

NSW DEPARTMENT OF INDUSTRY—LANDS & WATER

Guideline—classification of Crown land managed by council Crown land managers

Division 3.4 *Crown Land Management Act 2016*

Published by NSW Department of Industry

Guidelines—classification of Crown land managed by council Crown land managers

First published June 2018

More information

NSW Department of Industry—Lands & Water

industry.nsw.gov.au/lands

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Overview

These guidelines detail the approach council Crown land managers should take in seeking ministerial consent to classify and manage Crown land as if it were operational land under the *Local Government Act 1993*, in accordance with Section 3.22 (4)(b) of the *Crown Land Management Act 2016*.

Council Crown land managers must comply with the direction relevant to their activities.

Further information

If you have questions about these guidelines, please contact us:

Phone: 1300 886 235

Email: council.clm@crowmland.nsw.gov.au

Web: industry.nsw.gov.au/lands

Web: olg.nsw.gov.au/crowmland

Classification of council-managed Crown land

Procedure

Step 1—Seek ministerial consent to classify Crown land as if it were operational land

The *Crown Land Management Act 2016* (CLM Act) authorises councils that are appointed Crown land manager for dedicated or reserved Crown land (council managers) to manage Crown land as if it were public land under the *Local Government Act 1993* (LG Act).

The LG Act requires that all public land must be categorised as community or operational land.

The CLM Act provides that Crown land managed by council managers as public land must be managed as if it were community land, unless the minister administering the CLM Act has given written consent to classify the land as operational.

Where the minister has given written consent to classify land as if it were operational land, the council manager of the land has all the functions that a local council has under the LG Act in relation to operational land. However, council managers cannot sell the land without further ministerial consent nor do anything that contravenes:

- any condition of the council's appointment instrument as a Crown land manager
- the Crown Land Management Regulation 2018
- any applicable Crown land management rule
- any applicable plan of management adopted under Division 3.6 of the CLM Act.

In accordance with Section 3.22 (5) of the CLM Act, the NSW Department of Industry—Lands & Water (the department) will only issue ministerial consent to manage land as operational where a council manager can demonstrate that either the land:

- does not fall within any of the categories for community land under the LG Act, or
- could not continue to be used and dealt with as it currently can, if it were required to be used and dealt with as community land.

Approved form for ministerial consent

Requests for ministerial consent to manage Crown land as if it were operational must be lodged with the department in the form provided at Annexure A.

Requests for consent should be accompanied by sufficient justification as to why the land should be classified and managed as operational. Failure to appropriately justify why Crown land should be classified as operational land is likely to result in refusal to give ministerial consent.

When providing justification as to why Crown land should be classified and managed as operational land, council managers should consider the statutory criteria prescribed by Section 3.23(5) and consider what governs the use of community land under the LG Act. This may include the core objectives for each category prescribed by the LG Act and the guideline for categorising community land prescribed by the LG regulation. This information is provided at Annexure B.

When classification as operational land may or may not be considered appropriate

The department will not give ministerial consent for Crown land to be operational land where council fails to satisfy the department that the land does not fall within a category of community land or its current use cannot continue to be provided for if it were managed as community land.

Further, the department will not issue ministerial consent to manage Crown land as operational in instances where a valid current use of the land cannot be continued under the initial assigned categorisation, but could be otherwise authorised via an amended categorisation through a plan of management.

Example

Council manages Crown land reserved for *Public Recreation* purposes which is subject to a Section 34A lease* under the *Crown Lands Act 1989* for *Community Purposes—Childcare Centre*. The land has been assigned an initial category of *park* in accordance with Section 3.23 (2)** of the CLM Act.

*A section 34A lease permits the use of reserved or dedicated Crown land for the purposes set out in the lease. The purpose set out in the lease can be for any that the minister thinks fit and does not have to be limited by the reserve or dedication purpose.

Section 3.23 (2) requires a council to assign an initial category to reserve Crown land that it considers most closely relates to the **reserve or dedication purpose. See *Guideline—initial categorisation of Crown land managed by council Crown land managers* for more information.

Should the council manager consider that the current use of the land subject to the Section 34A lease for *community purposes—childcare centre* cannot continue if categorised and managed as *park*, it could seek ministerial consent to classify the land as operational land and provide justification as to why. However, in this instance, it is unlikely that the department would be satisfied that the use of the land subject to the lease could not continue to be dealt with if it were managed as community land. This is because the current use of the land could be authorised by altering the categorisation of the land to permit use for *community purposes—childcare centre*, that is *general community use*, via an LG Act plan of management (subject to obtaining ministerial consent to adopt the plan).

Some Crown land may be manifestly inconsistent with the categories of community land referred to in the LG Act. Generally, this is land that:

- may not need to be made available for use for any purpose for which community land may be used, either by the public at large or by specific sections of the public
- is not required to be categorised as a natural area under Section 36A, 36B or 36C of the LG Act
- does not satisfy the guidelines under clauses 102–105 of the Local Government (General) Regulation 2005 (LG Regulation) for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

Land of this nature may be truly operational land. For example, works depots, where the land need not be made available to the public and/or facilitates a use that does not satisfy any categorisation or use of community land because the public must be excluded for their safety.

Other examples

Other examples of Crown land or uses of Crown land that **may not** fall within categories of community land could include:

Table 1. Uses of Crown land

Uses that may not fall within 'community land' categories		
<ul style="list-style-type: none"> • Cemeteries • Coastal infrastructure • Emergency services 	<ul style="list-style-type: none"> • Quarries and gravel pits • Reservoirs • Sanitary purposes 	<ul style="list-style-type: none"> • Sewage works • Urban services • Water infrastructure

The onus is on council managers to identify and satisfy the minister that certain land under their management does not fall within any of the categories for community land under the LG Act, or could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land.

Step 2—The department considers the application for ministerial consent

The department will consider any application for ministerial consent to manage land as operational on its merits, taking into account the requirements of Section 3.22(5) of the CLM Act. In considering any application, the department may request further information to be provided by the applicant council. If this information is not provided in the prescribed timeframe, the application will be refused.

Step 3—The department notifies council of the outcome

The department will notify council in writing of the outcome of any request for ministerial consent to manage land as operational land.

Consent given

If satisfied that land meets the requirements of Section 3.22 (5) of the CLM Act, the department will provide written notice to council, giving ministerial consent to classify the land as operational. Unless and until written consent is given, council must continue to manage the land as community land and adhere to the applicable requirements of the CLM Act.

Should consent be given, council managers are not required to adhere the procedural classification requirements of Chapter 6, Part 2 Division 1 of the LG Act when classifying Crown land they manage as if it were public land. That is, classification or reclassification of Crown land managed by councils as if it were public land need not be made by a local environmental plan or a resolution of the council. Rather, written consent under the CLM Act provides authorisation for the council to manage land as operational from that point forward.

Consent refused

If not satisfied that land meets the requirements of Section 3.22(5) of the CLM Act, the department will provide written notice to the council that ministerial consent to classify the land as operational has been refused, and that the land must continue to be managed as community land.

Council records

Council should keep a record of written advice where ministerial consent to classify Crown land as operational land been given or refused. Council must also ensure that the details of any Crown land under its control are accounted for in its land register as required by Section 53 of the LG Act.

Notes

- Any tenure over Crown land in place immediately prior to the repeal of the *Crown Lands Act 1989* (CL Act) will continue in effect for its original term.

Transitional arrangements

- The Crown Land Regulation 2018 provides transitional arrangements to allow council Crown land managers to:
 - renew existing leases should there be no additional use permitted by the lease
 - grant new leases over land where a lease was in effect immediately before the repeal of the CL Act and there are no additional permitted uses for the land under the lease.
- These transitional arrangements are available to council until:
 - the land is classified as operational
 - an LG Act plan of management is adopted for the land, or
 - the conclusion of the initial period (three years from the commencement of the CLM Act).

Ministerial powers

- The minister administering the CLM Act can:
 - impose restrictions or conditions on the exercise of functions by council managers through an appointment instrument
 - make Crown land management rules for or with respect to the management of Crown land by council managers.

Plans of management

- Plans of management currently in place under Division 6 of the Crown Lands Act 1989 continue in force until an LG Act plan of management is adopted for the land. If the land is classified as operational, then the plan continues in force as if it were adopted under Division 3.6 of the CLM Act.
- The minister administering the CLM Act can also direct a council Crown land manager who has been given consent to manage land as operational to prepare a new plan of management for the land in accordance with Division 3.6 of the CLM Act.

Council records

- Council should keep a record of written advice that ministerial consent has been given to manage land as operational.
- Council must also ensure that the details of any Crown land under its control are accounted for in its land register as required by section 53 of the LG Act.

Related documents

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Crown Land Management Act 2016](#)
- Guideline—*initial categorisation of Crown land managed by council Crown land managers*.

Annexures

Table 2. Guide to annexures

Letter	Title	Details
A	Request form	Approved form for requesting ministerial consent to manage Crown land as if it were operational land under the <i>Local Government Act 1993</i> .
B	LG Act governance for community land	Core objectives for each community land category prescribed by the LG Act and guidance for the application of categorisation of community land prescribed by the Local Government (General) Regulation 2005.



NSW DEPARTMENT OF INDUSTRY—LAND & WATER

Guideline—initial categorisation of Crown land managed by council Crown land managers

Division 3.4 Crown Land Management Act 2016

Published by NSW Department of Industry

Guideline—initial categorisation of Crown land managed by local council Crown land managers

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More information

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Overview

These guidelines detail the approach to be taken by a local council that is a Crown land manager of any dedicated or reserved Crown land (a council manager) when:

- assigning categories to that land, as referred to in section 3.23 of the *Crown Land Management Act 2016*
- notifying the minister administering the *Crown Land Management Act 2016* in writing of the initial categories assigned.

Council managers must comply with the directions relevant to their activities.

Classification of Crown land

These guidelines should be read in conjunction with the related *Guideline—Classification of Crown land managed by council Crown land managers*.

More information

Phone: 1300 886 235

Email: council.clm@crowmland.nsw.gov.au

Web: industry.nsw.gov.au/lands

Web: olg.nsw.gov.au/crowmland

Initial assignment of categories

Procedure

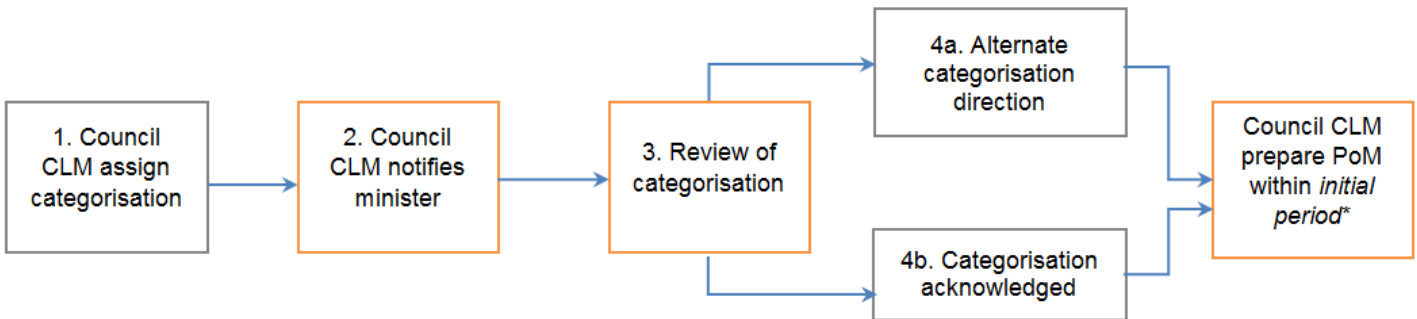


Figure 1. Process map for the categorisation of council-managed land

*Unless minister consents to council classifying land as operational

Table 1. Key to diagram

Abbreviation	Meaning
CLM	Crown land manager
PoM	plan of management

Step 1—Council manager assigns a category to Crown land

Under the *Crown Land Management Act 2016* (CLM Act), council managers must assign to all Crown land under their management one or more initial categories of community land referred to in section 36 of the *Local Government Act 1993* (LG Act). The initial category must be assigned as soon as practicable after a council’s appointment as a Crown land manager—including because of commencement of the CLM Act.

Council managers must assign a categorisation they consider to be most closely related to the purposes for which the land is **dedicated** or **reserved**. Multiple categories may be assigned to Crown land where Crown land is subject to multiple reservation or dedication purposes.

In assigning an initial categorisation, council managers should refer to the LG Act provisions that govern the management and use of each community land category. Council managers should consider how these categories would preserve and facilitate the use of the land for the purpose for which the land was originally set aside by its dedication or reservation.

When considering the use and management of community land, council managers should refer to the core objectives for each category prescribed by the LG Act, as well as the guidelines for the categorisation of community land prescribed by the Local Government Regulation 2005. These are provided at Annexure A.

For the department’s guidance on the categories that may be most closely related to LG Act categories, please refer to Annexure B. This is provided as general guidance only and council managers should make their own enquiries and rely on their own judgement when categorising the Crown land they manage.

Categorisation and native title

The degree to which an assigned categorisation relates to the reserve or dedicated purpose is important, as council managers must obtain native title manager advice under Part 8 of the CLM Act prior to dealing with Crown land that they manage, specifically in regards to subdivision J of the *Native Title Act 1993* (Cwlth).

Where a categorisation has been assigned that is **not** the most closely related to the reserve or dedication purpose, the council's ability to validly manage the land in accordance with that category might be limited by the extent to which those actions affect native title.

Therefore council managers must select a category that closely matches the original reservation or dedication purpose, or their land management activities may infringe upon native title rights and council may lose the legal right to continue those activities.

Further information on the native title requirements for council Crown land managers is available on the department's website.

Example categorisation of land reserved for *environmental protection purposes*

A council manager of Crown land reserved for *environmental protection purposes*, in considering the most closely related category, should consider how the guidelines and core objectives for each category would preserve and facilitate the declared purpose for which the land is reserved.

For example, the LG Act prescribes that the core objectives for management of land categorised as *natural area* is to:

- a) 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
- b) maintain the land, or that feature or habitat, in its natural state and setting
- c) provide for the restoration and regeneration of the land
- d) 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
- e) assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

A council manager might consider that these objectives are very closely related to the reserve purpose and would facilitate the use and management of the land for environmental protection, whilst limiting uses that are not consistent with environmental protection. Accordingly, the council manager would then assign an initial category of natural area to this land.

The LG Act provides that the categorisation *natural area* must be further categorised as *bushland*, *wetland*, *foreshore*, *watercourse* or *escarpment*.

Should a council consider that the categorisation *natural area* most closely relates to a reservation or dedication purpose, the department encourages the council to assign *natural area* as the primary categorisation in considering the reserve purpose, with the 'further categorisation' to be assigned based on the LG (General) Regulation 2005, Part 4, Division 1—Guidelines for the categorisation of community land.

In this instance, the council manager would then consider the natural features of the land and assign a further categorisation. For example, if the reserve was over land containing remnant bushland, the category of *natural area—bushland* could be most appropriate. Should the land also contain a creek, the category *natural area—watercourse* could also be assigned.

The Local Government Regulation 2005 guidelines further prescribes how land should be assigned a 'further categorisation' based on the features of the land.

Alternatively, in assigning a categorisation against Crown land reserved for environmental protection, council might consider that the category *general community use* most closely relates to the land. The LG Act prescribes the core objectives for management of land categorised as *general community use* is 'to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).'

In certain cases, it could be contested that the assigned categorisation of *general community use* to land reserved for *environmental protection purposes* is not the most closely related category. This could be argued due to the scope of the core objectives for land categorised as *general community use*. For example, the core objective ‘to promote, encourage and provide for the use of the land and supporting facilities for purposes for which a lease, licence of other estate may be granted’ could be considered largely incompatible with environmental protection due to the intensity and nature of developments for purposes this category promotes and encourages, such as child care centres, restaurants and kiosks (referred to explicitly in s.46 of the LG Act).

Step 2—Council manager notifies the minister in writing of the assigned category

After council has assigned an initial categorisation to Crown land under their management, council must provide written notice to the minister as soon as is practicable.

Advice to the minister must be provided in the approved form set out at Annexure C and clearly set out the applicable Crown land, the dedication or reserve purpose, the assigned categorisation and (if required) justification.

Authority to notify the minister

The CLM Act does not prescribe an explicit level of authority required to assign and notify the minister of an initial categorisation. This can be considered by a council manager to suit its own structure and governance arrangements.

Step 3—the department considers the category initially assigned

The minister or the department may direct a council manager to alter an assigned categorisation if they consider that:

- the category is not the most closely related to the purposes for which the land is **dedicated** or **reserved**, or
- the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is **dedicated** or **reserved**.

Upon receipt of the council manager’s notice, the department will consider the assigned categorisation in relation to the above criteria. This will result in one of the outcomes discussed below.

Acknowledgement of the category assigned

If the department determines that the assigned categorisation does not require alteration, it will issue a notification to council acknowledging this.

Direction to alter the category assigned

If the department determines that the assigned categorisation meets the above criteria, it will issue a direction to council requiring the council to alter the assigned categorisation in accordance with section 3.23 (5) of the CLM Act.

A direction to alter the assigned categorisation **must** be adhered to by a council Crown land manager.

Once council managers are notified that the department acknowledges an assigned categorisation, or that the department directs them to assign a specific categorisation, they may proceed to develop and adopt an LG Act plan of management (PoM) for the land. Council managers should refer to guidance material for the preparation of LG Act PoMs for Crown land.

Council records

Council should keep a record of assigned categorisation for Crown land—including any departmental acknowledgement or direction—and use this to inform the development of its PoMs for Crown land managed as community land.

Council must also ensure that the details of any Crown land under its control are accounted for in its land register, as required by section 53 of the LG Act.

Should council consider that particular Crown land does not fall into any category of community land, or that a valid, current use of the land would not be able to continue should the land be managed as community land, it may request ministerial consent to manage the land as if it were operational land under the LG Act. Before considering this option, council should refer to the *Guideline—Classification of Crown land managed by council Crown land managers*.

Related documents

- [Local Government Act 1993](#)
- [Local Government \(General\) Regulation 2005](#)
- [Crown Land Management Act 2016](#)
- *Guideline—classification of Crown land managed by council Crown land managers*

Annexures

Table 2. Guide to annexures

Letter	Title	Details
A	LG Act guidance for categorisation	Core objectives for each community land category prescribed by the LG Act and guidance for the application of categorisation of community land prescribed by the Local Government Regulation 2005.
B	Categories versus reserves	Departmental guidance for categorisation that may be considered to most closely relate to a reserve purpose
C	Written notice of assigned categorisation	Approved form for notifying the department in writing of the initial categorisation

Annexure A

To Guideline—initial categorisation of Crown land managed by council Crown land managers

Categorisation core objectives & guidelines for assigning categories to community land under local government legislation

Table 1. Categories and objectives

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Natural area*	<p>The core objectives for management of community land categorised as a natural area are:</p> <ul style="list-style-type: none"> a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and b) to maintain the land, or that feature or habitat, in its natural state and setting, and c) to provide for the restoration and regeneration of the land, and d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>. 	<p>The land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.</p>
Sportsground	<p>The core objectives for management of community land categorised as a sportsground are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. 	<p>The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</p>
Park	<p>The core objectives for management of community land categorised as a park are:</p>	<p>The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and</p>

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and b) to provide for passive recreational activities or pastimes and for the casual playing of games, and c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. 	<p>facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.</p>
Area of cultural significance	<ul style="list-style-type: none"> 1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods. 2) Those conservation methods may include any or all of the following methods: <ul style="list-style-type: none"> a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. 3) A reference in subsection (2) to land includes a reference to any buildings erected on the land. 	<p>The land is:</p> <ul style="list-style-type: none"> a) an area of Aboriginal significance, because the land: <ul style="list-style-type: none"> i. has been declared an Aboriginal place under section 84 of the <i>National Parks and Wildlife Act 1974</i>, or ii. whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or iii. is of significance or interest because of Aboriginal associations, or iv. displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or v. is associated with Aboriginal stories, or vi. contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or b) an area of aesthetic significance, by virtue of: <ul style="list-style-type: none"> i. having strong visual or sensory appeal or cohesion, or ii. including a significant landmark, or iii. having creative or technical qualities, such as architectural excellence, or c) an area of archaeological significance, because the area contains: <ul style="list-style-type: none"> i. evidence of past human activity (for example, below-ground features such as building

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
		<p>foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or</p> <ul style="list-style-type: none"> ii. any other deposit, object or material that relates to the settlement of the land, or d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.
General community use	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> 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). 	<p>The land:</p> <ul style="list-style-type: none"> a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

*Further categories for land categorised as natural area

Table 2. Further categories for natural areas

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Bushland	<p>The core objectives for management of community land categorised as bushland are:</p> <ul style="list-style-type: none"> a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and d) to restore degraded bushland, and e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and g) to protect bushland as a natural stabiliser of the soil surface. 	<p>The land contains primarily native vegetation and that vegetation:</p> <ul style="list-style-type: none"> a) is the natural vegetation or a remainder of the natural vegetation of the land, or b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality. <p>(2) Such land includes:</p> <ul style="list-style-type: none"> a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.
Wetland	<p>The core objectives for management of community land categorised as wetland are:</p> <ul style="list-style-type: none"> a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and b) to restore and regenerate degraded wetlands, and c) to facilitate community education in relation to wetlands, and 	<p>The land includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.</p>

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<p>the community use of wetlands, without compromising the ecological values of wetlands.</p>	
Escarpment	<p>The core objectives for management of community land categorised as an escarpment are:</p> <ul style="list-style-type: none"> a) to protect any important geological, geomorphological or scenic features of the escarpment, and b) to facilitate safe community use and enjoyment of the escarpment. 	<p>The land includes such features as a long cliff-like ridge or rock, and</p> <p>The land includes significant or unusual geological, geomorphological or scenic qualities.</p>
Watercourse	<p>The core objectives for management of community land categorised as a watercourse are:</p> <ul style="list-style-type: none"> a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and c) to restore degraded watercourses, and d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category. 	<p>The land includes:</p> <ul style="list-style-type: none"> a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and b) associated riparian land or vegetation, including land that is protected land for the purposes of the <i>Rivers and Foreshores Improvement Act 1948</i> or state-protected land identified in an order under section 7 of the <i>Native Vegetation Conservation Act 1997</i>.
Foreshore	<p>The core objectives for management of community land categorised as foreshore are:</p> <ul style="list-style-type: none"> a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use. 	<p>The land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.</p>

Appendix B

To *Guideline—initial categorisation of Crown land managed by council Crown land managers*

The below schedule provides guidance for council managers as to categories referred to in section 36 of the *Local Government Act 1993* (column B) that might be considered to most closely relate to purposes for which Crown land is reserved or dedicated (column A)

Where a council considers that categorisation of natural area should be applied, it can further categorise the land based on its natural features as set out in the guideline.

Note

This information is provided for general guidance only. Council managers should make their own inquiries and rely on their own judgement when making decisions related to material contained in this document.

Assignment of an initial category by a council manager in accordance with this guidance does not limit the ability of the minister to direct a council manager to alter an assigned categorisation under section 2.23(5) of the *Crown Lands Management Act 2016*.

Table 1. Purposes and guidance categories

A. Purpose	B. Guidance Category
Aboriginal burial ground	Area of cultural significance
Access	General community use
Access to bridge	General community use
Access to water	General community use
Accommodation	General community use
Accommodation house	General community use
Ambulance station	General community use
Artesian bore	General community use
Athletic sports	Sportsground
Athletic sports ground	Sportsground
Aviation purposes	General community use
Baby clinic	General community use
Baby health centre (clinic)	General community use
Baths	Park
Boatshed	General community use
Botanic gardens	Area of cultural significance

A. Purpose	B. Guidance Category
Bowling green	Sportsground
Boy scouts	General community use
Burial ground	General community use
Bush fire brigade	General community use
Bush fire brigade purposes	General community use
Bush fire brigade site	General community use
Camping	General community use
Caravan and camping park	General community use
Caravan park	General community use
Cattle saleyards	General community use
Cemetery	General community use
Cemetery and crematorium	General community use
Cemetery extensions	General community use
Cemetery purposes	General community use
Charitable organisations	General community use
Child welfare purposes	General community use
Children's playground	Park
Coastal environmental protection	General community use
Community and sporting club facilities	General community use
Community centre	General community use
Community forest purposes	General community use
Community forest purposes (addition)	Natural area
Community purposes	General community use
Council chambers site	General community use
Court house	General community use
Crematorium	General community use
Cricket ground	Sportsground

A. Purpose	B. Guidance Category
Crossing	General community use
Day nursery	General community use
Depot	General community use
Depot for night soil	General community use
Domestic water supply	General community use
Drainage	General community use
Eco-tourism purposes	Natural area
Environmental protection	Natural area
Experiment farm	General community use
Extension to cemetery	General community use
Fire brigade	General community use
Fire brigade station	General community use
Flood mitigation	General community use
From sale generally	General community use
Future public requirements	General community use
Gaol	General community use
Garbage depot	General community use
Gardens	Area of cultural significance
General cemetery	General community use
Generally	General community use
Girl guides	General community use
Government purposes	General community use
Gravel pit	General community use
Hall	General community use
Health services	General community use
Heritage purposes	Area of cultural significance
Homes for the aged	General community use

A. Purpose	B. Guidance Category
Hospital	General community use
Kindergarten	General community use
Landing place	General community use
Limestone quarry	General community use
Local government purposes	General community use
Lock-up	General community use
Lockup site	General community use
Long day care centre	General community use
Maritime purposes	General community use
Mechanics institute	General community use
Mechanics' institute site	General community use
Memorial	Area of cultural significance
Monument	Area of cultural significance
Municipal depot	General community use
Municipal purposes	General community use
Municipal storage	General community use
Museum	General community use
Museum (historical)	General community use
Native fauna	Natural area
Night soil	General community use
Night soil depot	General community use
Non-profit making organisations	General community use
Obtaining sand	General community use
Other public purposes	General community use
Other purposes	General community use
Park	Park
Parking	General community use

A. Purpose	B. Guidance Category
Permanent common	General community use
Plantation	General community use
Plantation to cemetery	General community use
Port facilities and services	General community use
Post and telegraph office	General community use
Pound	General community use
Pound site	General community use
Pre-school	General community use
Preservation and growth of native flora	Natural area
Preservation and growth of timber	Natural area
Preservation of Aboriginal carvings and drawings	Area of cultural significance
Preservation of Aboriginal relics	Area of cultural significance
Preservation of fauna	Natural area
Preservation of graves	Area of cultural significance
Preservation of historical sites and buildings	Area of cultural significance
Preservation of native birds	Natural area
Preservation of native fauna	Natural area
Preservation of native flora	Natural area
Preservation of native flora and fauna	Natural area
Preservation of scenery	Natural area
Preservation of timber	Natural area
Preservation of trees	Natural area
Preservation of water supply	General community use
Prevention of flood	General community use
Promotion of the study and conservation of native flora and fauna	General community use

A. Purpose	B. Guidance Category
Promotion of the study and preservation of native flora	General community use
Promotion of the study and the preservation of native flora and fauna	Natural area
Protection from sand drift	General community use
Protection of approach to bridge	General community use
Public access to the foreshore and the protection of scenic amenity and ecological values	Natural area
Public amusement	General community use
Public baths	Park
Public baths site	Park
Public buildings	General community use
Public hall	General community use
Public hall site	General community use
Public health	General community use
Public library	General community use
Public park	Park
Public pound	General community use
Public pound purposes	General community use
Public purposes	General community use
Public recreation	Park
Public recreation and coastal environmental protection	General community use
Public recreation and preservation of Aboriginal cultural heritage	General community use
Public resting place	General community use
Public school	General community use
Public school purposes	General community use
Public utility	General community use

A. Purpose	B. Guidance Category
Quarry	General community use
Racecourse	Sportsground
Racecourse and recreation facilities	General community use
Recreation	Park
Recreation facilities and services	Park
Recreation ground	Park
Recreation purposes	Park
Refuge in time of flood	General community use
Regeneration area	Natural area
Rescue station	General community use
Research station	Area of cultural significance
Reservoir	General community use
Rest park	Park
Resting place	General community use
Rifle range	Sportsground
Road	General community use
Road works depot	General community use
Roadway	General community use
Roman catholic burial ground	General Community use
Rubbish depot	General community use
Rural services	General community use
Sanitary depot	General community use
Sanitary purposes	General community use
School of arts	General community use
Senior citizen's centre	General community use
Sewage farm	General community use
Sewerage	General community use

A. Purpose	B. Guidance Category
Sewerage depot	General community use
Shipping	General community use
Shire council chambers	General community use
Shire depot	General community use
Shire purposes	General community use
Showground	General community use
Site for fire brigade station	General community use
Site for gas works	General community use
Site for public band	General community use
Site for public buildings	General community use
Site for shire council chambers	General community use
Soil conservation	General community use
State emergency services	General community use
Storage	General community use
Suburban settlement	General community use
Tennis courts	Sportsground
Tourist facilities and services	General community use
Tourist information centre	General community use
Town drainage	General community use
Town hall	General community use
Town hall site	General community use
Travelling stock	General community use
Trigonometrical purposes	General community use
Trucking stock	General community use
Urban development	General community use
Urban services	General community use
War memorial	Area of cultural significance

A. Purpose	B. Guidance Category
War memorial (hall site)	General community use
War memorial baths	Park
Water	General community use
Water brigade station site	General community use
Water conservation	General community use
Water supply	General community use
Wharf	General community use
Wharf facility	General community use
Wharf purposes	General community use
Wharf site	General community use
Wharfage	General community use
Youth centre	General community use

Written notice of assigned categorisation

Council Crown land managers should use this form to notify the minister administering the *Crown Land Management Act 2016* of the initial categorisation assigned to Crown land, as referred to in section 36 of the *Local Government Act 1993*.

Important information

Please refer to the accompanying *Guideline—initial categorisation of Crown land managed by council Crown land managers* for further information.

Contact us

For more information, please contact us at:

NSW Department of Industry—Lands & Water
PO Box 2155
DANGAR NSW 2309

Phone: 1300 886 235

Fax: 02 4925 3517

Email: council.clm@crowmland.nsw.gov.au

Web: industry.nsw.gov.au/lands

Web: olg.nsw.gov.au/crowmland

Lodgement

Email the completed form to: council.clm@crowmland.nsw.gov.au

or

Mail to:

NSW Department of Industry
Attn: Council Crown land management
PO Box 2155
DANGAR NSW 2309

Applicant details

Table 1. Applicant details

Council Crown land manager	
Postal address	
Contact	
Email	

Declaration

I [Name] [Position] , in accordance with section 3.23 of the *Crown Land Management Act 2016*, hereby provide written notice of initial categorisation applied to Crown land under the management of the above Crown land manager as listed in the below schedule.

Schedule

Particulars of reserves

If council has assigned a categorisation that differs from departmental guidance as to categories that might most closely relate to reserve or dedication purposes, it must justify why it considers the assigned category to be most closely related to the purpose.

Table 2. Categorisation

Reserve/Dedication	Purpose(s)	Categorisation	Justification (if required)
<i>e.g. R14935</i>	<i>e.g. Public Recreation and Environmental Protection</i>	<i>e.g. Park and Natural Area Bushland</i>	
RXXXXXX			
RXXXXXX			
RXXXXXX			
DXXXXXX			
<i>Insert rows as required</i>			

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