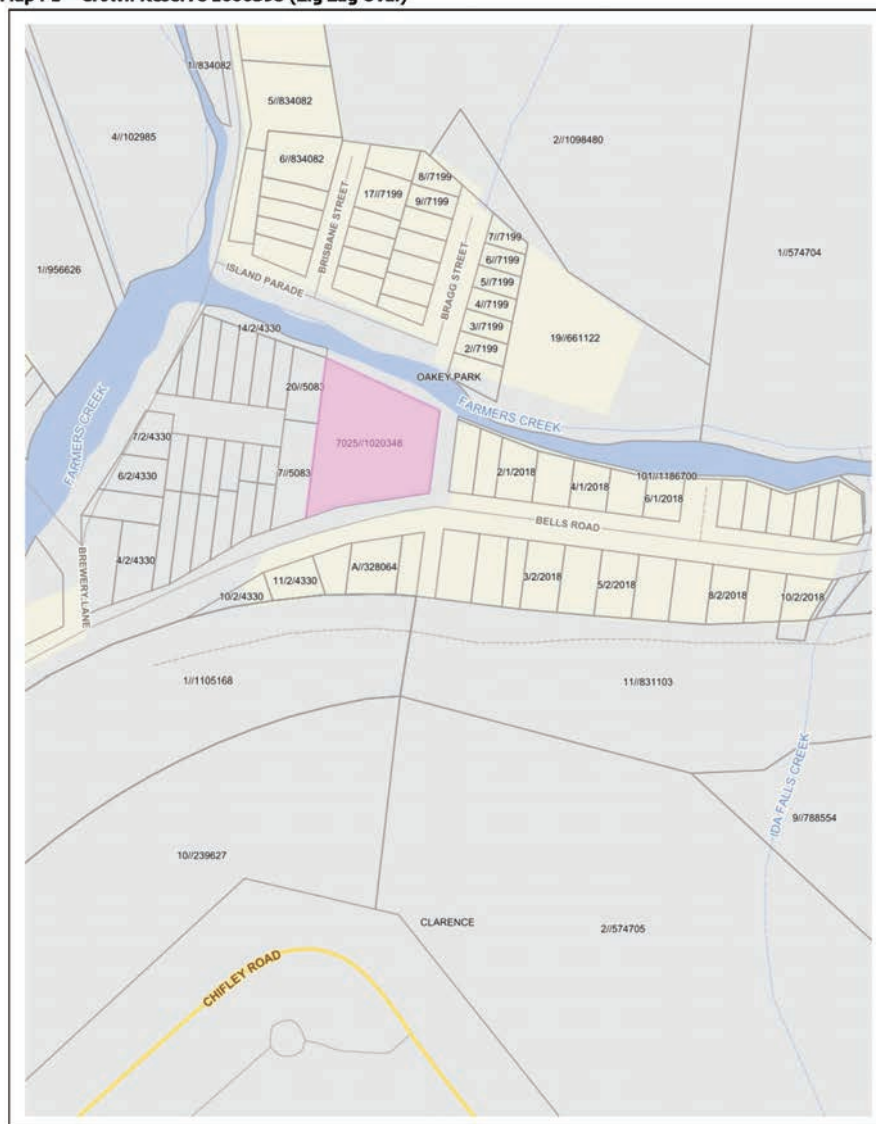
The LG Reg (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise).

In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area. Map P below shows the location of crown reserves managed by Lithgow City Council with category - Park.

Maps P1 to P12 below show each crown reserve with category Park plus a table containing reserve information.

Crown reserve name	Zig Zag Oval
Crown reserve number	1000398
Address	40 Bells Road, Lithgow NSW 2790
Lot information	Lot 7025 in DP1020348
Reserve area	4,043 m2
Gazetted date	11 November 1929
Gazetted purpose	Public recreation
Community land category	Park – see Map P1
Lithgow LEP 2014 zoning	REI – public recreation
Landowner	State of NSW
Land manager	Lithgow City Council

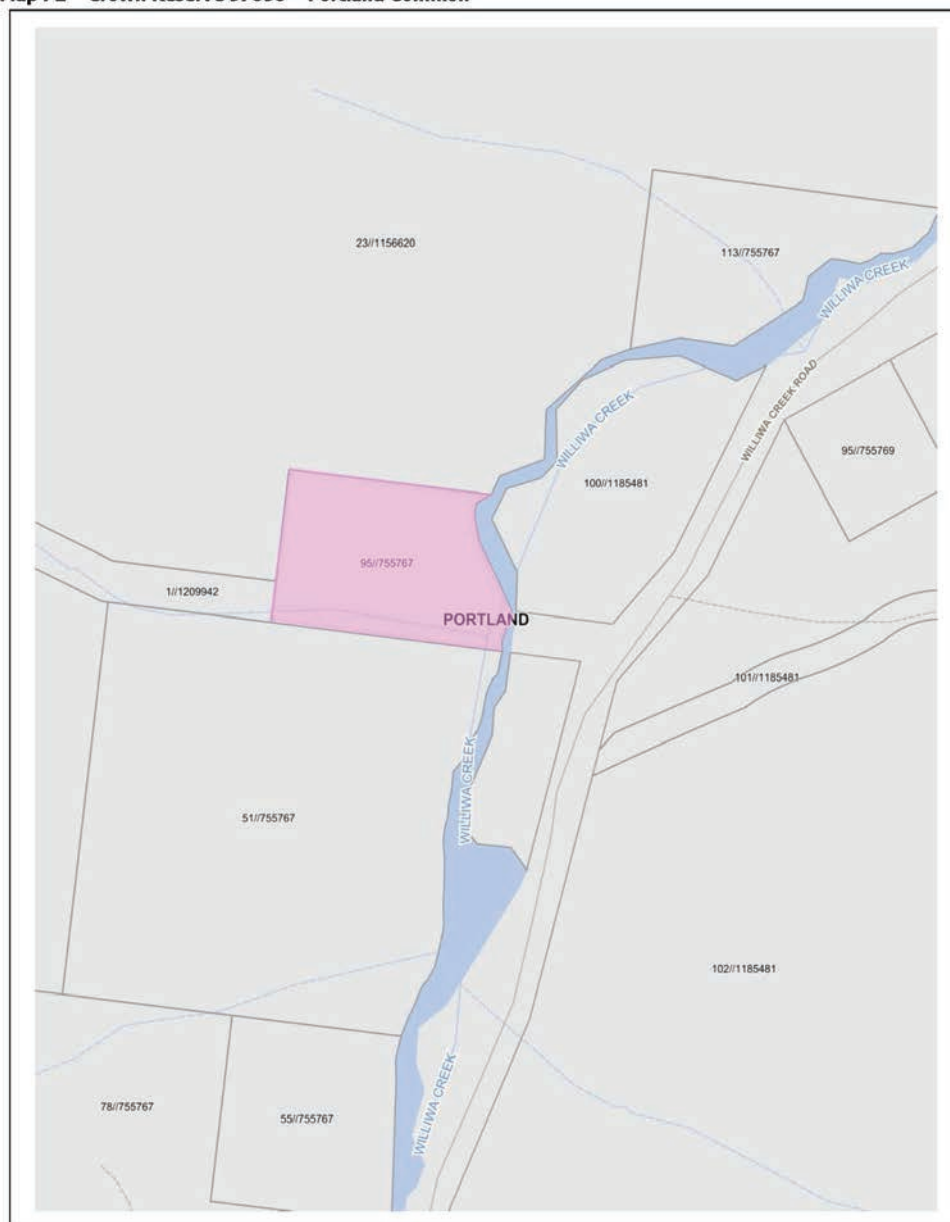
**Map P1 – Crown Reserve 1000398 (Zig Zag Oval)**



	<p><b>Lithgow City Council</b>          PO Box 13          180 Murt Street, Lithgow NSW 2790          Ph: (02) 4354 9999          Email: <a href="mailto:customers@lithgow.nsw.gov.au">customers@lithgow.nsw.gov.au</a></p>	<p><b>Created By:</b> Lithgow City Council  <b>Project:</b> 404020 / MAP June 16  <b>Date:</b> 22/06/2017 10:00 AM</p>	<p><b>Crown Reserve 1000398</b>  <b>Zig Zag Oval</b>          40 Bells Road          Lithgow NSW 2790          Lot 7025 in DP1020348</p>
<p><small>© Lithgow City Council          © Spatial Services Department of Finance and Services, Reserve Avenue, Bathurst, 2790, www.spatial.nsw.gov.au          While every care is taken to ensure the accuracy of this product, Lithgow City Council and the Spatial Services Department of Finance and Services, Reserve Avenue, Bathurst, 2790, make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>			

Crown reserve name	Portland Common
Crown reserve number	97696
Address	122 Williwa Creek Road, Portland NSW 2847
Lot information	Lot 95 in DP755767
Reserve area	8,094 m2
Gazetted date	22 February 1985
Gazetted purpose	Public recreation
Community land category	Park – see Map P2
Lithgow LEP 2014 zoning	RUI – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

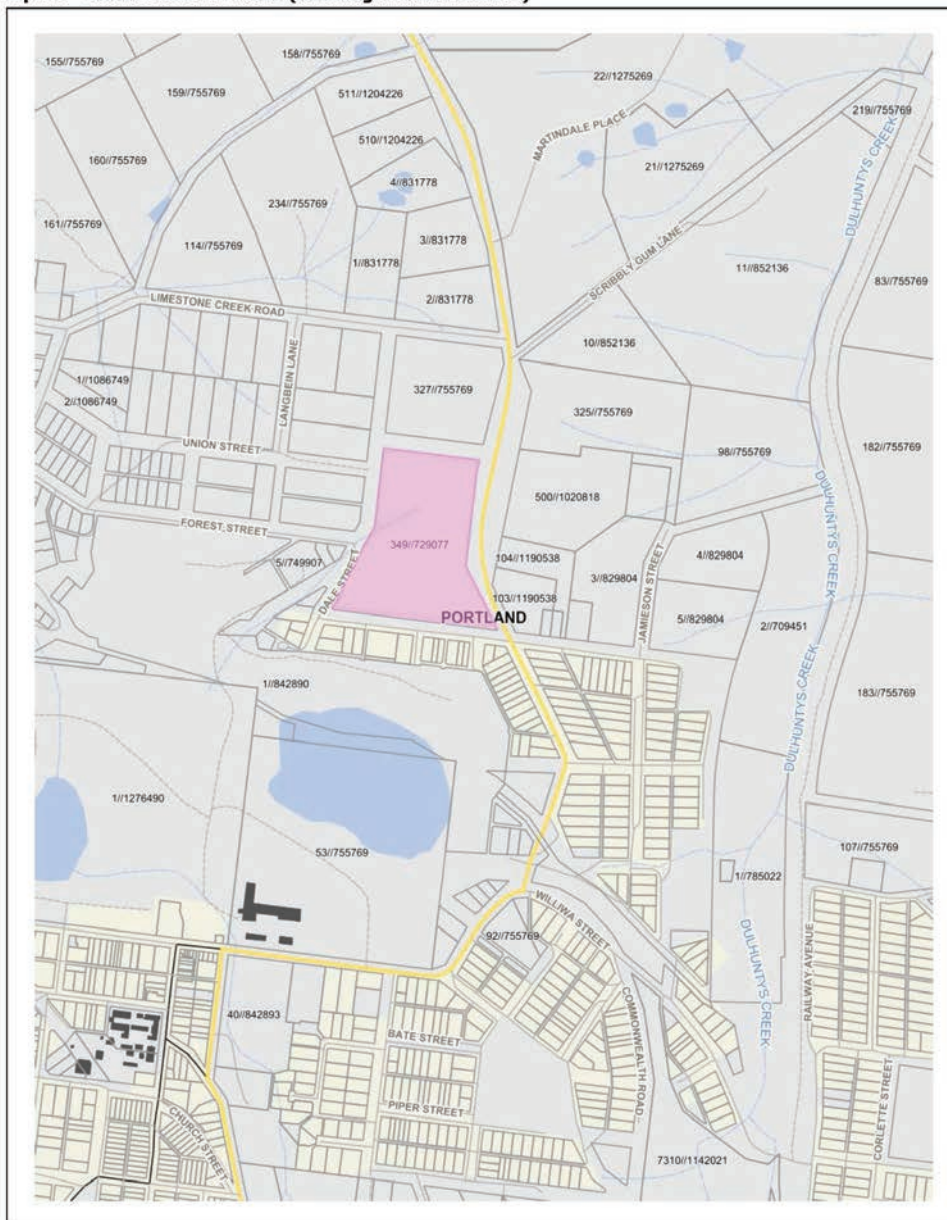
**Map P2 – Crown Reserve 97696 – Portland Common**




	<b>Lithgow City Council</b> PO Box 19 188 Mount Street, Lithgow NSW 2710 Ph: (02) 6354 9999 Email: <a href="mailto:info@lithgow.nsw.gov.au">info@lithgow.nsw.gov.au</a>	<b>Created By:</b> Lithgow City Council	<b>Crown Reserve 97696</b> Portland Common 122 Williwa Creek Road Portland NSW 2847  Lot 95 in DP755767
<small>           © Lithgow City Council.            © Spatial Services Department of Finance and Services, Pennington Avenue, Ballarat, 2705. www.spatial.nsw.gov.au            While every care is taken to ensure the accuracy of this product, Lithgow City Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including criminal liability, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.         </small>	<b>Projection:</b> GDA2011 / MGA zone 56	<b>Date:</b> 22/04/2023 7:47 PM	

Crown reserve name	Roxburgh Street Reserve
Crown reserve number	46129
Address	Roxburgh Street, Portland NSW 2847
Lot information	Lot 349 in DP729077
Reserve area	7.072 ha
Gazetted date	21 December 1910
Gazetted purpose	Public recreation
Community land category	Park – see Map P3
Lithgow LEP 2014 zoning	R5 – large lot residential
Landowner	State of NSW
Land manager	Lithgow City Council

**Map P3 – Crown Reserve 46129 (Roxburgh Street Reserve)**





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 1381 More Street, Lithgow NSW 2710  
 Ph: (02) 6354 9999  
 Email: [info@lithgow.nsw.gov.au](mailto:info@lithgow.nsw.gov.au)

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**Crown Reserve 46129**  
 Roxburgh Street Reserve  
 Roxburgh Street  
 Portland NSW 2847

Lot 349 in DP729077

Crown reserve name	Rydal Recreation Reserve
Crown reserve number	97514
Address	33 Railway Street, Rydal NSW 2790
Lot information	Lot 13, Section 38 in DP758890
Reserve area	1,616 m2
Gazetted date	2 November 1984
Gazetted purpose	Public recreation
Community land category	Park – see Map P4
Lithgow LEP 2014 zoning	R5 – large lot residential
Landowner	State of NSW
Land manager	Lithgow City Council

**Map P4 – Crown Reserve 97514 (Rydal Recreation Reserve)**





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**Crown Reserve 97514**  
 Rydal Recreation Reserve  
 33 Railway Street  
 Rydal NSW 2790

**Lot 13, Section 38 in DP758890**

Crown reserve name	Glen Alice Public Reserve
Crown reserve number	81486
Address	Jamison Street, Glen Alice NSW 2849
Lot information	Lots 7 and 8, Section 1 in DP758445; Lots 5 to 15, Section 4 in DP758445; Lot 7001 in DP1050948
Reserve area	1.805 ha
Gazetted date	20 March 1959
Gazetted purpose	Public recreation
Community land category	Park – see Map P5
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map P5 – Crown Reserve 81486 (Glen Alice Public Reserve)**




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Crown reserve name	Lidsdale Street Reserve
Crown reserve number	1002886
Address	Lidsdale Street, Portland NSW 2847
Lot information	Lot 7040 in DP1006869
Reserve area	4,853 m2
Gazetted date	3 December 1999
Gazetted purpose	Public recreation
Community land category	Park – see Map P6
Lithgow LEP 2014 zoning	RE1 – public recreation
Landowner	State of NSW
Land manager	Lithgow City Council

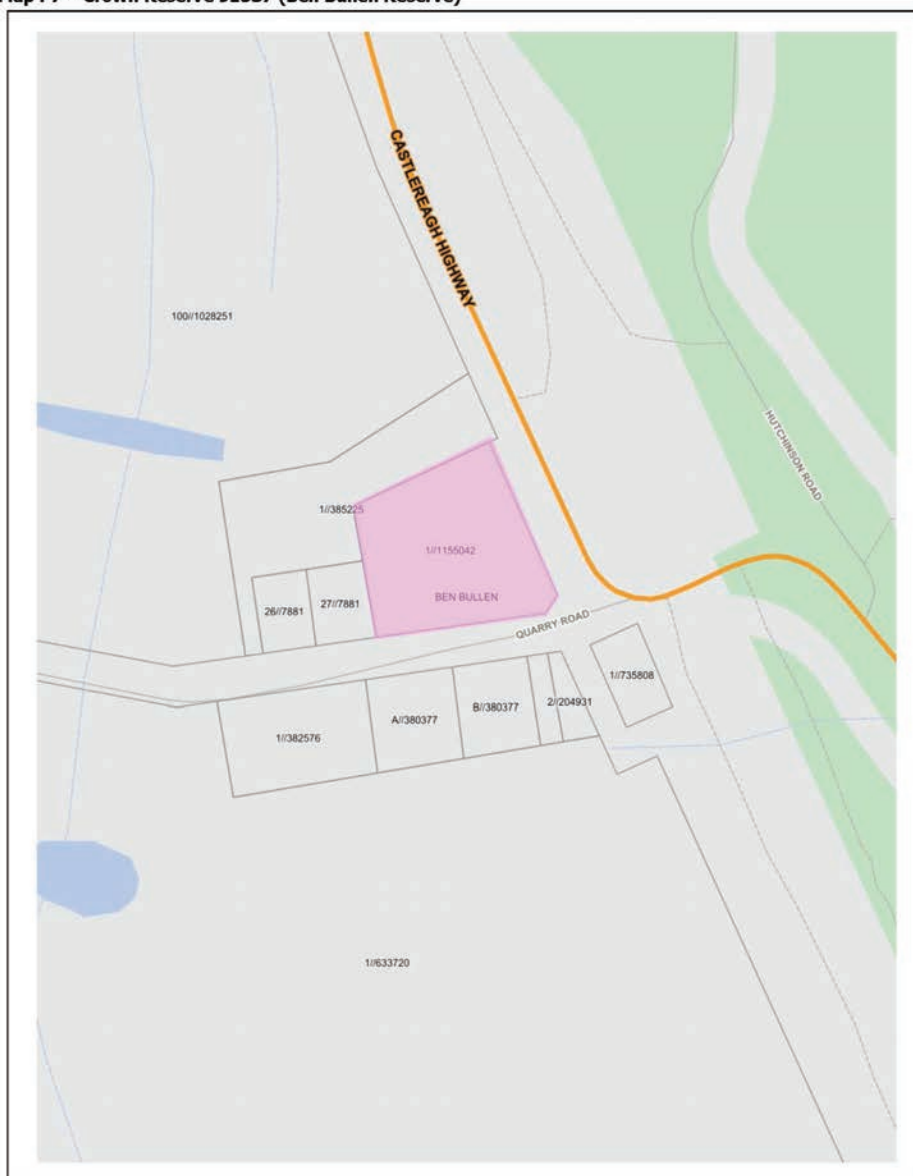
**Map P6 – Crown Reserve 1002886 (Lidsdale Street Reserve)**




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Crown reserve name	Ben Bullen Reserve
Crown reserve number	91537
Address	Castlereagh Highway, Ben Bullen NSW 2790
Lot information	Lot 1 in DP1155042
Reserve area	7,568 m2
Gazetted date	17 August 1979
Gazetted purpose	Public recreation
Community land category	Park – see Map P7
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

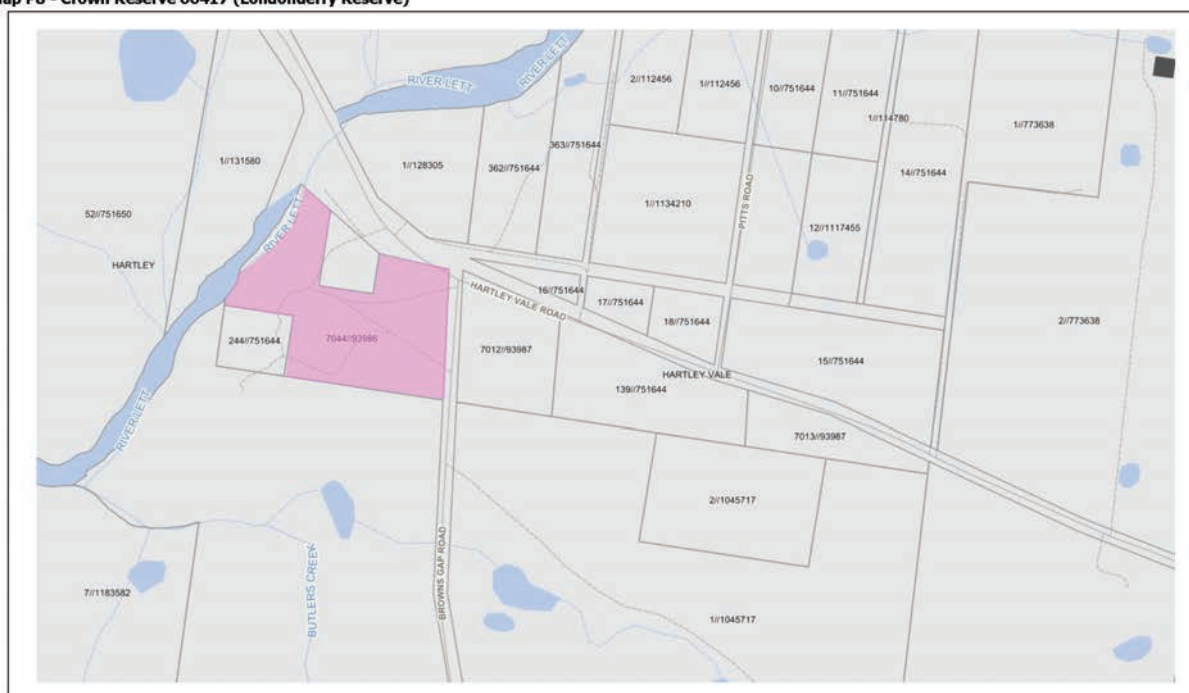
**Map P7 – Crown Reserve 91537 (Ben Bullen Reserve)**



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Crown reserve name	Londonderry Reserve
Crown reserve number	66417
Address	Hartley Vale Road, Hartley Vale NSW 2790
Lot information	Lot 7044 in DP93986 Lots 7012 and 7013 in DP93987
Reserve area	9.277 ha
Gazetted date	20 November 1936
Gazetted purpose	Public recreation
Community land categories	Park (part) – see Map P8 Natural area – bushland (part) – see Map B12 Natural area – watercourse (part) – see Map W1
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map P8 - Crown Reserve 66417 (Londonderry Reserve)**




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Crown reserve name	Kremer Park
Crown reserve number	40981
Address	Kiln Street, Portland NSW 2847
Lot information	Lot 531 in DP902158 Lots 7002 and 7003 in DP1075853
Reserve area	4.568 ha
Gazetted date	17 October 1906
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S3 Park (part) – see Map P9 General Community Use (part) – see Map G1
Lithgow LEP 2014 zoning	RE1 - public recreation
Landowner	State of NSW
Land manager	Lithgow City Council

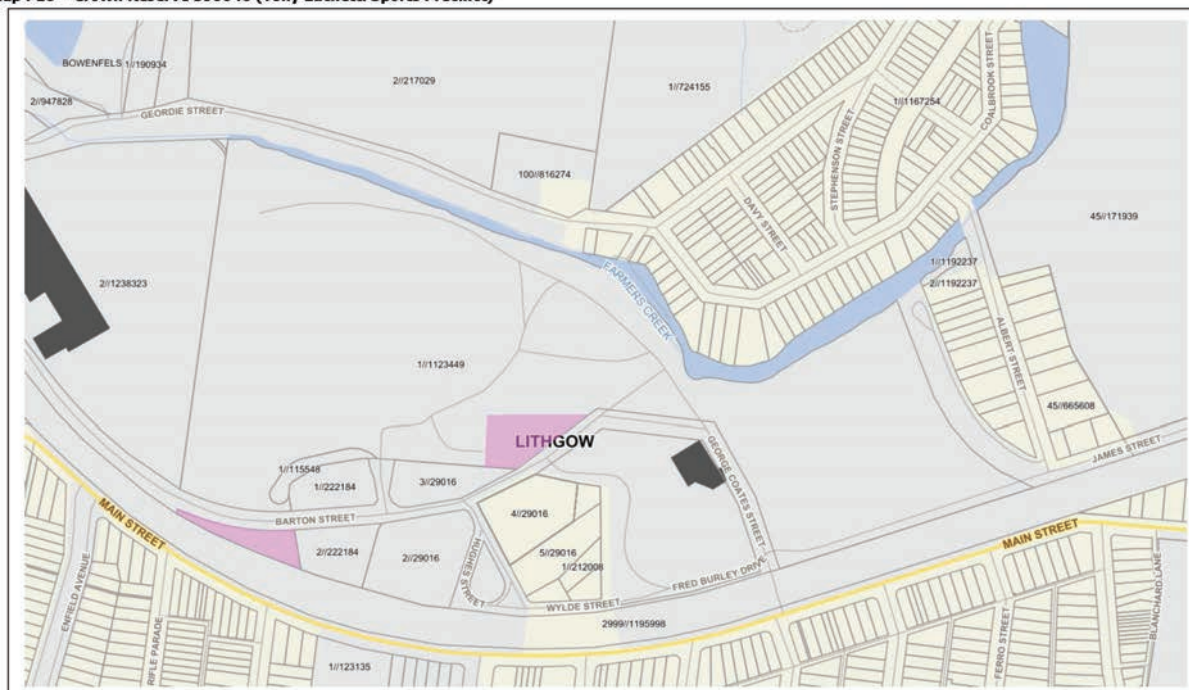
**Map P9 - Crown Reserve 40981 (Kremer Park)**



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Crown reserve name	Tony Luchetti Sports Precinct
Crown reserve number	590046
Address	Geordie Street, Lithgow NSW 2790
Lot information	Lot 1 in DP1123449
Reserve area	20.57 ha
Gazetted date	7 May 1913
Gazetted purpose	Public park
Community land categories	Sportsground (part) – see Map S4 Park (part) – see Map P10 General Community Use (part) – see Map G2
Lithgow LEP 2014 zoning	RE1 public recreation
Landowner	Minister for Lands
Land manager	Lithgow City Council

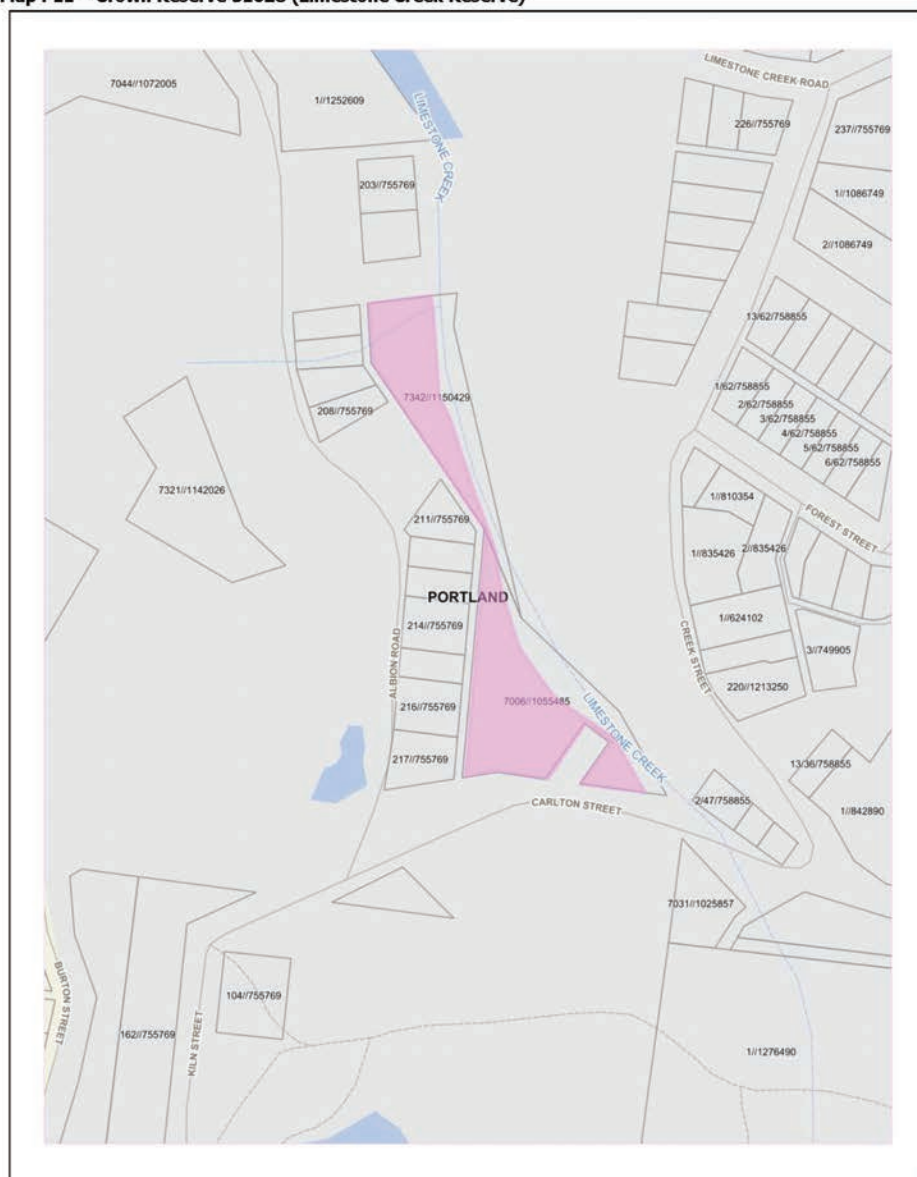
**Map P10 – Crown Reserve 590046 (Tony Luchetti Sports Precinct)**




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Crown reserve name	Limestone Creek Reserve
Crown reserve number	51028
Address	Albion Road, Portland NSW 2847
Lot information	Lot 7006 in DP1055485 Lot 7342 in DP1150429
Reserve area	2.062 ha
Gazetted date	1 December 1915
Gazetted purpose	Public recreation
Community land categories	Park (part) – see Map P11 Natural area – watercourse (part) – see Map W3
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

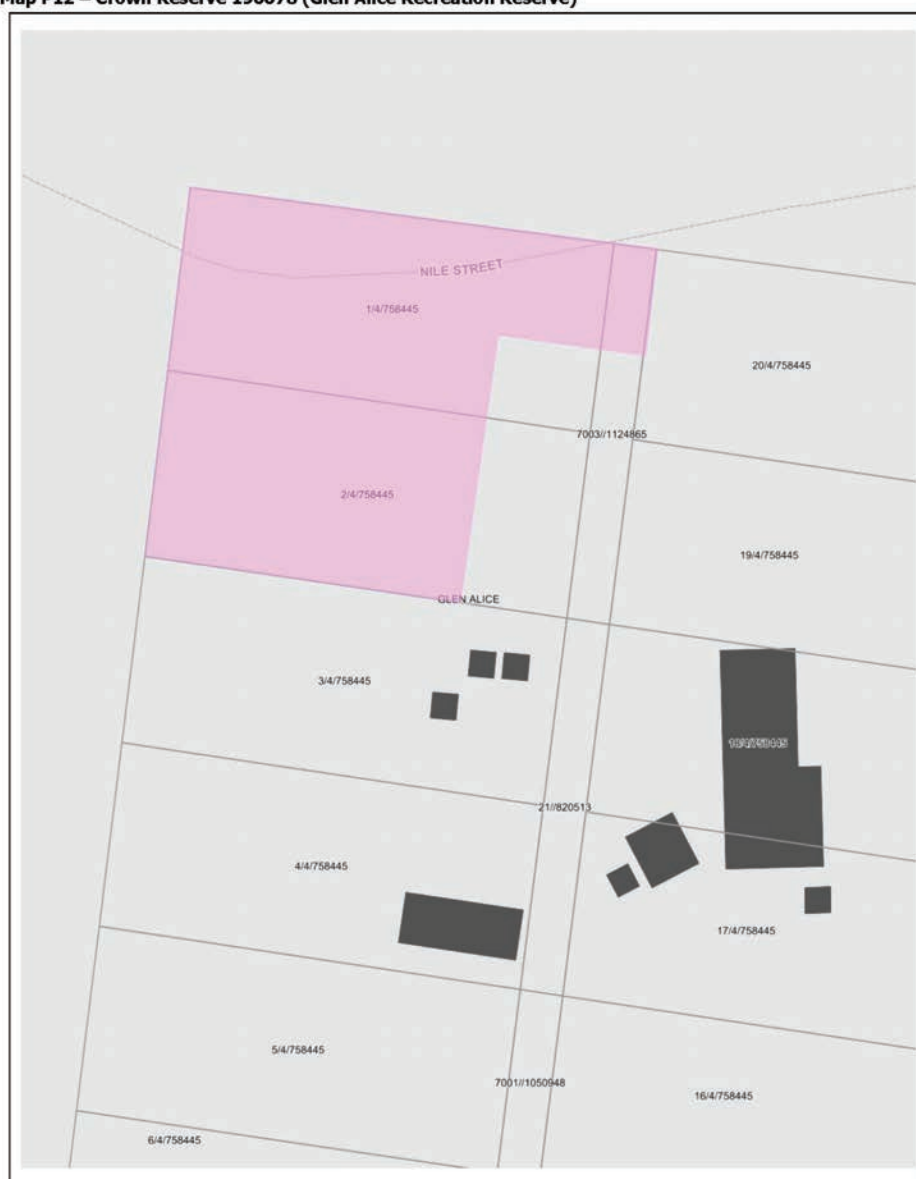
**Map P11 – Crown Reserve 51028 (Limestone Creek Reserve)**




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Crown reserve name	Glen Alice Recreation Reserve
Crown reserve number	190078
Address	31 Upper Nile Road, Glen Alice NSW 2849
Lot information	Lots 1 and 2, Section 4 in DP758445 Lot 7003 in DP1124865
Reserve area	2,275 m2
Gazetted date	22 December 1989
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S6 Park (part) – see Map P12
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map P12 – Crown Reserve 190078 (Glen Alice Recreation Reserve)**



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## 6.2 Sportsground

### 6.2.1 Overview of land categorised as Sportsground covered by the PoM

This PoM includes 6 crown reserves that are either wholly categorised as Sportsground or contain an area that is categorised as Sportsground. These reserves are listed in Table 14 in clause 6.2.10, and clause 6.2.11 includes individual reserve information and maps identifying each area categorised as Sportsground.

### 6.2.2 Guidelines and core objectives

Sportsgrounds are defined in clause 103 of the LG Reg as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for sportsgrounds, as outlined in Section 36F of the LG Act, are to:

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

### 6.2.3 Community Values and Objectives for Sportsgrounds

Community values are the attributes that make something (e.g. Parks and Sportsgrounds) important to the community as a whole.

Community values tend to change little over time and to be broad in nature. Management plans, however, must be flexible enough to allow for changes in community values to be incorporated when appropriate. These Community values have been developed through research and public consultation undertaken during the development of the Lithgow City Council Open Space and Recreation Needs Study, 2011 and the Community Strategic Plan 2025.

This value based approach allows Council and the community to highlight what is considered to be important now and in the future, in terms of what to protect, enhance, develop or review. Each category of community land (park, sportsgrounds, general community use and natural area) has been assigned its own set of community values and resulting objectives. The objectives are drawn from the core values attributed to each category as legislated in the S36 of the LG Act, as supplemented by the specific community objectives developed as a result of the community consultation process.

**Table 9 Sportsground - Values and Objectives**

Value	Objectives
Recreational	<ul style="list-style-type: none"> <li>• Provide sportsgrounds that offer quality sports facilities to the local community and regional users.</li> <li>• Ensure a strategic and sustainable approach is adopted in relation to the development of new recreational facilities. Demonstrated user group or changing demographic requirements etc may be used to justify new infrastructure projects.</li> <li>• Maintain public access to recreational areas, to encourage and promote the availability and accessibility of the open space network and facilities contained therein i.e. provide free access to courts for informal playing of sports.</li> <li>• Minimise over use of ovals and user conflict, with efficient facility allocation and elimination of inappropriate uses.</li> </ul>
Social and cultural	<ul style="list-style-type: none"> <li>• Ensure that public access is maintained to sportsgrounds and facilities wherever possible.</li> <li>• Maximise the multi-use potential of sporting and ancillary facilities.</li> <li>• Ensure equitable distribution and access to sports facilities by all community groups throughout the LGA.</li> <li>• Promote and encourage youth participation.</li> </ul>
Health	<ul style="list-style-type: none"> <li>• Provide areas and facilities that are accessible and appropriate to meet public need that encourage participation and build the capacity of the community in understanding the importance of recreational activities and pastimes in promoting and valuing health and wellbeing.</li> </ul>
Scenic	<ul style="list-style-type: none"> <li>• Provide sporting facilities which have minimal impact on the visual integrity of the area and are sensitive to the local environment.</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• Provide community facilities which have a minimal adverse impact on surrounding natural areas.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>• Develop a program for the promotion of facilities and activities available to both the local community and potential event organisers.</li> <li>• Maximise local and tourism opportunities through active promotion of activities and facilities.</li> <li>• Ensure service levels for sportsgrounds are delivered and maintained to agreed standards.</li> <li>• Establish a fair and equitable way of charging for ground and facility hire.</li> <li>• Maintain a strategic understanding of recreational trends and needs at the local level, and review spatial allocation within the open space network in line with LEP and Community Strategic Plan reviews.</li> <li>• Develop a comprehensive and easy to understand Sportsground User Guide, which clearly details the responsibility of both Council, sporting clubs and other users.</li> <li>• Develop an efficient booking system for Council to implement.</li> </ul>

### 6.2.4 Key issues

Management issues are matters that periodically occur and generally impact on areas of community land.

Category specific management issues have been developed to help define the resulting Action Plans ensuring that community land is maintained and managed in a sustainable way.

**Table 10 Sportsground specific management issues**

Issue	Discussion
Perceived inequitable distribution and access to sports facilities	Popular sportsgrounds are prone to heavy usage by certain groups with the potential for user conflict.
Standard of facilities needed to meet requirements of participants	Popular sportsgrounds are prone to heavy usage resulting in higher levels of maintenance and required upgrades.
Changes in sport participation/ falling participation level of traditional sports	A number of sports are suffering from falling membership and participation rates consequently sportsgrounds allocated for their use under licence are not being used to maximum benefit. Council will review the allocation of sportsgrounds to those sports to ensure that the use of those sportsgrounds is increased aligning them with current and future participation trends.
Increased risk and liability issues affecting the use of sportsgrounds	Organised sport on Lithgow City Council land can result in public liability claims against Council. Council monitors all sportsground sites to minimise opportunities for risk of injury by participants and spectators.
Ensuring compliance with lease/ licence terms by all stakeholders	Non-compliance by sporting clubs and associations of terms and condition of a lease or licence of sportsgrounds can be an issue. Council will continually monitor the use and occupation of sportsgrounds to ensure that all conditions of lease or licence are complied with.
Provision of adequate car parking to service sportsgrounds	The lack of appropriate provision of car parking on and adjacent to sportsgrounds is an ongoing problem for participants and spectators. There is no formal policy on the provision of car parking for sportsgrounds and it is proposed that this problem be subject to further investigation.
Lack of formal naming of some sportsgrounds	The lack of formal names for some sportsgrounds makes some sites difficult to identify when the exact location is not known. It is proposed that ALL sportsgrounds throughout the City be formally named in accordance with the guidelines issued by the Geographical Names Board. The community will be consulted during this process.
Unlawful occupation of sportsgrounds	A number of unlawful occupations of sportsgrounds should be identified throughout the LGA and Council will take appropriate action to have these occupations either removed or formalised.
Impact of sporting grounds on neighbouring natural areas, especially watercourses and wetlands	Any development which involves excavations or works within 40 m of the bank of a river, lake or lagoon requires approval from the Department of Land and Water Management Act 2000. Management practices such as fertiliser application rates and rehabilitation of bare areas need to be carefully controlled where they may affect natural areas such as watercourses and wetlands. Council will manage sportsgrounds to maintain the ecological values of surrounding natural areas.
Vandalism of facilities	This is an ongoing issue facing management and every opportunity will be taken to review both existing and proposed facilities/equipment and security measures to identify opportunities to minimise vandalism of facilities.

## 6.2.5 Management framework

Council intends to manage the crown reserve areas categorised as Sportsground and covered by this PoM in accordance with the core objectives listed in clause 6.2.2 and the Action Plan set out in clause 6.2.9. The types of uses and development which may occur within the category of Sportsground are identified in clauses 6.2.6 and 6.2.7.

### 6.2.6 Development and use

The development and use of community land categorised as Sportsground should be generally compatible with both the intended function of the land, and the wider community context. Council supports a broad range of activities and the use of Sportsgrounds is encouraged, and supported, by appropriate ancillary development, (for example, playground equipment, amenity blocks, or food kiosks).

Based on the value objectives and legislative core objectives, the uses and development that may be permitted on community land categorised as sportsground include development for informal playing of sports such as recreational cricket, small court basketball or badminton, and development to support more formal playing of sport, such as competition netball or rugby league. Additionally, the use of Sportsgrounds for kiosk/café is supported. A full list of the types of uses and development that can occur within Sportsgrounds is set out in Table 11 in clause 6.2.7

### 6.2.7 Permissible uses / future uses

The general types of uses which may occur on community land categorised as Sportsground and the forms of development generally associated with those uses, are set out in Table 5 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to 'football' includes any variations of that game.

It is anticipated that new sports may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of 'active recreation' enjoyed by the community. References such as 'field', or 'court', are not intended to exclude other sporting surfaces.

**Table 11 Permissible use and development of community land categorised as Sportsground by council**

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> <li>• Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities</li> <li>• Organised and unstructured recreation activities</li> <li>• Community events and gatherings</li> <li>• Commercial uses associated with sports facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> <li>• Sports field (cricket, football, track and field athletics, baseball, softball)</li> <li>• Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.)</li> <li>• Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities)</li> <li>• Professional rooms for hire</li> <li>• Change room/locker areas</li> <li>• Shower/toilet facilities</li> <li>• Kiosk/café uses</li> <li>• Car parking and loading areas</li> <li>• Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas)</li> <li>• Shade structures</li> <li>• Storage ancillary to recreational uses, community events or gatherings, and public meetings</li> <li>• Facilities for sports training, e.g. batting cages, tennis walls</li> <li>• Provision of amenities to facilitate use and enjoyment of the community land including seating and grandstands, change rooms, toilets, storage, first aid areas</li> <li>• Café/kiosk facilities</li> <li>• Heritage and cultural interpretation, e.g. signs</li> <li>• Equipment sales/hire areas</li> <li>• Meeting rooms/staff areas</li> <li>• Compatible, small scale commercial uses, e.g. sports tuition</li> <li>• Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>o relate to approved uses/activities</li> <li>o are discreet and temporary</li> <li>o are approved by the council</li> </ul> </li> <li>• Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>• Energy-saving initiatives such as solar lights and solar panels</li> <li>• Locational, directional and regulatory signage</li> <li>• Landscaping and fencing</li> </ul> </li> </ul>

A proposed use or development of the land may be subject to obtaining approvals or permits under various legislation, including the Environmental Planning and Assessment Act 1979 and the LG Act.

#### 6.2.8 Express authorisation of leases, licences and other estates – Sportsground

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Sportsground for the purposes listed in Table 12, provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any

lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted

- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table 12 identifies the purposes for which leases and licences may be issued over the reserves categorised as Sportsground in this PoM.

Table 12 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground		
Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>• café/kiosk areas, including seating and tables</li> <li>• management of court or similar facilities</li> <li>• hire or sale of recreational equipment</li> </ul>
Licence	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>• café/kiosk areas, including seating and tables</li> <li>• management of court or similar facilities</li> <li>• hire or sale of recreational equipment</li> </ul>
Short-term licence (under s2.20 of the CLM Act)	Up to 12 months	For a purpose prescribed in clause 31 of the CLM Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided at clause 5.2 of this PoM.)
Short-term casual licence (under s46(1)(b)(iii) of the LG Act)	Up to 12 months	For a purpose prescribed in clause 116 of the LG Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided at clause 5.2 of this PoM.)
Other estates	In perpetuity	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

The use or occupation of Community Land for these purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

### **Leases and licences – Maximum Term and Tendering**

- A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s.46(3) LG Act).
- A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

### **Leases, licences and other estates - 5 years or less (s. 47A of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land

- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

### **Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

### **6.2.9 Action plan**

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 13 below sets out these requirements for community land categorised as Sportsground.

Table 13 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Sportsground					
Sportsground Management Issue	Objectives/ Performance Targets	Means of Achievement	Performance Indicators	Timeframe	Partners
Perceived inequitable distribution and access to sports facilities	Formally identify and monitor current usage of facilities. Ensure that access to Sportsgrounds is equitable through the development of an appropriate booking system.	Through liaison with stakeholders Identify usage conflicts and issues with a view to develop a suitable management schedule for equitable use/ access	Number of issues identified and conflict resolution plan developed.	Ongoing	LCC Sports Advisory Committee
Standard of facilities needed to meet requirements of participants	Ensure that sportsground facilities are provided in accordance with Council Policy.	Assess Lithgow Open Space and Recreational needs study to identify priorities. Regularly seek and identify funding sources to help achieve priorities.	Level of demand for new recreational facilities.  Funding secured for facility upgrades.	Ongoing	LCC Sports Advisory Committee
Changes in sport participation/ falling participation level of traditional sports	Identify sports which are not utilising sportsgrounds allocated for their use.	Liaise with stakeholders re the use of sportsgrounds with a view to rationalising the allocation of grounds to ensure that maximum use is obtained.	Number of Opportunities identified to rationalise the allocation of sportsgrounds to ensure maximum utilisation.	Immediate	LCC Sports Advisory Committee Local sports club/groups
Increased risk and liability issues affecting the use of sportsgrounds	Minimise opportunities for risk of injury on sportsgrounds.	Undertake site audit and identify medium/high risk areas.  Undertake appropriate action to reduce risks as identified.  Ensure that licensees or lessees are covered with liability insurance.	Number of public liability claims on sportsgrounds.  Collation and recording of insurance certificates from all lessees.	Ongoing	LCC Sports Advisory Committee Local sports clubs/groups
Ensuring compliance with lease/ licence terms by all stakeholders	Achieve full compliance of all conditions of lease/ licence.	Follow up any claims of non-compliance through consultation with lessee/licensee.	Number of non-compliances Identified and issues addressed.	Ongoing	LCC Lessees/ Licensees

Provision of adequate car parking to service sportsgrounds	Adopt a policy relating to the provision and maintenance of car parking on sportsgrounds.	Undertake consultation with all stakeholders and prepare policy document.	Completion and implementation of policy	Short-term	LCC Sports Advisory Committee Local sports clubs/groups
Lack of formal naming of some sportsgrounds	Ensure that all sportsgrounds are formally named and appropriate signage is provided to identify that name.	Initiate consultation with community to establish names for unnamed sportsgrounds. Provide budgetary item for the establishment of sportsground signs.	Number of sportsgrounds formally named with appropriate signs.	Short-term	LCC Sports Advisory Committee Local sports clubs/groups General community
Unlawful occupation of sportsgrounds	Identify unlawful occupation of sportsgrounds and take appropriate action to eliminate such occupation.	Negotiate with encroaching landowners to ensure that unlawful occupations are eliminated.	Number of unlawful occupations of community land successfully eliminated.	Ongoing	LCC Local Police
Impact of sporting grounds on neighbouring natural areas, especially watercourses and wetlands	To manage sportsgrounds so as to maintain the ecological values of surrounding natural areas.	Identify sensitive natural areas adjacent to sportsgrounds.  Determine management requirements and development constraints for the protection of those natural areas.  Implement necessary management practices and development constraints.	Number of sites where environmental requirements determined.  Percentage of environmental requirements implemented.  Key environmental indicators for natural areas.	Immediate	LCC Environmental Committee Lithgow Oberon Landcare Association Biodiversity and Bushland Officer
Vandalism of facilities	To reduce opportunities for vandalism within sportsgrounds.	Review facilities within sportsgrounds to minimise opportunities for vandalism.  Review security mechanisms within and surrounding sportsgrounds to deter vandalism.	Number of vandalism incidents reported.  Number of vandalism incidents successfully prosecuted.	Ongoing	LCC Local Police

### 6.2.10 Schedule of Sportsgrounds covered by this PoM

Table 14 below lists the six reserves categorised as Sportsgrounds in this PoM.

Table 14 Reserves categorised as Sportsgrounds						
RESERVE NUMBER	RESERVE TYPE	RESERVE NAME	GAZETTED	PURPOSE	LOTS	CATEGORY ASSIGNED
59812	RESERVE	WALLERAWANG SPORTS GROUND	15/07/1927	Public Recreation	Whole: Lot 2 DP 727021	Sportsground
49823	RESERVE	THOMPSON STREET RESERVE PORTLAND	8/04/1914	Public Recreation	Whole: Lot 1 DP 1015942	Sportsground
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	Sportsground (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	Sportsground (part)
78970	RESERVE	LIDSDALE RECREATION PARK (TENNIS COURTS)	12/10/1956	Public Recreation	Whole Lot 133 DP751651	Sportsground (part)
190078	RESERVE	GLEN ALICE RECREATION RESERVE	22/12/1989	Public Recreation	Whole: Lots 1-2 Section 4 DP758445, Lot 7003 DP1124865	Sportsground (part)

### 6.2.11 Sportsground - maps

The LG Reg (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise). In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area. Map S below shows the location of crown reserves managed by Lithgow City Council with category - Sportsground.

**Lithgow City Council**  
 P.O. Box 19  
 180 Murt Street, Lithgow NSW 2719  
 Ph: (02) 6354 9999  
 Email: [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)

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Crown Reserve 59612 – Wallerawang Sports Oval – Map S1  
 Crown Reserve 49623 – Thompson Street Reserve – Map S2  
 Crown Reserve 40981 – Kremer Park – Map S3  
 Crown Reserve 590046 – Tony Luchetti Sports Precinct – Map S4  
 Crown Reserve 78970 – Liddale Recreation Park – Map S5  
 Crown Reserve 190070 – Glen Alice Recreation Reserve – Map S6

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Crown reserve name	Wallerawang Sports Oval
Crown reserve number	59812
Address	Brays Lane, Wallerawang NSW 2845
Lot information	Lot 2 in DP727021
Reserve area	3.811 ha
Gazetted date	15 July 1927
Gazetted purpose	Public recreation
Community land category	Sportsground - see Map S1
Lithgow LEP 2014 zoning	RE1 - public recreation
Landowner	State of NSW
Land manager	Lithgow City Council

**Map S1 – Crown Reserve 59812 (Wallerawang Sports Oval)**




 <p><b>Lithgow City Council</b> PO Box 19 180 Mort Street, Lithgow NSW 2710 Ph: (06) 6364 9999 Email: <a href="mailto:info@lithgow.nsw.gov.au">info@lithgow.nsw.gov.au</a></p> <p><small>© Lithgow City Council © Spatial Services Department of Finance and Services, Resources Australia, Bathurst, 1996. www.patial.nsw.gov.au While every care is taken to ensure the accuracy of the product, Lithgow City Council and the State / Federal Government, Departments and Non-Government organisations whose maps, datasets, marks or representations are incorporated into this product, do not warrant, represent or guarantee the accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including without limitation consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>	<p><b>Created By:</b> Lithgow City Council</p> <p><b>Projection:</b> GDA2011 / MGA zone 56</p> <p><b>Date:</b> 22/04/2021 2:01 PM</p>	<p><b>Crown Reserve 59812</b> Wallerawang Sports Ground Brays Lane Wallerawang NSW 2845</p> <p><b>Lot 2 in DP727021</b></p>
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Crown reserve name	Thompson Street Reserve
Crown reserve number	49823
Address	Corlette Street, Portland NSW 2847
Lot information	Lot 1 in DP1015942
Reserve area	2.555 ha
Gazetted date	8 April 1914
Gazetted purpose	Public recreation
Community land category	Sportsground - see Map S2
Lithgow LEP 2014 zoning	R2 – low density residential
Landowner	State of NSW
Land manager	Lithgow City Council

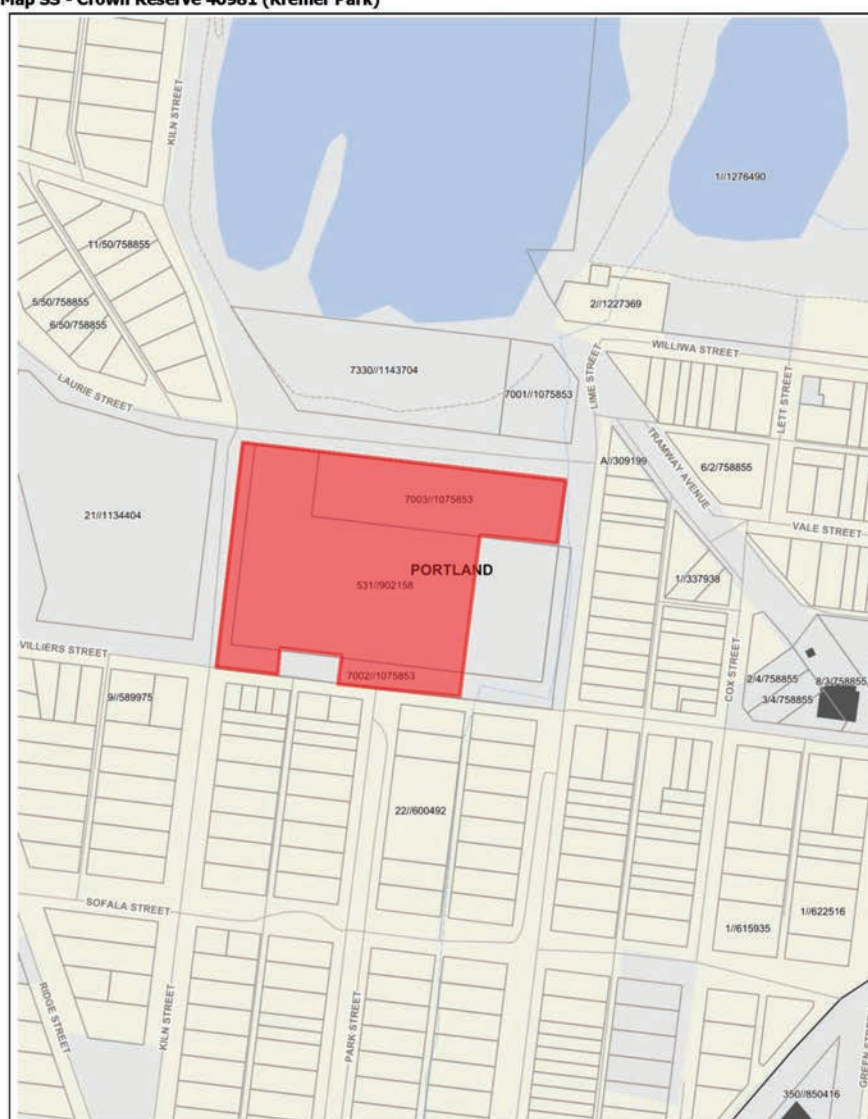
**Map S2 – Crown Reserve 49823 (Thompson Street Reserve)**




 <p><b>Lithgow City Council</b> PO Box 19 180 Murrumbidgee, Lithgow NSW 2710 Ph: (02) 6354 9999 Email: <a href="mailto:COMMUNITY@LITHGOW.COUN.NSW.AU">COMMUNITY@LITHGOW.COUN.NSW.AU</a></p>	<p><b>Created By:</b> Lithgow City Council</p>	<p><b>Crown Reserve 49823</b> Thompson Street Reserve Corlette Street Portland NSW 2847  Lot 1 in DP1015942</p>
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	<p><b>Date:</b> 22/04/2015 2:06 PM</p>	

Crown reserve name	Kremer Park
Crown reserve number	40981
Address	Kiln Street, Portland NSW 2847
Lot information	Lot 531 in DP902158 Lots 7002 and 7003 in DP1075853
Reserve area	4.568 ha
Gazetted date	17 October 1906
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S3 Park (part) – see Map P9 General Community Use (part) – see Map G1
Lithgow LEP 2014 zoning	RE1 - public recreation
Landowner	State of NSW
Land manager	Lithgow City Council

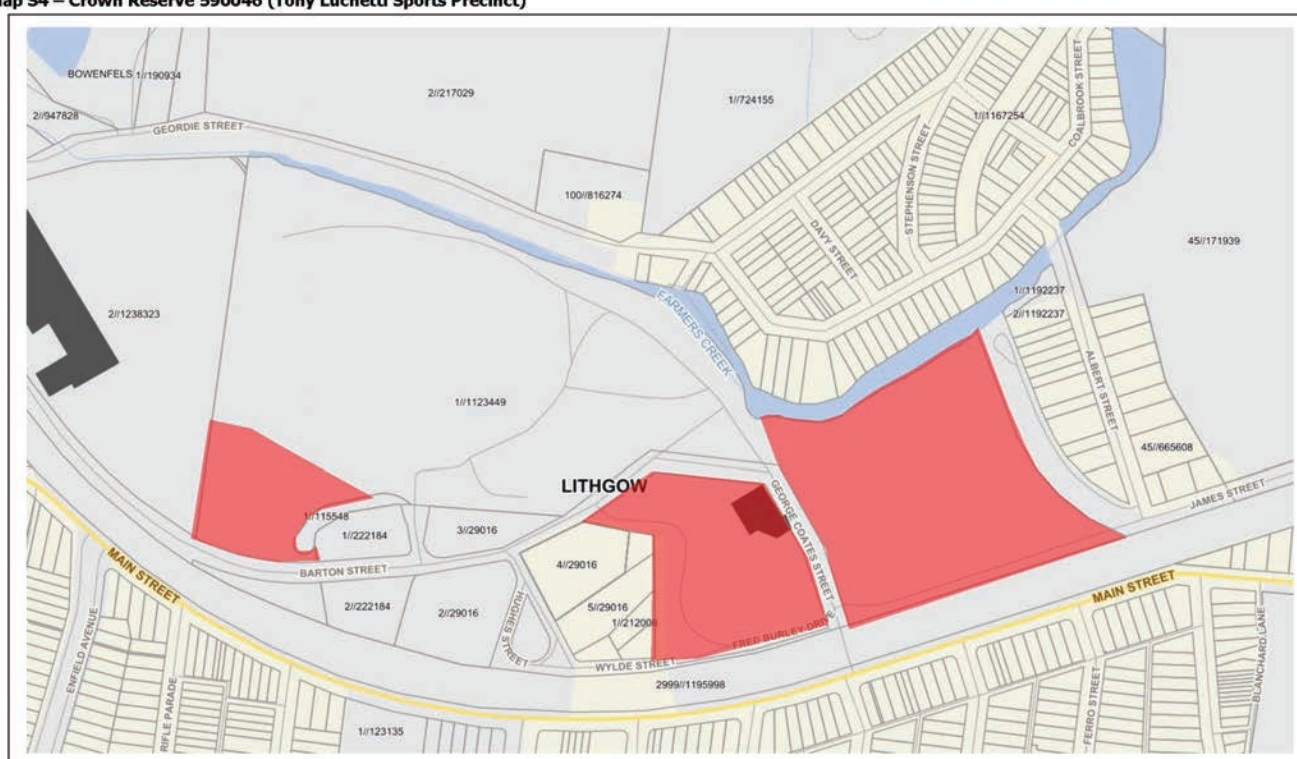
**Map S3 - Crown Reserve 40981 (Kremer Park)**



 <p><b>Lithgow City Council</b> PO Box 18 180 Mount Street, Lithgow NSW 2719 Ph: (02) 6354 9999 Email: <a href="mailto:info@lithgow.nsw.gov.au">info@lithgow.nsw.gov.au</a></p>	<p><b>Crown Reserve 40981</b> Kremer Park Kiln Street Portland NSW 2847</p> <p>Lot 531 in DP902158 and Lots 7002 and 7003 in DP1075853</p>
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Crown reserve name	Tony Luchetti Sports Precinct
Crown reserve number	590046
Address	Geordie Street, Lithgow NSW 2790
Lot information	Lot 1 in DP1123449
Reserve area	20.57 ha
Gazetted date	7 May 1913
Gazetted purpose	Public park
Community land categories	Sportsground (part) – see Map S4 Park (part) – see Map P10 General Community Use (part) – see Map G2
Lithgow LEP 2014 zoning	RE1 public recreation
Landowner	Minister for Lands
Land manager	Lithgow City Council

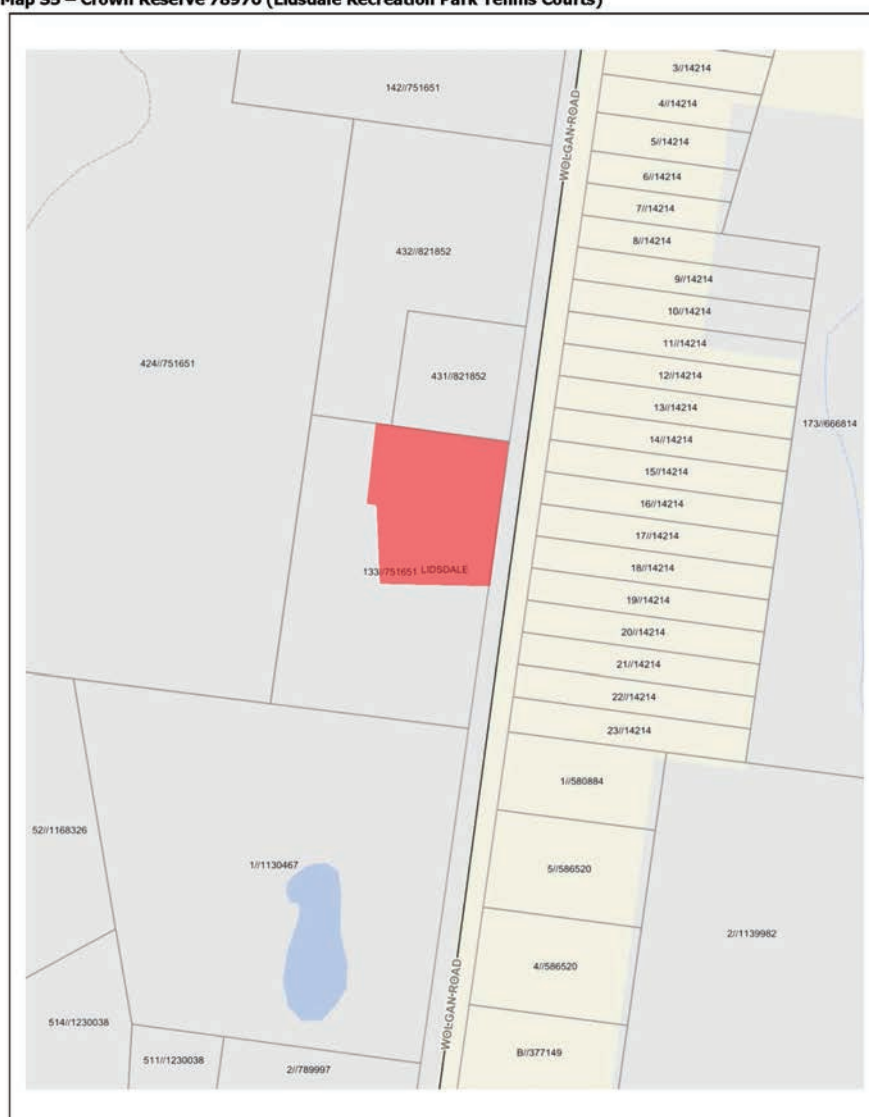
**Map S4 – Crown Reserve 590046 (Tony Luchetti Sports Precinct)**




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Crown reserve name	Lidsdale Recreation Park Tennis Courts
Crown reserve number	78970
Address	Wolgan Road, Lidsdale NSW 2790
Lot information	Lot 133 in DP751651
Reserve area	1.507 ha
Gazetted date	12 October 1956
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S5 Natural area – bushland (part) – see Map B14
Lithgow LEP 2014 zoning	R5 – large lot residential
Landowner	State of NSW
Land manager	Lithgow City Council

**Map S5 – Crown Reserve 78970 (Lidsdale Recreation Park Tennis Courts)**




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Crown reserve name	Glen Alice Recreation Reserve
Crown reserve number	190078
Address	31 Upper Nile Road, Glen Alice NSW 2849
Lot information	Lots 1 and 2, Section 4 in DP758445 Lot 7003 in DP1124865
Reserve area	2,275 m2
Gazetted date	22 December 1989
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S6 Park (part) – see Map P12
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map S6 – Crown Reserve 190078 (Glen Alice Recreation Reserve)**



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## 6.3 General Community Use

### 6.3.1 Overview of land categorised as General Community Use covered by the PoM

This PoM includes 2 crown reserves that contain areas categorised as General Community Use. These reserves are listed in Table 20 under clause 6.3.10, and clause 6.3.11 includes individual reserve information and maps identifying each area categorised as General Community Use.

### 6.3.2 Guidelines and core objectives

General community use land is defined in clause 106 of the LG Reg as 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.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- 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).

### 6.3.3 Community Values and Objectives for General Community Use land

Community values are the attributes that make something (e.g. Parks and Sportsgrounds) important to the community as a whole.

Community values tend to change little over time and to be broad in nature. Management plans, however, must be flexible enough to allow for changes in community values to be incorporated when appropriate. These Community values have been developed through research and public consultation undertaken during the development of the Lithgow City Council Open Space and Recreation Needs Study, 2011 and the Community Strategic Plan 2025.

This value based approach allows Council and the community to highlight what is considered to be important now and in the future, in terms of what to protect, enhance, develop or review. Each category of community land (park, sportsgrounds, general community use and natural area) has been assigned its own set of community values and resulting objectives. The objectives are drawn from the core values attributed to each category as legislated in the S36 of the LG Act, as supplemented by the specific community objectives developed as a result of the community consultation process.

**Table 15 General Community Use land - Values and Objectives**

Value	Objectives
Community services	<ul style="list-style-type: none"> <li>• Develop community facilities which provide space for social interaction and that improve social equity..</li> <li>• Provide facilities that encourage community development and interaction.</li> <li>• Recognise the value of public halls within our urban areas and rural localities.</li> <li>• Facilitate the appropriate leasing and or short term use of community land.</li> </ul>
Community access	<ul style="list-style-type: none"> <li>• Provide community facilities that are accessible by all community groups.</li> <li>• Promote and encourage youth participation.</li> </ul>
Scenic	<ul style="list-style-type: none"> <li>• Provide community and/or recreational facilities which have minimal impact on the visual amenity of the area.</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• Provide community facilities that have minimal impact on the immediate environment, adjacent areas and which are managed in accordance with sustainability principles.</li> </ul>
Social	<ul style="list-style-type: none"> <li>• Develop community facilities which provide space for the community to pursue recreational, leisure, cultural, community and social interest.</li> </ul>

### 6.3.4 Key issues

Management issues are matters that periodically occur and generally impact on areas of community land. Category specific management issues have been developed to help define the resulting Action Plans ensuring that community land is maintained and managed in a sustainable way.

**Table 16 General Community Use land specific management issues**

Issue	Discussion
High community expectations regarding the levels of facilities and services	Community facilities are designed to maximise opportunities for community access and use. Budgetary constraints impact on Council's ability to provide additional facilities and upgrades.
Ensuring equitable access to facilities and services by community groups and the general public	Community facilities are designed and located with the aim of maximising access opportunities by all sectors of the community. The provision of community facilities that enable multi-purpose use is a key strategy of Council.
Vandalism of facilities	Damage and theft by vandals is an ongoing problem faced by Council. Regular monitoring of facilities, review of security and considerate design of new facilities will help reduce opportunities for vandalism.
Increased risk and liability issues affecting the use of sportsgrounds	Organised sport on Lithgow City Council land can result in public liability claims against Council. Council monitors all sportsground sites to minimise opportunities for risk of injury by participants and spectators.
Increase risk and public liability issues affecting the use of land categorised General Community Use	The increased use of Council's facilities on community land has seen an increase in the number of public liability claims against Council. Council continually monitors all sites to minimise risk associated with their use and opportunities for injury.
Impact of community facilities on neighbouring natural areas, especially watercourses and wetlands	Any development which involves excavations or works within 40 m of the bank of a river, lake or lagoon requires approval from the State Government under the Water Management Act 2000. Management practices such as gardening and exterior cleaning need to be controlled where they may affect natural areas such as watercourses and wetlands. Council will manage community facilities to maintain the ecological values of surrounding natural areas.

### 6.3.5 Management framework

Council intends to manage the crown reserve areas categorised as General Community Use and covered by this PoM in accordance with the core objectives listed in clause 6.3.2 and the Action Plan set out in clause 6.3.9. The types of uses and development which may occur within the category of General Community Use are identified in clauses 6.3.6 and 6.3.7.

### 6.3.6 Development and use

The development and use of community land categorised as General Community Use should be generally compatible with both the intended function of the land, and the wider community context. Council supports a broad range of activities and the use of General Community Use land is encouraged, and supported, by appropriate ancillary development, (for example, playground equipment, amenity blocks, or food kiosks).

Based on the value objectives and legislative core objectives, the uses that may be permitted on community land categorised as general community use include development from men's sheds to multi-purpose buildings to libraries. Additionally, the use of General Community Use areas for markets and fairs is supported. A full list of the types of uses and development that can occur within Sportsgrounds is set out in Table 17 in clause 6.3.7.

### 6.3.7 Permissible uses / future uses

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in Table X2GC below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning.

**Table 17 Permissible use and development of community land categorised as General Community Use by council**

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> <li>• casual or informal recreation</li> <li>• meetings (including for social, recreational, educational or cultural purposes)</li> <li>• functions</li> <li>• concerts, including all musical genres</li> <li>• performances (including film and stage)</li> <li>• exhibitions</li> <li>• fairs and parades</li> <li>• workshops</li> <li>• leisure or training classes</li> <li>• child care (for example, before and after school care, vacation care)</li> <li>• designated group use (e.g. scout and girl guide use)</li> <li>• educational centres, including libraries, information and resource centres</li> <li>• entertainment facilities</li> <li>• active cemeteries</li> <li>• caravan parks and camping grounds.</li> </ul>	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> <li>• provision of buildings or other amenity areas to facilitate use and enjoyment by the community</li> <li>• development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage)</li> <li>• landscaping and finishes, improving access, amenity and the visual character of the general community area</li> <li>• water-saving initiatives such as rain gardens</li> <li>• energy-saving initiatives such as solar lights and solar panels</li> <li>• car parking and loading areas</li> <li>• advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> <li>◊ relate to approved uses/activities</li> <li>◊ are discreet and temporary</li> <li>◊ are approved by the council</li> </ul> </li> <li>• locational, directional and regulatory signage.</li> </ul>

A proposed use or development of the land may be subject to obtaining approvals or permits under various legislation, including the Environmental Planning and Assessment Act 1979 and the LG Act.

### 6.3.8 Express authorisation of leases, licences and other estates – General Community Use

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as General Community Use for the purposes listed in Table 18, provided that:

- the purpose is consistent with the purpose for which is was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg

- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table 18 identifies the purposes for which leases and licences may be issued over the reserves categorised as General Community Use in this PoM.

Table 18 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use		
Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>childcare or vacation care</li> <li>health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy)</li> <li>educational purposes, including libraries, education classes, workshops</li> <li>cultural purposes, including concerts, dramatic productions and galleries</li> <li>recreational purposes, including fitness classes, dance classes and games, pony/horse riding</li> <li>sporting uses developed/operated by a private operator</li> <li>kiosk, café and refreshment purposes</li> <li>commercial retail uses associated with the facility (e.g. sale or hire of sports goods)</li> <li>caravan parks and camping grounds</li> </ul>
Licence	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>social purposes (including childcare, vacation care)</li> <li>educational purposes, including libraries, education classes, workshops</li> <li>recreational purposes, including fitness classes, dance classes</li> <li>café/kiosk areas</li> <li>sale of goods or services that are ancillary to community land use and reserve purpose, for example flower sales at a cemetery</li> <li>dog exercise/off leash areas</li> </ul>
Short-term licence (under s2.20 of the CLM Act)	Up to 12 months	For a purpose prescribed in clause 31 of the CLM Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided at clause 5.2 of this PoM.)
Short-term casual licence (under s,46(1)(b)(iii) of the LG Act)	Up to 12 months	For a purpose prescribed in clause 116 of the LG Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided at clause 5.2 of this PoM.)
Other estates	In perpetuity	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

The use or occupation of Community Land for these purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

### **Leases and licences – Maximum Term and Tendering**

- A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s.46(3) LG Act).
- A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

### **Leases, licences and other estates - 5 years or less (s. 47A of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

### **Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

### **6.3.9 Action plan**

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 19 below sets out these requirements for community land categorised as General Community Use.

**Table 19 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use**

General Community Use Management Issue	Objectives/ Performance Targets	Means of Achievement	Performance Indicators	Timeframe	Partners
High community expectations regarding the levels of facilities and services	<p>Maximise opportunities for community access to facilities and services.</p> <p>Identify opportunities and funding sources for new community facilities and services.</p>	Involve key stakeholders and the general community in planning processes for new community facilities.	Level of community satisfaction and participation in the provision of community facilities and services.	Ongoing	<p>LCC</p> <p>Local community groups</p> <p>Environmental Advisory committee</p> <p>Sports advisory committee</p> <p>General community</p>
Ensuring equitable access to facilities and services by community groups and the general public	To develop facilities that provide for multi-purpose uses.	<p>Review existing community facilities to identify opportunities for the provision for multi-purpose use.</p> <p>Ensure that access to Council facilities is equitable through the development of an appropriate booking system.</p>	Number of community groups requesting use of Council's community facilities and the number of groups unable to be accommodated.	Ongoing	<p>LCC</p> <p>Local sports groups/clubs</p>
Vandalism of facilities	To reduce opportunities for vandalism within facilities.	<p>Review facilities to minimise opportunities for vandalism.</p> <p>Review security mechanisms within and surrounding facilities to deter vandalism.</p>	<p>Number of vandalism incidents reported.</p> <p>Number of vandalism incidents successfully prosecuted.</p>	Ongoing	<p>LCC</p> <p>Local Police</p> <p>General Community</p>
Increased risk and liability issues affecting the use of General Community Use	Minimise opportunities for risk of injury on land categorised as General Community Use	<p>Undertake site audit and identify medium/high risk areas.</p> <p>Undertake appropriate action to reduce risks as identified.</p> <p>Ensure that licensees or lessees are covered with liability insurance.</p>	Number of public liability claims on on land categorised as General Community Use Collation and recording of insurance certificates from all lessees.	Ongoing	<p>LCC</p> <p>Local Police</p>

Impact of community facilities on neighbouring natural areas, especially watercourses and wetlands	To manage land effectively whilst maintaining the ecological values of surrounding natural areas.	Identify sensitive natural areas adjacent to land categorised as General Community Use.  Determine management requirements and development constraints for the protection of those natural areas.  Implement necessary management practices and development constraints.	Number of sites where environmental requirements determined.  Percentage of environmental requirements implemented.  Key environmental indicators for natural areas.	Immediate	LCC Biodiversity and Bushland Officer Environmental Advisory committee
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### 6.3.10 Schedule of General Community Use areas covered by this PoM

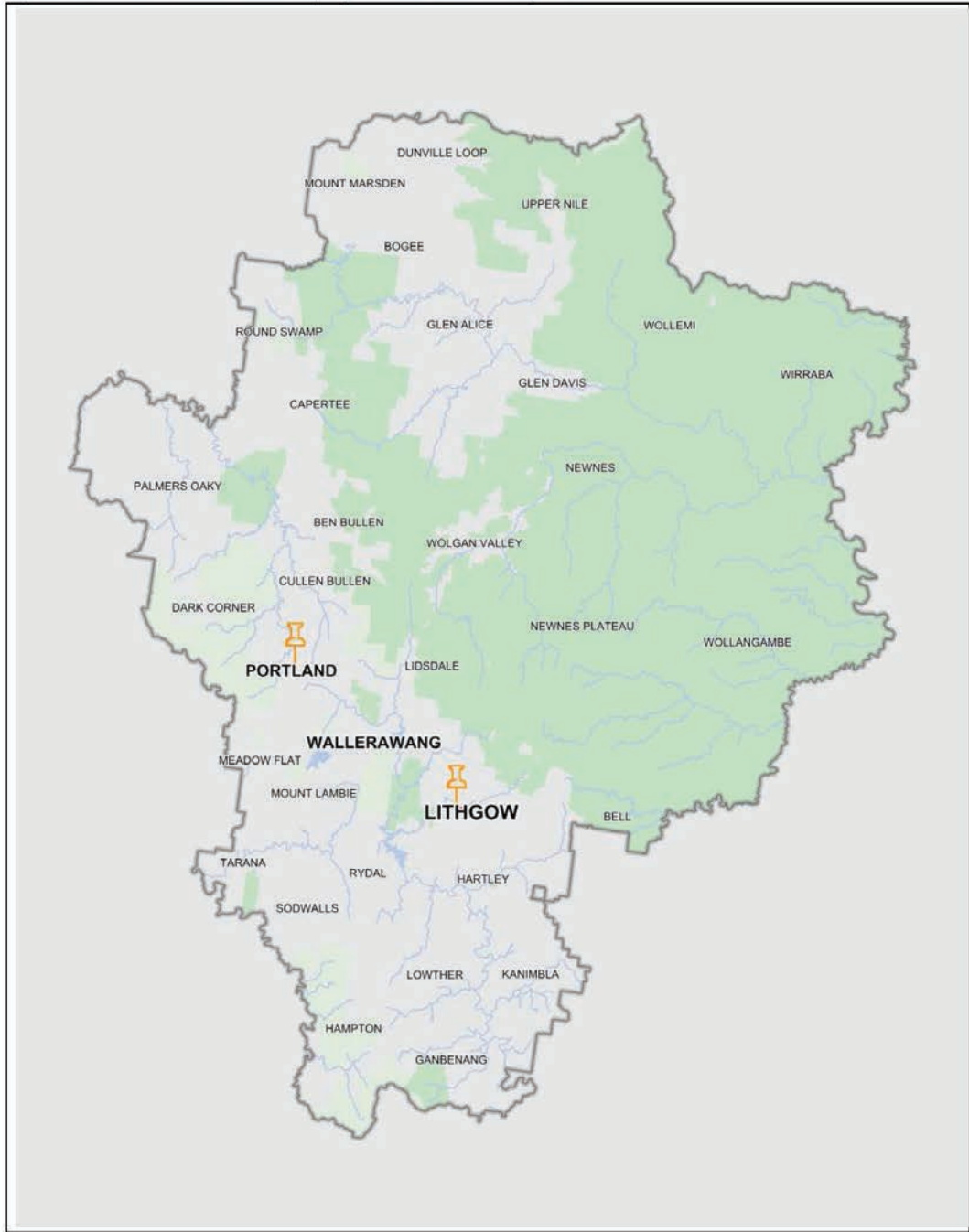
Table 20 below lists the two reserves categorised as General Community Use in this PoM.


Table 20 Reserves categorised as General Community Use						
RESERVE NUMBER	RESERVE TYPE	RESERVE NAME	GAZETTED	PURPOSE	LOTS	CATEGORY ASSIGNED
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	General Community Use (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	General Community Use (part)

### 6.3.11 General Community Use - maps

The LG Reg (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise). In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area. Map G below shows the location of crown reserves managed by Lithgow City Council with category - General Community Use.

Map G – Crown Reserves with category General Community Use




 <b>Lithgow City Council</b> PO Box 19 180 Mort Street, Lithgow NSW 2719 Ph: (02) 6354 9999 Email: <a href="mailto:enquiries@lithgow.nsw.gov.au">enquiries@lithgow.nsw.gov.au</a> <small>© Lithgow City Council © Spatial Services Department of Finance and Services, Resource Services, Bathurst, 2795. www.spatial-services.nsw.gov.au While every care is taken to ensure the accuracy of this product, Lithgow City Council and the State / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representation or warranty about the accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small>	<b>Created By:</b> Lithgow City Council	Crown Reserve 40981 – Kremer Park – Map G1
	<b>Prepared:</b> 05/03/2019 / MSA June 16	Crown Reserve 590046 – Tony Luchetti Sports Precinct – Map G2
	<b>Date:</b> 15/04/2023 12:02 PM	

Maps G1 and G2 below show the area categorised as General Community Use in the relevant crown reserves plus a table containing reserve information.

Crown reserve name	Kremer Park
Crown reserve number	40981
Address	Kiln Street, Portland NSW 2847
Lot information	Lot 531 in DP902158 Lots 7002 and 7003 in DP1075853
Reserve area	4.568 ha
Gazetted date	17 October 1906
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S3 Park (part) – see Map P9 General Community Use (part) – see Map G1
Lithgow LEP 2014 zoning	RE1 - public recreation
Landowner	State of NSW
Land manager	Lithgow City Council

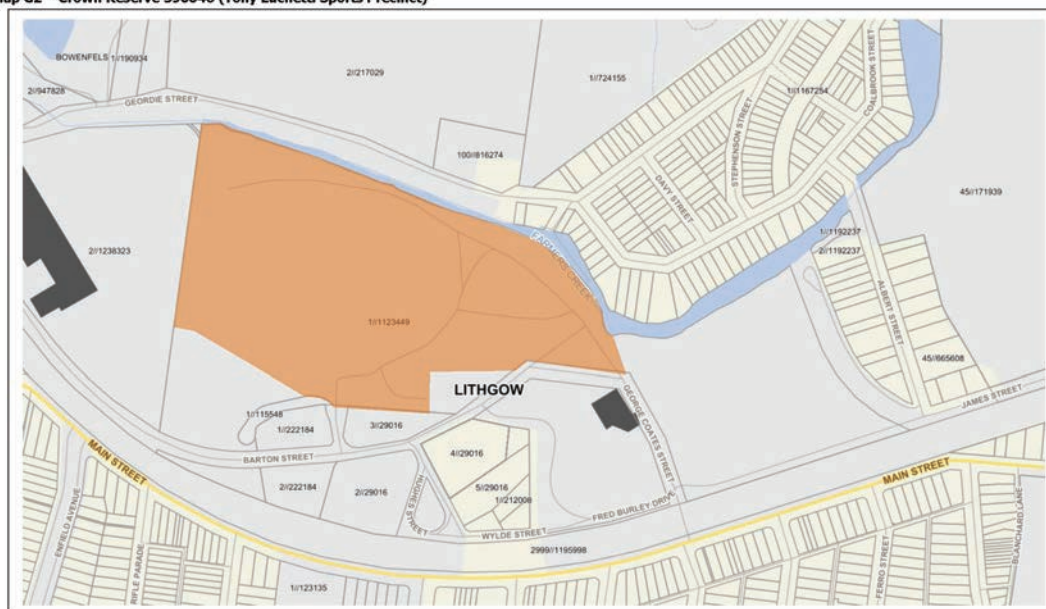
**Map G1 - Crown Reserve 40981 (Kremer Park)**



 <p><b>Lithgow City Council</b> PO Box 18 180 Kent Street, Lithgow NSW 2719 Ph: (02) 9354 9999 Email: <a href="mailto:enquiries@lithgow.nsw.gov.au">enquiries@lithgow.nsw.gov.au</a></p> <p><small>© Lithgow City Council Special Services Department of Finance and Services, Penrith City Council, 2019. www.council.nsw.gov.au While every care is taken to ensure the accuracy of this product, Lithgow City Council and the Local / State / Federal Government departments and non-government organisations whom supply details, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including material or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>	<p>Created by: Lithgow City Council</p> <p>Prepared by: 05/01/2019 / 04/01/2019</p> <p>Date: 22/04/2019 2:03 PM</p>	<p><b>Crown Reserve 40981</b> Kremer Park Kiln Street Portland NSW 2847</p> <p>Lot 531 in DP902158 and Lots 7002 and 7003 in DP1075853</p>
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Crown reserve name	Tony Luchetti Sports Precinct
Crown reserve number	590046
Address	Geordie Street, Lithgow NSW 2790
Lot information	Lot 1 in DP1123449
Reserve area	20.57 ha
Gazetted date	7 May 1913
Gazetted purpose	Public park
Community land categories	Sportsground (part) – see Map S4 Park (part) – see Map P10 General Community Use (part) – see Map G2
Lithgow LEP 2014 zoning	RE1 public recreation
Landowner	Minister for Lands
Land manager	Lithgow City Council

**Map G2 – Crown Reserve 590046 (Tony Luchetti Sports Precinct)**



 <p><b>Lithgow City Council</b> PO Box 53 180 Mount Street, Lithgow NSW 2790 Ph: (02) 4524 9599 Email: <a href="mailto:city@lithgow.nsw.gov.au">city@lithgow.nsw.gov.au</a></p> <p><small>© Lithgow City Council All Rights Reserved. This document is the property of the Lithgow City Council. It is to be used for the purposes of the Lithgow City Council. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Lithgow City Council. The Lithgow City Council is not responsible for any errors or omissions in this document. The Lithgow City Council is not responsible for any loss or damage arising from the use of this document. The Lithgow City Council is not responsible for any loss or damage arising from the use of this document.</small></p>	<p>Projection: GDA2020 / MGA zone 56</p>	<p><b>Crown Reserve 590046</b> Tony Luchetti Sports Precinct Geordie Street Lithgow NSW 2790 Lot 1 in DP1123449</p>
	<p>Date: 22/04/2023</p>	
	<p>Created By: Lithgow City Council</p>	

## 6.4 Natural area

### 6.4.1 Overview of land categorised as Natural are covered by the PoM

This PoM includes 18 crown reserves that are either wholly categorised as Natural Area or contain an area categorised as Natural Area. The Natural Areas are further categorised into Bushland, Watercourse or Escarpment. This PoM covers 14 areas categorised as Bushland, 3 areas categorised as Watercourse and 1 area categorised as Escarpment. Bushland reserves are listed in Table 26 under clause 6.4a.10, Watercourse reserves are listed in Table 40 under clause 6.4b.10, and the Escarpment reserve is listed in Table 45 under clause 6.4c.10.

### 6.4.2 Guidelines and core objectives

Natural areas are defined in clause 102 of the LG Regulation as land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.

The core objectives for natural areas, as outlined in Section 36E of the LG Act, are 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
- maintain the land, or that feature or habitat, in its natural state and setting
- provide for the restoration and regeneration of the land
- 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
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

### 6.4.3 Definition of a Natural Area and Sub-Categories

A Natural Area is defined as land that 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 under section 36(5) of the LG Act as:

- Bushland;
- Wetland;
- Escarpment;
- Watercourse; or
- Foreshore.

### 6.4.4 Community values and objectives for Natural Areas

Community values are the attributes that make something (e.g. parks and bushland) important to the community as a whole.

Community values tend to change little over time and to be broad in nature. Management Plans, however, must be flexible enough to allow for changes in community values to be incorporated when appropriate. These Community values have been developed through research and public consultation undertaken during the development of the Lithgow City Council Open Space and Recreation Needs Study, 2011 and the Community Strategic Plan 2025.

This value based approach allows Council and the community to highlight what is considered to

be important now and in the future, in terms of what to protect, enhance, develop or review. Each category of community land (park, sportsgrounds, general community use and natural area) has been assigned its own set of community values and resulting objectives. The objectives are drawn from the core values attributed to each category as legislated in the S36 of the LG Act, as supplemented by the specific community objectives developed as a result of the community consultation process.

**Table 21 Natural Areas - Values and Objectives (for all subcategories of Natural Areas)**

Value	Objectives
Biodiversity	<ul style="list-style-type: none"> <li>Natural systems are protected from degradation and degraded natural systems are restored or enhanced.</li> <li>A priority on water quality and biodiversity is maintained.</li> <li>Maintain a high level of genetic, species and ecosystem diversity within natural areas.</li> </ul>
Ecological	<ul style="list-style-type: none"> <li>Maintain ecological processes and interactions that occur within ecological communities.</li> <li>Effectively protect environmentally significant areas from urban expansion and damage to areas by unwanted uses.</li> <li>Ensure the preservation and regeneration of existing natural areas both now and for future generations.</li> <li>Consider appropriate fire regimes that promote ecological diversity in regard to inter-fire intervals between consecutive fire sets, with burning achieving a mosaic of vegetation of differing post fire age.</li> </ul>
Social	<ul style="list-style-type: none"> <li>Increase the participation and effectiveness of members of the community in protection, remediation and restoration and/or enhancement of the environment.</li> <li>Provide and maintain natural areas that are highly valued as socially significant areas.</li> <li>Create an open space network that meets the needs of the community while being compatible with the natural systems outcomes.</li> </ul>
Recreation	<ul style="list-style-type: none"> <li>Encourage appropriate access to natural areas, thus increasing the community's appreciation and understanding of the natural environment.</li> <li>Ensure that Natural Areas are recognised as an important part of the open space network, providing connectivity and access opportunities.</li> <li>Develop recreation opportunities where appropriate.</li> </ul>
Education	<ul style="list-style-type: none"> <li>People living in and visiting the area minimise their actions that damage the environment.</li> <li>Encourage greater promotion and respect of the values of our natural areas.</li> <li>Interpretation Strategy and Signage Plans developed.</li> <li>Encourage the concept of 'green classrooms', to improve ownership and access of natural areas within the public open space network.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>Promote sustainable use of key natural areas by improving scenic amenity of destinations, and access to information.</li> <li>Investigate new markets to increase sustainable usage of natural areas and visitation.</li> </ul>

Management	<ul style="list-style-type: none"> <li>Identify the related land management agencies and provide an effective leadership role in determining the responsibility for and effective management of natural and open space resources.</li> <li>Adopt an integrated management approach to protection, remediation and restoration of natural systems, with particular emphasis on water and biodiversity.</li> <li>Consider the needs of visitors and prepare a coordinated plan for their management.</li> </ul>
Risk	<ul style="list-style-type: none"> <li>Ensure fire management is consistent with conservation of vegetation structure and diversity, including endangered ecological communities and threatened species habitat.</li> <li>Carefully planned and executed prescribed burning should be carried out to achieve an ecologically sustainable balance between conservation and risk management.</li> </ul>

## 6.4a Natural area - Bushland

### 6.4a.1 Overview of land categorised as Natural area - Bushland - covered by the PoM

This PoM includes 14 crown reserves that contain areas categorised as Natural Area - Bushland. These reserves are listed in Table 26 under clause 6.4a.10, and clause 6.4a.11 includes individual reserve information and maps identifying each area categorised as Natural Area - Bushland.

### 6.4a.2 Guidelines and core objectives

Bushland is defined in clause 107 of the LG Reg as 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.

The core objectives for bushland, as outlined in Section 36J of the LG Act, are 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
- protect the aesthetic, heritage, recreational, educational and scientific values of the land
- 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
- restore degraded bushland
- protect existing landforms such as natural drainage lines, watercourses and foreshores
- retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term
- protect bushland as a natural stabiliser of the soil surface.

Additionally, the LG Act imposes restrictions on the ability to grant leases, licences or other estates over community land categorised as 'Natural Area' and further sub categorised as Bushland, Wetland, Escarpment, Watercourse and Foreshore.

A lease, licence or other estate may only be granted if it is authorised under the Plan of Management, the purpose is consistent with the core objectives for that category of land and the lease/ licence is for a purpose specified in Section 47B of the LG Act (as below).

Section 47B restricts the grant of a lease/ licence or other estate to the use or erection of buildings or structures listed below:

- Walkways
- Pathways
- Bridges
- Causeways
- Observation Platforms
- Signs

OR to authorise the erection and use of buildings or structures for the following purposes:

- information kiosks
- refreshment kiosks (but not restaurants)
- work sheds or storage sheds required in connection with the maintenance of the land
- toilets or rest rooms
- any building or structure necessary to enable a filming project (subject to conditions prescribed by subsection 7 and LG Reg).

#### 6.4a.3 Physical environment

The Lithgow Bush Fire Management area spans 450,341 hectares, with 80% being bushland and 18% being grassland, and the balance consisting of the built environment or water bodies. During the last major bushfire in Lithgow in 2019/20 a total of 248,498 hectares were affected by fire.

An assessment of the Bushland areas covered by this PoM will help to better understand the topography, hydrology, geology, vegetation and fauna of the Bushland reserves, and assist Council to determine priority objectives within the Action Plan.

#### 6.4a.4 Key issues

Management issues are matters that periodically occur and generally impact on areas of Natural areas - Bushland. Category specific management issues have been developed to help define the resulting Action Plans ensuring that Bushland is maintained and managed in a sustainable way.

**Table 22 Natural areas - bushland specific management issues**

Issue	Discussion
Urban encroachment pressures on the bushland	<p>Areas of bushland bordering the urban interface face greater exposure and pressure from the surrounding areas. Pressures are increased due to invasion of weeds from garden escapees and predator pressures from non-native species such as cats and dogs. These detrimental effects generally decrease the further away the bushland is from urban areas.</p> <p>Other pressures on the bushland ecosystem and biodiversity as a result of close proximity to urban areas include rubbish dumping, arson, vandalism, uncontrolled access, stormwater and nutrient runoff. These factors all contribute to the deterioration of the quality of bushland.</p>

The need for strategic management	It has been recognised that effective management of Lithgow's natural areas requires a strategic approach in order to account, budget, prioritise and manage for the large area of land categorised as Natural Areas.
Regional partnerships	There is a need to integrate a wider catchment management approach to managing the LGA's natural areas through the development of partnerships with a variety of agencies including industry, research organisations and government departments.
Limited participation by small sections of the community in the management of natural areas.	Increased structured opportunities for community participation in the management of natural areas (i.e. Bush care groups) and to promote environmental education. Increasing the community's awareness to the importance of natural areas is one of the best ways to ensure the proper future management of these ecosystems.
Large number of natural area sites to manage and conserve	The large number of natural area sites to be maintained throughout the LGA places pressure on the allocation of resources to ensure that such sites are managed in accordance with the principles of ecologically sustainable development and Council's resources.
The potential for Aboriginal or cultural heritage sites to be located on lands which have not been surveyed.	Where lands are categorised as "Natural area" an archaeological survey may be required prior to any development of the land. Development includes any disturbance of the natural ground surface. Where a survey identifies an area of Aboriginal significance, the matter must be referred promptly to the Secretary in accordance with section 89A of the National Parks and Wildlife Act 1974 and any development must cease until further advice is received from the Secretary. A site specific plan of management may be required.
Invasion of exotic flora and fauna and non-native animals	Exotic species invade natural areas and out-compete the native species interrupting ecosystem integrity and threatening biodiversity.
Vandalism and the illegal dumping of rubbish	As many natural areas are surrounded by high-usage residential, commercial and industrial areas, they tend to become subject to vandalism by the way of flora destruction, arson and the dumping of rubbish on all scales from littering to building waste.
Fire	Bushfire can result in the disruption of the life cycle processes in native plants and animals and loss of vegetation structure and therefore must be managed accordingly. The risk of fire adversely affecting community or environmental assets within or adjacent to natural areas must be managed in accordance with the Lithgow Bush Fire Management Plan, 2020 prepared by the Lithgow Bush Fire Management Committee.
Threatened Species, Threatened Ecological Communities and Key Threatening Processes Management	The Lithgow LGA contains threatened flora and fauna species and ecological communities that are listed under the Biodiversity Conservation Act 2016. If any part of a Crown reserve under this PoM comprising threatened species or threatened ecological communities is declared to be critical habitat under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994, a specific PoM will be required for that area.
Recreation and visitor usage of natural areas	Many of the Lithgow LGA's natural areas are frequented by members of the local community and visitors alike. The number of people which utilise these areas can place pressures on the natural environment. However, the opportunity also exists to provide interpretive educational walks and sustainable eco-tourism opportunities.

### 6.4a.5 Management framework

Council intends to manage the crown reserve areas categorised as Natural Area – Bushland and covered by this PoM in accordance with the core objectives listed in clause 6.4a.2 and the Action Plan set out in clause 6.4a.9. The types of uses and development which may occur within the category of Natural Area – Bushland are identified in clauses 6.4a.6 and 6.4a.7.

### 6.4a.6 Development and use

The development and use of community land categorised as Natural Areas - Bushland should be generally compatible with both the intended function of the land, and the wider community context.

The uses associated with land categorised as a Natural Area are limited to ensure that the overarching core objectives for that category are not compromised.

Based on the objectives of this plan, the uses that may be permitted on land categorised as Natural Area - Bushland include development to support passive recreational uses such as walking trails and picnicking. Additionally, the use of Bushland as scientific study or bio-banking is supported. A full list of the types of uses and development that can occur within Bushland is set out in Table 23 in clause 6.4a.7.

### 6.4a.7 Permissible uses / future uses

The general types of uses which may occur on community land categorised as Natural Area – Bushland, and the forms of development generally associated with those uses, are further set out in Table 23 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide.

Table 23 Permissible use and development of community land categorised as Natural Area - Bushland	
Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"><li>• Preservation of the council's natural heritage including the identified endangered ecological communities</li><li>• Preservation of biological diversity and habitat</li><li>• Providing a location for relaxation and passive informal recreation</li><li>• Walking/hiking</li><li>• Guided bushwalks</li><li>• Environmental and scientific study</li><li>• Bush regeneration works</li><li>• Carbon sequestration</li><li>• Bio-banking</li><li>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.</li><li>• Fire hazard reduction.</li></ul>	<ul style="list-style-type: none"><li>• Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low impact carparks, refreshment kiosks (but not restaurants)</li><li>• Low-impact walking trails</li><li>• Interpretive signage, information kiosks</li><li>• Water-saving initiatives such as rain gardens, swales and sediment traps</li><li>• Bridges, observation platforms, signs</li><li>• Work sheds or storage sheds required in connection with the maintenance of the land</li><li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li><li>• Locational, directional and regulatory signage</li></ul>

#### 6.4a.8 Express authorisation of leases, licences and other estates – Natural Area - Bushland

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Bushland for the purposes listed in Table 24 and provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table 24 identifies the purposes for which leases and licences may be issued over the reserves categorised as Natural Area - Bushland in this PoM.

Table 24 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area - Bushland		
Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>• information kiosk</li> <li>• kiosk selling light refreshments</li> <li>• bicycle/boat hire or similar</li> <li>• work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> </ul>
Licence	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>• information kiosk</li> <li>• kiosk selling light refreshments</li> <li>• bicycle/boat hire or similar</li> <li>• work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> <li>• scientific studies and surveys or similar</li> <li>• environmental, conservation and regeneration activities</li> <li>• filming</li> </ul>
Short-term licence (under s2.20 of the CLM Act)	Up to 12 months	For a purpose prescribed in clause 31 of the CLM Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided in clause 5.2 of this PoM.)
Short-term casual licence (under s,46(1)(b)(iii) of the LG Act)	Up to 12 months	For a purpose prescribed in clause 116 of the LG Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided in clause 5.2 of this PoM.)

Other estates	In perpetuity	This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.
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The use or occupation of Community Land for these purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

### **Leases and licences – Maximum Term and Tendering**

- A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s.46(3) LG Act).
- A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

### **Leases, licences and other estates - 5 years or less (s. 47A of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

### **Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

### 6.4a.9 Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 25 sets out these requirements for community land categorised as Natural Area – Bushland.

Table 25 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Natural Area – Bushland					
Natural Area – Bushland Management Issue	Objectives/ Performance Targets	Means of Achievement	Performance Indicators	Timeframe	Partners
Pressures on the bushland from the surrounding urban interface	Ensure that areas of bushland are managed and maintained based on the Natural Area Strategic Plan (to be developed) and Council's resources.	Allocation of resources and funding through the corporate planning process  Appropriate zoning to control land use.	Number of enquiries and responses regarding the maintenance and management of bushland.  Number of bushland sites undergoing restoration.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee
	Promote community awareness by educating people about the impacts of urban areas on bushland.	Develop a community awareness program regarding all Natural Areas.	Community feedback from community awareness program.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee
Need for strategic Management	Manage the Natural Areas in accordance with a 'Natural Areas Strategic Management Plan'.	Review relevant strategic documentation including benchmark examples and develop a Natural Areas Strategic Management Plan.	Preparation of a Natural Areas Strategic Management Plan.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee

	Establish a 'Natural Areas Working Group'	Develop a community awareness program calling for members.	'Natural Areas Working Group' within Council.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee
	Engagement of a 'Biodiversity and Bushland Officer' to focus on implementing PoM Actions	Environmental Advisory Committee to prepare a scope of duties and business case for position.	Business case developed and funding secured.	Short Term Ongoing	Environmental Advisory Committee Lithgow Oberon Landcare Association
Regional partnerships	Develop community and regional partnerships to aid in the management of the LGA's natural areas.	Council's participation with Government agencies and through liaison with industry and research organisations.	The number of natural area initiatives with the support of other governmental and non governmental organisations.	Ongoing	LCC Environmental Advisory Committee. Lithgow Oberon Landcare Association Biodiversity and Bushland Officer Dept of Environment
Limited participation by small sections of the community in natural area management	To increase community participation in natural area conservation and restoration.	Allocate resources to establish a Council environmental education team.	Number of people attending workshops and environmental events organised by Council.	Short term ongoing	LCC Environmental Advisory Committee. Biodiversity and Bushland Officer
	To undertake effective community education campaigns and workshops.	Lithgow Oberon Landcare Association	Number of attendees to Association's events; member numbers	Short term ongoing	LCC Environmental Advisory Committee Biodiversity and Bushland Officer
The potential for Aboriginal heritage sites to be located on lands which have not been surveyed	If required, investigate prior to disturbance of natural ground surface.	Undertake archaeological surveys as required.	Number of archaeological surveys carried out prior to development.	Short term	LCC Biodiversity and Bushland Officer Lithgow Oberon Landcare Association Environmental Advisory Committee

Large number of natural area sites to manage and conserve	To ensure that all natural areas are managed and maintained based on the Natural Area Strategic Plan (to be developed) and Council's resources.	Allocation of resources and funding through the corporate planning process.	Number of enquiries received and responses given regarding the management of natural areas.	Ongoing	LCC Biodiversity and Bushland Officer
Invasion of exotic flora and fauna	To contain the spread of exotics where possible and where budget allows.	Allocation of resources and funding through the corporate planning process.	Number of weed and feral animal control programs initiated at various sites.	Short Term Ongoing	LCC Biodiversity and Bushland Officer
Vandalism, arson and the illegal dumping of rubbish	Discourage illegal activity by use of signage and fines.	Allocation of resources and funding through the corporate planning process.	Number of fines allocated.	Ongoing	LCC Biodiversity and Bushland Officer
	Promote community awareness by education concerning the impacts of such negative activities.	Develop community awareness program to notify community of acts of vandalism and encourage community ownership of areas.	Number of sites where a clean-up campaign is conducted.  Community Feedback.	Ongoing	LCC Biodiversity and Bushland Officer
Fire	Manage Natural Areas as per Bush Fire Risk Management Plan.	Allocation of resources and funding through Council's budgeting process (Council's Management Plan).	Refer to Bushfire Risk Management Plan. Implementation of Operations Plan.	Ongoing	LCC Biodiversity and Bushland Officer Rural Fire Service
Threatened species, Threatened Ecological Communities and Key Threatening Processes Management	Manage threatened species, threatened ecological communities and key threatening processes as specified in the Biodiversity Conservation Act 2016	Identify areas and habitats of threatened species and endangered ecological communities within the Lithgow LGA.  Implement management strategies for their protection as specified in the Biodiversity Conservation Act 2016, in partnership with the National Parks and Wildlife Service.	Number of complaints and/or incident reports submitted to Council.	Ongoing	LCC Biodiversity and Bushland Officer Lithgow Oberon Landcare Association Environmental Advisory National Parks

#### 6.4a.10 Schedule of Natural Area - Bushland covered by this PoM

Table 26 below lists the 14 reserves categorised as Natural Area - Bushland in this PoM.

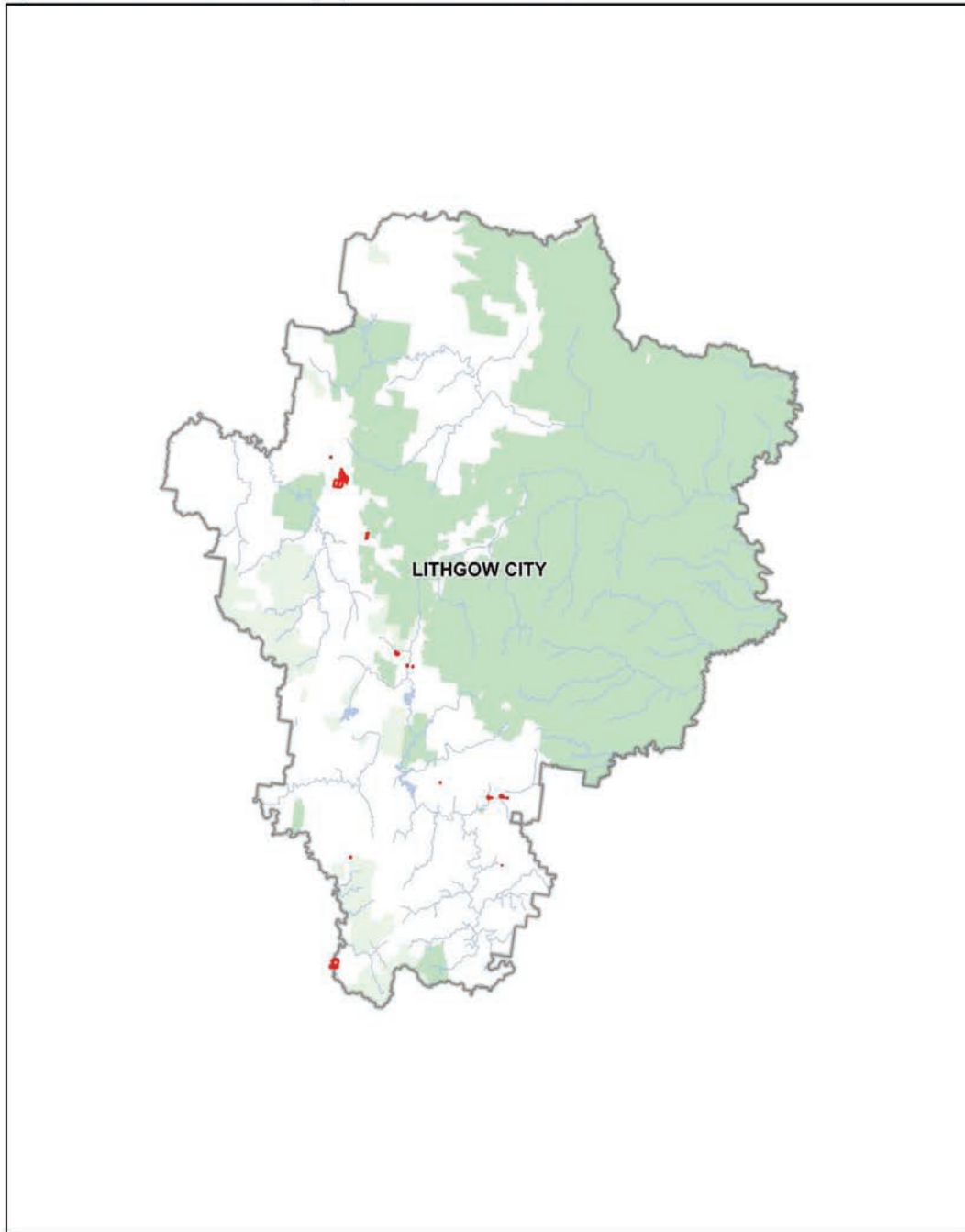
Table 26 Reserves categorised as Natural Area - Bushland						
RESERVE NUMBER	RESERVE TYPE	RESERVE NAME	GAZETTED	PURPOSE	LOTS	CATEGORY ASSIGNED
59960	RESERVE	BLACKMAN'S FLAT CROWN RESERVE	2/09/1927	Public Recreation	Whole: Lots 304-305 DP 751636, Lot 7004 DP 1026541; Part: Lots 306-307 DP 751636	NA - bushland
84837	RESERVE	LIDSDALE PUBLIC RESERVE	10/04/1964	Resting Place	Whole: Lot 7326 DP1150037	NA - bushland
72786	RESERVE	BLACKMAN'S FLAT PLAYGROUND	16/07/1948	Children's Playground	Whole: Lot 310 DP751636	NA - bushland
69115	RESERVE	CAPEERTEE PUBLIC RESERVE	21/03/1940	Public Recreation	Whole: Lot 1 Section 10 DP 758222	NA - bushland
79494	RESERVE	HARTLEY RESTING PLACE	5/04/1957	Resting Place	Whole: Lot 7029 DP 1028434	NA - bushland
83012	RESERVE	JEWS CREEK RESERVE	20/01/1961	Resting Place	Whole: Lots 60-62, 66 DP 755759	NA - bushland
91601	RESERVE	PITTS CORNER PUBLIC RESERVE	26/10/1979	Public Recreation	Whole: Lot 8 DP 252075 and Lot 4 DP252075	NA - bushland
95074	RESERVE	HYDE PARK RESERVE	5/06/1981	Public Recreation	Whole: Lot 342 DP 41316, Lot 7010 DP 1028429	NA - bushland
26013	RESERVE	BLUNDER STREET RESERVE	22/05/1987	Public Recreation	Part Lot 310 DP751650	NA - bushland
1038228	RESERVE	PEARSON'S LOOKOUT	6/06/2014	Access; Environmental Protection	Whole: Lot 7308 DP 1130828	NA - bushland
53410	RESERVE	THE CROWN Rserve	8/08/1919	Public recreation	Whole: Lots 7007-7009 DP 1124442	NA - bushland (part)
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	NA - busland (part)


80616	RESERVE	BINDO PUBLIC RESERVE	2/05/1958	Public Recreation	Whole: Lots 7009-7011 DP 1075845, Lots 7002-7003 DP 1075865	NA - bushland (part)
78970	RESERVE	LIDSDALE RECREATION PARK (TENNIS COURTS)	12/10/1956	Public Recreation	Whole Lot 133 DP751651	NA - bushland (part)

#### 6.4a.11 Natural Area: Bushland - maps

The LG Reg (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise). In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area. Map G below shows the location of crown reserves managed by Lithgow City Council with category - Natural Area: Bushland.

**Map B – Crown Reserves with category Natural Area – Bushland**





**Lithgow City Council**  
 PO Box 19  
 330 Mount Street, Lithgow NSW 2710  
 Ph: (02) 6354 9999  
 Email: [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)

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Crown Reserve 59960 – Blackman's Flat Crown Reserve – Map B.1  
 Crown Reserve 84637 – Liddle Public Reserve – Map B.2  
 Crown Reserve 72786 – Blackman's Flat Playground – Map B.3  
 Crown Reserve 69115 – Capetown Public Reserve – Map B.4  
 Crown Reserve 79494 – Hartley Resting Place – Map B.5  
 Crown Reserve 83012 – Jews Creek Reserve – Map B.6  
 Crown Reserve 93601 – Pitts Corner Public Reserve – Map B.7  
 Crown Reserve 95074 – Hyde Park Reserve – Map B.8  
 Crown Reserve 25013 – Blunder Street Reserve – Map B.9  
 Crown Reserve 1038228 – Pearson's Lookout – Map B.10  
 Crown Reserve 53410 – The Crown Reserve – Map B.11  
 Crown Reserve 66417 – Londonderry Reserve – Map B.12  
 Crown Reserve 80016 – Birds Public Reserve – Map B.13  
 Crown Reserve 78970 – Liddle Recreation Park – Map P.14

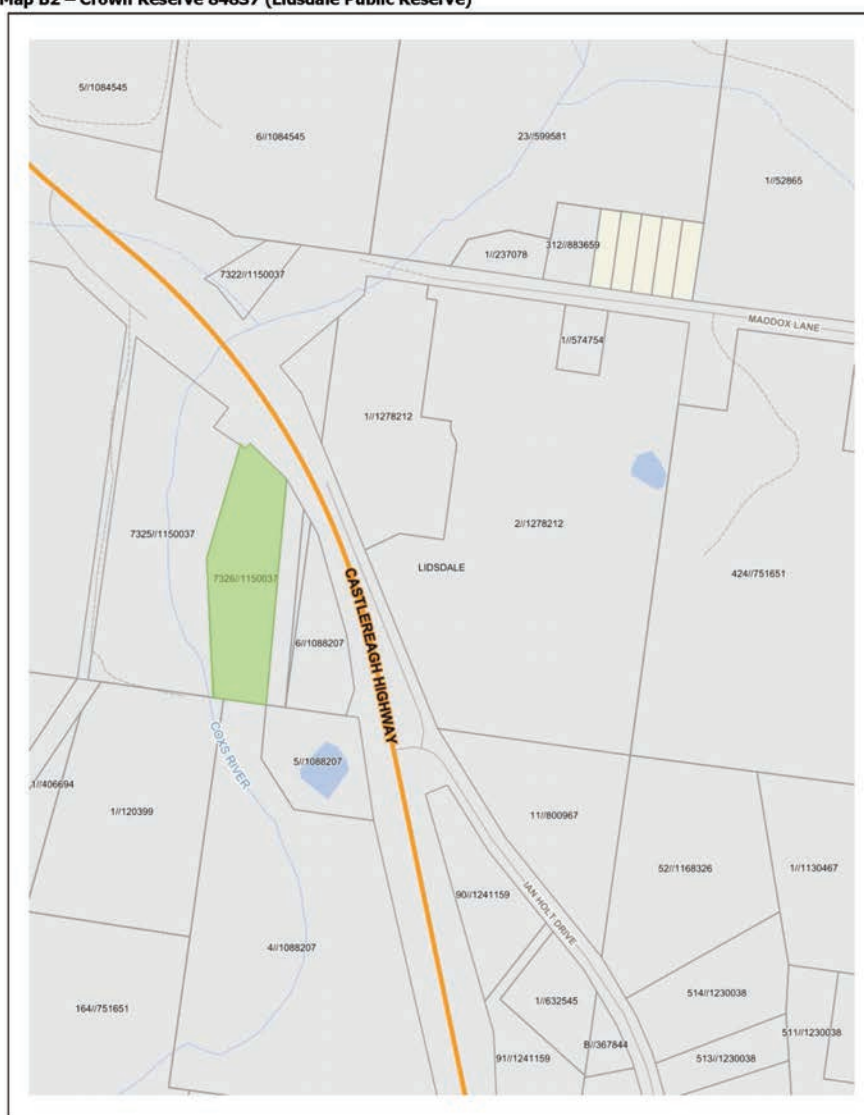
Maps B1 to B13 below show each crown reserve with category Natural Area: Bushland plus a table containing reserve information.


Crown reserve name	Blackman's Flat Crown Reserve
Crown reserve number	59960



Crown reserve name	Lidsdale Public Reserve
Crown reserve number	84837
Address	Castlereagh Highway, Lidsdale NSW 2790
Lot information	Lot 7326 in DP1150037
Reserve area	1.308 ha
Gazetted date	10 April 1964
Gazetted purpose	Resting place
Community land category	Natural area – bushland – see Map B2
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B2 – Crown Reserve 84837 (Lidsdale Public Reserve)**



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Crown reserve name	Blackman's Flat Playground
Crown reserve number	72786
Address	Castlereagh Highway, Blackmans Flat NSW 2790
Lot information	Lot 310 in DP751636
Reserve area	8001 m2
Gazetted date	16 July 1948
Gazetted purpose	Children's playground
Community land category	Natural area – bushland – see Map B3
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B3 – Crown Reserve 72786 (Blackmans Flat Playground)**



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Crown reserve name	Capertee Public Reserve
Crown reserve number	69115
Address	Hearne Street, Capertee NSW 2846
Lot information	Lot 1, Section 10 in DP758222
Reserve area	1.399 ha
Gazetted date	21 March 1940
Gazetted purpose	Public recreation
Community land category	Natural area – bushland – see Map B4
Lithgow LEP 2014 zoning	R5 – large lot residential
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B4 – Crown Reserve 69115 (Capertee Public Reserve)**



Crown reserve name	Hartley Resting Place
Crown reserve number	79494
Address	Blackheath Creek Road, Kanimbla NSW 2790
Lot information	Lot 7029 in DP1028434
Reserve area	3,764 m2
Gazetted date	5 April 1957
Gazetted purpose	Resting place
Community land category	Natural area – bushland – see Map B5
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B5 – Crown Reserve 79494 (Hartley Resting Place)**






Crown reserve name	Pitt Corner Public Reserve
Crown reserve number	91601
Address	Cuthill Road, Sodwalls NSW 2790
Lot information	Lots 4 and 8 in DP252075
Reserve area	2,233 m2
Gazetted date	26 October 1979
Gazetted purpose	Public recreation
Community land category	Natural area – bushland – see Map B7
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B7 - Crown Reserve 91601 (Pitt Corner Public Reserve)**





**Lithgow City Council**  
 PO Box 19  
 185 Main Street, Lithgow NSW 2710  
 Ph: (02) 6354 9999  
 Email: [info@lithgow.nsw.gov.au](mailto:info@lithgow.nsw.gov.au)

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**Crown Reserve 91601**  
 Pitts Corner Public Reserve  
 Cuthill Road  
 Sodwalls NSW 2790

**Lots 4 and 8 in DP252075**

Crown reserve name	Hyde Park Reserve
Crown reserve number	95074
Address	River Lett Close, Hartley NSW 2790
Lot information	Lot 342 in DP41316 Lot 7010 in DP1028429
Reserve area	8.088 ha
Gazetted date	5 June 1981
Gazetted purpose	Public recreation
Community land category	Natural area – bushland – see Map B8
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B8 – Crown Reserve 95074 (Hyde Park Reserve)**



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Crown reserve name	Londonderry Reserve
Crown reserve number	66417
Address	Hartley Vale Road, Hartley Vale NSW 2790
Lot information	Lot 7044 in DP93986 Lots 7012 and 7013 in DP93987
Reserve area	9.277 ha
Gazetted date	20 November 1936
Gazetted purpose	Public recreation
Community land categories	Park (part) – see Map P8 Natural area – bushland (part) – see Map B12 Natural area – watercourse (part) – see Map W1
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

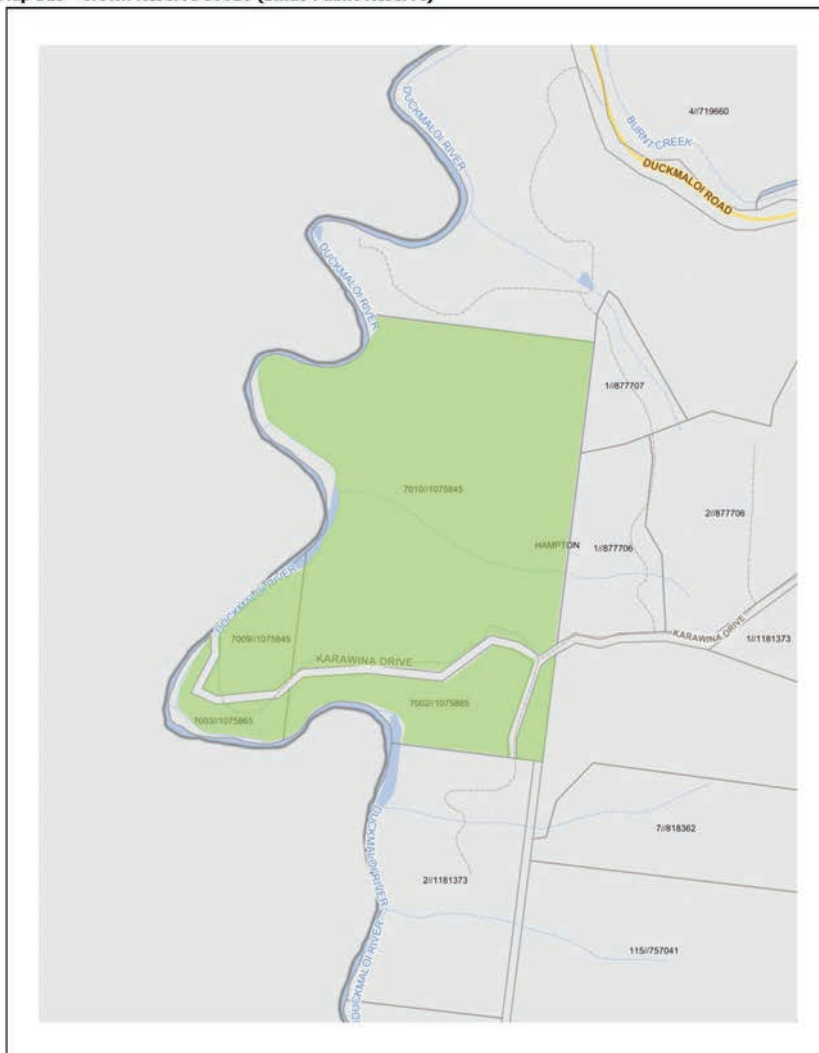
**Map B12 - Crown Reserve 66417 (Londonderry Reserve)**



 <p><b>Lithgow City Council</b> PO Box 19 180 Mort Street, Lithgow NSW 2710 Ph: (02) 6354 9999 Email: <a href="mailto:info@lithgow.nsw.gov.au">info@lithgow.nsw.gov.au</a></p> <p><small>© Lithgow City Council All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from Lithgow City Council. While every care has been taken to ensure the accuracy of this publication, Lithgow City Council and its officers / servants / representatives accept no responsibility for any errors or omissions, and all liability (including without limitation, liability in negligence for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of this publication being inaccurate or incomplete in any way) is hereby excluded.</small></p>	<p>Projection: GDA2020 / MGA zone 56 Date: 24/03/2023 Created By: Lithgow City Council</p>	<p><b>Crown Reserve 66417</b> Londonderry Reserve Hartley Vale Road Hartley Vale NSW 2790 Lot 7044 in DP93986 and Lots 7012 and 7013 in DP93987</p>
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Crown reserve name	Bindo Public Reserve
Crown reserve number	80616
Address	Karawina Drive, Hampton NSW 2790
Lot information	Lots 7009, 7010 and 7011 in DP1075845 Lots 7002 and 7003 in DP1075865
Reserve area	68.278 ha
Gazetted date	2 May 1958
Gazetted purpose	Public recreation
Community land categories	Natural area – bushland – see Map B13 Natural area – watercourse – see Map W2
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B13 - Crown Reserve 80616 (Bindo Public Reserve)**



<p><b>Lithgow City Council</b> PO Box 19 180 Main Street, Lithgow NSW 2719 Ph: (02) 6364 3999 Email: <a href="mailto:info@lithgow.nsw.gov.au">info@lithgow.nsw.gov.au</a></p> <p>© Lithgow City Council © Spatial Services, Department of Finance and Services, for use by various, Australia, 2015. www.spatial.nsw.gov.au While every care is taken to ensure the accuracy of the product, Lithgow City Council and the State / Territory / Federal Government disclaim any and all liability (including without limitation, liability in negligence) for all purposes (including including indirect or consequential damages and costs which may arise as a result of the product) being accurate or inappropriate in any way and for any reason.</p>	<p>Created By: Lithgow City Council Proprietary: ©2015 / NSW Govt Date: 26/12/2015 9:02 AM</p>	<p><b>Crown Reserve 80616</b> Bindo Public Reserve Karawina Drive Duckmaloi NSW 2787</p> <p>Lots 7002 and 7003 in DP1075865 and Lots 7009 and 7011 in DP1075845</p>
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Crown reserve name	Lidsdale Recreation Park Tennis Courts
Crown reserve number	78970
Address	Wolgan Road, Lidsdale NSW 2790
Lot information	Lot 133 in DP751651
Reserve area	1.507 ha
Gazetted date	12 October 1956
Gazetted purpose	Public recreation
Community land categories	Sportsground (part) – see Map S5 Natural area – bushland (part) – see Map B14
Lithgow LEP 2014 zoning	R5 – large lot residential
Landowner	State of NSW
Land manager	Lithgow City Council

**Map B13 – Crown Reserve 78970 (Lidsdale Recreation Park Tennis Courts)**



	<b>Lithgow City Council</b> PO Box 13 130 Mount Street, Lithgow NSW 2790 Ph: (02) 6354 9999 Email: <a href="mailto:general@lithgow.nsw.gov.au">general@lithgow.nsw.gov.au</a> <small>© Lithgow City Council          © Spatial Services Department of Planning and Services, New South Wales, Australia, 2016. www.spsnsw.gov.au          While every care is taken to ensure the accuracy of this product, Lithgow City Council and the State of New South Wales / Federal Government departments and Non-Government organisations whose maps are used, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including without limitation consequential damages) and costs which may be incurred as a result of the product being used, or its incorporation in any map and for any reason.</small>	<b>Created By:</b> Lithgow City Council  <b>Project No:</b> 18/0001 / 19/0001  <b>Date:</b> 28/03/2023 10:05 AM	<b>Crown Reserve 78970</b> Lidsdale Recreation Park Tennis Courts Wolgan Road Lidsdale NSW 2790 Lot 133 in DP751651
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## 6.4b Natural area - Watercourse

### 6.4b.1 Overview of land categorised as Natural area - Watercourse- covered by the PoM

This PoM includes 3 crown reserves that contain areas categorised as Natural Area - Watercourse. These reserves are listed in Table 31 under clause 6.4b.10, and clause 6.4b.11 includes individual reserve information and maps identifying each area categorised as Natural Area - Watercourse.

### 6.4b.2 Guidelines and core objectives

Watercourses are defined in clause 110 of the LG Reg as any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation.

The core objectives for watercourses, as outlined in Section 36M of the LG Act, are 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
- manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability
- restore degraded watercourses
- promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

Additionally, the LG Act imposes restrictions on the ability to grant leases, licences or other estates over community land categorised as 'Natural Area' and further sub categorised as Bushland, Wetland, Escarpment, Watercourse and Foreshore.

A lease, licence or other estate may only be granted if it is authorised under the Plan of Management, the purpose is consistent with the core objectives for that category of land and the lease/ licence is for a purpose specified in Section 47B of the LG Act (as below).

Section 47B restricts the grant of a lease/ licence or other estate to the use or erection of buildings or structures listed below:

- Walkways
- Pathways
- Bridges
- Causeways
- Observation Platforms
- Signs

OR to authorise the erection and use of buildings or structures for the following purposes:

- information kiosks
- refreshment kiosks (but not restaurants)
- work sheds or storage sheds required in connection with the maintenance of the land
- toilets or rest rooms
- any building or structure necessary to enable a filming project (subject to conditions prescribed by subsection 7 and LG Reg).

### 6.4b.3 Physical environment

An assessment of the Watercourse areas covered by this PoM will help to better understand the topography, hydrology, geology, vegetation and fauna of the Watercourse reserves, and assist Council to prioritise the objectives listed in the Action Plan.

### 6.4b.4 Key issues

Management issues are matters that periodically occur and generally impact on areas of Natural Areas - Watercourse. Category specific management issues have been developed to help define the resulting Action Plans ensuring that Watercourses are maintained and managed in a sustainable way.

**Table 27 Natural Areas - Watercourse specific management issues**

Issue	Discussion
Water quality	Poor water quality from urbanisation, run off, localised industrial pollution, sewerage and illegal dumping disrupts ecosystems and adds to the decline in biodiversity of flora and fauna species.
Sedimentation	Development within the catchments, eroding/unstable streams and poor land use practices all contribute to an unnatural quantity of sediment in the wetlands. This in turn can negatively impact the ability of wetlands to survive.
Extent and condition of riparian vegetation	Riparian vegetation is required to stabilise stream banks, maintain wildlife corridors, improve water quality, protect biodiversity and is vital to the watercourse ecosystem.
Grazing agistments	Grazing animals adjacent to watercourses can have a detrimental effect on many attributes of the stream including channel stability, riparian vegetation or water quality.
Flooding risk	Lithgow LGA can experience high-magnitude rainstorms and flood events. One of the main focus areas for flood management is the LGA's watercourses. Council is currently undertaking a review of the Kinhill Flood Study 1990, and the findings of this updated flood study can be utilised to inform the strategies and actions of this document.
The need for strategic management	It has been recognised that effective management of Lithgow's natural areas requires a strategic approach in order to account, budget, prioritise and manage for the large area of land categorised as Natural Areas.
Regional partnerships	There is a need to integrate a wider catchment management approach to managing the LGA's natural areas through the development of partnerships with a variety of agencies including industry, research organisations and government departments.
Limited participation by small sections of the community in the management of natural areas.	Increased structured opportunities for community participation in the management of natural areas (i.e. Bush care groups) and to promote environmental education. Increasing the community's awareness to the importance of natural areas is one of the best ways to ensure the proper future management of these ecosystems.
Large number of natural area sites to manage and conserve	The large number of natural area sites to be maintained throughout the LGA places pressure on the allocation of resources to ensure that such sites are managed in accordance with the principles of ecologically sustainable development and Council's resources.

The potential for Aboriginal or cultural heritage sites to be located on lands which have not been surveyed	Where lands are categorised as “Natural area” an archaeological survey may be required prior to any development of the land. Development includes any disturbance of the natural ground surface. Where a survey identifies an area of Aboriginal significance, the matter must be referred promptly to the Secretary in accordance with section 89A of the National Parks and Wildlife Act 1974 and any development must cease until further advice is received from the Secretary. A site specific plan of management may be required.
Invasion of exotic flora and fauna and non-native animals	Exotic species invade natural areas and out-compete the native species interrupting ecosystem integrity and threatening biodiversity.
Vandalism and the illegal dumping of rubbish	As many natural areas are surrounded by high-usage residential, commercial and industrial areas, they tend to become subject to vandalism by the way of flora destruction, arson and the dumping of rubbish on all scales from littering to building waste.
Fire	Bushfire can result in the disruption of the life cycle processes in native plants and animals; loss of vegetation structure and pollution of waterways and therefore must be managed accordingly. The risk of fire adversely affecting community or environmental assets within or adjacent to natural areas must be managed in accordance with the Lithgow Bush Fire Management Plan, 2020 prepared by the Lithgow Bush Fire Management Committee.
Threatened Species, Threatened Ecological Communities and Key Threatening Processes Management	The Lithgow LGA contains threatened flora and fauna species and ecological communities that are listed under the Biodiversity Conservation Act 2016. If any part of a Crown reserve under this PoM comprising threatened species or threatened ecological communities is declared to be critical habitat under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994, a specific PoM will be required for that area.
Recreation and visitor usage of natural areas	Many of the Lithgow LGA's natural areas are frequented by members of the local community and visitors alike. The number of people which utilise these areas can place pressures on the natural environment. However, the opportunity also exists to provide interpretive educational walks and sustainable eco-tourism opportunities.

#### 6.4b.5 Management framework

Council intends to manage the crown reserve areas categorised as Natural Area – Watercourse and covered by this PoM in accordance with the core objectives listed in clause 6.4b.2 and the Action Plan set out in clause 6.4b.9. The types of uses and development which may occur within the category of Natural Area – Watercourse are identified in clauses 6.4b.6 and 6.4b.7.

#### 6.4b.6 Development and use

The development and use of community land categorised as Natural Areas - Watercourse should be generally compatible with both the intended function of the land, and the wider community context. The uses associated with land categorised as a Natural Area - Watercourse are limited to ensure that the overarching core objectives for that category are not compromised

Based on the objectives of this plan, the uses that may be permitted on land categorised as Natural Area - Watercourse include development to support passive recreational uses such as walking trails and picnicking. Additionally, the use of Watercourses for rain gardens is

supported. A full list of the types of uses and development that can occur within Bushland is set out in Table 28 in clause 6.4b.7.

#### 6.4b.7 Permissible uses / future uses

The general types of uses which may occur on community land categorised as Natural Area – Watwecourse, and the forms of development generally associated with those uses, are further set out in Table 28 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide.

Table 28 Permissible use and development of community land categorised as Natural Area - Watercourse	
Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> <li>• Preservation of the council's natural heritage including the identified endangered ecological communities</li> <li>• Preservation of biological diversity and habitat</li> <li>• Providing a location for relaxation and passive, informal, water-based recreation, unless prohibited.</li> <li>• Approved bush care projects requiring ecological restoration activities associated with the protection and conservation of flora and fauna</li> <li>• Restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact car parks, refreshment kiosks (but not restaurants)</li> <li>• Low-impact walking trails</li> <li>• Interpretive signage, information kiosks</li> <li>• Water-saving initiatives such as rain gardens, swales and sediment traps</li> <li>• Bridges, observation platforms</li> <li>• Work sheds or storage sheds required in connection with the maintenance of the land</li> <li>• Bicycle/boat hire or similar</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> <li>• Locational, directional and regulatory signage</li> <li>• Flood mitigation works, such as detention basins, realignment of water flows and banks, installation of pipes, culverts and other structures to assist in control of flood waters.</li> </ul>

#### 6.4b.8 Express authorisation of leases, licences and other estates – Natural Area - Watercourse

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Watercourse for the purposes listed in Table 29, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg

- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table 29 identifies the purposes for which leases and licences may be issued over the reserves categorised in this plan of management as Natural Area - Watercourse.

Table 29 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area - Watercourse		
Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>environmental, conservation, rehabilitation, or regeneration activities</li> </ul>
Licence	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>environmental, conservation, rehabilitation, or regeneration activities</li> <li>scientific studies and surveys or similar</li> <li>filming</li> </ul>
Short-term licence (under s2.20 of the CLM Act)	Up to 12 months	For a purpose prescribed in clause 31 of the CLM Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided in clause 5.2 of this PoM.)
Short-term casual licence (under s.46(1)(b)(iii) of the LG Act)	Up to 12 months	For a purpose prescribed in clause 116 of the LG Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided in clause 5.2 of this PoM.)
Other estates	In perpetuity	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

The use or occupation of Community Land for these purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

### **Leases and licences – Maximum Term and Tendering**

- A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s.46(3) LG Act).
- A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

### **Leases, licences and other estates - 5 years or less (s. 47A of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land "is the primary focus of the person's enjoyment of community land"
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

### **Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

### **6.4b.9 Action plan**

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 30 sets out these requirements for community land categorised as Natural Area – Watercourse.

Table 30 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Natural Area – Watercourse					
Natural Area – Watercourse Management Issue	Objectives/ Performance Targets	Means of Achievement	Performance Indicators	Timeframe	Partners
Poor water quality from the urban areas	Improved water quality	Develop awareness and educational campaigns focussing on water quality.	Establishment of a water quality monitoring program across the local government area and comparison of the water quality data with ANZECC guidelines.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee
	Promote community awareness by educating people about the impacts of urban areas on bushland.	Develop a community awareness program regarding all Natural Areas.	Community feedback from community awareness program.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee

Sedimentation from development around the watercourse catchments	Address breaches of conditions of development consent and of Council's Subdivision Code.	Undertake appropriate action against offenders.	Number of fines and notices issued under the Protection of the Environment Operations Act 1997.	Ongoing	LCC
Extent and condition of riparian vegetation	Ensure the protection and restoration of riparian vegetation on streams and promote the recovery and regeneration of riparian vegetation on all watercourses.	Allocation of resources and funding through corporate planning process.  Collaboration with State Government in the preparation of Riparian Management Plans.  Linkages with local schools to help maintain/monitor riparian vegetation.	Total length of creek banks restored and rehabilitated.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee State Government
Grazing agistments on natural areas	Removal of grazing agistments from natural area watercourse.	Review of all grazing agistments and their proximity to watercourses.	The number of grazing agistments removed from watercourse areas.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee
Flooding risk	Maximise safety opportunities and minimise the risk of flooding through appropriate flooding controls.	Preparation and implementation of Flood Management Plans for watercourses	Number of Flood Plain Management Plans implemented.	Ongoing	LCC

Need for strategic Management	Manage the Natural Areas in accordance with a 'Natural Areas Strategic Management Plan'.	Review relevant strategic documentation including benchmark examples and develop a Natural Areas Strategic Management Plan.	Preparation of a Natural Areas Strategic Management Plan.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee
	Establish a 'Natural Areas Working Group'	Develop a community awareness program calling for members.	'Natural Areas Working Group' within Council.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee
	Engagement of a 'Biodiversity and Bushland Officer' to focus on implementing PoM Actions	Environmental Advisory Committee to prepare a scope of duties and business case for position.	Business case developed and funding secured.	Short Term Ongoing	Environmental Advisory Committee Lithgow Oberon Landcare Association
Regional partnerships	Develop community and regional partnerships to aid in the management of the LGA's natural areas.	Council's participation with Government agencies and through liaison with industry and research organisations.	The number of natural area initiatives with the support of other governmental and non governmental organisations.	Ongoing	LCC Environmental Advisory Committee. Lithgow Oberon Landcare Association Biodiversity and Bushland Officer Dept of Environment
Limited participation by small sections of the community in natural area management	To increase community participation in natural area conservation and restoration.	Allocate resources to establish a Council environmental education team.	Number of people attending workshops and environmental events organised by Council.	Short term ongoing	LCC Environmental Advisory Committee. Biodiversity and Bushland Officer
	To undertake effective community education campaigns and workshops.	Lithgow Oberon Landcare Association	Number of attendees to Association's events; member numbers	Short term ongoing	LCC Environmental Advisory Committee Biodiversity and Bushland Officer
The potential for Aboriginal heritage sites to be located on lands which have not been surveyed	If required, investigate prior to disturbance of natural ground surface.	Undertake archaeological surveys as required.	Number of archaeological surveys carried out prior to development.	Short term	LCC Biodiversity and Bushland Officer Lithgow Oberon Landcare Association Environmental Advisory Committee

Large number of natural area sites to manage and conserve	To ensure that all natural areas are managed and maintained based on the Natural Area Strategic Plan (to be developed) and Council's resources.	Allocation of resources and funding through the corporate planning process.	Number of enquiries received and responses given regarding the management of natural areas.	Ongoing	LCC Biodiversity and Bushland Officer
Invasion of exotic flora and fauna	To contain the spread of exotics where possible and where budget allows.	Allocation of resources and funding through the corporate planning process.	Number of weed and feral animal control programs initiated at various sites.	Short Term Ongoing	LCC Biodiversity and Bushland Officer
Vandalism, arson and the illegal dumping of Rubbish	Discourage illegal activity by use of signage and fines.	Allocation of resources and funding through the corporate planning process.	Number of fines allocated.	Ongoing	LCC Biodiversity and Bushland Officer
	Promote community awareness by education concerning the impacts of such negative activities.	Develop community awareness program to notify community of acts of vandalism and encourage community ownership of areas.	Number of sites where a clean-up campaign is conducted.  Community Feedback.	Ongoing	LCC Biodiversity and Bushland Officer
Fire	Manage Natural Areas as per Bush Fire Risk Management Plan.	Allocation of resources and funding through Council's budgeting process (Council's Management Plan).	Refer to Bushfire Risk Management Plan. Implementation of Operations Plan.	Ongoing	LCC Biodiversity and Bushland Officer Rural Fire Service

Threatened species, Threatened Ecological Communities and Key Threatening Processes Management	Manage threatened species, threatened ecological communities and key threatening processes as specified in the Biodiversity Conservation Act 2016.	Identify areas and habitats of threatened species and endangered ecological communities within the Lithgow LGA.  Implement management strategies for their protection as specified in the Biodiversity Conservation Act 2016, in partnership with the National Parks and Wildlife Service.	Number of complaints and/or incident reports submitted to Council.	Ongoing	LCC Biodiversity and Bushland Officer Lithgow Oberon Landcare Association Environmental Advisory National Parks
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#### 6.4b.10 Schedule of Natural Area - Watercourse covered by this PoM

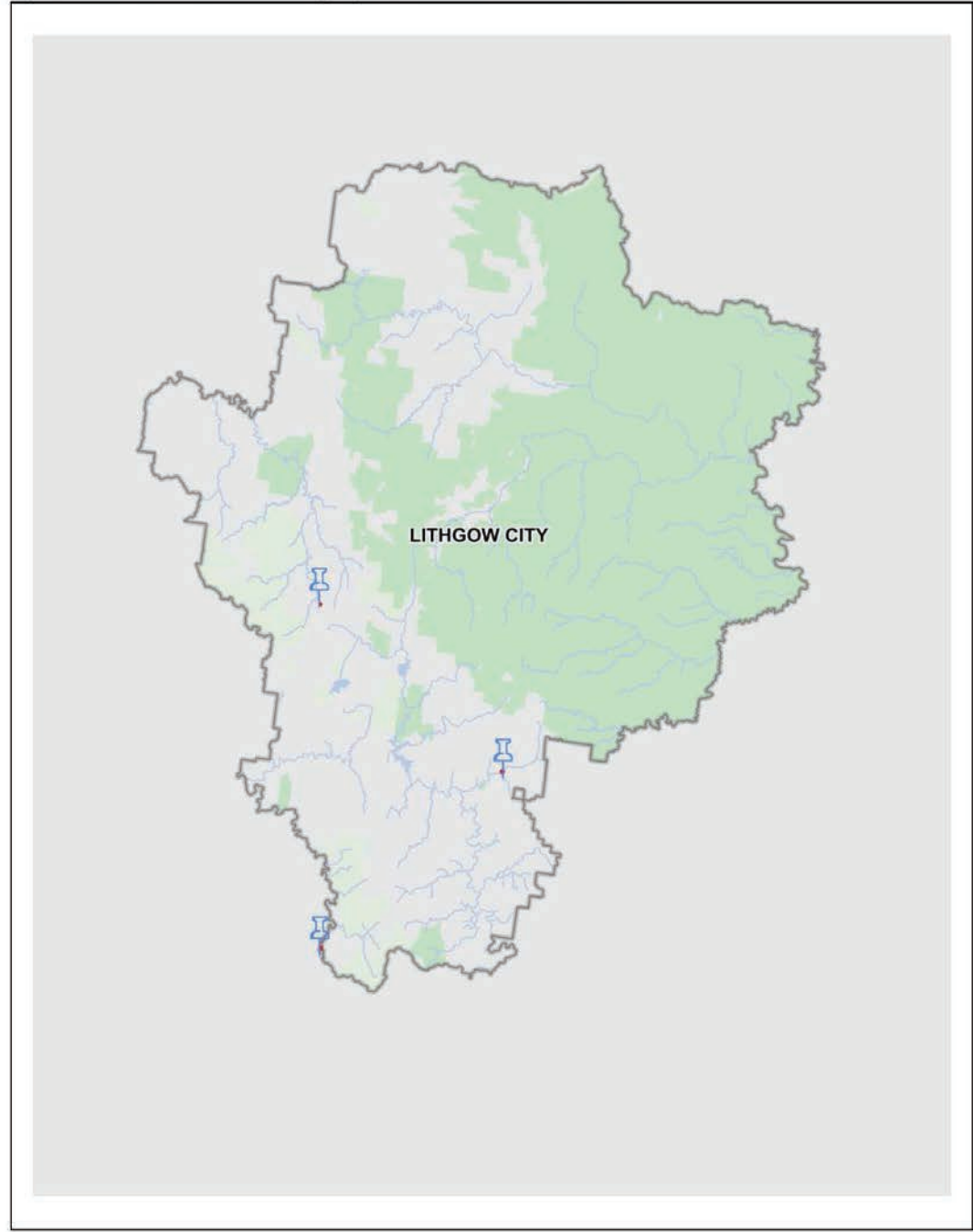
Table 31 below lists the three reserves categorised as Natural Area - Watercourse in this POM.

Table 31 Reserves categorised as Natural Area - Watercourse						
RESERVE NUMBER	RESERVE TYPE	RESERVE NAME	GAZETTED	PURPOSE	LOTS	CATEGORY ASSIGNED
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	NA - watercourse (part)
80616	RESERVE	BINDO PUBLIC RESERVE	2/05/1958	Public Recreation	Whole: Lots 7009-7011 DP 1075845, Lots 7002-7003 DP 1075865	NA - watercourse (part)
51028	RESERVE	LIMESTONE CREEK RESERVE	1/12/1915	Public Recreation	Whole: Lot 7006 DP1055485, Lot 7342 DP1150429	NA - watercourse (part)

#### 6.4b.11 Natural Area: Watercourse - maps

The LG Reg (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise). In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area. Map W below shows the location of crown reserves managed by Lithgow City Council with category - Watercourse.

Map W – Crown Reserves with category Natural Area - Watercourse





**Lithgow City Council**  
PO Box 19  
380 Mount Street, Lithgow NSW 2710  
Ph: (02) 6354 9999  
Email: [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)

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**Date:** 25/04/2023 11:29 AM

Crown Reserve 66417 – Londonderry Reserve – Map W1

Crown Reserve 51028 – Limestone Creek Reserve – Map W2

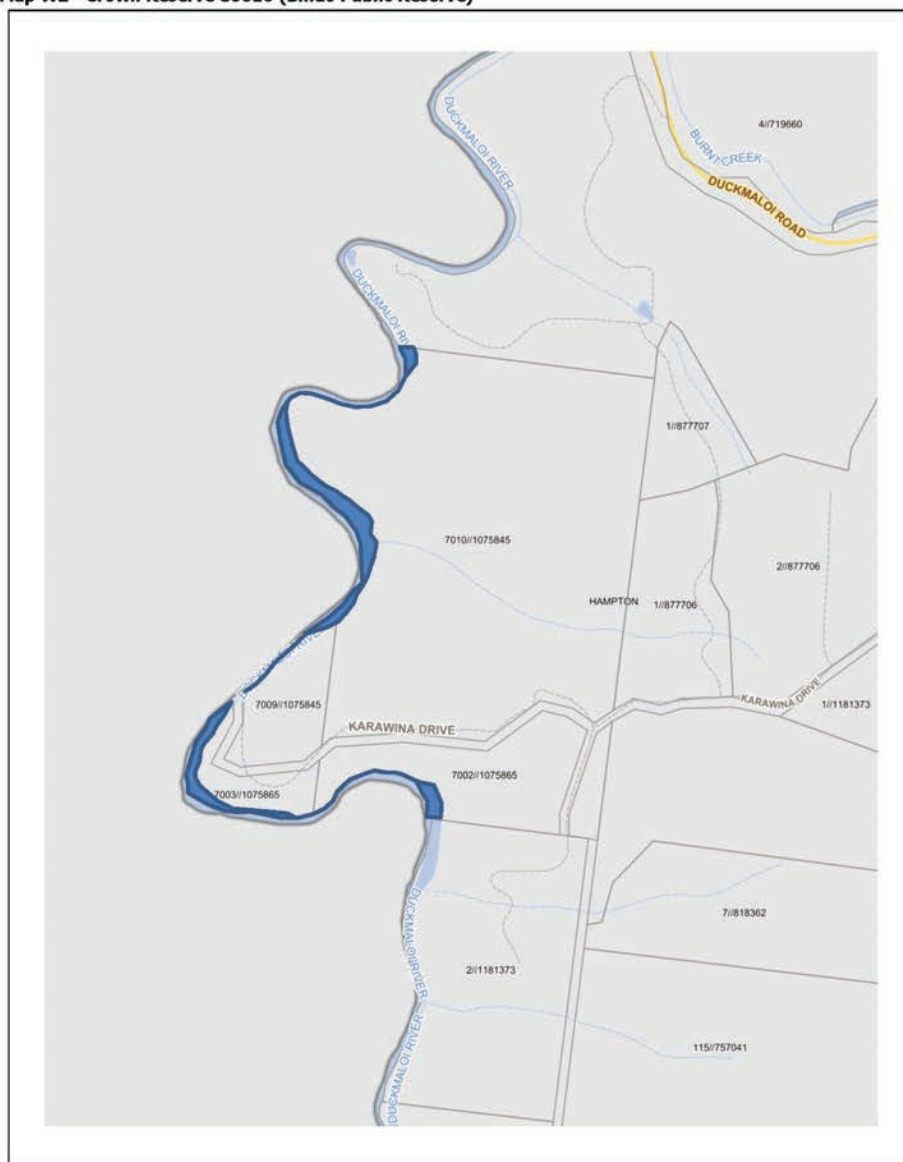
Crown Reserve 80636 – Bindo Public Reserve – Map W3


Maps W1 to W3 below show each crown reserve with category Natural Area: Watercourse plus a table containing reserve information.



Crown reserve name	Bindo Public Reserve
Crown reserve number	80616
Address	Karawina Drive, Hampton NSW 2790
Lot information	Lots 7009, 7010 and 7011 in DP1075845 Lots 7002 and 7003 in DP1075865
Reserve area	68.278 ha
Gazetted date	2 May 1958
Gazetted purpose	Public recreation
Community land categories	Natural area – bushland – see Map B13 Natural area – watercourse – see Map W2
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

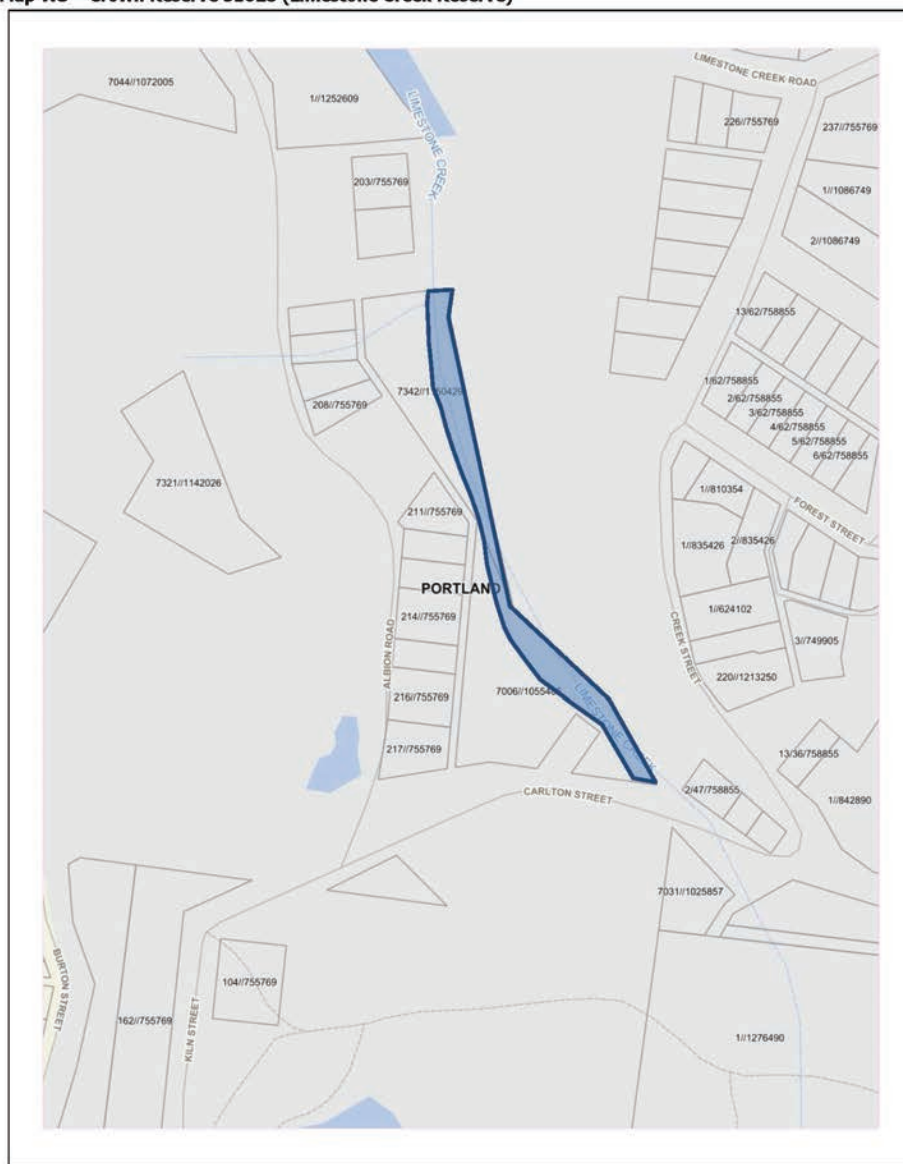
**Map W2 - Crown Reserve 80616 (Bindo Public Reserve)**




 <p><b>Lithgow City Council</b> PO Box 19 180 Albert Street, Lithgow NSW 2719 Ph: (02) 5254 9999 Email: <a href="mailto:ouncil@lithgow.nsw.gov.au">ouncil@lithgow.nsw.gov.au</a></p> <p><small>© Lithgow City Council © Spatial Services Department of Finance and Services, Petrie Street, Sydney, 2790. www.spatial.nsw.gov.au While every care is taken to ensure the accuracy of this product, Lithgow City Council and the State / Federal Government departments and non-government organisations whom supply datasets, make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may result from its use, in whole or in part, or its incompleteness in any way and for any reason.</small></p>	<p><b>Created By:</b> Lithgow City Council</p> <p><b>Projection:</b> GDA93 / MGA zone 56</p> <p><b>Date:</b> 24/02/2023 14:23:00</p>	<p><b>Crown Reserve 80616</b> Bindo Public Reserve Karawina Drive Duckmaloi NSW 2787</p> <p><b>Lots 7002 and 7003 in DP1075865 and Lots 7009 and 7011 in DP1075845</b></p>
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Crown reserve name	Limestone Creek Reserve
Crown reserve number	51028
Address	Albion Road, Portland NSW 2847
Lot information	Lot 7006 in DP1055485 Lot 7342 in DP1150429
Reserve area	2.062 ha
Gazetted date	1 December 1915
Gazetted purpose	Public recreation
Community land categories	Park (part) – see Map P11 Natural area – watercourse (part) – see Map W3
Lithgow LEP 2014 zoning	RU1 – primary production
Landowner	State of NSW
Land manager	Lithgow City Council

**Map W3 – Crown Reserve 51028 (Limestone Creek Reserve)**



 <p><b>Lithgow City Council</b> PO Box 19 180 Albert Street, Lithgow NSW 2719 Ph: (02) 6374 9999 Email: <a href="mailto:council@lithgow.nsw.gov.au">council@lithgow.nsw.gov.au</a></p> <p><small>© Lithgow City Council © Spatial Services Department of Finance and Services, Pennington Avenue, Bathurst, 2795, www.spatial.nsw.gov.au While every care is taken to ensure the accuracy of this product, Lithgow City Council and the State / Federal Government departments and non-government organisations whom supply datasets, make no representation or warranty about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which are incurred by any third party in reliance on the information or incomplete in any way and for any reason.</small></p>	<p><b>Created By:</b> Lithgow City Council</p> <p><b>Projection:</b> GDA93 / MGA zone 56</p> <p><b>Date:</b> 20/04/2022 0:01:00</p>	<p><b>Crown Reserve 51028</b> Limestone Creek Reserve Albion Road Portland NSW 2847</p> <p>Lot 7706 in DP1055485 and Lot 7342 in DP1150429</p>
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## 6.4c Natural area - Escarpment

### 6.4c.1 Overview of land categorised as Natural area - Escarpment- covered by the PoM

This PoM includes 1 crown reserve that contains an area categorised as Natural Area - Escarpment. The reserve is listed in Table 35 under clause 6.4c.10, and clause 6.4c.11 includes individual reserve information and a map identifying the area categorised as Natural Area - Escarpment.

### 6.4c.2 Guidelines and core objectives

Escarpments are defined in clause 109 of the LG Reg as land that includes such features as a long cliff-like ridge or rock, and significant or unusual geological, geomorphological or scenic qualities.

The core objectives for escarpments, as outlined in Section 36L of the LG Act, are to:

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

Additionally, the LG Act imposes restrictions on the ability to grant leases, licences or other estates over community land categorised as 'Natural Area' and further sub categorised as Bushland, Wetland, Escarpment, Watercourse and Foreshore.

A lease, licence or other estate may only be granted if it is authorised under the Plan of Management, the purpose is consistent with the core objectives for that category of land and the lease/ licence is for a purpose specified in Section 47B of the LG Act (as below).

Section 47B restricts the grant of a lease/ licence or other estate to the use or erection of buildings or structures listed below:

- Walkways
- Pathways
- Bridges
- Causeways
- Observation Platforms
- Signs

OR to authorise the erection and use of buildings or structures for the following purposes:

- information kiosks
- refreshment kiosks (but not restaurants)
- work sheds or storage sheds required in connection with the maintenance of the land
- toilets or rest rooms
- any building or structure necessary to enable a filming project (subject to conditions prescribed by subsection 7 and LG Reg).

### 6.4c.3 Physical environment

An assessment of the Escarpment area covered by this PoM will help to better understand the topography, hydrology, geology, vegetation and fauna of the Escarpment area, and assist Council to prioritise the objectives listed in the Action Plan.

#### 6.4c.4 Key issues

Management issues are matters that periodically occur and generally impact on areas of Natural Areas - Escarpment. Category specific management issues have been developed to help define the resulting Action Plans ensuring that Escarpments are maintained and managed in a sustainable way.

Table 32 Natural Areas - Escarpment specific management issues	
Issue	Discussion
Facilitating safe community use escarpments	Escarpment lands are frequently used for scenic viewing. It is essential that these areas are made safe for public use through the provision of appropriate access, signage and fencing.
Management of the LGA's Escarpment as a single entity	Escarpments within the Lithgow LGA should be planned, conserved, protected and managed as a single entity. Council will need to undertake a Scenic Landscape Study in order to identify public and private natural escarpment areas that require protection and management.
The need for strategic management	It has been recognised that effective management of Lithgow's natural areas requires a strategic approach in order to account, budget, prioritise and manage for the large area of land categorised as Natural Areas.
Regional partnerships	There is a need to integrate a wider catchment management approach to managing the LGA's natural areas through the development of partnerships with a variety of agencies including industry, research organisations and government departments.
Limited participation by small sections of the community in the management of natural areas.	Increased structured opportunities for community participation in the management of natural areas (i.e. Bush care groups) and to promote environmental education. Increasing the community's awareness to the importance of natural areas is one of the best ways to ensure the proper future management of these ecosystems.
Large number of natural area sites to manage and conserve	The large number of natural area sites to be maintained throughout the LGA places pressure on the allocation of resources to ensure that such sites are managed in accordance with the principles of ecologically sustainable development and Council's resources.
The potential for Aboriginal or cultural heritage sites to be located on lands which have not been surveyed.	Where lands are categorised as "Natural area" an archaeological survey may be required prior to any development of the land. Development includes any disturbance of the natural ground surface. Where a survey identifies an area of Aboriginal significance, the matter must be referred promptly to the Secretary in accordance with section 89A of the National Parks and Wildlife Act 1974 and any development must cease until further advice is received from the Secretary. A site specific plan of management may be required.
Invasion of exotic flora and fauna and non-native animals	Exotic species invade natural areas and out-compete the native species interrupting ecosystem integrity and threatening biodiversity.
Vandalism and the illegal dumping of rubbish	As many natural areas are surrounded by high-usage residential, commercial and industrial areas, they tend to become subject to vandalism by the way of flora destruction, arson and the dumping of rubbish on all scales from littering to building waste.

Fire	Bushfire can result in the disruption of the life cycle processes in native plants and animals; loss of vegetation structure and pollution of waterways and therefore must be managed accordingly. The risk of fire adversely affecting community or environmental assets within or adjacent to natural areas must be managed in accordance with the Lithgow Bush Fire Management Plan, 2020 prepared by the Lithgow Bush Fire Management Committee.
Threatened Species, Threatened Ecological Communities and Key Threatening Processes Management	The Lithgow LGA contains threatened flora and fauna species and ecological communities that are listed under the Biodiversity Conservation Act 2016. If any part of a Crown reserve under this PoM comprising threatened species or threatened ecological communities is declared to be critical habitat under the Biodiversity Conservation Act 2016 or Fisheries Management Act 1994, a specific PoM will be required for that area.
Recreation and visitor usage of natural areas	Many of the Lithgow LGA's natural areas are frequented by members of the local community and visitors alike. The number of people which utilise these areas can place pressures on the natural environment. However, the opportunity also exists to provide interpretive educational walks and sustainable eco-tourism opportunities.

#### 6.4c.5 Management framework

Council intends to manage the crown reserve area categorised as Natural Area – Escarpment and covered by this PoM in accordance with the core objectives listed in clause 6.4c.2 and the Action Plan set out in clause 6.4c.9. The types of uses and development which may occur within the category of Natural Area – Escarpment are identified in clauses 6.4c.6 and 6.4c.7.

#### 6.4c.6 Development and use

The development and use of community land categorised as Natural Areas - Escarpments should be generally compatible with both the intended function of the land, and the wider community context.

The uses associated with land categorised as a Natural Area - Escarpments are limited to ensure that the overarching core objectives for that category are not compromised

Based on the objectives of this plan, the uses that may be permitted on land categorised as Natural Area - Escarpment include development to support passive recreational uses such as walking trails and picnicking. Additionally, the use of Escarpment for rock abseiling is supported. A full list of the types of uses and development that can occur within Bushland is set out in Table 32 in clause 6.4c.7.

#### 6.4c.7 Permissible uses / future uses

The general types of uses which may occur on community land categorised as Natural Area – Escarpment, and the forms of development generally associated with those uses, are further set out in Table 33 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide.

**Table 33 Permissible use and development of community land categorised as Natural Area - Escarpment**

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> <li>• Preservation of the council's natural heritage including the identified endangered ecological communities</li> <li>• Preservation of biological diversity and habitat</li> <li>• Providing a location for formal and informal recreation such as rock climbing, abseiling, paragliding and hang gliding.</li> <li>• Bush regeneration works</li> </ul>	<ul style="list-style-type: none"> <li>• Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants)</li> <li>• Low-impact walking trails</li> <li>• Interpretive signage</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> <li>• Locational, directional and regulatory signage</li> <li>• Construction of facilities for activities such as rock climbing and abseiling</li> </ul>

#### 6.4c.8 Express authorisation of leases, licences and other estates – Natural Area - Escarpment

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Escarpment for the purposes listed in Table 34, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Reg
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Reg
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table 34 identifies the purposes for which leases and licences may be issued over the reserve categorised in this plan of management as Natural Area - Escarpment.

**Table 34 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area - Escarpment**

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	As approved by Council and in compliance with the LG Act and LG Reg.	Nil
Licence	As approved by Council and in compliance with the LG Act and LG Reg.	<ul style="list-style-type: none"> <li>• environmental, conservation and regeneration activities</li> <li>• scientific studies and surveys or similar</li> <li>• filming</li> </ul>
Short-term licence (under s2.20 of the CLM Act)	Up to 12 months	For a purpose prescribed in clause 31 of the CLM Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided in clause 5.2 of this PoM.)

Short-term casual licence (under s,46(1)(b)(iii) of the LG Act)	Up to 12 months	For a purpose prescribed in clause 116 of the LG Reg, provided it is consistent with the dedicated reserve purpose. (The list of prescribed purposes is provided in clause 5.2 of this PoM.)
Other estates	In perpetuity	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

The use or occupation of Community Land for these purposes is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

### **Leases and licences – Maximum Term and Tendering**

- A lease or licence under this plan of management may not be granted for a period that exceeds 30 years (including any option period) (s.46(3) LG Act).
- A lease or licence for a term exceeding 5 years may be granted only by tender unless it is granted to a non-profit organisation (s.46A(3) LG Act).

### **Leases, licences and other estates - 5 years or less (s. 47A of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term up to 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal.

The Minister for Local Government may “call in” a lease, licence or other estate of 5 years or less, so that council is prevented from entering into any agreement unless the Minister gives approval. The Minister may require the more detailed procedures of s.47(5) to (9) to apply to the proposal.

### **Leases, licences and other estates - for 5 years to 30 years (s. 47 of LG Act)**

Before granting a lease, licence or other estate under this plan of management, for a term exceeding 5 years, the following requirements must be fulfilled:

- give public notice of the proposal
- place a notice of the proposal on the land
- notify owners adjoining the land
- notify persons living in the vicinity of the land if the council believes that the land “is the primary focus of the person’s enjoyment of community land”
- consider submissions made about the proposal
- refer the proposal to the Minister for Local Government if council has received an objection of the proposal
- if the proposed lease or licence exceeds 21 years, refer the proposal to the Minister for Local Government for consent

### 6.4c.9 Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 35 sets out these requirements for community land categorised as Natural Area – Escarpment.

Table 35 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Natural Area – Escarpment					
Natural Area – Escarpment Management Issue	Objectives/ Performance Targets	Means of Achievement	Performance Indicators	Timeframe	Partners
Safe community use of the escarpment	To maximise safety and minimise opportunities for risk of injury at escarpment sites.	Erection of appropriate signage and safety fences where required and maintenance of walking tracks	Number of complaints and/or incident reports submitted to Council.	Ongoing	LCC
Management of the escarpment as a single entity	Maintain the unique natural characteristics of the Lithgow LGA Escarpments	Council to work closely with state government agencies, private landholders and community organisations, to protect our escarpments  Appropriate zoning and land use controls in the LEP and DCP	Completion of a Lithgow LGA Scenic Landscape Study and formulation of Escarpment Strategic Management Plan.	Ongoing	LCC Biodiversity and Bushland Officer Environmental Advisory committee Private landowners State Govt Agencies
Need for strategic Management	Manage the Natural Areas in accordance with a 'Natural Areas Strategic Management Plan'.	Review relevant strategic documentation including benchmark examples and develop a Natural Areas Strategic Management Plan.	Preparation of a Natural Areas Strategic Management Plan.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee

	Establish a 'Natural Areas Working Group'	Develop a community awareness program calling for members.	'Natural Areas Working Group' within Council.	Short-term	LCC Biodiversity and Bushland Officer Environmental Advisory committee
	Engagement of a 'Biodiversity and Bushland Officer' to focus on implementing PoM Actions	Environmental Advisory Committee to prepare a scope of duties and business case for position.	Business case developed and funding secured.	Short Term Ongoing	Environmental Advisory Committee Lithgow Oberon Landcare Association
Regional partnerships	Develop community and regional partnerships to aid in the management of the LGA's natural areas.	Council's participation with Government agencies and through liaison with industry and research organisations.	The number of natural area initiatives with the support of other governmental and non governmental organisations.	Ongoing	LCC Environmental Advisory Committee. Lithgow Oberon Landcare Association Biodiversity and Bushland Officer Dept of Environment
Limited participation by small sections of the community in natural area management	To increase community participation in natural area conservation and restoration.	Allocate resources to establish a Council environmental education team.	Number of people attending workshops and environmental events organised by Council.	Short term ongoing	LCC Environmental Advisory Committee. Biodiversity and Bushland Officer
	To undertake effective community education campaigns and workshops.	Lithgow Oberon Landcare Association	Number of attendees to Association's events; member numbers	Short term ongoing	LCC Environmental Advisory Committee Biodiversity and Bushland Officer
The potential for Aboriginal heritage sites to be located on lands which have not been surveyed	If required, investigate prior to disturbance of natural ground surface.	Undertake archaeological surveys as required.	Number of archaeological surveys carried out prior to development.	Short term	LCC Biodiversity and Bushland Officer Lithgow Oberon Landcare Association Environmental Advisory Committee

Large number of natural area sites to manage and conserve	To ensure that all natural areas are managed and maintained based on the Natural Area Strategic Plan (to be developed) and Council's resources.	Allocation of resources and funding through the corporate planning process.	Number of enquiries received and responses given regarding the management of natural areas.	Ongoing	LCC Biodiversity and Bushland Officer
Invasion of exotic flora and fauna	To contain the spread of exotics where possible and where budget allows.	Allocation of resources and funding through the corporate planning process.	Number of weed and feral animal control programs initiated at various sites.	Short Term Ongoing	LCC Biodiversity and Bushland Officer
Vandalism, arson and the illegal dumping of Rubbish	Discourage illegal activity by use of signage and fines.	Allocation of resources and funding through the corporate planning process.	Number of fines allocated.	Ongoing	LCC Biodiversity and Bushland Officer
	Promote community awareness by education concerning the impacts of such negative activities.	Develop community awareness program to notify community of acts of vandalism and encourage community ownership of areas.	Number of sites where a clean-up campaign is conducted.  Community Feedback.	Ongoing	LCC Biodiversity and Bushland Officer
Fire	Manage Natural Areas as per Bush Fire Risk Management Plan.	Allocation of resources and funding through Council's budgeting process (Council's Management Plan).	Refer to Bushfire Risk Management Plan. Implementation of Operations Plan.	Ongoing	LCC Biodiversity and Bushland Officer Rural Fire Service
Threatened species, Threatened Ecological Communities and Key Threatening Processes Management	Manage threatened species, threatened ecological communities and key threatening processes as specified in the Biodiversity Conservation Act 2016.	Identify areas and habitats of threatened species and endangered ecological communities within the Lithgow LGA.  Implement management strategies for their protection as specified in the Biodiversity Conservation Act 2016, in partnership with the National Parks and Wildlife Service.	Number of complaints and/or incident reports submitted to Council.	Ongoing	LCC Biodiversity and Bushland Officer Lithgow Oberon Landcare Association Environmental Advisory National Parks

#### 6.4c.10 Schedule of Natural Area - Escarpment covered by this PoM

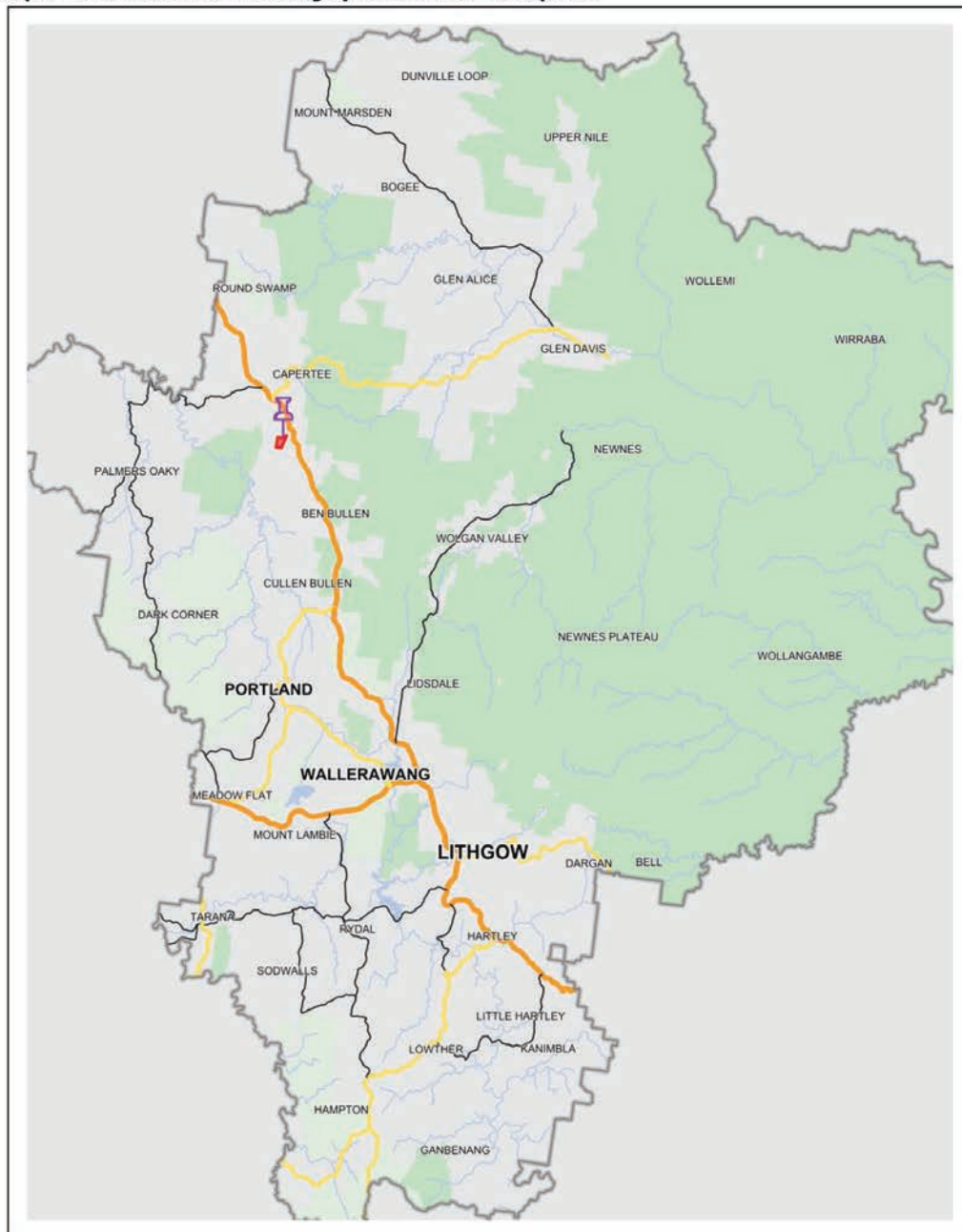
Table 36 below lists the one reserves categorised as Natural Area - Escarpment in this PoM.


Table 36 Reserves categorised as Natural Area - Escarpment						
RESERVE NUMBER	RESERVE TYPE	RESERVE NAME	GAZETTED	PURPOSE	LOTS	CATEGORY ASSIGNED
53410	RESERVE	THE CROWN RESERVE	8/08/1919	Public Recreation	Whole: Lots 7007-7009 DP 1124442	NA - escarpment (part)

#### 6.4c.11 Natural Area: Escarpment - maps

The LG Reg (Clause 113) requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories (by a map or otherwise). In addition, a map of the reserve allows the reader to clearly understand the land use and context of the land in the surrounding area. Map E below shows the location of the crown reserve managed by Lithgow City Council with category - Escarpment.

**Map E – Crown Reserves with category Natural Area - Escarpment**



	<b>Lithgow City Council</b> PO Box 18 180 Albert Street, Lithgow NSW 2719 Ph: (02) 6354 9999 Email: <a href="mailto:enquiries@lithgow.nsw.gov.au">enquiries@lithgow.nsw.gov.au</a>	<b>Created By:</b> Lithgow City Council	<b>Crown reserve 53410 – The Crown Reserve – Map E1</b>
<small>© Lithgow City Council. © Spatial Services Department of Finance and Services, 100 Macquarie Avenue, Bathurst, 2795. <a href="http://www.spatial.nsw.gov.au">www.spatial.nsw.gov.au</a> While every care is taken to ensure the accuracy of this product, Lithgow City Council and the State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all purposes, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small>		<b>Projection:</b> GDA2011 / MGA zone 56	
		<b>Date:</b> 23/04/2023 12:55:04	

Maps E1 below shows the area within the crown reserve categorised as Natural Area – Escarpment and a table containing reserve information.



# APPENDIX A1 - COMMUNITY LAND COVERED BY THIS PLAN OF MANAGEMENT

Table 1 Land covered by this generic POM for Crown Reserve Land classified 'community' in the Lithgow LGA						
RESERVE_NO	RESERVE_TYPE	RESERVE_NAME	GAZETTED	PURPOSE	LOTS	Category assigned
<b>SPORTSGROUND</b>						
59812	RESERVE	WALLERAWANG SPORTS GROUND	15/07/1927	Public Recreation	Whole: Lot 2 DP 727021	Sportsground
49823	RESERVE	THOMPSON STREET RESERVE PORTLAND	8/04/1914	Public Recreation	Whole: Lot 1 DP 1015942	Sportsground
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	Sportsground (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	Sportsground (part)
78970	RESERVE	LIDSDALE RECREATION PARK (TENNIS COURTS)	12/10/1956	Public Recreation	Whole Lot 133 DP751651	Sportsground (part)
190078	RESERVE	GLEN ALICE RECREATION RESERVE	22/12/1989	Public Recreation	Whole: Lots 1-2 Section 4 DP758445, Lot 7003 DP1124865	Sportsground (part)
<b>PARK</b>						
1000398	DEDICATION	ZIG ZAG OVAL	1/11/1929	Public Recreation	Whole: Lot 7025 DP 1020348	Park
97696	RESERVE	PORTLAND COMMON	22/02/1985	Public Recreation	Whole: Lot 95 DP755767	Park
46129	RESERVE	ROXBURGH STREET RESERVE PORTLAND	21/12/1910	Public Recreation	Whole: Lot 349 DP729077	Park
97514	RESERVE	RYDAL RECREATION RESERVE	2/11/1984	Public Recreation	Whole: Lot 13 Section 38 DP758890 - 33 Railway Street, Rydal	Park
81486	RESERVE	GLEN ALICE PUBLIC RESERVE	20/03/1959	Public Recreation	Whole: Lots 7-8 Section 1 DP758445, Lots 5-15 Section 4 DP758445, Lot 7001 DP1050948	Park
1002886	RESERVE	LIDSDALE ST RESERVE	3/12/1999	Public Recreation	Whole: Lot 7040 DP 1006869	Park
91537	RESERVE	BEN BULLEN RESERVE	17/08/1979	Public Recreation	Whole: Lot 1 DP 1155042	Park
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	Park (part)
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	Park (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	Park (part)

51028	RESERVE	LIMESTONE CREEK RESERVE	1/12/1915	Public Recreation	Whole: Lot 7006 DP1055485, Lot 7342 DP1150429	Park (part)
190078	RESERVE	GLEN ALICE RECREATION RESERVE	22/12/1989	Public Recreation	Whole: Lots 1-2 Section 4 DP758445, Lot 7003 DP1124865	Park (part)
GENERAL COMMUNITY USE						
40981	RESERVE	KREMER PARK PORTLAND	17/10/1906	Public Recreation	Whole: Lot 531 DP 902158, Lots 7002-7003 DP 1075853	General Community Use (part)
590046	PUBLIC PARK	TONY LUCHETTI SPORTS PRECINCT	7/05/1913	Public Park	Whole: Lot 1 DP 1123449	General Community Use (part)
NATURAL AREA - BUSHLAND						
59960	RESERVE	BLACKMAN'S FLAT CROWN RESERVE	2/09/1927	Public Recreation	Whole: Lots 304-305 DP 751636, Lot 7004 DP 1026541; Part: Lots 306-307 DP 751636	NA - bushland
84837	RESERVE	LIDSDALE PUBLIC RESERVE	10/04/1964	Resting Place	Whole: Lot 7326 DP1150037	NA - bushland
72786	RESERVE	BLACKMAN'S FLAT PLAYGROUND	16/07/1948	Children's Playground	Whole: Lot 310 DP751636	NA - bushland
69115	RESERVE	CAPERTEE PUBLIC RESERVE	21/03/1940	Public Recreation	Whole: Lot 1 Section 10 DP 758222	NA - bushland
79494	RESERVE	HARTLEY RESTING PLACE	5/04/1957	Resting Place	Whole: Lot 7029 DP 1028434	NA - bushland
83012	RESERVE	JEWS CREEK RESERVE	20/01/1961	Resting Place	Whole: Lots 60-62, 66 DP 755759	NA - bushland
91601	RESERVE	PITTS CORNER PUBLIC RESERVE	26/10/1979	Public Recreation	Whole: Lot 8 DP 252075 and Lot 4 DP252075	NA - bushland
95074	RESERVE	HYDE PARK RESERVE	5/06/1981	Public Recreation	Whole: Lot 342 DP 41316, Lot 7010 DP 1028429	NA - bushland
26013	RESERVE	BLUNDER STREET RESERVE	22/05/1987	Public Recreation	Part Lot 310 DP751650	NA - bushland
1038228	RESERVE	PEARSON'S LOOKOUT	6/06/2014	Access; Environmental Protection	Whole: Lot 7308 DP 1130828	NA - bushland
53410	RESERVE	THE CROWN Rserve	8/08/1919	Public recreation	Whole: Lots 7007-7009 DP 1124442	NA - bushland (part)
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	NA - busland (part)
80616	RESERVE	BINDO PUBLIC RESERVE	2/05/1958	Public Recreation	Whole: Lots 7009-7011 DP 1075845, Lots 7002-7003 DP 1075865	NA - bushland (part)

78970	RESERVE	LIDSDALE RECREATION PARK (TENNIS COURTS)	12/10/1956	Public Recreation	Whole Lot 133 DP751651	NA - bushland (part)
<b>NATURAL AREA - WATERCOURSE</b>						
66417	RESERVE	LONDONDERRY RESERVE	20/11/1936	Public recreation	Whole: Lot 7044 DP 93986, Lots 7012-7013 DP93987	NA - watercourse (part)
80616	RESERVE	BINDO PUBLIC RESERVE	2/05/1958	Public Recreation	Whole: Lots 7009-7011 DP 1075845, Lots 7002-7003 DP 1075865	NA - watercourse (part)
51028	RESERVE	LIMESTONE CREEK RESERVE	1/12/1915	Public Recreation	Whole: Lot 7006 DP1055485, Lot 7342 DP1150429	NA - watercourse (part)
<b>NATURAL AREA - ESCARPMENT</b>						
53410	RESERVE	THE CROWN RESERVE	8/08/1919	Public Recreation	Whole: Lots 7007-7009 DP 1124442	NA - escarpment (part)

## APPENDIX A2 – ABORIGINAL INTERESTS IN CROWN LAND

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the NT Act and the Aboriginal Land Rights Act 1983 (NSW).

### **Native Title**

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water by providing access to the land and, if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown Lands website.

### **Aboriginal Land Rights**

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.

## APPENDIX A3 – PLAN OF MANAGEMENT LEGISLATIVE FRAMEWORK

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### **Local Government Act 1993**

Section 35 of the Local Government Act 1993 (LG Act) provides that community land can only be used in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance targets of the plan with respect to the land,
- c) the means by which the council proposes to achieve the plan's objectives and performance targets,
- d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

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

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment

- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

### **Classification of public land**

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the CLM Act. Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

### **Crown Land Management Act 2016**

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local

councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

### **Principles of Crown land management**

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

### **Crown land management compliance**

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

### **Native Title Act 1993**

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

## **COUNCIL PLANS AND POLICIES RELATING TO THIS PLAN OF MANAGEMENT**

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- Lithgow City Council LEP 2014
- Lithgow DCP 2021
- Lithgow Community Strategic Plan 2035
- Lithgow Tourism Destination Management Plan
- Lithgow Strategic Asset Management Plan
- Lithgow Land Use Strategy
- Lithgow Delivery Program and Operations Plan
- Lithgow Regional Economic Development Strategy
- Lithgow Cultural Precinct Study
- Lithgow Open Space and Recreational Needs Study
- Lithgow 2040 Local Strategic Planning Statement

## **OTHER STATE AND COMMONWEALTH LEGISLATION**

### **NSW STATE LEGISLATION**

#### ***Environmental Planning and Assessment Act 1979***

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

#### ***Aboriginal Land Rights Act 1983***

The Aboriginal Land Rights Act 1983 (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

### ***National Parks and Wildlife Act 1974***

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

### ***Biodiversity Conservation Act 2016***

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

### ***Fisheries Management Act 1994***

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

### ***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

### ***Water Management Act 2000***

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation,

native fauna, soils and land

- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

### ***Heritage Act 1977***

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

## **COMMONWEALTH LEGISLATION**

### ***Environmental Protection and Biodiversity Conservation Management Act 1999***

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

### ***Telecommunications Act 1997***

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

## **STATE ENVIRONMENTAL PLANNING POLICIES**

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This planning policy deals with rules and controls for clearing of native vegetation in NSW, protection and preservation of bushland and water quality objectives for the Sydney drinking water catchment.

State Environmental Planning Policy (Infrastructure) 2007

This planning policy lists development allowed with consent or without consent on community land.

Other relevant legislation, policies, and plans:

- Biosecurity Act 2015
- Local Land Services Act 2013
- Companion Animals Act 1998
- Disability Discrimination Act 1992 (Cth)
- Pesticides Act 1999
- Protection of the Environment Operations Act 1997
- Retail Leases Act 1994
- Soil Conservation Act 1938
- NSW Invasive Species Plan 2023-2028
- National Local Government Biodiversity Strategy
- Australian Natural Heritage Charter

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