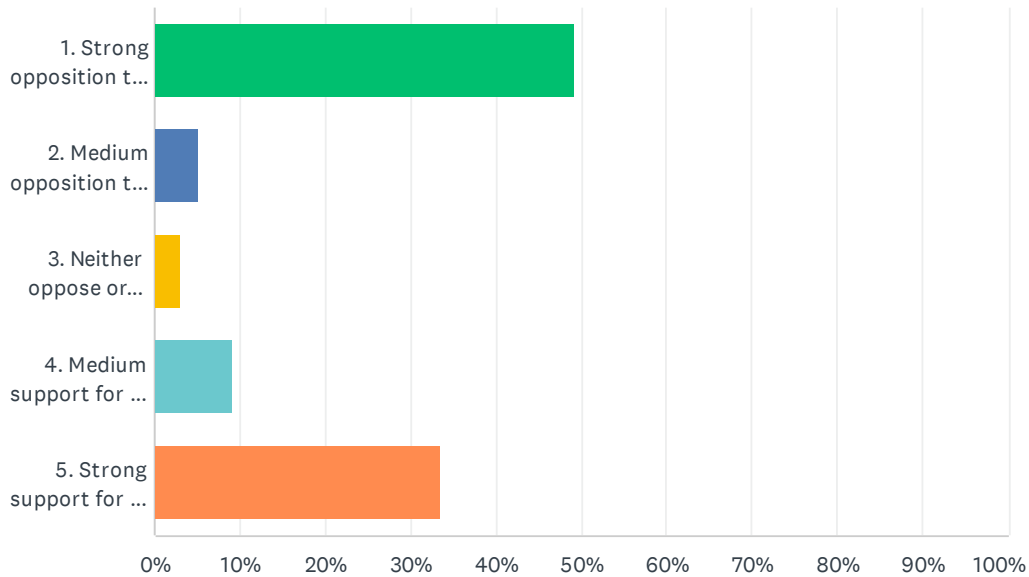


Q1 Please indicate your level of support for the idea of constructing a nuclear power facility in the Murrumbidgee Council area as a long-term energy solution. The answers range from 'Strongly Oppose' to 'Strongly Support'.

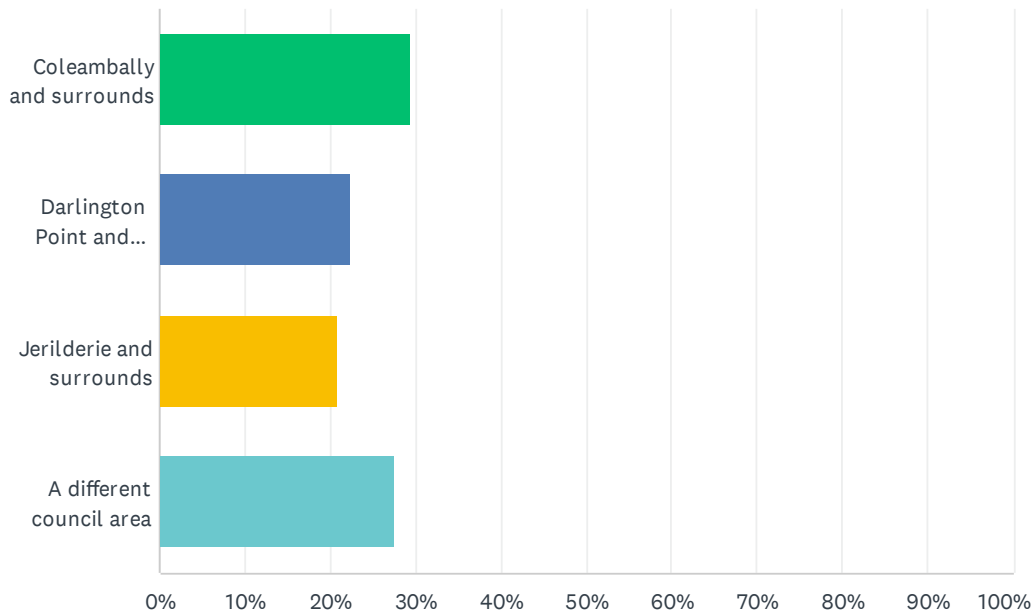
Answered: 197 Skipped: 0



ANSWER CHOICES	RESPONSES	
1. Strong opposition to the idea	49.24%	97
2. Medium opposition to the idea	5.08%	10
3. Neither oppose or support the idea	3.05%	6
4. Medium support for the idea	9.14%	18
5. Strong support for the idea	33.50%	66
TOTAL		197

Q2 Where do you live?

Answered: 197 Skipped: 0



ANSWER CHOICES	RESPONSES	
Coleambally and surrounds	29.44%	58
Darlington Point and surrounds	22.34%	44
Jerilderie and surrounds	20.81%	41
A different council area	27.41%	54
TOTAL		197

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

29 April 2024

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Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires:

“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees.”

4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal’s determination takes effect from 1 July each year.

Section 2 – 2023 Determination

7. In 2023, the Tribunal received 18 written submissions.
8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.

Section 3 – 2024 Review

2024 Process

14. The Tribunal’s annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

Submissions Received – Request for recategorisation

19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal’s consideration.

-
20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:
- Paramatta being critical to the success of the Greater Sydney Region Plan
 - The LGA expecting an estimated 186,000 new residents between 2022 and 2041
 - An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
 - A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
 - The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
 - Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.
21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that

the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.

23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:

- The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
- Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
- 99 towns, villages and nine economic centres across an area of 757 square kilometres
- An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
- 1.3 million tourists per year
- 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
- Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
- Operating revenue exceeding \$290 million.

24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

Categories – movement of Councils within the framework

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.

36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
38. Each Council was also assessed against the relevant criteria at Appendix 1.
39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

Submissions Received – Remuneration Structure

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
 - Is benchmarked in a more transparent way

-
- Recognises workload
 - Encourages participation by a cohort that is more representative of the community
 - Recognises skills and experience that is relevant to the roles.
43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

-
48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
- *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*

- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.

53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.

54. Section 249 (5) of the LG act states:

“A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.

56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

-
57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
 58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.

Section 4 – 2024 Fees

Submissions - 2024 Fees

59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:
- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
 - Mitigate economic pressures and the rising cost of living
 - Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
 - Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.
60. LGNSW used economic and wage data to support their argument that included:
- Consumer Price Index
 - Wage Price Index
 - National and State Wage cases
 - Market comparability
61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

-
62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
65. Other submissions advocated for remuneration to be set at a level to:
- Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
 - Ensure no one is out of pocket for the work they do for council
 - Attract a diverse range of potential candidates.
66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own

remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:

- Remove potential conflict of interest
- Facilitate good governance
- Create equity amongst councils in the same category
- Assist in fostering good relationships with the community
- Alleviate public perception that increases are unjust.

68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.

69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:

“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”

Fee Increase.

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

Conclusion

72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.



Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed

- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

Regional Rural (14)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

-
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
 - have significant natural and man-made assets to support diverse economic activity, trade and future investment
 - typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.



Murrumbidgee COUNCIL

Long-Term Financial Plan (LTFP) 2023-24 to 2032-33

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Acknowledgement of Country

We pay respect to the traditional custodians of the lands and waters of the Murrumbidgee Local Government Area and to all Aboriginal Elders, past present and emerging.

We are committed to honouring the continuing connection that First Australians hold to Murrumbidgee's land, waters and community, as one of the oldest living cultures in human history.

Long-Term Financial Plan Objectives

The Long-Term Financial Plan (LTFP) is a requirement under the Integrated Planning and Reporting framework for NSW Local Government. It is an annual process and part of the continuous improvement cycle.

It is a 10-year rolling plan that informs decision-making and demonstrates how the objectives of the Community Strategic Plan and the commitments of the Delivery Program and Operating Plan will be resourced and funded. It captures the financial implications of asset management and workforce planning (for example, by identifying how additional assets will be funded, or existing assets renewed or upgraded; and what provisions are made for changes to service levels).

The Long-Term Financial Plan will be reviewed in the 2024-25 financial year, following the September 2024 Council elections, as part of the ongoing Integrated Planning & Reporting cycle.

Planning Assumptions

Budget Alignment

Council has aligned the 2023-24 budget position within the Long-Term Financial Plan with the December 2023 Quarterly Budget Review, adjusted for revised depreciation figures based on asset revaluations completed as part of the preparation of the 2022-23 financial statements.

This alignment ensures that the budget reflects the most up-to-date financial information, including the projected starting 2023-24 cash position and reserve balances, and considers changes or adjustments made during the year to date.

Rates & Annual Charges

Council's major source of operating income is the levying of rates.

Rate Pegging

The NSW Government introduced rate pegging in 1978, which limits the amount by which Council can increase its rate revenue from one year to the next. The amount of the rate peg is set by the Independent Pricing and Regulatory Tribunal (IPART), which has adopted a new rate peg methodology for the 2024-25 financial year. All councils are subject to the annual rate peg unless otherwise covered by an approved variation. IPART determined a 2023-24 rate peg for Murrumbidgee Council of 3.7% and has set the rate peg at 4.5% for the 2024-25 financial year. It is important to note that this limit does not apply to an individual's rate levy but rather the total rate levies raised.

Council has assumed rates will increase by the maximum amount allowable under the rate peg each year. For years beyond 2024-25, an increase of 2.5% has been assumed.

Rate Harmonisation

During the 2020-21 financial year Council worked through a process to adopt a harmonised rate structure to take effect from 1 July 2021. That process was guided by the legislative requirements set out in the *Local Government Act* and the *Local Government Amendment (Rates) Bill 2021*. The phasing in requires the retention of existing categories and sub-categories for the duration of the harmonisation period, with the harmonisation of farmland assessments to be undertaken over five years. For the purposes of the LTFP a wholistic approach has been taken to rates income i.e., the total increases to rates have been considered, rather than the impact on particular rating categories and sub-categories.

User Charges & Fees

User charges and fees are assumed to increase in line with CPI.

It is noted that not all statutory charges increase annually in line with CPI, however for the purposes of financial modelling these fees are assumed to increase in line with CPI over the long term.

Water and sewer charges are based on projections that move Council towards the *Best-Practice Management of Water Supply and Sewerage Guidelines* issued by the NSW Department of Water & Energy.

Grants & Contributions

Financial Assistance Grant

The Financial Assistance Grant is calculated using a formula that considers the population of the Local Government areas, road lengths, and a number of other factors. Given the complexity of the formula, Council has assumed that these grants will increase in line with the forecast CPI in the budget year.

In the 2023-24 financial year, an 100% advance prepayment of the Financial Assistance Grant was made. As the timing for future years is uncertain, it is assumed that from 2024-25 onwards the payment will be received in the year to which it relates.

Other Recurrent Grant Revenue

Council has assumed recurrent grant revenue will continue with an increase determined by projected CPI.

Opportunistic Grant Funding

Murrumbidgee Council will always seek to leverage grant or other funding opportunities that benefit our community. This includes those which specifically support Council’s strategic and operational priorities (such as those identified in the *Operational Plan* and *Delivery Program*) but also extends to other projects that may have been unforeseen at the time of preparing those plans.

Council has identified a number of projects for which it specifically intends to seek funding as the opportunity becomes available.

Due to current uncertainty surrounding the potential cost and timing of these upgrades, these projects are not reflected in the current financial projections.

These projects include, but are not limited to:

Young Street Housing Development

Council proposes to build up to 17 3- and 4-bedroom houses over 3 years in the Young Street subdivision at Darlington Point to assist in addressing the short-to-medium term housing shortage in the area. Council proposes to contribute 17 lots from the Young Street subdivision to this project.

Caravan Park Redevelopment

Council has completed a masterplan for the Darlington Point Caravan Park which it intends to seek grant funding to implement. Council had previously secured funding to commence this project under the *Building Better Regions Fund*, which was subsequently discontinued on 24 October 2022. At the time of writing, Council has applied for grant funding to progress this project.

Water Facility Upgrades

Council recognises that the water facilities in its three townships are urgently in need of upgrade or replacement. Council has received commitments from the *Safe & Secure Water Program* which are expected to fund 90% of the relevant costs of these projects. Council has also received funds from the *Stronger Communities Fund (SCF)* to be used to fund the remaining 10%. The funding available is:

	Coleambally	Darlington Point	Jerilderie
<i>Stronger Communities Fund (remaining)</i>	\$600,000	\$691,787	\$670,770

These amounts would allow Council to contribute 10% of the project costs up to an amount of \$6m (Coleambally), \$6.9m (Darlington Point), and \$6.7m (Jerilderie) with additional funds available in the water and sewer funds as required.

These works will be undertaken as soon as possible subject to the concurrence of NSW Public Works and any other relevant bodies.

Investment Revenue

For simplicity, investment returns are assumed to remain consistent throughout the duration of the LTFP period.

An investment return of 4% has been used, with the funds assumed to be invested being based on balances as at 1 July 2023, excluding the Specific-Purposes Unexpended Grant Funds Reserve.

Other Revenue and Income

Other revenue and income amounts are assumed to increase in line with CPI.

Salaries and Wages

The current *Local Government (State) Award 2023* ('the Award') dictates pay increases of 3.5% for the 2024-25 financial year and 3% for the 2025-26 financial year. Beyond that, pay is assumed to increase in line with CPI projections. An additional 0.5% is assumed to account for both future Award increases and staff competency/performance increases.

Required superannuation guarantee contributions are legislated to increase from 11% of wages in the 2023-24 financial year to 11.5% in 2024-25 and 12% from 2025-26. Beyond that, the 12% rate is assumed. This increased rate is payable on increased wages.

In addition, the Award provides for two gross lump sum payments in 2024-25 and 2025-26 to employees with at least 12 months continuous service with the employer as at 30 June 2024, being equivalent to \$1000 or 0.5% of the employee's salary system rate of pay, whichever is the greater. With around 100 employees, the estimated cost of this payment to Council is approximately \$100,000 for each of these two financial years which is reflected in the LTFP.

It is proposed to adjust Council's wage on-cost percentage to reflect increases in the superannuation guarantee and additional payment. However, this review has not yet been undertaken and hence is not reflected in the LTFP.

Materials, Contracts and Other Operating Costs

Expenditure on materials, contracts and other operating costs has been generally based on CPI. The exceptions to this are expenditures that do not recur every year or have been identified as increasing by an amount different to CPI.

Borrowings

Existing Loan Balance – Wunnamurra Estate

The existing internal loan balance at 1 July 2024 was approximately \$23,000 to be paid off by the end of the 2023-24 financial year.

Proposed Loan From Sewer Fund – Young Street Subdivision

Murrumbidgee Council intends to seek Ministerial Approval to advance a \$3m internal loan from its sewer fund for the subdivision of Young Street, with the balance of \$1.5m already funded through the Stronger Communities Fund. This proposed borrowing is reflected in this LTFP.

For the purposes of the LTFP, a 10-year fixed rate loan at 4.90% has been assumed, based on the most recent indicative TCorp lending rates, and sales of the properties have been assumed to be at \$110,000 excluding GST, at a rate of 5 lots per year.

Potential External Loan – Darlington Point Caravan Park

Council is also actively seeking funding for the redevelopment of the Darlington Point Caravan Park, and, should it be successful in obtaining this funding, may seek external borrowing to fund its share of any co-contribution. Due to the level of uncertainty around securing appropriate grant funding and timing of these potential works, this is not reflected in the current projections.

Capital Expenditure

Council has undertaken a number of asset revaluations during the 2023-24 and work on revised Asset Management Plans is ongoing.

For the purposes of this Long-Term Financial Plan, the following capital works have been included:

Plant and equipment

Plant and equipment replacement budgets have been included consistent with Council's previous LTFP, with an updated plant replacement program currently in development and internal plant hire rates under review.

Transport assets

Council receives recurrent grant funding from programs such as the *Regional Road Block Grant Program* and *Roads to Recovery* and is also required to expend an amount of \$1.784m of its own funds to maintain its road network. It also receives other ad-hoc grants and funds (e.g., *Local Roads & Community Infrastructure Program*, *Disaster Recovery Funding Arrangements*, *Fixing Local Roads*).

While these programs often encompass both maintenance and capital works, it is assumed in the financial projections that expenditure will be equal to all recurrent and known funding (including own source amounts).

These works may or may not ultimately be capital in nature for financial reporting purposes. Previous budget estimates have been used to estimate each component for the purposes of the LTFP.

Where funding is committed, expenditure has been included within the LTFP.

Water supply network

Council's previously-prepared LTFP and budgets forecast renewals of around \$192,000 per year (before inflation). Subject to future staff review, a conservative approach has been taken and these amounts have been retained in the current LTFP in addition to the amounts discussed below.

As discussed earlier in this Plan, Council recognises that the water facilities in its three townships are urgently in need of upgrade or replacement and anticipates that these projects will be fully funded by a combination of the *Stronger Communities Fund* (10%) and *Safe & Secure Water* (90%). Due to current uncertainty surrounding the potential cost and timing of these upgrades, these projects are not reflected in the current financial projections.

A review of projected replacement costs and timing based on the most recent asset valuations suggests the following replacement requirements:

	Replacement Costs Based On Revaluation		Additional Capital Works in LTFP
	Extraction & Treatment	Reticulation System	
2024	5,933		0
2025	51,572	92,678	172,307
2026	11,482	97,897	177,527
2027	9,661		131,456
2028	89,646	648,029	142,445
2029	51,760	57,162	188,617
2030	83,766		131,456
2031	19,969	464,431	129,456
2032	59,714	5,594	137,050
2033	2,651,675	164,002	215,828
Total	3,035,180	1,529,792	1,426,141

Capital replacement of extraction and treatment assets (including \$2.6m in relation to the Jerilderie Water Treatment Plant) is not considered in the present LTFP as it is anticipated that the majority of these asset components may be replaced as part of the abovementioned project.

It is noted that significant replacement costs projected for the 2028 financial year relate to a significant number of water meters (\$512,723) and stop valves (\$124,316) with replacement due based on an estimated acquisition date. It is assumed that, in practice, these works may have already been completed but treated as repairs over time. Nevertheless, conservatively, it has been assumed that the replacements will be completed over a number of years and as such these costs have been spread evenly across the period 2024-25 to 2031-32 (± 4 years).

Similarly, a number of property connection pipes (totalling \$466,431) were forecast for replacement in the 2030-31 financial year due to their estimated acquisition date, and these replacement costs have been distributed evenly across the period 2026-27 to 2034-35.

Sewerage network

Council's previously-prepared LTFP and budgets forecast sewerage network renewals of around \$96,000 per year. Subject to future staff review, a conservative approach has been taken and these amounts have been retained in the current LTFP despite the below assessment.

Council anticipates that the upgrade or replacement of the sewerage treatment facilities in its three townships will be funded by a combination of the *Stronger Communities Fund* (10%) and *Safe & Secure Water* (90%). Due to current uncertainty surrounding the potential cost and timing of these upgrades, these projects are not reflected in the current financial projections.

A review of projected replacement costs and timing based on the most recent asset valuations suggests the following replacement requirements:

	Replacement Costs Based On Revaluation		
	Collection System	Pump Stations	Treatment Plant
2023		3,626,078	9,694
2024		27,573	5,849
2025		44,707	92,415
2026		106,478	68,009
2027		56,772	
2028	2,291	42,396	17,456
2029		103,931	122,344
2030		17,548	200,216
2031		65,353	11,679
2032		14,348	38,794
2033		24,974	42,288
Total	2,291	4,130,158	608,743

Capital replacement of pump station and treatment plant assets (including fully-depreciated assets such as the sump outter at Pump Station 2 in Jerilderie with a replacement cost of \$3.6m) is not considered in the present LTFP as it is anticipated that the majority of these asset components may be replaced as part of the abovementioned project. Collection system replacements are expected to be immaterial based on the above and are not included in the LTFP.

Stormwater drainage

Council's previously-prepared LTFP and budgets forecast stormwater network renewals of around \$75,000 per year. Subject to future staff review, a conservative approach has been taken and these amounts have been retained in the current LTFP despite the below assessment.

A review of projected replacement costs and timing based on the most recent asset valuations suggests minimal asset renewals will be required on Council's stormwater drainage network, with

\$7,153 forecast in 2026 and \$5,869 in 2031. These amounts are considered immaterial and as such no additional amount has been included in the current LTFP.

Other assets

Council’s other assets include the following asset classes:

- buildings
- land improvements
- swimming pools
- other structures
- other open space and recreational assets
- landfill and quarry assets
- other infrastructure

While development of Asset Management Plans for these asset classes has yet to be completed, it is expected that the renewal of many of these assets will be funded externally (i.e., from opportunistic grant funding or section 7.12 developer contributions).

For the purposes of developing the LTFP, it is assumed that Council will self-fund asset renewals relating to the administration, animal control, depot, domestic waste management, and housing functions. Of these, residential housing was excluded from the analysis due to the inclusion of Council’s Housing Replacement Program in the forward projections. Similarly, the renewal of floor coverings for the Jerilderie office building renewal is excluded these as this renewal is expected to be completed as part of the existing 2023-24 office modifications budget.

Considering only the remaining functions, a review of projected replacement costs and timing based on the most recent asset valuations suggests the following replacement requirements:

	Replacement Costs Based On Revaluation		
	Administration	Depot	Waste
2024			
2025			
2026			
2027		20,695	
2028		1,040	
2029		2,471	
2030	95,911	12,260	
2031			
2032		94,325	
2033		5,841	1,380
Total	95,911	136,632	1,380

Waste capital works are considered immaterial and have not been reflected in the projections. Administration and depot capital works are included in the projections.

Financial Projections – Consolidated Profit & Loss

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Income from continuing operations										
* Grants and contributions provided for capital purposes	11,560,517	653,375	73,723	75,566	77,455	79,392	81,377	83,411	85,496	87,634
* Grants and contributions provided for operating purposes	10,057,953	13,498,166	8,496,277	8,708,184	8,925,389	9,148,024	9,376,224	9,610,130	9,849,883	10,095,630
* Interest and investment income	1,140,802	963,531	963,833	964,142	964,459	964,783	965,116	965,457	965,807	966,165
* Net gain/(loss) from the disposal of assets	225,000	0	0	0	0	0	0	0	0	0
* Other income	185,292	190,388	195,147	200,026	205,027	210,152	215,406	220,791	226,311	231,969
* Other revenues	211,952	307,531	312,976	318,556	324,276	330,140	336,149	342,309	348,623	355,095
* Rates and annual charges	6,587,462	6,896,303	7,131,628	7,377,150	7,626,211	7,882,289	8,126,353	8,370,342	8,624,398	8,836,381
* User charges and fees	3,009,396	3,106,396	3,199,350	3,296,429	3,395,678	3,493,965	3,591,673	3,687,331	3,789,063	3,894,342
* Expenses from continuing operations										
* Borrowing costs	(101,375)	0	0	0	0	0	0	0	0	0
* Depreciation, amortisation and impairment of non-financial assets	(7,956,142)	(8,174,936)	(8,379,309)	(8,588,792)	(8,803,512)	(9,023,600)	(9,249,190)	(9,480,419)	(9,717,430)	(9,960,366)
* Employee benefits and on-costs	(7,956,629)	(8,752,590)	(9,088,011)	(9,254,576)	(9,529,062)	(9,811,703)	(10,102,743)	(10,402,431)	(10,711,025)	(11,028,790)
* Materials and services	(10,993,332)	(11,343,783)	(6,212,718)	(6,426,412)	(6,491,589)	(6,759,832)	(6,819,225)	(7,023,353)	(7,144,802)	(7,388,663)
* Other expenses	(742,202)	(761,197)	(754,026)	(771,534)	(789,480)	(807,875)	(826,729)	(846,055)	(865,864)	(886,168)
Grand Total	5,228,696	(3,416,816)	(4,061,130)	(4,101,260)	(4,095,148)	(4,294,266)	(4,305,588)	(4,472,487)	(4,549,539)	(4,796,770)

Council notes the operating deficit shown from 2024-25 onwards. This loss is attributable to Council's unfunded depreciation amounts. Murrumbidgee Council is heavily reliant on grant funding and continuously seeks opportunistic grant funding to renew its many community assets.

Cash Flow Statement

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
☒ Cash flows from operating activities - receipts										
☒ Grants and contributions	13,645,572	13,860,816	8,570,000	8,783,750	9,002,844	9,227,415	9,457,601	9,693,541	9,935,379	10,183,264
☒ Interest received	1,140,802	963,531	963,833	964,142	964,459	964,783	965,116	965,457	965,807	966,165
☒ Other operating receipts	3,745,997	4,296,262	4,389,919	4,485,917	4,584,315	4,685,172	4,788,552	4,894,516	5,003,128	5,114,457
☒ Rates and annual charges	6,587,462	6,896,303	7,131,628	7,377,150	7,626,211	7,882,289	8,126,353	8,370,342	8,624,398	8,836,381
☒ User charges and fees	3,009,396	3,106,396	3,199,350	3,296,429	3,395,678	3,493,965	3,591,673	3,687,331	3,789,063	3,894,342
☒ Cash flows from operating activities - payments										
☒ Other operating payments	(856,363)	(878,497)	(874,259)	(894,773)	(915,800)	(937,353)	(959,444)	(982,087)	(1,005,297)	(1,029,087)
☒ Payments for materials and services	(14,242,085)	(14,681,877)	(9,634,264)	(9,933,496)	(10,086,350)	(10,444,463)	(10,595,972)	(10,894,518)	(11,112,746)	(11,455,806)
☒ Payments to employees	(7,985,823)	(8,784,379)	(9,122,085)	(9,290,274)	(9,566,446)	(9,850,841)	(10,143,702)	(10,445,283)	(10,755,842)	(11,075,649)
☒ Cash flows from investing activities - receipts										
☒ Proceeds from sale of IPPE	1,598,000	668,000	908,000	798,000	978,000	513,000	888,000	754,000	780,000	480,000
☒ Cash flows from investing activities - payments										
☒ Payments for IPPE	(23,472,019)	(5,288,689)	(4,445,577)	(4,587,437)	(4,727,584)	(4,490,617)	(4,733,244)	(5,272,864)	(5,352,319)	(4,528,940)
☒ Cash flows from financing activities - payments										
☒ Repayment of borrowings	(101,375)	0	0	0	0	0	0	0	0	0
Grand Total	(16,930,434)	157,867	1,086,545	999,408	1,255,326	1,043,352	1,384,933	770,434	871,571	1,385,127

Financial Projections – Water Fund

Profit & Loss

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Income from continuing operations										
Grants and contributions provided for capital purposes	0	0	0	0	0	0	0	0	0	0
Grants and contributions provided for operating purposes	384,004	0	0	0	0	0	0	0	0	0
Interest and investment income	147,912	148,509	148,712	148,921	149,134	149,353	149,577	149,807	150,043	150,285
Other revenues	3,800	3,905	4,002	4,102	4,205	4,310	4,418	4,528	4,641	4,757
Rates and annual charges	805,658	842,056	889,453	939,541	987,629	1,039,596	1,077,514	1,113,062	1,152,943	1,191,905
User charges and fees	527,255	555,955	585,062	616,695	648,858	678,381	705,603	729,010	756,681	786,044
Expenses from continuing operations										
Depreciation, amortisation and impairment of non-financial assets	(423,063)	(434,697)	(445,565)	(456,704)	(468,121)	(479,824)	(491,820)	(504,116)	(516,718)	(529,636)
Employee benefits and on-costs	(351,443)	(365,501)	(378,293)	(389,642)	(401,331)	(413,371)	(425,772)	(438,545)	(451,702)	(465,253)
Materials and services	(1,061,652)	(701,783)	(713,690)	(782,032)	(749,820)	(774,066)	(787,780)	(862,975)	(827,661)	(853,853)
Other expenses	(4,139)	(4,253)	(4,359)	(4,468)	(4,580)	(4,694)	(4,812)	(4,932)	(5,055)	(5,182)
Grand Total	28,333	44,191	85,322	76,413	165,973	199,684	226,927	185,840	263,172	279,067

Cash Flow Statement

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
☒ Cash flows from operating activities - receipts										
☒ Grants and contributions	345,604	0	0	0	0	0	0	0	0	0
☒ Interest received	147,912	148,509	148,712	148,921	149,134	149,353	149,577	149,807	150,043	150,285
☒ Other operating receipts	3,800	3,905	4,002	4,102	4,205	4,310	4,418	4,528	4,641	4,757
☒ Rates and annual charges	805,658	842,056	889,453	939,541	987,629	1,039,596	1,077,514	1,113,062	1,152,943	1,191,905
☒ User charges and fees	527,255	555,955	585,062	616,695	648,858	678,381	705,603	729,010	756,681	786,044
☒ Cash flows from operating activities - payments										
☒ Other operating payments	(4,139)	(4,253)	(4,359)	(4,468)	(4,580)	(4,694)	(4,812)	(4,932)	(5,055)	(5,182)
☒ Payments for materials and services	(1,061,652)	(701,783)	(713,690)	(782,032)	(749,820)	(774,066)	(787,780)	(862,975)	(827,661)	(853,853)
☒ Payments to employees	(351,443)	(365,501)	(378,293)	(389,642)	(401,331)	(413,371)	(425,772)	(438,545)	(451,702)	(465,253)
☒ Cash flows from investing activities - payments										
☒ Payments for IPPE	(192,000)	(418,587)	(381,739)	(343,723)	(354,894)	(411,377)	(354,660)	(365,240)	(371,554)	(461,195)
Grand Total	220,996	60,301	149,147	189,393	279,201	268,132	364,087	324,715	408,336	347,509

Financial Projections – Sewer Fund

Profit & Loss

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Income from continuing operations										
‡ Interest and investment income	191,613	327,066	315,649	303,658	291,063	277,835	263,941	249,347	234,020	217,922
‡ Other revenues	1,980	2,034	2,085	2,137	2,191	2,246	2,302	2,359	2,418	2,479
‡ Rates and annual charges	722,774	774,648	830,587	890,731	953,033	1,015,004	1,075,459	1,134,564	1,195,671	1,211,798
‡ User charges and fees	26,792	27,570	28,346	29,143	29,963	30,806	31,673	32,564	33,481	34,425
Expenses from continuing operations										
‡ Depreciation, amortisation and impairment of non-financial assets	(546,453)	(561,480)	(575,517)	(589,905)	(604,653)	(619,769)	(635,264)	(651,145)	(667,424)	(684,109)
‡ Employee benefits and on-costs	(271,739)	(282,609)	(292,500)	(301,275)	(310,313)	(319,623)	(329,211)	(339,088)	(349,260)	(359,738)
‡ Materials and services	(296,894)	(305,058)	(312,685)	(320,502)	(328,514)	(336,727)	(345,145)	(353,774)	(362,618)	(371,684)
‡ Other expenses	(7,114)	(7,310)	(7,492)	(7,680)	(7,872)	(8,068)	(8,270)	(8,477)	(8,689)	(8,906)
Grand Total	(179,041)	(25,138)	(11,528)	6,307	24,897	41,703	55,485	66,351	77,600	42,186

Cash Flow Statement

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Cash flows from operating activities - receipts										
Interest received	191,515	190,496	190,594	190,695	190,798	190,904	191,012	191,123	191,237	191,354
Other operating receipts	1,980	2,034	2,085	2,137	2,191	2,246	2,302	2,359	2,418	2,479
Rates and annual charges	722,774	774,648	830,587	890,731	953,033	1,015,004	1,075,459	1,134,564	1,195,671	1,211,798
User charges and fees	26,792	27,570	28,346	29,143	29,963	30,806	31,673	32,564	33,481	34,425
Cash flows from operating activities - payments										
Other operating payments	(7,114)	(7,310)	(7,492)	(7,680)	(7,872)	(8,068)	(8,270)	(8,477)	(8,689)	(8,906)
Payments for materials and services	(296,894)	(305,058)	(312,685)	(320,502)	(328,514)	(336,727)	(345,145)	(353,774)	(362,618)	(371,684)
Payments to employees	(271,739)	(282,609)	(292,500)	(301,275)	(310,313)	(319,623)	(329,211)	(339,088)	(349,260)	(359,738)
Cash flows from investing activities - receipts										
Other investing receipts	18,848	366,335	366,335	366,335	366,335	366,335	366,335	366,335	366,335	366,335
Cash flows from investing activities - payments										
Payments for IPPE	(156,000)	(160,290)	(164,297)	(168,405)	(172,615)	(176,930)	(181,353)	(185,887)	(190,534)	(195,298)
Purchase of investments	(3,034,843)	0	0	0	0	0	0	0	0	0
Grand Total	(2,804,680)	605,817	640,972	681,180	723,005	763,946	802,801	839,719	878,041	870,765

Summary of Key Assumptions

	Indexation Increase	Wages			Total Increase	SG %	Superannuation Effective Increase	Rates Increase
		Award Increase	Performance Increase	Wages Increase				
2025	2.75%	3.5%	0.5%	4.0%	11.5%	8.73%	4.5%	
2026	2.50%	3.0%	0.5%	3.5%	12.0%	8.00%	2.5%	
2027	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	
2028	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	
2029	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	
2030	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	
2031	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	
2032	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	
2033	2.50%	2.5%	0.5%	3.0%	12.0%	3.00%	2.5%	



Murrumbidgee
COUNCIL

Draft Legislative Compliance Policy

	Name	Position	Signature	Date
Responsible Officer	Sue Mitchell	Manager Corporate & Community Services		
Authorised By	John Scarce	General Manager		

Document Revision History	
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May 2024

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1. Purpose

The purpose of this policy is to provide the systems and operating environment to ensure that Murrumbidgee Council complies with its legislative responsibilities.

2. Policy scope

The responsibility to comply with legislative requirements applies to all elected representatives and Council employees, including contractors and volunteers.

3. Outcomes

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law. As such, Council has an obligation to ensure that legislative requirements are complied with. The community, and those working at Council, have a high expectation that Council will comply with applicable legislation, and Council should take all appropriate measures to ensure that this expectation is met.

‘Compliance requirements’ refers to the activities performed by Council to ensure that it meets its legal obligations. If offences are committed by Council, or people at Council, as a result of legislation not being complied with, Council, staff and Councillors could be prosecuted, Council could be sued resulting in significant financial loss and/or loss of reputation.

Council, in its role as a Local Government authority, is committed to managing its compliance with all statutory and common law requirements relating to its operations and governance.

Council maintains the highest standards of diligence in all areas of public accountability, through its policies, in meeting its legal obligations, in the maintenance of a compliance management system and in the promotion of a compliance culture.

In particular, Council recognises its responsibility to its stakeholders, staff and the wider community to provide an environment that is safe, a culture that promotes equity and an administration that adopts the highest standards of probity, accountability and transparency in all its operations.

4. Policy Statement

Council shall have appropriate processes and structures in place to ensure that legislative requirements are known and understood, made achievable and are integrated into the everyday running of the Council.

These processes and structures will aim to:-

- capture all legislative compliance matters and obligations that Council is required to comply with or report on.
- distribute to relevant staff updates to legislation that applies to Council’s activities.
- assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.

- provide training and updates for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- nominate specific staff with the resources to identify and remain up-to-date with new legislation.
- effectively communicate new and amended legislative requirements through the organisation.
- conduct periodic audits to ensure there is compliance.
- establish a mechanism for reporting non-compliance.
- review accidents, incidents and other situations where there may have been non-compliance.
- review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved, and implement identified improvements in a timely way.

5. Roles and Responsibilities

Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

Executive Team

Executive Team should ensure that instructions relating to compliance are clear and unequivocal, and that legal requirements which apply to each activity for which they are responsible are identified.

Executive Team should have systems in place to ensure that all staff have the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work.

Executive Team will respond in a timely way to reports of non-compliance, and take follow-up action to ensure that compliance has resumed.

Information Services Officer

Distribute information received about new or amended legislative requirements to all relevant staff. Report to the Executive Team significant legislative changes requiring an organisational response (such as staff training, and/or policy/procedure development or revision).

Employees

Employees have a duty to be familiar with information provided to them about the legislative requirements applicable to their area of work, and to comply with the legislation.

Employees must rely on current legislation only (accessed from relevant government legislation website) rather than referring to paper or archived electronic records.

Employees shall report through their supervisors to Executive Team any areas of non-compliance that they become aware of.

6. Definitions

To encourage the consistent understanding and use of terminology, Council has adopted the definitions contained in AS/ISO 19600:2015 Compliance Management Systems – Guidelines. The main definitions contained in the standard are reproduced below for ease of reference.

Requirement	Need or expectation that is stated, generally implied or obligatory.
Compliance requirement	Requirement that an organisation has to comply with.
Compliance commitment	Requirement that an organisation chooses to comply with.
Compliance obligation	Compliance requirement or compliance commitment.
Compliance	Meeting all the organisation's compliance obligations.
Compliance culture	Values, ethics and beliefs that exist throughout an organisation and interact with the organisation's structure and control systems to produce behavioural norms that are conducive to compliance outcomes.

7. Legislation and Supporting Documents

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Australian Standard AS3806-2006: Compliance Programs
- Murrumbidgee Council's Enterprise Risk Management Policy
- Good Conduct and Administrative Practice – Guidelines for State and Local Government (NSW Ombudsman)
- AS/ISO 19600:2015 Compliance Management Systems - Guidelines

8. Procedure

8.1 Implementation of Legislation

Council will ensure that when legislation changes steps are taken to ensure relevant staff are advised of the changes, and related policies or procedures are updated to reflect the change where necessary.

8.2 Identifying Current Legislation

When relying on legislation for decision-making purposes, Council accesses the current version of legislation through the New South Wales legislation website at www.legislation.nsw.gov.au. The NSW legislation website is the official NSW Government site for the online publication of legislation, and is provided and maintained by the Parliamentary Counsel's Office.

8.3 Identifying New or Amended Legislation

- NSW Office of Local Government

Council receives regular circulars from the Office of Local Government on any new or amended legislation. Such advice is received through Council's Information Services section and is distributed by the Information Services Officer to the relevant Council officers for implementation.

- Department of Planning

Council receives regular circulars from the Department of Planning on any new or amended legislation. Such advice is distributed to the relevant Council officers for implementation.

- Local Government NSW

Council receives a weekly circular from Local Government NSW. These circulars have sections on Legal and Finance, and Planning and Environment that highlight changes in legislation applicable to Councils.

- Special Interest Groups and Professional Networks

Council is involved in a number of Local Government professional networks. These special interest groups meet periodically to discuss matters which include legislative changes and associated Council implementation.

A compliance framework will be maintained identifying the more significant laws and regulations applying to the Council (refer Schedule 1) and reporting obligations (refer Schedule 2).

8.4 Obtaining Advice on Legislative Provisions

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the relevant Legal Officer of one or another of the following:

- Local Government NSW (Legal Officer)
- NSW Office of Local Government (Council Governance Team)
- Council's Solicitors.

8.5 Informing Council of Legislative Change

If necessary, the General Manager or delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation.

Council's format for all its reports to Council meetings provides that all reports include a reference to any legislative or statutory implications arising from the subject matter of the report.

Council shall review all incidents and complaints relating to its legislative compliance in accordance with its complaint handling policy. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

8.6 Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director.

The General Manager may investigate any reports of significant noncompliance and, if necessary, report the non-compliance to the Council and/or the Office of Local Government. The General Manager will also take the necessary steps to improve compliance systems through the Enterprise Risk Management Framework and the Audit, Risk and Improvement Committee.

9. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Schedule 1 – Compliance Framework Legislation/Award

Compliance Framework Legislation/Award	Responsibility
1. New South Wales	
Anti-Discrimination Act 1977	Council General Manager People and Culture Officer
Biodiversity Conservation Act 2016	Director of Infrastructure Director of Planning, Community & Development
Biosecurity Act 2015	Director of Planning, Community & Development
Companion Animals Act 1998	Director of Planning, Community & Development
Contaminated Land Management Act 1997	Director of Planning, Community & Development
Crown Land Management Act 2016	Director of Planning, Community & Development
Disability Inclusion Act 2014	Council General Manager Director of Infrastructure Director of Planning, Community & Development Corporate & Community Services Manager
Environmental Planning & Assessment Act 1979	Director of Planning, Community & Development
Food Act 2003	Director of Planning, Community & Development Environmental Health Officer
Government Information (Public Access) Act 2009	Corporate & Community Services Manager
Health Records & Information Privacy Act 2002	Corporate & Community Services Manager
Heritage Act 1977	Director of Planning, Community & Development
Impounding Act 1993	Director of Planning, Community & Development
Library Act 1989	General Manager Corporate & Community Services Manager
Local Government Act 1993	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer
Local Government (State) Award 2023	General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer People & Culture Officer
Privacy & Personal Information Protection Act 1998	Corporate & Community Services Manager
Protection of the Environment Operations Act 1997	Director of Planning, Community & Development
Public Health Act 2010	Director of Planning, Community & Development Environmental Health Officer
Public Interest Disclosures Act 1994	General Manager Corporate & Community Services Manager
Residential Tenancies Act 2010	General Manager Corporate & Community Services Manager
Roads Act 1993	Director of Infrastructure
Rural Fires Act 1997	General Manager Director of Planning, Community & Development
State Emergency & Rescue Management Act 1989	General Manager
State Emergency Services Act 1989	General Manager

State Records Act 1998	Corporate & Community Services Manager
Compliance Framework Legislation/Award	Responsibility
Valuation of Land Act 1916	Chief Financial Officer Revenue Officer
Waste Avoidance & Resource Recovery Act 2001	Director of Planning, Community & Development
Work Health and Safety Act 2011	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer WHS Risk Advisor
Commonwealth	
A New Tax System (Goods and Services Tax) Act 1999	Chief Financial Officer Finance Manager
A New Tax System (Pay As You Go) Act 1999	Chief Financial Officer Finance Manager
Disability Discrimination Act	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer People & Culture Officer
Fair Work Act 2009	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer People & Culture Officer
Fringe Benefits Tax Assessment Act 1986	Chief Financial Officer Finance Manager
Privacy Act 1998	Council General Manager Director of Infrastructure Director of Planning, Community & Development Corporate & Community Services Manager Chief Financial Officer People & Culture Officer
National Heavy Vehicle Law	Director of Infrastructure
Native Title Act 1993	Director of Planning, Community & Development

Schedule 2 - Reporting Obligations

Reporting Requirement	Recipient	Due Date	Responsibility
Annual Report	Minister for Local Government	30 November	General Manager
Block Grant Annual Report	Transport for NSW	July	Director of Infrastructure Finance Manager
Building Approvals	Long Service Leave Corporation	Monthly	Director of Planning, Community & Development
Business Activity Statement	Australian Taxation Office	Monthly	Chief Financial Officer Accountant
Cemeteries Annual Report	Crown Lands NSW	July	Director of Infrastructure
Code of Conduct Statistics	Council Office of Local Government	31 December	General Manager Corporate & Community Services Manager
Companion Animals Annual Report	Minister for Local Government	30 September	Director of Planning, Community & Development
Crown Land Annual Report	Crown Lands NSW	31 October	Director of Planning, Community & Development
Development & Building Approvals Statistics	Australian Bureau of Statistics	August	Director of Planning, Community & Development
Disability Inclusion Act Annual Report	Department of Family & Community Services	30 November	General Manager Corporate & Community Services Manager
Disclosure of Interest Annual Returns	Council	30 September	General Manager
Financial Statements	Office of Local Government	31 October	Chief Financial Officer Finance Manager
Financial Data Return	Office of Local Government	31 October	Chief Financial Officer Finance Manager
Food Safety Report	NSW Food Authority	31 July	Director of Planning, Community & Development Environmental Health Officer
GIPA Annual Report	Minister for Local Government Information	31 October	Corporate & Community Services Manager

Landfill Annual Reports	Environment Protection Authority	31 August	Director of Planning, Community & Development
Mines (Quarries) Annual Reports	Mines NSW (DPI)	September	Director of Infrastructure
National Local Roads Data Annual Report	Office of Local Government	November	Director of Infrastructure Finance Manager
Plan First Levy	Department of Planning	Monthly	Director of Planning, Community & Development
Public Interest Disclosures Annual Report	Minister for Local Government Ombudsman	Six monthly	Corporate & Community Services Manager
Return of Information on Local Roads and Bridges on Local Roads	Local Government Grants Commission	30 September	Director of Infrastructure Finance Manager
Return of General Information	Local Government Grants Commission	30 November	Finance Manager Accountant
Roads to Recovery - Standard Annual Report	Department of Infrastructure, Transport, Regional Development & Communications	31 October	General Manager Chief Financial Officer
Roads to Recovery - Quarterly Reports	Department of Infrastructure, Transport, Regional Development & Communications	January, April, July, October	Director of Infrastructure Finance Manager
Sewerage Treatment Plants Annual Report	Environment Protection Authority	January	Director of Infrastructure
Sewerage Treatment Plants Annual Report	Office of Water	31 October	Director of Infrastructure
State Environmental Planning Policies	Department of Planning	Quarterly	Director of Planning, Community & Development

MONASH PARK

Draft Plan of Management
2024-2029



Murrumbidgee
COUNCIL

MARCH 2023

MARCH 2021

*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 Monash Park 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. 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 **[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 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 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*

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 **[insert date]** to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM. This was done on **[insert date]**.
- 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 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

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

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 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.

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 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 3 – Monument



Figure 5 – Entrance booth (for vehicles)



Figure 6 – Main building



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> <p>a) Recreation areas that enable the following</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>	<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
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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.	<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 Monash Park by wheelchair users through surveys and observation.</p> <p>Record and review all accidents and near misses as a result of inappropriate use.</p>
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.	<p>Community education and involvement in monitoring.</p> <p>Use of regulatory signs and enforcement.</p>	Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action.
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.

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).

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Office of Environment & Heritage

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 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

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

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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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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 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 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 ▪ 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
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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:

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: 07 May 2021

63 Hillam Dr
Griffith New South Wales 2680

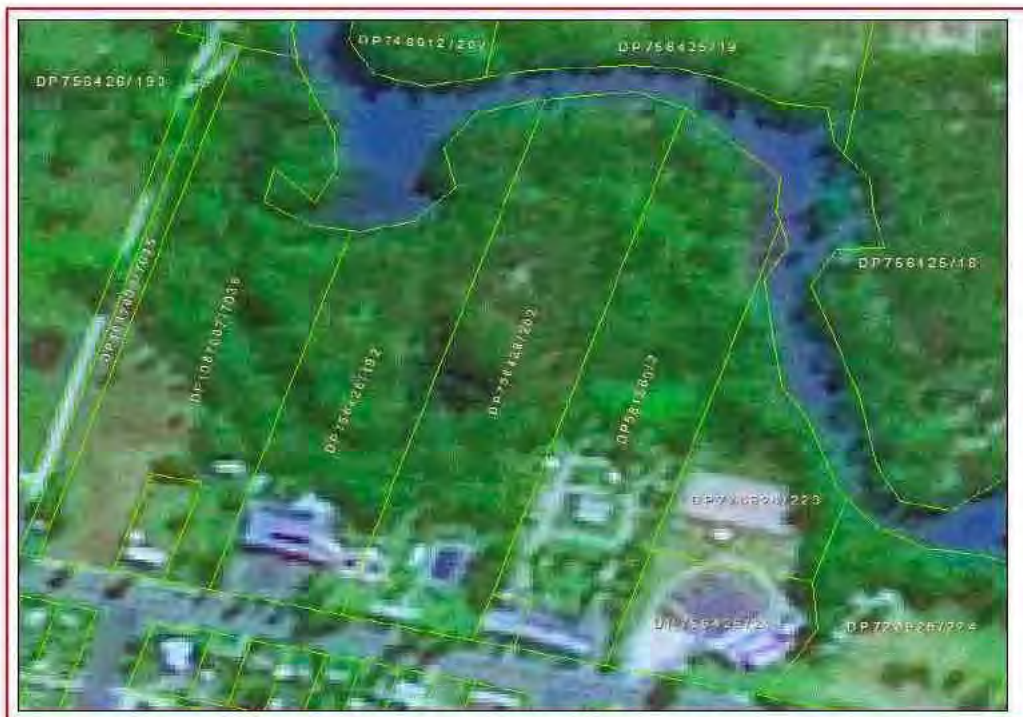
Attention: Steven Parisotto

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.

GOLF COURSES

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

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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 **[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 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 **[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 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 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.

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

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 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 environmental planning instrument	Allowed under MPPoM	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.	<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: ▪ 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>	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 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	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 golf courses 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 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>

DRAFT

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).

DRAFT



**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

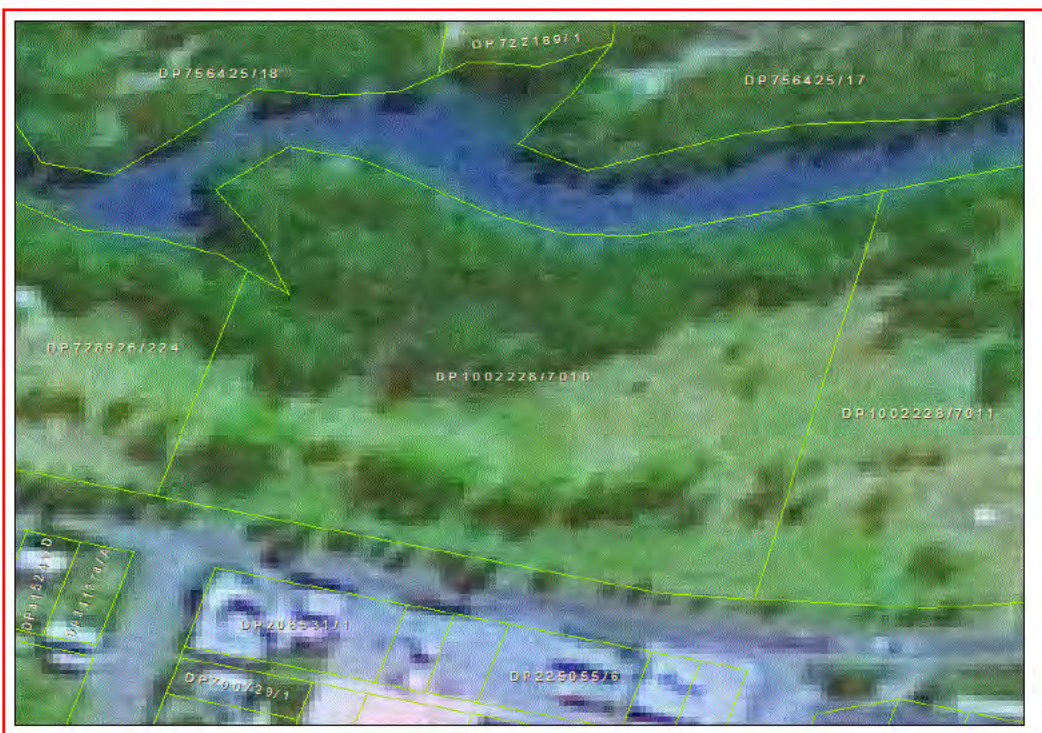
Attention: Steven Parisotto

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
 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 : 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

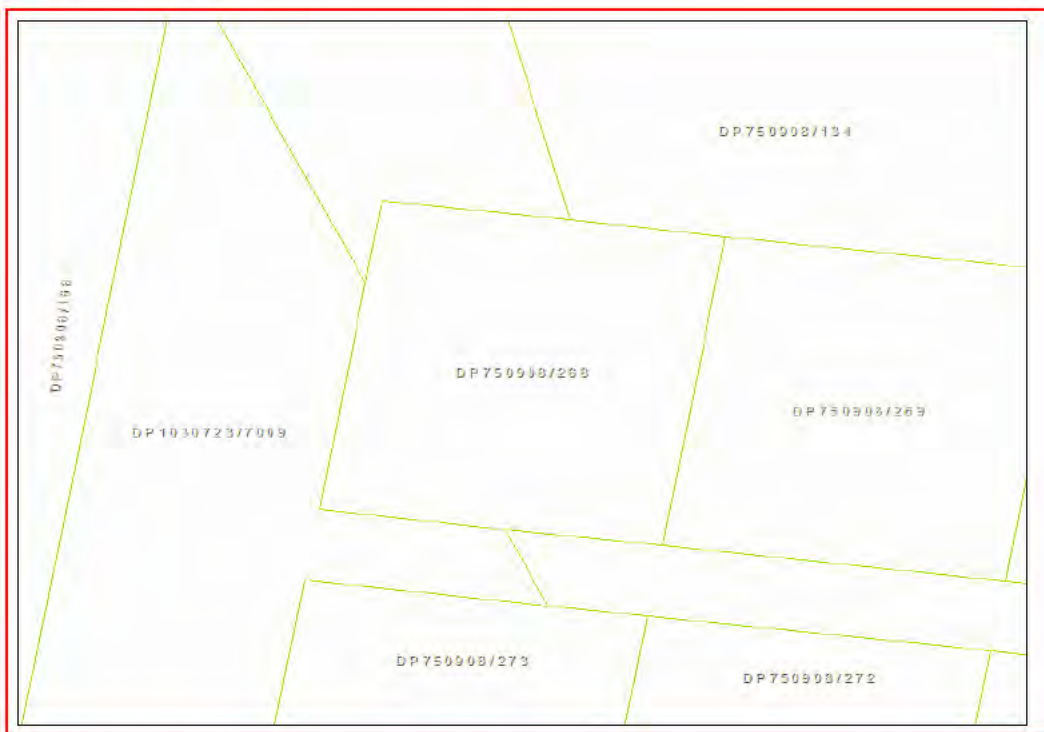
Attention: Steven Parisotto

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:

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. *

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 : 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

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 : 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:

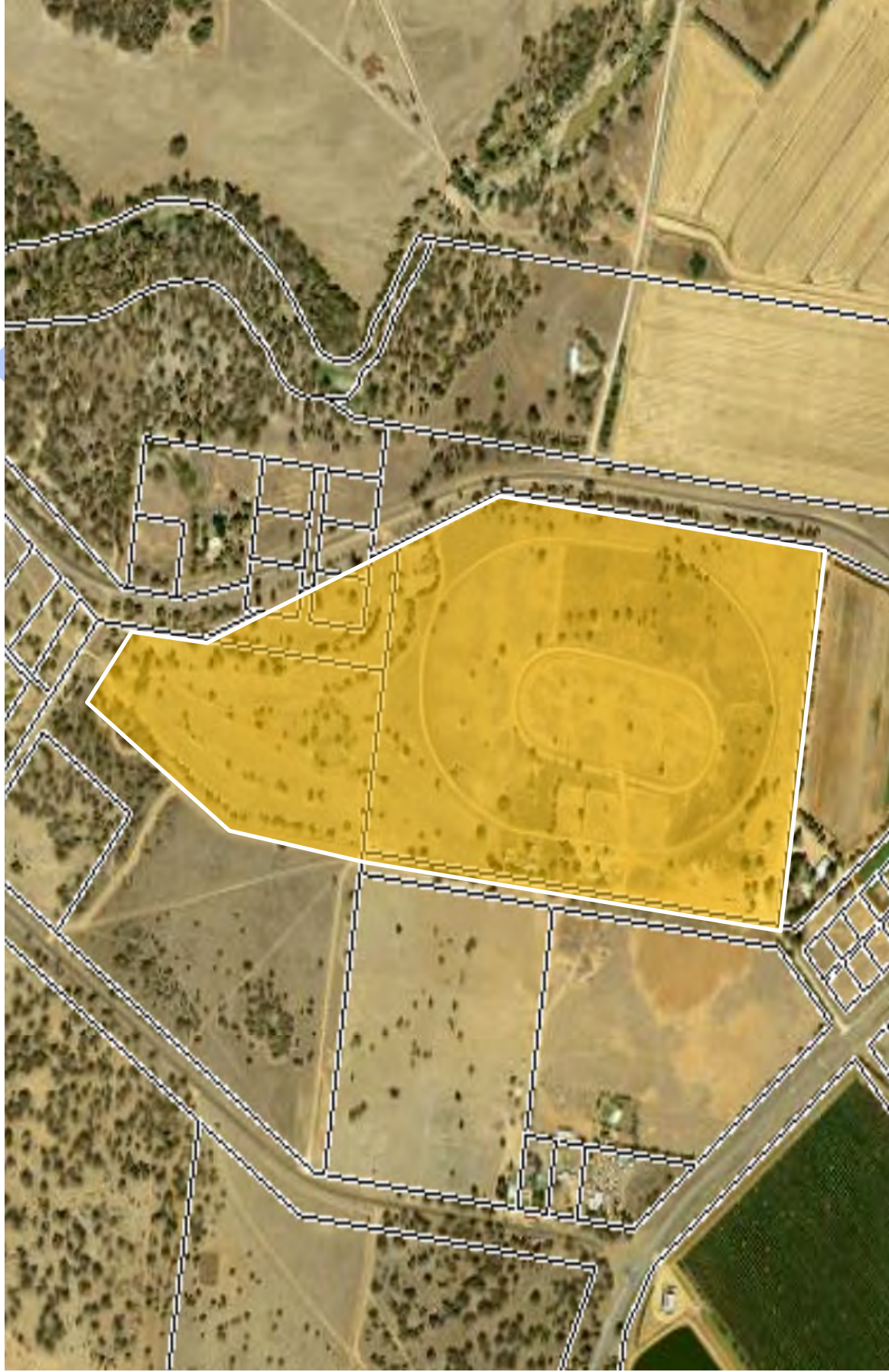
0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

APPENDIX C – Aerial Imagery of Golf Courses

Figure C1: Jerilderie Golf Course (R72160)



Figure D2: Darlington Point Golf Course (R88754)



AREAS OF CULTURAL SIGNIFICANCE: The Willows

Draft Plan of Management
2024-2029



Murrumbidgee
COUNCIL

JANUARY 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 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 **[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 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
R62157 Pump station	This site has dual categorisation including a natural area and it has been included in the generic plan of management for natural areas
R88058 Darlington Point Museum	This site has its own unique characteristics and a separate plan of management is warranted.
R150042 Jerilderie Court House and Library	This site has its own unique characteristics and a separate plan of management is warranted.

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 be 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.	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: <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 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

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.

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 **[insert date]** to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM. This was done on **[insert date]**.

- Provide notification to the Chief Executive of the Office of Environment and Heritage **[insert date]**.
- 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 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. R89633 declared the Darlington Point Museum 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

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

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

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.
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

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

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 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.</i> <i>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.</i> <i>Allow buildings and building alterations, ancillary to the use of the museum.</i>	<i>Undertake regular cleaning and maintenance of the buildings.</i> <i>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.</i> <i>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.</i> <i>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
<p><i>Landscaping (including irrigation systems)</i></p>	<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>
<p><i>Lighting</i></p>	<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>
<p><i>Signage</i></p>	<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

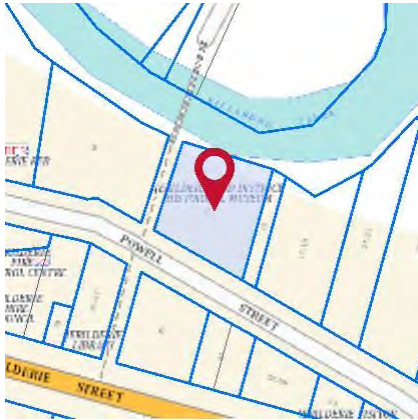
means –

- (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.



Property Details

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

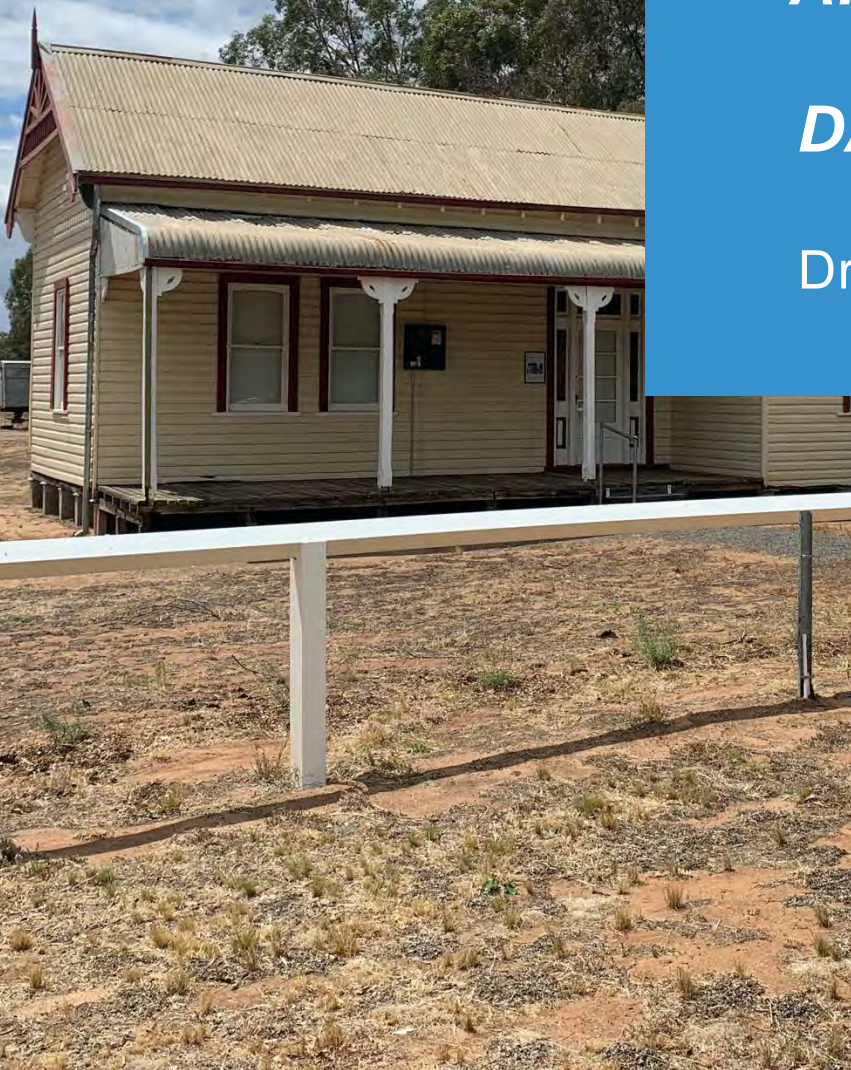
Summary of planning controls

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

**AREA OF CULTURAL
SIGNIFICANCE
DARLINGTON POINT
MUSEUM**

**Draft Plan of Management
2024-2029**



**Murrumbidgee
COUNCIL**

MARCH 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 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. Plans of management for areas of cultural significance have been developed for each of the sites with the aim to provide a basis for guiding Council's ongoing management of the reserves.

This plan, being the Plan of Management for Areas of Cultural Significance - Darlington Point Museum applies to Crown Reserve No. 88058

The intention of this plan of management is to provide Council with a framework that enables decisions in regard to the Darlington Point Museum, 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 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.

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:

- Lots 7002 DP 1021253 being Crown Land Reserve No. 88058 comprising the Darlington Point and the purpose of the reserve is a museum;

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 Darlington Point Museum

The Plan of Management for Areas of Cultural Significance – Darlington Point Museum was adopted on **28 May 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 – Darlington Point Museum is a site 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 Darlington Point be

shared with members the local community and visitors to the local government area while facilitating opportunities 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 – Darlington Point 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 is for the Darlington Point Museum, which provides a history of European heritage which has been categorised as an area of cultural significance. This plan of management, along with similar plans for the Jerilderie Courthouse and The Willows is to enable consistent management which supports a cohesive approach to meeting the diverse needs of the community. Land covered by this plan of management is listed in Table 1 below and highlighted in Figure 1 on the following page:

Table 1: Land covered by this Plan of Management

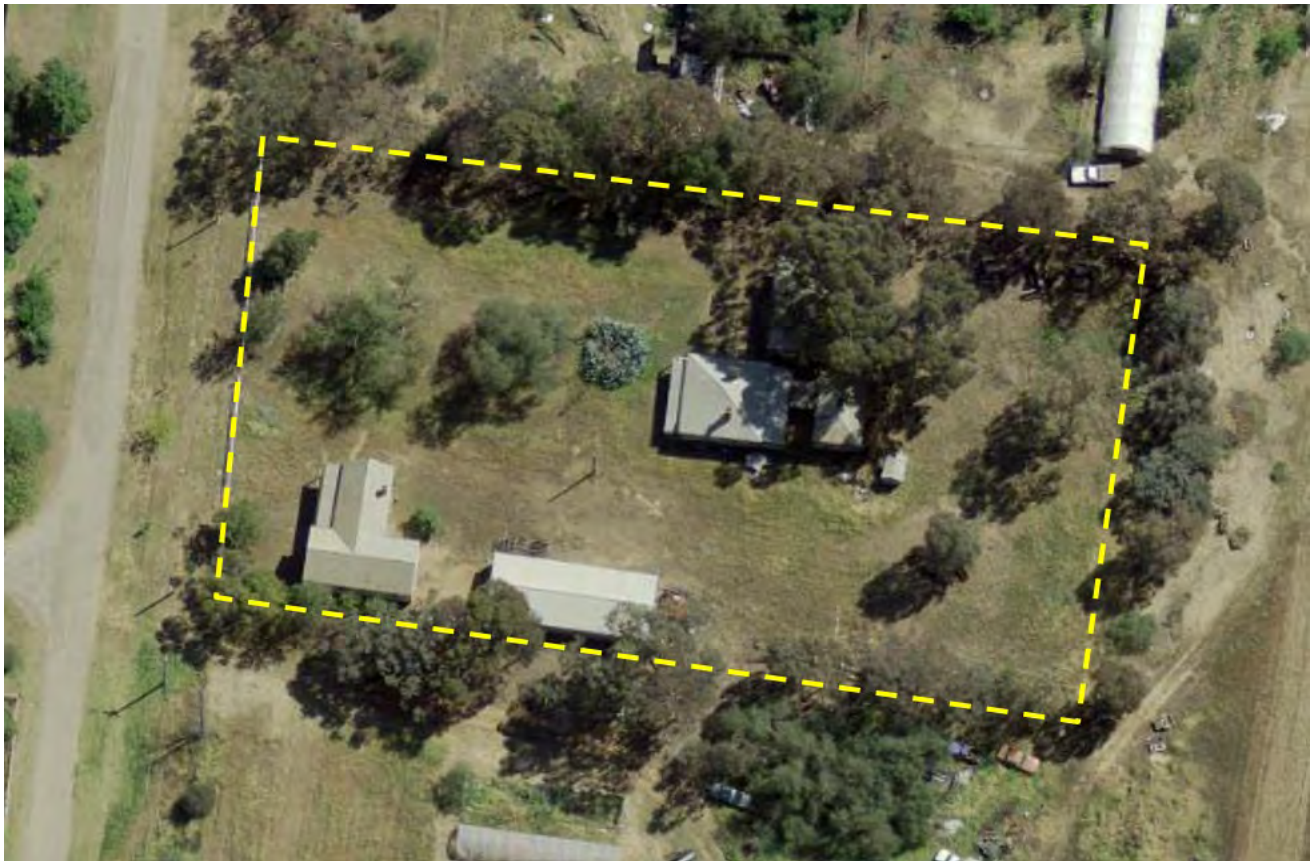
Land	Real property description	Land owner
R88058 Darlington Point Museum	Lot 7002 DP 1021253	Crown land managed by Murrumbidgee Council.

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

Land	Reason
R62157 Pump station	This site has dual categorisation including a natural area and it has been included in the generic plan of management for natural areas
R89633 The Willows, Jerilderie	This site has its own unique characteristics and a separate plan of management is warranted.

Land	Reason
R150042 Jerilderie Court House and Library	This site has its own unique characteristics and a separate plan of management is warranted.

Figure 1: Aerial Image of Darlington Point Museum



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 reserves

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
R88058 Darlington Point Museum	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 – Darlington Point include:

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

3.1 Local Government Act 1993

Section 3.23(6) of the Crown Land Management Act, 2016 requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as community land under the Local Government Act 1993 (LG Act). These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act.

The core objectives for the management of community land 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 too 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

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.

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.

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 – Darlington Point 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 – Darlington Point, as many relate to development that is inconsistent with the purpose of the reserve, 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
R88058 Darlington Point Museum	Murrumbidgee Local Environmental Plan 2013	RU5 Village

The RU5 Village zone under MLEP 2013 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 MLEP 2013 states:

1 Objectives of zone

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To ensure that development in village areas is compatible with the environmental capability of the land.*
- *To retain and facilitate the expansion and redevelopment of the existing central business districts of Darlington Point and Coleambally and to further strengthen the core retail functions of these areas.*

2 Permitted without consent

Environmental protection works; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Centre-based child care facilities; Community facilities; Dwelling houses; 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; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Rural industries; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities

Figure 2: Extract from MLEP 2013 Zoning Map



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 Darlington Point Museum

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 **[insert date]** to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM. This was done on **[insert date]**.
- Provide notification to the Chief Executive of the Office of Environment and Heritage **[insert date]**.
- 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 Areas of Cultural Significance – Darlington Point Museum.

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. 88058, declared the Darlington Point Museum 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 Darlington Point Museum (former Court House group) (I1) is listed in Schedule 5 of MLEP 2013 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 7002 DP 1021253 in its entirety.
- Crown Reserve No. 88058 and the buildings contained therein are because of the historical and cultural connection to Darlington point 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 Darlington Point Museum, including the features of Murrumbidgee 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 areas of cultural significance 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.

³ The search parameter applied was within 200m of each of the lots

Table 6: Reserve purpose and gazette date

Land	Purpose & Gazette date	Categorisation
R88058 Darlington Point Museum	Museum 18 December 1970	Area of cultural significance

7. Management directions

Murrumbidgee Council acknowledges that the Darlington Point Museum provides the Darlington Point community with a strong sense of its link to the past. Currently the reserve is 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 and 9 to enable the conservation of the structures and preserve the historic association of the reserves with the community.
- To enable appropriate 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 respective histories of Darlington Point and 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 MLEP 2012 as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to clause 65(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 65(3)(a) and 66(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 MLEP 2013 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 – MLEP 2013 permissible 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 MLEP 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 MLEP 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 MLEP 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 both JLEP 2012 and MLEP 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 MLEP 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 of general community use or a park, 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.

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 structures in the reserve include a number of historic buildings which have been relocated to the site (see Figures 3A, 3C, 3E, 3G), sheds (Figure 3H) and displays of historic machinery within an open complex. The museum is not curated in the sense that there is no full-time staffing of the facility. The museum is unfenced and is open to the general public to enter the site and view the buildings. Information plaques are attached to some of the buildings providing 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 museum site and buildings were in fair to poor condition and was maintained to a rudimentary standard, and there was evidence of some of the structures requiring general maintenance, if not for heritage reasons but for general occupational health and safety.

The grounds are sparse and although showing the stresses of a prolonged drought, are tidy.

Figure 3A – Former Council Building⁴

Figure 3B – Plaque

⁴ Images in Figures 2A to 2H taken on 3 December 2019 © Steven Parisotto Photography



Figure 3C – Former police residence



Figure 3D – Plaque



Figure 3E – Former court house



Figure 3F – Plaque



Figure 3G – Other buildings



Figure 3H – Other buildings



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 Darlington Point Museum 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 Darlington Point

Table 9 – 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 Darlington Point by permitting buildings with a tangible historic link to the 	<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 relocation of historic buildings to the site. ▪ Development that includes the construction of replicated buildings that have been lost as a result of the development of the township.

<p>community to be relocated to the site.</p> <ul style="list-style-type: none"> ▪ For community activities that promote awareness and importance of heritage within the community. ▪ Allow for community groups to undertake restoration projects within the site. <p>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</p>	<ul style="list-style-type: none"> ▪ 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
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While the future improvements may involve permanent structures being relocated too or erected the site, there is no perceived harm as ultimately can be reversed.

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

8.3.1 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 reserves 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 – Darlington Point Museum 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 reserve
- 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 10 - 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.</i> <i>Install artworks based on any budgetary funding or State and Federal grants</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
Buildings	<p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow buildings and building alterations, ancillary to the use of the museum including the relocation of historic buildings or construction of replicas that provide a tangible connection to the heritage of Darlington Point.</p>	<p>Undertake regular cleaning and maintenance of the buildings.</p> <p>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.</p> <p>Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.</p>	<p>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.</p> <p>Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</p>
Hours of Usage	Restrict the hours of use of the facilities commensurate to the amenity of the area.	Council approval and regulatory signs for special events and group activities.	Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.
Landscaping (including irrigation systems)	<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 watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.</p>	<p>Augment existing indigenous planting.</p> <p>Use screen planting for visual acoustic and physical buffers.</p> <p>Application of correct horticultural and tree surgery techniques.</p> <p>Minimise rubbish dumping within the local area via community education.</p> <p>Design, install and operate the irrigation system.</p>	<p>Number of comments about public acceptance and level of 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 rubbish dumping .</p> <p>Number of incidents of failure of the irrigation system.</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>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>
<i>Site Utility Services</i>	<p><i>Allow for the installation of all services as required by site usage.</i></p>	<p><i>Approval by the appropriate Statutory Authorities.</i></p> <p><i>Construction and installation of all necessary services.</i></p> <p><i>Registration of appropriate easements.</i></p>	<p><i>All facilities are adequately serviced, identified and located.</i></p> <p><i>Number of objections received from service authorities about the location and quality of services.</i></p> <p><i>Number of site utility service installations constructed.</i></p>
<i>Special Events</i>	<p><i>Allow special events within the park with minimal adverse visual, physical, social and environmental impact.</i></p>	<p><i>Council approval as required under Environmental Planning & Assessment Act, 1979 and/or Local Government Act, 1993</i></p>	<p><i>Number of comments about special events.</i></p> <p><i>Attendance levels at special events.</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>Vandalism</i>	<i>Minimise vandalism within the reserves.</i>	<p><i>Appropriate landscape design techniques.</i></p> <p><i>Appropriate use of materials.</i></p> <p><i>Encouragement of community involvement and education.</i></p> <p><i>Appropriate use of signage. Prompt repair of vandalised areas.</i></p>	<i>Number of reported incidents of vandalism</i>
<i>Waste Management</i>	<i>Minimise litter within the reserves. Encourage recycling.</i>	<p><i>Provide and service enough waste management facilities in strategic locations.</i></p> <p><i>Provide a recycling station for glass, aluminium, PET plastics etc.</i></p>	<p><i>Number of garbage and recycling bins provided.</i></p> <p><i>Number of comments in relation to inadequate waste facilities.</i></p>

APPENDICIES

APPENDIX A - Definitions

Term	Legislative definition
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>
Kiosk	<p><i>means –</i></p> <p><i>premises that are used for the purposes of selling food, light refreshments and other small convenience items</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	<p><i>means –</i></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—
 - (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.

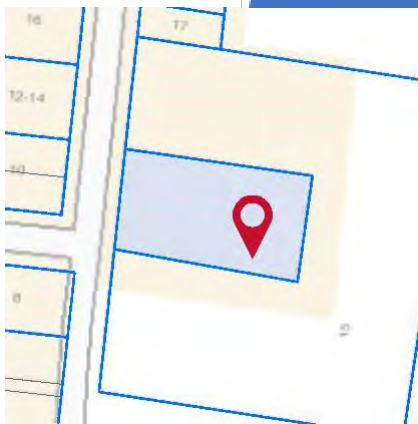
Property Details

Address: DARLINGTON STREET DARLINGTON



Property Report

DARLINGTON STREET DARLINGTON POINT 2706



Lot/Section 7002/-/DP102125
 /Plan No: 3
 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	Murrumbidgee Local Environmental Plan 2013 (pub. 23-8-2013)
Land Zoning	RU5 - Village: (pub. 23-8-2013)
Height Of Building	NA
Floor Space Ratio	NA
Minimum Lot Size	600 m ²
Heritage	Court house group (former) Significance: Local
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Groundwater Vulnerability	Groundwater Vulnerable



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 20-C01-POM DP Museum 200

Client Service ID : 536402

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

Date: 18 September 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7002, DP:DP1021253 with a Buffer of 200 meters, conducted by Steven Parisotto on 18 September 2020.

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



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

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

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

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it.
- Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

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






SCHEDULE OF INVESTMENTS - 30 APRIL 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.
Bendigo	1,016,343.84	4.84%	21/08/2024	4	44
IMB Ltd	500,000.00	5.10%	6/05/2024	5	41
Bendigo	2,056,469.86	4.83%	16/05/2024	4	37
Westpac	813,343.12	4.99%	23/05/2024	4	32
NAB	3,000,000.00	5.05%	24/05/2024	4	47
Westpac	768,318.28	5.00%	29/05/2024	4	25
Suncorp - METWAY	1,000,000.00	5.02%	3/06/2024	4	34
Bendigo	1,517,576.71	4.69%	6/06/2024	3	26
Westpac	500,000.00	4.90%	11/06/2024	3	24
Westpac	1,069,674.42	4.97%	21/06/2024	4	43
Suncorp - METWAY	1,000,000.00	4.93%	25/06/2024	4	20
Bendigo	2,800,000.00	5.50%	28/06/2024	12	46
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	1,274,478.35	4.70%	16/09/2024	6	21
	<u>28,020,089</u>				

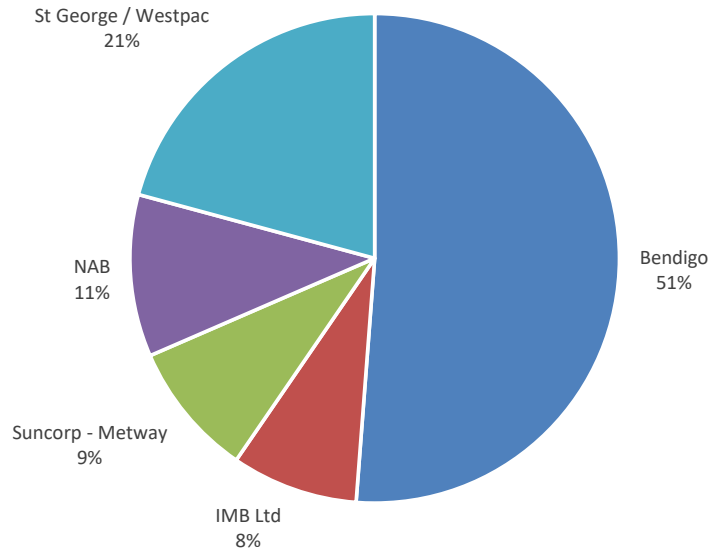
Maturity

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

Month	\$ Funds Maturing	
May 2024	\$ 7,138,131	
June 2024	\$ 7,887,251	
July 2024	\$ 8,154,755	
August 2024	\$ 3,565,473	
September 2024	\$ 1,274,478	
	<u>\$ 28,020,089</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	14,349,584	A- / Baa1 / A-	A	N/A	51.21%	N/A
IMB Ltd	2,342,111	- / Baa1 / BBB+	BBB	10%	8.36%	●
Suncorp - Metway	2,500,000	A+ / A1 / A	A	14%	8.92%	●
NAB	3,000,000	AA- / Aa2 / A+	A	14%	10.71%	●
St George / Westpac	5,828,394	AA- / Aa2 / A+	AA	30%	20.80%	●
	28,020,089				100%	

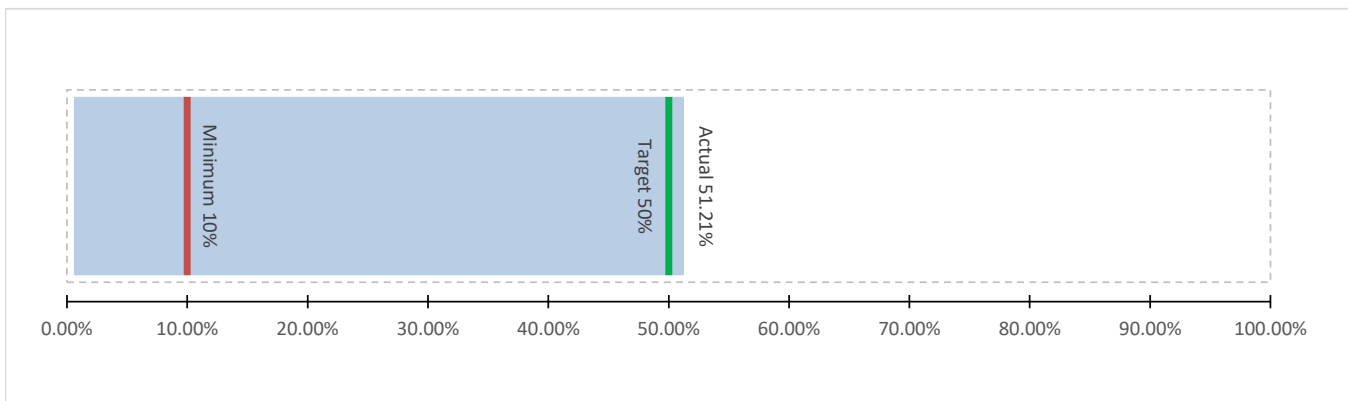


Investment with Bendigo Bank

51.21% ●

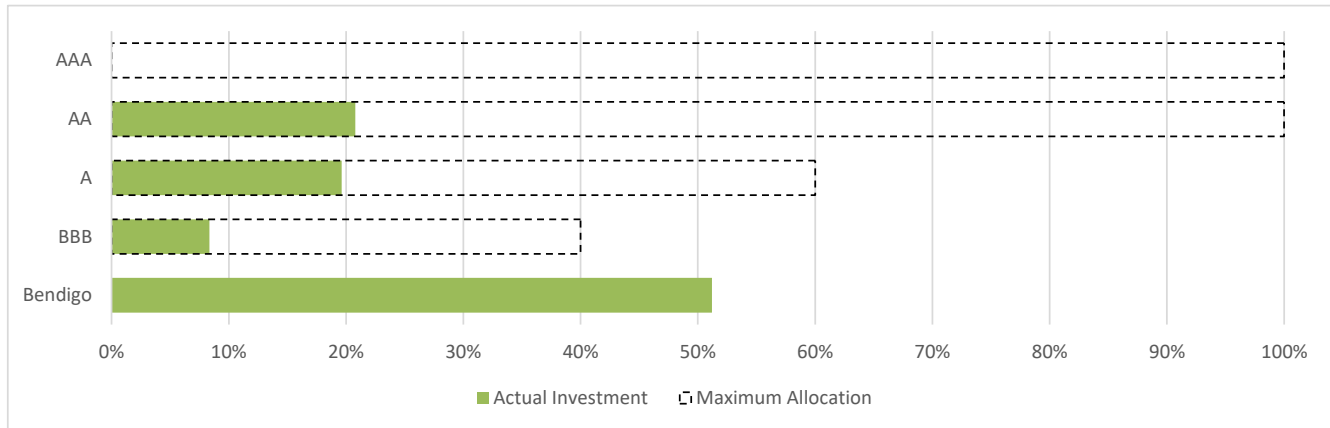
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

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%	\$ 5,828,394	20.80%	●
A	60%	\$ 5,500,000	19.63%	●
BBB	40%	\$ 2,342,111	8.36%	●
Bendigo	N/A	\$ 14,349,584	51.21%	N/A
Total		\$ 28,020,089	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
Bendigo - Inv 28	875,829	Required for cash flow purposes
Bendigo - Inv 45	500,000	Required for cash flow purposes
Bendigo - Inv 36	1,011,967	Required for cash flow purposes
	<u>2,387,796</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
IMB - Inv 29	805,390	4.85%	4	Ensure investment ratios are correct
Westpac - Inv 39	1,524,962	4.94%	4	Rollover to ensure cash flow into the future
Bendigo - Inv 45	1,024,167	4.84%	4	Rollover to ensure cash flow into the future
Bendigo - Inv 44	1,016,344	4.84%	4	Rollover to ensure cash flow into the future
	<u>4,370,863</u>			

Investment performance

	Apr-24	FYTD
Total investment income, including accrued interest	\$121,708	\$1,377,671
Money-weighted rate of return (% p.a.)	5.11%	5.32%
Bloomberg AusBond Bank Bill Index	4.23%	4.35%
Over performance/(under performance)	0.88%	0.98%

