

APPENDIX 3: CROWN LAND – EXISTING LEASES

RESERVE NUMBER	85736
LOT: DP:	LOT: 4 DP: 601081
RESERVE PURPOSE	Public Recreation; Resting Place
LICENCEE	Camden RSL Youth Club Incorporated
COMMENCEMENT	18 July 2021
INITIAL TERM	Five (5) Years
INITIAL EXPIRY	17 July 2026
OPTION TERM	Five (5) Year Option
OPTION EXPIRY DATE	17 July 2031

APPENDIX 4: ABORIGINAL INTERESTS IN CROWN LAND

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

The management of Crown Land can be impacted by the *Native Title Act 1993* (Cth) 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 Plan of Management, 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 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.

APPENDIX 5: AUTHORISED LEASES, LICENCES, PERMITS AND OTHER ESTATES

A lease, licence, permit and other estate may be granted over all or part of community land. The granting of leases, licences, other estates are permissible for uses consistent with:

- Section 3.23 of the *Crown Land Management Act*
- The uses listed in Sections 46 and 47 of the *Local Government Act* and associated general regulations
- The guidelines and core objectives for the natural area, sportsground, park and general community use categories of community land
- Zoning under the Camden LEP 2010 and conditions of development consent if required, and this Plan of Management.

In addition to the conditions provided within the authorisations, the granting of a lease, licence or other estate must also:

- Be in keeping with the purpose, category and core objectives of the land
- Have no negative impact on historical or heritage sites
- Not alienate community land unreasonably
- Be ecologically sustainable
- Have a component of community benefit
- Demonstrate a clear nexus between the activity and the community land
- Be in accordance with all Council policies and procedures governing the use of the open space.

Leased or licenced areas shall be reviewed and may be renewed or altered, to reflect changes to community needs. Section 46 of the *Local Government Act* specifies that Council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, or 30 years with the Minister's consent.

This Plan of Management also expressly authorises:

- Council to enter into a lease, licence or estate to enable a person to do, without the need for public notification, one or more of the following:
 - o Transport material and equipment required in relation to work that is to be carried out on land adjoining the community land, and
 - o Remove waste or other material that is consequential to such work

And in relation to Council Owned community land;

- Council to lease residential properties on land acquired by Council that will be used as a sportsground, park or general community use until demolition.

A lease, licence or other estate may be granted for the provision of public utilities and works associated with or ancillary to public utilities. This Plan of Management also expressly authorises the leasing, licencing or granting of other estate to telecommunications carriers including, but not limited to, those defined by the *Telecommunications Act 1997*, where the terms of the grant are consistent with Council's obligations under the *Local Government Act*.

All existing and new easements are to be maintained without undue impact on the function of the sportsground, park and general community use land.

A lease, licence or permit over Crown land may impact native title rights and interests. Any lease, licence or permit issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *Crown Land Management Act* unless native title is extinguished. For Crown land, which is not excluded land, this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Examples of authorised leases, licences and permits, authorised to be granted for Natural Areas, Sportsgrounds, Parks and General Community Use categories in the short term (less than 1 year) and long term (more than 1 year) are listed below. This list is not considered exhaustive or restrictive of any action consistent with this Plan of Management.

SHORT TERM (LESS THAN 1 YEAR)	LONG TERM (MORE THAN 1 YEAR)
<ul style="list-style-type: none"> • Seasonal hire of sportsgrounds, events and promotions such as gala days and club meets • Community events and festivals • Private celebrations such as weddings and family gatherings • Filming and photography • Personal and group fitness classes • Public speeches, meetings, presentations and performances • Approved commercial or trade businesses • Fairs, markets and similar activities • School hiring for recreational and educational uses • Access through to facilitate development of adjacent land 	<ul style="list-style-type: none"> • Structured and non-structured sports and recreational activities • Recreational pursuits such as sports, dance, games and fitness clubs • Low intensity cafes/restaurants with internal/external seating and tables, kiosks (staffed and unstaffed) • Management Facilities • Sale or hire of sports goods • Public utilities and/or works associated with relevant legislation such as the Telecommunications Act 1997 • Childcare (Not permitted on Crown Land) • Health and medical practitioners associated with the main facility such as physiotherapy or nutrition (Not permitted on Crown Land) • Educational uses such as libraries, classes and workshops (Not permitted on Crown Land)

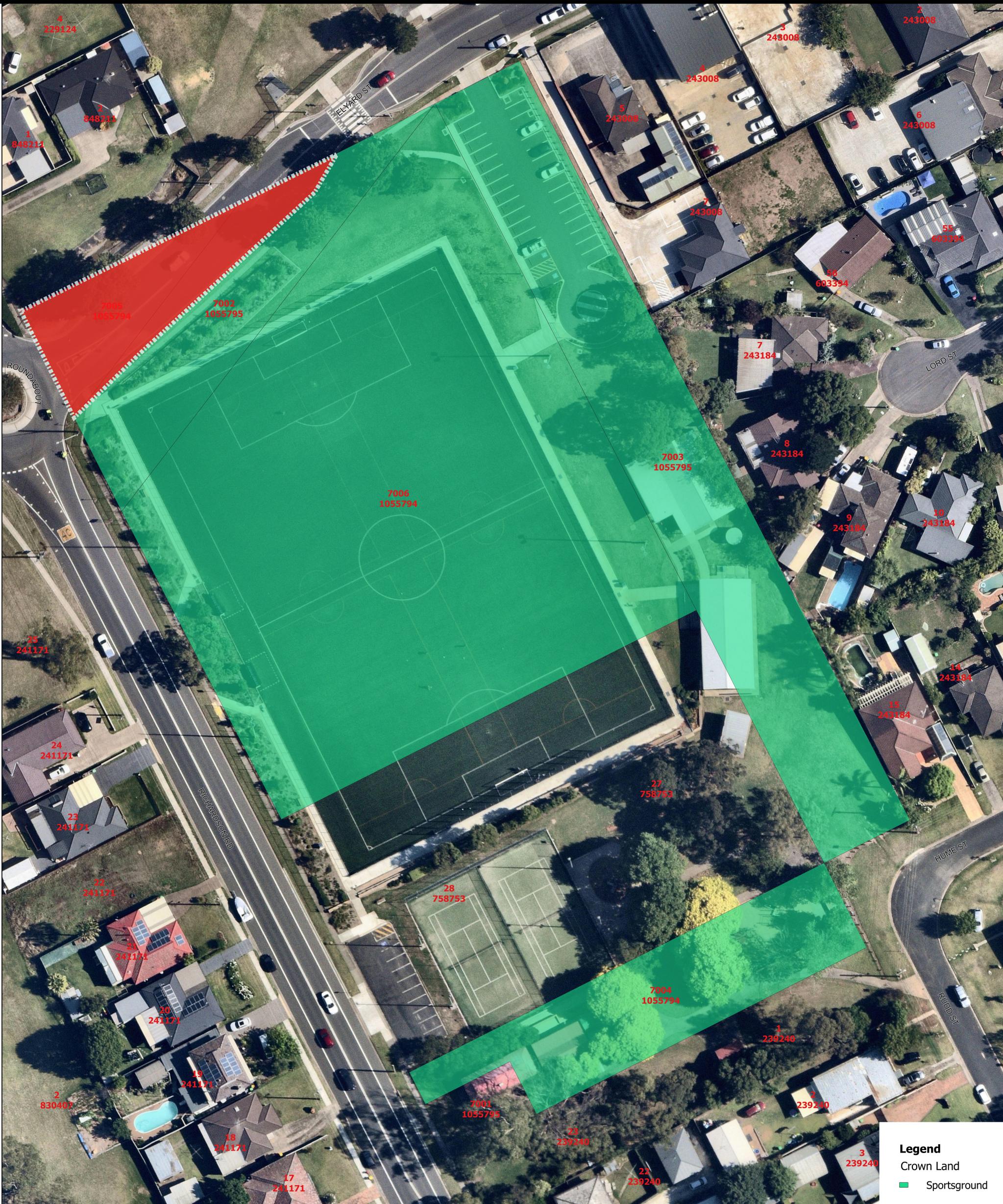
This Plan of Management expressly authorises existing leases and licence agreements until the end of their current term.

APPENDIX 6: ACKNOWLEDGMENT OF PUBLIC ROAD ENCROACHMENT ONTO CROWN LAND

This Plan of Management recognises that there is an encroachment on Crown Reserve R28812 across Lot 7005 DP 1055794 and Lot 7002 DP 1055795 as shown below in Attachment 1. The encroachment is a public road and has persisted for at least 60 years. Council is using the public road in accordance with the *Roads Act 1993*. Council acknowledges the importance of addressing this encroachment in an effective manner. Council will work with Crown Land to identify a solution to the issue with resolution to be reflected in an updated Plan of Management, pending which, this Plan of Management authorises the continued use of the site of the encroachment as a public road under the *Roads Act 1993*.

Attachment 1: Land Encroached by Public Road

 - ENCROACHED LAND



Legend
 Crown Land
 Sportsground



Subject Sites:
 25A Richardson Road NARELLAN NSW 2567 (LOT:7005 / DP:1055794) // Reserve Number: 28812
 25A Richardson Road NARELLAN NSW 2567 (LOT:7002 / DP:1055794) // Reserve Number: 28812
 25A Richardson Road NARELLAN NSW 2567 (LOT:7006 / DP:1055794) // Reserve Number: 28812
 45 Elyard Street NARELLAN NSW 2567 (LOT:7003 / DP:1055794) // Reserve Number: 28812
 27C Richardson Road NARELLAN NSW 2567 (LOT:7004 / DP:1055794) // Reserve Number: 28812

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 MAP DATE:
 14-02-2023

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