

The Office of the Mayor



Our ref: Mayor NK/Vkm: F- 5701 & D- 740196, Res 24/096
Your ref: n/a

26 June 2024

Mayor, Cr Ruth McRae OAM
Murrumbidgee Council
35 Jerilderie Street
JERILDERIE NSW 2716

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CC mail@murrumbidgee.nsw.gov.au

Dear Ruth

Narrandera Tocumwal Rail Link

At our June meeting in response to a Notice of Motion submitted by Councillor Jenny Clarke OAM, Council resolved that I write to our neighbouring councils who might benefit from this project, to ascertain the level of interest in re-visiting the issue of the Narrandera Tocumwal rail link.

Councillor Clarke pointed out that the Inland Rail project was beset with problems and thought that the time was right to approach the Federal member the Hon. Sussan Ley for her support.

I would be grateful if you could indicate if you and or your council is interested in a joint submission to the local member and whether you would be prepared to contribute to any costs should the need arise.

My contact details are E cr.kschenka@narrandera.nsw.gov.au or T 0419-272-477, should you wish to discuss this further with me.

Yours sincerely



Cr Neville Kschenka
Mayor

CC:
Mayor, Cr Doug Curran, Griffith City Council
Mayor, Cr Tony Reneker, Leeton Shire Council

Enc: Nil



MONASH PARK
Plan of Management
2024-2029



Murrumbidgee
COUNCIL

MARCH 2024

MARCH 2021

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

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EXECUTIVE SUMMARY

Murrumbidgee Council has a broad and diverse network of open space that covers a differing levels of recreation use. Monash Park is the main sportsground in Jerilderie and is home of the local Australian Rules Football club, cricket and netball associations. The Plan of Management for Monash Park (the plan) aims to provide a basis for guiding Council's ongoing management of this facility within the Murrumbidgee Local Government Area in accordance with the requirements of the NSW Local Government Act 1993 (the Act) and the Crown.

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.

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 reserves 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 September 2021 and the sample for a generic Crown reserve plan of management outline, in order 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), as amended by the Local Government Amendment (Community Land Management) Act 1998.

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 Lot 7301 DP 1132742 being Crown Land Reserve No. 9984 and known as Monash Park.

Figure 1 – Aerial image



Legend

 Sportsground

Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of the reserves listed above.

The Plan of Management for Monash Park (MPPoM) was adopted on **23 July 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 MPPOM is a specific plan of management.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the MPPOM is to provide a clear direction that will enable ongoing use of Monash Park reserve for organized sporting activities 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 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 MPPoM will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management are 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. The 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 one of the many open space areas which Murrumbidgee Council manages which has been categorised as a *sportsground*. The purpose of developing a specific plan of management for Monash Park is to acknowledge the significance of the site in terms of a sporting facility and a public venue for the local community and the wider area. Land covered by the plan of management is listed in Table 1:

Table 1: Land covered by this plan of management

| Land | Real property description | Land owner |
|----------------------|----------------------------------|---|
| R9984 Monash Park | Lot 7301 DP 1132742 | Crown land managed by Murrumbidgee Council. |

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 2 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 2: Reserve purpose, gazettal date and categorisation

| Land | Purpose(s) & gazettal date | Categorisation |
|----------------------|--------------------------------------|----------------|
| R9984 Monash Park | Public recreation 26 October 1889 | Sportsground |

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Monash Park (MPPOM) is primarily guided by:

- Local Government Act, 1993
- Crown Land Management Act, 2016
- Crown Land Management Regulation, 2018
- Native Title Act, 1993 (Commonwealth)
- Aboriginal Land Rights Act, 1983

Other legislation, regulations and environmental planning instruments that may be of relevance to the Plan of Management for Golf Courses include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Transport Infrastructure) 2021;
- Jerilderie Local Environmental Plan, 2012;
- 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 sportsgrounds are set out in sections 36F of the Local Government Act, 1993 and clauses 103 of the Local Government (General) Regulation 2021 respectively.

The core objectives for *sportsgrounds use* are explained in Table 3 on the following page.

Table 3: Guidelines and core objectives of sportsground

| Land | Guidelines ¹ | Core Objectives ² |
|---------------------|---|---|
| <i>Sportsground</i> | Land should be categorised as 'Sportsground' if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games. | The core objectives for management of community land categorised as a sportsground are: a) to encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games. b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. |

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 an activity specified in the Table D, 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*

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

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

- 3 *Construct a temporary enclosure for the purpose of entertainment*
- 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.

There is nothing in the MPPOM that would prevent it from grant an approval to any of the activities listed in Table D.

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.

This MPPOM, is based on the initial categorisation of the reserves which was approved by Minister on 25 May 2020 and as such Murrumbidgee is not required to hold a public hearing as required under Section 40A of the LG Act, however was subject to public notification as prescribed by Section 38 of the same Act.

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, Jerilderie Local Environmental Plan 2012 and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of 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.

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.

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.

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 and of relevance to the plan of management are as follows:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Transport & Infrastructure) 2021

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 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 4: Zoning of reserve

| Land | Local environmental plan | Zoning of land |
|----------------------|--|-----------------------|
| R9984 Monash Park | Jerilderie Local Environmental Plan 2012 | RE1 Public Recreation |

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 the Jerilderie Development Control Plan 2012 (DCP) being relevant to the land. This document is 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 Monash Park.

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 May 2024 to adopt the draft plan of management and to place the draft PoM on public exhibition for 28 days. The exhibition date commenced on 31 May 2024 and ended on 28 June 2024. The public noticed advised

that submissions would be received up until 12 July 2024 which is 42 days after the commencement of the public exhibition period.

The exhibition included advertisement in local newspapers, on Council's website and documents being made available at its administration buildings in Coleambally, Darlington Point and Jerilderie.

Council resolved on 23 July 2024 to adopt the Plan of Management for Monash Park

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 land listed in Table 2 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.

5. Land containing significant natural features

The provisions of section 36C of the Local Government Act, 1993 does not apply to any of the reserve listed in Table 2 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 5 May 2021 (see Appendix B) was undertaken. No Aboriginal sites are recorded in or near³ the above location; and no Aboriginal places have been declared in or near the above location.

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 Monash Park, 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 Monash Park

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

“Providing a premier sporting venue that provides opportunities and facilities that meet the ongoing demands local sporting clubs and associations”

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 sportsgrounds 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.

³ The search parameter applied was within 50m of each of the lots.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for Monash Park. 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 Monash Park as a *recreation area* particularly one that incorporates facilities for local sporting associations and clubs to enable organized sporting events for the local community and broader region.
- To provide a safe and pleasant venue for all, by enable activities identified in Table D under Section 68 of the LG Act.
- To maintain and enhance the visual aesthetics of the park through proper maintenance of buildings, playing and practice surfaces and ancillary structures, amenities and car park.

8.1 Statutory guidelines for development of the sportsgrounds

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 use of the reserves would fall within the broad definition as a *recreation area*, as defined in the standard instrument and uses that incorporates a sports facilities is consistent with the categorisation of the land as a *sportsground* and the definition of a *recreation facility (outdoor)*.

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(1)(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 4 identifies the zoning of the land under JLEP 2012. The RE1 zone that applies 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 Monash Park in terms of what it will permit.

Table 6 - Preferred uses of the reserve

| Land Use | Provisions of an environmental planning instrument | Allowed under MPPoM | Reason |
|---|---|--|---|
| <i>Building identification signs</i> | Permitted with consent. | Allowed if in conjunction with another use permitted in this plan of management | A building identification sign that is ancillary to another permitted use would be consistent with the purpose of the reserve and the categorization of the land. |
| <i>Environmental protection works</i> | Permitted with or without consent. | Allowed. | <i>Environmental protection works</i> would be consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation areas</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area</i> is consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation facilities (indoor)</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (indoor)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation facilities (major)</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (major)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation facilities (outdoor)</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (outdoor)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| <i>SEPP Infrastructure</i> | Exempt development or permitted without consent. | Allowed, subject to satisfying the requirements of clause 2.73 & 2.74 of SEPP (Transport & Infrastructure) 2021. | Works identified in clauses 2.73 & 2.74 of the SEPP would be consistent with the purpose of the reserve |

| | | | |
|-----------------------------------|----------------------------|----------|---|
| | | | and the categorization of the land. |
| Water reticulation systems | Permitted without consent. | Allowed. | <i>Water reticulation systems</i> would be consistent with the purpose of the reserve and the categorization of the land. |

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 and the images in Figures 2 to 19 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 |
|----------------------|--|--|
| R9984 Monash Park | Sportsground (incorporating a cricket/Australian Rules football oval, netball courts and associated practice facilities) | <ul style="list-style-type: none"> ▪ Perimeter fencing ▪ Signage including wayfinding signs ▪ Informal car parking ▪ Amenities building ▪ Shade structures ▪ Grandstand and seating ▪ Irrigation system ▪ Netball courts ▪ Cricket nets ▪ Oval boundary fencing ▪ Goal posts ▪ Monuments ▪ Playground equipment ▪ Storage shed |

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area*, the categorisation of the reserve as a *sportsground*. Monash Park is being used for its gazette purpose for public recreation and the approved categorization as sportsground.

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. At the date of adoption of the Plan of Management for Monash Park, the playing surface of the main oval appear to be in fair condition, with the netball courts and cricket practice nets in good condition. All buildings are in good condition and appear to be well maintained.

Figure 2 – Signage at entrance⁴



Figure 4 – Main vehicular entrance



Figure 6 – Main building



Figure 3 – Monument



Figure 5 – Entrance booth (for vehicles)



Figure 7 – Canteen (part of main building)



⁴ Images in Figures 2 to 19 taken on 19 December 2019 © Steven Parisotto Photography

Figure 8 – Clubhouse area (main building)



Figure 9 – Change rooms (main building)



Figure 10 – Grandstand



Figure 11 – Netball courts and seating



Figure 12 – Shade structures, spectator area



Figure 13 – Machinery storage shed



Figure 14 – Practice nets



Figure 15 – Main turf cricket pitch



Figure 16 – Main oval and goal posts



Figure 17 – Electronic scoreboard



Figure 18 – Main building from oval



Figure 19 – Playground equipment



8.3 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.

Monash Park will continue to be used as a *sportsground*.

While the future improvements may involve permanent structures being erected, the extent of these work would generally fall within the category of exempt development as set out in State Environmental Planning Policy (Transport and Infrastructure) 2021.

Monash Park is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires. Further the land has not been mapped as being area of high biodiversity, however the site has been mapped as the groundwater system identified as being vulnerable. It is not expected that any future works would have an adverse impact on the groundwater system.

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

| Sportsground | |
|--|---|
| Purpose or use as... | Development to facilitate |
| <p>The following uses are permitted by this Plan of Management on land categorized as a <i>sportsground</i> as they are consistent with the purpose of the reserves.</p> <ul style="list-style-type: none"> a) Recreation areas that enable the following <ul style="list-style-type: none"> i. Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities; ii. Organised and unstructured recreation activities; iii. Community events and gatherings; and iv. Commercial uses associated with sports facilities b) Environmental protection works including re-turfing and erosion control measures and landscaping commensurate to the reserve. | <p>The Plan of Management will allow and facilitate the following development which would be ancillary to the use of the reserves as a recreation area</p> <ul style="list-style-type: none"> ▪ Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> ▪ Change room/locker area ▪ Shower/toilet facilities ▪ Car parking and loading areas ▪ Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) ▪ Shade structures ▪ Storage ancillary to recreational uses, community events or gatherings, and public meetings ▪ Facilities for sports specific training, e.g. cricket nets, football posts, netball hoops etc) ▪ Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas ▪ Café/kiosk facilities and uses ▪ Equipment sales/hire areas |

| | |
|--|---|
| | <ul style="list-style-type: none"> ▪ Compatible, small scale commercial uses, e.g. sports tuition ▪ Advertising structures and signage (such as A-frames and banners) that relate to approved uses/activities; are discreet and temporary, and are approved by the council ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage |
|--|---|

8.4 Leases, licences and other estates

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

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

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

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

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.

The Plan of Management for Monash Park expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land

- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 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.
- 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 (General) Regulation 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.

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

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

This plan of management expressly authorises Murrumbidgee Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act 2016 for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018. Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- access through a reserve
- catering, including food vending vehicles, (if it is associated with a sporting or organized recreational activity)
- emergency occupation
- entertainment (if it is associated with a sporting or organized recreational activity)
- environmental protection, conservation or restoration or environmental studies,
- functions (if it is associated with a sporting or organized recreational activity, eg: end-of-season presentations)
- sporting and organised recreational activities,
- storage facilities for sporting equipment and the like.

Table 9 - Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|---|--|
| Lease | <ul style="list-style-type: none"> • 10 years* | <ul style="list-style-type: none"> • café/kiosk/club house areas, including seating and tables • management of court facilities • hire or sale of recreational equipment |
| Licence | <ul style="list-style-type: none"> • 10 years* | <ul style="list-style-type: none"> • café/kiosk/club house areas, including seating and tables • management of court or similar facilities • hire or sale of recreational equipment |
| Short-term licence | <ul style="list-style-type: none"> • 12 months | <ul style="list-style-type: none"> • sporting fixtures and events |

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|--------------|--|
| | | <ul style="list-style-type: none"> • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings) • food vending vehicles associated with sporting fixtures. |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act. |

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, licenses or other estates in place.

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 sportsground.

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 8 - Objectives and performance targets

| 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 |
|------------------------------|---|---|--|
| Access | Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve. | Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards. Provision of shared facility where safe and appropriate, including the segregation of cyclists and pedestrians where appropriate. Use of regulatory signs. | Assess useability of Monash Park by wheelchair users through surveys and observation. Record and review all accidents and near misses as a result of inappropriate use. |
| Alcohol | 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. |
| Animal control | Impound all animals that are not under the full control of owner or handler. | Community education and involvement in monitoring. Use of regulatory signs and enforcement. | Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action. |
| Anti-Social behaviour | Minimise and manage anti-social behaviour in the sportsground. | Encourage community involvement and surveillance. Implement community health measures. Appropriate design and lighting of common areas. | 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 |
|--------------------------|---|--|---|
| Buildings | <p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow new buildings, that are consistent with or ancillary to the reserve purpose of public recreation and use of the <i>sportsground</i>, are to complement to the design of the existing structures within Monash Park</p> | <p>Undertake regular cleaning and maintenance of the public amenities within Monash Park</p> <p>Provision and maintenance of security lighting in an around the amenities' building.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport & 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 & 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> |
| 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. |

| 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 |
|--------------------------|--|--|---|
| Landscaping | <p>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.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p> <p>Maintain playing surfaces to a standard providing safety for the people using the sportsground.</p> | <p>Use shade trees for user</p> <p>Preserve and reinforce indigenous planting and identify species endemic to the area.</p> <p>Application of correct horticultural techniques for the maintenance of the cricket pitch and other grassed playing surfaces</p> | <p>Number of comments about public acceptance and level of sporting usage.</p> <p>Number of comments about maintenance, durability and public acceptance of the landscape character.</p> |
| Lighting | <p>Allow flooding lighting which will enable safe training and playing areas during the evening and at night.</p> <p>Prevent excessive lighting impacts on adjoining land uses.</p> | <p>Set appropriate illumination levels.</p> <p>Design, site and install light facilities.</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> |

| 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 & 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 Monash Park so that they do not conflict with canteen operations of the sporting clubs and their fund raising abilities.</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>Casual street vendors are only to be permitted to operate from the site with the permission of the local sporting club or by their invitation.</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> |
| 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> | <p>Appropriate design, location and erection of structures.</p> | <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> |
| 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 & Signs.</p> <p>Council approval.</p> | <p>Number of user comments.</p> <p>Number of ordinance investigations and prosecutions.</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 |
|--------------------------|---|--|---|
| Site Utility Services | Allow for the installation of all services as required by site usage. | <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 | Allow special events within Monash Park with minimal adverse visual, physical, social and environmental impact. | Council approval as required under Environmental Planning & Assessment Act, 1979 and/or Local Government Act, 1993 | <p>Number of comments about special events.</p> <p>Attendance levels at special events.</p> |
| Waste Management | Minimise litter within the Monash Park. Encourage recycling. | <p>Provide and service enough waste management facilities in strategic locations.</p> <p>Provide a recycling station for glass, aluminium, PET plastics etc.</p> <p>Community education.</p> | <p>Number of garbage and recycling bins provided.</p> <p>Number of comments in relation to inadequate waste facilities.</p> |

APPENDICIES

APPENDIX A - Definitions

| Term | Legislative definition |
|--|---|
| community land | <p>means –</p> <p>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</p> |
| community participation plan | <p>means –</p> <p>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</p> |
| environmental planning instrument | <p>means –</p> <p>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)</p> <p>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.</p> |
| plan of management | <p>means –</p> <p>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)</p> |
| public reserve | <p>means –</p> <ul style="list-style-type: none"> (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or (g) Crown managed land that is dedicated or reserved— <ul style="list-style-type: none"> (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order |

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).



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : 21-C01-MC Monash Park
Client Service ID : 588341

PARISPLAN URP
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 05 May 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7301, DP:DP1132742 with a Buffer of 50 meters, conducted by Steven Parisotto on 05 May 2021.

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 to 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.

• JERILDERIE SPORTS CENTRE •

**JERILDERIE SPORTS
CENTRE**

Plan of Management

2024-2029



**Murrumbidgee
COUNCIL**

APRIL 2024

APRIL 2024

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

PARISPLAN Urban & Regional Planning

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PARISPLAN Urban & Regional Planning has prepared this Plan of Management for The Jerilderie Sports Centre 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.

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DRAFT

EXECUTIVE SUMMARY

Murrumbidgee Council has a broad and diverse network of open space that covers a differing levels of recreation use. The Jerilderie Sports Centre is the main indoor sports facility within the local government area providing for indoor sporting activities. The site also encompasses the outdoor aquatic centre. The Plan of Management for the Jerilderie Sports Centre (the plan) aims to provide a basis for guiding Council's ongoing management of its this facility within the Murrumbidgee Local Government Area in accordance with the requirements of the NSW Local Government Act 1993 (the Act) and the Crown.

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.

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 reserves 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 September 2021 and the sample for a generic Crown reserve plan of management outline, in order 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), as amended by the Local Government Amendment (Community Land Management) Act 1998.

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 lots 192 & 202 DP 756426 and Lot 7036 DP 1087007 being Crown Land Reserve No. 88451 and known as the Jerilderie Sports Centre.

Figure 1 – Aerial image



Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of the reserve listed above.

The Plan of Management for the Jerilderie Sports Centre (JSCPoM) was adopted on **[insert date]**.

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 gazetted 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 JSCPOM is a specific plan of management.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the JSCPOM is to provide a clear direction that will enable ongoing use of the Jerilderie Sports Centre for both organized sporting activities and casual use of the facilities while allowing for further opportunities for the development of appropriate uses of 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 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 JSCPoM will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management are 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. The 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 one of the many open space areas which Murrumbidgee Council manages which has been categorised as a *sportsground*. The purpose of developing a specific plan of management for the Jerilderie Sports Centre is to acknowledge the significance of the site in terms of a sporting facility and a public venue for the local community and the wider area. Land covered by the plan of management is listed in Table 1:

Table 1: Land covered by this plan of management

| Land | Real property description | Land owner |
|------------------------------------|--|---|
| R88451 Jerilderie Sports Centre | Lots 192 & 202 DP 756426, and Lot 7036 DP 1087007 | Crown land managed Murrumbidgee Council. |

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 2 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 2: Reserve purpose, gazettal date and categorisation

| Land | Purpose(s) & gazettal date | Categorisation |
|------------------------------------|---------------------------------------|----------------|
| R88451 Jerilderie Sports Centre | Public recreation 31 December 1971 | Sportsground |

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for the Jerilderie Sports Centre (JSCPOM) is primarily guided by:

- Local Government Act, 1993
- Crown Land Management Act, 2016
- Crown Land Management Regulation, 2018
- Native Title Act, 1993 (Commonwealth)
- Aboriginal Land Rights Act, 1983

Other legislation, regulations and environmental planning instruments that may be of relevance to the Plan of Management for the Jerilderie Sports Centre include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;

- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- Jerilderie Local Environmental Plan, 2012;
- 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 sportsgrounds are set out in sections 36F of the Local Government Act, 1993 and clauses 103 of the Local Government (General) Regulation 2021 respectively.

The core objectives for *sportsgrounds use* are explained in Table 3 below.

Table 3: Guidelines and core objectives of sportsground

| Land | Guidelines ¹ | Core Objectives ² |
|---------------------|---|---|
| <i>Sportsground</i> | Land should be categorised as 'Sportsground' if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games. | The core objectives for management of community land categorised as a sportsground are: a) to encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games. b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. |

¹ NSW Local Government (General) Regulation 2021, Part 4 Division 1, Guidelines for the categorisation of community land.

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

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 an activity specified in the Table D, 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*
- 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.

There is nothing in the JSCPOM that would prevent it from grant an approval to any of the activities listed in Table D.

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.

This JSCPOM, is based on the initial for categorisation of the reserves which was approved by Minister on 25 May 2020 and as such Murrumbidgee is not required to hold a public hearing as required under Section 40A of the LG Act, however was subject to public notification as prescribed by Section 38 of the same Act.

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, Jerilderie Local Environmental Plan 2012 and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of 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.

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.

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.

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 and of relevance to the plan of management are as follows:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Biodiversity & Conservation) 2021

- State Environmental Planning Policy (Transport & Infrastructure) 2021

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 4: Zoning of reserve

| Land | Local environmental plan | Zoning of land |
|------------------------------------|--|-----------------------|
| R88451 Jerilderie Sports Centre | Jerilderie Local Environmental Plan 2012 | RE1 Public Recreation |

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 the Jerilderie Development Control Plan 2012 (DCP) being relevant to the land. This document is 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 the Jerilderie Sports Centre.

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 **[insert date]** 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. The exhibition date commenced on **[insert date]** and ended on **[insert date]**. The public noticed advised that submissions would be received up until **[insert date]** which is 42 days after the commencement of the public exhibition period.

The exhibition included advertisement in local newspapers, on Council's website and documents being made available at its administration buildings in Coleambally, Darlington Point and Jerilderie.

Following consideration of submissions, Council resolved on **[insert date]** to adopt the Plan of Management for the Jerilderie Sports Centre

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 land listed in Table 2 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.

5. Land containing significant natural features

The provisions of section 36C of the Local Government Act, 1993 does not apply to any of the reserve listed in Table 2 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 7 May 2021 (see Appendix D) was undertaken. No Aboriginal sites are recorded in or near³ the above location; and no Aboriginal places have been declared in or near the above location.

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 the Jerilderie Sports Centre, 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 Jerilderie Sports Centre

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

“Providing a indoor sporting complex and swimming pool that provides facilities that meet the needs of the local community”

³ The search parameter applied was within 50m of each of the lots.

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 sportsgrounds 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 Jerilderie Sports Centre. 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 Jerilderie Sports Centre as a *recreation area* particularly one that incorporates indoor sports and activities, and swimming facilities for the local community and broader region.
- To allow future development of the reserve for additional recreation facilities such as outdoor playing fields and associated car parking.
- To provide a safe and pleasant venue for all, by enable activities identified in Table D under Section 68 of the LG Act.
- To maintain and enhance the visual aesthetics of the reserve through proper maintenance of buildings, court surfaces, swimming pool and ancillary structures, amenities and car park.

8.1 Statutory guidelines for development of the sportsgrounds

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 use of the reserves would fall within the broad definition as a *recreation area*, as defined in the standard instrument and uses that incorporates a sporting facility is consistent with the categorisation of the land as a *sportsground* and the definition of a *recreation facility (indoor) and recreation facility (outdoor)*

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(1)(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 JLEP 2012. The zone provides 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 Jerilderie Sports Centre in terms of what it will permit.

Table 6 - Preferred uses of the reserve

| Land Use | Provisions of an environmental planning instrument | Allowed under JSCPoM | Reason |
|----------|--|----------------------|--------|
| | | | |

| | | | |
|--|---|--|---|
| Building identification signs | Permitted with consent. | Allowed if in conjunction with another use permitted in this plan of management | A building identification sign that is ancillary to another permitted use would be consistent with the purpose of the reserve and the categorization of the land. |
| Environmental protection works | Permitted with or without consent. | Allowed. | Environmental protection works would be consistent with the purpose of the reserve and the categorization of the land. |
| Recreation areas | Permitted with consent. | Allowed. | The use of the reserve as a recreation area is consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (indoor) | Permitted with consent. | Allowed. | The use of the reserve as a recreation area (indoor) is consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (major) | Permitted with consent. | Allowed. | The use of the reserve as a recreation area (major) is consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (outdoor) | Permitted with consent. | Allowed. | The use of the reserve as a recreation area (outdoor) is consistent with the purpose of the reserve and the categorization of the land. |
| SEPP Infrastructure | Exempt development or permitted without consent. | Allowed, subject to satisfying the requirements of clause 2.73 & 2.74 of SEPP (Transport & Infrastructure) 2021. | Works identified in clauses 2.73 & 2.74 of the SEPP would be consistent with the purpose of the reserve and the categorization of the land. |
| Tree removal | Subject to the provisions of State Environmental Planning Policy (Biodiversity & Conservation) 2017 | Allowed. | Consistent with the categorization of the land as a sportsground. |
| Water reticulation systems | Permitted with or without consent. | Allowed. | Water reticulation systems are consistent with the categorisation of the reserve. |

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 on the following page identifies the current use of the land and existing structures that have been erected within the reserve.

Table 7: Existing use of reserves and structures

| Land | Current use | Existing structures |
|-----------------------------------|--|--|
| R9984 Jerilderie Sports Centre | Recreation facility (indoor and outdoor) | <ul style="list-style-type: none">▪ Security fencing at perimeter of the site (swimming pool)▪ Sports stadium▪ Formal carpark▪ Signage including wayfinding signs<ul style="list-style-type: none">▪ 25 metre swimming pool▪ Amenities building, kiosks & storage sheds▪ Seating, picnic tables and shade structures▪ Playground equipment▪ Stables (heritage listed) |

The buildings and the associated equipment are consistent with development that falls under the definition of a recreation area, the categorisation of the reserve as a sportsground. The Jerilderie Sports Centre is being used for its gazette purpose for public recreation and the approved categorization as sportsground.

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. At the date of adoption of the Plan of Management for the Jerilderie Sports Centre, the main building

although dated is in good condition as is the main carpark. The swimming pool has recently undergone major upgrades with all facilities in excellent condition.

Figure 2 – Main building and carpark⁴



Figure 3 – Carpark



Figure 4 – Splash pool⁵



Figure 5 25m lap pool



⁴ Images in Figures 2 too 3 taken on 19 December 2019 © Steven Parisotto Photography

⁵ Images in Figures 4 to 5 sourced from Jerilderie Swimming Pool Facebook page

8.3 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.*

The Jerilderie Sports Centre will continue to be used as a *sportsground*.

While the future improvements may involve permanent structures being erected, there is no perceived harm as ultimately can be reversed. The extent of these work would generally fall within the category of exempt development as set out in State Environmental Planning Policy (Transport & Infrastructure) 2021 and as such would not involve irreversible harm to the land.

The Jerilderie Sports Centre is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires. The land however has been mapped for its terrestrial biodiversity and its northern perimeter is identified as being a wetland and adjoins a watercourse. Any future work within the reserve will have to address these matters, with any expansion of the facilities including the removal of vegetation addressing the relevant legislative provisions under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

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

| Sportsground | |
|--|--|
| Purpose or use as... | Development to facilitate |
| <p>The following uses are permitted by this Plan of Management on land categorized as a sportsground as they are consistent with the purpose of the reserves.</p> <p>a) Recreation areas that enable the following</p> | <p>The Plan of Management will allow and facilitate the following development which would be ancillary to the use of the reserves as a recreation area</p> |

| | |
|--|---|
| <ul style="list-style-type: none"> i. Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities; ii. Organised and unstructured recreation activities; iii. Community events and gatherings; and iv. Commercial uses associated with sports facilities <p>b) Environmental protection works including re-turfing and erosion control measures and landscaping commensurate to the reserve.</p> | <ul style="list-style-type: none"> ▪ Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> ▪ Change room/locker area ▪ Shower/toilet facilities ▪ Car parking and loading areas ▪ Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) ▪ Shade structures ▪ Storage ancillary to recreational uses, community events or gatherings, and public meetings ▪ Facilities for sports specific training, e.g. cricket nets, football posts, netball hoops etc) ▪ Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas <ul style="list-style-type: none"> ▪ Café/kiosk facilities and uses ▪ Equipment sales/hire areas ▪ Compatible, small scale commercial uses, e.g. sports tuition ▪ Advertising structures and signage (such as A-frames and banners) that relate to approved uses/activities; are discreet and temporary, and are approved by the council ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage |
|--|---|

8.4 Leases, licences and other estates

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

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

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

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

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.

The Plan of Management for the Jerilderie Sports Centre expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 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.

- 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 (General) Regulation 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.

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

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

This plan of management expressly authorises Murrumbidgee Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act 2016 for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018. Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- access through a reserve
- catering, including food vending vehicles, (if it is associated with a sporting or organized recreational activity)
- emergency occupation
- entertainment (if it is associated with a sporting or organized recreational activity)
- environmental protection, conservation or restoration or environmental studies,
- functions (if it is associated with a sporting or organized recreational activity, eg: end-of-season presentations)
- sporting and organised recreational activities,
- storage facilities for sporting equipment and the like.

Table 9 - Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|-----------------------------------|---|---|
| Lease | <ul style="list-style-type: none"> • 10 years* | <ul style="list-style-type: none"> • café/kiosk/club house areas, including seating and tables • management of court facilities • hire or sale of recreational equipment |

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|---|--|
| Licence | <ul style="list-style-type: none"> • 10 years* | <ul style="list-style-type: none"> • café/kiosk/club house areas, including seating and tables • management of court or similar facilities • hire or sale of recreational equipment |
| Short-term licence | <ul style="list-style-type: none"> • 12 months | <ul style="list-style-type: none"> • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings) • food vending vehicles associated with sporting fixtures. |
| Other estates | | <p>This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.</p> |

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, licenses or other dealings in place.

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 sportsground.

Table 8 on page 24 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 8 - Objectives and performance targets

| 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 |
|--------------------------|---|---|---|
| Access | Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve. | Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards. Provision of shared facility where safe and appropriate, including the segregation of cyclists and pedestrians where appropriate. Use of regulatory signs. | Assess useability of The Jerilderie Sports Centre by wheelchair users through surveys and observation. Record and review all accidents and near misses as a result of inappropriate use. |
| Alcohol | 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. |
| Animal control | Impound all animals that are not under the full control of owner or handler. | Community education and involvement in monitoring. Use of regulatory signs and enforcement. | Record all complaints about loose dogs, attacks and animal waste, and where required take 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 |
|------------------------------|--|--|---|
| Anti-Social behaviour | Minimise and manage anti-social behaviour in the sportsground. | <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. |
| Buildings | <p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow new buildings, that are consistent with or ancillary to the reserve purpose of public recreation and use of the <i>sportsground</i>, are to complement to the design of the existing structures within The Jerilderie Sports Centre</p> | <p>Undertake regular cleaning and maintenance of the public amenities within The Jerilderie Sports Centre</p> <p>Provision and maintenance of security lighting in an around the amenities' building.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport & 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 & 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 |
|--------------------------|--|--|--|
| 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 | <p>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.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p> <p>Maintain playing surfaces to a standard providing safety for the people using the sportsground.</p> | <p>Use shade trees for user</p> <p>Preserve and reinforce indigenous planting and identify species endemic to the area.</p> <p>Application of correct horticultural techniques for the maintenance of the cricket pitch and other grassed playing surfaces</p> | <p>Number of comments about public acceptance and level of sporting usage.</p> <p>Number of comments about maintenance, durability and public acceptance of the landscape character.</p> |
| Lighting | <p>Allow flooding lighting which will enable safe training and playing areas during the evening and at night.</p> <p>Prevent excessive lighting impacts on adjoining land uses.</p> | <p>Set appropriate illumination levels.</p> <p>Design, site and install light facilities.</p> | <p>Number of comments from adjoining residents and Park users.</p> <p>Number of problems related to inadequate lighting.</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 |
|---------------------------------------|---|---|--|
| 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> |
| Refreshment kiosks (mobile and fixed) | <p>Allow the licensing or leasing of <i>kiosks or food & 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 Jerilderie Sports Centre so that they do not conflict with canteen operations of the sporting clubs and their fund raising abilities.</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>Casual street vendors are only to be permitted to operate from the site with the permission of the local sporting club or by their invitation.</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> |

| 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 |
|-------------------------------------|---|---|---|
| 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> |
| 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 & Signs.</p> <p>Council approval.</p> | <p>Number of user comments.</p> <p>Number of ordinance investigations and prosecutions.</p> |
| Site Utility Services | Allow for the installation of all services as required by site usage. | <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 | Allow special events within the Jerilderie Sports Centre with minimal adverse visual, physical, social and environmental impact. | Council approval as required under Environmental Planning & Assessment Act, 1979 and/or Local Government Act, 1993 | <p>Number of comments about special events.</p> <p>Attendance levels at special events.</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 |
|--------------------------|---|--|---|
| Waste Management | Minimise litter within the Jerilderie Sports Centre. Encourage recycling. | <p>Provide and service enough waste management facilities in strategic locations.</p> <p>Provide a recycling station for glass, aluminium, PET plastics etc.</p> <p>Community education.</p> | <p>Number of garbage and recycling bins provided.</p> <p>Number of comments in relation to inadequate waste facilities.</p> |

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APPENDICES

APPENDIX A - Definitions

| Term | Legislative definition |
|--|---|
| community land | <p><i>means –</i></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> |
| community participation plan | <p><i>means –</i></p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p> |
| environmental planning instrument | <p><i>means –</i></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> |
| plan of management | <p><i>means –</i></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> |

public reserve

means –

- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the *Local Government Act 1919*, or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the *Local Government Act 1919*, or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the *Crown Lands Consolidation Act 1913*, or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the *Crown Lands Act 1989*, or
- (g) Crown managed land that is dedicated or reserved—
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order

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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 facility (indoor) whether or swimming pool, any other building or an entertainment

means a building or place used predominantly for indoor recreation, not operated for the purposes of gain, including a squash court, indoor gymnasium, table tennis centre, health studio, bowling alley, ice rink or place of a like character used for indoor recreation, but does not include facility, a recreation facility (major) or a registered club.

recreation facility (major) activities that periodically, and

means a building or place used for large-scale sporting or recreation are attended by large numbers of people whether regularly or includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility predominantly for including a golf course, bowling green, outdoor range, water-ski centre recreation (including recreation facility

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

APPENDIX B - Aboriginal Heritage Information Management System Search Extracts



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : 20-C01-MC JSC 192

Client Service ID : 589241

PARISPLAN URP

Date: 07 May 2021

63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 192, DP:DP756426 with a Buffer of 50 meters, conducted by Steven Parisotto on 07 May 2021.

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:

| | |
|--------------------------|--|
| <input type="checkbox"/> | Aboriginal sites are recorded in or near the above location. |
| <input type="checkbox"/> | Aboriginal places have been declared in or near the above location.* |

PARISPLAN URP

Date: 07 May 2021

63 Hillam Dr
Griffith New South Wales 2680

Attention: Steven Parisotto

Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 202, DP:DP756426 with a Buffer of 50 meters, conducted by Steven Parisotto on 07 May 2021.

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. * |

PARISPLAN URP
 63 Hillam Dr
 Griffith New South Wales 2680
 Attention: Steven Parisotto
 Email: admin@parisplan.com.au

Date: 07 May 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7036, DP:DP1087007 with a Buffer of 50 meters, conducted by Steven Parisotto on 07 May 2021.

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 to 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.

***AREAS OF CULTURAL
SIGNIFICANCE: The Willows***
Plan of Management
2024-2029



Murrumbidgee
COUNCIL

JANUARY 2024

Plan of Management prepared for **Murrumbidgee Council**

Plan of Management prepared by:
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Disclaimer: PARISPLAN Urban & Regional Planning has prepared this Plan of Management for Sportsgrounds 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.

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EXECUTIVE SUMMARY

Murrumbidgee Council has a long and diverse history of both Aboriginal cultural significance and post-European colonization and the pastoral development of the interior of New South Wales, with perhaps the most notable being the penning of the *Jerilderie Letter* by Ned Kelly. In total, Murrumbidgee Council manages and maintains four reserves which have been identified as having significant cultural value to the community.

This plan, being the Plan of Management for Areas of Cultural Significance – The Willows applies to Crown Reserve No. 89633.

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.

The current use patterns; condition of the existing built 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 cultural assets.

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 June 2023 and the sample for a site-specific Crown reserve plan of management outline, in order 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), as amended by the Local Government Amendment (Community Land Management) Act 1998.

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 Heritage strategy.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

This Plan of Management Plan covers the following:

- Lot 7016 DP 1125040 being Crown Land Reserve No. 89633 that is The Willows

Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of the reserves listed above.

The Plan of Management for Areas of Cultural Significance: The Willows was adopted on **23 July 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 Plan of Management for Areas of Cultural Significance – The Willows is a specific plan of management.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the PoM is to provide a clear direction that will enable the history of Jerilderie be shared with members the local community and visitors to the local government area while facilitating

opportunities for the use of the buildings for purposes that would allow the ongoing conservation of the heritage items.

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 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 Plan of Management for Areas of Cultural Significance: The Willows will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management are 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 one of Murrumbidgee Council's museums and a site of historic European heritage which have categorised as being an area of cultural significance. Including this site, along with the other site specific plans of management for areas of cultural significance ensures consistent management approach with a tailored approach to each site, all meeting the diverse needs of the community. Land covered by this plan of management is listed in Table 1 below:

Table 1: Land covered by this Plan of Management

| Land | Real property description | Land owner |
|-----------------------------------|---------------------------|---|
| R89633 The Willows, Jerilderie | Lot 7016 DP 1125040 | Crown land managed by Murrumbidgee Council. |

Land not covered by this plan includes community land covered by other plans of management listed in Table 2.

Figure 1 – Aerial Image of The Willows



Table 2: Area of cultural significance not covered by this plan of management

| Land | Reason |
|--|--|
| <p><i>R62157</i> <i>Pump station</i></p> | <p>This site has dual categorisation including a natural area and it has been included in the generic plan of management for natural areas</p> |
| <p><i>R88058</i> <i>Darlington Point Museum</i></p> | <p>This site has its own unique characteristics and a separate plan of management is warranted.</p> |
| <p><i>R150042</i> <i>Jerilderie Court House and Library</i></p> | <p>This site has its own unique characteristics and a separate plan of management is warranted.</p> |

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.

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 reserve

The land covered by this 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 categorisation

| Land | Purpose(s) | Categorisation |
|--|------------|-------------------------------|
| R89633 <i>The Willows, Jerilderie</i> | Museum | Area of cultural significance |

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Areas of Cultural Significance 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 Plan of Management for Areas of Cultural Significance include:

- Environmental Planning and Assessment Act, 1979;

-
- Environmental Planning and Assessment Regulation, 2021;
 - State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - Jerilderie Local Environmental Plan, 2012;
 - 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 categorised as an area of cultural significance are set out in section 36H of the Local Government Act, 1993 and clause 105 of the Local Government (General) Regulation, 2021 respectively. These core objectives are as follows:

Table 4: Core objectives

| Land | Guidelines ¹ | Core Objectives ² |
|--------------------------------------|---|---|
| <i>Area of cultural significance</i> | Land is to categorised as an area of cultural significance includes an area of Aboriginal significance; or is an area of aesthetic significance; or is an area of archaeological significance; or is an area of historical significance; or is an area of technical or research significance; or is an area of social significance. | <p>The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area for past, present or future generations by the active use of conservation methods including:</p> <ul style="list-style-type: none"> a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. |

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 and activity specified in the Table D, 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
- 4 For fee or reward, play a musical instrument or sing
- 5 Set up, operate or use a loudspeaker or sound amplifying device

¹ NSW Local Government (General) Regulation 2021, Part 4 Division 1, Guidelines for the categorisation of community land.

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

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.

It is considered, that while the activities listed above may be permitted on community land and consistent with the categorization of the land, not all would be consistent with the purpose of the reserve, that being a museum. In this regard, only those activities listed in Table D of Section 68 of the Local Government Act, 1993 and set out in Table 9 of clause 8.1 may be permitted.

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 the reserves listed Table 3 and other land managed by Murrumbidgee Council was sent to the Department of Planning, Industry & Environment (Crown Lands) on 4 March 2020.

This Plan of Management for Areas of Cultural Significance – The Willows is based on the initial categorisation of the reserve which was approved by Minister.

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 relevant environmental planning instruments and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of 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 license 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 (Building Sustainability Index: BASIX) 2004
- 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 (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- 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 Plan of Management for Areas of Cultural Significance, as many relate to development that is inconsistent with the categorisation of the land and this plan of management. State Environmental Planning Policy (Transport Infrastructure) 2021 is one which most likely would require consideration when evaluating a development on the land.

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 |
|-----------------------------------|--|-------------|
| R89633 The Willows, Jerilderie | Jerilderie Local Environmental Plan 2012 | RU5 Village |

The RU5 Village zone under Jerilderie Local Environmental Plan 2012 is considered to be an open zone, that is one where a broad range of land uses and typically lists any number of uses, including any other development not specified in item 2 of 4, where item 2 refers to development permitted without consent and item 4 identifies development that is prohibited. Specifically, the Land Use Table in JLEP 2012 states:

1 Objectives of zone

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Centre-based childcare facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Electricity generating works; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Jetties; Marinas; Mooring pens; Moorings; Pond-based aquaculture Rural industries; Rural workers' dwellings; Sex services premises; Waste or resource management facilities; Wharf or boating facilities

3.3.1.2 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. 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 The Willows

This Plan provides a medium-term strategy for the management and maintenance of the reserves. 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 May 2024 to place the draft PoM on public exhibition for 28 days. The exhibition date commenced on 31 May 2024 and ended on 28 June 2024. The public noticed advised that submissions would be received up until 12 July 2024 which is 42 days after the commencement of the public exhibition period.

The exhibition included advertisement in local newspapers, on Council’s website and documents being made available at its administration buildings in Coleambally, Darlington Point and Jerilderie.

Council resolved on **23 July 2024** to adopt the Plan of Management for Areas of Cultural Significance – The Willows.

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 any of the reserves 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 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

The provisions of section 36D of the Local Government Act, 1993 applies to community land comprising areas of cultural significance.

In terms of section 36D(1) Murrumbidgee Council, when initially categorising the community land comprising Crown Reserve No. R.89633 declared The Willows was as an area of cultural significance because of its local historical and cultural significance.

While the resolution of Council did not specifically declare the reserve having historical or cultural significance it must be noted that the site containing the Willows Museum (I15) is listed in Schedule 5 of JLEP 2012 as heritage item. The status has heritage items requires the provisions of clause 5.10 of those environmental planning instruments to be taken into consideration in assessing any development application on the land. Further a search of the NSW Environment & Heritage Aboriginal Heritage Management Information System on 18 September 2020 indicates that:

- No Aboriginal sites are recorded in or near³ the above location; and
- No Aboriginal places have been declared in or near the above location.

In considering the provisions of section 36D(2) and (3) this plan of management, the following is noted:

- Applies to Lot 7016 DP 1125040 in its entirety.
- Crown Reserve No. 89633 and the buildings contained therein are because of the historical and cultural connection to Jerilderie makes the reserve an area of cultural significance.
- The provisions set out in Table 7 and in clause 9 of this plan of management are designed to protect The Willows, including the features of Jerilderie LEP which designates the site as being a heritage item.
- The plan of management incorporates the core objectives under section 36 of the LGA, 1993.

Further as part of its public notice requirements under section 38 (LGA, 1993) Council will notify the Chief Executive of the Office of Environment and Heritage and incorporate and submission made.

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve listed in Table 6 below 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 proposed area of cultural significance use categorisation of the land, 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.

Table 6: Reserve purpose and gazette date

³ The search parameter applied was within 50m of the reserve

| Land | Purpose & Gazette date | Categorisation |
|--|---------------------------|-------------------------------|
| R89633 <i>The Willows, Jerilderie</i> | Museum 31 October 1975 | Area of cultural significance |

7. Management directions

Murrumbidgee Council acknowledges that The Willows provides the local community with a strong sense of its link to the past. Currently the reserves are not being utilised to their full potential, and the Plan of Management examines opportunities which would result in the conservation of heritage items and thus maintain the community's link to its history.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for each of the three reserves. 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:

- Enable sympathetic uses of the buildings that are Tables 7 & 8 to enable the conservation of the structures and preserve the historic association of the reserves with the community.
- To enable activities identified in Table D under Section 68 of the LG Act.

To maintain the structural integrity of the buildings within the boundaries of the reserves and preserve the history of Jerilderie through proper conservation strategies.

8.1 Statutory guidelines for development of the reserves

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

- (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 use of the site is consistent with the purpose of the reserve as a museum and categorisation of the land as an area of cultural significance.

The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in JLEP 2012 as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to clause 2.73(1)(d)(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.

Under both JLEP 2012 the reserve is zoned RU5 Village and one of the objectives of the zone is to allow for a range of land uses, services and facilities that are associated with a rural village. Table 7 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. As described in section 3.3.1.1 of this plan, the RU5 Village zone is an open zone and permits a wide range of uses, however not all uses are deemed compatible with the current use of the land or the purpose of the reserve and in this regard Table 8 identifies certain uses that would complement the current reserve purpose and provide scope for Council to ensure the heritage integrity of the buildings are made through sympathetic development.

Table 7 – Permitted uses of land consistent with reserve purpose

| Land Use | Provisions of an environmental planning instrument | Allowed under Plan of Management | Reason |
|---------------------------------------|---|--|---|
| Community facility | Permitted with consent under JLEP 2012 | Allowed, where the community facility is run by Murrumbidgee Council or a non-profit community organisation where the use supports the purpose of the reserve as a museum. | A community facility that provides for the cultural development and welfare of the community is not contrary to the purpose or categorisation of the reserve. |
| Environmental protection works | Permitted with consent under JLEP 2012 | Allowed. | Environmental protection works to protect the land from environmental degradation is not contrary to the purpose or categorisation of the reserve. |

| Land Use | Provisions of an environmental planning instrument | Allowed under Plan of Management | Reason |
|--|---|--|---|
| Kiosk | Permitted with consent UNDER JLEP 2012 | Allowed. | The establishment of a kiosk, selling food and drink along with souvenirs associated with the operation of the museum is an ancillary use that is consistent with the purpose and categorisation of the land. |
| Roads | Permitted with consent under JLEP 2012 | Not allowed. In the event that road widening is required Council would be required to acquire the land. | The construction of a road is considered inconsistent with the purpose and categorisation of the reserve. |
| SEPP (Transport & Infrastructure) | Exempt development or permitted without consent. | Allowed, subject to satisfying the requirements of clause 2.73 & 2.74 of SEPP (Transport & Infrastructure). | Identified in SEPP (Transport & Infrastructure) 2021 as exempt development or development permitted without consent. |
| Water reticulation systems | Permitted without consent under MLEP 2012 | Allowed. | Water reticulation systems are not contrary with the purpose or categorisation of the reserve. |
| Any other development | Permitted with consent under JLEP 2012. | Not allowed unless listed in Table 8 or an amendment to the Plan of Management is made. | The open zone of the RU5 provides an opportunity for a wide range of land uses some of which may or may not be compatible with the categorisation of the land. Should a use be proposed that is consistent with the objectives for an area of cultural significance then Council will consider amending the Plan of Management. |

Table 8 – Activities under Section 68 of Local Government Act that may be considered

| Land Use | Section 68 | Allowed under Plan of Management | Reason |
|--|--|--|---|
| Direct or procure a theatrical, musical or other entertainment for the public | Permitted with consent under Table D s68 of Local Government Act, 1993 | Allowed, where the entertainment is related to the history and cultural significance of the site | The provision of theatrical, musical or other public entertainment on the museum site is an ancillary use that is consistent with the purpose and categorisation of the land. |

Table 9 – Other development that may be considered

| Land Use | Provisions of an environmental planning instrument | Allowed under Plan of Management | Reason |
|--------------------------------|---|---|---|
| Commercial premises | Permitted with consent under JLEP 2012. | Allowed where it can be demonstrated that a commercial lease of the premises will contribute to the maintenance, preservation and protection of the building located within the reserve and any use is subsidiary to the primary use of the reserve as a museum. | The leasing of buildings for the purpose of a commercial purposes provide an opportunity for buildings to be maintained and provide a stream of revenue for Council to be used for the maintenance of heritage items. |
| Food and drink premises | Permitted with consent under JLEP 2012 | Allowed where it can be demonstrated that a lease for a food and drink premises will contribute to the maintenance, preservation and protection of the building located within the reserve and any use is subsidiary to the primary use of the reserve as a museum. | The leasing of buildings for the purpose of a food and drink premises provide an opportunity for buildings to be maintained and provide a stream of revenue for Council to be used for the maintenance of heritage items. |

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.

At the time of preparing the plan of management was being used as a museum, which under the provisions of MLEP 2013 would fall within the definition of a *community facility*.

The site contains an historic building. The building and yard are well maintained. An information plaque/sign at the front of the site provides an outline of the building's history.

There are no leases, licenses or other arrangements in place regarding the use of the land.

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 within each of the reserves upon adoption of the plan.

At the date of adoption of the PoM the site and buildings were in good condition and were otherwise well maintained. The grounds are pleasantly landscaped and well-watered and maintained.

Figure 2A – Existing building (street)⁴



Figure 2B – Existing building (rear)



Figure 2C – Existing buildings



Figure 2D – Existing amenities



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:

- (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.

⁴ Images in Figures 4A to 4D taken on 9 December 2019 © Steven Parisotto Photography

The Willows will continue to be used in accordance with its purpose and categorisation and the future improvements will include regular maintenance and community activities, such as action days celebrated the history of Jerilderie.

Table 10 – Appropriate uses and activities for land categorised as an area of cultural significance

| Area of Cultural Significance | |
|--|--|
| Purpose or use as... | Development to facilitate |
| <p>The following purpose or uses are permitted by this Plan of Management on land categorised as an area of cultural significance.</p> <p>a) Land that is suitable for</p> <ul style="list-style-type: none"> ▪ Preserving the history of Jerilderie by permitting uses that are ancillary to the use of museum. ▪ For community activities that promote awareness and importance of heritage within the community. <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 development for the purposes that would benefit the social, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> ▪ Development that includes the use of the historic buildings on the site for purposes other than a museum but only in ancillary to that use. ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage |

The reserve is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires.

8.4.1 Reserves as area of cultural significance

The purpose of this section is to provide and understanding of the core objectives for community land as an area of cultural significance, identify the legislative requirements concerning the development of the land and otherwise identify key matters that set out the strategy for managing the reserve as areas of cultural significance.

The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area for past, present or future generations by the active use of conservation methods including:

-
- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,*
 - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,*
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,*
 - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),*
 - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.*

8.4 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 (General) Regulation 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.

The Plan of Management Areas of Cultural Significance – The Willows expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved.
- the purpose is consistent with the core objectives for the category of the land

- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 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 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 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.

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 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 11 - Objectives and performance targets

| 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 |
|-------------------------------|--|--|--|
| Access | Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve. | Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards. | Assess useability of the reserves by wheelchair users through surveys and observation. |
| Alcohol | <i>Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or leased areas.</i> | <i>Use of regulatory signs and enforcement.</i> | <i>Record all complaints and investigations and where necessary take appropriate regulatory action.</i> |
| Artworks and monuments | <i>Allow for public and community artworks and monuments in appropriate settings.</i> | <i>Engage appropriate persons to engage the community to identify, commission & erect artworks.</i> | <i>Document comments received in respect to artworks. Install artworks based on any budgetary funding or State and Federal grants</i> |
| Buildings | <i>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities. Allow buildings and building alterations, ancillary to the use of the museum.</i> | <i>Undertake regular cleaning and maintenance of the buildings. Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Infrastructure) 2007, where Council is to carry out the works. Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.</i> | <i>Undertake regular of maintenance of the buildings in accordance with any operational plan for upkeep of all areas of cultural significance within the local government area. Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</i> |
| Hours of Usage | <i>Restrict the hours of use of the facilities commensurate to the amenity of the area.</i> | <i>Council approval and regulatory signs for special events and group activities.</i> | <i>Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.</i> |

| 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 |
|---|---|--|--|
| <i>Landscaping (including irrigation systems)</i> | <p><i>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.</i></p> <p><i>Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.</i></p> | <p><i>Augment existing indigenous planting.</i></p> <p><i>Use screen planting for visual acoustic and physical buffers.</i></p> <p><i>Application of correct horticultural and tree surgery techniques.</i></p> <p><i>Minimise rubbish dumping within the local area via community education.</i></p> <p><i>Design, install and operate the irrigation system.</i></p> | <p><i>Number of comments about public acceptance and level of usage.</i></p> <p><i>Degree of turf encroachment into planted areas.</i></p> <p><i>Number of comments about maintenance, durability and public acceptance of the landscape character.</i></p> <p><i>Number of reported incidents of rubbish dumping .</i></p> <p><i>Number of incidents of failure of the irrigation system.</i></p> |
| <i>Lighting</i> | <p><i>Allow security lighting which will enable safe movement of pedestrians along major access routes at night.</i></p> <p><i>Prevent excessive lighting impacts on adjoining land uses.</i></p> <p><i>Allow for lighting of special events at night.</i></p> <p><i>Allow for the lighting of architectural or landscaped features.</i></p> | <p><i>Set appropriate illumination levels.</i></p> <p><i>Design, site and install light facilities.</i></p> <p><i>Regulate times for lighting of special events.</i></p> <p><i>Council approval.</i></p> | <p><i>Number of comments from adjoining residents and Park users.</i></p> <p><i>Number of problems related to inadequate lighting.</i></p> |
| <i>Signage</i> | <p><i>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park.</i></p> <p><i>Regulate advertising signage.</i></p> | <p><i>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures & Signs.</i></p> <p><i>Council approval.</i></p> | <p><i>Number of user comments.</i></p> <p><i>Number of ordinance investigations and prosecutions.</i></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 |
|------------------------------|---|--|---|
| <i>Site Utility Services</i> | <i>Allow for the installation of all services as required by site usage.</i> | <i>Approval by the appropriate Statutory Authorities.</i> <i>Construction and installation of all necessary services.</i> <i>Registration of appropriate easements.</i> | <i>All facilities are adequately serviced, identified and located.</i> <i>Number of objections received from service authorities about the location and quality of services.</i> <i>Number of site utility service installations constructed.</i> |
| <i>Special Events</i> | <i>Allow special events within the museum with minimal adverse visual, physical, social and environmental impact.</i> | <i>Council approval as required under Environmental Planning & Assessment Act, 1979 and/or Local Government Act, 1993</i> | <i>Number of comments about special events.</i> <i>Attendance levels at special events.</i> |
| <i>Vandalism</i> | <i>Minimise vandalism within the reserves.</i> | <i>Appropriate landscape design techniques.</i> <i>Appropriate use of materials.</i> <i>Encouragement of community involvement and education.</i> <i>Appropriate use of signage. Prompt repair of vandalised areas.</i> | <i>Number of reported incidents of vandalism</i> |
| <i>Waste Management</i> | <i>Minimise litter within the reserves. Encourage recycling.</i> | <i>Provide and service enough waste management facilities in strategic locations.</i> <i>Provide a recycling station for glass, aluminium, PET plastics etc.</i> | <i>Number of garbage and recycling bins provided.</i> <i>Number of comments in relation to inadequate waste facilities.</i> |

APPENDICIES

APPENDIX A - Definitions

| Term | Legislative definition |
|--|--|
| commercial premises | <p>means any of the following—</p> <ul style="list-style-type: none"> (a) business premises, (b) office premises, (c) retail premises. |
| community facility | <p>means a building or place—</p> <ul style="list-style-type: none"> (a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or welfare of the community, <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p> |
| community land | <p><i>means –</i></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> |
| community participation plan | <p><i>means –</i></p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p> |
| environmental planning instrument | <p><i>means –</i></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> |
| food and drink premises | <p>means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</p> <ul style="list-style-type: none"> (a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar. |
| plan of management | <p><i>means –</i></p> |

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)

public reserve

means –

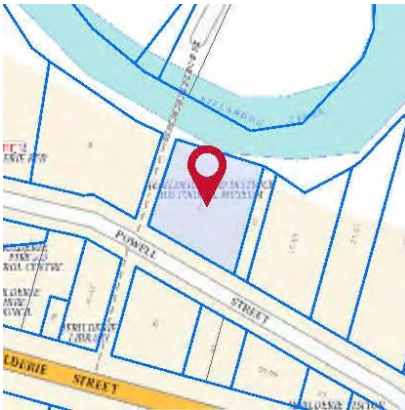
- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the [Local Government Act 1919](#), or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the [Local Government Act 1919](#), or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the [Crown Lands Consolidation Act 1913](#), or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the [Crown Lands Act 1989](#), or
- (g) Crown managed land that is dedicated or reserved—
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order 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.

APPENDIX B - Extract from Planning Report



Property Details

Address: 11 POWELL STREET JERILDERIE 2716
Lot/Section 7016/-/DP112504
/Plan No: 0
Council: MURRUMBIDGEE COUNCIL

Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional planning controls not outlined in this report. Please contact your council for more information.

| | |
|---------------------------------|--|
| Local Environmental Plans | Jerilderie Local Environmental Plan 2012 (pub. 22-6-2012) |
| Land Zoning | RU5 - Village: (pub. 22-6-2012) |
| Height Of Building | NA |
| Floor Space Ratio | NA |
| Minimum Lot Size | 600 m ² |
| Heritage | Main Street Conservation Area Significance: Local The Willows Significance: State Willows Museum Significance: Local |
| Land Reservation Acquisition | NA |
| Foreshore Building Line | NA |
| Riparian Lands and Watercourses | Watercourse |
| Terrestrial Biodiversity | Biodiversity |

GOLF COURSES

Plan of Management
2024-2029



Murrumbidgee
COUNCIL

APRIL 2024

APRIL 2024

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

Plan of Management prepared by:

PARISPLAN Urban & Regional Planning

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Disclaimer:

PARISPLAN Urban & Regional Planning has prepared this Plan of Management for the Golf Courses 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.

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EXECUTIVE SUMMARY

Murrumbidgee Council has a broad and diverse network of open space that covers a differing levels of recreation use, of which the golf courses at Coleambally, Darlington Point and Jerilderie are a few. The Plan of Management for Golf Courses (the plan) aims to provide a basis for guiding Council's ongoing management of its this facility within the Murrumbidgee Local Government Area in accordance with the requirements of the NSW Local Government Act 1993 (the Act) and the Crown.

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.

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 reserves 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 September 2021 and the sample for a generic Crown reserve plan of management outline, in order 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), as amended by the Local Government Amendment (Community Land Management) Act 1998.

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 224 DP 728927 and Lots 7010 & 7011 DP 1002228 being Crown Land Reserve No. 72160 and known as the Jerilderie Golf Course (Figure C1 of Appendix C);
- Lot 7009 DP 1030723, Lot 216 DP 750908, part lots 168, 268, 272 & 273 DP 750908 being Crown Land Reserve No. 88754 and known as the Darlington Point Golf Club (Figure C2 of Appendix C);

The Coleambally Golf Club, being Lot 95 DP 750872 and forming Crown Land Reserve No. 91114 (Figure C3 of Appendix C) has been devolved to Council and as such is not managed under a plan of management.

Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of the reserves listed above.

The generic Plan of Management for Golf Courses (GCPoM) was adopted on **23 July 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 GCPoM is a generic plan of management as it covers more

than one parcel of land however is specific in the sense that it covers a singular type of sportsground, being golf courses.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the GCPoM is to provide a clear direction that will enable ongoing use of each of the reserve for both organized golfing tournaments for members and visiting players as well as the casual use of the courses 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 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 GCPoM will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management are 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. The 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 one several recreation areas which Murrumbidgee Council manages which have been categorised as a *sportsground*. The purpose of developing a specific plan of management for the golf courses is to acknowledge the significance of the site in terms of a sporting facility and a public venue for the local community and the wider area. Land covered by the plan of management is listed in Table 1:

Table 1: Land covered by this plan of management

| Land | Real property description | Land owner |
|----------------------------------|---|--|
| R72160 Jerilderie Golf Course | Lot 224 DP 728927 and Lot 7010 & 7011 DP 1002228 | Crown land managed by Murrumbidgee Council. |

| Land | Real property description | Land owner |
|--------------------------------------|--|---|
| R88754 Darlington Point Golf Club | Lot 7009 DP 1030723, Lot 216 DP 750908 and part lots 168, 268, 272 & 273 DP 750908 | Crown land managed by Murrumbidgee Council. |

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 2 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 2: Reserve purpose, gazettal date and categorisation

| Land | Purpose(s) & gazettal date | Categorisation |
|--------------------------------------|--------------------------------------|----------------|
| R72160 Jerilderie Golf Course | Public recreation 17 January 1947 | Sportsground |
| R88754 Darlington Point Golf Club | Public recreation 3 November 1972 | Sportsground |

The Coleambally Golf Club (R91114) also has the gazetted purpose of public recreation (gaz. 12 May 1978) has been devolved to Council management under section 48 of the Local Government Act, 1993 and as such is not managed under this plan of management.

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Golf Courses (GCPoM) is primarily guided by:

- Local Government Act, 1993
- Crown Land Management Act, 2016
- Crown Land Management Regulation, 2018
- Native Title Act, 1993 (Commonwealth)
- Aboriginal Land Rights Act, 1983

Other legislation, regulations and environmental planning instruments that may be of relevance to the Plan of Management for Golf Courses include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- Jerilderie Local Environmental Plan, 2012;
- 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 sportsgrounds are set out in sections 36F of the Local Government Act, 1993 and clauses 103 of the Local Government (General) Regulation 2021 respectively.

The core objectives for *sportsgrounds use* are explained in Table 3 on the following page.

Table 3: Guidelines and core objectives of sportsground

| Land | Guidelines¹ | Core Objectives² |
|---------------------|---|---|
| <i>Sportsground</i> | Land should be categorised as 'Sportsground' if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games. | The core objectives for management of community land categorised as a sportsground are: a) to encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games. b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. |

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 an activity specified in the Table D, 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*
- 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*

¹ NSW Local Government (General) Regulation 2021, Part 4 Division 1, Guidelines for the categorisation of community land.

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

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.

There is nothing in the GCPoM that would prevent it from grant an approval to any of the activities listed in Table D.

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.

This plan of management is based on the initial for categorisation of the reserves which was approved by Minister on 25 May 2020 and as such Murrumbidgee is not required to hold a public hearing as required under Section 40A of the LG Act, however was subject to public notification as prescribed by Section 38 of the same Act.

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, Jerilderie Local Environmental Plan 2012 and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of 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.

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.

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.

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 and of relevance to the plan of management are as follows:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Transport & Infrastructure) 2021

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 4: Zoning of reserve

| Land | Local environmental plan | Zoning of land |
|--------------------------------------|--|---|
| R72160 Jerilderie Golf Course | Jerilderie Local Environmental Plan 2012 | RE1 Public Recreation |
| R88754 Darlington Point Golf Club | Murrumbidgee Local Environmental Plan 2013 | Part RU1 Primary Production ³ and Part SP2 Infrastructure ⁴ |

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.

³ Lot 7009 DP 1030723, Lots 168 & 216 DP 750908

⁴ Lots 268, 272 & 273 DP 750908 have a split zoning of RU1 & SP2

Murrumbidgee Council has two (2) development control plans in force, with the Jerilderie Development Control Plan 2012 (DCP) being relevant to the land. This document is 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 the golf courses.

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 May 2024 to place the draft PoM on public exhibition for 28 days.

The exhibition included advertisement in local newspapers, on Council's website and documents being made available at its administration buildings in Coleambally, Darlington Point and Jerilderie.

Following consideration of submissions, Council resolved on **23 July 2024** to adopt the Plan of Management for the Golf Courses

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 land listed in Table 2 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.

5. Land containing significant natural features

The provisions of section 36C of the Local Government Act, 1993 does not apply to any of the reserve listed in Table 2 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 24 March 2021 (see Appendix B) was undertaken. With the exception of Lot 168 DP 750908 (being part of the Darlington Point Golf Club) and Lot 95 DP 750872 no Aboriginal sites are recorded in or near⁵ the above location; and no Aboriginal places have been declared in or near the above location.

An extensive search of the AHIMS database was undertaken, and the Aboriginal sites recorded in or near these lots have been identified as modified (carved or scarred) trees. The site card associated with the searches indicate that the trees have moderate archaeological value, as they present some unique characteristic, material or feature.

The assessment stress that land clearance and ecological factors mean that scar trees have a finite life-span, and their study is considered important for the ongoing scientific understanding of past Aboriginal land use. Because of the increase in the disappearance of these site types in NSW, it is generally recommended that these sites be retained wherever possible.

The plan of management does not permit the removal of the any scar or modified tree.

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

⁵ The search parameter applied was within 50m of each of the lots.

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 the Golf Courses, 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 Golf Courses

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

“Providing a venue that provides opportunities for, social gatherings and facilities that meet the ongoing demands for both organised and casual sporting events”

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 sportsgrounds 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 golf courses. 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 golf courses as a *recreation area* particularly one that incorporates facilities for golfing special events requiring a large area of open space.
- To provide a safe and pleasant venue for all, by enable activities identified in Table D under Section 68 of the LG Act.

- To maintain and enhance the visual aesthetics of the reserve through proper maintenance of buildings, fairway and putting green surfaces and ancillary structures, lawns and gardens.

8.1 Statutory guidelines for development of the sportsgrounds

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 use of the reserves would fall within the broad definition as a *recreation area*, as defined in the standard instrument and uses that incorporates a sporting facilities (being a golf course, including fairway, putting greens, club house, storage sheds and irrigation systems) is consistent with the categorisation of the land as a *sportsground*.

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(1)(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 both under JLEP 2012 and MLEP 2014. The multiple zones that apply provide 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 golf courses in terms of what it will permit.

Table 6 - Preferred uses of the reserve

| Land Use | Provisions of an | Allowed under MPPoM | Reason |
|-----------------|-------------------------|----------------------------|---------------|
|-----------------|-------------------------|----------------------------|---------------|

| | environmental planning instrument | | |
|--|--|--|---|
| Building identification signs | Permitted with consent. | Allowed if in conjunction with another use permitted in this plan of management | A building identification sign that is ancillary to another permitted use would be consistent with the purpose of the reserve and the categorization of the land. |
| Environmental protection works | Permitted with or without consent. | Allowed. | <i>Environmental protection works</i> would be consistent with the purpose of the reserve and the categorization of the land. |
| Recreation areas | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area</i> is consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (indoor) | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (indoor)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (major) | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (major)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (outdoor) | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (outdoor)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| SEPP Infrastructure | Exempt development or permitted without consent. | Allowed, subject to satisfying the requirements of clause 2.73 & 2.74 of SEPP (Transport & Infrastructure) 2021. | Works identified in clauses 2.73 & 2.74 of the SEPP would be consistent with the purpose of the reserve and the categorization of the land. |
| Water reticulation systems | Permitted with or without consent in RU1 zone of both JLEP 2012 and MLEP 2013, prohibited in SP2 zone. | Allowed. | <i>Water reticulation systems</i> would be consistent with the purpose of the reserve and the categorization of the land. |

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 |
|--------------------------------------|-------------|---|
| R72160 Jerilderie Golf Course | Golf course | <ul style="list-style-type: none"> ▪ Perimeter fencing ▪ Signage including wayfinding signs ▪ Amenities building ▪ Shade structures ▪ Seating ▪ Irrigation system |
| R88754 Darlington Point Golf Club | Golf course | <ul style="list-style-type: none"> ▪ Perimeter fencing ▪ Signage including wayfinding signs ▪ Seating ▪ Internal roads ▪ Stables & corrals ▪ Hay shed ▪ Dam ▪ Irrigation pump sheds |

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area*, the categorisation of the reserve as a *sportsground* are being used for their reserve purpose as public recreation.

The Darlington Point Golf Club also includes stables and other buildings used for the keeping of horses, including corrals.

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.

At the date of adoption of the Plan of Management for the Golf Courses, grass cover within the main fairways and greens all appeared to be in good condition.

All buildings with the Jerilderie Golf Course are in good condition and appear to be well maintained, whereas some structures, namely the stable are, within the Darlington Point Golf Club are in poor condition and need of maintenance.

Figure 8 – First tee at Jerilderie⁶



Figure 9 – Tee marker at Jerilderie



Figure 10 – Machinery shed at Jerilderie



Figure 11 – BBQ area at Jerilderie



Figure 12 – Pump shed at Darlington Pt



Figure 13 – Tee Marker at Darlington Pt



⁶ Images in Figures 8 to 11 taken on 9 December 2019 © Steven Parisotto Photography

Figure 14 – Stables at Darlington Pt



Figure 15 – Corral and shed at Darlington Pt



8.3 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.*

The golf courses will continue to be used as a *sportsground*.

While the future improvements may involve permanent structures being erected, there is no perceived harm as ultimately can be reversed. The extent of these work would generally fall within the category of exempt development as set out in State Environmental Planning Policy (Transport & Infrastructure) 2021 and as such would not involve irreversible harm to the land.

The golf courses are not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires. Further the land has not been mapped as being area of high biodiversity, however the site has been mapped as the groundwater system identified as being vulnerable. It is not expected that any future works would have an adverse impact on the groundwater system.

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

| Sportsground | |
|---|--|
| Purpose or use as... | Development to facilitate |
| <p>The following uses are permitted by this Plan of Management on land categorized as a <i>sportsground</i> as they are consistent with the purpose of the reserves.</p> <p>a) Recreation areas that enable the following</p> <ol style="list-style-type: none"> i. Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities; ii. Organised and unstructured recreation activities; iii. Community events and gatherings; and iv. Commercial uses associated with sports facilities <p>b) Environmental protection works including re-turfing, and erosion control measures and landscaping commensurate to the reserve.</p> <p>c) Landscaping works associated with the repositioning of greens, and golf course layout of fairways, installation of sand bunkers and water hazards</p> | <p>The Plan of Management will allow and facilitate the following development which would be ancillary to the use of the reserves as a recreation area</p> <ul style="list-style-type: none"> ▪ Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> ▪ Car parking and loading areas ▪ Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas ▪ Café/kiosk facilities and uses ▪ Equipment sales/hire areas ▪ Compatible, small scale commercial uses, e.g. sports tuition ▪ Stables and corrals for horses ▪ Advertising structures and signage (such as A-frames and banners) that relate to approved uses/activities; are discreet and temporary, and are approved by the council ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage |

8.4 Leases, licences and other estates

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

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

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

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

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.

The Plan of Management for Golf Courses expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 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.
- 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 (General) Regulation 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.

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

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

This plan of management expressly authorises Murrumbidgee Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act 2016 for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018. Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- access through a reserve
- catering, including food vending vehicles, (if it is associated with a sporting or organized recreational activity)
- emergency occupation
- entertainment (if it is associated with a sporting or organized recreational activity)
- environmental protection, conservation or restoration or environmental studies,
- functions (if it is associated with a sporting or organized recreational activity, eg: end-of-season presentations)
- sporting and organised recreational activities,
- storage facilities for sporting equipment and the like.

Table 9 - Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|---|--|
| Lease | <ul style="list-style-type: none"> • 10 years* | <ul style="list-style-type: none"> • café/kiosk/club house areas, including seating and tables • management of court facilities • hire or sale of recreational equipment |
| Licence | <ul style="list-style-type: none"> • 10 years* | <ul style="list-style-type: none"> • café/kiosk/club house areas, including seating and tables • management of court or similar facilities • hire or sale of recreational equipment |
| Short-term licence | <ul style="list-style-type: none"> • 12 months | <ul style="list-style-type: none"> • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings) • food vending vehicles associated with sporting fixtures. |

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|--------------|--|
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act. |

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, licenses or other estates in place.

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 sportsground.

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 8 - Objectives and performance targets

| 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 |
|------------------------------|--|--|--|
| Access | <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 golf courses.</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 golf courses 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> |
| Alcohol | <p>Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or leased areas.</p> | <p>Use of regulatory signs and enforcement.</p> | <p>Record all complaints and investigations and where necessary take appropriate regulatory action.</p> |
| Animal control | <p>Impound all animals that are not under the full control of owner or handler.</p> | <p>Community education and involvement in monitoring.</p> <p>Use of regulatory signs and enforcement.</p> | <p>Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action.</p> |
| Anti-Social behaviour | <p>Minimise and manage anti-social behaviour in the golf courses.</p> | <p>Encourage community involvement and surveillance.</p> <p>Implement community health measures.</p> <p>Appropriate design and lighting of common areas.</p> | <p>Record the number of complaints received and undertake investigations, and where necessary take appropriate regulatory action.</p> |
| Barbeques | <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> |

| 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 |
|--------------------|--|---|--|
| Buildings | <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 <i>sportsground</i>, are to complement to the design of the golf courses</p> | <p>Undertake regular cleaning and maintenance of the public amenities within the golf Courses.</p> <p>Provision and maintenance of security lighting in an around the amenities' building.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport & 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 & 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 golf courses 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> |
| 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. |

| 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 |
|--------------------------|--|--|---|
| Landscaping | <p>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.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p> <p>Provide a positive contribution to the local character both physically and visually. .</p> <p>Control and protect existing exotic species within The Golf Courses by minimising weed infestation and associated impacts.</p> <p>Allow for existing greens and fairways to be extended or re-orientated.</p> | <p>Augment existing indigenous planting. Use exotic species in suitable locations.</p> <p>Use shade trees for user comfort and protection. And screen planting for visual acoustic and physical buffers.</p> <p>Preserve and reinforce indigenous planting and identify species endemic to the area.</p> <p>Application of correct horticultural and tree surgery techniques.</p> <p>Minimise rubbish dumping within the local area via community education.</p> <p>Implementation of the Noxious Weeds Act.</p> | <p>Number of comments about public acceptance and level of golf course usage.</p> <p>Degree of turf encroachment into planted areas.</p> <p>Number of comments about maintenance, durability and public acceptance of the landscape character.</p> <p>Number of reported incidents of infestation of exotic plant species.</p> <p>Number of comments about quality of vegetation.</p> <p>Number of reported incidents of sick trees.</p> <p>Number of reported incidents of rubbish dumping</p> |
| 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 golf course users.</p> <p>Number of problems related to inadequate lighting.</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 |
|---------------------------------------|---|--|--|
| 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> |
| Refreshment kiosks (mobile and fixed) | <p>Allow the licensing or leasing of <i>kiosks</i> or <i>food & 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 Golf courses 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> |

| 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 |
|-------------------------------------|--|---|---|
| Shade structures and other shelters | <p>Allow structures which will provide shade and shelter for golf course users in appropriate areas</p> <p>Allow integration of structures that are harmonious, functional and aesthetically in keeping with the character of the golf courses</p> | <p>Appropriate design, location and erection of structures.</p> | <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> |
| Signage | <p>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Golf courses.</p> <p>Regulate advertising signage.</p> | <p>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures & 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 golf courses with minimal adverse visual, physical, social and environmental impact.</p> | <p>Council approval as required under Environmental Planning & 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> |

| 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 |
|--------------------------|---|--|---|
| Waste Management | Minimise litter within the golf courses. Encourage recycling. | <p>Provide and service enough waste management facilities in strategic locations.</p> <p>Provide a recycling station for glass, aluminium, PET plastics etc.</p> <p>Community education.</p> | <p>Number of garbage and recycling bins provided.</p> <p>Number of comments in relation to inadequate waste facilities.</p> |

APPENDICIES

APPENDIX A - Definitions

| Term | Legislative definition |
|--|---|
| community land | <p>means –</p> <p>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</p> |
| community participation plan | <p>means –</p> <p>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</p> |
| environmental planning instrument | <p>means –</p> <p>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)</p> <p>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.</p> |
| plan of management | <p>means –</p> <p>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)</p> |
| public reserve | <p>means –</p> <ul style="list-style-type: none"> (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or (g) Crown managed land that is dedicated or reserved— <ul style="list-style-type: none"> (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order |

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).

APPENDIX B - Aboriginal Heritage Information Management System Search Extracts



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : 20-C01-MC JCC 224

Client Service ID : 578736

PARISPLAN URP
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 224, DP:DP728926 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |

PARISPLAN URP

Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680

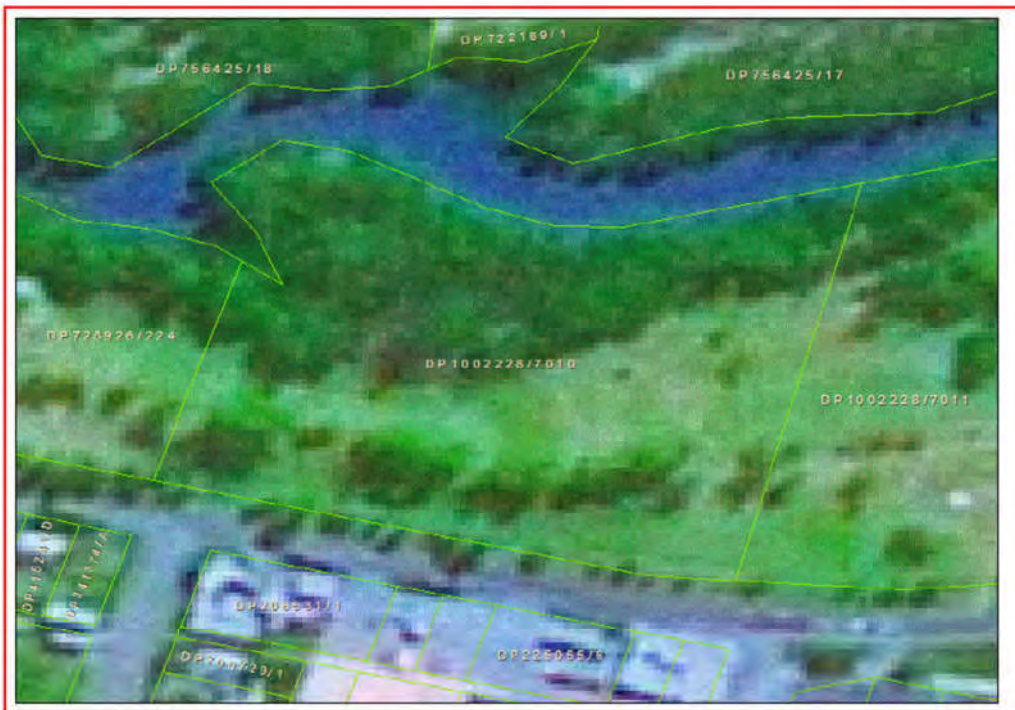
Attention: Steven Parisotto

Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7010, DP:DP1002228 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |

PARISPLAN URP

Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7011, DP:DP1002228 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |

PARISPLAN URP

Date: 24 March 2021

63 Hillam Dr
 Griffith New South Wales 2680
 Attention: Steven Parisotto
 Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 168, DP:DP750908 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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:

| | |
|-----------|--|
| 11 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

PARISPLAN URP

Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 216, DP:DP750908 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |

PARISPLAN URP

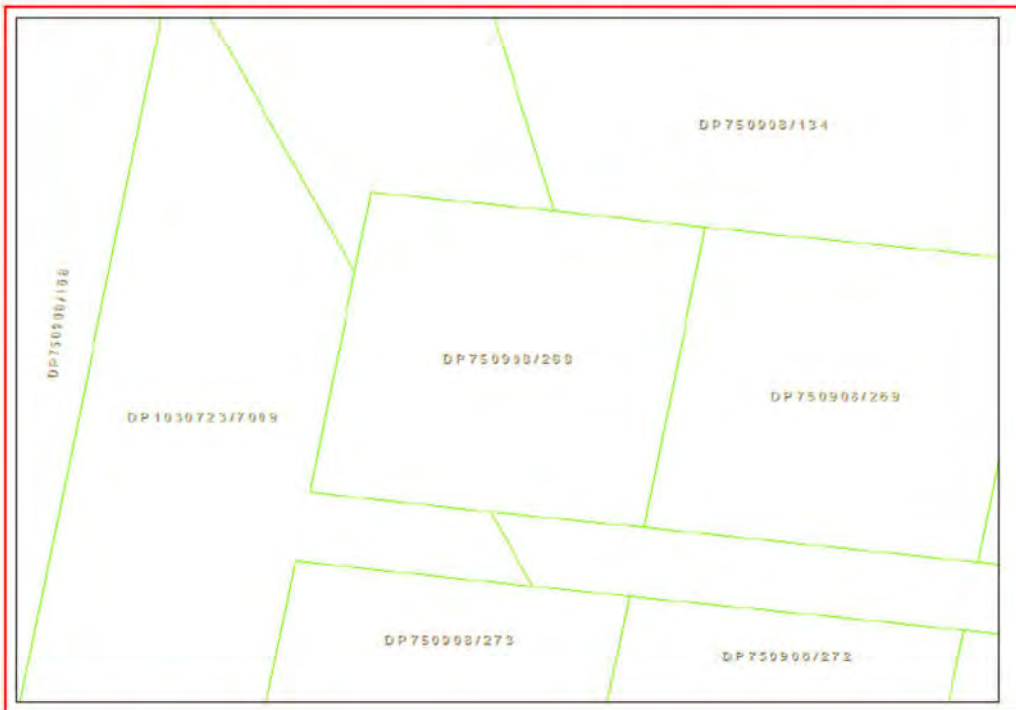
Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 268, DP:DP750908 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |

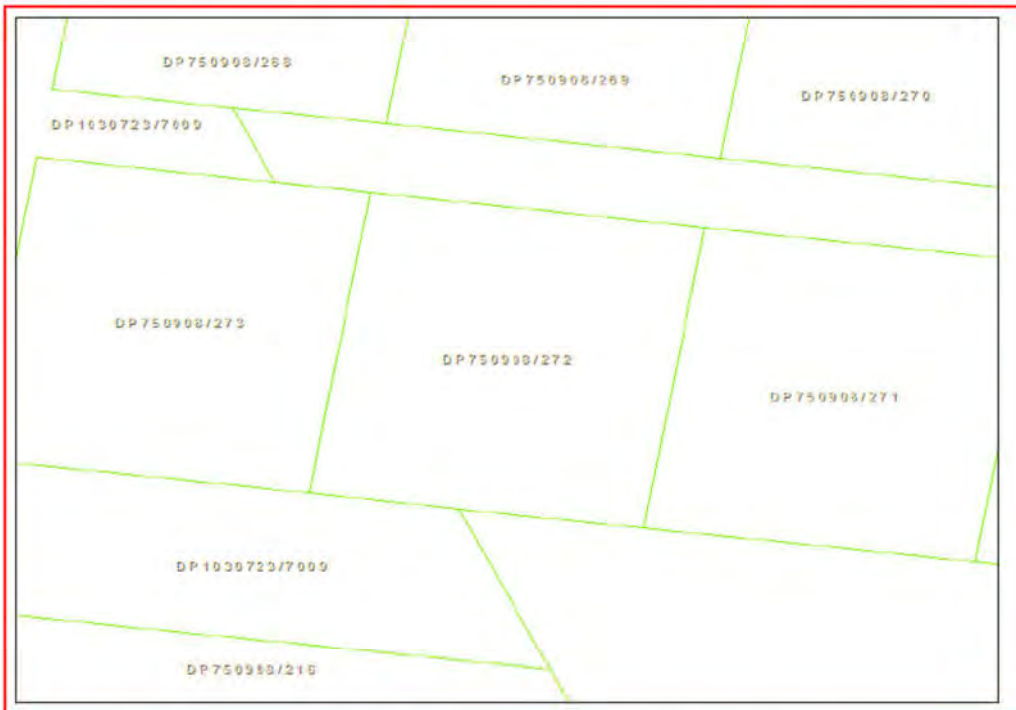
PARISPLAN URP
63 HILLAM DR
GRIFFITH NEW SOUTH WALES 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 272, DP:DP750908 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |

PARISPLAN URP

Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680

Attention: Steven Parisotto

Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 273, DP:DP750908 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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. * |



PARISPLAN URP
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7009, DP:DP1030723 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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:

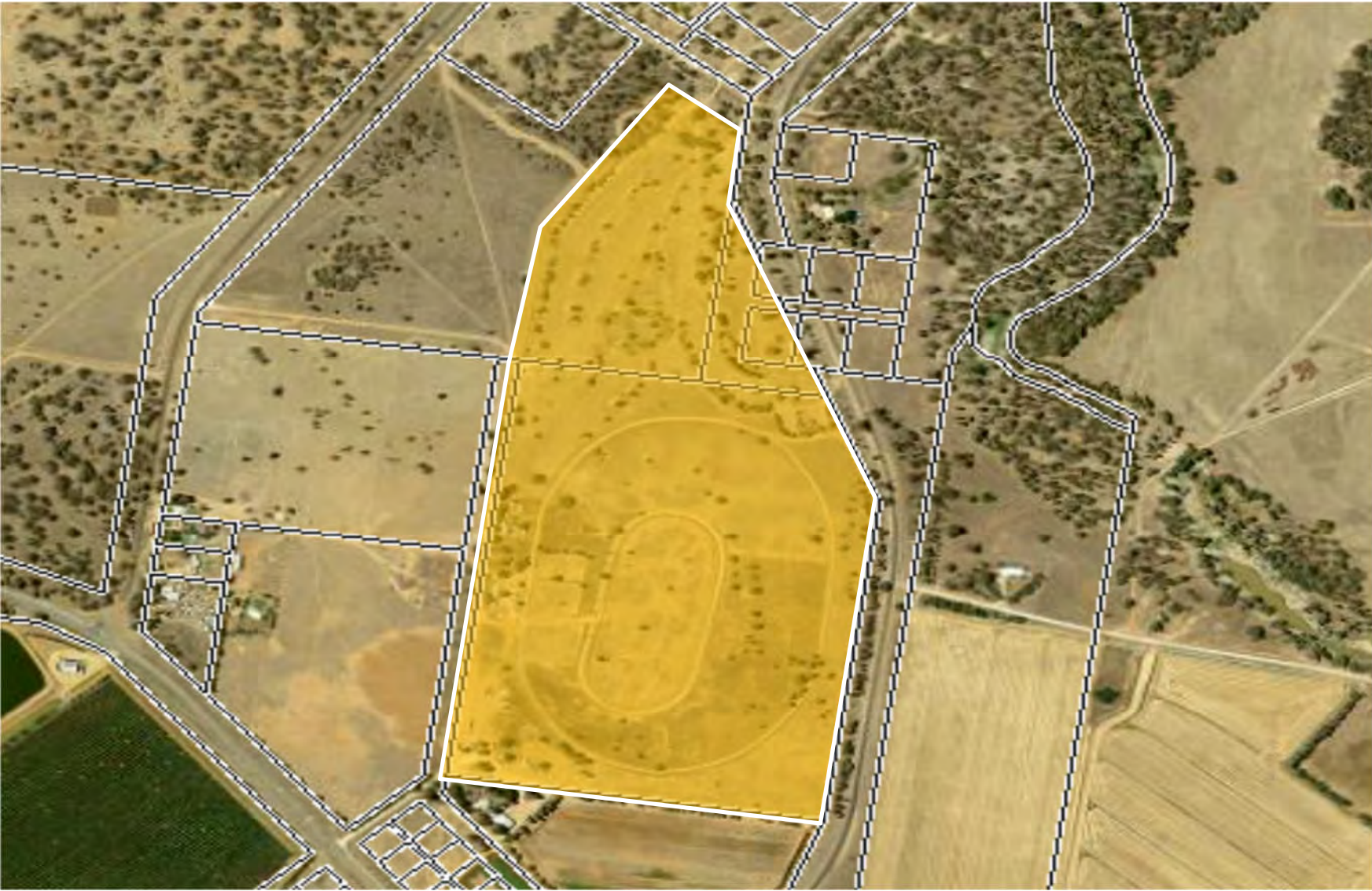
Table with 2 rows and 1 column containing search results: 0 Aboriginal sites are recorded in or near the above location. 0 Aboriginal places have been declared in or near the above location. *

APPENDIX C – Aerial Imagery of Golf Courses

Figure C1: Jerilderie Golf Course (R72160)



Figure D2: Darlington Point Golf Course (R88754)



GENERIC PLAN OF MANAGEMENT FOR JERILDERIE COMMON & JERILDERIE STOCK ROUTE

*Draft Plan of Management
2024-2029*



Murrumbidgee
COUNCIL

APRIL 2024

April 2024

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

ABN: 66 527 814 168

Disclaimer:

PARISPLAN Urban & Regional Planning has prepared this Plan of Management for Jerilderie Common & Stock Route 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.

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EXECUTIVE SUMMARY

Jerilderie Common and the Jerilderie Stock Route are located south of the township on the Newell Highway. The generic Plan of Management for Jerilderie Common & Stock Route (the plan) aims to provide a basis for guiding Council's ongoing management for the two sites.

Both Jerilderie Common (R1010748) and the Jerilderie Stock Route (R85679) are owned by the State Government that is managed as community land by Murrumbidgee Council for the benefit of the local community.

The intention of this plan of management is to provide Council with a framework that enables decisions in regard to part of the reserves 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.

The reserves identified in this plan of management have been categorised as general community use. 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 reserves. 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 September 2021 and the sample for a site-specific Crown reserve plan of management outline, in order 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), as amended by the Local Government Amendment (Community Land Management) Act 1998.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

This Plan of Management Plan covers the following:

- Lot 7005 DP 1025055 being Crown Land Reserve No. 85679 comprising the Jerilderie Stock Route;
- Lot 7034 DP 1084860 being Crown Land Reserve No. 1010748 being Jerilderie Common

Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of the reserves listed above.

The Generic Plan of Management for Jerilderie Common & Stock Route (JCSRPOM) was adopted on **[insert date]**.

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 Plan of Management for Jerilderie Common & Stock Route is a generic plan of management based on their geographic proximity, categorization of land and zoning.

The Crown land covered under this plan of management is a community resource that provides a direction that will enable ongoing use of the reserves for the following purposes:

- The infrequent use for the purpose of grazing of livestock within the travelling stock route plantation; and
- An area which is available for grazing and the agisting livestock to meet the needs of local residents.

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, including Jerilderie Common and Stock Route.

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 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;
- Provide for an additional purpose for a reserve; and

-
- Create a concept design for future developments;

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

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management are 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 covers two of the ten Crown reserves categorised as or in part as *general community use* which Murrumbidgee Council is the Crown Manager. Land covered by the plan of management is listed in Table 1:

Table 1: Land covered by this plan of management

| Land | Real property description | Land owner |
|---|---------------------------|---|
| R85679 Stock Route Jerilderie | Lot 7005 DP 1025055 | Crown land managed by Murrumbidgee Council. |
| R1010748 Jerilderie Common Jerilderie | Lot 7034 DP 1084860 | Crown land managed by Murrumbidgee Council. |

Crown reserves categorised as *general community use* not covered by this plan includes community land covered by other plans of management listed in Table 2.

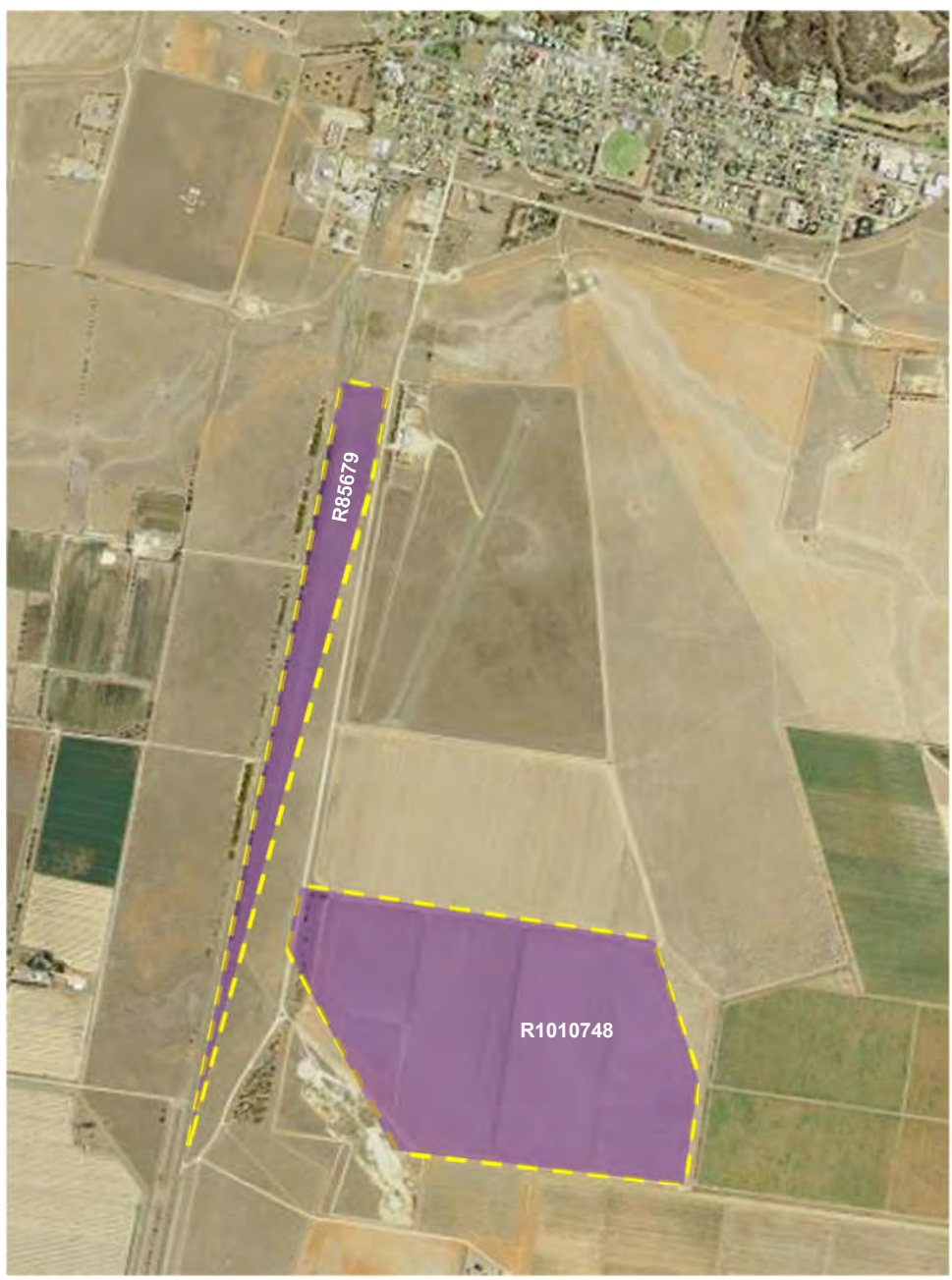
Table 2: General community use land not covered by this plan

| Land | Reason |
|---|---|
| R150042 Jerilderie Court House and Library | This site has dual categorisation including an area of cultural significance and it has been included in a site specific plan of management. |
| R94084 Adrian Douglas Park Darlington Point | This site has dual categorisation including a park and it has been included in the generic plan of management for Darlington Point Parks |
| R97198 Chant Street Playground Darlington Point | This site has dual categorisation including a park and it has been included in the generic plan of management for Darlington Point Parks |
| R9922 Elliot Park, Jerilderie | This site has dual categorisation including a park and it has been included in the specific plan of management for Elliot Park |
| R55928 Jerilderie Racecourse and Showground | This site has dual categorisation including a sportsground and it has been included in the site specific plan of management for Jerilderie Racecourse and Showground. |
| R90713 Balmeringa | Site specific site plan |
| R98071 Central Coree Hall | Site specific site plan |
| R60373 Darlington Point Caravan Park | This site has dual categorisation including an area of cultural significance and it has been included in a site specific plan of management. |

The Stock Route (R85679) and the Jerilderie Common (R1010748) highlighted in the aerial image contained in Figure 1 on page 9, are located approximately 2.5 kilometres south of Jerilderie off the Newell Highway (A39). The stock route is an irregular, almost triangular, shaped parcel of land with frontages to the Newell Highway and Rifle Range Road. It has an area of 22.93ha.

Jerilderie Common comprise of a single irregular shaped parcel of land, with an area of approximately 110ha. It can be accessed via Rifle Range Road.

Figure 1 – Location of Stock Route (R85679) and Jerilderie Common (R1010748)¹



¹ SW Department of Planning, Industry and Environment, SixMaps

Both the stock route and Jerilderie Common are vacant in terms of structures, other than stock fencing which has been erected along the western and southern boundaries of the Common. The Stock route retains grasses and native shrubs, while Jerilderie Common was being used for agriculture.

2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 it must be identified that Jerilderie Common & Stock Route 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. The subject land 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 reserve

The land covered by this 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 2: Land categorization and gazettal date

| Land | Purpose(s) & gazettal date | Categorisation |
|---|--------------------------------------|-----------------------|
| R85679 Stock Route Jerilderie | Plantation 25 February 1966 | General community use |
| R1010748 Jerilderie Common Jerilderie | Community purposes 12 August 2005 | General community use |

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Jerilderie Common & Stock Route is primarily guided by:

-
- Local Government Act, 1993
 - Local Government 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 Plan of Management for Jerilderie Common & Stock Route include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2021;
- Jerilderie Local Environmental Plan, 2012;
- Murrumbidgee Local Environmental Plan, 2013;
- Biosecurity Act, 2015; and
- Biodiversity Conservation Act, 2016.

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 *general community use* is set out in Clause 36l of the Act, and clause 106 of the Regulation which are set out in Table 3 below.

Table 3: Core objectives

| Land | Guidelines ² | Core Objectives ³ |
|------------------------------|---|--|
| <i>General community use</i> | 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"> a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities) |

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 an activity specified in the Table D, 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
- 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.

² NSW Local Government (General) Regulation 2021, Part 4 Division 1, Guidelines for the categorisation of community land.

³ NSW Local Government Act 1993, Part 2 Division 2, Use and management of community land.

There is nothing in the Plan of Management for Jerilderie Common & Stock Route that would prevent it from grant an approval to any of the activities listed in Table D.

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 Jerilderie Common and Stock Route and other land managed by Murrumbidgee Council was sent to the Department of Planning & Environment (Crown Lands) on 4 March 2020.

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, Jerilderie Local Environmental Plan 2012 and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of 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.

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.

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.

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 and of relevance to the plan of management are:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Primary Production) 2021

- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021

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

3.3.3.2 Jerilderie local environmental plan 2012

Jerilderie Local Environmental Plan 2012 (JLEP) is an environmental planning instrument made under Part 3 of the EP&A Act that guides development and land use within part of the Murrumbidgee Council local government area. Under JLEP 2012 The Jerilderie Common & Stock Route is zoned RU1 Primary Production.

The zone is considered to be a closed zone, that is one where all permitted activities are listed. Specifically, the Land Use Table in JLEP 2012 states:

Table 4: Land zoning

| Land | Local environmental plan | Zoning of land |
|---|--|------------------------|
| R85679 Stock Route Jerilderie | Jerilderie Local Environmental Plan 2012 | RU1 Primary Production |
| R1010748 Jerilderie Common Jerilderie | Jerilderie Local Environmental Plan 2012 | RU1 Primary Production |

3.3.1.3 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 the Jerilderie Development Control Plan 2012 (DCP) being relevant to the land. This document is 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 the reserves. 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:

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

The exhibition included advertisement in local newspapers, on Council's website and documents being made available at its administration buildings in Coleambally, Darlington Point and Jerilderie.

Following consideration of submissions, Council resolved on **[insert date]** to adopt the Plan of Management for Jerilderie Common and Stock Route.

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 Crown reserves under this plan of management 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 Jerilderie Common and Stock Route 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

The provisions of section 36D of the Local Government Act, 1993 does not apply to the reserves as the land is not subject to a resolution of Murrumbidgee Council declaring the land, because of the presence on the land of any item the Council considers to be of Aboriginal, historical or cultural significance. A search of the NSW Environment & Heritage Aboriginal Heritage Information Management System on 24 March 2021 indicates that (see Appendix B):

- no Aboriginal sites are recorded in or near⁴ the above location; and
- no Aboriginal places have been declared in or near the above location.

⁴ The search parameter applied was within 50m of both lots

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve listed in Table 5 below 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 general community use categorisation of the land, 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.

Table 5: Reserve purpose and gazette date

| Land | Purpose(s) & gazettal date | Categorisation |
|---|--------------------------------------|-----------------------|
| R85679 Stock Route Jerilderie | Plantation 25 February 1966 | General community use |
| R1010748 Jerilderie Common Jerilderie | Community purposes 12 August 2005 | General community use |

7. Management directions

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for reserves. 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:

- Enable the continuing use of the existing land for agriculture, including cropping and grazing.

8.1 Statutory guidelines for development of Jerilderie Common & Stock Route

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 reserve is frequently used but not always involves active use. In terms of a land use under the provision of the environmental planning instrument may fall within the broad definition as agriculture.

Table 6 identifies the zoning of the land under Jerilderie Local Environmental Plan 2012 of Jerilderie Common and Stock Route. The RU1 Primary Production zone that apply provide 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 reserves in terms of what it will permit.

Table 6 - Preferred uses of land

| Land Use | Provisions of an environmental planning instrument | Allowed under TRPoM | Reason |
|-----------------------------------|---|---|--|
| Agriculture | Permitted without consent | Agriculture involving cropping and the keeping of livestock is permitted within Jerilderie Common Grazing of livestock for temporary purposes is permitted within the Jerilderie Stock Route | The use would be consistent with the general community use categorization and purpose of the reserves. |
| Aquaculture | Permitted with consent. | Permitted within Jerilderie Common. | The use would be consistent with the general community use categorization and purpose of the reserve. |
| Flood mitigation works | Permitted with consent | Allowed. | Flood mitigation works would be in keeping with the categorisation of the reserve in terms of protecting assets. |
| Forestry | Permitted with consent | Allowed. | The use would be consistent with the general community use categorization and purposes of the reserves |
| Water reticulation systems | Permitted without consent. | Allowed. | The use would be consistent with the categorization of the land. |

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

As this plan of management applies only to Jerilderie Common & Stock Route, the plan of management must, 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.

At the time of preparing the land was being used for agriculture, which is defined term under JLEP 2012 and apart from stock fencing along property boundaries, there are no other built structures within the reserves. The existing *fences are in fair condition and in no immediate need of repair or replacement.*

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.

At the date of adoption of the Plan of Management for Jerilderie Common & Stock Route both reserves were vacant, with the only improvements being stock fencing erected along the perimeter of Jerilderie Common (see Figure 8A below). The existing fencing is in fair condition.

Figure 8A – Looking north-east across Jerilderie Common⁵



Figure 8B – Looking north along Stock Route



⁵ Images in Figures 8A and 8B taken on 9 December 2019 © Steven Parisotto Photography

Figure 8C – Historical aerial image c.1976 ⁶



Figure 8C – Historical aerial image c.1996



Figure 8E – Historical aerial image c2013 ⁷



Figure 8F – Aerial image September 2020



The agricultural use of the land varies, and while the image in Figure 8A indicates a fallow state it has been consistently used for cropping over the past 45 or so years as shown in Figures 8C (from 1976) to 8F (in 2020).

8.3 Permitted use and future use

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

⁶ Images in Figures 8C and 8D from NSW Spatial Portal Historical Imagery,

⁷ Images in Figures 8E and 8F from Google Earth

- (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.

Table 7 – Permissible uses and activities for land categorized as general community use

| General Community Use | |
|--|---|
| Purpose or use as... | Development to facilitate |
| <p>The following purpose or uses are permitted by this Plan of Management on land categorized as a general community use.</p> <p>a) <i>Land that is suitable for</i></p> <ul style="list-style-type: none"> i. <i>Agriculture (excluding intensive livestock keeping agriculture and horticulture) within Jerilderie Common</i> ii. <i>Keeping of livestock including fencing within Jerilderie Common</i> iii. <i>Grazing of livestock within Jerilderie Stock Route</i> <p>b) <i>Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</i></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"> ▪ <i>Planting of crops (excluding horticulture)</i> ▪ <i>Keeping, breeding and raising of livestock (excluding intensive livestock agriculture)</i> ▪ <i>Fencing of land with Jerilderie Common</i> ▪ <i>Water reticulation systems for agriculture.</i> ▪ <i>Grazing of livestock</i> |

8.3.1 Jerilderie Common & Stock Route as general community use

The purpose of this section is to provide and understanding of the core objectives for community land as a general community use, identify the legislative requirements concerning the development of the land and otherwise identify key matters that set out the strategy for managing Jerilderie Common & Stock Route . This section applies to that part of Jerilderie Common & Stock Route in aerial image set out in Figure 1.

The core objectives for management of community land categorized as general community use set down in section 36I of the LG Act are as follows:

36I Core objectives for management of community land categorised as general community use

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—

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

Jerilderie Common & Stock Route is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires. Further the land has not been mapped as being area of high biodiversity, nor is the groundwater system identified as being vulnerable.

The land is flat and comprises a mix a natural occurring grasses and shrubs within the stock route and crops within the common. Apart from stock fencing defining the boundaries of adjoining free-hold land with the two reserves there are no other structures erected upon the land.

8.4 Leases, licences and other estates

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

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

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

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

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.

The Plan of Management for Jerilderie Common and the Jerilderie Stock Route expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, license or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, license or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, license or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, license or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, license or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- the lease, license or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, license or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

This plan of management expressly authorises Murrumbidgee Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act 2016 for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018. Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- access through a reserve
- emergency occupation
- environmental protection, conservation or restoration or environmental studies,
- grazing of livestock

Table 7 - Leases, licences and other estates and purposes for which they may be granted for the Jerilderie Common

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|----------------------------|---|--|
| Lease | <ul style="list-style-type: none"> 10 years* | <ul style="list-style-type: none"> Use of land for agricultural purposes (except for horticulture) Use of land for the keeping of livestock (except intensive livestock agriculture). |
| Licence | <ul style="list-style-type: none"> 10 years* | <ul style="list-style-type: none"> Use of land for agricultural purposes (except for horticulture) Use of land for the keeping of livestock (except intensive livestock agriculture). |
| Short-term licence | <ul style="list-style-type: none"> 12 months | <ul style="list-style-type: none"> Agistment of livestock |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act. |

Land within the Jerilderie Stock Route is not suitable for any form of lease, license or other estate as it provides an area which is only suited for the temporary grazing for travelling livestock.

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.

Table 8 – Current agreements

| Reserve | Purpose | License | Holder | Authorised activity |
|-------------------------------|--------------------|---|--------------------------|--|
| R1010748 Jerilderie Common | Community purposes | Commenced: 1 January 2016 Ends: 31 December 2035 | Jerilderie Football Club | Agriculture for the purpose of dry land and irrigation farming |

Further to Section 3.3.1 and reference to Native Title Assessment, Council is required under the provisions of the CLMA 2016, to undertake steps to identify whether the activity proposed on Crown land will affect Native Title. Council must further consider what provisions of the NTA 1993 will validate

the activity; and what procedures should be taken in relation to a particular activity prior to its commencement. Council must also have regard for any existing claims made on the land under the NSW Aboriginal Land Rights Act 1983 (ALR Act).

The activity must be authorised through Part 2 Division 3 of the NTA 1993/

Council must obtain written advice from its Native Title Manager in relation to certain activities and acts carried out on Crown land where the land is not excluded land, in accordance with native title legislation and applicable to works and activities to be undertaken on the Jerilderie Common.

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 in this plan of management has been categorised partly as a general community use.

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 9 - Objectives and performance targets

| 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 |
|------------------------------|--|--|--|
| <i>Agriculture</i> | Allow extensive agriculture, involving annual crops and grazing of livestock | Ensure proper leases and/or licenses are in place. | Recording of any leases/licenses. |
| <i>Animal control</i> | Impound all animals that are not under the full control of owner or handler. | Community education and involvement in monitoring. Use of regulatory signs and enforcement. | Record all complaints about loose dogs, attacks and animal waste, and where required take 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 |
|--|--|--|---|
| <i>Rubbish Dumping and Littering.</i> | Prohibit rubbish dumping and littering. | Regulatory signage at appropriate locations. Community education on the environmental impacts of rubbish dumping. | Number of incidents of illegal dumping Cost of clean-up and litter collection per annum |
| <i>Water reticulation systems</i> | Allow irrigation systems to be install to optimise water usage to be installed by the lease/license holder | Lease/license hold responsible for design, installation and operation the system. | Lease/license holder responsible for addressing of incidents of failure of the irrigation system. |

APPENDICIES

APPENDIX A - Definitions

| Term | Legislative definition |
|--|--|
| agriculture | <p>means any of the following —</p> <ul style="list-style-type: none">(a) aquaculture,(b) extensive agriculture,(c) intensive livestock agriculture,(d) intensive plant agriculture. |
| community land | <p>means –</p> <p>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</p> |
| community participation plan | <p>means –</p> <p>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</p> |
| environmental planning instrument | <p>means –</p> <p>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)</p> <p>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.</p> |
| extensive agriculture | <p>means any of the following —</p> <ul style="list-style-type: none">(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,(b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,(c) bee keeping,(d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their |

| | | |
|----------------------------------|--|--|
| | | <i>primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.</i> |
| water reticulation system | | <i>means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.</i> |
| plan of management | | <i>means – 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> |
| public reserve | | <i>means – (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or (g) Crown managed land that is dedicated or reserved— (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order 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,</i> |

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.

APPENDIX B - Aboriginal Heritage Information Management System Search Results



**AHIMS Web Services (AWS)
Search Result**

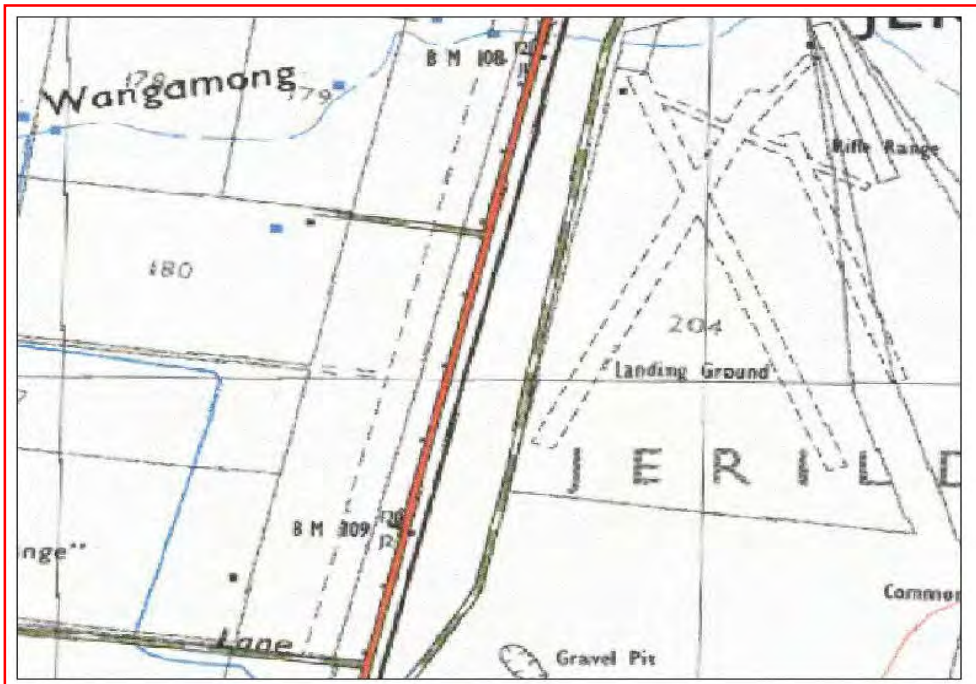
Purchase Order/Reference : 20-C01-MCC JSR
Client Service ID : 578469

PARISPLAN
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven
Parisotto Email:
admin@parisplan.com.
au Dear Sir or Madam:

Date: 24 March 2021

AHIMS Web Service search for the following area at Lot : 7005, DP:DP1025055 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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.

PARISPLAN

Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680

Attention: Steven

Parisotto Email:

admin@parisplan.com.

au Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7034, DP:DP1084860 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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?

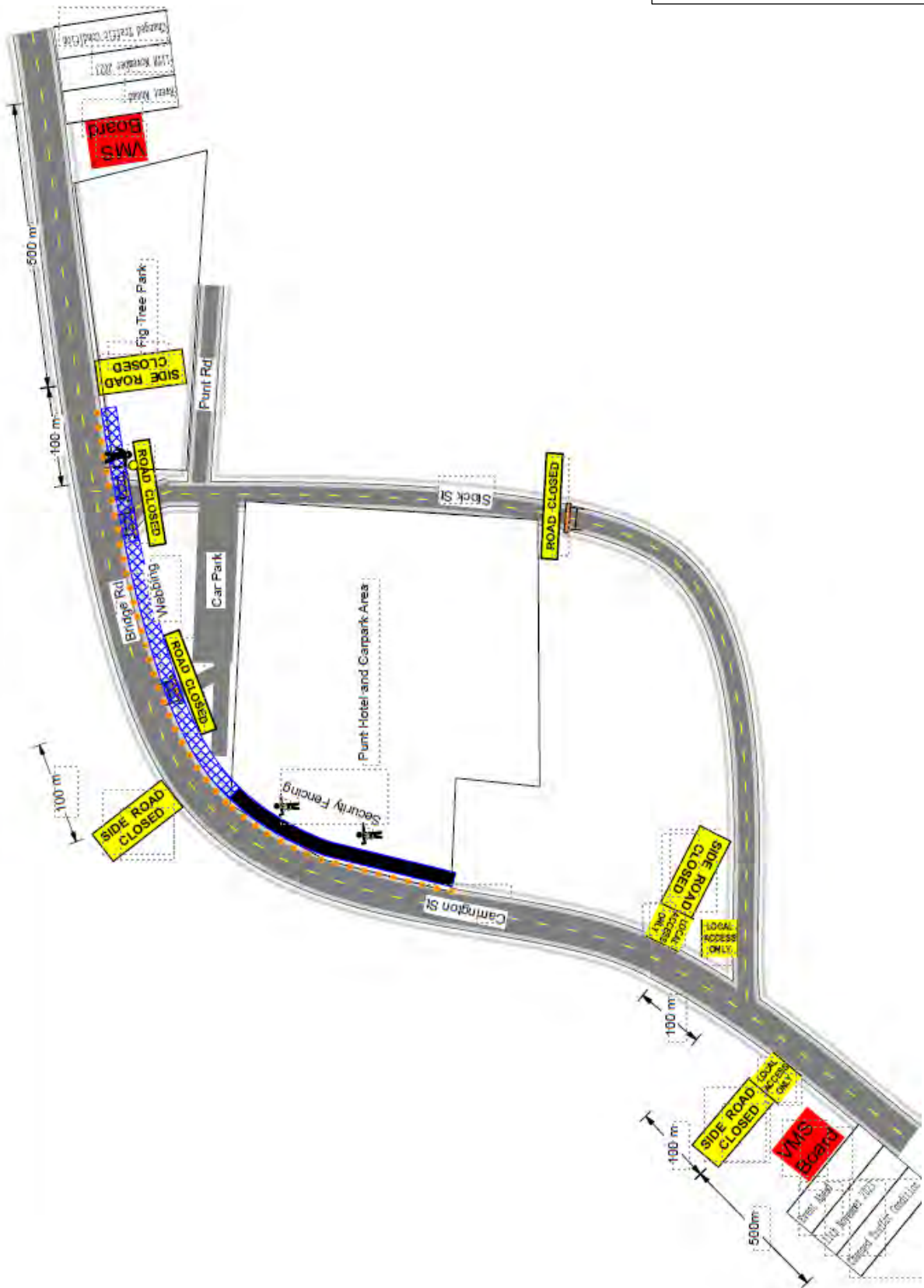
- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

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

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- 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 for m part of your due diligence and remains valid for 12 months.*





Murrumbidgee
COUNCIL

Quality Policy

| | Name | Position | Signature | Date |
|---------------------|------|----------|-----------|------|
| Responsible Officer | | | | |
| Authorised By | | | | |

| Document Revision History | |
|---------------------------|---------------------------|
| Date adopted by Council: | |
| Minute Number: | |
| Next Review: | See Item 5 of this Policy |
| Revision Number: | |
| Review Date: | |
| Date adopted by Council: | |
| Minute No: | |
| Next Review: | |
| Revision Number: | |
| Review Date: | |
| Date adopted by Council: | |
| Minute No: | |

June 2024

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| 1.2 Policy Statement..... | 3 |
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| 4. Related Documents and Legislation | 5 |
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1. Policy Scope

This policy applies to all Council activities.

1.1 Policy Objective

- Manage Council's Quality Performance to a standard that meets the requirements of customers, ratepayers and other stakeholders.
- Comply with applicable legal and other requirements.
- Provide for consultation, cooperation and coordination between Persons Conducting a Business or Undertaking (PCBU's) and workers.
- Ensure that any workplace under Council management or control is focussed on satisfying Council's stakeholders.

1.2 Policy Statement

Murrumbidgee Council's Quality Policy is to:

- satisfy its customers and ratepayers by providing high quality, efficient and cost-effective service
- provide its workers with job satisfaction
- establish mutually beneficial relationships between Council and suppliers
- support Council's strategic direction

Council is committed to:

- continually improving its Quality Management System (QMS)
- complying with relevant legal and other requirements, including demonstrating a professional duty of care in the performance of tasks

Council's policy is achieved by:

- establishing measurable objectives for achieving the satisfaction of its customers, ratepayers and other stakeholders
- communicating this Quality Policy and objectives to Council's workers, and relevant stakeholders
- implementing a QMS conforming to the International Standard ISO 9001 into Council's operations
- providing adequate resources to achieve this Policy and Council's quality objectives
- reviewing Council's Quality Policy and objectives for continuing suitability

2. Responsibility

The responsibilities of the PCBU (Council), Officers, and Workers are as described below:

2.1.1 Council shall demonstrate continued commitment in meeting its moral and legal obligation by ensuring that adequate human and financial resources are made available so that the objectives of this Policy are met.

2.1.2 Councillors (elected members), while conducting business for Council, have a responsibility to meet and satisfy the requirements of Council's customers, ratepayers and other stakeholders. They must comply with reasonable instructions to assist Council in complying with applicable legislation.

2.1.3 The General Manager (PCBU) is responsible, and accountable to the Council, for ensuring that the objectives of this Policy are met. The General Manager is responsible for ensuring that a QMS is developed, implemented, reviewed and maintained.

The General Manager shall:

- consult, coordinate and cooperate with other PCBUs working for or on behalf of Council
- regularly review and document organisational quality performance
- actively support the integration of Quality Management as part of Council's normal management practices
- consult with workers when making decisions on issues which may affect their quality performance

2.1.4 Managers are responsible for ensuring that the requirements of Council's QMS are communicated to workers, and are implemented at all workplaces within areas of their responsibility.

Managers shall:

- actively support the integration of Council's QMS as part of normal management
- regularly report to the General Manager on QMS initiatives implemented and the QMS performance of their division
- consult with workers when making decisions on issues which may affect their quality performance
- actively maintain current QMS knowledge as applicable to their area of responsibility

2.1.5 Workers are responsible for their quality performance.

Workers shall:

- co-operate with other workers and management to ensure that applicable legal and other requirements are met
- actively participate in any QMS consultation
- immediately report all quality issues to management
- carry out their work activities in accordance with all Council policies, procedures and approved work methods
- comply with any lawful directive

3. Definitions

Council means Murrumbidgee Council.

Workers means all person employed by Council (employees), contractors and volunteers

Council official means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993.

Legal Requirement means any law, regulation, ruling, judicial decision, accounting standard, regulatory guidance or other legal requirement.

Other Requirement means any requirements that Council has to, or chooses to, comply.

4. Related Documents and Legislation

- Council's Adopted Code of Conduct
- Local Government Act 1993
- Applicable National & NSW Quality Legislation
- AS/NZS ISO 9001:2016

5. Review

This policy:

- To be reviewed within the first year of the new Council term
- On release of next version of ISO 9001
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur)







SCHEDULE OF INVESTMENTS - 30 JUNE 2024**External investments**

In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

| Institution | Balance (\$) | Yield (p.a.) | Maturity | Term (months) | No. |
|--------------------|---------------------|---------------------|-----------------|----------------------|------------|
| St George | 537,107.36 | 4.19% | 3/07/2024 | 5 | 27 |
| Suncorp - METWAY | 500,000.00 | 4.95% | 9/07/2024 | 4 | 31 |
| Bendigo | 524,204.94 | 4.79% | 19/07/2024 | 4 | 23 |
| Westpac | 614,988.82 | 4.95% | 22/07/2024 | 4 | 30 |
| Bendigo | 1,597,051.03 | 4.80% | 25/07/2024 | 4 | 33 |
| Bendigo | 500,000.00 | 4.80% | 29/07/2024 | 4 | 35 |
| Bendigo | 1,000,000.00 | 4.80% | 29/07/2024 | 4 | 40 |
| Bendigo | 1,039,292.49 | 5.01% | 29/07/2024 | 6 | 22 |
| IMB Ltd | 1,036,720.68 | 4.95% | 30/07/2024 | 5 | 38 |
| IMB Ltd | 805,389.99 | 4.85% | 31/07/2024 | 4 | 29 |
| Westpac | 1,524,962.47 | 4.94% | 6/08/2024 | 4 | 39 |
| Bendigo | 1,024,166.85 | 4.84% | 19/08/2024 | 4 | 45 |
| Bendigo | 1,016,343.84 | 4.84% | 21/08/2024 | 4 | 44 |
| Westpac | 826,797.60 | 4.89% | 23/08/2024 | 3 | 32 |
| Westpac | 781,053.42 | 4.89% | 29/08/2024 | 3 | 25 |
| Suncorp - METWAY | 1,016,779.18 | 4.95% | 2/09/2024 | 3 | 34 |
| Bendigo | 1,535,516.55 | 4.70% | 4/09/2024 | 3 | 26 |
| Westpac | 506,175.34 | 4.91% | 11/09/2024 | 3 | 24 |
| Bendigo | 1,274,478.35 | 4.70% | 16/09/2024 | 6 | 21 |
| Suncorp - METWAY | 500,000.00 | 5.06% | 23/09/2024 | 3 | 20 |
| NAB | 1,500,000.00 | 5.00% | 23/09/2024 | 4 | 47 |
| Westpac | 1,087,298.26 | 5.01% | 21/10/2024 | 4 | 43 |
| NAB | 1,500,000.00 | 5.10% | 20/11/2024 | 6 | 28 |
| Bendigo | 2,954,000.00 | 5.15% | 23/12/2024 | 6 | 46 |
| | <u>25,202,327</u> | | | | |

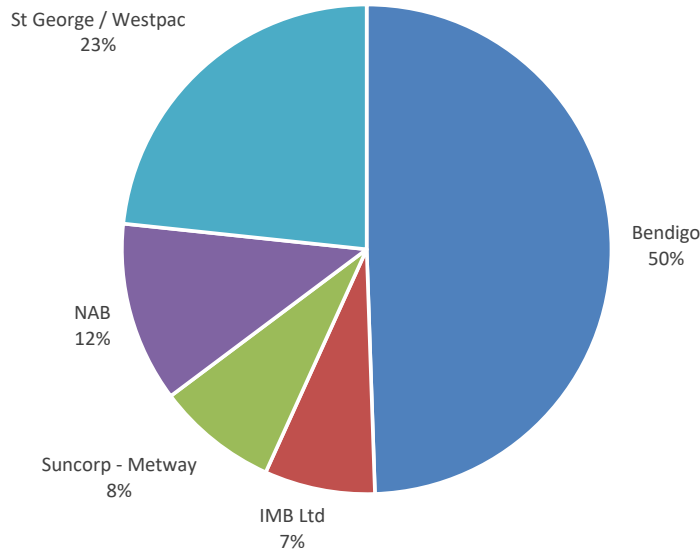
Maturity

All investments comply with the maximum duration set out for each rating category in the *Investment Policy*.

| Month | \$ Funds Maturing | |
|----------------|--------------------------|---|
| July 2024 | \$ 8,154,755 |  |
| August 2024 | \$ 5,173,324 |  |
| September 2024 | \$ 6,332,949 |  |
| October 2024 | \$ 1,087,298 |  |
| November 2024 | \$ 1,500,000 |  |
| December 2024 | \$ 2,954,000 |  |
| | <u>\$ 25,202,327</u> | |

Counterparties to Investments

| Institution | Balance | S&P / Moody's / Fitch | Highest | Limit | % Invested | Compliant |
|---------------------|-------------------|-----------------------|---------|-------|-------------|-----------|
| Bendigo | 12,465,054 | A- / Baa1 / A- | A | N/A | 49.46% | N/A |
| IMB Ltd | 1,842,111 | - / Baa1 / BBB+ | BBB | 10% | 7.31% | ● |
| Suncorp - Metway | 2,016,779 | A+ / A1 / A | A | 14% | 8.00% | ● |
| NAB | 3,000,000 | AA- / Aa2 / A+ | A | 14% | 11.90% | ● |
| St George / Westpac | 5,878,383 | AA- / Aa2 / AA- | AA | 30% | 23.32% | ● |
| | <u>25,202,327</u> | | | | <u>100%</u> | |

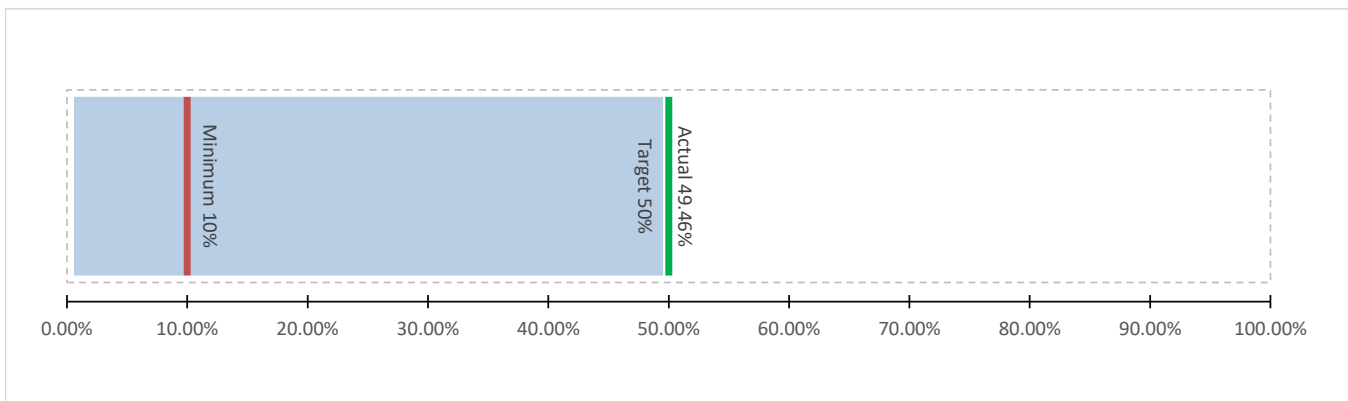


Investment with Bendigo Bank

49.46% ●

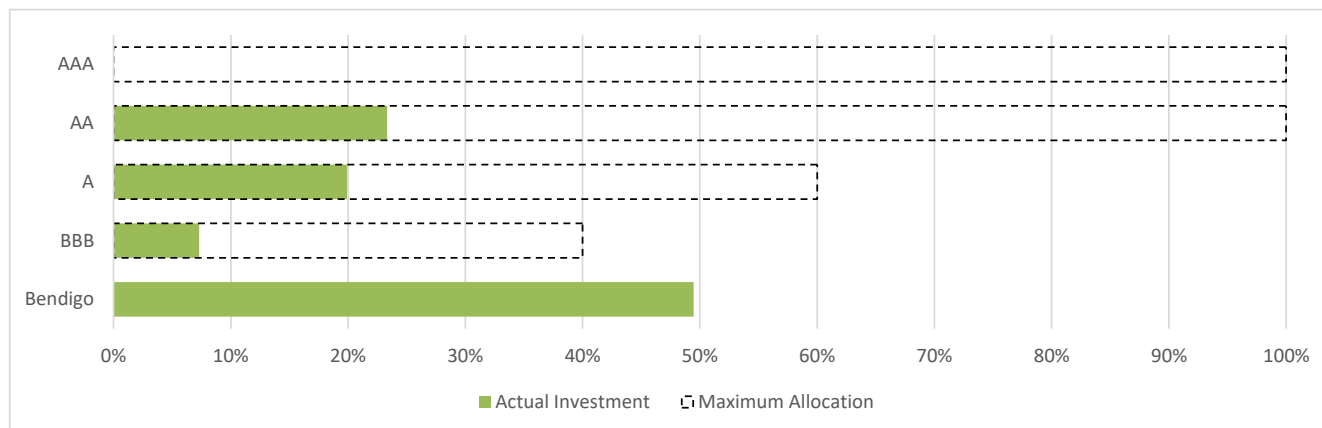
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.



Overall Credit Quality Limits

| Credit Rating | Maximum | Balance | % Invested | Compliant |
|---------------|---------|----------------------|-------------|-----------|
| AAA | 100% | \$ - | 0.00% | ● |
| AA | 100% | \$ 5,878,383 | 23.32% | ● |
| A | 60% | \$ 5,016,779 | 19.91% | ● |
| BBB | 40% | \$ 1,842,111 | 7.31% | ● |
| Bendigo | N/A | \$ 12,465,054 | 49.46% | N/A |
| Total | | \$ 25,202,327 | 100% | |



Monthly investment movements

Redemptions

| Institution - No. | Balance (\$) | Comments |
|-------------------|----------------|---|
| Suncorp - Inv 20 | 516,208 | Partial redemption for cash flow purposes |
| | <u>516,208</u> | |

New Investments

| Institution - No. | Balance (\$) | Yield (p.a.) | Term (months) | Comments |
|-------------------|--------------|--------------|---------------|----------|
| | <u>0</u> | | | |

Rollovers

| Institution - No. | Balance (\$) | Yield (p.a.) | Term (months) | Comments |
|-------------------|------------------|--------------|---------------|---------------------------------|
| Suncorp - Inv 34 | 1,016,779 | 4.95% | 3 | Rollover for proposed cash flow |
| Bendigo - Inv 26 | 1,535,517 | 4.70% | 3 | Rollover for proposed cash flow |
| Suncorp - Inv 20 | 500,000 | 5.06% | 3 | Rollover for proposed cash flow |
| Westpac - Inv 24 | 506,175 | 4.91% | 3 | Rollover for proposed cash flow |
| Westpac - Inv 43 | 1,087,298 | 5.01% | 4 | Rollover for proposed cash flow |
| Bendigo - Inv 46 | 2,954,000 | 5.15% | 6 | Rollover for proposed cash flow |
| | <u>7,599,769</u> | | | |

Investment performance

| | Jun-24 | FYTD |
|---|---------------|-------------|
| Total investment income, including accrued interest | \$105,908 | \$1,573,200 |
| Money-weighted rate of return (% p.a.) | 5.12% | 5.21% |
| Bloomberg AusBond Bank Bill Index | 4.20% | 4.37% |
| Over performance/(under performance) | 0.92% | 0.84% |

