

ELLIOTT PARK

Plan of Management

2020-2025



Murrumbidgee
COUNCIL

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

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EXECUTIVE SUMMARY

Elliott Park is a small area of public open space located at the junction of the Newell Highway (A39) and Conargo Road at the western edge of the commercial strip of Jerilderie, in the southern part of New South Wales. The reserve is currently managed for the purpose of public recreation, and the park frequently used as a rest stop for travelers. Elliott Park value to the local community has been diminished with the removal of the former tennis courts however provides further opportunities to promote and facilitate recreational, cultural, social and educational pastimes.

Elliott Park is a Crown reserve (R.9983) and owned by the State Government that is managed as community land by Murrumbidgee Council for the benefit of the local community.

The intention of this plan of management is to provide Council with a framework that enables decisions in regard to part of Elliott Park, 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 land at Elliott Park is categorised in this plan of management, as:

- Park; and
- General community use

The current use patterns; condition of the existing built and natural assets; emerging needs, constraints and opportunities, have been considered in this plan of management. The plan of management identifies appropriate objectives and actions, as well as measures that enable the successful implementation of key outcomes provided by the plan and a means for the effective ongoing management of the reserve to meet the needs of the Jerilderie community. One of those objectives is to facilitate opportunities for the provision multi-purpose community facilities, including the development of a *centre-based childcare facility* to meet the growing needs of the township.

The plan of management has been prepared with due regard to *Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers* issued in November 2019 and the sample for a site-specific 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.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

- This Plan of Management Plan is for the whole of Lot 7017 DP 1019596, being Crown Land Reserve No. 9983 and known as Elliott Park, Jerilderie.
- 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 Elliott Park.
- The Plan of Management for Elliott Park 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.

The Crown land covered under this plan of management is a community resource that provides a direction that will enable ongoing use of the reserve for passive outdoor recreation for the enjoyment of all members the local community, a rest stop for visitors stopping or passing through Jerilderie and facilitate opportunities for general community use as a childcare centre.

2.1 Why is Murrumbidgee Council preparing a Plan of Management?

Murrumbidgee Council was established on 12 May 2016 following the merger of Murrumbidgee Shire Council and Jerilderie Shire Council and under the provisions of the Crown Land Management Act, 2016 has been identified as a Crown Land Manager. Under the provisions of the aforementioned Act, the responsibilities that fall upon a Crown Land Manager is to ensure that land resources are to be

shared equitably in accordance with the principles of environmental protection, conservation and ecological sustainability, public use and enjoyment as well as encouraging multiple use of the land. As Crown Land Manager, Murrumbidgee Council is required to prepare a plan of management for over 30 parcels of Crown land it is responsible for, including Elliott Park.

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

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

It is not intended that the Plan of Management for Elliott Park 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 applies to Crown Land Reserve No. 9983, which can be legally described as Lot 7017 DP 1019596 and known as Elliott Park, Jerilderie. The Crown Land Reserve (No. 9983) is for the purpose of public recreation and was gazetted on 26 October 1889.

2.2.1 Jerilderie

The township of Jerilderie is the largest centre in the Murrumbidgee Council local government area with a population of 1029 people¹. It is located in the southern part of the Riverina area of New South Wales on the Newell Highway, approximately 675km km south-west of Sydney and 45km north of the border with Victoria.

The Jerilderie region is part of Wiradjuri country and prior to European exploration and settlement was home Jeithi aborigines and the name is believed to be derived from the word 'reedy place'.

Established in 1859, Jeridlerie is now an irrigated agricultural centre that produces a diverse range of crops, including rice, wheat, canola, soybeans, tomatoes and grapes as well as being a cattle and prime merino stud region.

¹ 2016 Census QuickStats sourced from Australian Bureau of Statistics, 3 January 2020.

Notable in the history of Jerilderie was the hold-up of the town in 1879 by Ned Kelly and his band of bushrangers, which culminated in the drafting of Kelly's famous manifesto – *The Jerilderie Letter* – which outlined his pleas of innocence and desires for justice.

2.2.2 Elliott Park

Elliott Park, highlighted in Figure A on page 8, is a small area of public open space located in the western part of the town. It comprises an area of approximately 11,190m² and is bounded by Newell Highway (A39) to the west, Jerilderie Street (part of the A39) to the north, Kennedy Street to the east and Mahonga Street to the south. The reserve is located within easy walking access from the commercial centre, which includes the Murrumbidgee Council administration building, a number of food and drink premises, motels and hotels.

Figure 2A – Location of Elliott Park²



² Extract from Property Report for Lot 7017 DP 101959 dated 3 January 2020, NSW Department of Planning, Industry and Environment, Planning Portal

Elliott Park provides the local community open space for the purpose of passive outdoor recreation, providing landscaped gardens feature grassed areas, mature trees and shrubs and associated walkways. Interspersed amongst the garden are park seating including picnic tables, children’s playground equipment (swings), examples of historic machinery associated with the development of Jerilderie, and a brick amenities’ building.

The park was formerly used by the Jerilderie Tennis Club and contained six (6) courts. These courts were ultimately abandoned following the construction of synthetic grass courts at the Jerilderie Sports Centre.

Elliott Park is named after William Elliott (1852-1954) a schoolteacher and proprietor of the Jerilderie Herald from 1885 until his death in 1954. As a schoolteacher, William Elliott taught Lt General, Sir John Monash in his primary school years. William Elliott was also detained by Ned Kelly and his gang of bushrangers at Royal Mail Hotel, during their raid on 10 February 1879, of which he wrote “*The Kelly Raid on Jerilderie*” in 1913. A small stone monument honouring William Elliot stands near the western end of the park.

2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 it must be identified that Elliott Park is owned by the Crown and that Murrumbidgee Council has been appointed as Crown Land Manager under the provisions of Division 3.2 of the Crown Land Management Act, 2016.

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

2.4 Categorisation of the reserve

Elliott Park is public land and for the purpose of clause 26 of the Local Government Act, 1993 is classified as community land and the reserve, which was gazetted on 26 October 1889, has been identified as being for the purpose of *public recreation*.

The following categories will apply to the reserve:

- Park
- General community use

The section of Elliott Park designated for general community use (coloured purple in Figure B on the following page) will align with that part of the site occupied by the former tennis courts, being an area of approximately 2550m² (57.5m x 44.35m). The fence line of the proposed *centre-based child care facility* to be built once consent is granted to Development Application No. 21/19-20 and issue of a subsequent construction certificate. The area measures approximately 57.5m along the Kennedy Street boundary and 44.35 metres along the Mahonga Street boundary, giving it an area of approximately 2550m². The plans of the childcare facility set out in Appendix B.

The residue of Elliott Park (blue in Figure B below), being an irregular shape has an area of 8640m², will continue to be used as open space for passive outdoor recreation.

Figure 2B – Local Government Act categorisations within Elliott Park



Legend

- Park
- General community use

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Elliott Park is primarily guided by:

- Local Government Act, 1993
- 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 Elliott Park include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2000;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- 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 categorized as a park and for general community use are set out in Clause 36G and 36I respectively. These core objectives are as follows:

36G Core objectives for management of community land categorized as a park

The core objectives for management of community land categorised as a park are—

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*

-
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and*
 - (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management*

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

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

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

It should be noted that primary objectives for both a *park* and *general community use* have the underlying intention of promoting and encouraging the use of these reserves for public recreation, including those benefiting the cultural, social, intellectual and education welfare for individual members of the public and the local community.

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 Plan of Management for Elliott Park 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 Elliott Park and other land managed by Murrumbidgee Council was sent to the Department of Planning, Industry & Environment (Crown Lands) on 4 March 2020. Their response is set out in Appendix C.

This Plan of Management for Elliott Park, being a new plan of management for Crown Land Reserve No. 9983, is based on the initial for categorisation of the reserve as a *park* and *general community use*, which was approved by Minister on **[insert date]** and as such Murrumbidgee was 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:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Concurrences) 2018
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No 1—Development Standards
- State Environmental Planning Policy No 21—Caravan Parks
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 36—Manufactured Home Estates
- State Environmental Planning Policy No 50—Canal Estate Development
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Apartments

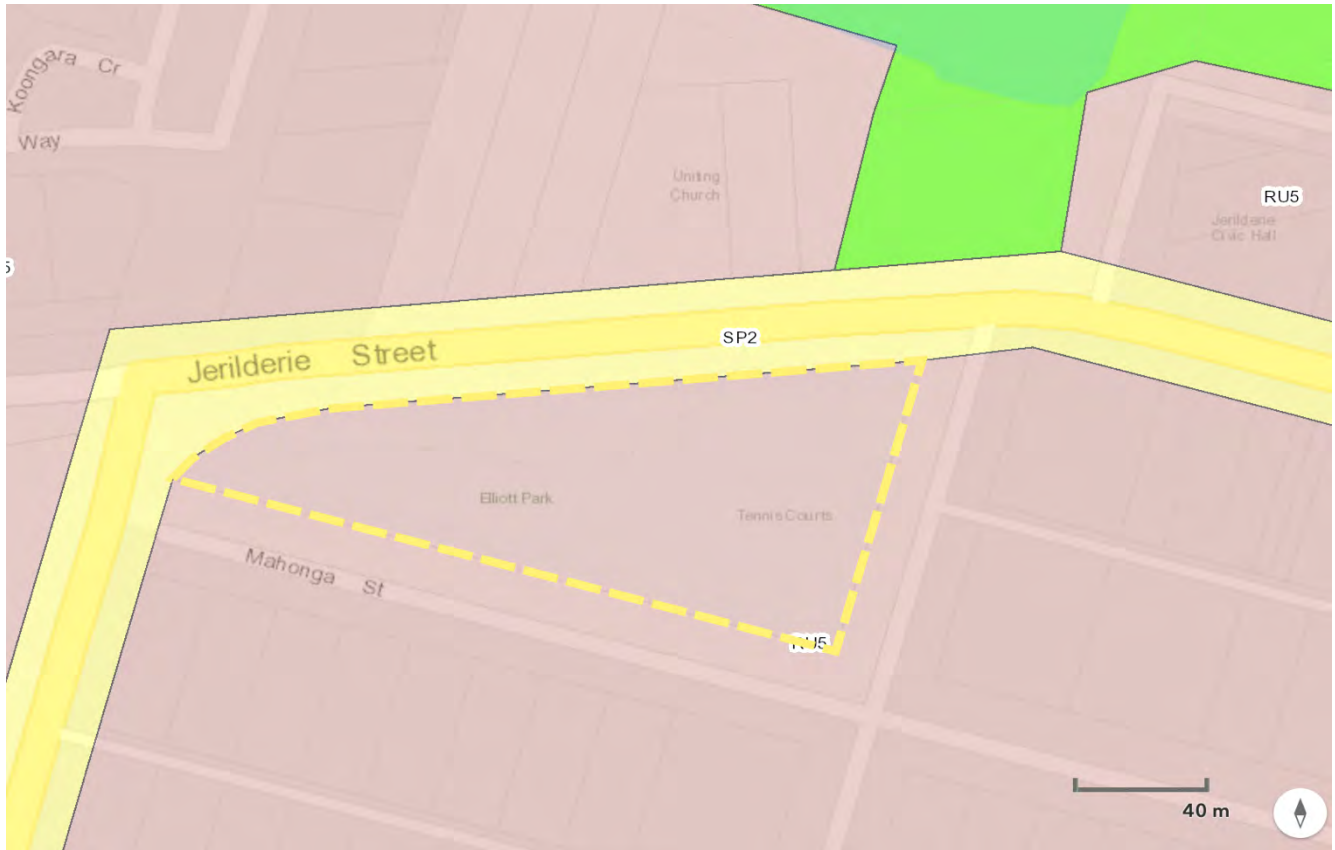
It should be noted that not all these would be applied to the development within Elliott Park, as many relate to development that is inconsistent with the categorisation of the land and this plan of management. State Environmental Planning Policy (Infrastructure) 2007 and SEPP (Educational Establishments and Child Care Facilities) are two which most likely would require consideration when evaluating a development on the land.

3.3.3.2 Jerilderie local environmental plan 2012

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

Under JLEP 2012 Elliott Park is zoned RU5 Village (refer to the extract from Planning Report in Appendix D). The sole objective of the zone is to provide for a range of land uses, services and facilities that are associated with a rural village.

Figure 3A - Zoning Map



The zone 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:

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

Under JLEP 2012 *centre-based childcare facilities, community facilities, and recreation areas* are all permitted within Elliott Park.

3.3.1.3 Development Control Plan

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

Murrumbidgee Council has two (2) development control plans in force, with the Jerilderie Development Control Plan 2012 (DCP) being relevant to Elliott Park. 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 Elliott Park.

This Plan provides a medium-term strategy for the management and improvement of the Elliott Park. 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.

Council must also hold a public hearing as required under Section 40A of the LGA. This plan is over Crown land and proposes a change in categorisation.

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 Elliott 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 Elliott Park 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 Elliott Park as the land is not subject to a resolution of Murrumbidgee Council that declared the land, being a site of:

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

6. Culturally significant land

The provisions of section 36D of the Local Government Act, 1993 does not apply to Elliott Park as the land is not subject to a resolution of Murrumbidgee Council declaring the land, because of the presence on the land of any item the Council considers to be of Aboriginal, historical or cultural significance.

A search of the NSW Environment & Heritage Aboriginal Heritage Management Information System on 3 December 2019 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.

A copy of the AHIMS report is set out in Appendix E.

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³ *The search parameter applied was within 200m of Lot 7017 DP1019596*

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve No. 9983 known as Elliott Park, Jerilderie was gazetted on 26 October 1889 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 park and general community use categorisation of the land, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

7. Vision for Elliott Park

The vision for the use of Elliot Park is best described as:

“Providing a place that fosters well-being of the community through recreational, social and educational pursuits”

The vision for Elliott Park 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 that Elliott Park provides the local community with a strong sense of its link to the past, honouring William Elliott (1852-1954) a schoolteacher and newspaper proprietor. Currently the reserve provides opportunities for passive recreational use of the land and a rest stop for passing motorists. In this regard the current use of the land is limited and does not provide significant benefit to the community in order to realise Council's vision for the land.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for Elliott 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 the land as a *recreation area* particularly one that incorporates a children's playground, public park, reserve or garden or the like including any ancillary buildings.
 - Enable the erection of a building and use a *centre-based childcare facility* and provide opportunities to use of that building as a community facility outside the hours of operation of the childcare facility (or if the use as a childcare facility should cease) by community groups or individuals.
 - 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 lawns, gardens and structures.
 - To provide spaces for public sculptures.

8.1 Statutory guidelines for development of Elliott Park

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 land as a *recreation area*, as defined in JLEP 2012, that incorporates a children's playground, public park, reserve or garden is consistent with the categorisation of the land as a *park*. Further the development of Elliott Park to incorporate a centre-based childcare facility is consistent with the categorisation of part of the reserve as *general community use*.

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in Jerilderie Local Environmental Plan 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 JLEP 2012 Elliott Park is zoned RU5 Village and sole objective of the zone is to provide for a range of land uses, services and facilities that are associated with a rural village. Table 8A 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 Elliott Park in terms of what it will permit.

Table 8A - Preferred uses of land categorised as park and general community use

Land Use	Provisions of an environmental planning instrument	Allowed under Elliott Park Plan of Management	Reason
<i>Centre-based childcare facilities</i>	Permitted with consent under JLEP 2012.	Allowed only within the area designated as general community use.	<i>Centre-based childcare facilities</i> are consistent with the <i>general community use</i> category.
<i>Community facilities</i>	Permitted with consent under JLEP 2012.	Allowed only within the area designated as general community use.	<i>Community facilities</i> are consistent with the <i>general community use</i> category.
<i>Dwelling house</i>	Permitted with consent under JLEP 2012.	Not allowed.	A <i>dwelling house</i> is inconsistent with categorisation of the reserve.
<i>Environmental protection works</i>	Permitted without consent under JLEP 2012.	Allowed.	<i>Environmental protection works</i> are in keeping with the categorisation of the reserve.
<i>Home-based childcare</i>	Permitted without consent under JLEP 2012.	Not allowed.	<i>Home-based childcare</i> is only permitted in conjunction with a <i>dwelling house</i> . On the basis that a <i>dwelling house</i> is inconsistent with the categorisation of the reserve so too is <i>home-based childcare</i> .
<i>Home occupations</i>	Permitted without consent under JLEP 2012.	Not allowed.	<i>Home occupations</i> are only permitted in conjunction with a <i>dwelling house</i> . On the basis that a <i>dwelling house</i> is inconsistent with categorisation of the reserve so too are <i>home occupations</i> .

Land Use	Provisions of an environmental planning instrument	Allowed under Elliott Park Plan of Management	Reason
Liquid fuel depots	Permitted with consent under JLEP 2012.	Not allowed.	Liquid fuel depots are inconsistent with the categorisation of the reserve.
Neighbourhood Shops	Permitted with consent under JLEP 2012.	Not allowed.	Neighbourhood shops are inconsistent with the categorisation of the reserve.
Oyster aquaculture	Permitted with consent under JLEP 2012.	Not allowed.	Oyster aquaculture is inconsistent with the categorisation of the reserve.
Places of public worship	Permitted with consent under JLEP 2012.	Not allowed, except for outdoor ecumenical or other non-denominational services.	The construction of a place of public worship is considered inconsistent with the categorisation of the reserve.
Recreation areas	Permitted with consent under JLEP 2012.	Allowed.	The use as a recreation area is consistent with the current use and categorisation of the reserve.
Recreation facilities (indoor)	Permitted with consent under JLEP 2012.	Not allowed.	The use of the land as an indoor recreation facility is inconsistent with the categorisation of the land and would potentially impact on nearby residential development.
Recreation facilities (outdoor)	Permitted with consent under JLEP 2012.	Not allowed.	The use of the land as an outdoor recreation facility is inconsistent with the categorisation of the reserve and would potentially impact on nearby residential development.
Respite day care centres	Permitted with consent under JLEP 2012.	Allowed only within the area designated as general community use.	The use as a <i>respite day care centre</i> is consistent with the general community use category.
Roads	Permitted without consent under JLEP 2012.	Not allowed, except for road widening purposes.	The construction of a road is considered inconsistent with the categorisation of the reserve.
SEPP Infrastructure	Exempt development or permitted without consent.	Allowed, subject to satisfying the requirements of clause 65 & 66 of SEPP (Infrastructure).	Identified in SEPP (Infrastructure) 2007 as exempt development or development permitted without consent.
Schools	Permitted with consent under JLEP 2012.	Not allowed.	The use of the land as school is categorisation of the reserve.

Land Use	Provisions of an environmental planning instrument	Allowed under Elliott Park Plan of Management	Reason
Tank-based aquaculture	Permitted with consent under JLEP 2012.	Not allowed	Tank based aquaculture is inconsistent with the categorisation of the reserve.
Water reticulation systems	Permitted without consent under JLEP 2012.	Allowed.	Water reticulation systems are consistent with the categorisation of the reserve.
Any other development	Permitted with consent under JLEP 2012.	Not allowed without an amendment to the Plan of Management.	The open zone of the RU4 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 for general community uses or as a park. 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.

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

As this plan of management applies only to Elliott Park, the plan of management must, in accordance with section 36(3A)(a) of the LG Act include a brief outline of the current usage is reserve, including any details of current leases/licenses or other arrangements for the use of the land.

At the time of preparing the land was being used as a *recreation area*, which is defined term under JLEP 2012 and the structures in the park include an amenities' building, picnic tables and park benches, playground equipment comprising of a steel framed swing, examples of historic steam powered equipment, footpaths throughout the park, monuments, signage along with trees, gardens, lawn areas and garbage receptacles. The landscaped areas are watered via an underground irrigation system.

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area* and the land is being used for its permitted purpose.

Other development that is permissible within the zone, and thus upon the land, includes a *centre-based childcare facility* which is subject to a development application (DA 21-19/20) and a future lease

arrangement. The building is approximately 450m² and approximately 2550m² of Elliott Park is to be leased.

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 Elliott Park, grass cover in the park was generally good although the impact of the prolonged drought has effect grass cover in the northern corner and eastern part of the site formerly occupied by the tennis courts (see Figures 8A & 8B). Elsewhere within the park the lawns, trees and garden beds are well maintained and in a very good condition. (see Figures 8C & 8D).

Figure 8A - Eastern part of Elliott Park⁴



Figure 8B - North-eastern part of Elliott Park



Figure 8C - Central part of Elliott Park



Figure 8D - North-western part of Elliott



Park

⁴ Images in Figures 8A to 8H taken on 9 December 2019 © Steven Parisotto Photography

There is little in the way of playground equipment, with only an old metal swing and an old piece of machinery that appears to act as a climbing frame (as shown in Figures 8E and 8F). While the equipment appears to be structurally sound and in good condition, it is doubtful that they would comply with current Australian Standards. The footpaths throughout the park and along its southern perimeter are all in good condition, however there are potential trip hazards which would require further investigations. The amenities block is dated, however from outward appears seems structurally sound with the toilet facilities in fair condition.

Figure 8E - Existing swings



Figure 8F - Old steam powered machinery



Figure 8G - Footpath adjacent to north of park



Figure 8H - Existing amenities' building



Picnic tables and park benches throughout Elliott Park and in good condition and rubbish receptacles generally empty as a result of routine collection.

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*

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- (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.*

8.3.1 Elliott Park as a park

The purpose of this section is to provide and understanding of the core objectives for community land as a park, identify the legislative requirements concerning the development of the land and otherwise identify key matters that set out the strategy for managing Elliott Park. This section applies to that part of Elliott Park highlighted in blue in aerial image set out in Figure 2 on page 10.

The core objectives for management of community land categorized as a park set down in section 36G of the LG Act are as follows:

- (a) *to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*
- (b) *to provide for passive recreational activities or pastimes and for the casual playing of games, and*
- (c) *to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.*

8.3.2 Elliott Park as general community use

The purpose of this section is to provide and understanding of the core objectives for community land as a *general community use*, identify the legislative requirements concerning the development of the land and otherwise identify key matters that set out the strategy for managing Elliott Park. This section applies to that part of Elliott Park highlighted in purple in aerial image set out in Figure 2 on page 10.

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

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

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

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

8.3.2.1 Specific use: centre-based childcare facility

The use of the land as a *centre-based childcare facility* is permissible with the RU5 Village zone which applies to the reserve and would be consistent with the categorisation of the land for *general community use*. This type of development is listed in Jerilderie Local Environmental as development that can be carried out, but only with the consent. That is to say a development application must be lodged with the consent authority for assessment and determination in accordance with sections 4.15 and 4.16 of the Environmental Planning and Assessment Act, 1979 (EP&A)

Murrumbidgee Council has already received a development application, being DA 21-19/20, for the erection of a building and use as a *centre-based childcare facility*. At the time of drafting the Plan of Management for Elliott Park, assessment of the development application had been undertaken in accordance with Section 4.15 of the EP&A Act, however no determination had been made in accordance with Section 4.16. The assessment included notification of the proposed development in accordance with Council's Community Participation Plan (CPP) and no objections were received, which provides strong indication that the nearby residents and the broader community are satisfied with the development of the land. The plans of the proposed development are set out in Appendix B and upon completion the development will cater for 43 children between the age of 0-5.

In accordance with written advice from the Department of Planning, Industry & Environment any draft plan of management amendment to initial categorisation are subject to the 'material harm' test that is based on the criteria set out in section 2.14(3) of the CLM Act which states:

"Without limitation, the following considerations are relevant to the question of whether the use of dedicated or reserved Crown land for an additional purpose would not be likely to materially harm its use for an existing purpose:

- (a) the proportion of the area of the land that may be affected by the additional purpose,*
- (b) if the activities to be conducted for the additional purpose will be intermittent, the frequency and duration of the impacts of those activities,*
- (c) the degree of permanence of likely harm and in particular whether that harm is irreversible,*
- (d) the current condition of the land,*

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- (e) *the geographical, environmental and social context of the land,*
 - (f) *any other considerations that may be prescribed by the regulations.”*

The proportion of the land that will be affected by the additional purpose is approximately 2550m² which represents 23% of the total area of the park.

The activities to be conducted are not considered intermittent, in that the use as a centre-based childcare facility will be carried out for 5 days per week, between the hours of 8.00am and 5.30pm and will be defined by a fenced area aligning with the lease of the land.

The proposed building will result in a permanent structure being erected, however despite the permanency there is no perceived harm and ultimately can be reversed. It should be stressed, that while the building is built for the use as a child care centre, design is such that it can be used or adapted for use for other general community uses permitted within the zone, including the provision of out of hours school care, and also the provision of a room for allied health professionals who visit the community.

The proposed development will minor cut and fill which will ultimately alter the existing ground level for the purpose building footings and the construction of the of car park and stormwater disposal. The extent of these work would generally fall within the category of exempt development as set out in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and as such would not involve irreversible harm to the land.

The land is flat, and landscaping comprises of lawns, mature shrubs and trees. That part of the site in the south-eastern corner of the site is devoid of any tree and is sparsely planted with lawn having been formerly part of the Jerilderie tennis courts. It is this part of the reserve which has been categorised as general community use. The site is occupied by a amenities block, located in the north-eastern corner of the site, along with park benches playground equipment and commemorative structures.

The provisions of State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) were taken into consideration as part of the assessment of DA 21/19-20 and on the basis that there have been no activities listed in Table 1 of the *Contaminated Land Planning Guidelines* have been carried out, then the land is unlikely to be contaminated.

Elliott 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, nor is the groundwater system identified as being vulnerable.

The design of the proposed childcare facility is functional in the sense that it has been designed meet statutory requirements of SEPP ((Educational Establishments and Child Care Facilities) 2017 however is also aesthetically pleasing and complements the prevailing streetscape characteristics. The scenic quality and features of the landscape are not negatively impacted upon by the building proposed, and it is not considered that the character and amenity of the locality will be affected.

The use of part of Elliott Park for general community use, and specifically a centre-based childcare centre is unlikely to have an unreasonable adverse impact on public recreation or the amount, location, design, use and management of public spaces.

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 purposed listed in the Local Government Regulations 2005 is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Elliott Park, provided that:

- the purpose is consistent with the core objectives for the category of the land.
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government Regulations 2005.
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993.
- the land is not subject to a claim under the Aboriginal Land Rights Act 1983.
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government Regulations 2005.

-
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

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

8.4.1 Initial occupancy

The initial occupants of the building will be the Jerilderie Pre-School Kindergarten which is a community, not-for-profit organization.

9. Administration of Plan and Performance Targets

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

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

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

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

Table 9 - Objectives and performance targets

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
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 Elliott Park.</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 Elliott 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> <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 park and the general community use areas</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>

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
Artworks and monuments	<p>Allow for public and community artworks and monuments in appropriate settings.</p> <p>Maintain existing monuments.</p>	<p>Engage appropriate persons to engage the community to identify, commission & erect artworks.</p> <p>Undertake repairs to existing monuments as required.</p>	<p>Document comments received in respect to artworks.</p> <p>Install artworks based on any budgetary funding or State and Federal grants</p> <p>Record the number incidents of vandalism and damage to artworks and monuments.</p>
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>park</i>, are to complement to the design of the Elliott Park.</p> <p>Allow the erection of a purpose-built centre-based childcare facility building within the <i>general community use</i> area and in accordance with any development consent issued.</p> <p>Allow for multi-purpose use of buildings & facilities within the <i>general community use</i> area.</p>	<p>Undertake regular cleaning and maintenance of the public amenities within Elliott 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 (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 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> <p>Undertake regular maintenance of any other Council asset within the <i>park</i> and the <i>general community use</i> areas.</p>
Buskers	Allow buskers to perform within the <i>park</i> area.	Regulation by Council.	<p>Number of comments.</p> <p>Number of unauthorised buskers/ bands.</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
Hours of Usage	<p>Allow unrestricted use of the <i>park</i> by individuals.</p> <p>Allow for the management of <i>park</i> usage times for special events and user groups.</p> <p>Allow for the use of the <i>general community use</i> area as a <i>centre-based childcare facility</i> in accordance with the hours of operation approved in DA 21-19/20.</p>	Council approval and regulatory signs for special events and group activities.	<p>Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.</p> <p>Investigate any reported breaches relating to the use of the <i>general community use</i> area as a <i>centre-based childcare facility</i> of approval conditions in respect to hours of operation and where necessary take the necessary regulatory action.</p>
Informal Recreation	Allow games which are suitable within Parks.	Allow games which are suitable within Parks.	Number of comments about activity.
Irrigation Systems	Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.	Design, install and operate the system.	Number of incidents of failure of the irrigation system.

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>Retain existing endemic species.</p> <p>Control and protect existing exotic species within Elliott Park by minimising weed infestation and associated impacts.</p>	<p>Augment existing indigenous planting. Use exotic species in suitable locations.</p> <p>Use shade trees for user comfort and protection.</p> <p>Use screen planting for visual acoustic and physical buffers.</p> <p>Use of suitable organic mulches at an appropriate depth.</p> <p>Use of suitable materials and design.</p> <p>Incorporation of mounding in landscape design where appropriate.</p> <p>Preserve and reinforce indigenous planting.</p> <p>Identify species endemic to the area.</p> <p>Use recognised suitable species.</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 park 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>

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

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 Parks and pedestrian areas where appropriate.</p> <p>Appropriate control measures. Council approval.</p> <p>Enter into appropriate licensing/leasing Agreements.</p>	<p>Council approval. Licensing/Leasing Agreement.</p> <p>Lease or license holders take precedence over casual street vendors.</p>	<p>Managing and reporting incidence of non-compliance with terms of Council approval, license or lease agreement.</p> <p>Number of licences issued.</p> <p>Number of public comments about vendors in public places.</p> <p>Number of reported illegal or unauthorised entries.</p> <p>Number of licences granted per annum.</p>
Rubbish Dumping and Littering.	Prohibit rubbish dumping and littering.	<p>Regulatory signage at appropriate locations.</p> <p>Community education on the environmental impacts of rubbish dumping.</p>	<p>Number of incidents of illegal dumping</p> <p>Cost of clean-up and litter collection per annum</p>
Shade structures and other shelters	<p>Allow structures which will provide shade and shelter for Park users in appropriate areas</p> <p>Allow integration of structures that are harmonious, functional and aesthetically in keeping with the character of the Park</p>	Appropriate design, location and erection of structures.	<p>Number of comments about the effectiveness of the structures in all weather conditions.</p> <p>Number of community responses to appearance of the structures.</p> <p>Number of structures erected.</p>

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
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	<p>Allow for the installation of all services as required by site usage.</p>	<p>Approval by the appropriate Statutory Authorities.</p> <p>Construction and installation of all necessary services.</p> <p>Registration of appropriate easements.</p>	<p>All facilities are adequately serviced, identified and located.</p> <p>Number of objections received from service authorities about the location and quality of services.</p> <p>Number of site utility service installations constructed.</p>
Special Events	<p>Allow special events within the <i>park</i> with minimal adverse visual, physical, social and environmental impact.</p>	<p>Council approval as required under Environmental Planning & Assessment Act, 1979 and/or Local Government Act, 1993</p>	<p>Number of comments about special events.</p> <p>Attendance levels at special events.</p>
Vandalism	<p>Minimise vandalism within the Park and or playgrounds.</p>	<p>Appropriate landscape design techniques.</p> <p>Appropriate use of materials.</p> <p>Encouragement of community involvement and education.</p> <p>Appropriate use of signage. Prompt repair of vandalised areas.</p>	<p>Number of reported incidents of vandalism</p>

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 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
centre-based childcare facility	<p>means –</p> <ul style="list-style-type: none">(a) a building or place used for the education and care of children that provides any one or more of the following—<ul style="list-style-type: none">(i) long day care,(ii) occasional childcare,(iii) out-of-school-hours care (including vacation care),(iv) preschool care, or(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)), <p><i>Note.</i> An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.</p> <p>but does not include –</p> <ul style="list-style-type: none">(c) a building or place used for home-based childcare or school-based childcare, or(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children’s parents are using the facility, or(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.
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,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land

means –

land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)

community participation plan

means –

a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)

environmental planning instrument

means –

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)

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.

plan of management

means –

a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land. (Local Government Act, 1993)

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.

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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Property Report

2 JERILDERIE STREET JERILDERIE 2716



Property Details

Address: 2 JERILDERIE STREET JERILDERIE 2716
Lot/Section /Plan No: 7017/-/DP101959
6
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	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA

Detailed planning information

State Environmental Planning Policies which apply to this property

State Environmental Planning Policies can specify planning controls for certain areas and/or types of development. They can also identify the development assessment system that applies and the type of environmental assessment that is required.

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

APPENDIX E - Aboriginal Heritage Information Management System Search Results



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

Purchase Order/Reference : MC POM RN9922
Client Service ID : 469249

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

Date: 03 December 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7017, DP:DP1019596 with a Buffer of 200 meters, conducted by Steven Parisotto on 03 December 2019.

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. *