



# DARLINGTON POINT PARKS

*Plan of Management  
2024-2029*

---



**Murrumbidgee**  
COUNCIL

**MARCH 2024**

---

**September 2022**

*Plan of Management prepared for **Murrumbidgee Council***

*Plan of Management prepared by:*

**PARISPLAN Urban & Regional Planning**

63 Hillam Drive

GRIFFITH NSW 2680

Email: [parisplan@icloud.com](mailto:parisplan@icloud.com)

ABN: 66 527 814 168

**Disclaimer:**

*PARISPLAN Urban & Regional Planning has prepared this Generic Plan of Management for Darlington Point Parks on behalf of Murrumbidgee Council in good faith relying upon information and/or data supplied by the client or other parties. PARISPLAN Urban & Regional Planning however cannot warrant or verify that information provided is truly accurate and as such expressly disclaims any and all liability to any person or persons in reliance on the report and its contents in part or in whole.*

Copyright © PARISPLAN URP 2022

## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>PART 1: INTRODUCTION AND GENERAL INFORMATION .....</b>	<b>6</b>
1. KEY INFORMATION .....	6
2. ABOUT PLANS OF MANAGEMENT.....	6
2.1 Why is Murrumbidgee Council preparing a Plan of Management? .....	7
2.1 Corporate objectives of Murrumbidgee Council .....	8
2.2 Land to which this plan applies .....	8
2.3 Owner of the land.....	9
2.4 Categorisation of the reserves .....	10
3. RELEVANT LEGISLATION, POLICIES AND PROCEDURES .....	13
3.1 Local Government Act 1993 .....	14
3.2 Crown Land Management Act 2016 .....	16
3.3 Other relevant legislation and statutory controls .....	17
3.4 Review of this plan .....	20
3.5 Community consultation .....	21
4. LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES.....	21
5. LAND CONTAINING SIGNIFICANT NATURAL FEATURES.....	22
6. CULTURALLY SIGNIFICANT LAND .....	22
<b>PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND .....</b>	<b>23</b>
7. VISION FOR THE DARLINGTON POINT PARKS.....	23
8. MANAGEMENT DIRECTIONS .....	23
8.1 Statutory guidelines for development of the parks .....	24
8.2 Use of the land and structures at the date of adoption of the plan .....	27
8.3 Condition of the land and structures on adoption of the plan.....	28
8.4 Permitted use and future use.....	31
8.5 Leases, licences and other estates .....	33
9. ADMINISTRATION OF PLAN AND PERFORMANCE TARGETS.....	34
<b>APPENDICIES .....</b>	<b>42</b>
APPENDIX A - DEFINITIONS.....	42
APPENDIX B - COPY OF NOTICE FROM MINISTER ADVISING OF CATEGORISATION OF CROWN LAND.....	44
APPENDIX C – AERIAL IMAGERY OF RESERVES.....	45
APPENDIX D - ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM SEARCH RESULTS.....	48

<b>LIST OF FIGURES &amp; TABLES.....</b>	
<i>Table 1: Land covered by this plan of management.....</i>	<i>9</i>
<i>Table 2: Crown reserves classified as a park not covered by this plan of management .....</i>	<i>9</i>
<i>Table 3: Land categorization and gazettal date .....</i>	<i>10</i>
<i>Figure 1: Crown reserves categorization of Adrian Douglas Park .....</i>	<i>11</i>
<i>Figure 2: Crown reserves categorization of Chant Street Playground .....</i>	<i>12</i>
<i>Figure 3: Crown reserves categorization of White Street Playground.....</i>	<i>13</i>
<i>Table 4: Land categorization .....</i>	<i>15</i>
<i>Table 5: Land zoning.....</i>	<i>20</i>
<i>Table 6 - Preferred uses of land categorised as park and general community use .....</i>	<i>25</i>
<i>Table 7: Existing use of reserves and structures .....</i>	<i>28</i>
<i>Figure 4 – Existing community facility .....</i>	<i>29</i>
<i>Figure 5 – Adrian Douglas Park grassed area.....</i>	<i>29</i>
<i>Figure 6 – Cricket nets .....</i>	<i>29</i>
<i>Figure 7 – Picnic table and shelter .....</i>	<i>29</i>
<i>Figure 8 - Existing older style play equipment.....</i>	<i>30</i>
<i>Figure 9 – Play equipment under shelter.....</i>	<i>30</i>
<i>Figure 10 – Existing park bench.....</i>	<i>30</i>
<i>Figure 11 – Water tank enclosure .....</i>	<i>30</i>
<i>Figure 12 – White Street playground .....</i>	<i>30</i>
<i>Figure 13 – Chant Street playground.....</i>	<i>30</i>
<i>Table 8 – Permissible uses and activities for land categorized as a park .....</i>	<i>32</i>
<i>Table 9 – Permissible uses and activities for land categorized as general community use .....</i>	<i>32</i>
<i>Table 10 - Objectives and performance targets .....</i>	<i>35</i>

---

## EXECUTIVE SUMMARY

Murrumbidgee Council has a broad and diverse network of open space that covers a differing levels of recreation use. In total, Murrumbidgee Council manages and maintains a number of reserves categorised as *park* including Adrian Douglas Park, Chant Street Playground and White Street Playground, all located in the village of Darlington Point. The Generic Plan of Management for Darlington Point Parks (the plan) aims to provide a basis for guiding Council's ongoing management of its parks, sportsgrounds and general community use land within the Murrumbidgee Local Government Area in accordance with the requirements of the NSW Local Government Act 1993 (the Act) and the Crown Land Management Act, 2016.

The intention of this plan of management is to provide Council with a framework that enables decisions in regard to community land, to be made on an informed, consistent and equitable basis. The plan of management satisfies the requirements of the Local Government Act 1993 as amended by the Local Government Amendment (Community Land Management) Act 1998 and the Crown Land Management Act, 2016.

The current use patterns; condition of the existing built and natural assets; emerging needs, constraints and opportunities, have been considered in this plan of management. The plan of management identifies appropriate objectives and actions, as well as measures that enable the successful implementation of key outcomes provided by the plan and a means for the effective ongoing management of the reserve to meet the needs of the three towns.

The plan of management has been prepared with due regard to *Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers* issued in November 2019 and the sample for a generic Crown reserve plan of management outline, so as to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community, and the environment. It has been prepared to meet the requirements of the Local Government Act, 1993 (LG Act).

The plan aims to serve as a key management tool that is strongly related to other strategic plans of Council such as Council's Management Plan, as well as research obtained in preparation for Council's Recreation and Open Space Maintenance Strategies.

## PART 1: INTRODUCTION AND GENERAL INFORMATION

### 1. KEY INFORMATION

This Plan of Management Plan covers the following:

- Lot 2 DP 705823 being Crown Land Reserve No. 94084 – Adrian Douglas Park (gazetted on 19 December 1980 as public recreation and a children’s playground);
- Lot 1 DP 608992 being Crown Land Reserve No. 97197 – White Street Playground (gazetted on 16 March 1984 as public recreation and a children’s playground);
- Lots 38-41 DP 252736 being Crown Land Reserve No. 97198 (gazetted on 16 March 1984 as public recreation and a children’s playground);
- and Lots 42-45 DP 252736 being community land which is owned by Murrumbidgee Council – Chant Street Playground

The Generic Plan of Management for Darlington Point Parks (DPPPoM) was adopted on **26 March 2024**

Terms that are *italicised* throughout the document are terms defined by legislation. Where relevant these definitions are included in Appendix A.

### 2. ABOUT PLANS OF MANAGEMENT

A *plan of management* provides information about public land and its user groups stating what, why, how and by whom the integrity of any particular parcel of community land is to be managed. It establishes the values, uses, management practices and broad intent for the public purpose for which the land has been reserved or dedicated.

All plans of management are prepared in accordance with the provisions of the Crown Land Management Act 2016 for Ministerial approval. A plan of management provides a framework for the future management, use and development of reserved Crown land and should be consistent with the public purpose for the reserve and the principles of Crown land management, as well as other guidelines, policies, and any other legal requirements that may apply to the reserve.

A plan of management can be prepared for more than one parcel of land (generic or geographic) or for a single parcel (significant or specific). The DPPPoM is a generic plan of management.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the DPPPoM is to provide a clear direction that will enable ongoing use of each of the reserve for both passive and unstructured active outdoor recreation and for the general enjoyment for all members the local community, visitors to the local government areas, and facilitate opportunities for uses appropriate to the land.

## ***2.1 Why is Murrumbidgee Council preparing a Plan of Management?***

---

Murrumbidgee Council was established on 12 May 2016 following the merger of Murrumbidgee Shire Council and Jerilderie Shire Council and under the provisions of the Crown Land Management Act, 2016 has been identified as a Crown Land Manager. Under the provisions of the aforementioned Act, the responsibilities that fall upon a Crown Land Manager is to ensure that land resources are to be shared equitably in accordance with the principles of environmental protection, conservation and ecological sustainability, public use and enjoyment as well as encouraging multiple use of the land. As Crown Land Manager, Murrumbidgee Council is required to prepare a plan of management for over 30 parcels of Crown land it is responsible for.

A plan of management can fulfil many purposes and a Crown Land Manager may, for example, use a plan of management to:

- Provide a single document that collates information held by Council to enable a single point of reference;
- Expand upon the Council's corporate objectives and direction set out in its Community Strategic Plan;
- Provide an outline of the day-to-day use and management of community land;
- Ensure that the environment is properly managed in accordance with the principles of sustainable development;
- Incorporate a masterplan that provides directions for future development, including landscaping and the provision of infrastructure;
- Identify risks associated with the use of the land and incorporate mitigation measures including emergency response actions;
- Explain how the provisions of a local environmental plan or development control plan are to be applied to the particular reserve and if required provide additional guidelines;

It is not intended that the DPPPoM will cover all of the items listed above.



---

## 2.1 Corporate objectives of Murrumbidgee Council

---

The management actions in this Plan of Management have been formulated so that they align with Murrumbidgee Council's Community Strategic Plan (CSP) that was adopted in 2019, which has been adopted on two guiding tenants, one being the principle of social justice and the other being sustainability.

Social justice principles underpinned the Murrumbidgee Council CSP are:

**Equity** – there should be fairness in decision making, prioritizing and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.

**Access** – all people should have fair access to services, resources and opportunities to improve their quality of life.

**Participation** – everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives

**Rights** – equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

## 2.2 Land to which this plan applies

---

This Plan of Management Plan includes several open space areas in the village of Darlington Point which Murrumbidgee Council manages which has been categorised as a park and general community use. The purpose of developing a specific Generic Plan of Management for Darlington Point Parks is to acknowledge their importance to the social wellbeing of the Darlington Point community by providing open space for passive recreation and social gatherings and community facilities that meet the needs of its residents.



**Table 1: Land covered by this plan of management**

Land	Real property description	Land owner
R94084 Adrian Douglas Park Darlington Point	Lot 2 DP 705823	Crown land managed by Murrumbidgee Council.
R97197 White Street Playground Darlington Point	Lot 1 DP 608992	Crown land managed by Murrumbidgee Council
R97198 Chant Street Playground Darlington Point	Lots 38-41 DP 252736	Crown land managed by Murrumbidgee Council
Chant Street Playground	Lots 42-45 DP 252736	Community land owned by Murrumbidgee Council

Land not covered by this plan includes community land covered by specific plans of management listed in Table 2; public open spaces and recreation facility assets within the local government area that are owned and managed by other entities; and privately-owned land that is made available for public use.

**Table 2: Crown reserves classified as a park not covered by this plan of management**

Land	Reason
Elliot Park, Jerilderie	Site specific plan of management
Lions Park, Darlington Point	Site specific plan of management

## 2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 column three of Table 1 identifies land that is owned by the Crown and that Murrumbidgee Council has been appointed as Crown Land Manager under the provisions of Division 3.2 of the Crown Land Management Act, 2016. It also identifies land which is owned by Murrumbidgee Council and managed as community land for the purpose of the LG Act, 1993.

The land identified is not subject to any trust, estate, interest, dedication, condition, restriction or covenant referred to in clause 37(b) of the Local Government Act, 1993. Further there is no condition or restriction imposed by the owner in respect to the use of management of the land as referenced in clause 37(c) of the Act.

## 2.4 Categorisation of the reserves

The land covered by this generic plan of management is public land and for the purpose of clause 26 of the Local Government Act, 1993 is classified as community land. Table 3 identifies the purpose of the reserve and the categorization of the land as confirmed by the Department of Planning, Industry and Environment – Crown Lands.

**Table 3: Land categorization and gazettal date**

Land	Purpose(s) & gazettal date	Categorisation
<i>R94084 Adrian Douglas Park Darlington Point</i>	Public recreation and children's playground  19 December 1980	Park and general community use
<i>R97197 White Street Playground Darlington Point</i>	Public recreation and children's playground  16 March 1984	Park
<i>R97198 Chant Street Playground Darlington Point</i>	Public recreation and children's playground  16 March 1984	Park (Lots 38-41)

*Figure 1: Crown reserves categorization of Adrian Douglas Park*





**Legend**

- Park
- General community use

*Figure 2: Crown reserves categorization of Chant Street Playground*



**Legend**

-  Park (Crown reserve)
-  General community use (non-Crown reserve)

*Figure 3: Crown reserves categorization of White Street Playground*



**Legend**



Park

In terms of the requirements of section 3.23 (3) of the CLM Act, 2016 the assigned categories are those considered by Murrumbidgee Council to be the categories that are most closely related to the purposes for which the land is dedicated or reserved, a view that was subsequently confirmed by Department of Planning, Industry and Environment – Crown Lands. While the alignment the LG Act, 1993 categorisation of the land with the reserve purpose allows for uses that are ancillary to the purpose to be considered it does not necessarily allow all permissible used identified in the Land Use Table under Murrumbidgee Local Environmental Plan 2013.

### **3. Relevant legislation, policies and procedures**

The statutory framework for the preparation and operation of the Generic Plan of Management for Darlington Point Parks (DPPPoM) is primarily guided by:



- 
- Local Government Act, 1993
  - Local Government (General) Regulation, 2021
  - Crown Land Management Act, 2016
  - Crown Land Management Regulation, 2018

Other legislation, regulations and environmental planning instruments that may be of relevance to the Generic Plan of Management for Darlington Point Parks include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Transport Infrastructure) 2021
- Murrumbidgee Local Environmental Plan, 2013;
- Companion Animals Act, 1998;
- Disability Discrimination Act, 1992.

### **3.1 Local Government Act 1993**

---

Section 3.23(6) of the Crown Land Management Act, 2016 requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as community land under the Local Government Act 1993 (LG Act). These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. The core objectives for the management of community land categorized as a park and for general community use are set out in sections 36G and 36I of the Local Government Act, 1993 and clauses 104 & 106 of the Local Government (General) Regulation 2005 respectively. These core objectives are set out in Table 4.

**Table 4: Land categorization**

Land	Guidelines <sup>1</sup>	Core Objectives <sup>2</sup>
Park	<i>Land which is, or proposed to be, 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 not unduly intrude on the peaceful enjoyment of the land by others.</i>	<p>The core objectives for management of community land categorised as a park are:</p> <ul style="list-style-type: none"> <li>a) <i>to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.</i></li> <li>b) <i>to provide for passive recreational activities or pastimes and for the casual playing of games.</i></li> <li>c) <i>to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management</i></li> </ul>
General community use	Land that 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.	<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"> <li>a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>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)</li> </ul>

While the Local Government Act 1993 (LG Act) contains many provisions that have an impact on the management of the Reserve there is one aspect of particular importance: the approval requirements certain activities specified in the Table from Section 68 of the Act, in particular those listed under Part D Community land.

Section 68 of the Act requires a person, wanting to carry out a specified activity, to obtain approval from Council to undertake in any of the following activities:

- 1 *Engage in a trade or business*
- 2 *Direct or procure a theatrical, musical or other entertainment for the public*
- 3 *Construct a temporary enclosure for the purpose of entertainment*

<sup>1</sup> NSW Local Government (General) Regulation 2005, Part 4 Division 1, Guidelines for the categorisation of community land.

<sup>2</sup> NSW Local Government Act 1993, Part 2 Division 2, Use and management of community land.



- 
- 4      *For fee or reward, play a musical instrument or sing*
  - 5      *Set up, operate or use a loudspeaker or sound amplifying device*
  - 6      *Deliver a public address or hold a religious service or public meeting*

The Crown Land Management Act 2016 specifies that approvals of activities under the Local Government Act 1993 must comply with plans of management and that a local council cannot grant an approval for an activity on dedicated or reserved Crown land under Part 1 of Chapter 7 (including Section 68) of the Local Government Act 1993 that contravenes a plan of management for the land.

In considering the activities permitted under Table D of Section 68 of the Local Government Act, Council must be satisfied that they accord with the primary purpose of the reserve that it was dedicated, which in each particular reserve were for public recreation and children's playground. Council can be reasonably satisfied that the approved categorization of the land as a park or park and general community use is in keeping with the purpose of the reserve and furthermore the temporary uses set out in Table D would not result in material or ongoing harm.

As part of any application for a Section 68 approval, Council will need to consider the circumstances of each application on merit.

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

---

Section 3.23(6) of the Crown Land Management Act, 2016 (CLM Act) requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager and that is classified as community land under the Local Government Act 1993 (LG Act).

The objects and principles of Crown Land Management are listed in Sections 1.3 and 1.4 of the CLM Act 2016 provide a legislative starting point for preparation of a plan of management. The principles of Crown Land Management are:

- (a)    *that environmental protection principles be observed in relation to the management and administration of Crown land, and*
- (b)    *that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and*
- (c)    *that public use and enjoyment of appropriate Crown land be encouraged, and*
- (d)    *that, where appropriate, multiple use of Crown land be encouraged, and*
- (e)    *that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and*

- (f) *that Crown land be occupied, used, sold, leased, licensed or otherwise dealt within the best interests of the State consistent with the above principles.*

Crown Land Managers have a statutory responsibility for the care, control and management of the Crown Land for the purposes for which the land is reserved or dedicated or other purposes as authorised by the Act. In this instance the statutory responsibilities assigned to Murrumbidgee Council, as Crown Land Manager, are drawn from Division 3.4 of CLM Act. In this regard Murrumbidgee Council is authorised to:

- Classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the Local Government Act 1993, subject to this Division (see section 3.21(1).
- To manage its dedicated or reserved Crown land as if it were community land or operational land, but only as permitted or required by this Division including those functions ascribed to it pursuant to section 3.22 of the CLM Act.
- Assign an initial category or categories to the Crown Land in accordance with sections 3.23(2) & (3) of the CLM Act that Council considers to most closely relate to the purpose for which the land is dedicated or reserved.
- Prepare the first plan of management applicable to the land, either by amending an existing plan of management that applies to the land or adopt a new plan of management in accordance with sections 3.23 (6) & (7) of the CLM Act

On 25 February 2020 Murrumbidgee Council resolved to provide written notice to the Minister of the initial categorisation of the Crown Land pursuant to section 3.23(4) Murrumbidgee Council. The copy of the initial categorisation of Crown and other land managed by Murrumbidgee Council was sent to the Department of Planning, Industry & Environment (Crown Lands) on 4 March 2020. Their response is set out in Appendix B.

This DPPoM, is based on the initial categorisation of the reserves which was approved by Minister on **23 November 2022**. The Crown Land Management Amendment (Plan of Management) Regulation 2021 no longer requires a public hearing for Crown reserves.

### **3.3 Other relevant legislation and statutory controls**

The following is an overview of any other relevant legislation and statutory controls including the provision of relevant factors listed in an environmental planning instrument, including the provisions of the Native Title Act, 1993 (Commonwealth), Aboriginal Land Rights Act, 1983, Murrumbidgee Local Environmental Plan 2013 and in other council plans, strategies, policies and procedures.

---

### ***3.3.1 Native Title Act, 1993***

---

All activities on the land must address native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the Native Title Act, 1993 by Council's Native Title Manager.

### ***3.3.2 Aboriginal Land Rights Act, 1983***

---

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Councils to claim certain Crown Land. Generally the Aboriginal Land Rights Act, 1983 is directed at allowing local Aboriginal Land Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Strategies which allow Council to validly carry out a project or activity under the Native Title Act may not deal with project risks arising in relation to the Aboriginal Land Rights Act, 1983. Council should be mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land, Council should ensure that Crown land under its control is at all times lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council should request a search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered the activity must be postponed until the claim is resolved.

The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected.

---

### ***3.3.3 Environmental planning & assessment act, 1979***

---

The Environmental Planning and Assessment Act, 1979 (EP&A Act) provides the fundamental framework for which planning and development in NSW takes place, with Part 3 of the Act providing the mechanism for how environmental planning instruments are made; Part 4 relating to development assessment and consent; and Part 5 address infrastructure and environmental assessment.

#### ***3.3.3.1 State environmental planning policies***

---

A state environmental planning policy is an environmental planning instrument made under Part 3 of the EP&A Act that guides development and land use within NSW. There are presently 38 State environmental planning policies in force, not all of which apply to the local government area of Murrumbidgee Council. Those applying to Murrumbidgee Council are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy No 65—Design Quality of Residential Apartments

It should be noted that not all these would be applied to the development within DPPPOM, as many relate to development that is inconsistent with the categorisation of the land and this plan of management.

#### ***3.3.3.2 Local environmental plans***

---

Murrumbidgee Council administers two (2) local environmental plans being the Jerilderie Local Environmental Plan 2012 (JLEP) and the Murrumbidgee Local Environmental Plan 2013 (MLEP). Both

of these environmental planning instruments were made under Part 3 of the EP&A Act that guide development and land use within the Murrumbidgee Council local government area.

**Table 5: Land zoning**

Land	Local environmental plan	Zoning of land
R94084 Adrian Douglas Park Darlington Point	Murrumbidgee Local Environmental Plan 2013	RE1 Public Recreation
R97197 White Street Playground Darlington Point	Murrumbidgee Local Environmental Plan 2013	RU5 Village
R97198 Chant Street Playground Darlington Point	Murrumbidgee Local Environmental Plan 2013	RU5 Village

#### 3.3.3.3 Development Control Plan

A development control plan provides detailed planning and design guidelines to support the planning controls in a local environmental plan. Development control plans are prepared in accordance with Section 3.43 of the Environmental Planning and Assessment Act, 1979.

Murrumbidgee Council has two (2) development control plans in force, with DCP No. 1 applying to the land at Coleambally and Darlington Point. These documents are published on the NSW Planning Portal and on Council's website.

### 3.4 Review of this plan

This Plan of Management has been prepared pursuant to the provisions of the Crown Land Management Act 2016 to provide an appropriate statutory basis for the continuing improvement and function of Adrian Douglas Park, and the White Street and Chant Street playgrounds.

This Plan provides a medium-term strategy for the management and improvement of the reserve. It is anticipated most of the works described will be implemented over a five to ten-year period. Priorities for works and funding are to be addressed on an annual basis to meet development priorities and community needs.

This Plan is to be reviewed approximately every five years or as required to ensure it continues to be relevant to and consistent with government legislation and policy and community expectation.

---

### 3.5 Community consultation

---

Murrumbidgee Council acknowledges that community participation is essential and how Council engages the community in terms of its legislative requirements and has adopted a *Community Participation Plan (CPP)* and a Communication Strategy. Both documents have been designed to provide the community an understanding of how to participate in planning and other matters, including the management of community land.

The level and extent of community participation will vary depending on the community, the nature of the proposal under consideration and potential impacts of the decision. As a minimum, the CPP and Communication Strategy demand that its statutory obligations are properly met. In this respect Section 38 of the LG Act requires:

- (1) Council must give public notice of a draft plan of management.*
- (2) The period of public exhibition of the draft plan must be not less than 28 days.*
- (3) The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council.*
- (4) Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.*

In accordance with section 39 of the LG Act Council must, before giving public notice of the draft plan of management forward a copy of the draft to the Crown, as Council is not the owner of the land.

With regard to the provisions of sections 38 and 39 of the LG Act, Council resolved on **28 February 2024** to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM.
- Place the draft PoM on public exhibition for 28 days..

Following consideration of submissions, Council resolved on **26 March 2024** to adopt the Generic Plan of Management for Darlington Point Parks.

### 4. Land comprising the habitat of endangered species or threatened species

The provisions of sections 36A and 36B of the Local Government Act, 1993 do not apply to the reserves listed in Table 3 for the following reasons:

- that no part of the reserve has been declared to be an area critical habitat under the Threatened Species Conservation Act, 1995, and
- that no part of the reserve has been declared to be an area of critical habitat under Part 7A of the Fisheries Management Act, 1994, and
- the reserve is not affected by a recovery plan for the purpose of Part 4 of the Threatened Species Conservation Act, 1995 or Division 5 of Part 7A of the Fisheries Management Act, 1994, and
- the reserve is not affected by a threat abatement plan for the purpose of Part 5 of the Threatened Species Conservation Act, 1995 or Division 5 of Part 7A of the Fisheries Management Act, 1994, and

### ***5. Land containing significant natural features***

The provisions of section 36C of the Local Government Act, 1993 does not apply to any of the reserves listed in Table 3 as the land is not subject to a resolution of Murrumbidgee Council that declared the land, being a site of:

- a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or
- a wildlife corridor.

### ***6. Culturally significant land***

In 2010 the Office of Environment and Heritage (formerly the Department of Environment, Climate Change and Water) published the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. This code of practice is aimed at assisting individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects

As part of its due diligence in preparation of this Plan of Management, a basic search of the NSW Environment & Heritage Aboriginal Heritage Management Information System (AHIMS) for each of lots within the reserves on 15 October 2020 (see Appendix D) was undertaken, indicating that:

- no Aboriginal sites are recorded in or near<sup>3</sup> the above location; and
- no Aboriginal places have been declared in or near the above location

---

<sup>3</sup> The search parameter applied was within 50 to 200m of land.



## PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land reserve listed in Table 1 and is owned by the state of New South Wales and Murrumbidgee Council has been appointed the Crown Land Manager. Part 2 provides detailed information regarding the management of Adrian Douglas Park, the White Street and the Chant Street playgrounds, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

### 7. Vision for the Darlington Point Parks

The vision for the use of these is best described as:

***“Providing places that provide the opportunity for passive recreation, social gatherings and facilities that meet the needs of the local community”***

The vision set out in the plan of management aligns with Murrumbidgee Council's *Statement of Vision & Priorities – Three Towns One Community* that seeks to promote “community built by an innovative mindset delivering appropriate and reliable services”.

### 8. Management directions

Murrumbidgee Council acknowledges the park covered by this plan of management provides the local communities with both opportunities for passive and active recreational use of the land. While the current uses of the land meet the basic needs, opportunities exist to provide further benefit to the community through a co-ordinated approach to future development, including obtaining grants for new or upgrade facilities.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for the three parks. It will identify the existing condition of the land and structures on the adoption of the plan, identify existing uses of the land as well as additional matters dealing with the day-to-day management and maintenance of the reserve.

In order to realise the potential of the land and provide a greater benefit for the local community the following directions for the management of the reserve are proposed:

- Use of the reserves as a *recreation area* particularly one that incorporates a children's playground, public park, reserve or garden or the like including any ancillary buildings.

- To maintain and enhance the visual aesthetics of the reserve through proper maintenance of lawns, gardens and structures.
- To provide spaces for public sculptures.

### **8.1 Statutory guidelines for development of the parks**

---

The provisions of section 36(3A)(b) of the Local Government Act that apply to site specific plan of management have been considered, and are as follows:

- (i) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*
- (ii) *specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise*
- (iii) *describe the scale and intensity of any such permitted use or development.*

The current uses of the reserves would fall within the broad definition as a *recreation area*, as defined in the standard instrument and uses that incorporates a children's playground, public park and other amenities is consistent with the categorisation of the land as a *park* and *general community use*.

The provisions of State Environmental Planning Policy (Transport & Infrastructure) 2021 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in the relevant local environmental planning instrument as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to clause 2.73(2)(c)(ii) of the SEPP, development for any purpose may be carried out without consent on Crown managed land by or on behalf of the Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted under the Local Government Act 1993 in relation to Crown managed land managed by a Council. Irrespective of the categorisation of the land, the provisions of clause 2.73(3)(a) and 2.74(1) allows certain development that may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council.

Table 5 identifies the zoning of the land under Murrumbidgee Local Environmental Plan 2013 of each of the three reserves. The RE1 Public Recreation zone that applies to Adrian Douglas Park is a closed zone and the number of land uses permitted are limited, however the current land use, being a recreation facilities and community facilities are both permissible. The RU5 Village zone that applies to the White Street and Chant Street playgrounds, is an open zone that provide for a range of permissible land uses, however not all are consistent with the categorization of the land.

Table 6 below identifies the uses that are exempt development, permitted with or without the consent in an environmental planning instrument and Council's plan of management of the three reserves in terms of what it will permit. Tables 8 & 9 identify some specific uses which would be consistent with the purpose of the reserve and the categorization of the land.

**Table 6 - Preferred uses of land categorised as park and general community use**

<b>Land Use</b>	<b>Provisions of an environmental planning instrument</b>	<b>Allowed under DPPoM</b>	<b>Reason</b>
<b>Community facilities</b>	Permitted with consent in both RE1 & RU5 zone.	Only allowed on that part of the Chant Street Playground owned by Council and Adrian Douglas Park reserves categorised as <i>general community use</i>	<i>Community facilities</i> are consistent with the categorization of that part of the land as a <i>general community use</i> . In terms of s36G & 36I of the Local Government Act, 1993 <i>community facilities</i> would meet the future needs of the community, in terms of general welfare of the public (through cultural, social and educational pastimes and activities) and therefore would accord with the purpose of the reserve.
<b>Environmental protection works</b>	Permitted without consent.	Allowed.	<i>Environmental protection works</i> are in keeping with the purpose of the reserve categorisation of land as <i>park</i> and <i>general community use</i> .
<b>Recreation areas</b>	Permitted with consent in both RE1 & RU5 zone.	Allowed.	The use of the reserves as a <i>recreation area</i> is consistent with the categorization of the land as a <i>park</i> and the purpose of the reserve as public recreation
<b>Recreation facilities (indoor)</b>	Permitted with consent in both RE1 & RU5 zone.	Allowed.	The use of the land as an <i>indoor recreation facility</i> is consistent with the purpose of the reserve and categorization of the land as <i>park</i> and <i>general community use</i> .

Land Use	Provisions of an environmental planning instrument	Allowed under DPPPoM	Reason
<b>Recreation facilities (outdoor)</b>	Permitted with consent in both RE1 & RU5 zone.	Allowed.	The use of the land as an <i>outdoor recreation facility</i> is consistent with the purpose of the reserve as public recreation and children's playground categorization of the land as <i>park</i> and <i>general community use</i> .
<b>Roads</b>	Permitted without consent.	Not allowed.  In the event that road widening is required Council would be required to acquire the land.	The construction of a <i>road</i> is inconsistent with the purpose of the reserve and the categorization of the land as <i>park</i> and <i>general community use</i> .
<b>Water reticulation systems</b>	Permitted without consent.	Allowed.	<i>Water reticulation systems</i> are consistent with the categorization of the land as a <i>park</i> and would be incidental to the purpose of the reserve.
<b>Any other development</b>	Permitted with consent in RU5 zone.  Prohibited in RE1 zone.	Not allowed without an amendment to the Plan of Management.	The RU5 Village zone under MLEP 2013 provides opportunities for a wide range of land uses some of which may or may not be compatible with the categorisation of the land as a <i>park</i> and <i>general community use</i> . Should a use be proposed that is consistent with the purpose of the reserve as public recreation and children's playground and the objectives of a <i>park</i> or <i>general community use</i> then Council may consider amending the Plan of Management.

Land Use	Provisions of an environmental planning instrument	Allowed under DPPPoM	Reason
<b>SEPP Infrastructure</b>	Exempt development or permitted without consent.	<p>Allowed, subject to satisfying the requirements of clause 2.73 &amp; 2.74 of SEPP (Transport &amp; Infrastructure) including:</p> <ul style="list-style-type: none"> <li>• pedestrian pathways, &amp; cycleways</li> <li>• recreation areas</li> <li>• lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,</li> <li>• landscaping, including landscape structures or features (such as art work) and irrigation systems,</li> <li>• amenities for people using the reserve, including toilets</li> <li>• demolition of buildings</li> <li>• bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities</li> <li>• play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence, or</li> <li>• seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures</li> </ul>	The works Identified in SEPP (Transport & Infrastructure) 2021 as exempt development or development permitted without consent listed in column 3 are consistent with the purpose of the reserve and the categorization as a <i>park</i> and <i>general community use</i> .

## 8.2 Use of the land and structures at the date of adoption of the plan

In accordance with section 36(3A)(a) of the LG Act include a brief outline of the current usage is reserve, including any details of current leases/licenses or other arrangements for the use of the land.

Table 7 identifies the current use of the land and existing structures that have been erected.

**Table 7: Existing use of reserves and structures**

Land	Current use	Existing structures
R94084 Adrian Douglas Park Darlington Point	Park with playground equipment	<ul style="list-style-type: none"> <li>Water tank and associated cage enclosure</li> <li>Cricket practice pitch (synthetic) and nets</li> <li>BBQ facilities x 2</li> <li>Playground equipment including soft-fall area</li> <li>All-weather awning over playground equipment</li> <li>Picnic shelter with table and benches</li> <li>Park bench</li> <li>Signage</li> <li>Garbage bins</li> <li>Public hall (Darlington Point Children's Activity Centre) and associated fencing and playground equipment and shade shelters.</li> </ul>
R97197 White Street Playground Darlington Point	Lawn area contiguous with neighbouring residence	<ul style="list-style-type: none"> <li>Partial perimeter fencing</li> <li>Colorbond fence bisecting reserve</li> </ul>
R97198 Chant Street Playground Darlington Point	Vacant land	<ul style="list-style-type: none"> <li>Perimeter fencing</li> <li>Bus shelter and bin within footpath reserve</li> </ul>

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area*, the purpose of the reserve as public recreation and children's playground and the categorisation of the reserves as a *park* and or *general community use*.

### 8.3 Condition of the land and structures on adoption of the plan

The provisions of Section 36(3A)(a) of the LG Act requires a plan of management to include a description of the condition of the land and structures on adoption of the plan.

#### 8.3.1 Adrian Douglas Park

At the date of adoption of the Generic Plan of Management for Darlington Point Parks, grass cover at Adrian Douglas Park are well maintained and existing trees in healthy condition.

Adrian Douglas Park provides a variety of modern playground equipment including a soft-fall area under a large steel shade structure (see figures 8 & 9) along with an older equipment. The park also features park benches, garbage receptacles, a picnic shelter (see figure 7), cricket practice nets (see figure 6).



Part of the reserve has been fenced, and this incorporates the community facility building being used by the Darlington Point Children's Activity Centre. The building is constructed of weatherboard, with a gable metal clad roof, with the compound including play equipment and a all-weather structure. The building from outward appearance is in good condition and well maintained.

There is running along the western boundary of the site, within the road reserve.

***Figure 4 – Existing community facility<sup>4</sup>***



***Figure 5 – Adrian Douglas Park grassed area***



***Figure 6 – Cricket nets***



***Figure 7 – Picnic table and shelter***



---

<sup>4</sup> Images in Figures 2 to 13 taken on 2 December 2019 © Steven Parisotto Photography



**Figure 8 - Existing older style play equipment**



**Figure 9 – Play equipment under shelter**



**Figure 10 – Existing park bench**



**Figure 11 – Water tank enclosure**



### **8.3.2 White Street playground**

---

At the date of adoption of the Generic Plan of Management for Darlington Point Parks, grass cover at the White Street Playground are well maintained and existing trees in healthy condition.

Other than fencing, which is in good condition, there are no structures within the reserve.

**Figure 12 – White Street playground**



**Figure 13 – Chant Street playground**



The fencing shown in Figure 12 appears to have been erected without regard to the classification of the reserve, and upon initial investigation it is unclear as to when the fence was erected and who undertook the works or whether approval was ever granted. As part of this plan of management Council proposes to undertake further investigation and seek to rectify the encroachment. This may include initiating enforcement action under the Environmental Planning and Assessment Act, 1979 on the person or entity who installed and benefits from the fence.

### 8.3.3 Chant Street playground

---

At the date of adoption of the Generic Plan of Management for Darlington Point Parks, grass cover at the Chant Street Playground was non-existent or in very poor condition (see Figure 13)

Other than perimeter fencing, which is in good condition, there are no structures within the reserve.

There is a bus shelter and garbage receptacle in Figure 13 are within the road reserve.

## 8.4 Permitted use and future use

---

Section 36(3A)(b) of the Local Government Act requires that any site-specific plan of management must:

- (iv) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*
- (v) *specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise*
- (vi) *describe the scale and intensity of any such permitted use or development.*

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

Murrumbidgee 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 and on recreational land in particular, Murrumbidgee 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 a *park* or *general community use*, and the forms of development generally associated with those uses, are set out in Tables 8 and 9 on page 32. The facilities on community land may change over time, reflecting the needs of the community.

All three reserves will continue to be used in accordance with their categorization and the future improvements may include provision of an amenities' building and replacement or provision of additional playground equipment which will encourage greater use of the land by the local community.

Whereas Table 6 in Section 8.1 above provides a broad guideline to what Council prefers to see within the reserve and reflect the needs of the community over time, the works and uses set out in Tables 8 & 9 identify a more specific list of works and uses deemed appropriate to the reserve.

**Table 8 – Permissible uses and activities for land categorized as a park**

<b>Park</b>	
<b>Purpose or use as...</b>	<b>Development to facilitate</b>
<p>The following or uses are permitted by this Plan of Management on land categorized as a <i>park</i> as they are consistent with the purpose of the reserves.</p> <p>a) Recreation areas that enable the following</p> <ul style="list-style-type: none"> <li>i. Active and passive recreation including children's play and cycling</li> <li>ii. Group recreational use, such as picnics and private celebrations</li> <li>iii. Eating and drinking in a relaxed setting</li> <li>iv. Publicly accessible ancillary areas, such as toilets</li> <li>v. Local festivals, parades, markets, fairs, exhibitions and similar events and gathering</li> <li>vi. Low intensity commercial activities (e.g. recreational equipment hire)</li> <li>vii. Filming and photographic projects</li> <li>viii. Busking</li> <li>ix. Public address (speeches)</li> <li>x. Community gardening</li> </ul> <p>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</p>	<p>The Plan of Management will allow and facilitate the following development which would be ancillary to the use of the reserves as recreation area and playground.:</p> <ul style="list-style-type: none"> <li>▪ Development for the purposes of improving access, amenity and the visual character of the park, e.g 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 e.g. picnic tables, BBQs, sheltered seating areas</li> <li>▪ Mobile food vending carts, including kiosks used on a temporary basis;</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>▪ Community gardens</li> <li>▪ Heritage and cultural interpretation, e.g. signs</li> <li>▪ Advertising structures and signage (such as A-frames and banners of a temporary nature) that relate to approved uses/activities</li> <li>▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales</li> </ul>

**Table 9 – Permissible uses and activities for land categorized as general community use**

<b>General Community Use</b>	
<b>Purpose or use as...</b>	<b>Development to facilitate</b>
<p>The following purpose or uses are permitted by this Plan of Management on land categorized as a <i>general community use</i>.</p> <p>a) Land that is suitable for</p>	<p>The Plan of Management will allow and facilitate development for the purposes that would benefit the social, community, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> <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> </ul>

<ul style="list-style-type: none"> <li>i. The gathering of groups for a range of social, cultural or recreational purposes.</li> <li>ii. Providing multi-purpose buildings with broad based community uses such as: <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>▪ childcare (e.g. before and after school care, vacation care)</li> <li>▪ designated group use (e.g. scout and girl guide use)</li> </ul> </li> <li>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Energy saving initiatives such as solar lights and solar panels</li> <li>▪ Carparking and loading areas</li> <li>▪ Signage related to the approved use of the site</li> </ul>
---	--

## 8.5 Leases, licences and other estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the Local Government Regulations 2021 is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. 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.

This Plan of Management expressly authorises the issue of leases, licences and other estates over the reserves covered by this Plan of Management, provided that:

- 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 Local Government Act 1993 or the Local Government Regulations 2021.
- 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 Native Title Act 1993.
- the land is not subject to a claim under the Aboriginal Land Rights Act 1983.
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government Regulations 2021.
- 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.

Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

Presently there are no leases or licenses in force for any of the reserves.

Any future lease, licence or other estate to be granted must be by way of tender in accordance with Division 1 of Part 3 of the Local Government Act, 1993. In accordance with clause 70(3) the maximum tenure is not to exceed 21 years or 30 years with ministerial consent.

## 9. Administration of Plan and Performance Targets

Section 36(3) of the LG Act requires, as a minimum, for all plans of management, include the following:

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

The land has been categorised partly as a park and partly as general community use (see Figure B on page 10).

The following table identifies the management issues; objectives and performance targets; the means in which Council will achieve the stated objectives and the manner in how the performance target is assessed.

**Table 10 - Objectives and performance targets**

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
<b>Access</b>	<p>Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve.</p> <p>Allow an access network for pedestrians and cyclists that contribute to the aesthetic quality of the reserves.</p> <p>Except for maintenance and emergency vehicles prohibit vehicular access without permit/ licence.</p>	<p>Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards.</p> <p>Provision of shared facility where safe and appropriate, including the segregation of cyclists and pedestrians where appropriate.</p> <p>Use of regulatory signs.</p>	<p>Assess useability of the reserves by wheelchair users through surveys and observation.</p> <p>Record and review all accidents and near misses as a result of inappropriate use.</p> <p>Record all illegal or unauthorised vehicular entry and where necessary take appropriate regulatory action.</p>
<b>Alcohol</b>	Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or leased areas.	Use of regulatory signs and enforcement.	Record all complaints and investigations and where necessary take appropriate regulatory action.
<b>Animal control</b>	Impound all animals that are not under the full control of owner or handler.	<p>Community education and involvement in monitoring.</p> <p>Use of regulatory signs and enforcement.</p>	Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action.
<b>Anti-Social behaviour</b>	Minimise and manage anti-social behaviour in the park and the general community use areas	<p>Encourage community involvement and surveillance.</p> <p>Implement community health measures.</p> <p>Appropriate design and lighting of common areas.</p>	Record the number of complaints received and undertake investigations, and where necessary take appropriate regulatory action.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<b>Artworks and monuments</b>	<p>Allow for public and community artworks and monuments in appropriate settings.</p> <p>Maintain existing monuments.</p>	<p>Engage appropriate persons to engage the community to identify, commission &amp; erect artworks.</p> <p>Undertake repairs to existing monuments as required.</p>	<p>Document comments received in respect to artworks.</p> <p>Install artworks based on any budgetary funding or State and Federal grants</p> <p>Record the number incidents of vandalism and damage to artworks and monuments.</p>
<b>Barbeques</b>	<p>Allow the installation and use of gas or electric barbeques.</p> <p>Allow the use of portable barbeques (with the exception of wood fire barbeques).</p>	<p>Design, locate and maintain permanently installed barbeques.</p> <p>Use of regulatory signs regarding the use of barbeque facilities, both permanent and portable.</p>	<p>Record the number of reported failures and accidents, including reported near misses.</p>
<b>Buildings</b>	<p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow new buildings, ancillary to the use of the reserves</p>	<p>Undertake regular cleaning and maintenance of the public amenities within the parks.</p> <p>Provision and maintenance of security lighting in and around the amenities' building.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport &amp; Infrastructure) 2021, where Council is to carry out the works.</p> <p>Assess and determine any development application in accordance with the provisions of the Environmental Planning &amp; Assessment Act, 1979.</p>	<p>Undertake daily cleaning of the public amenities, and identify any new maintenance matters out or incidents of vandalism.</p> <p>Record and respond to complaints about hygiene and maintenance.</p> <p>Undertake regular of maintenance of the amenities in accordance with any operational plan for upkeep of all parks and recreational facilities within the local government area.</p> <p>Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</p>



Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Buskers	Allow buskers to perform within the reserves.	Regulation by Council.	Number of comments.  Number of unauthorised buskers/ bands.
Hours of Usage	Allow unrestricted use of the reserves by individuals.  Allow for the management of reserves' usage times for special events and user groups.	Council approval and regulatory signs for special events and group activities.	Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.
Informal Recreation	Allow games which are suitable within the park.	Allow games which are suitable within the parks.	Number of comments about activity.
Irrigation Systems	Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.	Design, install and operate the system.	Number of incidents of failure of the irrigation system.
Landscaping	Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.  Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.  Provide a positive contribution to the local character both physically and visually. .  Control and protect existing exotic species within the reserves by minimising weed infestation and associated impacts.	Augment existing indigenous planting. Use exotic species in suitable locations.  Use shade trees for user comfort and protection. And screen planting for visual acoustic and physical buffers.  Preserve and reinforce indigenous planting and identify species endemic to the area.  Application of correct horticultural and tree surgery techniques.  Minimise rubbish dumping within the local area via community education.  Implementation of the Noxious Weeds Act.	Number of comments about public acceptance and level of park usage.  Degree of turf encroachment into planted areas.  Number of comments about maintenance, durability and public acceptance of the landscape character.  Number of reported incidents of infestation of exotic plant species.  Number of comments about quality of vegetation.  Number of reported incidents of sick trees.  Number of reported incidents of rubbish dumping

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Lighting	<p>Allow security lighting which will enable safe movement of pedestrians along major access routes at night.</p> <p>Prevent excessive lighting impacts on adjoining land uses.</p> <p>Allow for lighting of special events at night.</p> <p>Allow for the lighting of architectural or landscaped features.</p>	<p>Set appropriate illumination levels.</p> <p>Design, site and install light facilities.</p> <p>Regulate times for lighting of special events.</p> <p>Council approval.</p>	<p>Number of comments from adjoining residents and Park users.</p> <p>Number of problems related to inadequate lighting.</p>
Outdoor Furniture	<p>Allow for the provision of adequate furniture, such as bubblers, tables, seats, bins, bollards, cycle racks, tree guards and planter tubs, etc at suitable locations.</p> <p>Create a comfortable setting for users both aesthetically and functionally.</p>	<p>Complement and be consistent with the theme for surrounding Public Open Space Areas.</p> <p>Appropriate design, siting, use of materials and erection of furniture.</p>	<p>Number of comments about acceptance by the community with regard to the suitability of the location and the style.</p> <p>Number of incidents of non-compliance with relevant Council Codes, Policies and Regulations.</p>
Playgrounds	<p>Provide safely designed and sited playgrounds.</p>	<p>Playground design, materials and layout to relevant safety standards.</p> <p>Playgrounds sited away from physical hazards.</p>	<p>Number of accidents and injuries attributed to unsafe design, siting and layout.</p>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Refreshment kiosks (mobile and fixed)	<p>Allow the licensing or leasing of <i>kiosks</i> or <i>food &amp; drink premises</i> as approved by Council.</p> <p>Permissible on area defined in lease or licence agreement.</p> <p>Control and regulate the entry of casual vendors (eg: ice-cream carts) within the parks and pedestrian areas where appropriate.</p> <p>Appropriate control measures. Council approval.</p> <p>Enter into appropriate licensing/leasing Agreements.</p>	<p>Council approval. Licensing/Leasing Agreement.</p> <p>Lease or license holders take precedence over casual street vendors.</p>	<p>Managing and reporting incidence of non-compliance with terms of Council approval, license or lease agreement.</p> <p>Number of licences issued.</p> <p>Number of public comments about vendors in public places.</p> <p>Number of reported illegal or unauthorised entries.</p> <p>Number of licences granted per annum.</p>
Rubbish Dumping and Littering.	Prohibit rubbish dumping and littering.	<p>Regulatory signage at appropriate locations.</p> <p>Community education on the environmental impacts of rubbish dumping.</p>	<p>Number of incidents of illegal dumping</p> <p>Cost of clean-up and litter collection per annum</p>
Shade structures and other shelters	<p>Allow structures which will provide shade and shelter for park users in appropriate areas</p> <p>Allow integration of structures that are harmonious, functional and aesthetically in keeping with the character of the park</p>	Appropriate design, location and erection of structures.	<p>Number of comments about the effectiveness of the structures in all weather conditions.</p> <p>Number of community responses to appearance of the structures.</p> <p>Number of structures erected.</p>

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Signage	<p>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park.</p> <p>Regulate advertising signage.</p>	<p>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures &amp; Signs.</p> <p>Council approval.</p>	<p>Number of user comments.</p> <p>Number of ordinance investigations and prosecutions.</p>
Site Utility Services	<p>Allow for the installation of all services as required by site usage.</p>	<p>Approval by the appropriate Statutory Authorities.</p> <p>Construction and installation of all necessary services.</p> <p>Registration of appropriate easements.</p>	<p>All facilities are adequately serviced, identified and located.</p> <p>Number of objections received from service authorities about the location and quality of services.</p> <p>Number of site utility service installations constructed.</p>
Special Events	<p>Allow special events within the reserves with minimal adverse visual, physical, social and environmental impact.</p>	<p>Council approval as required under Environmental Planning &amp; Assessment Act, 1979 and/or Local Government Act, 1993</p>	<p>Number of comments about special events.</p> <p>Attendance levels at special events.</p>
Vandalism	<p>Minimise vandalism within the park and or playgrounds.</p>	<p>Appropriate landscape design techniques.</p> <p>Appropriate use of materials.</p> <p>Encouragement of community involvement and education.</p> <p>Appropriate use of signage. Prompt repair of vandalised areas.</p>	<p>Number of reported incidents of vandalism</p>

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Waste Management	Minimise litter within the parks. Encourage recycling.	Provide and service enough waste management facilities in strategic locations.  Provide a recycling station for glass, aluminium, PET plastics etc.  Community education.	Number of garbage and recycling bins provided.  Number of comments in relation to inadequate waste facilities.

## APPENDICIES

### APPENDIX A - Definitions

<b>Term</b>	<b>Legislative definition</b>
<b>community land</b>	<p>means –</p> <p><i>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</i></p>
<b>community participation plan</b>	<p>means –</p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p>
<b>environmental planning instrument</b>	<p>means –</p> <p><i>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</i></p> <p><i>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</i></p>
<b>plan of management</b>	<p>means –</p> <p><i>a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land. (Local Government Act, 1993)</i></p>
<b>public reserve</b>	<p>means –</p> <ul style="list-style-type: none"><li>(a) <i>a public park, or</i></li><li>(b) <i>any land conveyed or transferred to the council under section 340A of the <a href="#">Local Government Act 1919</a>, or</i></li><li>(c) <i>any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the <a href="#">Local Government Act 1919</a>, or</i></li><li>(d) <i>any land dedicated or taken to be dedicated under section 49 or 50, or</i></li><li>(e) <i>any land vested in the council, and declared to be a public reserve, under section 37AAA of the <a href="#">Crown Lands Consolidation Act 1913</a>, or</i></li><li>(f) <i>any land vested in the council, and declared to be a public reserve, under section 76 of the <a href="#">Crown Lands Act 1989</a>, or</i></li><li>(g) <i>Crown managed land that is dedicated or reserved—</i><ul style="list-style-type: none"><li>(i) <i>for public recreation or for a public cemetery, or</i></li><li>(ii) <i>for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order</i></li></ul></li></ul>

published in the Gazette by the Minister administering the [Crown Land Management Act 2016](#),

being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or

- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the [State Roads Act 1986](#), or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the [Roads Act 1993](#),

and includes a public reserve of which a council has the control under section 344 of the [Local Government Act 1919](#) or section 48, but does not include a common.

**recreation area**

means a place used for outdoor recreation that is normally open to the public, and includes –

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation  
(outdoor)

facility

means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).



## APPENDIX B - Copy of Notice from Minister advising of categorisation of Crown land

### **Attachment 1:** Schedule of Crown reserves categorisation consistent with reserve purpose

<b>Reserve No.</b>	<b>Purpose(s)</b>	<b>Category</b>
R9984	Public Recreation	Sportsground
R31393	Public Recreation	Natural Area
R33953	Refuge in time of Flood	Natural Area
R55431	Access	General Community Use, Natural Area
R55928	Racecourse and Showground	Sportsground, General Community Use
R60373	Public recreation	General Community Use, Natural Area
R62157	Preservation of Graves	Area of Cultural Significance, Natural Area
R68938	Public Recreation	Natural Area
R72160	Public Recreation	Sportsground
R75491	Public Recreation; Children's playground	Park
R82340	Public Recreation	Natural Area
R85679	Plantation	General community Use
R88058	Museum	Area of Cultural Significance
R88451	Public Recreation	Sportsground
R88754	Public Recreation	Sportsground
R89633	Museum	Area of Cultural Significance
R90713	Home of the Aged	General Community Use
R94084	Children's Playground, Public Recreation	Park, General Community Use
R97197	Children's Playground, Public Recreation	Park
R97198	Children's Playground, Public Recreation	Park, General Community Use
R98071	Public Recreation	General Community Use
R150042	Community Purposes, Heritage Purposes	General Community Use, Area of Cultural Significance
R1010748	Community Purposes	General Community Use
R1021768	General Cemetery	General Community Use

### **Attachment 2:** Schedule of Crown reserves directed for categorisation

Council is directed to re-categorise the reserve as outlined below in accordance with section 3.23(5) of the Act so as not to cause, or be likely to cause, material harm to the land.

<b>Reserve No.</b>	<b>Purpose(s)</b>	<b>Direction</b>
R9983	Public Recreation	Park

**Figure 14 – Adrian Douglas Park**



*Figure 15 – Chant Street Playground*





*Figure 16 – White Street Playground*



## APPENDIX D - Aboriginal Heritage Information Management System Search Results



### AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 20-C01-MC AD Park

Client Service ID : 542783

Steven Parisotto

Date: 15 October 2020

63 Hillam Dr

Griffith New South Wales 2680

Attention: Steven Parisotto

Email: parisplan@icloud.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP705823 with a Buffer of 50 meters, conducted by Steven Parisotto on 15 October 2020.**



**The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.**

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>0</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location. *</b>

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

You can get further information about Aboriginal places by looking at the gazettal notice that declared it.

- Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Steven Parisotto

Date: 15 October 2020

63 Hillam Dr

Griffith New South Wales 2680

Attention: Steven Parisotto

Email: parisplan@icloud.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP608992 with a Buffer of 50 meters, conducted by Steven Parisotto on 15 October 2020.**



***The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.***

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

You can get further information about Aboriginal places by looking at the gazettal notice that declared it.

- Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

## **AHIMS Web Services (AWS)**

### **Search Result**

Purchase Order/Reference : 20-C01-MC CS Playground

Client Service ID : 542789

Steven Parisotto

Date: 15 October 2020

63 Hillam Dr

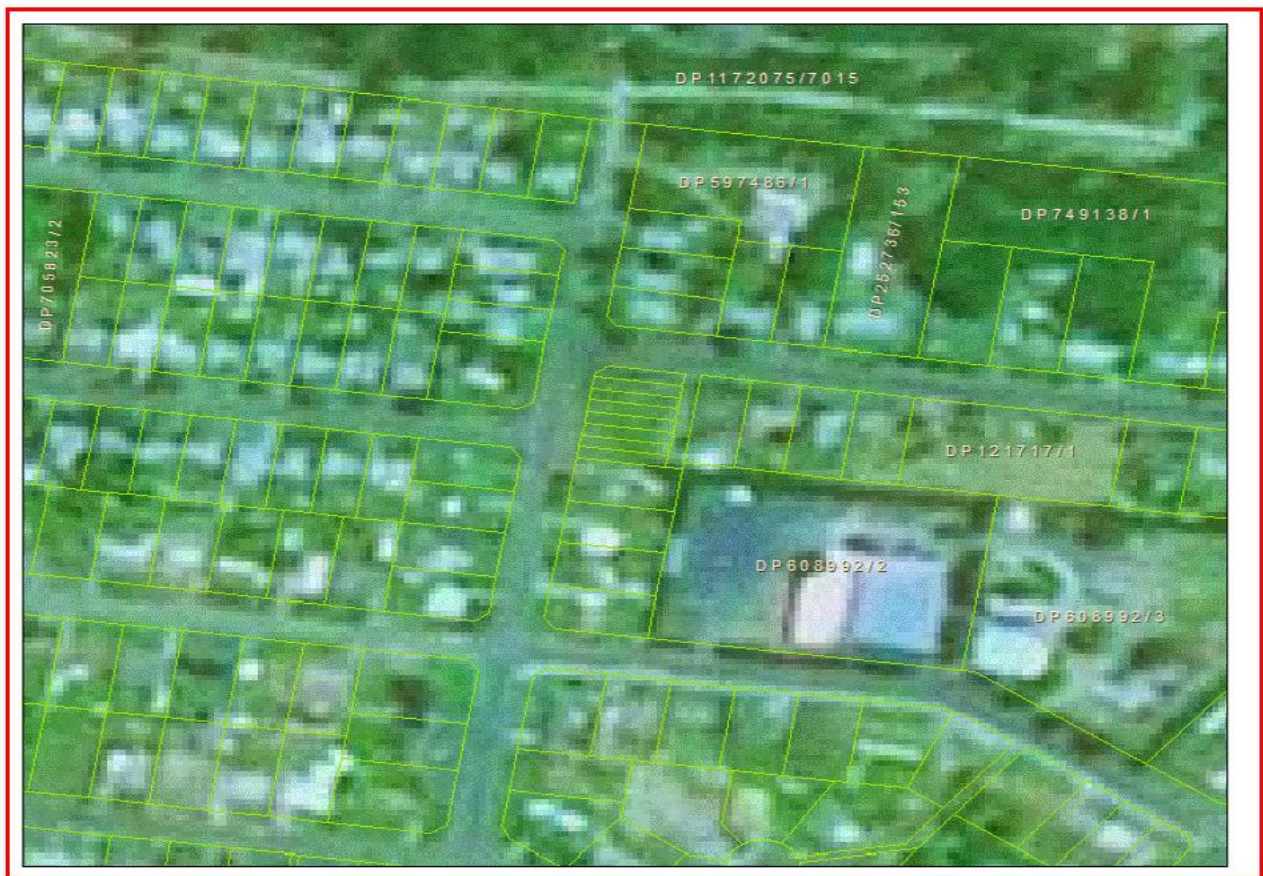
Griffith New South Wales 2680

Attention: Steven Parisotto

Email: parisplan@icloud.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 39, DP:DP252736 with a Buffer of 200 meters, conducted by Steven Parisotto on 15 October 2020.**



***The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.***

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

You can get further information about Aboriginal places by looking at the gazettal notice that declared it.

- Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.