



**Crown Cemetery Operator Plan of Management Evaluation Framework**

The following framework is used by Cemeteries & Crematoria NSW (**CCNSW**) to evaluate a Crown cemetery operator's Plan of Management (**PoM**). The framework covers information required in a PoM to cover both statutory compliance and 'fit for purpose' matters.

Information required	Rationale
<b>1. Site information</b>	
A description of the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the PoM (based on <i>LGA 1993 S 36</i> )	Required as identifies land covered by the PoM
<ul style="list-style-type: none"> <li>- Is land correctly identified / described ?</li> <li>- Is it reserve land only, or reserve and other land ?</li> <li>- Is any portion of reserve not included in the PoM ?</li> </ul>	Required to identify which permissions may be required
<ul style="list-style-type: none"> <li>- Is land comprised of mixed types of tenures (e.g. Crown land, local government, church / community or private land) ?</li> </ul>	Required where mixed tenure, legislation required to be complied with may include plan of management requirements of multiple acts
<b>2. PoM context</b>	
Problem identification – information detailing why a PoM has been identified as required for the land (land use / maintenance / revenue / other community issues)	Required to determine whether PoM actually manages the problems identified
<b>3. Land use / proposed land use</b>	
The purposes or approved uses of the land (based on <i>LGA 1993 S 36</i> ); purpose declared, in relation to land comprising a reserve, means the public purpose for which the land has been dedicated or reserved, and includes any purpose or use permitted under, or in connection with, the purpose declared.	Required to provide for transparency of approved purpose/s for the land, accuracy of reserve dedication, etc... required for identifying whether additional permission or variation to permission required
A description of the use of the land and any such buildings or improvements as at that date (based on <i>LGA 1993 S 36A</i> )	Required to identify whether land is / remains suited to proposed or approved uses

Information required	Rationale
<p>In the case of a PoM that would, if adopted, authorise the reserve to be used for an additional purpose, require the PoM to specify or deal with the following matters:</p> <p>(a) the condition of the reserve (including the condition of any buildings or other improvements on the reserve),</p> <p>(b) the existing use of the reserve (including the existing use of any buildings or other improvements on the reserve),</p> <p>(c) the nature and scale of the proposed additional purpose,</p> <p>(d) the nature, scale and term of any lease, licence or other arrangement that is intended to be granted or entered into in relation to the additional purpose, and</p> <p>(e) any submissions made in relation to the PoM as a result of the consultation process and public exhibition requirements under section 95(3) (<i>C&amp;CA 2013</i>)</p>	<p>Required to:</p> <ul style="list-style-type: none"> <li>- identify any activities inconsistent with approved purpose</li> <li>- quantify any proposed changes in land use</li> <li>- allow for assessment of proposed changes in land use</li> <li>- identify whether ministerial or other permission is required</li> <li>- identify whether required permission has been obtained</li> </ul> <p><b>NB:</b> Changes to land use for Crown cemetery reserves which comprise activities 'conducive and ancillary' to Crown cemetery operation would generally be consistent with relevant case-law</p>
<p><b>4. Legislative requirements</b></p>	
<p>Is the land or any part of the land listed on the NSW State Heritage Register:</p> <ul style="list-style-type: none"> <li>- Identify listing</li> <li>- Identify affected features / components</li> <li>- Identify associated obligations</li> <li>- Detail commitment to satisfy obligations</li> </ul>	<p>Required to clearly identify site use and management restrictions, processes and obligations arising; required to assess whether PoM satisfactorily addresses processes and obligations</p>
<p>Other legislative requirements:</p> <ul style="list-style-type: none"> <li>- Is the land subject to a Local Environment Plan / Heritage or other restriction ?</li> <li>- Are heritage items identified, and plans for maintenance specified ?</li> <li>- Is the land subject to any other legislative restriction or obligation relevant to use or maintenance ?</li> <li>- for any specified restriction or obligation, does the PoM include objectives &amp; activities satisfying the obligations ?</li> </ul>	<p>Required to clearly identify land use and management restrictions, processes and obligations arising; required to assess whether the PoM satisfactorily addresses processes and obligations</p>

Information required	Rationale
<b>5. Land management objectives, associated actions and their measurement</b>	
Objectives and performance targets of the PoM with respect to the land (based on <i>LGA 1993 S 36</i> )	Required to identify objectives targeted for achievement by the PoM
Means by which the land manager proposes to achieve the PoM's objectives and performance targets (based on <i>LGA 1993 S 36</i> )	Required to clearly identify the actions to be conducted during the term, for evaluation of 'fir for purpose'
Manner in which the land manager proposes to assess its performance with respect to the PoM's objectives and performance targets (based on <i>LGA 1993 S 36</i> )	Required to determine whether measurement and review of actions proposed is adequate given the objectives and term of the PoM
<b>6. Activities specified in the PoM</b>	
Does the PoM include adequate actions and commitment of resources to minimum standards of maintenance and repair (based on <i>Heritage Act 1977 S 118</i> ) ?	Required to determine whether sufficient actions and resources for Crown cemetery maintenance are specified
Does the PoM propose and clearly communicate any activities not related to appropriate operation of the land as a cemetery <ul style="list-style-type: none"> <li>• to provide appropriate transparency to stakeholders</li> <li>• to allow stakeholder consideration whether activities proposed are consistent with approved purposes</li> </ul>	Required to determine whether PoM communicates activities proposed in a transparent manner for stakeholders, and allow assessment of consistency with stated purposes / objectives
Would a reasoned assessment of any of the activities proposed in the PoM require provision of a substantive risk assessment ?	Required to determine whether any actions proposed to be undertaken in the PoM require strengthened risk management
<b>7. Finance / resources</b>	
Does the PoM (or accompanying documentation) provide sufficient assurance that financial and other resources are available during term for conduct of specified actions and measures ?	Required to allow evaluation of adequacy of financial and other resources

Information required	Rationale
Does the PoM provide sufficient information to assure community and stakeholders of the adequacy and commitment of resources ?	Required to determine whether the PoM itself passes the community reasonability test regarding resource commitment
<b>8. Community engagement</b>	
Does the PoM identify that the <i>Cemeteries and Crematoria Act 2013</i> provisions in respect of draft PoMs referral and exhibition have been met (S. 95) ?	Required to allow determination of whether the consultation requirements have been satisfied
Does the PoM identify that reasonable opportunities for community engagement, issue identification, input and consultation have been completed ?	Required to allow determination of whether the community consultation activities meet minimum requirements
Does the PoM commit to continued engagement with affected communities ?	Required to allow determination of whether the actions committed to appear sufficient to provide for community and stakeholder input during the term of the PoM
Are there any reasonable community expectations elicited through the PoM development process that are not adequately addressed by the PoM ?	Required to allow identification of risk to CCNSW upon adoption of the PoM

### Abbreviations

LGA 1993 refers to the *Local Government Act 1993*

C & CA 2013 refers to the *Cemeteries and Crematoria Act 2013*

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