





Murrumbidgee
COUNCIL

Place Naming Policy (Revision 1)

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		27 July 2023
Authorised By	John Scarce	General Manager		27 July 2023

Document Revision History	
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Revision Number:	
Review Date:	
Date adopted by Council:	
Minute Number:	

July 2023

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1. Purpose

To ensure a consistent and coordinated approach to road and park naming within Murrumbidgee Council, following guidelines set by the NSW Geographical Names Board and to meet the below objectives:

- i) To have clearly recognisable street names and public places
- ii) To enable easy travel within the LGA
- iii) To facilitate access to all properties by emergency vehicles
- iv) To clearly identify public places
- v) To recognise places and people with historic, scenic, sporting or cultural significance
- vi) To reduce conflict

2. Definitions

The Policy's definitions are:

Council means Murrumbidgee Council.

GNB means Geographical Names Board

3. Scope

This policy applies to all Council managed roads, open spaces and parks.

4. Policy

Murrumbidgee Council, under the Roads Act 1993, is the authority for all public roads within the Local Government boundary. As such, Council may exercise its power to name all public roads, subject to the Geographical Names Board (GNB) NSW Addressing User Manual.

The following principles will apply to naming roads:

- i) Street and public places should be named after persons or places with historic, scenic, sporting or cultural significance
- ii) Streets in Coleambally will continue with the current bird name theme
- iii) Streets with the same name should be continuous
- iv) Any existing streets with physical divisions should have sections renamed only following public consultation and consideration of submissions
- v) The section of the street with the most properties should retain the existing name
- vi) Streets in new subdivisions will be named by Council following developer input
- vii) Public places will be named by Council after seeking community input

Where a request is received to rename a road, consideration will only be given in exceptional circumstances, and where doing so will comply with GNB Guidelines.

Determination will be made on an individual basis and without precedent.

Regardless of the nature and origin of a naming or renaming request, the naming of public roads and parks shall only be approved by way of adoption of a resolution of Council.

The following standards are to be followed when erecting street signs:

- i) Clearly visible street signs are to be erected in accordance with the relevant standards
- ii) Other public places are to be clearly identified at a compatible standard dependent on the specific conditions of the site
- iii) Road signs are to be erected in accordance with the relevant standards

5. Legislation and Compliance

- *The Roads Act 1993 - Section 162* - provides the authority for the naming of roads
- Roads (General) Regulation 2000
- AS/NZS 4819:2003 Geographic Information – Rural and Urban Addressing

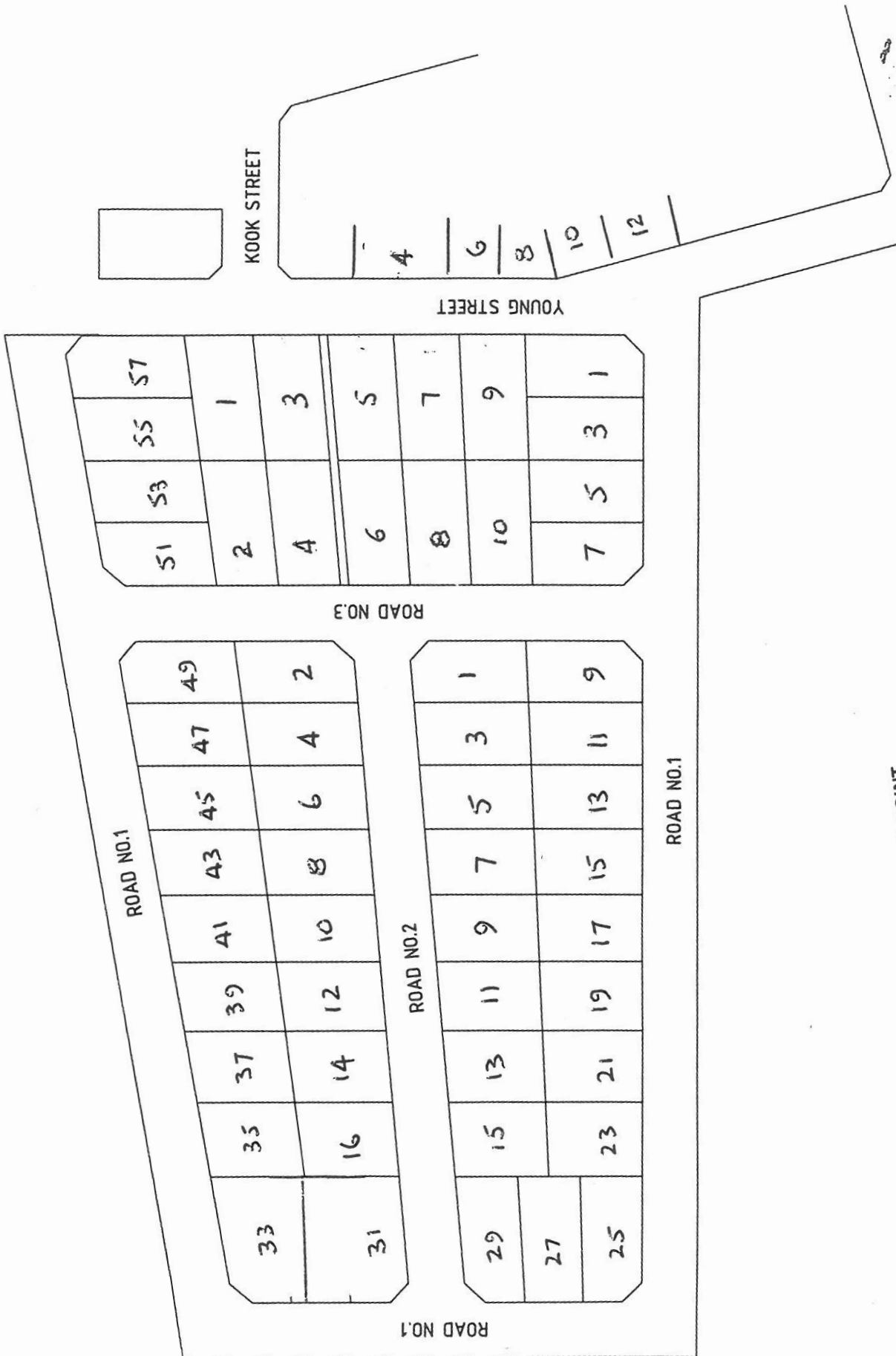
6. Related Documents

- Geographical Names Board NSW Addressing User Manual
- Geographical Names Board NSW Online Road Naming System – Road Naming Authority User Guide

7. 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).



YOUNG STREET SUBDIVISION, DARLINGTON POINT
 Recommended allocation of house numbers

Stronger Communities Fund		Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Coleambally	Treatment Works Upgrade							600,000.00	0.00%
Darlington Point	Update Water Treatment Facilities					691,787.38		691,787.38	0.00%
Jerilderie	Water Filtration Plant Replacement	685,843.98	15,074.10					670,769.88	2.20%
Darlington Point	Darlington Point Town information boards & tourism maps					58,000.00	10,200.00	47,800.00	17.59%
Coleambally	Streetscape Upgrade			1,500,000.00	1,108,904.22			391,095.78	73.93%
Darlington Point	Sports Precinct Upgrade to Facilities					367,750.00	294,640.24	73,109.76	80.12%
Coleambally	Community Hall Upgrade			634,158.36	634,293.66			-135.30	100.02%
Jerilderie Cricket Club	Install seating, shade & access	21,500.00	21,500.00					0.00	100.00% Complete
Jerilderie Community Gym	Purchase of gym equipment	43,358.97	43,358.97						100.00% Complete
Jerilderie Tennis Club	Construct shed/disabled toilet	45,454.55	45,454.55						100.00% Complete
Jerilderie Tennis Club	Re-roof Jerilderie Sports Club building	44,708.69	44,708.69						100.00% Complete
Jerilderie CWA	Upgrade toilet facility	18,003.61	18,003.61						100.00% Complete
Jerilderie Football Club	Replace boundary fencing & interchange facility	39,674.00	39,674.00						100.00% Complete
Jerilderie Pre School	Refurbish indoor areas	44,098.40	44,098.40						100.00% Complete
Jerilderie Swimming Club	Upgrade lane ropes & storage box	5,859.73	5,859.73						100.00% Complete
Jerilderie Public School P & C	Soft fall rubber in playground	49,280.00	49,280.00					0.00	100.00% Complete
Jerilderie Arts & Talent Society	Purchase sound equipment & etc	9,868.22	9,868.22						100.00% Complete
Jerilderie Tennis Club	Disabled toilet within the Jerilderie Sports Club	27,272.73	27,272.73						100.00% Complete
Jerilderie Tennis Club	Upgrade golf green flags & putting cups	1,340.00	1,340.00						100.00% Complete
Jerilderie Public School P & C	Development of computer & musical skills	7,946.36	7,946.36						100.00% Complete
Jerilderie Men's Shed	Purchase of property	50,000.00	50,000.00						100.00% Complete
Jerilderie RSL Sub Branch	2 Honour Boards and glass display cabinet	4,577.27	4,577.27						100.00% Complete
Jerilderie St Joseph's Parent's and Friends Inc	Play area soft fall and shade sail	35,374.74	35,374.74						100.00% Complete

Stronger Communities Fund		Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Coleambally Sweatbox Community Gym	Purchase gym equipment, rubber flooring etc			30,340.00	30,340.00				100.00% Complete
Coleambally Clay Target Club	Construct new trap houses			45,260.00	45,260.00				100.00% Complete
Coleambally Pre School	Install solar panels			7,233.44	7,233.44				100.00% Complete
Coleambally Pre School	Resurface floor & install storage shed			11,412.73	11,412.73				100.00% Complete
Coleambally Lions Club	Purchase of ride on lawn mower			7,520.00	7,520.00				100.00% Complete
Coleambally Lions Club	Painting of Bucyrus Dragline			4,632.65	4,632.65				100.00% Complete
Coleambally Chamber of Commerce	Equipment for community events			10,116.20	10,116.20				100.00% Complete
Coleambally Chamber of Commerce	Quilting workshops			4,250.00	4,250.00				100.00% Complete
Coleambally Chamber of Commerce	Purchase of sewing machines, overlockers & tables			21,122.73	21,122.73				100.00% Complete
Coleambally Riverina Vintage Machinery Club	Purchase of portable building with disabled access			41,000.00	41,000.00				100.00% Complete
Coleambally Community Club	Installation of playground & outdoor family area			45,454.55	45,454.55				100.00% Complete
Coleambally Central School P & C	Build sandpit & resurface basketball court			50,000.00	50,000.00				100.00% Complete
Coleambally Golf Club Inc	Automatic watering for fairways 3 & 9			44,600.00	44,600.00				100.00% Complete
Coleambally Golf Club Inc	Automatic watering for fairways 1 & 6			25,450.00	25,450.00				100.00% Complete
Coleambally St Peters Primary School	Replace school quadrangle			28,172.73	28,172.73				100.00% Complete
Coleambally Mens Shed	Construct storage facility			44,463.19	44,463.19				100.00% Complete
Coleambally Murrumbidgee Experimental Farm	Develop 22ha for farming			45,454.55	45,454.55				100.00% Complete
Coleambally Pre School	Floor resurfacing			13,594.55	13,594.55				100.00% Complete
Coleambally Pre School	Shade sails & shed storage			12,272.73	12,272.73				100.00% Complete
Coleambally Lions Club	Jumping castle & trailer project			5,835.00	5,835.00				100.00% Complete
Coleambally Community Club	Level Bowling Greens, Upgrade			21,909.09	21,909.09				100.00% Complete
Coleambally Central School P & C	Main Bar & Toilet area			18,840.00	18,840.00				100.00% Complete
Coleambally St Peters Primary School	Outdoor Settings			5,000.00	5,000.00				100.00% Complete
Coleambally Darlington Point Country Education Fund	Multi purpose court			3,000.00	3,000.00				100.00% Complete
Coleambally Motorcycle Club Inc	Oral History Book Production			50,000.00	50,000.00				100.00% Complete
Coleambally Pony Club	Construct club house & install watering system to track			6,642.86	6,642.86				100.00% Complete
Coleambally Fusion Drop in Centre	Grounds upgrade & revamp			4,545.45	4,545.45				100.00% Complete
Coleambally St Peters Catholic Church	Coleambally youth development			6,363.64	6,363.64				100.00% Complete
Coleambally Tennis Club	Replacement of chairs			50,000.00	50,000.00				100.00% Complete
Coleambally Tennis Club	Replacement of synthetic courts								100.00% Complete

Stronger Communities Fund

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Anglican Parish of Coly/Darlington Point					17,423.59	17,423.59		100.00% Complete
Darlington Point Mens Shed					45,454.55	45,454.55		100.00% Complete
Darlington Point Lions Club					20,000.00	20,000.00		100.00% Complete
Darlington Point Mens Shed					8,547.55	8,547.55		100.00% Complete
Apex Club of Darlington Point					12,659.00	12,659.00		100.00% Complete
Darlington Point Club Ltd					45,454.55	45,454.55		100.00% Complete
Darlington Point Club Ltd					36,363.64	36,363.64		100.00% Complete
Darlington Point Club Ltd					25,650.00	25,650.00		100.00% Complete
Darlington Point Public School P & C					43,928.00	43,928.00		100.00% Complete
Coleambally			750,000.00	750,000.00			0.00	100.00% Complete
Coleambally			54,057.39	54,057.39				100.00% Complete
Coleambally			282,318.57	282,318.57				100.00% Complete
Coleambally			500,000.00	500,000.00			0.00	100.00% Complete
Coleambally			726,821.07	726,821.07			0.00	100.00% Complete
Coleambally Pistol Club			41,463.60	41,463.60			0.00	100.00%

<u>Stronger Communities Fund</u>		Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Darlington Point	Young Street Subdivision					1,500,000.00	1,500,000.00	0.00	100.00%
Darlington Point	Upgrade to DP Shire Hall					420,836.03	420,836.03	0.00	100.00% Complete
Darlington Point	Caravan Park - Management Plan					350,000.00	350,000.00	0.00	100.00% Complete
Darlington Point	Stage 1 & 2 Waddi Education Arts & Cultural Centre					299,472.95	299,472.95	0.00	100.00% Complete
Darlington Point	Waddi Community Centre Demolition/Cultural Garden					80,000.00	80,000.00	0.00	100.00% Complete
Darlington Point	Heritage Darlington Point - Purchase & install solar panelling	13,167.00	13,167.00			6,544.41	6,544.41	0.00	100.00% Complete
Darlington Point	Boat Ramp Installation	204,535.30	204,535.30			858,212.62	858,212.62	0.00	100.00% Complete
Darlington Point	Lions Park Facilities Upgrade & Display					547,012.21	547,012.21	0.00	100.00% Complete
Jerilderie	Solar Lighting Walkway Project		13,167.00						100.00% Complete
Jerilderie	Netball Courts Upgrade		204,535.30						100.00% Complete
Jerilderie	South Coree Hall - Upgrade Hall and Play Equipment		45,363.42						100.00% Complete
Jerilderie	Balmeringa -Kerbing & sealing of driveway & carpark		41,100.15						100.00% Complete
Jerilderie	Installation of playground at Luke Park		76,516.71						100.00% Complete
Jerilderie	Installation of exercise stations around Luke		53,420.72						100.00% Complete
Jerilderie	Installation of additional seating in Luke Park		29,029.00						100.00% Complete
Jerilderie	Tidy Towns Purchase of equipment/ride on mower		9,552.13						100.00% Complete
Jerilderie	Construction of footpath through Luke Park		20,067.53						100.00% Complete
Jerilderie	Yamma Hall Toilet Block/Kitchen Redevelopment		156,833.64						100.00% Complete
Jerilderie	Independent Living Units Contribution		550,000.00						100.00% Complete
Jerilderie	Purchase of water entitlement		686,470.63						100.00% Complete
Jerilderie	Swimming Pool Restoration		568,306.02					0.00	100.00% Complete
Jerilderie	Showground Amenities Upgrade		70,332.17						100.00% Complete
Jerilderie	Kitchen Upgrade		135,963.60					0.00	100.00% Complete
Jerilderie	Long Day Care Centre		503,302.79					0.00	100.00% Complete
Announced to date	15,486,523.62	4,298,122.06	3,627,352.18	5,753,305.08	4,762,344.60	5,435,096.48	4,622,399.34	2,474,427.50	

SCF funding fully expended.

Masterplan prepared. Purchases undertaken. Cabins installed

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Stronger Communities Fund								
Stronger Communities Funding	14,365,000.00							
Interest Received to 31/12/23	<u>1,103,760.00</u>							
	15,468,760.00							
Less expenditure to date	<u>13,012,096.12</u>							
	2,456,663.88							
Balance unexpended for Int caic purposes	<u>1,352,903.88</u>							
Available to date	14,365,000.00							
Interest to date	<u>1,103,760.00</u>							
	15,468,760.00							
Less announced to date	<u>15,486,523.62</u>							
Available/(Oversubscribed)	<u>-17,763.62</u>							

DA No.	DA 1/2024 (PAN-403619)
ESTIMATED COST OF DEVELOPMENT	\$900,000
APPLICANT	Clearsky Environmental Services
OWNER	Reform Movement Pty Ltd
PROPERTY	Lot 1 DP 1290181 21-23 Curlew Cr, Coleambally
PROPOSAL	The application seeks for the erection of a building and use as a <i>place of public worship</i> (church).

The plans indicate a brick building with a metal clad roofing containing the following:

- A sanctuary which provides seating for 90 people.
- Kitchen facilities
- A dining area
- Two classrooms
- Amenities
- A carpark that can accommodate 22 vehicles
- Landscaping along the boundary edges of the site.

The total floor area of the building is 359.3m².

The functional operation of the church is limited to two days per week and includes the following:

- Wednesday - 7.00pm to 8.00pm for a prayer group.
- Saturday - 10.00am to 4.00pm for a divine service, bible study and youth group meetings.

There will be occasion when the church will be used for special services involving weddings and funerals which may be held midweek.

Figure 1: Proposed Curlew Crescent elevation¹



¹ Coachwood Homes, plan number QP05, 19 May 2023

SITE

The subject site can be legally described as Lots Lots 1 DP 1290181 and has the street address of 21-23 Curlew Crescent, Coleambally. The lot is irregular in shape and has an area of approximately 2137m² with a frontage of 48 metres.

The property does not benefit from nor is it burdened by any easement or restriction-as-to-user on the title of the land.

The site is located on the northern side of the Curlew Crescent which is a bitumen sealed local road with concrete kerb and gutter.

The subject land is not affected by landslip, subsidence, acid sulphate soils nor has it has it been mapped as being subject to flooding however it has been identified a being bushfire prone.

Figure 2 – Aerial image²



Section 4.55 Assessment

In determining a development application, a consent authority is to take into consideration Section 4.15 of the Environmental Planning and Assessment Act 1979. The following matters as are of relevance to the development the subject of the development application.

² SixMaps downloaded 26 March 2024.

<i>Exempt or complying development</i>	The application is not categorised as complying development for the purposes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
<i>Designated development</i>	The proposed development is not categorised designated development for the purposes of Section 4.10 of the Environmental Planning and Assessment Act, 1979 and Schedule 3 of the Environmental Planning and Assessment Regulations, 2021.
<i>Integrated development</i>	The proposed development is not categorised as integrated development for the purposes of Section 4.46 of the Environmental Planning and Assessment Act, 1979.
<i>State significant development</i>	The proposed development is not State significant development as set out in Division 4.7 of the Act.

4.15(1)(a)(i) - the provision of any environmental planning instrument

The following environmental planning instruments have been taken into consideration in the evaluation of the development.

<i>SEPP (Sustainable Buildings) 2022</i>	<p>SEPP (Sustainable Buildings) 2022 replaced SEPP (BASIX) 2004 on 1 October 2023 with chapter 3 of the policy applying to non-residential development.</p> <p>In this instance the provisions of chapter 3 cannot be applied as the development as the estimated cost of the new building works is less \$5,000,000.</p> <p>On this basis the provisions set down in clause 3.2 cannot be applied.</p>
<i>SEPP (Transport & Infrastructure) 2021</i>	<p>Part 2.3 Division 5, clause 2.48 of the T&I-SEPP requires consultation with Essential Energy in the following circumstances:</p> <p>(a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i></p> <p>(b) <i>development carried out—</i></p> <p style="padding-left: 40px;">(i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p style="padding-left: 40px;">(ii) <i>immediately adjacent to an electricity substation, or</i></p> <p style="padding-left: 40px;">(iii) <i>within 5m of an exposed overhead electricity power line....</i></p> <p>The proposed development involves the use of a building and therefore the provisions of the SEPP do not require referral to Essential Energy.</p> <p>Further the proposed development is not deemed to be a traffic generating development and matters set out under division 17 of the SEPP do not apply.</p>

<i>Riverina Murray Regional Plan 2036</i>	The proposed development does not raise any matter that would be inconsistent with the goals set out in the <i>Riverina Murray Regional Plan 2036</i> .
<i>Murrumbidgee Local Environmental Plan 2013</i>	Murrumbidgee Council administers two local environmental plan covering the former local government areas of Murrumbidgee and Jerilderie. The subject site falls under the provisions of Murrumbidgee Local Environmental Plan 2013.
<i>Permissibility</i>	The subject land is zoned RU5 Village and under Part 2 Land Use Table of Murrumbidgee Local Environmental Plan 2013 and <i>place of public worship</i> is permitted with consent.
<i>Aims & Objectives</i>	<p>The proposed development is consistent with the aims of Murrumbidgee Local Environmental Plan 2013 in that it provides a community facility for the existing and future residents of Coleambally.</p> <p>The proposed <i>place of public worship</i> also satisfies the objectives of the RU5 Village zone in that:</p> <ul style="list-style-type: none"> ▪ It provides services and facilities that associated with a rural village. ▪ It is a form of development that compatible with the environmental capability of the land.
<i>Development Standards</i>	<p>Section 4 of the Environmental Planning and Assessment Act 1979 defines a <i>development standard</i> as being a provision of an environmental planning instrument in relation to the carrying out of a development, being provisions by or under which requirements are specified or standards are fixed in respect to any aspect of the development.</p> <p>Part 4 of Murrumbidgee Local Environmental Plan 2013 identifies the principal development standards that apply. In this instance there are no development standards applicable to the proposed development.</p>
<i>Miscellaneous Provisions</i>	Part 5 of Murrumbidgee Local Environmental Plan 2013 addresses numerous miscellaneous provisions. The following matters are of relevance to the proposed development:
<i>5.10 Heritage conservation</i>	<p>Clause 5.10 of Murrumbidgee Local Environmental Plan 2013 sets down objectives in respect to the conservation of environmental heritage within part of the Murrumbidgee Council local government area. Specifically, it applies to the protection of heritage items and heritage conservation areas; development affecting places or sites of known or potential Aboriginal heritage significance; development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance; development in the vicinity of a heritage item; provision of conservation incentives; and development in heritage conservation areas.</p> <p>The subject site is does not contain nor is it within the vicinity of a heritage item listed in Schedule 5 of MLEP 2012.</p>
<i>Additional local provisions</i>	Part 6 of Murrumbidgee Local Environmental Plan 2013 identifies a number of additional local provisions that the consent authority must consider when evaluating a development application under section. 4.15(1)(a)(i) of the Environmental Planning & Assessment Act, 1979.

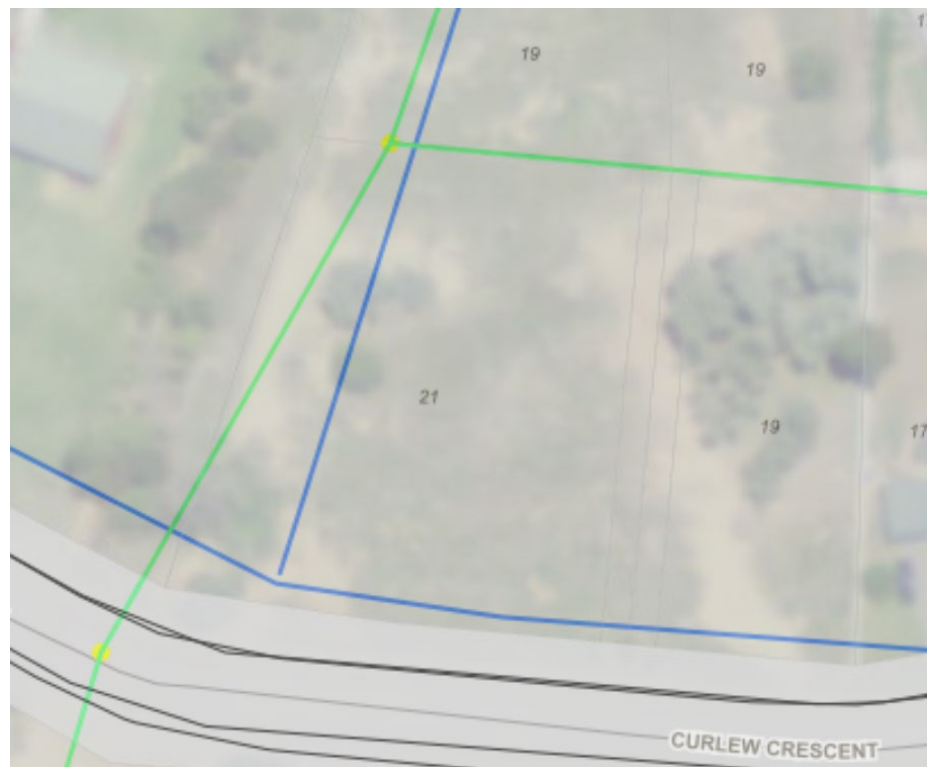
6.1 Earthworks	<p>The proposed development will involve earthworks to enable the construction of the proposed carpark. These works are deemed ancillary to the proposed <i>place of public worship</i> and Council may be satisfied that:</p> <ul style="list-style-type: none"> ▪ The works are unlikely to cause disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, ▪ the works are unlikely to impact upon the likely future use or redevelopment of the land, ▪ A condition of consent can be imposed addressing the quality of the fill or the disposal of soil. ▪ the earthworks are unlikely to effect of the development on the existing and likely amenity of adjoining properties, ▪ A condition of consent can be imposed addressing the requirements should relics be discovered. ▪ Appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
6.2 Flood planning	<p>Clause 6.2 applies to land that is at or below the flood planning level, which means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. The subject land is below the FPL.</p>
<p><i>Clause 6.3 Terrestrial biodiversity</i></p>	<p>The objective of this clause is to maintain terrestrial biodiversity and applies to the land identified as “<i>Biodiversity</i>” on the Terrestrial Biodiversity Map. The subject site has not been mapped for its terrestrial biodiversity.</p>
<p><i>Clause 6.4 Groundwater vulnerability</i></p>	<p>The object of Clause 6.4 is to maintain the hydrological functions of key ground water systems and to protect vulnerable groundwater resources from contamination as a result of inappropriate development. The entire site has been mapped as being groundwater vulnerable land on Groundwater Vulnerability Map. The proposed development will not result in any groundwater contamination, nor have a significant effect on natural flow regimes.</p>
<p><i>Clause 6.5 Riparian land and watercourses</i></p>	<p>Not applicable</p>
<p><i>Clause 6.6 Wetlands</i></p>	<p>Not applicable.</p>
<p><i>Clause 6.7 Development on river front area</i></p>	<p>Not applicable.</p>
<p><i>Clause 6.8 Development on river beds and banks</i></p>	<p>Not applicable.</p>
<p><i>Clause 6.9 Essential services</i></p>	<p>The provisions of Part 6.9 of Murrumbidgee Local Environmental Plan 2013 states that the consent authority must be satisfied the following services that are essential for the development are</p>

available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

The subject site is connected to Council's potable water supply and sewer and stormwater network. This infrastructure is identified in Figure 3 below:

Figure 3: Location of Council Infrastructure



It is noted that there are two water mains, one which runs parallel to the southern boundary of the site. The second main running parallel to the western boundary of the site is approximately 11.5m from that boundary, and would traverse under the carpark and the proposed church building.

Part 5 of Council's *Building Over or Adjacent to Council Infrastructure Policy* does not permit the erection of a building over Council's water supply or within its zone of influence. In accordance with the aims of the policy this would necessitate that the proposed building be redesigned or reposition so that it is not over the water main or that the infrastructure be relocated.

While there is scope for a redesign and reposition of the church (by possible re-orientating in 90 degrees, it is the assessing officer's view that a condition of consent be imposed requiring the applicant to relocate the infrastructure so that the building, as proposed, would

be located outside the zone of influence of the main. All works associated with the relocation would be at the cost of the developer.

The applicant will be required to ensure all connections to Council services are provided and a s68 approval for any works to Councils infrastructure (water, sewer and stormwater). Further if the kitchen is to be used for commercial purposes a liquid trade waste agreement may also be necessary.

4.15(1)(a)(ii) - the provision of any draft environmental planning instrument

At the time of preparing this report there is no draft environmental planning instrument that applies to the development or to land within the Murrumbidgee Council local government area relevant to the proposed development.

4.15(1)(a)(iii) - Development control plan

The provisions of Section 4.15(1)(a)(iii) require the consent authority to take into consideration any relevant development control plan. Murrumbidgee Council has two (2) development control plans in force, with Coleambally & Darlington Point Development Control Plan being the relevant document.

The DCP contains little in the way of practical controls to guide commercial development or for *places of public worship*.

Relevant Section 94A contributions plan

The development is subject to the Murrumbidgee Council Section 94A contributions plans which applies to all development that is valued more than \$100,000. The estimated cost of the proposed development is approximately \$900,000. The church is registered as a charity and therefore is exempt from s94A contributions.

4.15(1)(a)(iiia) - Planning agreement or draft planning agreement

The developer has not entered into any planning agreement under section 93F of the Act, nor has the developer offered to enter into any draft planning agreement under section 93F.

4.15(1)(a)(iv)- Matters prescribed by the regulations

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of Environmental Planning and Assessment Regulation 2021 and the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation, 2021.

Clause 61 Additional matters for consideration

Clause 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. In this instance no structures are to be demolished.

The application is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 5 to the Act.

The development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies).

<i>Clause 62 consideration of fire safety</i>	The proposed development involves the erection of a class 9b building, therefore needs to be constructed to the relevant standards of the National Construction Code.
<i>Clause 63 considerations for the erection of temporary structures</i>	The development is not for a temporary structure.
<i>Clause 64 consent authority may require upgrade of buildings</i>	The development does involve the alteration to an existing building and with the proposed awning involves and extension of an existing building. Appropriate conditions of consent have been imposed to address any upgrades deemed necessary.

4.15(1)(b) - The likely impacts of that development

<i>Context and setting</i>	<p>The proposed development is generally keeping with the nature of the surrounding land.</p> <p>The scenic quality and features of the landscape are not negatively impacted upon by the construction of the works proposed.</p> <p>The development will not result in any loss of views or vistas, will not impact on anyone's visual or acoustic privacy and will not overshadow any other property.</p>
<i>Access, transport and traffic</i>	The proposed development will generate additional traffic to the site from within Coleambally and the surrounding area. The volume of traffic will have peak times associated with the divine service and associated activities on Saturdays between 9.30am and 4.30pm – approximately 30 minutes either side of the nominated hours of operation. The influx of traffic, being light passenger vehicles is unlikely to result in an adverse impact on the amenity of neighbours.
<i>Public domain</i>	The development will not have an adverse impact on public recreation or the amount, location, design, use and management of public spaces.
<i>Utilities</i>	The site has access to power, gas, telecommunications, water and sewer. Amplification of services would be at the expense of the applicant and will have to be designed to meet the relevant authorities' requirements.
<i>Heritage</i>	Nil.
<i>Other resources</i>	land Nil.
<i>Water</i>	Nil.
<i>Soils</i>	Nil.

<i>Air and microclimate</i>	Nil.
<i>Flora and fauna</i>	Council can be satisfied that the proposed development would not have an impact on local native ecological communities, flora or fauna and their habitats.
<i>Waste</i>	Nil.
<i>Energy</i>	Nil.
<i>Noise and vibration</i>	Nil.
<i>Natural hazards</i>	The subject site is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding however is mapped as being bushfire prone land.
<i>Technological risks</i>	There are no known technological risks to people, property or the natural environment from the activities.
<i>Safety, security and crime prevention</i>	The proposed development would not pose any risk in terms of criminal activity, safety or security.
<i>Social & economic impact in the locality</i>	Nil.
<i>Site design and internal design</i>	The proposed site and design are considered satisfactory.
<i>Construction</i>	Should the application be approved conditions of consent will be placed on the development to ensure that no nuisance, soil erosion and sedimentation transport occurs, and in relation to hours of construction.
<i>Cumulative impacts</i>	Nil.

4.15(1)(c) - The suitability of the site for the development

<i>Does the proposal fit in the locality ?</i>	The proposed development is in keeping with the locality and there are no constraints posed by adjacent development that would restrict or otherwise prohibit the development from proceeding.
<i>Are the site attributes conducive to development ?</i>	The subject land is not affected by landslip, subsidence, acid sulphate soils nor has it been mapped as being subject to flooding. The entire site, shown in Figure 5 below, has been identified as being bushfire prone. Figure 5: Bushfire Map³

³ Planning Portal Bushfire Layer downloaded 30 January 2024



The proposed development is located within the area mapped as Vegetation Category 2 (light orange) and Vegetation buffer (yellow).

According to the NSW Rural Fire Service Guide to Bush Fire Prone Land Mapping vegetation that is identified as Category 2 is considered to be a lower bush fire risk than both categories 1 and 3 and is given a 30m buffer. This category *“has lower combustibility and/or limited potential fire size due to the vegetation area shape and size, land geography and management practices”*⁴. Vegetation in this category represent a lower risk to surrounding development and consist of remnant vegetation; or land that is managed; and the topography does not include upslope fire runs towards development.

The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site.

The subject site is zoned RU5 Village and the permissibility of the development under Murrumbidgee Local Environmental Plan 2013 provides a broad indication that the site is suitable for the proposed development.

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.

4.15(1)(d) - Any submissions made

The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2021 and Murrumbidgee Community Participation Plan,

⁴ NSW Rural Fire Service, “Guide to Bush Fire Prone Land Mapping” p.11

concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

Council's CPP mandates that a development consent be notified in the following circumstances:

- a) Where a clause 4.6 variation to a development standard is proposed;
- b) Where a variation to a prescribed standard in a DCP or Council policy is proposed;
- c) Where the development is identified as hazardous or offence as per the SEPP; and
- d) Where the development is proposed by Council.

In this instance none of the mandatory matters were triggered.

Council's CPP provides discretion in terms of what development applications are required to be notified, and identifies issues which could trigger the requirement for neighbour notification including:

- i. Potential **overshadowing** of surrounding land;
- ii. Potential loss of **privacy**;
- iii. **Traffic** generation and site **access**;
- iv. The **visual impact** of the proposed building on relation to the streetscape;
- v. Potential impact on the amenity of neighbours in terms of **noise, odour or other pollution**;
- vi. Potential impact from **stormwater and drainage issues**; and
- vii. The **public interest**

Neighbour notification was undertaken on the basis of the public interest.

Two submissions were received raising the following concerns:

- Drainage works at the end of Curlew Street be completed as even in moderate rain fall events the drain becomes flooded.

Upgrade works cannot be applied to the developer in this instance, however there is an obligation that the extent of stormwater run-off from the church site not further compound drainage issues. In this regard a condition of consent has been imposed requiring the developer to provide onsite detention to control the release of stormwater from the site during rain events.

- Road works be completed at the end of Curlew Avenue, either by way of extension or a proper termination as a cul-de-sac.

As the proposed development provides a separate entrance and exit to the site, Council cannot reasonably justify civil works to carry out road works beyond the site based on the proposed development.

- Reduction in property values

While Council must consider economic impact on the locality as a matter under Section 4.15(1)(b) case law states that this does not extend to the loss of property values.

- Increase noise on weekends due to crowds

The noise generated by the proposed church, which includes bible study and prayer groups is not expected to have a detrimental impact on the amenity of the neighbourhood. Further it is not anticipated that any music associated with service or sermons which may use speakers would exceed normal daytime back ground levels. To allay the concerns of the objector, Council could impose a condition of consent to limit noise levels.

- Takes away the quiet community residential vibe of the street

Curlew Crescent is a quiet residential street, so therefore any non-residential use has the potential to go against the grain of the residential character or “vibe” as described by the objector. In this instance a place of public worship is a permissible use in the zone, and the very nature of the village zoning envisages a mix of appropriate non-residential uses throughout, providing that it does not disrupt the amenity of neighbours. Council is satisfied that the proposed church, with its use one evening per week (for an hour) and the main activities associated with prayer and worship is not likely to have an unreasonable impact on the amenity of neighbours.

- High volume of traffic and traffic noise

The concerns raised in respect to an increase in the number of vehicles using Curlew Crescent is fair especially given that the street is effectively a cul-de-sac currently providing access to approximately 30 properties. While the increase in traffic will be significant, the design width of Curlew Crescent is adequate to meet the additional traffic volumes, one day per week on Saturday.

In terms of noise, the main activities associated with the church are during day time hours and would therefore not have an adverse impact on neighbours.

4.15(1)(e) - The public interest

The provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 provides an overarching requirement to consider the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environmental are avoided.

On the basis that the proposed development is considered to be consistent with the aims and objectives of Murrumbidgee Local Environmental Plan 2013 and other relevant environmental planning instruments, development control plans or policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

Conclusion

The development application has been evaluated with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. On the basis of this assessment it is considered the proposal has merit and the development can be supported for the following reasons:

- The proposed development is permissible within the zone under Murrumbidgee Local Environmental Plan 2013 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPPs that apply.
- The proposed development is considered satisfactory with regard to performance outcomes and acceptable solutions set down in Coleambally & Darlington Point Development Control Plan.

- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development.
- The proposed development does not raise any matter contrary to the public interest.

Recommendation

That Murrumbidgee Council as the consent authority pursuant to Section 4.16(1)(a) of the Environmental Planning & Assessment Act 1979 grant consent to DA 1-2024 to for a *place of public worship* on Lots 1 DP 1290181, 21-23 Curlew Crescent, Coleambally subject to the conditions set out in Attachment A.

ASSESSING OFFICER

Name

Steven Parisotto
Senior Planner

Date

2 April 2024

Signature



ADMINISTRATIVE & GENERAL CONDITIONS

CONDITIONS	REASON																								
<p>1. Approved plans and supporting documentation</p> <p>Development consent has been granted for the erection of a building and use as a <i>place of public worship</i> including associated car parking and landscaping works at 21-23 Curlew Crescent, Coleambally.</p> <p>Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d3d3d3;"> <th>Plan Reference</th> <th>Plan Title</th> <th>Prepared by</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>QP3</td> <td>Site plan</td> <td>Coachwood Homes</td> <td>19.05.2023</td> </tr> <tr> <td>QP4</td> <td>Floor plan</td> <td>Coachwood Homes</td> <td>19.05.2023</td> </tr> <tr> <td>QP5 & 6</td> <td>Elevations</td> <td>Coachwood Homes</td> <td>19.05.2023</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d3d3d3;"> <th>Document</th> <th>Reference No</th> <th>Prepared by</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects (SEE)</td> <td>-</td> <td>Clearsky Environmental Services</td> <td>02.02.2024</td> </tr> </tbody> </table> <p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note 1: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p>	Plan Reference	Plan Title	Prepared by	Date	QP3	Site plan	Coachwood Homes	19.05.2023	QP4	Floor plan	Coachwood Homes	19.05.2023	QP5 & 6	Elevations	Coachwood Homes	19.05.2023	Document	Reference No	Prepared by	Date	Statement of Environmental Effects (SEE)	-	Clearsky Environmental Services	02.02.2024	<p>To ensure that all parties with an interest in the application are aware of the approved plans and supporting documentation that has been approved as part of the development.</p>
Plan Reference	Plan Title	Prepared by	Date																						
QP3	Site plan	Coachwood Homes	19.05.2023																						
QP4	Floor plan	Coachwood Homes	19.05.2023																						
QP5 & 6	Elevations	Coachwood Homes	19.05.2023																						
Document	Reference No	Prepared by	Date																						
Statement of Environmental Effects (SEE)	-	Clearsky Environmental Services	02.02.2024																						
<p>2. Environmental Planning & Assessment Act, 1979</p> <p>All works associated with the development shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the Regulations made thereunder, in accordance with the plans and specifications approved by Council.</p> <p>Any alteration to the development and the like will require the submission of a further development application or a modification application under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>, to amend the consent.</p>																									
<p>3. Lapsing of consent</p> <p>In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.</p>																									

Note 2: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

4. **National Construction Code**

All works must be carried out in accordance with the following:

- a) All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.
- b) All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

Prescribed by clause 69(1) of the EP&A Regulation, 2021.

5. **Construction certificate**

In accordance with the provisions of Part 6, Divisions 6.2 and 6.3 of the EP&A Act, 1979 a person must not carry out building works, including associated excavation works (as applicable) until such time as:

- (a) A *Construction Certificate* has been obtained from either Murrumbidgee Council or an *Accredited Certifier* holding the
- (b) A *Principal Certifier* has been appointed; and
- (c) The person with the benefit of the development consent has given at least two (2) days' notice to Murrumbidgee Council and the *Principal Certifier* of the person's intention to commence the erection of the building.

To ensure that the requirements of the EP&A Act, 1979 are met.

Should the plans submitted with the Construction Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent application shall be made to Council.

Note 3: Murrumbidgee Council can issue your *Construction Certificate* (or an accredited private certifier) and be appointed as your *Principal Certifier* for the development to undertake inspections and ensure compliance with the development consent. For further details contact Council on 1300 676243.

Note 4: Where a *Performance Requirement* is proposed to be satisfied by a *Performance Solution*, the following steps must be undertaken to comply with the National Construction Code:

- (a) Prepare a *Performance-based design brief* in consultation with relevant stakeholders.
- (b) Carry out analysis, using one or more of the *Assessment Methods* listed in (2), as proposed by the
- (c) *Performance-based design brief*.
- (d) Evaluate results from (b) against the acceptance criteria in the *Performance-based design brief*.
- (e) Prepare a final report that includes –
 - (i) all *Performance Requirements* and/or *Deemed-to-Satisfy Provisions* identified through A2.2(3) or
 - (ii) A2.4(3) as applicable; and
 - (iii) identification of all *Assessment Methods* used; and
 - (iv) details of steps (a) to (c); and
 - (v) confirmation that the *Performance Requirement* has been met; and

(vi) details of conditions and limitations, if any exists, regarding the *Performance Solution*.

6. Occupation certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of a building, or a change of building use. Before an application being made for an Occupation Certificate all conditions set out in this notice of determination are to be met to the satisfaction of the Principal Certifier.

7. Access to Premises

The proposed development must be made accessible in accordance with the Building Code of Australia, Access to Premises Code and AS1428.1. The applicant/owner is advised that this approval does not guarantee compliance with the provisions of the *Commonwealth Disability Discrimination Act 1992* and the applicant should therefore consider their liability under the Act.

8. Amplification/Relocation of Services

The applicant is to be responsible for all amplification, extension, relocation and adequate provision for connection to services at their own expense and in accordance with the relevant standards.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

CONDITIONS	REASON
<p>9. Construction certificate information requirements</p> <p>A Construction Certificate is required for the development in accordance with Section 6.7(1) of the <i>Environmental Planning and Assessment Act 1979</i>. Any copy of documentary evidence submitted must be a complete copy of the original certificate, report or document. The following information shall be submitted for assessment when applying for a Construction Certificate:</p> <ul style="list-style-type: none"> (a) Architectural plans of the building(s) that demonstrate conformity with the National Construction Code (b) Site Classification Report by a professional geotechnical engineer, soil scientist or geologist. (c) For sites with reactive soils, engineering drawings and details of stormwater and sanitary drainage to show compliance with AS2870 and AS3500 (This includes lagging, swivel and expansion joints, trenching, grade, clay plug and backfill) (d) A signed and dated Compliance Certificate (and associated structural drawings) from a professional engineer certifying that the design and construction of the building complies with the National Construction Code (Volume 1) 2019. The Certificate shall identify the relevant Australian Standards and provisions of the Building Code of Australia that the buildings comply with. The site classification is to be referenced 	<p>To ensure compliance with the provisions of Section 6.7(1) of the <i>Environmental Planning & Assessment Act, 1979</i> and the provisions of the National Construction Code.</p>

on the engineering plans as identified from the Site Classification Report prepared for the site.

- (e) A Fire Safety System Plan prepared by an accredited Fire Safety Practitioner identifying the layout, extent and location of all statutory fire safety measures or system components to be provided in the building to meet the relevant performance requirements of the Building Code of Australia. Details or specifications must be provided that describes the basis for the design, the performance requirements and the relevant provisions of the Building Code of Australia that are met. Evidence of the satisfactory accreditation, experience or registration of the Fire Safety Practitioner shall be provided with the Plan.
- (f) An electrical plan showing all services to be provided,
- (g) A Part J Energy Report by an experienced Energy Consultant showing that the building complies with Section J (NSW) of the NCC (Volume 1) 2019.
- (h) An Access Report prepared by an industry recognised and experienced Access Consultant that demonstrates that the development will if constructed in accordance with those plans and details will comply with the performance requirements of the Building Code of Australia and the relevant provisions of AS1428 and AS 2890.6
- (i) Civil works drawings for the proposed carpark, onsite detention and stormwater, connection to sewer and the relocation of the water main.

10. Relocation of water main

Council's reticulated potable water main is to be relocated so that it does not pass under the proposed building and any footings of the building are to be located outside the zone of influence. The design of the relocated water main and other associated components normally associated with water main installations are to conform to Council's standards. Details and designs are to be submitted to Council for approval **prior to the issue of a Construction Certificate.**

To ensure compliance with Council's Building over or in the Vicinity of Infrastructure Policy

11. Payment of Security Deposits, Levies and Contributions

The fees listed below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

To comply with the provisions of the B&CILSP Act, 1986.

- a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provides proof of this payment to the certifier.
- b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation

Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.

12. Construction Management Plan

Before the issue of a construction certificate, the applicant must ensure a construction management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- a) Erosion and sediment control measures as set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).
- b) A waste management plan that includes:
 - (i) the contact details of the person(s) removing the waste; and
 - (ii) an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill; and
 - (iii) the address of the disposal location(s) where the waste is to be taken.
- c) Details and location of temporary site fencing or hoardings required to provide controlled access to the site and for public safety.
- d) Location of pedestrian and vehicular site access points and construction activity zones.
- e) Details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- f) Location of site storage areas, temporary toilets and any temporary site offices.

A copy of the approved construction management plan must be kept on-site at all times during construction.

Note 7: The information above may be included as a separate document or included on any site or architectural plans

13. Other Approvals

- a) **Roads Act, 1993** - The applicant is to apply to Council for any work within the road reserve (e.g., vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.
- b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to),

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

any use of public property for crane operation, waste management or installation of a moveable dwelling. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

14. **Liquid Trade Waste Approval**

Prior to the issue of any Construction Certificate an application is to be made to Council for Liquid Trade Waste Approval, pursuant to Section 68C(4) of the Local Government Act, 1993.

BEFORE THE COMMENCEMENT OF BUILDING WORK

CONDITIONS	REASON
<p>15. Erosion and sediment controls in place</p> <p>Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as detail in the construction management plan and approved by the principal certifier) are in place until the site is rectified.</p>	<p>To ensure runoff and site debris do not impact local stormwater systems and waterways.</p>
<p>16. Signs on site</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ul style="list-style-type: none"> a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>Note 8: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p>	<p>Prescribed by clause 70(2) & (3) of the EP&A Regulation, 2021.</p>
<p>17. Plumbing and Drainage Works</p> <p>A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.</p> <p>The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a “Notice of Works”.</p> <p>Note 9: A copy of the Notice of Works form can be found on Council’s website.</p>	<p>It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the National Construction Code</p>

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

CONDITIONS	REASON
<p>18. Procedure for critical stage inspections</p> <p>While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Class 5,6,7,8 & 9 Buildings Critical stage inspections are:</p> <ul style="list-style-type: none"> (a) after the commencement of the excavation for, and before the placement of, the first footing. (b) in relation to a critical stage inspection of a class 9a and 9c building, as defined in the Building Code of Australia—prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work, and (c) prior to covering any stormwater drainage connections, and (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building. <p>Plumbing inspections</p> <p>As Murrumbidgee Council is the water supply authority an inspection is also required for internal and external plumbing work prior to covering all plumbing and drainage. During works plumbing inspections are to be carried out and a Compliance Certificate for the plumbing and drainage work must be obtained from the Council. The Builder must ensure that the plumber is provided with any engineering plans that detail requirements for plumbing and drainage.</p> <p>Note 9: Prior to the final plumbing inspection a sewer service diagram (SSD) drawn to the standard template details of Department of Fair Trading is required to be submitted to the Council.</p>	<p>To require approval to proceed with building work following each critical stage inspection.</p>
<p>19. Implementation of the construction management plans</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.</p> <p>The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p>	<p>To ensure the approved construction management measures are undertaken during construction.</p>

20. Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7.00am to 6.00pm on Monday to Fridays
- 8.00am to 1.00pm on Saturdays
- No work on Sundays or Public Holidays

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note 10: Any variation to the hours of work requires Council's approval.

To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020*.

22. Construction noise

The applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed a LAeq (15 min) of 5dB (A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020*.

22. Discovery of contamination

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled, or otherwise disposed of to the requirements of such Authority.

To ensure any contamination found during construction or demolition is dealt with as quickly as possible and to protect the health of the community and the environment.

23. Uncovering relics or Aboriginal objects

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

To ensure the protection of objects of potential significance during works.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

24. **Waste management**

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

The principal certifier is to be satisfied that all waste from the site is disposed of in a lawful manner. The applicant, at the request of the principal certifier is to compile and provided records of the disposal of waste to the principal certifier and this may require the following details:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note 12: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

25. **SafeWork NSW**

The applicant is to comply with all the requirements of SafeWork NSW.

To ensure that waste is disposed of in a lawful manner.

To ensure the construction site is maintained in accordance with legislative requirements.

PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

CONDITIONS	REASON
<p>26. Works-as-executed plans and any other documentary evidence</p> <p>Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:</p> <p>(a) All stormwater drainage systems and storage systems</p> <p>(b) Council requires Compliance Certificates for the following:</p> <ul style="list-style-type: none"> (i) Critical stage inspections (ii) Waterproofing (iii) Termite management installation system (iv) Glazing (v) Plumbing and drainage (vi) Sewer service diagrams (vii) Fire Protection (where required) (viii) Car park construction <p>Note 11: The principal certifier is to upload a copy of all compliance certificates to the planning portal</p>	<p>To confirm the location of works once constructed that will become council assets</p>
<p>27. Final Plumbing Inspection</p> <p>A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.</p> <p>All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.</p>	<p>To ensure compliance with the National Construction Code</p>
<p>28. Repair of infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting</p>	<p>To ensure any damage to public infrastructure is rectified</p>

vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note 12: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

29. **Removal of waste upon completion**

Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

To ensure waste material is appropriately disposed or satisfactorily stored

30. **Prior to the issue of an Occupation Certificate and the commencement of operation**, an inspection of the premises is to be undertaken by Council's Officers. The following matters are to be implemented prior to the issue of the Occupation Certificate and complied with at all times throughout the use of the development.

To ensure that the kitchen is constructed to a proper standard.

(a) Food Premises – General

The construction and operation of the kitchen shall comply with all applicable legislation/regulation and standards, including:

- The Food Act 2003
- Food Regulation 2015
- Food Standards Australia and New Zealand - Food Standards Code

The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the National Construction Code. No approval is granted for the burning of wood fired fuel.

The construction, fitout and finishes of the kitchen must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - Design, Construction and Fitout of Food Premises.

(b) Floor surfaces

The floor of the kitchen must be finished in an approved non-absorbent material, evenly laid, graded, and drained to a trapped floor waste.

The floor must be coved at the intersection with the walls.

(c) Walls and Ceilings

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.

Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed

material. Suspended ceiling panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.

(d) Hand Washing Facilities

Hand wash basin/s, with hot and cold running water mixed through a common spout, liquid hand wash soap and hand drying facilities must be provided in all food preparation, bar areas, and toilets used by food handlers and must be no further than 5m travel distance from a place where a food handler is handling food.

(e) Fixtures, Fittings and Appliances

- i. A single bowl sink and a dishwasher or a double bowl sink must be provided in the food preparation or designated area, (of a capacity to handle the food preparation equipment) in addition to the hand basin.
- ii. A separate and dedicated food preparation sink is to be provided within the food premises (where foods are prepared by immersion in water.)
- iii. A cleaners sink for the purpose of cleaning floor mops and other cleaning equipment must be provided within the premises separate from the food preparation and storage area.
- iv. The appliances used to store potentially hazardous food must have a capacity to keep food hotter than 60°C or colder than 5°C and be provided with a thermometer, accurate to 1°C and which can be easily read without opening the appliance.
- v. All self-service unpackaged ready to eat food must be provided and maintained with protective barriers and have separate serving utensils, in accordance with Standard 3.2.2 of the Food Standards Code under the Food Act 2003.
- vi. All service pipes, electrical conduits, refrigeration condensate pipes and the like must be chased into walls and floors or at least 25mm off the wall.
- vii. All openings in walls, floors, and ceilings, through which service pipes pass, must be vermin proof.
- viii. Where fittings are butt joined together, they must be sealed to eliminate any cavities or crevices. Alternatively, a clear space of at least 75mm is to be provided between fittings.

The following requirements apply to clearances and supports of equipment:

- ix. All stoves, refrigerators, cupboards, and similar fittings must have metal legs made of non-corrosive metal or moulded plastic at a minimum height of 150mm above the floor. If placed flush on solid plinths the solid plinth is to be a minimum of 75 mm high.
- x. All shelving must be fixed 25mm clear of the walls on solid metal brackets.

(f) Entry of Pests

The design and construction of the kitchen must not permit the entry of pests through windows and/or other entrances e.g., fly screens on opening windows.

(g) Final inspection

Prior to the issue of the Occupation Certificate, an Inspection report is to be obtained from Council confirming satisfactory compliance with applicable food legislation.

31. Installation of Landscaping

The approved landscaping areas shall be installed to the satisfaction of Council prior to the issue of the Final Occupation Certificate. The maintenance of the landscaping areas within Council's Road reserve shall be the responsibility of the person with the benefit of the development consent and to the satisfaction of Council.

To ensure that the landscaping identified on the approved plans is planted.

32. Off-Street Parking

Prior to the issue of the Occupation Certificate all car parking spaces identified on the approved plans are to be constructed and line-marked, including the provision of accessible parking spaces.

To ensure that car parking is provided to meet the demands of the development.

33. Plan of Management

Prior to the issue of an Occupation Certificate the person with the benefit of the consent shall provide Council, for approval with a plan of management that addresses traffic management and parking that is generated by the church for special services such as weddings and funerals.

To ensure that additional traffic and parking demands generated by infrequent events is properly managed with nuisance for neighbours.

PART F – OCCUPATION AND ONGOING USE

CONDITIONS	REASON						
<p>34. Stormwater Management</p> <p>The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.</p> <p>Note 12: Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.</p>	<p>To ensure that stormwater is appropriately managed on the site and is properly directed to the drainage network.</p>						
<p>35. Hours of Operation</p> <p>The hours of operation are limited to the hours set out in the table below:</p> <table border="1" data-bbox="239 913 1152 1021"> <thead> <tr> <th>Days</th> <th>Time Period</th> </tr> </thead> <tbody> <tr> <td>Wednesdays</td> <td>7.00pm to 8.30pm</td> </tr> <tr> <td>Saturdays</td> <td>10:00 am to 4:00 pm</td> </tr> </tbody> </table> <p>Any alteration to these hours will require a modification to this consent or a separate development application.</p>	Days	Time Period	Wednesdays	7.00pm to 8.30pm	Saturdays	10:00 am to 4:00 pm	<p>To ensure that the hours of operation are in accordance with the application as made.</p>
Days	Time Period						
Wednesdays	7.00pm to 8.30pm						
Saturdays	10:00 am to 4:00 pm						
<p>36. Amenity</p> <p>The premises and operation is to be conducted in such a manner so as not to have a detrimental impact on the amenity of the neighbourhood or environment by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.</p>	<p>To mitigate the potential impact of the development on the local environment.</p>						
<p>37. Council's Road Reserve</p> <p>Council's road reserve/nature strip including footpath shall be kept clear of advertising signage, fixtures, vehicles, goods and materials at all times. There is to be no storage of materials on the public reserve adjoining the property.</p>	<p>To ensure Council's footpath reserve is kept free from obstructions.</p>						
<p>38. External Lighting</p> <p>External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Any external lighting is to be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic.</p>	<p>To mitigate the potential impact of the development in terms of nuisance from light spill.</p>						

39. Noise

The applicant shall ensure that all activities within the premises comply with the relevant sections of the Protection of the Environment Operations Act 1997 and Regulations. In this regard there shall be no external speakers placed on the building and that any amplified sound from music or from speakers shall not be heard beyond the boundary of the property.

Council reserves the right to assess and treat any noise related issue under the terms of the Environment Protection Authority – Noise Guide for Local Government.

To mitigate the potential impact of the development in terms of the transmission of noise.

40. Car parking

All visitors to the premises shall be directed to park in the car parking provided and in accordance with the approved plan of management required by Condition 33.

To protect the amenity of neighbours from parking in the street.

PART G – ADVISORY NOTES

Notes contained within conditions and the Advisory Notes under Part G are for information purposes only and are to assist the person or entity with the benefit of the consent. Under Council's regulatory responsibilities they are not enforceable for the purposes of compliance.

CONDITIONS

Disability Discrimination Act, 1992

This approval does not guarantee compliance with the *Disability Discrimination Act 1992* and the applicant should consider their liability under the Act. It is advised that compliance with the requirements of the National Construction Code, the Disability (Access to Premises) Standard, 2010 and *AS1428.1 - Design for Access and Mobility* does not necessarily satisfy the requirements of this Commonwealth Act.

Appendix 1

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Applicant means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

Approved plans means the plans endorsed by Council and specified in Part A of this consent.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken.

BCA means the Building Code of Australia published by the Australian Building Codes Board.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018* and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

Council means Murrumbidgee Council.

Court means the NSW Land and Environment Court.

Emergency means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000*.

LG Act means the *Local Government Act 1993*.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Owner-builder means a person who does 'owner-builder work' as defined in section 29(1) of the *Home Building Act 1989* under an owner-builder permit issued to the person for that work.

Owner means the registered proprietor of the property from time to time.

Principal contractor means the person responsible for the overall co-ordination and control of the carrying out of the building works or the owner where a principal contractor has not been appointed by the owner of the site.

Property means the land to which the development application relates, upon which the development is to be carried out, as set out on page 1 of this consent.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Suitably qualified means a person with at least a degree and 5 years' experience carrying out the type of work that is the subject of the relevant condition.

CLEARSKY
ENVIRONMENTAL SERVICES ABN: 42 605 228 147

Amended 2 Feb 2024

Statement of Environmental Effects



Construction of a place of public worship
21-23 Curlew Crescent
Coleambally NSW 2707

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1. INTRODUCTION

This statement of environmental effects has been prepared to support a development application for a proposed place of public worship at 21-23 Curlew Crescent Coleambally NSW. The proposal has been designed to achieve the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Murrumbidgee Local Environment Plan 2013.

The statement has been prepared based on drawings prepared by Coachwood and is submitted for and on behalf of the Seventh Day Adventist Reform Movement.

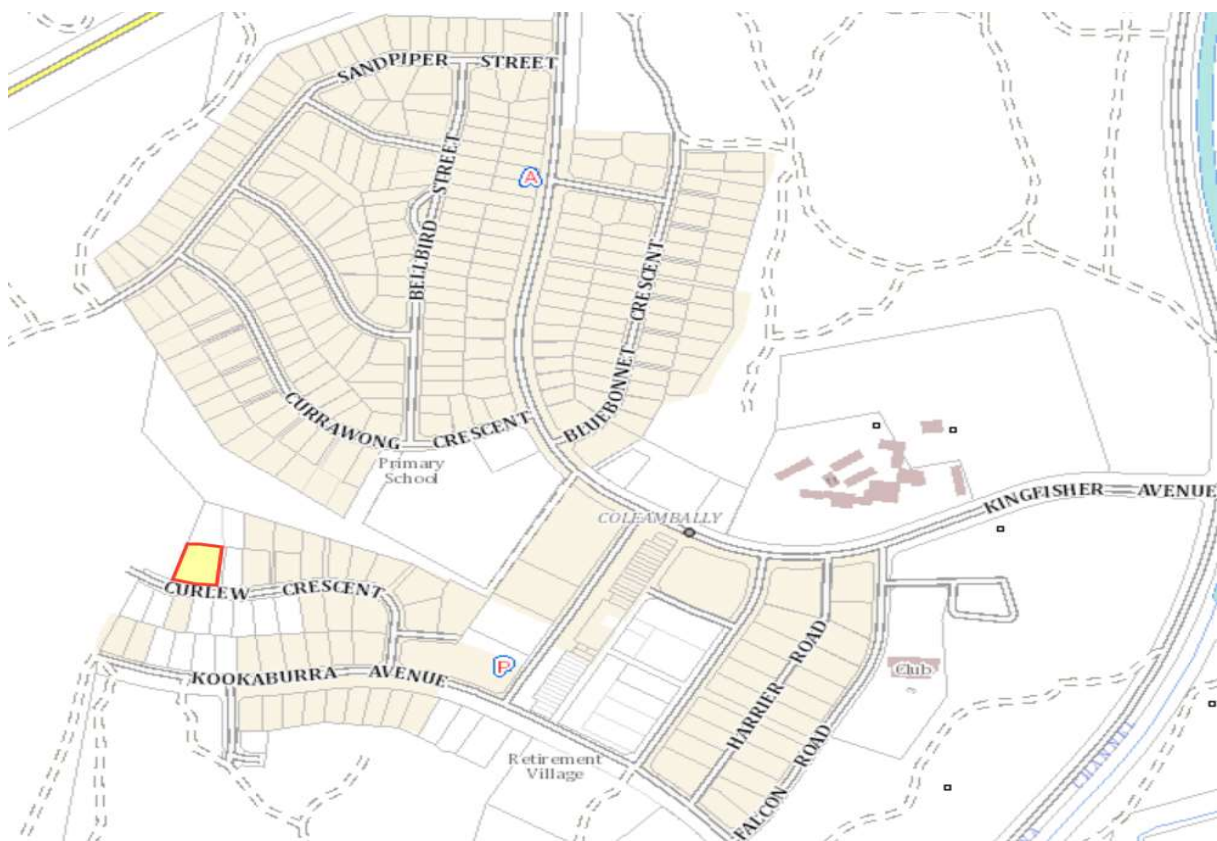


Street view Image of 21-23 Curlew Crescent Coleambally (Source: Google Maps)

2. SITE DESCRIPTION AND ANALYSIS

2.1 Location and property description

The proposed development site is Lot 1 Deposited Plan 1290181 known as 21-23 Curlew Crescent New South Wales. The site is on the southern side of the village and is zoned RU5 Village in the Murrumbidgee Local Environmental Plan 2013.



Site location (Source: LPI Six Maps)

2.2 Site characteristics

The site is flat, irregular in shape and 2137m² in area. The site is undeveloped and Curlew Crescent provides access to the site.

2. SITE DESCRIPTION AND ANALYSIS

2.3 Surrounding development

The development immediately surrounding the site is characterised by residential village accommodation. The adjacent lots on the north and east side of the site are undeveloped.



Development surrounding 21-23 Curlew Crescent Coleambally (Source: LPI Six Maps)

3.1 Proposed works and ongoing use

The development is the proposed construction of a brick veneer place of public worship with a colorbond gable roof (6.76m high) located centrally on the site at 21-23 Curlew Crescent Coleambally.

The proposed place of public worship will be generally rectangular in shape, have a total floor area of 359m² and contain a 90 seat church sanctuary and altar in the eastern half of the building and a kitchen, dining room, 2 x classrooms and amenities in the western half of the building.

Construction works include a proposed dual entry/exit driveway (5.5m wide) on either side of the front of the site to access a 22 space car park at the front of the site which includes 4 disabled parking spaces. The driveway on the eastern side of the site will continue down to the rear of the site for vehicle access to the rear.

Post construction the place of public worship will be used for worshipping, religious teaching and meetings of the church leaders.

3.2 Services

Sewage

The development will require connection to the Coleambally sewage system which services the site.

Electricity, water and gas supply and communications

Services are available at the front of the site and connections will be established during construction.

4. MATTERS FOR CONSIDERATION

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

4.1 State Environmental Planning Policies (SEPP's)

SEPP	Title	Compliance	Comment
SEPP	(Biodiversity and Conservation) 2021	Not applicable	
SEPP	Building Sustainability Index: (BASIX) 2004	Not applicable	
SEPP	(Exempt and Complying Development Codes) 2018	Not applicable	
SEPP	(Housing) 2021	Not applicable	
SEPP	(Industry and Employment) 2021	Not applicable	
SEPP 65	Design Quality of Residential Apartment Development	Not applicable	
SEPP	(Planning Systems) 2021	Not applicable	
SEPP	(Precincts-Central River) 2021	Not applicable	
SEPP	(Precincts-Eastern Harbour City) 2021	Not applicable	
SEPP	(Precincts-Regional) 2021	Not applicable	
SEPP	(Precincts-Western Parkland) 2021	Not applicable	
SEPP	(Primary Production) 2021	Not applicable	
SEPP	(Resilience and Hazards) 2021	Not applicable	
SEPP	(Resources and Energy) 2021	Not applicable	
SEPP	(Transport and Infrastructure) 2021	Not applicable	

4.2 Local Environmental Plan

Murrumbidgee Local Environmental Plan 2013

The subject site is zoned RU5 – Village under the provisions of the Murrumbidgee Local Environmental Plan 2013. Places of public worship are permitted with development

4. MATTERS FOR CONSIDERATION

consent on land zoned RU5 and the proposed development meets the objectives of the zoning.

4.3 Development control plans (DCP's) - Murrumbidgee Council

DCP	Title	Compliance	Comment
DCP No. 1	"Village"	Complies	Section 3.3 (a) vi of the DCP permits development for purposes other than housing within the residential precinct. Development other than dwelling houses requires a development application to be lodged. Table 2(a) of the DCP nominates places of public worship as restricted development in the residential precinct.

Note: The Commercial Precinct car parking space ratio require 1 space per 10 seats for places of public worship. This proposal has a ratio of better than 1 space per 5 seats.

4.4 Planning for bushfire protection

The proposed development is a class 9b assembly building and under Section 8 (Other development) of the *Planning for Bushfire Protection 2019* (PBP), assembly buildings are not captured as special fire protection purpose (SFPP) buildings and does not require approval from the Rural Fire Service. However Section 8.3.11 requires public assembly buildings with a floor space area greater than 500m² to consider bush fire protection.

This development is <500m² at 359m² and is not required to consider bushfire protection under the PBP. It is also noted that the nearest vegetation category is 150m away to the south. Vegetation 80m to the north is excluded being 'strip' vegetation greater than 20m from the site and land to the east and west is managed land.

5.1 Air quality

The construction of this place of public worship will have minimal potential for off-site dust impacts and no controls are recommended.

5.2 Noise impacts

The construction will generate noise impacts from vehicle movements and the use of power tools. The works will be limited to day time hours only.

5.3 Waste

Waste generated from the development's construction will be removed by contractors to facilities which can lawfully receive the waste.

5.4 Water quality & stormwater

The proposed development has no potential to impact surface waters and stormwater falling on the new roof and car park will report to the Curlew Crescent infrastructure.

5.5 Traffic

There will be a minor increase in vehicle movements during the construction works. The proposed ongoing use of the development is not traffic generating.

5.6 Visual impacts

The building is setback 22m from the front boundary with proposed landscaping at the front of the site to incorporate the development into the residential locality.

5.7 Overshadowing & privacy

Based on the design and setbacks the solar access and quality of private open space of adjoining neighbours will be unaffected.

5.8 Operations and activities.

The church will be used infrequently, with the only planned use of the building on Saturdays – 10am Bible Study, 11.30am Divine Service & 2pm Youth Meeting and the premises vacated by 4pm. Wednesdays 7pm Prayer Meeting. There are no proposed special services and the church leaders have advised the premises will not be used for weddings or funerals. The church will have a 90 seat capacity but is expected to have about half that number attending a regular Saturday service.

6. CONCLUSION

The proposed development meets the requirements of all the matters for consideration at Section 4.15 of the Environmental Planning and Assessment Act 1979 including the obligations of all the relevant environmental planning instruments that apply to the land. Places of public worship are permitted development at the location and we seek approval from Murrumbidgee Council as the consent authority for the proposed development.

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PROPOSED BRICK VENEER CHURCH

21-23 CURLEW CR, COLEAMBALLY NSW 2707
SEVENTH DAY ADVENTIST REFORM MOVEMENT



DESIGN PLANS ONLY
NOT FOR CONSTRUCTION

QUOTE PLANS
September 11, 2023

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CLIENT SIGNATURE

DRAWING INDEX

SHEET #	SHEET NAME	DESCRIPTION	DATE
1	COVER PAGE	QUOTE PLANS	May 19, 2023
2	GENERAL NOTES	QUOTE PLANS	May 19, 2023
3	SITE PLAN	QUOTE PLANS	May 19, 2023
4	GROUND FLOOR PLAN	QUOTE PLANS	May 19, 2023
5	ELEVATIONS 01	QUOTE PLANS	May 19, 2023
6	ELEVATIONS 02	QUOTE PLANS	May 19, 2023
7	ELECTRICAL PLAN	QUOTE PLANS	May 19, 2023
8	INTERIOR ELEVATIONS 01	QUOTE PLANS	May 19, 2023
9	INTERIOR ELEVATIONS 02	QUOTE PLANS	May 19, 2023
10	INTERIOR ELEVATIONS 03	QUOTE PLANS	May 19, 2023
11	INTERIOR ELEVATIONS 04	QUOTE PLANS	May 19, 2023
12	INTERIOR ELEVATIONS 05	QUOTE PLANS	May 19, 2023
13	INTERIOR ELEVATIONS 06	QUOTE PLANS	May 19, 2023
14	SECTION DRAWINGS	QUOTE PLANS	May 19, 2023
15	CONSTRUCTION DETAILS	QUOTE PLANS	May 19, 2023
16	EXTERIOR PICTORIALS	QUOTE PLANS	May 19, 2023
17	INTERIOR PICTORIALS	QUOTE PLANS	May 19, 2023

COACHWOOD

PROPOSED BRICK VENEER CHURCH

SEVENTH DAY ADVENTIST REFORM MOVEMENT

REVISIONS

	DD/MM/YY	REVISIONS	REMARKS
1	--/--/--	...	
2	--/--/--	...	
3	--/--/--	...	

1

HS

GENERAL NOTES

- All materials and work practices shall comply with, but not limited to the Building Regulations 2018, National Construction Code Series 2019 Building Code of Australia Vol 2 and all relevant current Australian Standards (as amended) referred to therein.
- Unless otherwise specified, the term BCA shall refer to National Construction Code Series 2019 Building Code of Australia Volume 2.
- All materials and construction practice shall meet the Performance Requirements of the BCA. Where a performance solution is proposed then, prior to implementation or installation, it first must be assessed and approved by the Relevant Building Surveyor as meeting the Performance Requirements of the BCA.
- Glazing, including safety glazing, shall be installed to a size, type and thickness so as to comply with: - BCA Part 3.6 for Class 1 and 10 Buildings within a design wind speed of not more than N3; and - BCA Vol 1 Part B1.4 for Class 2 and 9 Buildings.
- Waterproofing of wet areas, being bathrooms, showers, shower rooms, laundries, sanitary compartments and the like shall be provided in accordance with AS 3740-2010: Waterproofing of Domestic Wet Areas.
- Step sizes (other than for spiral stairs) to be:
 - Risers (R) 190mm maximum and 115mm minimum
 - Going (G) 355mm maximum and 240mm minimum
 - 2R + 1G = 700mm maximum and 550mm minimum
 - with less than 125mm gap between open treads.
- Provide barriers where change in level exceeds 1000mm above the surface beneath landings, ramps and/or treads. Barriers (other than tensioned wire barriers) to be:
 - 1000mm min. above finished surface level of balconies, landings or the like, and
 - 865mm min. above finished surface level of stair nosing or ramp, and
 - vertical with less than 125mm gap between,
 - any horizontal element within the barrier between 150mm and 760mm above the floor must not facilitate climbing where changes in level exceeds 4000mm above the surface beneath landings, ramps and/or treads.
 Wire barrier construction to comply with NCC 2019 BCAPart 3.9.2.3 for Class 1 and 10 Buildings and NCC 2019 BCA Volume 1 Part D2.16 for other Classes of Buildings. Top of hand rails to be minimum 865mm vertically above stair nosing and floor surface of ramps.
- Window sizes nominated are nominal only. Actual size may vary according to manufacturer. Windows to be flashed all around.
- Where the building (excludes a detached Class 10) is Located in a termite prone area the building is to be Provided with a termite management system.
- All sewerage to be taken to the legal point of discharge to the Relevant Authorities approval.
- These drawings shall be read in conjunction with all relevant structural and all other consultants drawings /details and with any other written instructions issued in the course of the building contract.
- Site plan measurements in metres, all other measurements in millimetres u.n.o.
- Figured dimensions take precedence over scaled dimensions.
- The Builder and Subcontractors shall check and verify all dimensions, setbacks, levels and specifications and all other relevant documentation prior to the commencement of any works. Report all discrepancies to this Office for clarification.
- These drawings shall be read in conjunction with all relevant structural and all other consultants drawings /details and with any other written instructions issued in the course of the building contract.
- 90mm DIA. Class 6 UPVC stormwater line laid to a minimum grade of 1:100 and connected to the legal point of stormwater discharge. Provide inspection openings at 9000mm C/C and at each change of direction. The cover to underground stormwater drains shall be not less than :
 - 100mm under soil
 - 50mm under paved or concrete areas
 - 100mm under unreinforced concrete or paved driveways
 - 75mm under reinforced concrete driveways

WINDOW SCHEDULE

TAG	HEIGHT	WIDTH	LOCATION	FUNCTION	WINDOW DESCRIPTION	ORIENTATION	U-VALUE	SHGC
W01	1100	600	FEMALE TOILETS	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W02	1100	600	FEMALE TOILETS	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W03	1100	600	FEMALE TOILETS	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W04	1800	1800	KIDS ROOM	AWNING	ALUMINIUM CLEAR SINGLE	TBC	TBC	TBC
W05	1200	3468	KITCHEN	FIXED	ALUMINIUM CLEAR SINGLE	TBC	TBC	TBC
W06	1800	2400	SANCTUARY	AWNING	ALUMINIUM CLEAR SINGLE	TBC	TBC	TBC
W07	1800	2400	SANCTUARY	AWNING	ALUMINIUM CLEAR SINGLE	TBC	TBC	TBC
W08	1800	2400	SANCTUARY	AWNING	ALUMINIUM CLEAR SINGLE	TBC	TBC	TBC
W09	1800	2400	SANCTUARY	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W10	1800	2400	SANCTUARY	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W11	1800	2400	SANCTUARY	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W12	1800	2400	SANCTUARY	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W13	1800	900	FOYER	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W14	1800	900	FOYER	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W15	1800	900	FOYER	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W16	1800	2400	DINING	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W17	1800	2400	DINING	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W18	1800	2400	OFFICE	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W19	1800	900	MENS TOILET	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W20	1800	600	ACCESS TOILET	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC
W21	1800	900	FEMALE TOILETS	AWNING	ALUMINIUM OBSCURE SINGLE	TBC	TBC	TBC

DOOR SCHEDULE

TAG	HEIGHT	WIDTH	DOOR WIDTHS	SIDELITE	HIGHLITE	LOCATION	FUNCTION	DOOR DESCRIPTION	ORIENTATION	GLAZING
D01	2135	2300	1150	-	-	KIDS ROOM	SLIDING	ALUMINIUM GLAZED	TBC	SINGLE CLEAR
D02	2135	2700	1350	-	-	DINING	SLIDING	ALUMINIUM GLAZED	TBC	SINGLE CLEAR
D03	2100	1640	2/ 820	-	-	FOYER	HINGED	ALUMINIUM GLAZED	TBC	SINGLE CLEAR

INTERNAL DOORS

ALL INTERNAL DOORS TO BE 2340 HIGH FLAT PANEL

QUOTE PLANS
September 11, 2023

COACHWOOD

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Coachwood Developments Pty Ltd.
www.coachwoodhomes.com.au
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Builder Lic: 268013C

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E: stuart@coachwoodhomes.com.au
Lachlan John
M: 0400 946 398
E: lachlan@coachwoodhomes.com.au

CLIENT
SEVENTH DAY ADVENTIST
REFORM MOVEMENT
21-23 CURLEW CR,
COLEAMBALLY NSW 2707

PROJECT
PROPOSED BRICK VENEER
CHURCH

DRAWN BY
DRAFT STUDIO
Jarred John

MODIFIED DATE
May 19, 2023

GENERAL NOTES

QP 2

PROJECT DESCRIPTION: PROPOSED BRICK VENEER CHURCH

SITE ADDRESS: 21-23 CURLEW CR, COLEAMBALLY NSW 2707
 LOCAL COUNCIL: GRIFFITH CITY COUNCIL

SITE SETBACK

MINIMUM SETBACK: TBC
 PROPOSED SETBACK: TBC
 EXISTING BUILDING SETBACK (LHS): TBC
 EXISTING BUILDING SETBACK (RHS): TBC

SIDE AND REAR SETBACKS

SIDE SETBACK (LHS): TBC
 SIDE SETBACK (RHS): TBC
 REAR SETBACK: TBC

ALLOTMENT

ALLOTMENT SIZE: TBC

BUILDING ELEVATION

BUILDING OVERALL HEIGHT:

SLOPE OF NATURAL GROUND

SLOPE TBC

SITE COVERAGE

ALLOTMENT AREA: TBC
 MAXIMUM SITE COVERAGE OF 60% ALLOWABLE: TBC
 MAXIMUM SITE COVERAGE PROPOSED: TBC

PERMEABILITY

ALLOTMENT AREA:
 MINIMUM PERMEABLE SURFACE OF 20% ALLOWABLE: TBC
 MINIMUM PERMEABLE SURFACE PROPOSED: TBC

**DESIGN PLANS ONLY
 NOT FOR CONSTRUCTION**

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**QUOTE PLANS
 September 11, 2023**

LEGEND	
NAME	SYMBOL
STORMWATER LAYOUT (INDICATIVE ONLY)	-----
BOUNDARY SETBACK	-----
BOUNDARY	○-----○
SEWER MAIN	— S — S
SEWER EASEMENT SETBACK	-----
STORMWATER EASEMENT	XXXXXX

COACHWOOD

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 COLEAMBALLY NSW 2707

PROJECT
 PROPOSED BRICK VENEER
 CHURCH

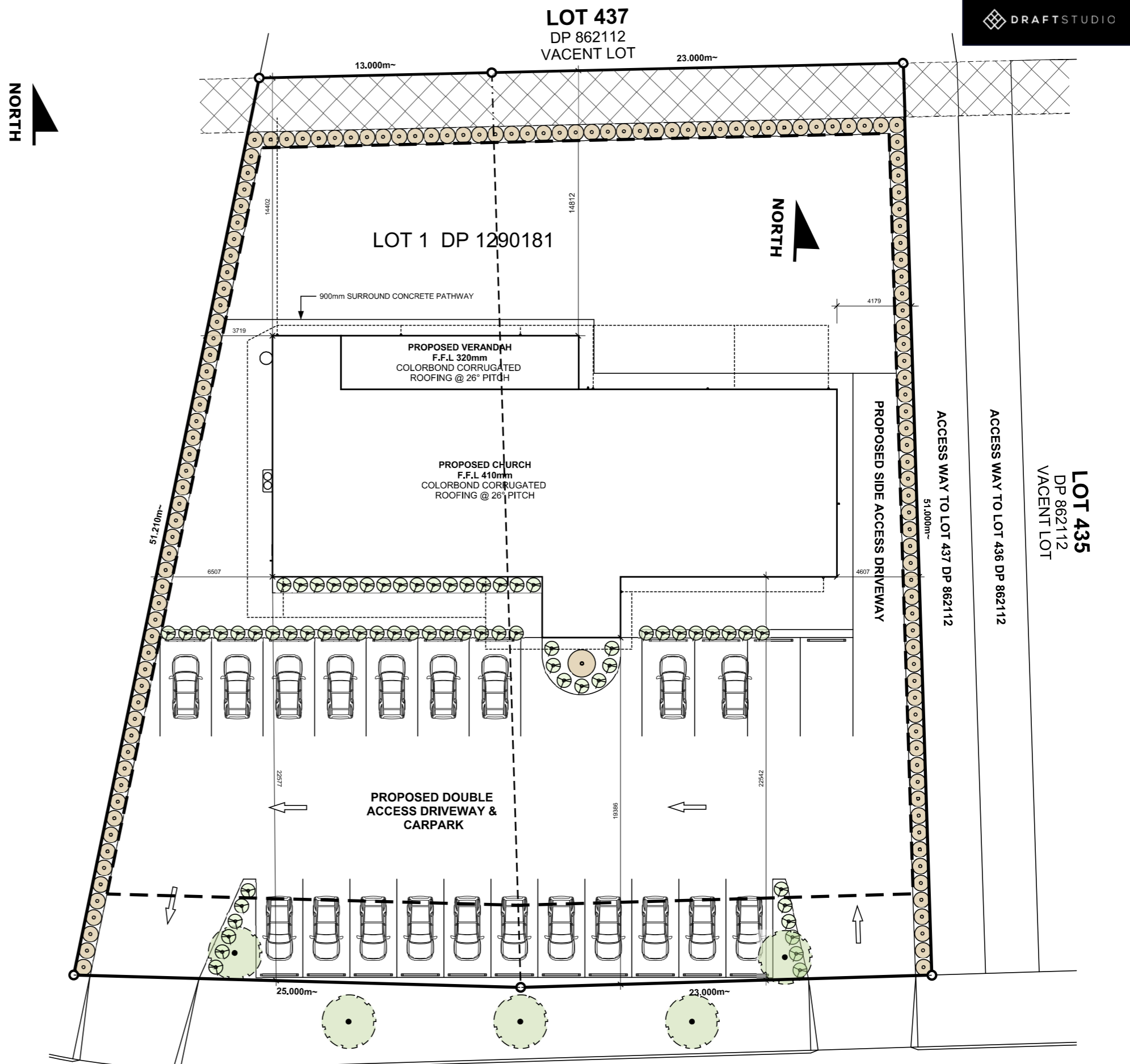
DRAWN BY
 DRAFT STUDIO
 Jarred John

MODIFIED DATE
 May 19, 2023

SITE PLAN

QP 3

SCALE 1:400 @ A3





GENERAL NOTES

ENERGY EFFICIENCY ASSESSMENT:
BUILDING FABRIC REQUIRED TO ACHIEVE COMPLIANCE AS PER BASIX REPORT. REFER TO SECTIONS FOR BUILDING FABRIC DETAILS.

TERMITE PROTECTION:
ALL PRIMARY BUILDING ELEMENTS TO COMPLY WITH NCC 2019 BCA PART 3.1.4 TERMITE RISK MANAGEMENT & AS 3680.1-2000. FRAMEWORK BLUE TREATED TIMBER FRAMING TO ALL STRUCTURAL FRAMING MEMBERS AS FORM OF TERMITE PROTECTION.

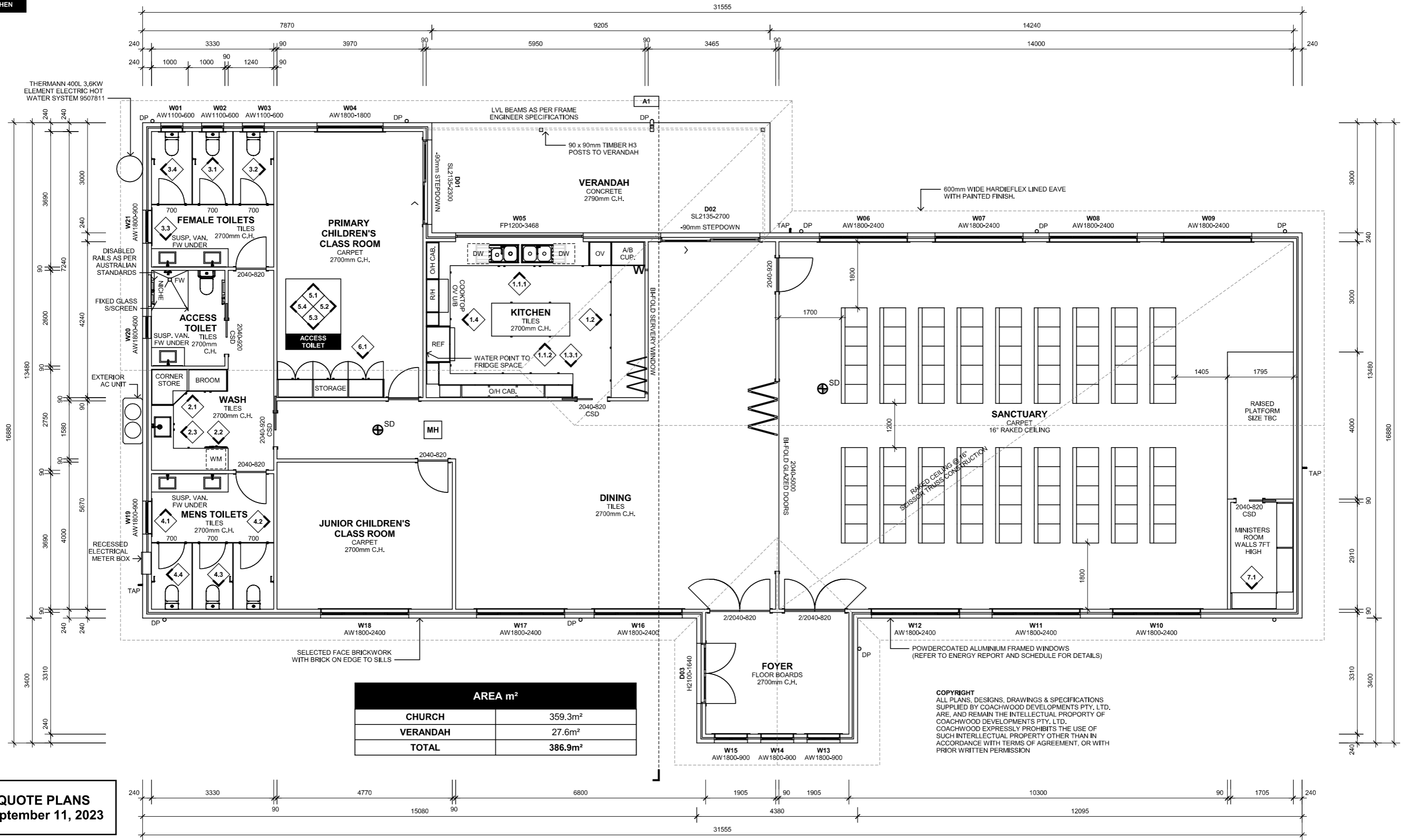
GLAZING:
ALL GLAZING TO COMPLY WITH NCC 2019 BCA PART 3.6 GLAZING AND COMPLY WITH AS 1684-2010 & AS 2047-2014.

WET AREAS:
ALL WET AREAS TO COMPLY WITH NCC 2019 BCA PART 3.8.1.2 WET AREAS IN ACCORDANCE WITH TABLE 3.8.1.1 & AS 3740-2010 CLAUSE 3.13.5.

WIND CLASSIFICATION:
SITE WIND CATEGORY CLASSIFICATION AS PER AS 4055-2012. BRACING AND TIE-DOWN REQUIREMENTS TO COMPLY WITH AS 1684-2010.

SMOKE DETECTORS:
MAINS SOURCED AND INTERCONNECTED SMOKE DETECTORS TO BE INSTALLED DIRECTLY WIRED TO SWITCHBOARD AS PER NCC 2019 BCA PART 3.7.5.2 & AS 3786.

AREA CALCULATION
RESIDENCE LIVING AREA: 301m²
PORCH AREA: 7.5m²
VERANDA AREA: 133.1m²
ALFRESCO AREA: 33.5m²
TOTAL AREA: 475.1m²



AREA m ²	
CHURCH	359.3m ²
VERANDAH	27.6m ²
TOTAL	386.9m²

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QUOTE PLANS
September 11, 2023



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Lachlan John
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CLIENT
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REFORM MOVEMENT
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PROJECT
PROPOSED BRICK VENEER
CHURCH

DRAWN BY
DRAFT STUDIO
Jarred John

MODIFIED DATE
May 19, 2023

GROUND FLOOR PLAN

QP 4

SCALE 1:100 @ A3

GENERAL NOTES

ENERGY EFFICIENCY ASSESSMENT:
BUILDING FABRIC REQUIRED TO ACHIEVE COMPLIANCE AS PER BASIX REPORT, REFER TO SECTIONS FOR BUILDING FABRIC DETAILS.

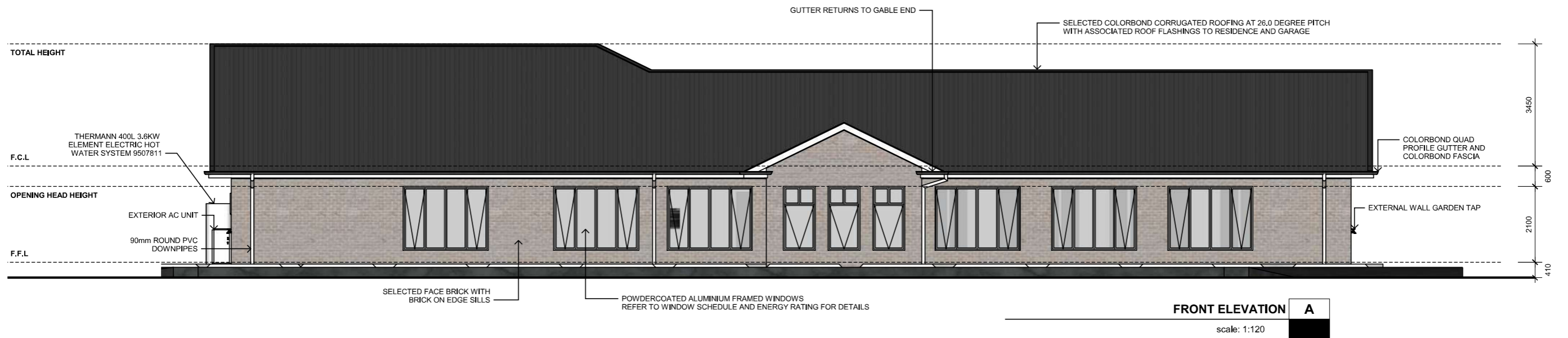
TERMITE PROTECTION:
ALL PRIMARY BUILDING ELEMENTS TO COMPLY WITH NCC 2019 BCA PART 3.1.4 TERMITE RISK MANAGEMENT & AS 3660.1-2000. FRAMESURE BLUE TREATED TIMBER FRAMING TO ALL STRUCTURAL FRAMING MEMBERS AS FORM OF TERMITE PROTECTION.

GLAZING:
ALL GLAZING TO COMPLY WITH NCC 2019 BCA PART 3.6 GLAZING AND COMPLY WITH AS 1684-2010 & AS 2047-2014.

WET AREAS:
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WIND CLASSIFICATION:
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SMOKE DETECTORS:
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QUOTE PLANS
September 11, 2023



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PROJECT
PROPOSED BRICK VENEER
CHURCH

DRAWN BY
DRAFT STUDIO
Jarred John
MODIFIED DATE
May 19, 2023

ELEVATIONS 01
QP 5
SCALE 1:120 @ A3

GENERAL NOTES

ENERGY EFFICIENCY ASSESSMENT:
BUILDING FABRIC REQUIRED TO ACHIEVE COMPLIANCE AS PER BASIX REPORT, REFER TO SECTIONS FOR BUILDING FABRIC DETAILS.

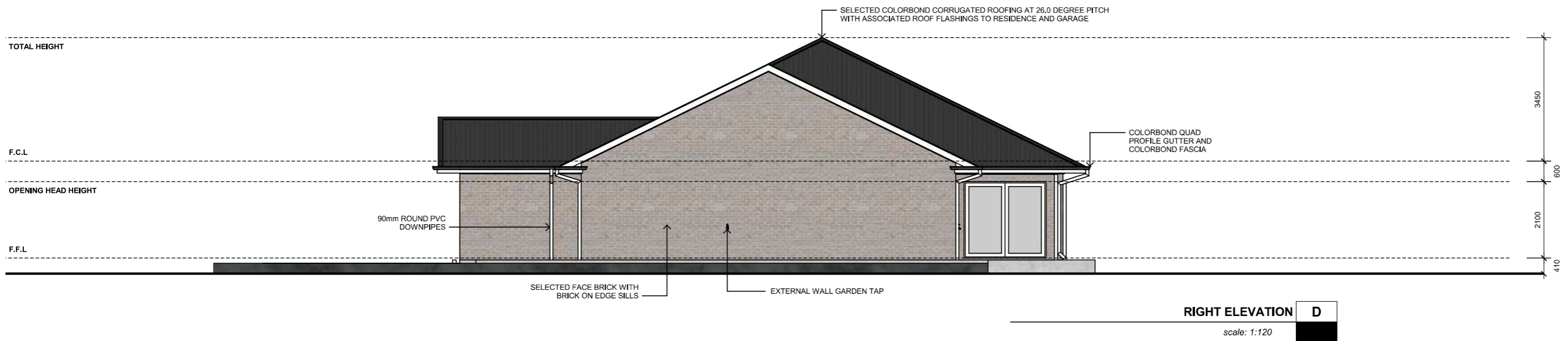
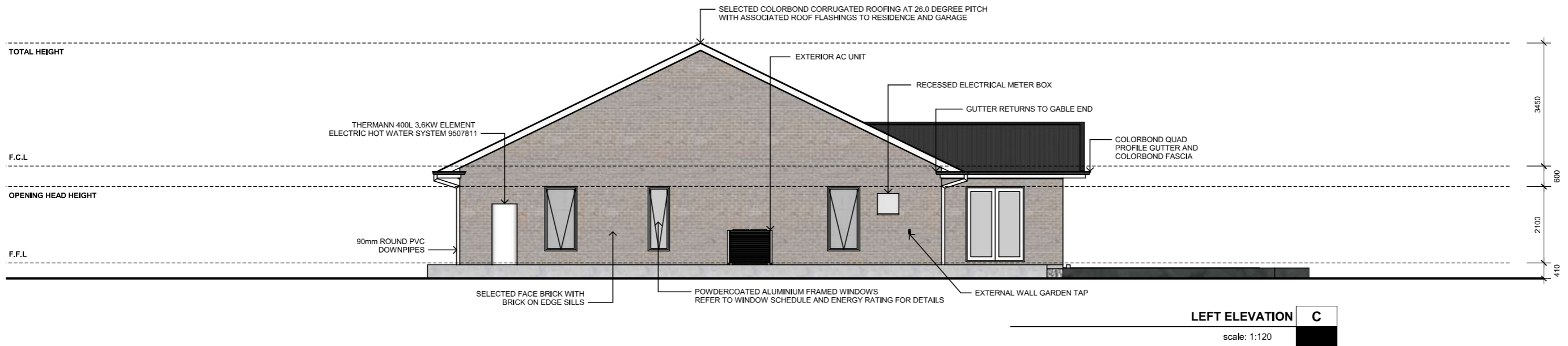
TERMITE PROTECTION :
ALL PRIMARY BUILDING ELEMENTS TO COMPLY WITH NCC 2019 BCA PART 3.1.4 TERMITE RISK MANAGEMENT & AS 3660.1-2000. FRAMESURE BLUE TREATED TIMBER FRAMING TO ALL STRUCTURAL FRAMING MEMBERS AS FORM OF TERMITE PROTECTION.

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WET AREAS :
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WIND CLASSIFICATION :
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QUOTE PLANS
September 11, 2023



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PROJECT
PROPOSED BRICK VENEER
CHURCH

DRAWN BY
DRAFT STUDIO
Jarred John

MODIFIED DATE
May 19, 2023

ELEVATIONS 02
QP 6
SCALE 1:120 @ A3

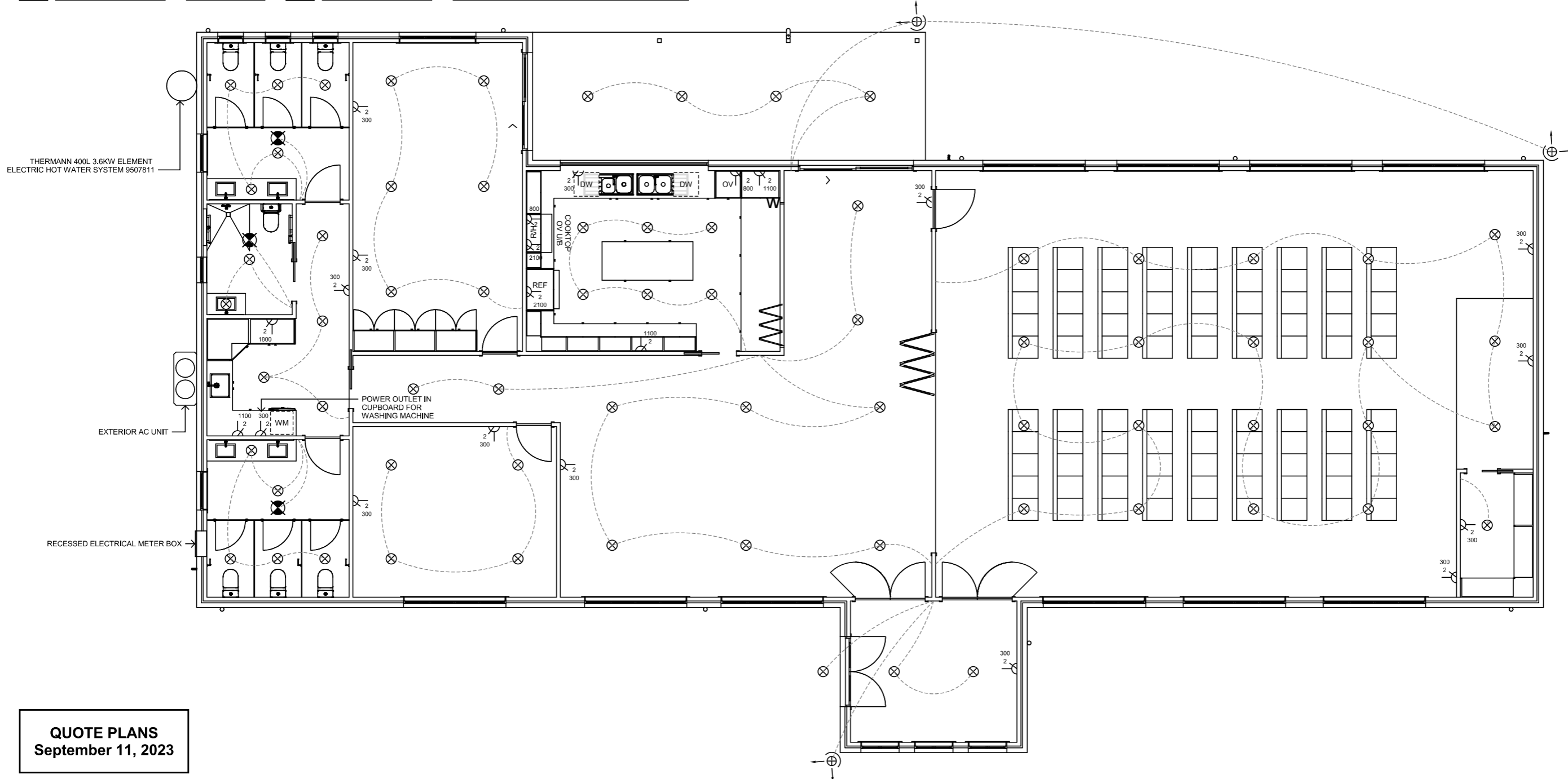
LEGEND

LIGHTING POINTS	ITEM SYMBOL			
	ITEM DESCRIPTION	LED DOWNLIGHT	FLOOD LIGHT	
POWER OUTLETS	ITEM SYMBOL			
	ITEM DESCRIPTION	POWER OUTLET DOUBLE	POWER OUTLET EXTERIOR DOUBLE	
MISC	ITEM SYMBOL		DATA & TV POINTS	
	ITEM DESCRIPTION	EXHAUST FAN	ITEM DESCRIPTION	
		DATA POINT	NBN CONNECTION POINT	TV POINT

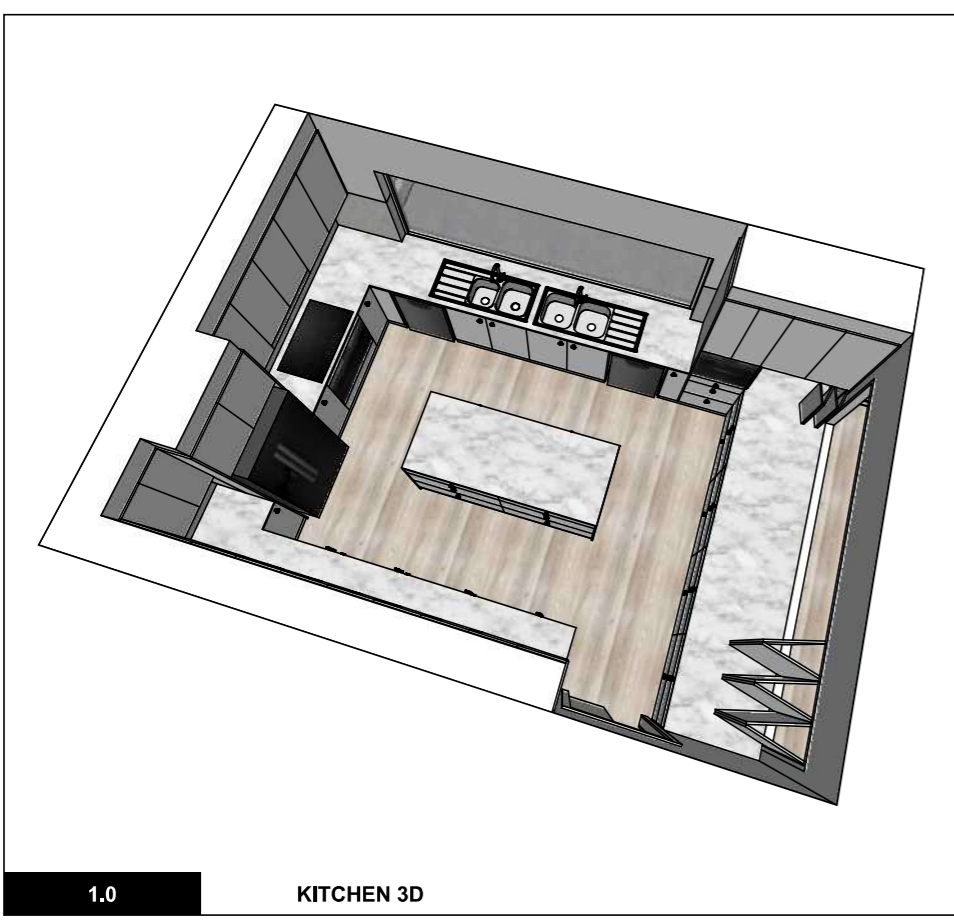
GENERAL NOTES

ARTIFICIAL LIGHTING :
 ARTIFICIAL LIGHTING TO COMPLY WITH NCC PART 3.12.5.5
 ALL CEILING MOUNTED LIGHT FIXTURES TO BE CENTRALLY LOCATED AS SPECIFIED, SUBJECT TO LOCATION OF ROOF TRUSSES.

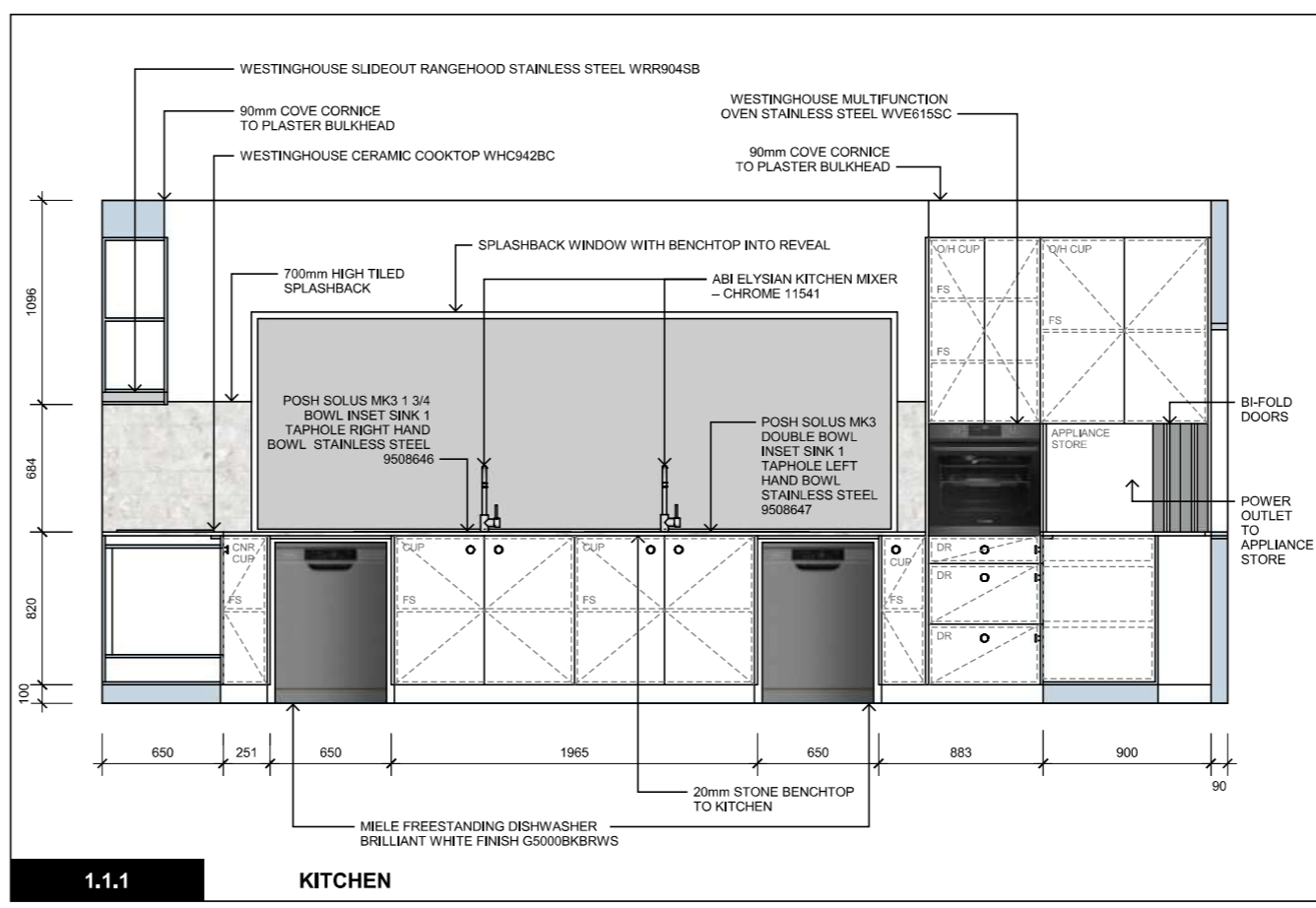
ELECTRICAL POINTS :
 LOCATIONS TO BE DISCUSSED ON-SITE WITH ELECTRICAL CONTRACTOR.
 SMOKE DETECTORS TO BE INSTALLED DIRECTLY WIRED TO SWITCHBOARD AS PER NCC 2019 BCA PART 3.7.5.2 & AS 3786.



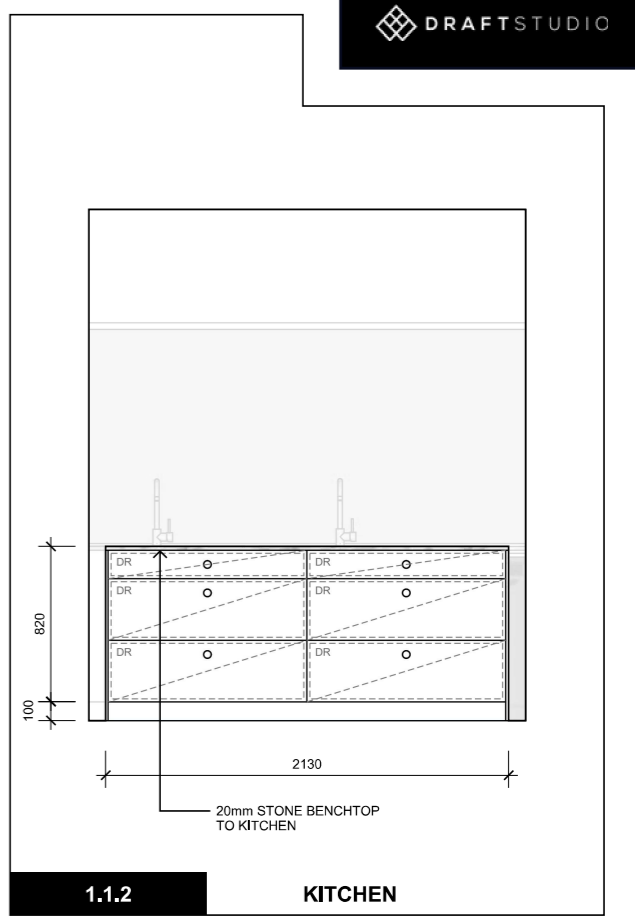
QUOTE PLANS
 September 11, 2023



1.0 KITCHEN 3D

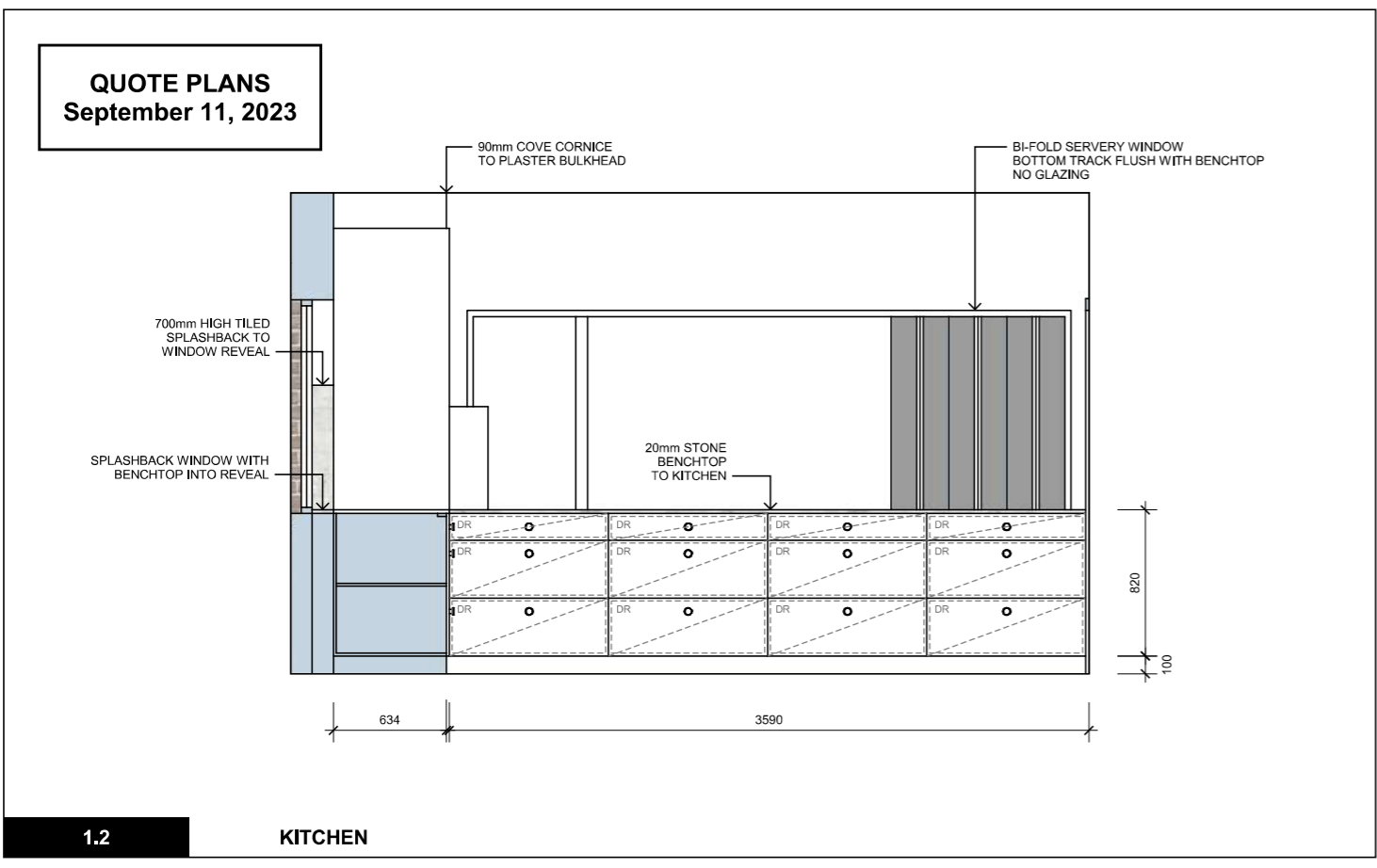


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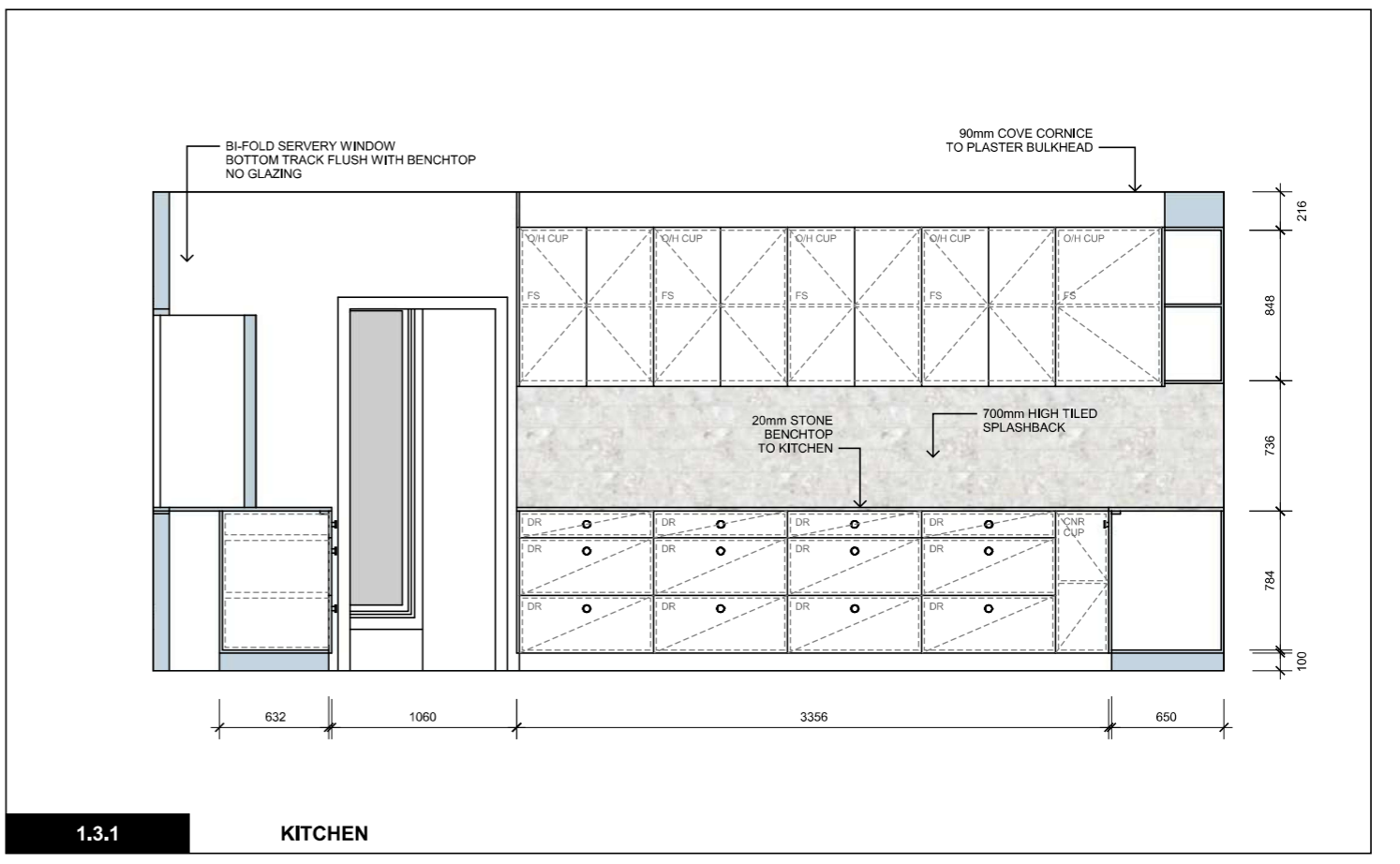


1.1.2 KITCHEN

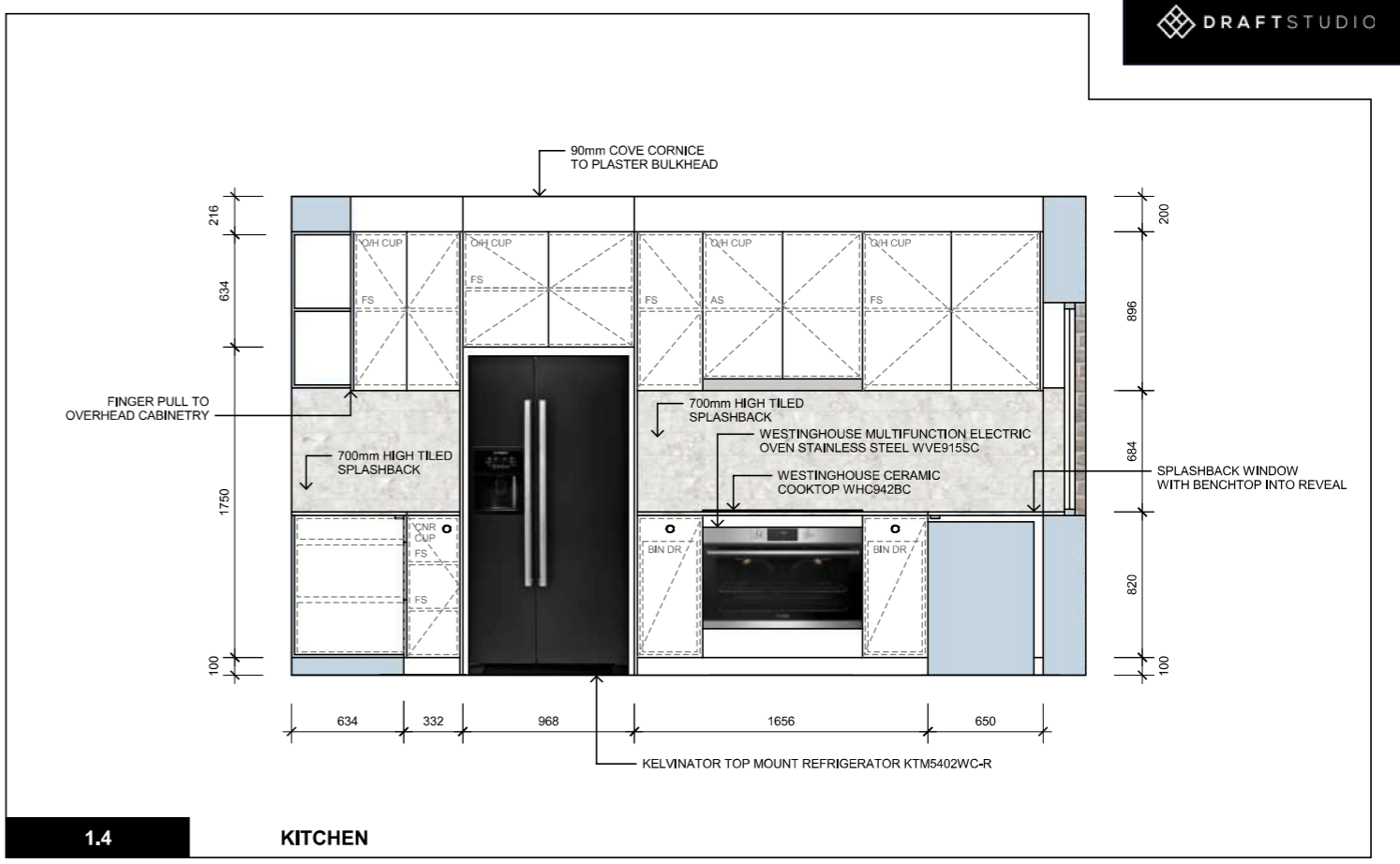
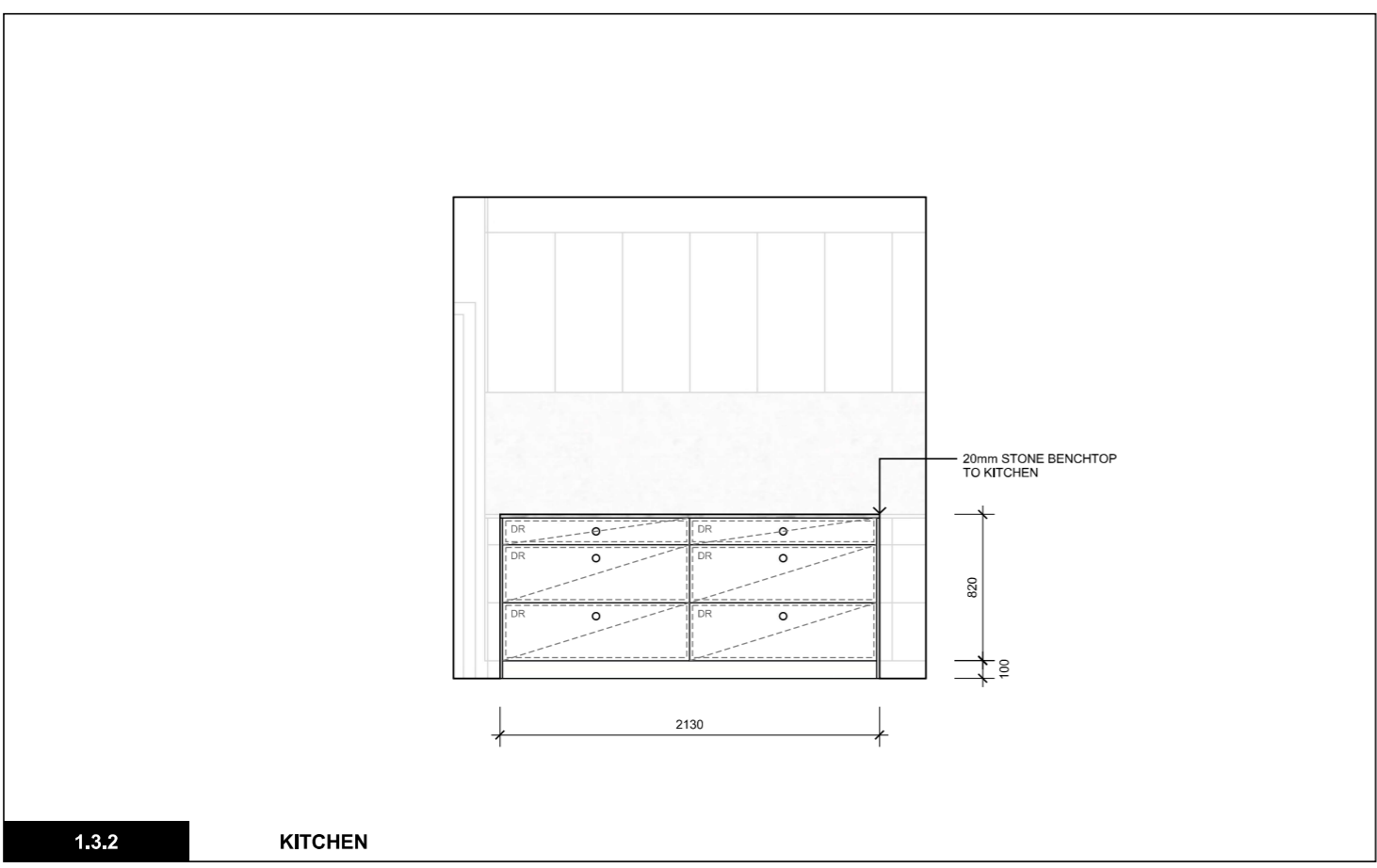
QUOTE PLANS
September 11, 2023



1.2 KITCHEN



1.3.1 KITCHEN

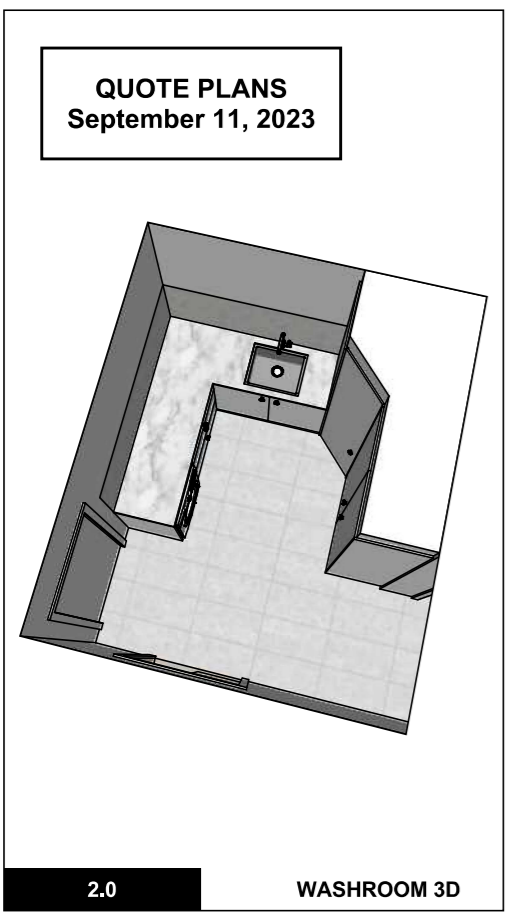


1.3.2

KITCHEN

1.4

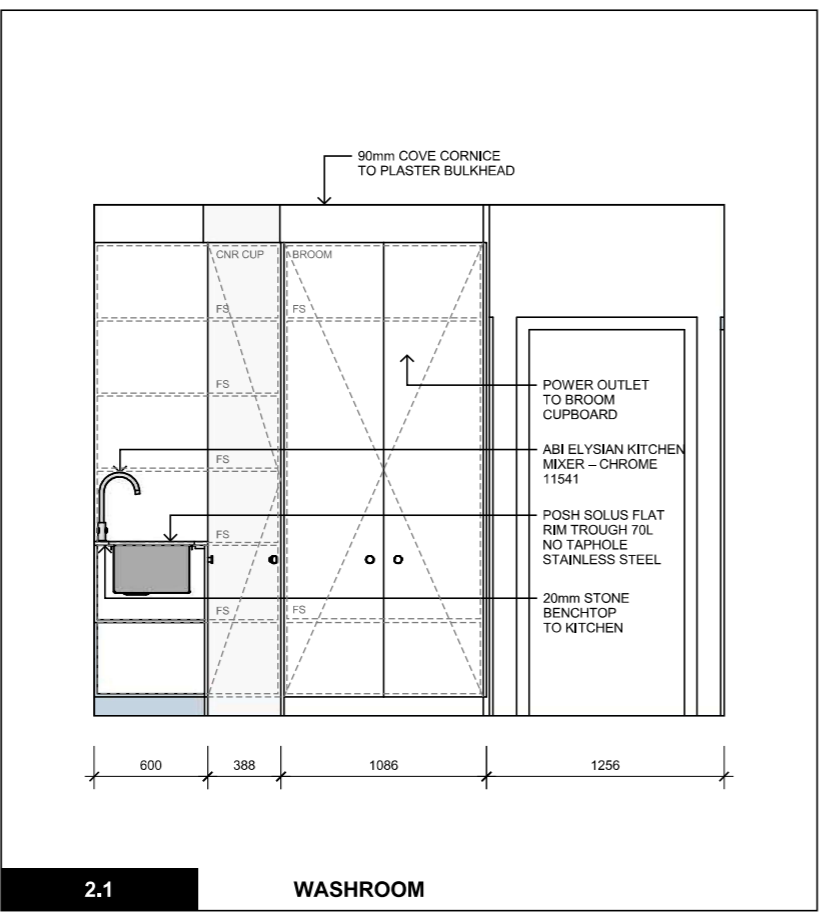
KITCHEN



QUOTE PLANS
September 11, 2023

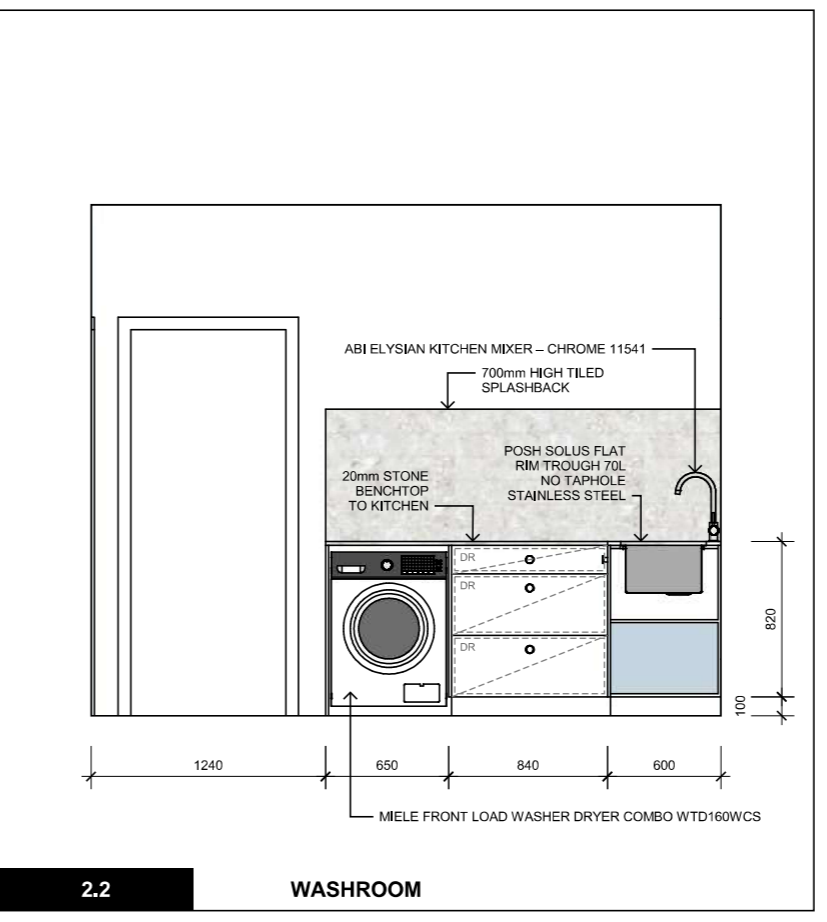
2.0

WASHROOM 3D



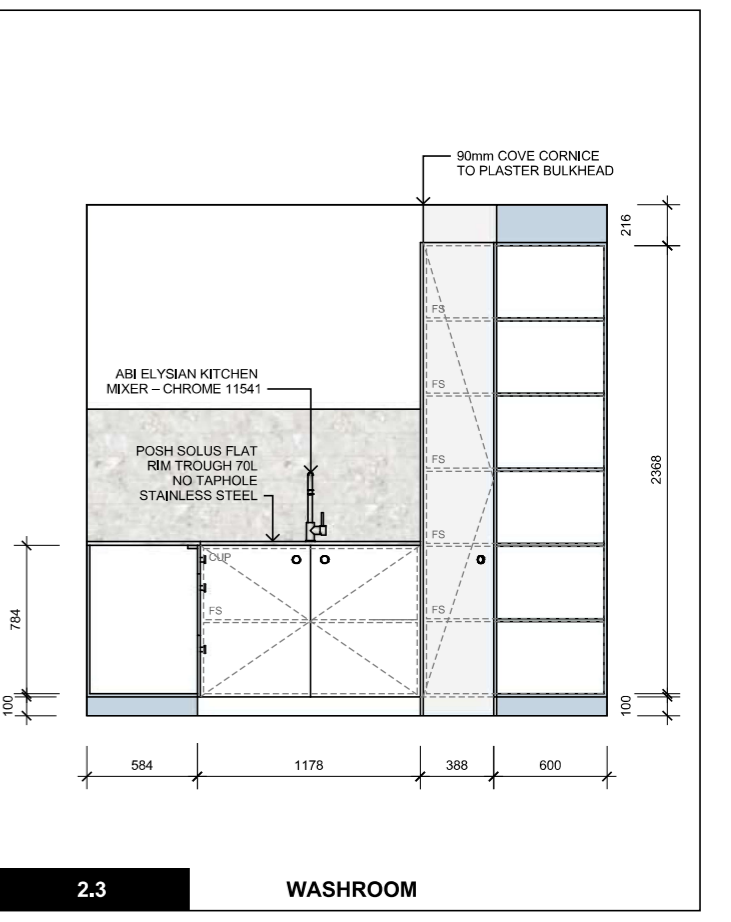
2.1

WASHROOM



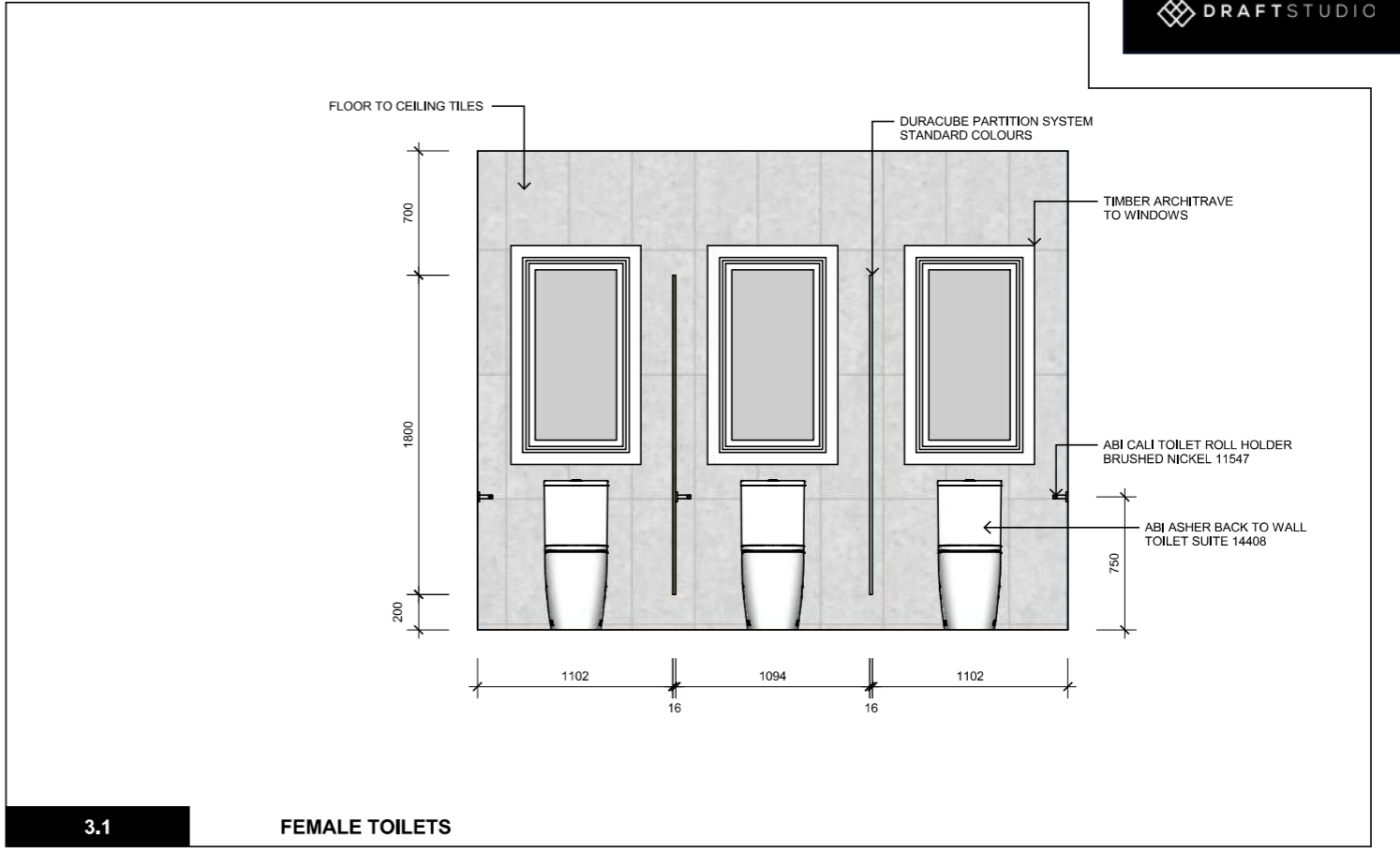
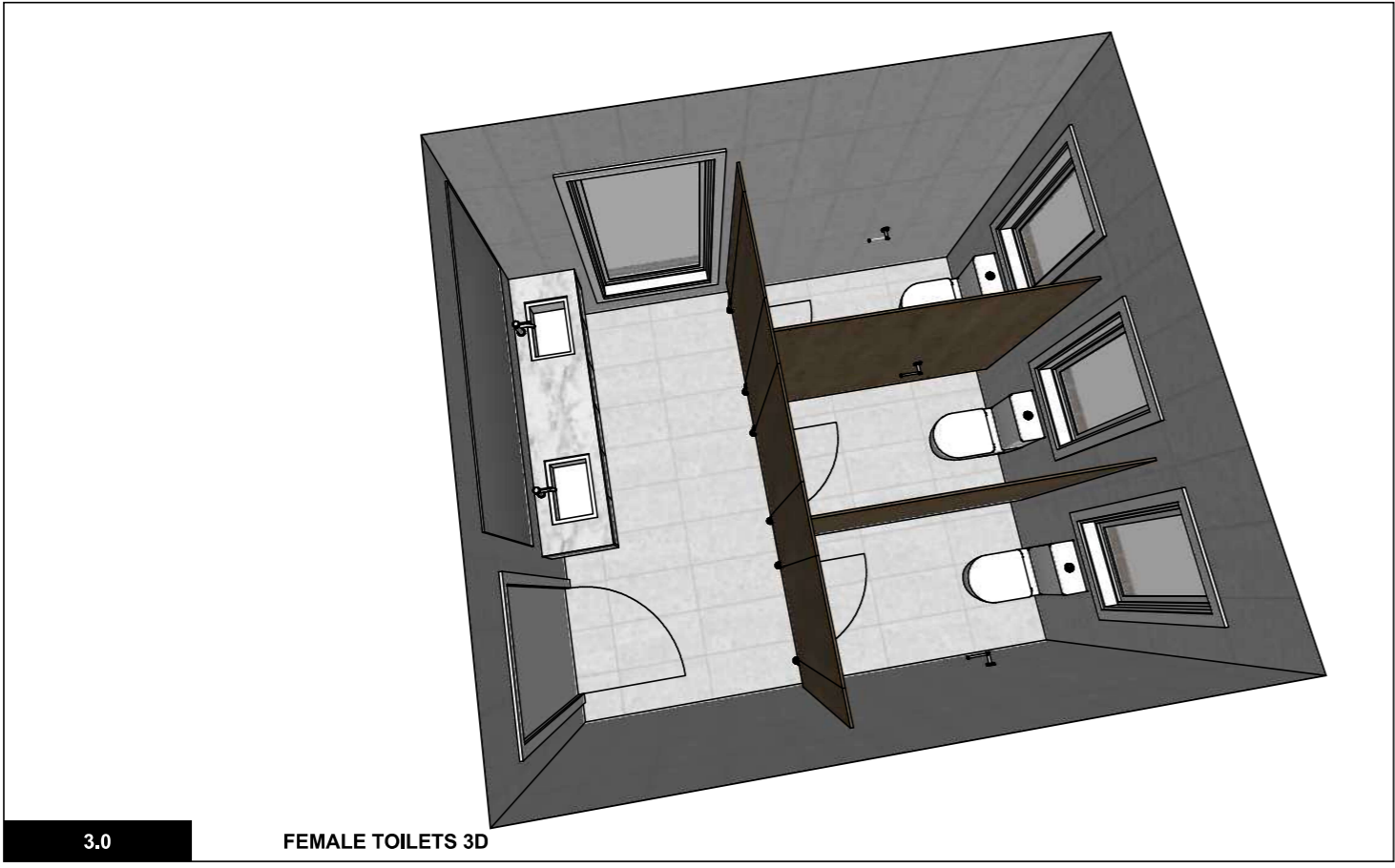
2.2

WASHROOM



2.3

WASHROOM

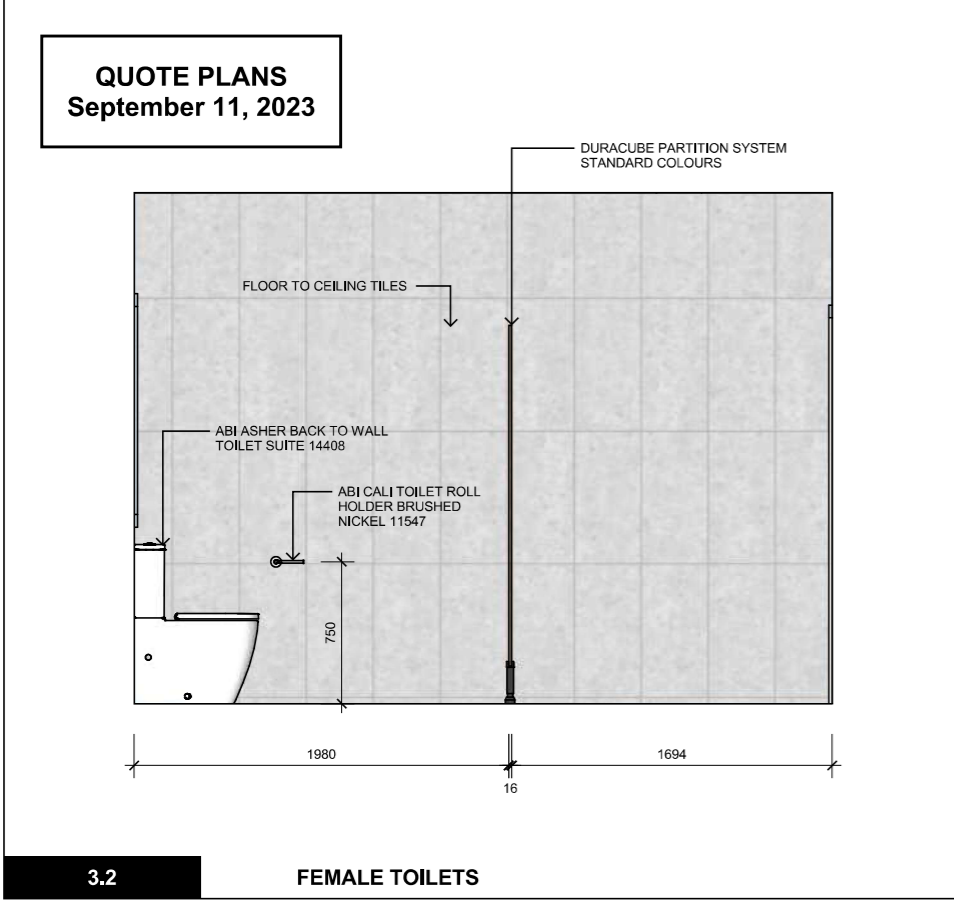


3.0

FEMALE TOILETS 3D

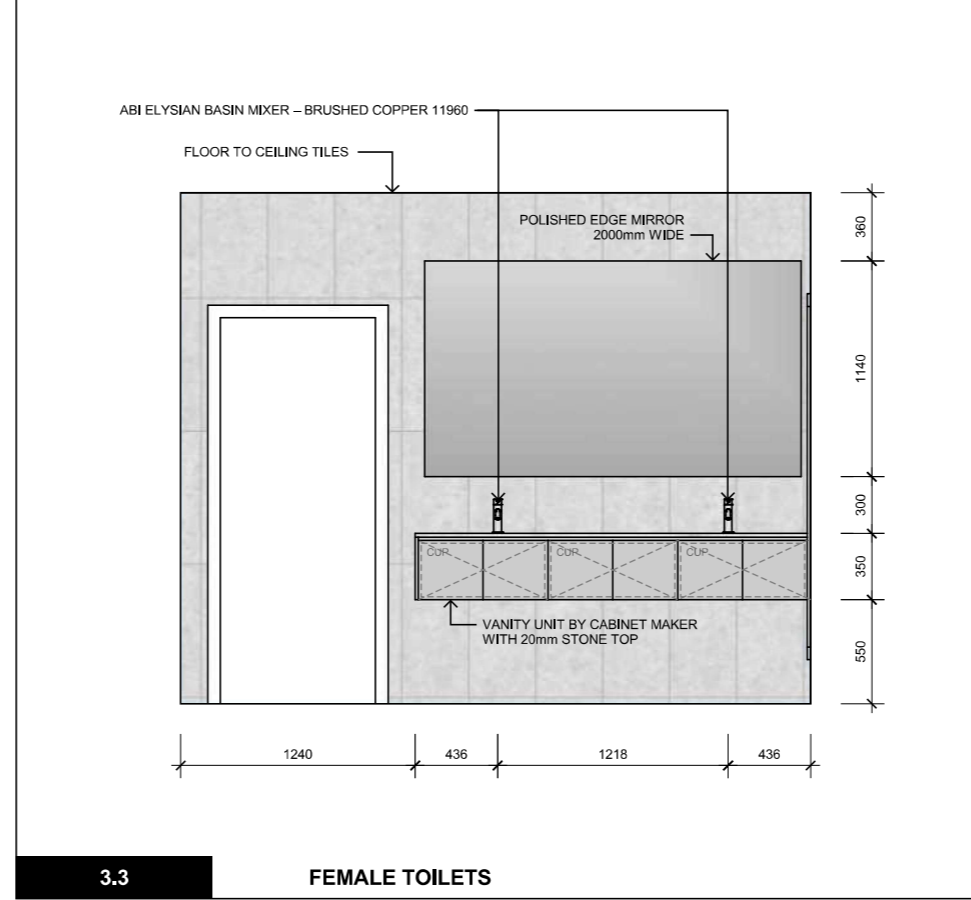
3.1

FEMALE TOILETS



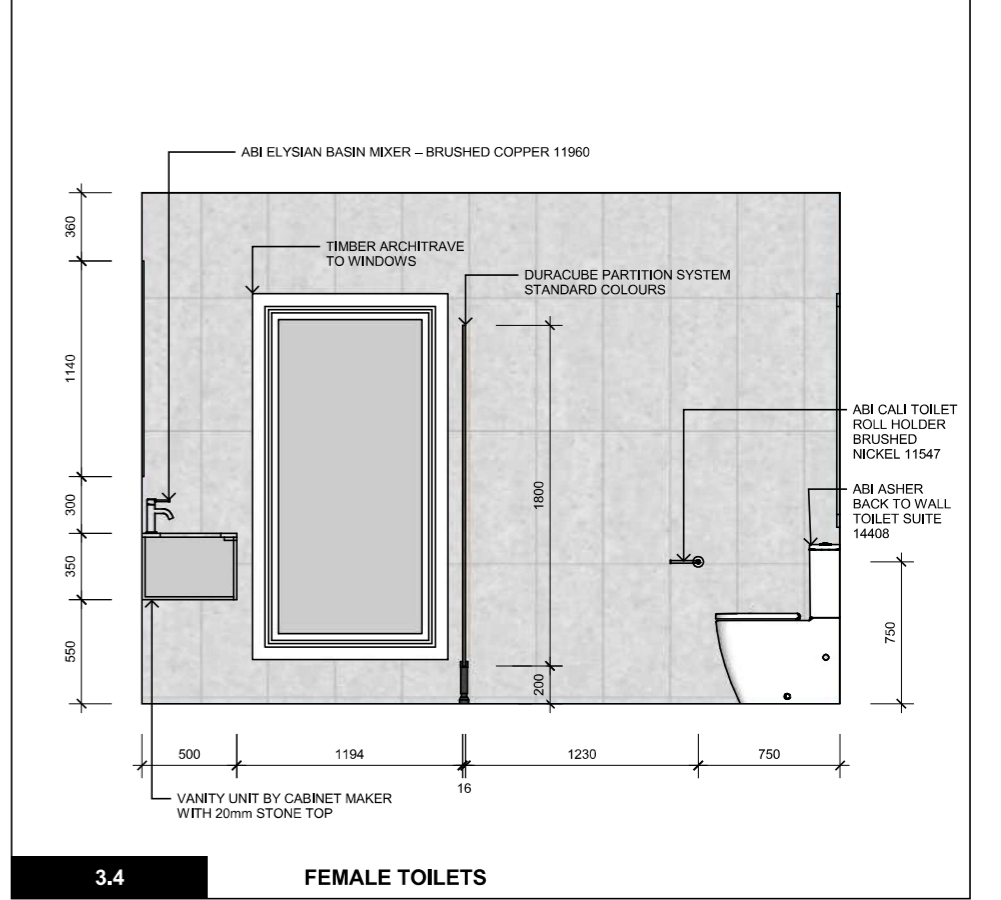
3.2

FEMALE TOILETS



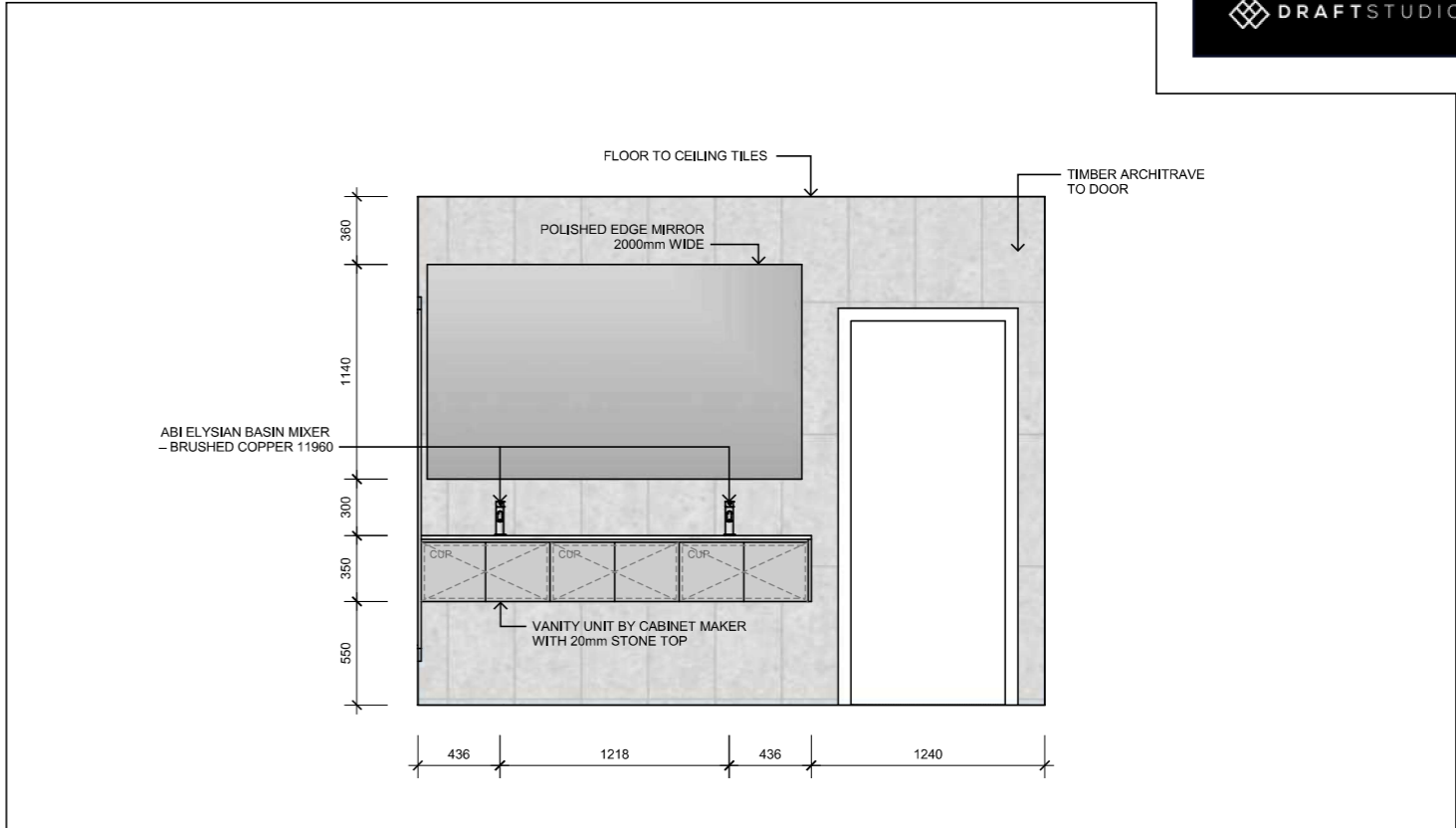
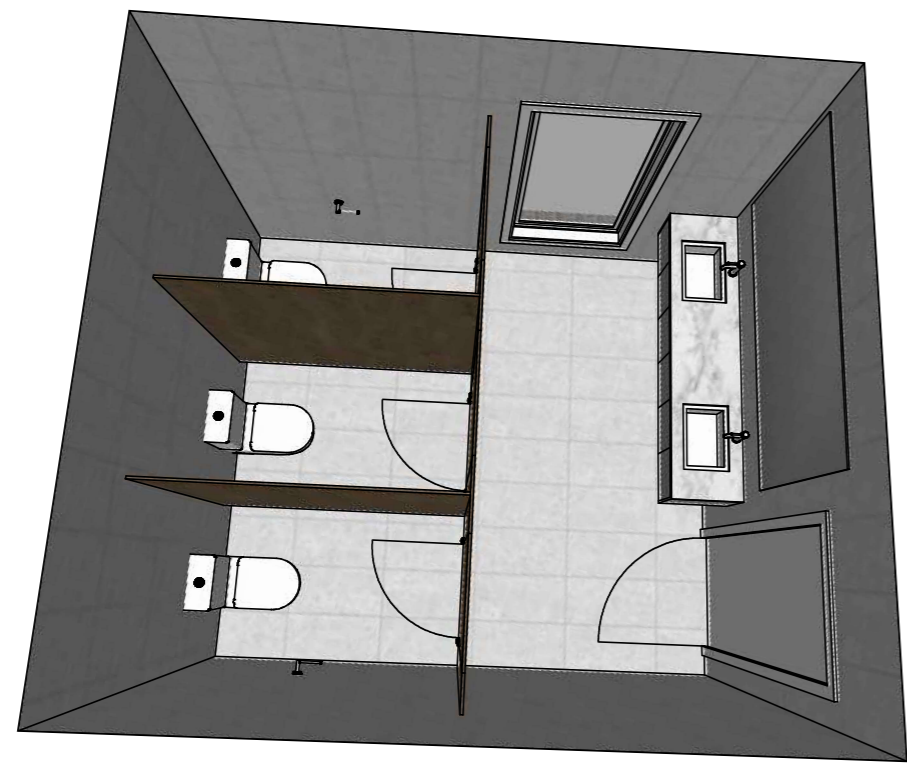
3.3

FEMALE TOILETS



3.4

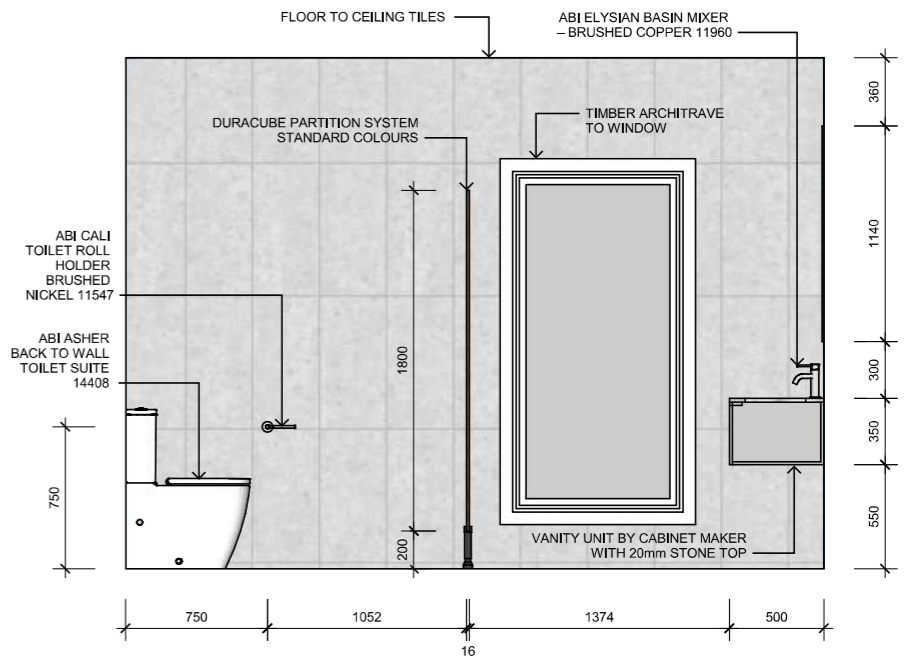
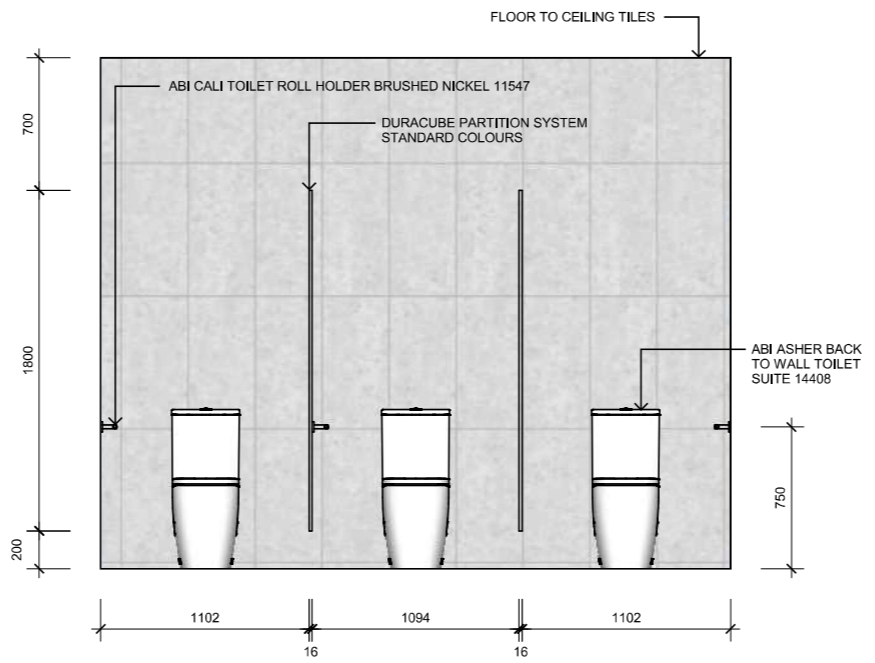
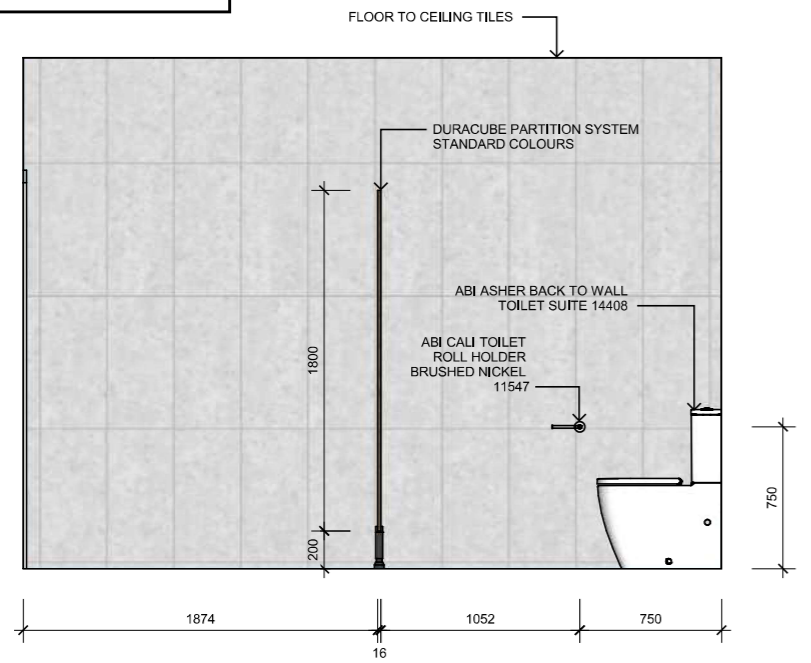
FEMALE TOILETS



4.0 MALE TOILETS 3D

4.1 MALE TOILETS

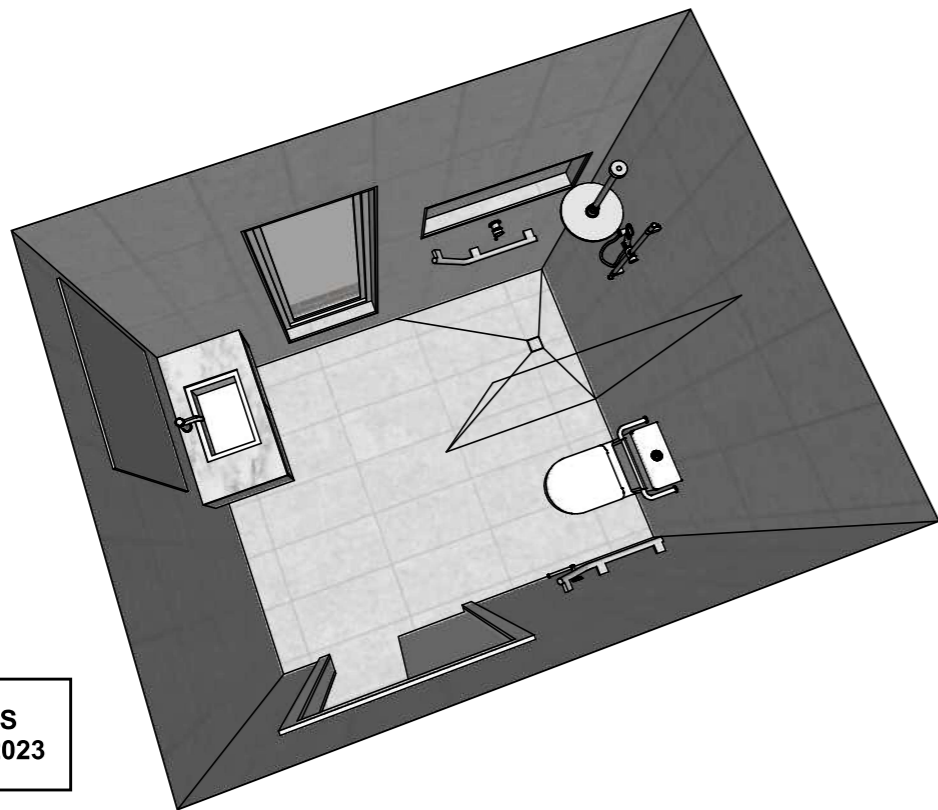
QUOTE PLANS
September 11, 2023



4.2 MALE TOILETS

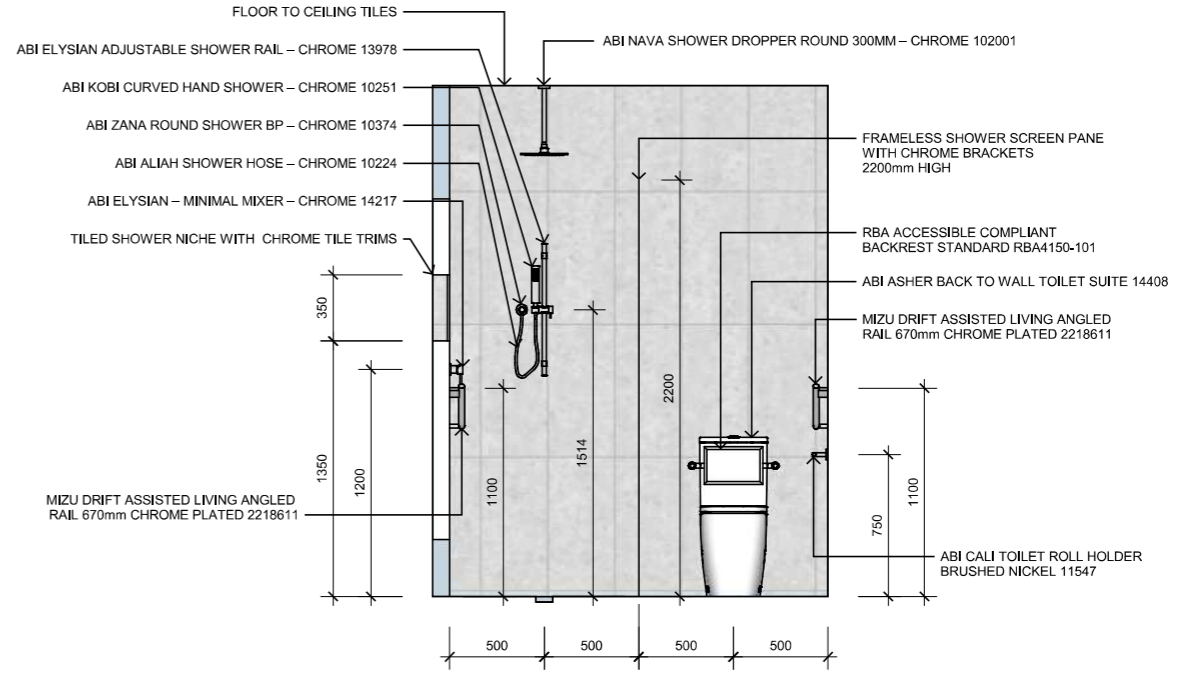
4.3 MALE TOILETS

4.4 MALE TOILETS

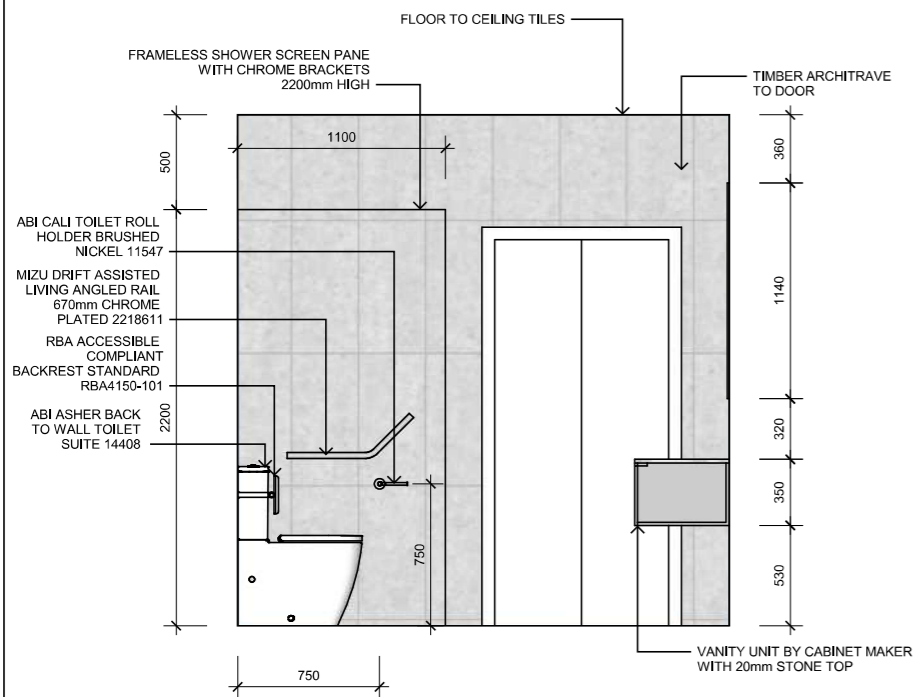


QUOTE PLANS
September 11, 2023

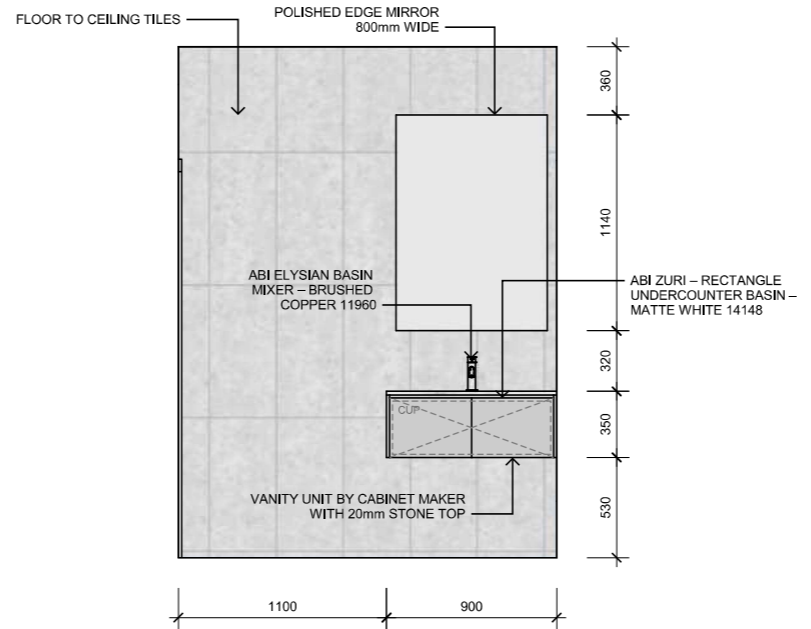
5.0 DISABLED TOILET 3D



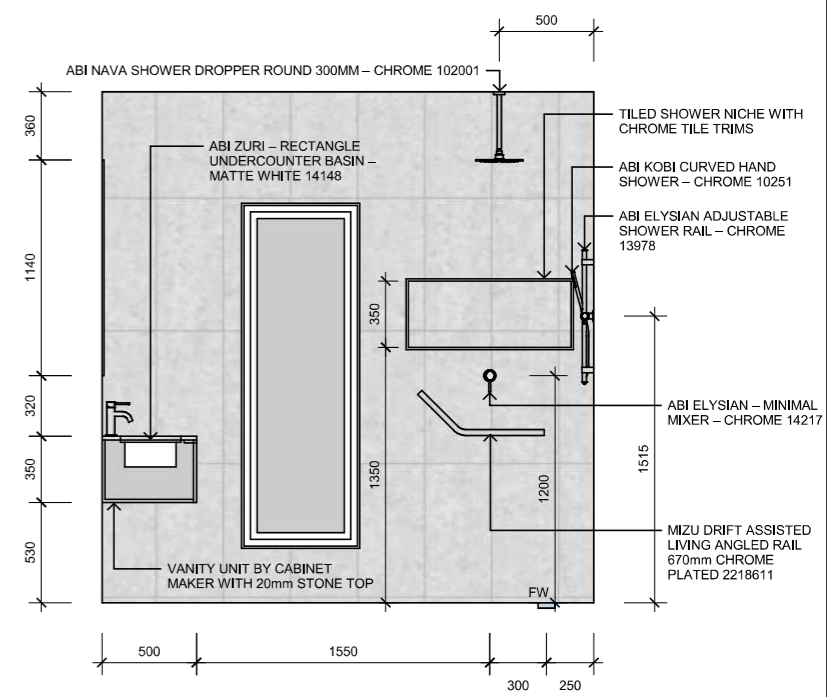
5.1 DISABLED TOILET



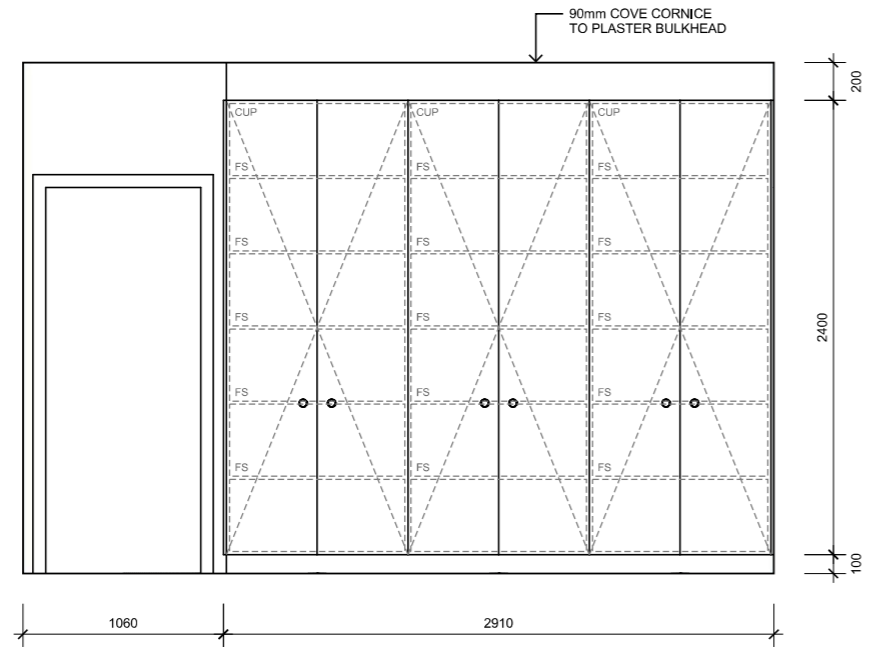
5.2 DISABLED TOILET



5.3 DISABLED TOILET



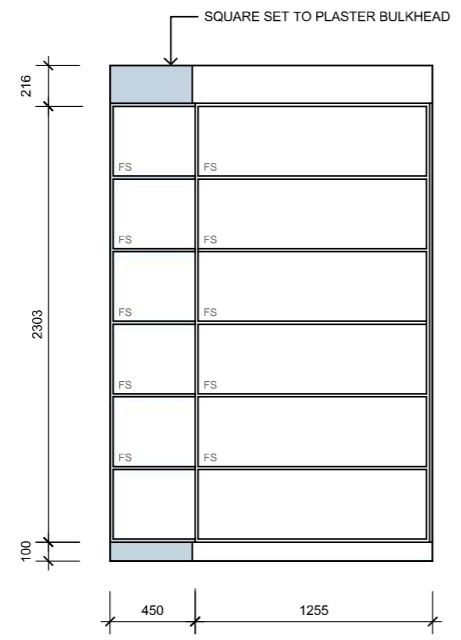
5.4 DISABLED TOILET



QUOTE PLANS
September 11, 2023

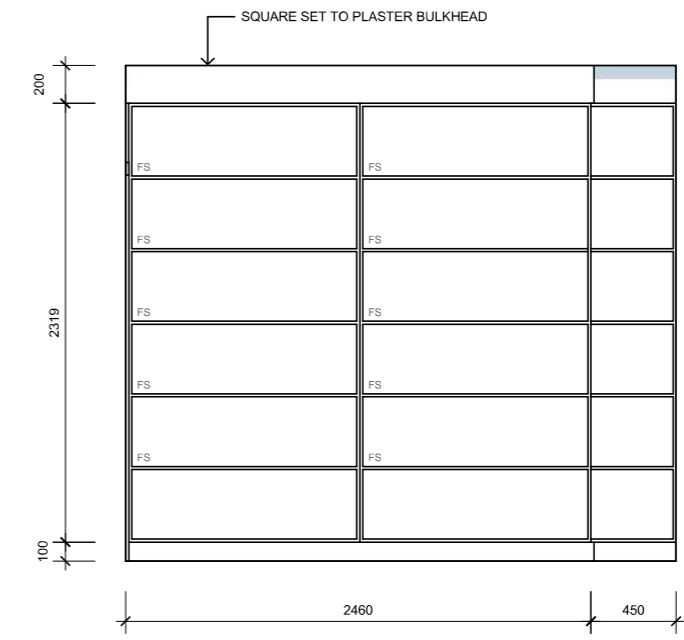
6.1

KIDS ROOM



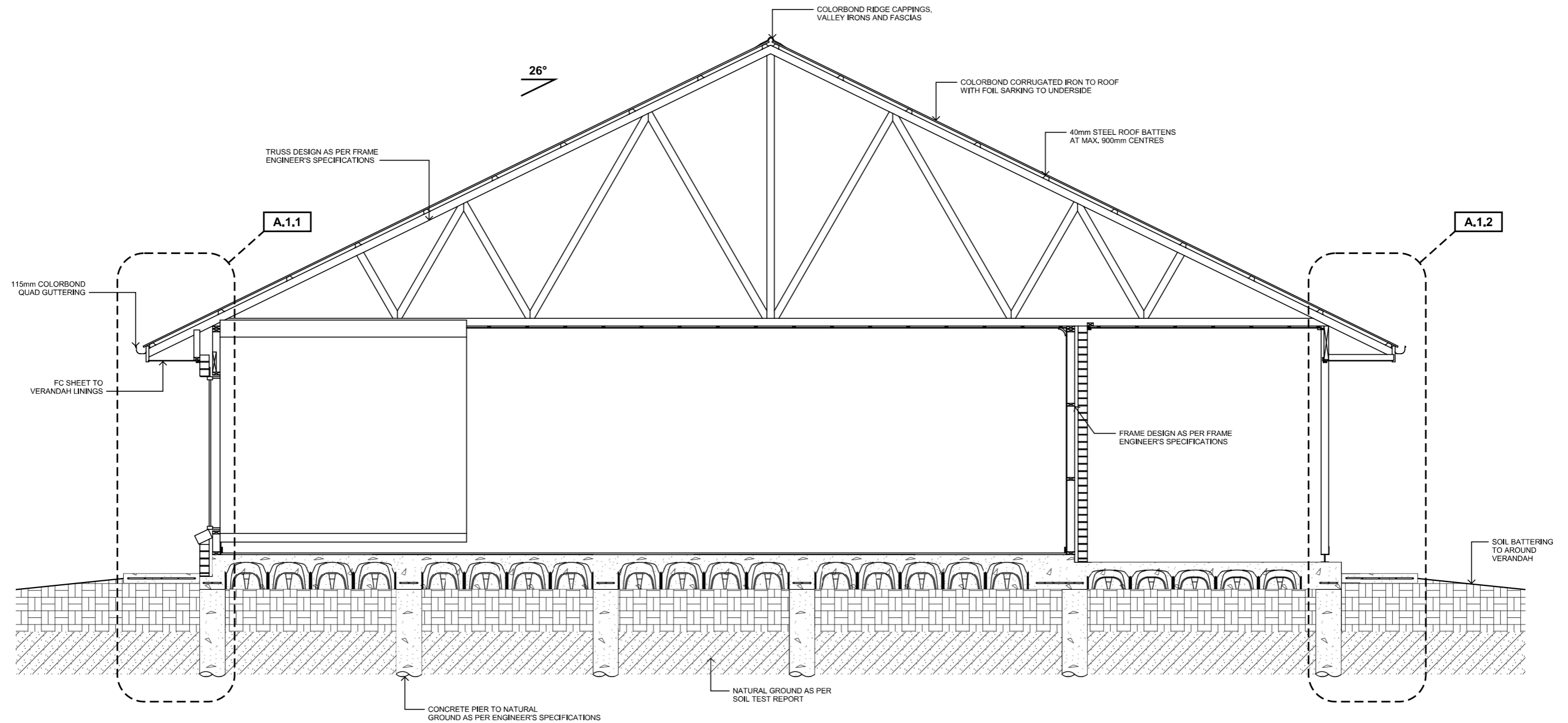
7.1

MINISTER'S ROOM



7.2

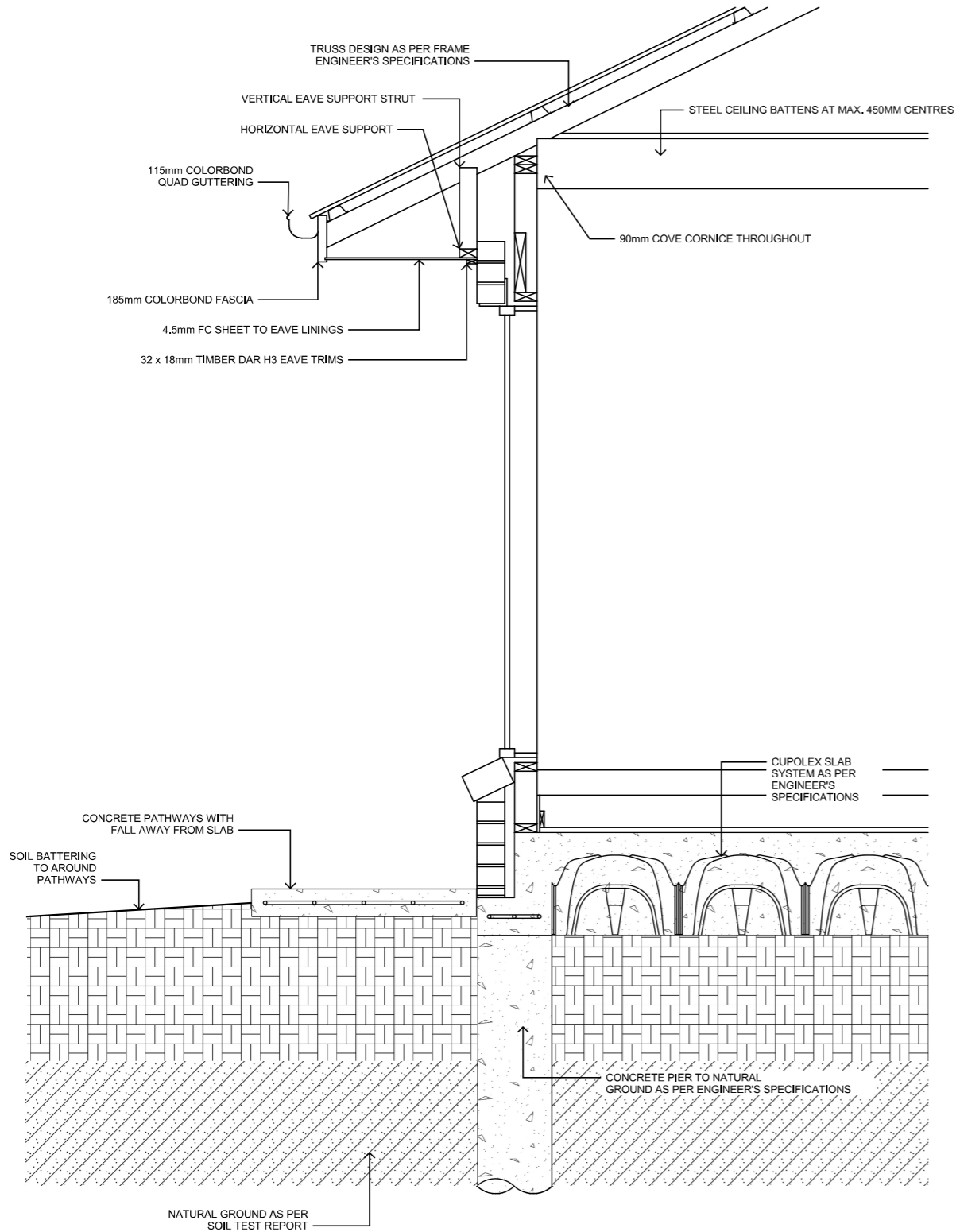
MINISTER'S ROOM



QUOTE PLANS
September 11, 2023

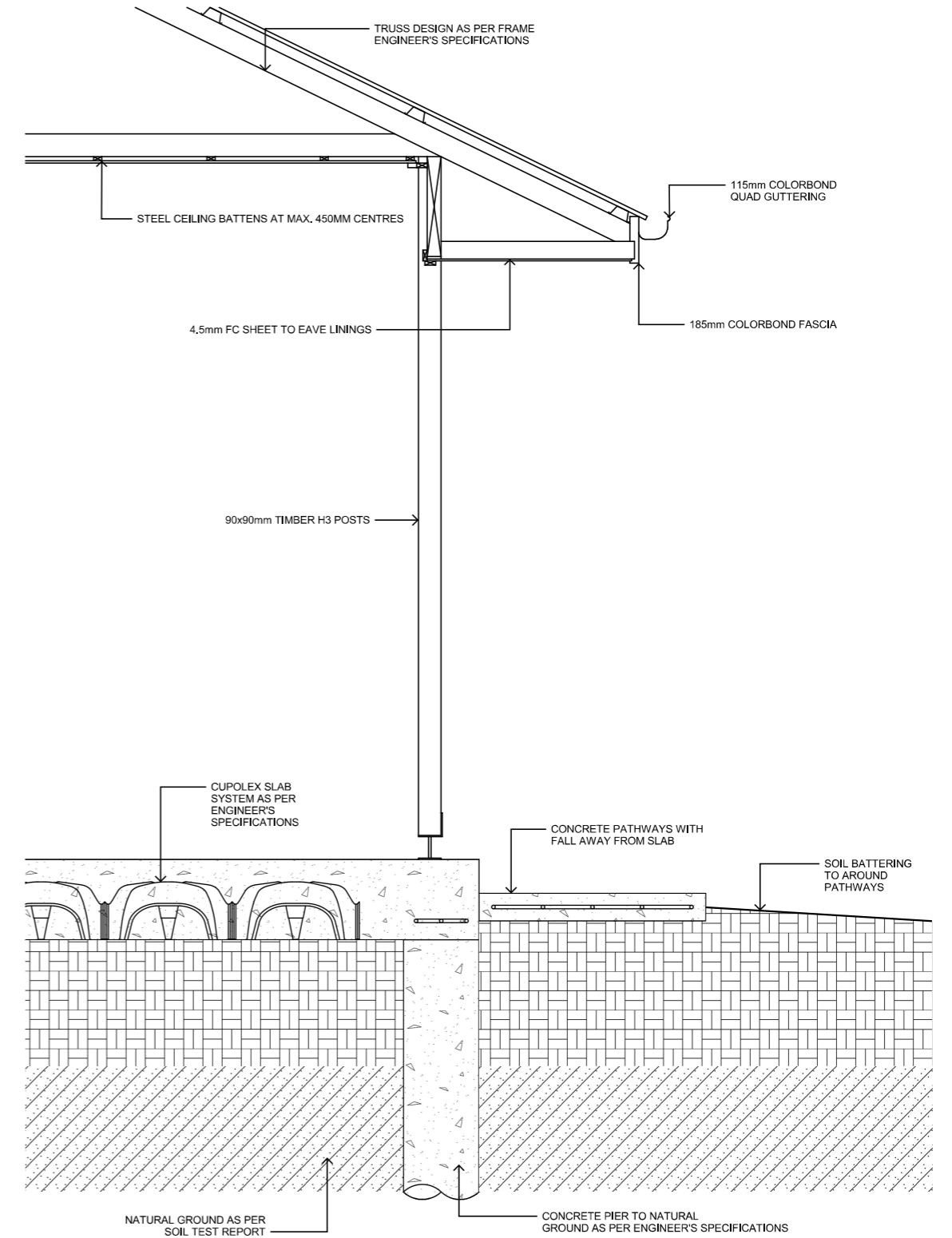
SECTION DRAWING A.1
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QUOTE PLANS
September 11, 2023



CONSTRUCTION DETAIL **A.1.1**

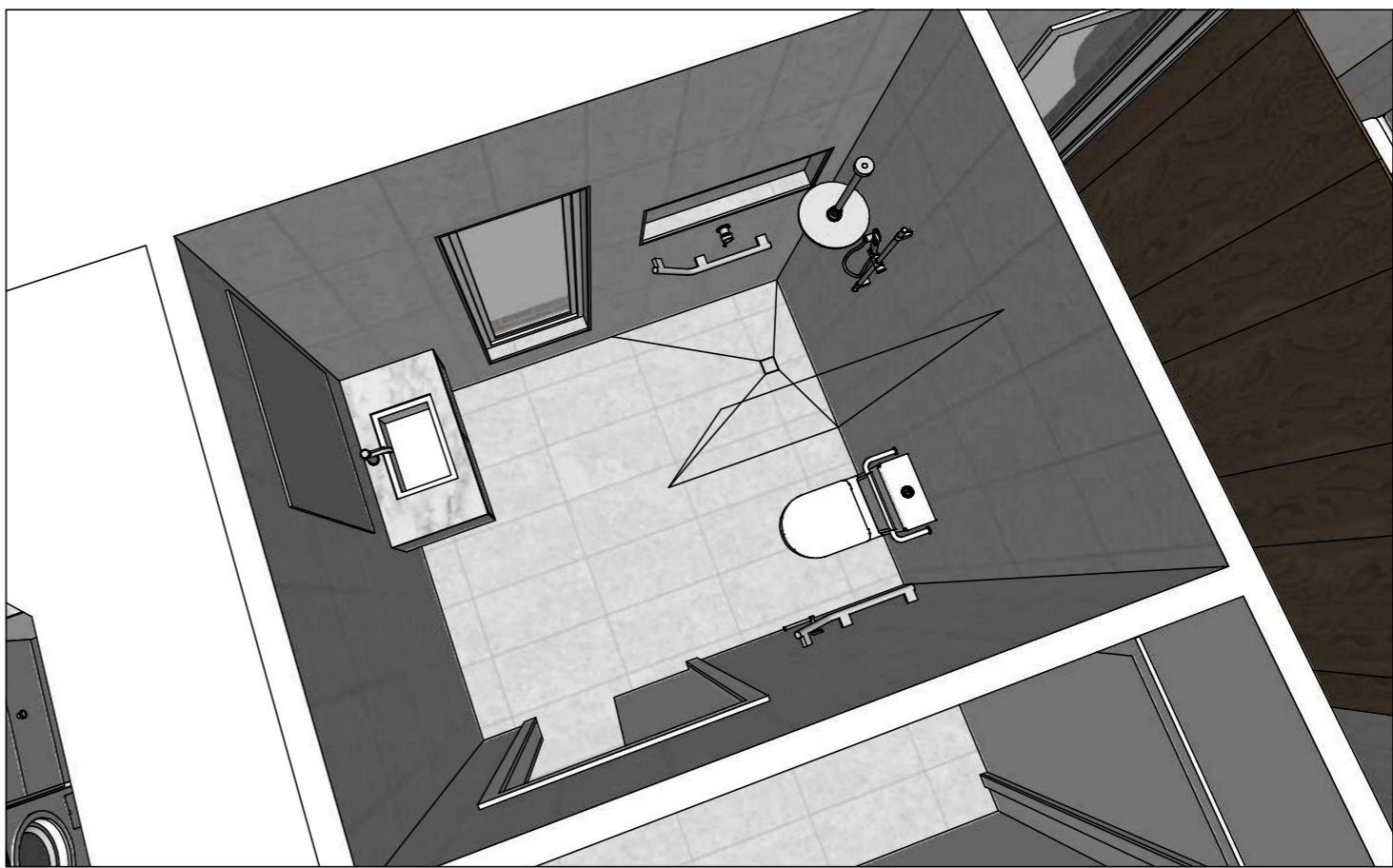
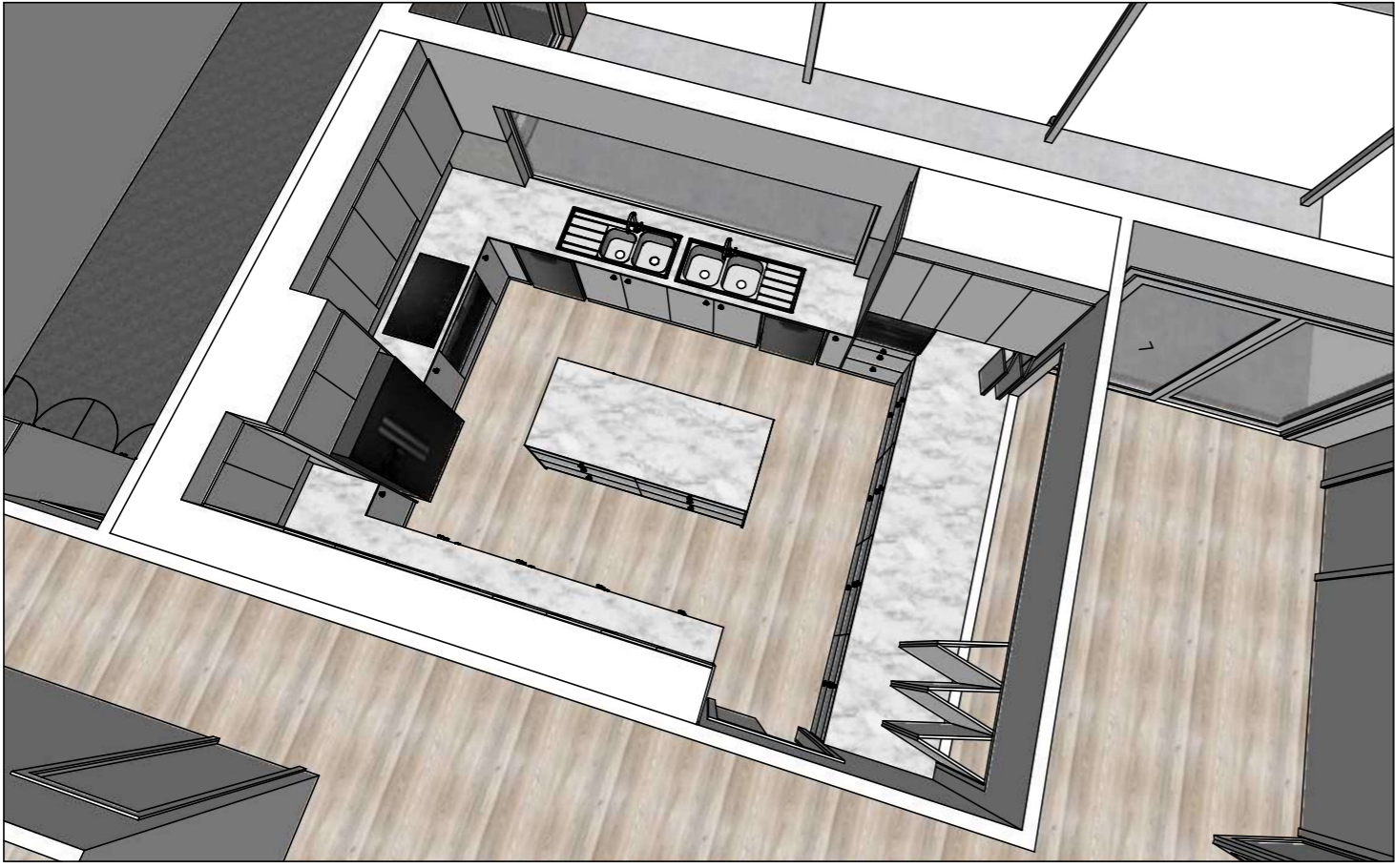
scale: 1:20



CONSTRUCTION DETAIL **A.1.2**

scale: 1:20





From: [REDACTED]
To: [Mail](#)
Subject: OBJECTION TO PROPOSED DEVELOPMENT
Date: Monday, 26 February 2024 2:54:18 PM

To whom it may concern

[REDACTED] live in [REDACTED] Curlew Crescent Coleambally , we would like to reject this proposal for a place of worship on lots 21-23 on the following basis :

- 1 Potential diminished resale value on our property.
 - 2 Weekend noise levels of a crowd of people.
 - 3 Takes away the quite community **residential living** vibe and its all about the vibe.
 - 4 High traffic and traffic noise
- [REDACTED]

[REDACTED]



Senior Planner

Dear Sir,

Re Proposed Development (DA1- 2024)

With regard to your letter concerning the proposed Church/
Carpark at 21/23 Curlew Crescent, my wife and I have no Objection to the
Idea of a church at the above address.

However there several things we think the Council should consider before
Approval is given:

- (a) Completing the drainage works at the end of the road which
Become overloaded with even moderate falls of rain.
- (b) Completing the roadworks which are neither a through road or
A turning bay, either of which be an improvement.

Thank you for the opportunity to comment on the above matter.





**CLEARSKY
ENVIRONMENTAL
SERVICES**

CLEARSKY ENVIRONMENTAL SERVICES
PO BOX 8058
Griffith East NSW 2680
ABN: 42 605 228 147
Phone: 0418 484 545

Date: 8/04/2024

The Planning Officer
Murrumbidgee Council

Objection letter response - DA 1/2024

This letter is in response to two replies received by council in relation to the public notification about the proposed construction of a place of public worship at 21-23 Curlew Crescent Coleambally (DA 1/2024).

We note there were two replies to the proposal and the first is an objection to which we have provided a response to below. The second states they have no objection to the proposal itself but raised concerns with council about roadwork infrastructure in Curlew Crescent and we have no response to those concerns.

Objection

The objector has raised 4 concerns;

1. Potential diminished resale value on our property.
2. Weekend noise levels of a crowd of people.
3. Takes away the quite community residential living vibe and its all about the vibe.
4. High traffic and traffic noise.

Response

The church has no intention to de-value adjoining property values and cannot really comment about whether that would occur or not. What we do know is that places of public worship are commonly placed in residential locations and we are not aware of any evidence of reduced property prices as a result of their presence in the community. Additionally the church has a total floor area of 387m² on a 2137m² site, so it occupies <20% of the site and will not be aesthetically dominant or overdeveloping the site.

Noise from the proposed church is highly unlikely to adversely impact adjoining neighbours with all services inside the building and the number of gatherings limited to 2 per week (Saturday 10am to 4pm & Wednesday 7pm to 8pm). The church has a 90 seat capacity but it is expected that much less would regularly attend the gatherings, which limits the noise impacts and also minimises any potential vehicle movement impacts on premises in Curlew Crescent.

Regards

A handwritten signature in blue ink, appearing to read 'Deb Fitzgerald'.

Deb Fitzgerald
CLEARSKY ENVIRONMENTAL SERVICES



Planning Agreement

Yanco Delta Wind Farm Pty Ltd

and

Murrumbidgee Council

and

Minister for Planning and Public Spaces

Ref KMG:918033

Error! Unknown document property name.

Level 14, Australia Square, 264-278 George Street, Sydney NSW 2000 Australia
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Planning Agreement

Date

Parties

Yanco Delta Wind Farm Pty Ltd

ACN 655 210 567 of Level 8, 447 Collins Street, Melbourne VIC 3000

(Developer)

Murrumbidgee Council

ABN 53 573 617 925 of 39 Brolga Place, Coleambally NSW 2707

(Council)

Minister for Planning and Public Spaces

ABN 20 770 707 468 of level 15, 52 Martin Place, Sydney NSW 2000

(Minister)

Recitals

- A. The Developer wishes to carry out the Development on the Land which is situated in the local government areas of the Council.
 - B. The Developer has agreed to make the Development Contributions in connection with the Development for the benefit of the local communities in which the Development is to be carried out in.
 - C. The Council agrees to accept the Development Contributions on the terms set out in this agreement.
 - D. The Minister is a party to this deed solely for the purpose of clause 7 of this Agreement and section 7.4(3A) of the Act.
-

1. Definitions and interpretation clauses

1.1 Definitions

Act means the Environmental Planning and Assessment Act 1979 (NSW).

Approval includes approval, consent, licence, permission or the like.

Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the Local Government Act 1993, a

a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank Limited,
 - (iv) National Australia Bank Limited,
 - (v) St George Bank Limited,
 - (vi) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Construction Commencement Date means the date on which excavation of the first wind turbine foundation commences in connection with the Development.

Contribution Item means an item of the Development Contributions specified in Column 1 of Schedule 3.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Council means Murrumbidgee Council.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Department means the Department of Planning, Industry and Environment.

Development means the construction and operation of a wind farm, referred to as the 'Yanco Delta Wind Farm' as described in the Environmental Impact Statement lodged in support of State Significant Development Application SSD-41743746.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act and where relevant for the purposes of this Deed, refers to the development consent granted to the

Development Application for the Development, including any modifications of that Development Consent in accordance with the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s7.4(3)(g) of the Act.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

End Date means the date that the Developer has met its obligations under this deed.

Explanatory Note means the note exhibited with this deed when the deed is made available for inspection by the public pursuant to the Act, as required by the Regulation.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Item means an item specified in Column 1 of Schedule 3.

Land means land which the Development will be carried out including but not limited to the Land described in Schedule 2.

Monetary Contribution means the total \$ amount specified in Column 1, Item 1 of Schedule 3.

Party means a party to this Deed.

Regulation means the Environmental Planning and Assessment Regulation 2021.

Term means the term of this agreement pursuant to clause 3

1.2 Interpretation

In this deed unless a contrary intention is expressed:

- (a) headings and italicised, highlighted or bold type do not affect the interpretation of this deed;
- (b) the singular includes the plural and the plural includes the singular;
- (c) a gender includes all other genders;
- (d) other parts of speech and grammatical forms of a word or phrase defined in this deed have a corresponding meaning;
- (e) a reference to a 'person' includes any individual, firm, company, partnership, joint venture, an unincorporated body or association, trust, corporation or other

body corporate and any Government Agency (whether or not having a separate legal personality);

- (f) a reference to any thing (including any right) includes a part of that thing, but nothing in this clause 1.2(f) implies that performance of part of an obligation constitutes performance of the obligation;
- (g) a reference to a clause, party, annexure, exhibit or schedule is a reference to a clause of, and a party, annexure, exhibit and schedule to, this deed and a reference to this deed includes any clause, annexure, exhibit and schedule;
- (h) any schedules, appendices and attachments form part of this agreement;
- (i) a reference to a document (including this deed) includes all amendments or supplements to, or replacements or novations of, that document;
- (j) a reference to a party to any document includes that party's successors and permitted assigns;
- (k) A reference in this agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (l) a provision of this deed may not be construed adversely to a party solely on the ground that the party (or that party's representative) was responsible for the preparation of this deed or the preparation or proposal of that provision;
- (m) a reference to a body, other than a party to this deed (including an institute, association or authority), whether statutory or not, which ceases to exist or whose powers or functions are transferred to another body, is a reference to the body which replaces it or which substantially succeeds to its powers or functions;
- (n) a reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost;
- (o) A reference to this deed includes the agreement recorded in this Deed.
- (p) the words 'include', 'including', 'for example', 'such as' or any form of those words or similar expressions in this deed do not limit what else is included and must be construed as if they are followed by the words 'without limitation', unless there is express wording to the contrary;
- (q) a reference to a day is to the period of time commencing at midnight and ending 24 hours later;
- (r) if a period of time is specified and dates from a day or the day of an act, event or circumstance, that period is to be determined exclusive of that day;

- (s) if an act or event must occur or be performed on or by a specified day and occurs or is performed after 5.00 pm on that day, it is taken to have occurred or been done on the next day; and
- (t) a reference to '\$', 'A\$', 'AUD', 'dollars' or 'Dollars' is a reference to the lawful currency of the Commonwealth of Australia.

1.3 Business Day

If anything under this deed is required to be done by or on a day that is not a Business Day that thing must be done by or on the next Business Day.

2. Status of this deed

This deed is a planning agreement within the meaning of s7.4(1) of the Act.

3. Term

- (a) This Deed commences and has force and effect on and from the date when the Parties have:
 - (i) executed the same copy of this Deed; or
 - (ii) each executed separate counterparts of this Deed and exchanged the counterparts,to the End Date.
- (b) The parties are to insert the date when this Deed commences on the front page and on the execution page.
- (c) The Developer is to notify the Council of:
 - (i) The Developer securing access, by way of contractual arrangement, to the access rights network described in Schedule 1 of the draft Renewable Energy Zone (South West) Access Scheme Orders as may be amended from time to time or as finally declared within 21 business days of entering into the contractual arrangement; and
 - (ii) the Construction Commencement Date, 21 business days prior to that date.

4. Application of this Deed

4.1 This Deed applies to the Land and the Development.

5. Warranties

The Parties warrant to each other that they:

- (a) have full capacity to enter into this Deed; and
- (b) are able to fully comply with their obligations under this Deed.

6. Further agreements

The Parties may, at any time and from time to time, enter into agreements relating to the subject matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7. Application of s7.11, s7.12 and s7.24 of the Act to the Development

- (a) This Deed excludes the application of s7.11 and 7.12 of the Act to the Development.
- (b) This Deed excludes the application of s7.24 of the Act to the Development.

8. Development Contributions

8.1 Making of Development Contributions

- (a) The Developer is to make Development Contributions to the Council in accordance with Schedule 3, any other provision of this Deed relating to the making of the Development Contributions and otherwise to the satisfaction of the Council.
- (b) The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.

8.2 Application of Monetary Contributions by Council

- (a) Council is to apply the Monetary Contribution received by it under Item 1 of Schedule 3 of this agreement, towards the public purpose of providing community infrastructure being a new medical centre in Jerilderie to provide a range of medical services to the local community and at least 25% of the contributions received by Council to be applied towards infrastructure or services within an indigenous health facility.

- (b) Council grants the exclusive right to the Developer to designate the name of the medical centre referred to in clause 8.2(a).
- (c) Council may only withhold its consent to the name designated under clause 8.2(b) if:
 - (i) in the opinion of Council the name is offensive, detracts from or is inconsistent with the location, status or purpose of the medical centre; or
 - (ii) the name that infringes any copyright laws.
- (d) Council must not change the name designated by the Developer under clause 8.2(b) and the name must remain effective during the Term of this agreement, unless otherwise agreed by the Developer.

8.3 Public Recognition

- (a) The relevant Council must publicly acknowledge and positively acknowledge the payment of the Monetary Contribution and the public purpose for which they are to be applied towards.
- (b) The form of public acknowledgment and required by clause 8.3(a) is to be agreed by the Council and the Developer (acting reasonably).

9. No Registration

The parties agree that this Deed will not be registered on the titles to the Land.

10. Dispute resolution

10.1 Expert determination

- (a) This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
 - (i) the Parties to the Dispute agree that it can be so determined, or
 - (ii) the general manager or chief executive officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- (b) A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.

- (c) If a notice is given under clause 10.1(b) the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- (d) If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- (e) The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- (f) Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- (g) The Parties are to share equally the costs of the President, the expert, and the expert determination.

10.2 Dispute Resolution - mediation

- (a) This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 10.1 applies.
- (b) Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- (c) If a notice is given under clause 10.2(b), the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- (d) If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- (e) If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
 - 1.1 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
 - 1.2 The Parties are to share equally the costs of the President, the mediator, and the mediation.

11. Enforcement

11.1 Breach of obligations

- (a) If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:

- (i) specifying the nature and extent of the breach,
 - (ii) requiring the Developer to:
 - (A) rectify the breach if it reasonably considers it is capable of rectification, or
 - (B) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
 - (iii) specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- (b) Any costs incurred by the Council in remedying a breach in accordance with clause 11.1 may be recovered by the Council as a debt due in a court of competent jurisdiction.
- (c) For the purpose of clause 11.1(c), the Council's costs of remedying a breach the subject of a notice given under clause 11.1 include, but are not limited to:
- (i) the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
 - (ii) all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
 - (iii) all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- (d) Nothing in this clause 11.1 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

11.2 Enforcement in a court of competent jurisdiction

- (a) Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Deed prevents:
 - (i) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
 - (ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

12. Assignment

- (a) The Developer may assign or novate its rights or obligations under this Agreement to a third party, provided that:
 - (i) the Council is satisfied (acting reasonably and without delay) that the incoming third party is solvent and capable of performing the Developer's obligations under this deed insofar as those obligations are to be assigned or novated to the third party; and
 - (ii) procure the execution of an agreement by the third party with the Council (acting reasonably and without delay) under which the third party agrees to comply with the terms and conditions of this agreement as though the third party were the Developer.

13. GST

- (a) In this clause:
 - (i) **Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.
 - (ii) GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
 - (iii) GST Law has the meaning given by the A New Tax System (Goods and Services Tax) Act 1999 (Cth).
 - (iv) Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
 - (v) Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.
- (b) Subject to clause 13(d), if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (c) Clause 13(b) does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- (d) No additional amount shall be payable by the Council under clause 13(b) unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax

Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

- (e) If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
 - (i) to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
 - (ii) that any amounts payable by the Parties in accordance with clause 13(b) (as limited by clause 13(d)) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- (f) No payment of any amount pursuant to this clause 12, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- (g) Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- (h) This clause continues to apply after expiration or termination of this Deed.

14. General

14.1 Review of deed

- (a) The Parties agree to review this Deed every year, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- (b) For the purposes of clause 14.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning Authority to restrict or prohibit any aspect of the Development.
- (c) For the purposes of addressing any matter arising from a review of this Deed referred to in clause 14.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- (d) If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

- (e) A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 14.1 (but not (d)) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

14.2 Variation

This deed can only be varied by a later written document executed by or on behalf of all Parties in accordance with the provisions of the Act.

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this Agreement without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

14.3 Notice

- (a) Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
 - (i) delivered or posted to that Party at its address set out in Schedule 4 Sheet, or
 - (ii) emailed to that Party at its email address set out in Schedule 4.
- (b) If a Party gives the other Party 3 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- (c) Any notice, consent, information, application or request is to be treated as given or made if it is:
 - (i) delivered, when it is left at the relevant address,
 - (ii) sent by post, 2 business days after it is posted, or
 - (iii) sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- (d) If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14.4 No Fetter

Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

14.5 **Approvals and Consent**

- (a) Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- (b) A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14.6 Entire Deed

- (a) This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- (b) No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

14.7 Waiver

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- (b) A waiver by a Party is only effective if it:
 - (i) is in writing,
 - (ii) is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - (iii) specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - (iv) is signed and dated by the Party giving the waiver.
- (c) Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- (d) A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied

waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

- (e) For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

14.8 Further Acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

14.9 Governing Law and Jurisdiction

- (a) This Deed is governed by the law of New South Wales.
- (b) The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- (c) The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

14.10 Relationship of Parties

Unless otherwise stated:

- (a) nothing in this Agreement creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and
- (b) no party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

14.11 Explanatory Note

The Explanatory Note must not be used to assist in construing this Agreement.

14.12 Counterparts

- (a) This deed may be executed in any number of counterparts, each signed by one or more parties. Each counterpart when so executed is deemed to be an original and all such counterparts taken together constitute one document.
- (b) A party that has executed a counterpart of this deed may exchange that counterpart with another party by faxing or emailing it, by way of PDF, to the other party or the other party's legal representative and it is intended that such exchange is to take effect as delivery of this deed.

Schedule 1 Requirements under section 7.4 of the Act

Subject and subsection of the Act	Planning Agreement
<p>Planning instrument and/or Development Application – Section 7.4(1)</p> <p>The Landowners have:</p> <p>(a) Sought a change to an environmental planning instrument</p> <p>(b) Made, or propose to make a Development Application</p> <p>(c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Description of the land to which the planning Agreement applies – Section 7.4(3)(a)</p>	<p>See schedule 2</p>
<p>Description of the change to the environmental planning instrument or development to which the Planning Agreement applies - Section 7.4(3)(b)</p>	<p>N/A</p>
<p>The scope, timing and manner of delivery of contributions required by the Planning Agreement – Section 7.4(3)(c)</p>	<p>See Schedule 3.</p>
<p>Applicability of section 7.11 of the Act – Section 7.4(3)(d)</p>	<p>Excluded</p>
<p>Applicability of section 7.12 of the Act – Section 7.4(3)(d)</p>	<p>Excluded</p>
<p>Applicability of section 7.24 of the Act – Section 7.4(3)(d)</p>	<p>Excluded</p>
<p>Whether the benefits are or are not to be taken into consideration in determining a development contribution under section 7.11 – Section 7.4(3)(e)</p>	<p>N/A</p>
<p>Mechanism for dispute resolution – Section 7.4(3)(f)</p>	<p>Yes, see section 10.</p>
<p>Enforcement of the Planning Agreement by a suitable means – Section 7.4(3)(g)</p>	<p>Yes, see section 11.</p>
<p>Registration of the Planning Agreement – Section 7.6</p>	<p>Planning Agreement not required to be registered, see section 9.</p>

No obligation to grant consent or exercise functions – Section 7.4(9)	Yes, see section 14.4.
--	------------------------

Schedule 2 Land

Property	Project – freehold lots	
	Plan Number	Lot Number
Wells-Yanko	252520	7, 8
	576960	2
	581776	4, 5
	585343	1
	756425	30, 31, 32, 84, 85, 86, 87, 88, 89, 131, 143
	756454	2,4, 5, 6, 7, 13, 14, 15, 16, 36, 37, 38, 39, 92, 93, 95, 97, 99
Woodside North	756304	63, 64, 85, 86, 87, 97, 98, 99, 100, 101, 103, 104, 113, 114
West Park	229367	1
Bowmanville	756304	1, 2,4, 16, 17, 20, 71, 72, 73
	756455	39, 88, 89, 90, 91, 92, 93, 94
Dunraven	756455	47, 120
	756455	10, 11, 12, 13, 42, 43
East park	1127723	1
	229367	2
Moonbria	111772	1, 7
	116085	1, 2
	455037	82
	455038	1, 2, 8
	756304	7, 8, 9, 18, 19, 75, 76, 77, 78, 79, 80, 81, 116
	756455	38, 40, 41, 86, 87, 185
	1026614	7001
Waringah	48568	1
	756291	12, 13, 19, 20, 21, 24, 25
	756311	1, 2, 3, 4, 5, 6, 10, 11, 12, 13
Oakville	23356	A, B
	377237	1
	378053	1, 2
	756304	15, 21, 22, 23, 88, 89, 90, 92, 93, 94, 96, 102, 105, 106, 107, 108, 109, 110, 111, 112
	1115053	1,2
	1180553	1
Delta	541494	2
	756334	5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75,

Project – freehold lots		
Property	Plan Number	Lot Number
	756418	50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 98, 99, 251, 252
Wood Park	134583	1
	252520	2
	581776	3
	756454	17, 58
	756455	6, 83, 85, 123
	1096136	1
Project – Crown land		
	Plan Number	Lot Number
Crown Land	541494	1
	1026614	7001
	1026617	7001
	1052588	7004
	1142010	7300
Transmission line		
Transgrid	593483	4
Proposed road upgrades		
Murrumbidgee Council	839749	141

Schedule 3 Contributions Table

Part 1

	Development Contribution	Value	When	Public Purpose
1	Monetary Contribution	\$5,000,000 to Murrumbidgee Council.	<p>Initial Amount payable within 21 days from the Applicant securing access, by way of contractual arrangement, to the access rights network described in Schedule 1 of the draft Renewable Energy Zone (South West) Access Scheme Orders as may be amended from time to time or as finally declared.</p> <p>Final Amount payable prior to the Construction Commencement Date.</p> <p>Where:</p> <p>Initial Amount is determined as follows:</p> <p><i>Megawatt in access rights secured by contractual arrangement</i> ----- x \$5m 1500MW</p>	Community infrastructure in accordance with clauses 8.2.

			<i>Final Amount means \$5million minus the Initial Amount.</i>	
--	--	--	--	--

Schedule 4 Notice details

1. Developer details

Name:	Yanco Delta Wind Farm Pty Ltd
ABN/ACN:	ACN 655 210 567
Address:	Level 8, 447 Collins Street, Melbourne VIC 3000
Contact name:	Steve Crowe
Telephone:	0417378475
Email:	steve@viryacleanenergy.com.au

2. Murrumbidgee Council details

Name:	Murrumbidgee Council
ABN/ACN:	53 573 617 925
Address:	35 Jerilderie Street Jerilderie NSW 2716
Contact name:	General Manager - John Scarce
Telephone:	1300 676 243
Email:	mail@murrumbidgee.nsw.gov.au

Signing page

Executed as a deed

Executed by Yanco Delta Wind Farm Pty Ltd ACN 655 210 567 in accordance with section 127 of the *Corporations Act 2001* (Cth) by:

Signature of sole Director and sole
Company Secretary

Full name (print)

Date

Executed by Murrumbidgee Council ABN 53 573 617 925 by its duly authorized officer in the presence of:

Signature of Witness

Full name (print)

Date

Signature of Authorised Officer

Full name (print)

Date

Executed by the Minister for Planning and Public Spaces in the presence of:

Signature of Witness

Signature of Minister for Planning and Public Spaces

Full name (print)

Full name (print)

Date

Date

**EXPLANATORY NOTE FOR PROPOSED PLANNING AGREEMENT
(ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021 (NSW), s
205)**

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a proposed planning agreement (**VPA**) under section 7.4(1) of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

The Parties to the VPA are:

1. Murrumbidgee Council ABN 53 573 617 925 (**Council**)
2. Yanco Delta Wind Farm Pty Ltd ACN 655 210 567 (**Yanco Delta**)
3. Minister for Planning and Public Spaces ABN 20 770 707 468 (**Minister**)

Council and Yanco Delta are the principal Parties to the VPA. The Minister is a Party to the VPA as the consequence of a statutory procedural requirement.

Objectives, Nature, and Effect of Proposed Agreement (*Environmental Planning and Assessment Regulation 2021* (NSW), s 205(1)(a))

In summary, the nature and effect of the VPA will be as follows:

1. Yanco Delta will make a contribution of \$5,000,000.00 to Council payable in two amounts:
 - a. An Initial Amount payable upon the Yanco Delta Wind Farm (**Wind Farm**) securing access rights to the access rights network in South West Renewable Energy Zone where the contribution amount payable upon securing access rights will be proportional to the Megawatt access rights secured (where 1500MW is equivalent to the maximum of \$5,000,000.00) and
 - b. A Final Amount being \$5,000,000.00 less the Initial Amount payable prior to the Commencement of Construction of the Wind Farm.
2. Sections 7.11, 7.12, and 7.24 of the EP&A Act will be excluded from applying to the Wind Farm, approved under State Significant Development Application SSD-41743746; and
3. The monetary contributions made by Yanco Delta are to be applied by Council to the construction of a new medical centre in Jerilderie to provide a range of medical services to the local community, with at least 25% of the contributions received by Council to be applied towards infrastructure or services within an Indigenous health facility.

The objectives of the VPA are:

1. To contribute to the delivery of a new medical centre in Jerilderie, identified as a high priority by Council's Section 7.12 Contributions Plan, in a timely and efficient manner; and
2. The leveraging of the Wind Farm towards the material benefit of the Murrumbidgee community and the public interest at large; and
3. The provision of additional funds towards community infrastructure which benefits the Indigenous community, specifically in relation to health outcomes.

Assessment of Merits of Proposed Agreement (*Environmental Planning and Assessment Regulation 2021* (NSW), s 205(1)(b))

- The VPA will provide a significant material benefit to the public by providing a new item of community infrastructure in Jerilderie, one of the major population centres under Council's jurisdiction.
- The new facility will provide a range of medical services to the local community and will make a positive contribution towards the improvement of local health outcomes.
- Of the monetary contributions made by Yanco Delta to Council, 25% is to be dedicated towards infrastructure or services within an Indigenous health facility.
- The VPA does not have any negative impacts on any sections of the public.

Matters Arising from Relevant Practice Notes (*Environmental Planning and Assessment Regulation 2021* (NSW), s 205(2))

This Explanatory Note has considered the "*Planning agreements - Practice note - February 2021*" practice note (**Practice Note**) issued by the Planning Secretary under section 203(6) of the *Environmental Planning and Assessment Regulation 2021* (NSW) (**EP&A Regulation**).

In addition to the matters in sections 205(1) and 205(2) of the EP&A Regulation, section 4.6 of the Practice Note prescribes three requirements for explanatory notes:

1. *Identify how the agreement promotes the public interest* - The VPA will promote the public interest by contributing to the funding of a new item of community infrastructure in Council's most significant population centre, which will contribute positively towards the improvement of local health outcomes. In addition, 25% of the contributions received by Council are to be dedicated towards infrastructure or services within an Indigenous health facility.
2. *Identify whether the agreement conforms with the planning authority's capital works program, if any* - The VPA will exclude the operation of Council's Section 7.12

Developer Contributions Plan, but will collect a single monetary contribution which is to fund a new medical centre in Jerilderie, which the Section 7.12 Contributions Plan identifies as a high priority for the Murrumbidgee Council LGA.

3. *State whether the agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued* - The VPA requires the complete payment of Yanco Delta's monetary contribution prior to the commencement of excavation of the first wind turbine foundation associated with the Wind Farm.

This Explanatory Note has otherwise considered, and accords with, the guidance for explanatory notes provided by section 4.6 of the Practice Note.

**AREAS OF CULTURAL
SIGNIFICANCE
JERILDERIE COURT HOUSE
& LIBRARY**

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 – Jerilderie Court House & Library applies to Crown Reserve No. 150042.

The intention of this plan of management is to provide Council with a framework that enables decisions in regard to the Jerilderie Court House & Library, 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 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 228 DP 820111 being Crown Land Reserve No. 150042 which is the Jerilderie Courthouse & Library which has been reserved for Community Purposes and Heritage Purposes.

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 Areas of Cultural Significance – Jerilderie Courthouse and Library 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 – Jerilderie Courthouse & Library is a site specific plan of management.

The Crown land covered under this plan of management are 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 appointed 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 – Jerilderie Courthouse & Library 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 Jerilderie Courthouse & Library, 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 Darlington Point Museum 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
R150042 Jerilderie Court House and Library	Lot 228 DP 820111	Crown land managed by Murrumbidgee Council.

Figure 1 – Aerial Image of Jerilderie Courthouse & Library



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

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

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

Land	Reason
R88058 <i>Darlington Point Museum</i>	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
R150042 <i>Jerilderie Court House and Library</i>	Community purposes and heritage purposes	Area of cultural significance and general community use

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;
- 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 sections 36H and 36I of the Local Government Act, 1993 and clauses 105 and 106 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>General community use</i>	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

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.

<p><i>Area of cultural significance</i></p>	<p>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.</p>	<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.
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It should be noted that a key objective of general community use has the underlying intention of promoting and encouraging the use of these reserves for the purpose of 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 and activity specified in the Table D, to obtain approval from Council to undertake in any of the following activities:

- 1 Engage in a trade or business
- 2 Direct or procure a theatrical, musical or other entertainment for the public
- 3 Construct a temporary enclosure for the purpose of entertainment
- 4 For fee or reward, play a musical instrument or sing
- 5 Set up, operate or use a loudspeaker or sound amplifying device
- 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.

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.

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 – Jerilderie Courthouse & Library is based on the initial for 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 – Jerilderie Courthouse & Library, as many relate to development that is inconsistent with the purpose of the reserve and the categorisation of the land and this plan of management.

3.3.3.2 Local environmental plans

Murrumbidgee Council administers two (2) local environmental plans being the Jerilderie Local Environmental Plan 2012 (JLEP) and the Murrumbidgee Local Environmental Plan 2013 (MLEP). Both of these environmental planning instruments were made under Part 3 of the EP&A Act that guide development and land use within the Murrumbidgee Council local government area.

Table 5: Land zoning

Land	Local environmental plan	Zoning
R150042 <i>Jerilderie Court House and Library</i>	Jerilderie Local Environmental Plan 2012	RU5 Village

Figure 2: Extract from JLEP 2012 Zoning Map



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 former Jerilderie Courthouse and Library.

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.
- 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 Areas of Cultural Significance – Jerilderie Courthouse & 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

In terms of section 36D(1) Murrumbidgee Council, when initially categorising the community land comprising Crown Reserve No. 150042, declared the former Jerilderie Courthouse & Library 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 former Jerilderie Court House group (I10) 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.

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

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

- Applies to Lot 228 DP 820111 in its entirety.
- Crown Reserve No. 150042 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 Jerilderie Courthouse, including the features of Jerilderie LEP which designates the site as being a heritage item.
- The plan of management incorporates the core objectives under section 36 of the LGA, 1993.

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

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve listed in Table 6 below is owned by the state of New South Wales and Murrumbidgee Council has been appointed the Crown Land Manager. Part 2 provides detailed information regarding the area of cultural significance 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.

Table 6: Reserve purpose and gazette date

Land	Purpose & Gazette date	Categorisation
R150042 Jerilderie Court House	Community purposes and heritage purposes 4 October 1991	Area of cultural significance and general community use

7. Management directions

Murrumbidgee Council acknowledges that the Jerilderie Court House and Library provide the local community with a strong sense of its link to the past. Currently the reserve is not being utilised to its 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 the 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 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 uses of each of the sites are consistent with the categorisation of the land as an area of cultural significance. Further the previous use of the Jerilderie Court House was in keeping with the categorisation as general community use.

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 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 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 7 identifies certain uses that would complement the current reserve purpose and provide scope or 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 facilities	Permitted with consent under JLEP 2012.	Allowed.	Community facilities are consistent the broad objectives relating to social and cultural cohesion of the community and would be consistent with both the purpose of the reserve and its categorisation.
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.
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 JLEP 2012 and MLEP 2012	Allowed.	Water reticulation systems are consistent with the categorisation of the reserve.
Any other development	Permitted with consent under both JLEP 2012 and 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 – Other development that may be considered

Land Use	Provisions of an environmental planning instrument	Allowed under Plan of Management	Reason
Health consulting rooms	Permitted with consent under JLEP 2012.	Allowed where it can be demonstrated that a lease for health consulting rooms will contribute to any building located within the reserve will be maintained and protected.	The leasing of buildings for the purpose of a health consulting rooms provide a community facility that would be consistent with the purpose and 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.

At the time of preparing the plan of management the building was vacant, however its former use which under the provisions of JLEP 2012 would fall within the definition of a *community facility* or a *public administration building*.

The site contains an historic building which has previously include use as the community library and court house. 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 the reserve upon adoption of the plan.

At the date of adoption of the PoM the site and building may be considered as being in good condition and it and the site well maintained.

The grounds are pleasantly landscaped and well-watered and maintained.

Figure 3A – Existing building⁴



Figure 3B – History trail plaque



Figure 3C – Lawns and gardens



Figure 3D – Rear of existing building



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.

⁴ Images in Figures 3A to 3D taken on 9 December 2019 © Steven Parisotto Photography

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 Jerilderie by permitting buildings with a tangible historic link to the community ▪ 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 upgrade of the building. ▪ Allow development that is consistent with general community use purpose and categorisation where it helps conserve the heritage significance of the building. ▪ 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

Table 10 – Permissible uses and activities for land categorized as general community use

General Community Use	
Purpose or use as...	Development to facilitate
<p>The following purpose or uses are permitted by this Plan of Management on land categorized as a general community use.</p> <p>c) Land that is suitable for</p> <ol style="list-style-type: none"> <i>i.</i> The gathering of groups for a range of social, cultural or recreational purposes. <i>ii.</i> Providing multi-purpose use of building with broad based community uses such as: <ul style="list-style-type: none"> ▪ casual or informal recreation ▪ meetings (including for social, recreational, educational or cultural purposes) ▪ functions ▪ performances (including film and stage) ▪ exhibitions ▪ fairs and parades ▪ workshops ▪ leisure or training classes 	<p>The Plan of Management will allow and facilitate development for the purposes that would benefit the social, community, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> ▪ Landscaping and finishes, improving access, amenity and the visual character of the general community area ▪ Water saving initiatives such as rain gardens ▪ Energy saving initiatives such as solar lights and solar panels ▪ Carparking and loading areas ▪ Signage related to the approved use of the site

<ul style="list-style-type: none"> ▪ childcare (e.g. before and after school care, vacation care) ▪ designated group use (e.g. scout and girl guide use) <p>d) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</p>	
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8.3.1 Jerilderie Court House & Library as an 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.*

8.3.2 Jerilderie Court House and Library as a 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 the Jerilderie Court House and Library as a *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).*

The management of the reserve require Murrumbidgee Council to set out in its annual budget funds for the ongoing protective care and maintenance of the buildings and land within each of the reserves and this is undertaken as a financial loss as revenue streams from each of the reserves is limited.

As identified in previously (see Tables 7 and 8) there are a number of land uses that are permissible with the RU5 Village zone (which applies to each of the reserves) and would be consistent with the categorisation of the land for as an area of cultural significance as well as the general community use which applies to the Jerilderie Court House and Library. The nominated uses listed in Tables 7 & 8 type of development is listed in the relevant environmental planning instruments which are forms of 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).

It is considered that identifying sympathetic land uses would provide opportunities for Council to source a regular revenue stream, rather than relying solely on income from rates and grant funding. Further the uses identified in Table 7 & 8 would be consistent with one of the core objectives of community land categorised as an *area of cultural significance*. Specifically (d) which encourages the adaptive reuse of the land by allowing compatible uses, that would uses involve either no change to the cultural significance of the area including changes to the physical material or uses that involve changes that are substantially reversible or changes that require a minimum impact.

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 – Jerilderie Court House & Library 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

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 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	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 reserve.</i> <i>Allow for multi-purpose use of existing building.</i>	<i>Undertake regular cleaning and maintenance of the public amenities</i> <i>Provision and maintenance of security lighting in an around the amenities' building.</i> <i>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.</i> <i>Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.</i>	<i>Undertake daily cleaning of the public amenities, and identify any new maintenance matters out or incidents of vandalism.</i> <i>Record and respond to complaints about hygiene and maintenance.</i> <i>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.</i> <i>Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</i>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<i>Hours of Usage</i>	<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>
<i>Landscaping (including irrigation systems)</i>	<p><i>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</i></p> <p><i>Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.</i></p>	<p><i>Augment existing indigenous planting.</i></p> <p><i>Use screen planting for visual acoustic and physical buffers.</i></p> <p><i>Application of correct horticultural and tree surgery techniques.</i></p> <p><i>Minimise rubbish dumping within the local area via community education.</i></p> <p><i>Design, install and operate the irrigation system.</i></p>	<p><i>Number of comments about public acceptance and level of usage.</i></p> <p><i>Degree of turf encroachment into planted areas.</i></p> <p><i>Number of comments about maintenance, durability and public acceptance of the landscape character.</i></p> <p><i>Number of reported incidents of rubbish dumping.</i></p> <p><i>Number of incidents of failure of the irrigation system.</i></p>
<i>Lighting</i>	<p><i>Allow security lighting which will enable safe movement of pedestrians along major access routes at night.</i></p> <p><i>Prevent excessive lighting impacts on adjoining land uses.</i></p> <p><i>Allow for lighting of special events at night.</i></p> <p><i>Allow for the lighting of architectural or landscaped features.</i></p>	<p><i>Set appropriate illumination levels.</i></p> <p><i>Design, site and install light facilities.</i></p> <p><i>Regulate times for lighting of special events.</i></p> <p><i>Council approval.</i></p>	<p><i>Number of comments from adjoining residents and Park users.</i></p> <p><i>Number of problems related to inadequate lighting.</i></p>
<i>Signage</i>	<p><i>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the reserve</i></p> <p><i>Regulate advertising signage.</i></p>	<p><i>Appropriate design and siting of signage in accordance with the relevant development control plan.</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 reserve 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 reserve.</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 reserve.</i> <i>Encourage recycling.</i>	<i>Provide and service enough waste management facilities in strategic locations.</i> <i>Provide a recycling bins 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
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>
health consulting rooms	<p>means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.</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

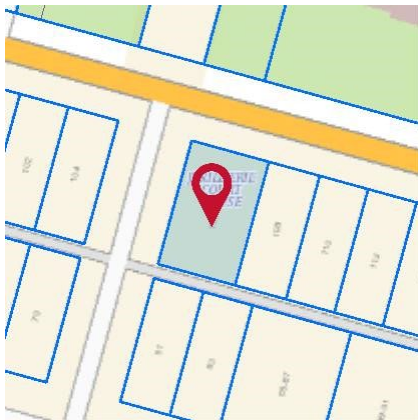
- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the [State Roads Act 1986](#), or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the [Roads Act 1993](#),

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 Report

106 JERILDERIE STREET JERILDERIE 2716



Property Details

Address: 106 JERILDERIE STREET JERILDERIE
2716

Lot/Section No: 228/-/DP820111 /Plan

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	Jerilderie Court House Significance: State
Land Reservation Acquisition	NA
Foreshore Building Line	NA



AHIMS Web Services (AWS)

Search Result

Purchase Order/Reference : 20-C01-POM Crthse 200

Client Service ID : 536403

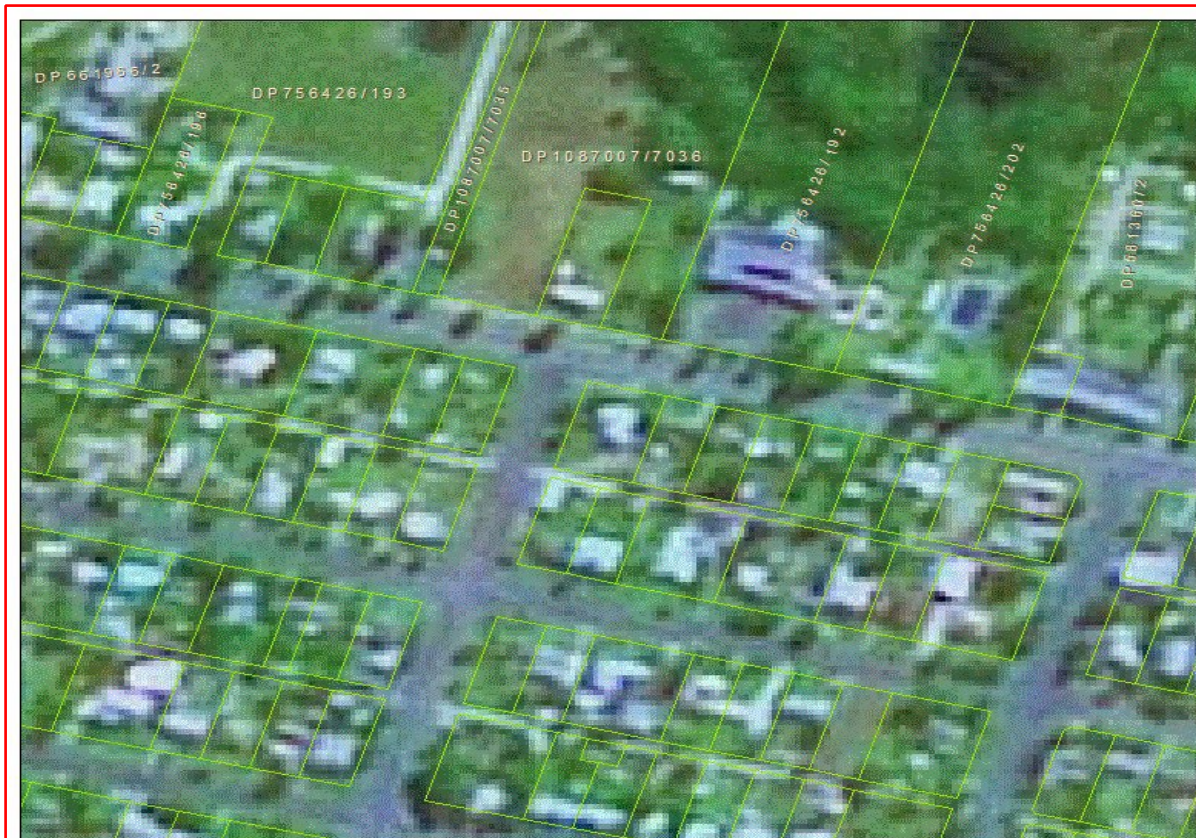
Steven Parisotto
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: parisplan@icloud.com

Date: 18 September 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 228, DP: DP820111 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.

NATURAL AREAS

Draft Generic Plan of Management 2024-2029



Murrumbidgee
COUNCIL

MARCH 2024

November 2020

*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

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Disclaimer:

PARISPLAN Urban & Regional Planning has prepared this Plan of Management for Natural Areas 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 crown reserves which have been categorised as a *natural area*. The Plan of Management for Natural Areas (the plan) aims to provide a basis for guiding Council's ongoing management of Crown reserves land 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 reserve to meet the needs of the three towns.

The plan of management has been prepared with due regard to Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers issued in 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.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

This Plan of Management Plan covers the following:

- Lot 156 DP 756425 being Crown Land Reserve No. 31393 (Pines Reserve);
- Lot 7002 DP 1019507 being Crown Land Reserve No. 33953 (Thurrowa Reserve);
- Lot 7001 DP 1001673 being Crown Land Reserve No. 55431 (Cape Reserve);
- Lots 255, 277 DP 750908, Lots 7011-7012 DP 1024215, Lot 7001 DP 1024217, Lot 7301 DP 1145310, Lot 7303 DP 1145343, Lot 7312 DP 1159328 being Crown Reserve No. 68938 which includes Bunyip Hole Reserve; and
- Part Lot 60 and part 66 DP 1145260 being Crown Reserve No. 82340 at Darlington Point.

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 Natural Areas (NAPoM) 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 NAPoM is a generic plan of management based in the primary categorization of the reserves.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the NAPoM is to provide a clear direction that will enable ongoing use of the reserve.

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 NAPoM will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

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

Social justice principles underpinned the Murrumbidgee Council CSP are:

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

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

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

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

2.2 Land to which this plan applies

This Plan of Management Plan covers four Crown Reserves that have been categorized as *natural areas* and one reserve, being The Cape which has both a *natural area* and a *general community use* categorisation. 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
R31393 <i>The Pines, Jerilderie</i>	Lot 156 DP 756425	Crown land managed by Murrumbidgee Council.
R33953 <i>Thurrowa Reserve, Thurrowa</i>	Lot 7002 DP 1019507	Crown land managed by Murrumbidgee Council.

Land	Real property description	Land owner
R55431 <i>The Cape, Jerilderie</i>	Lot 7001 DP 1001673	Crown land managed by Murrumbidgee Council.
R68938 <i>Bunyip Hole Reserve</i>	Lots 255 and 277 DP 750908; Lots 7011 and 7012 DP 1024215; Lot 7001 DP 1024217; Lot 7301 DP 1145310; Lot 7303 DP 1145343; and Lot 7312 DP 1159328	Crown land managed by Murrumbidgee Council.
R82340 <i>Darlington Point</i>	Lots 60 and 66 DP 751688	Crown land managed by Murrumbidgee Council.

Table 2: Land not covered by this plan of management

R62157 <i>Pump Station, Jerilderie</i>	Lot 7014 & 7015 DP 1002224	Crown land managed by Murrumbidgee Council.
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Although the Pump Station is categorised as a *natural area*, it is also categorised as an *area of cultural significance*. As such it is subject to a separate plan of management.

2.3 Owner of the land

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

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

2.4 Categorisation of the reserves

The land covered by this 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, Housing and Infrastructure – Crown Lands.

Table 3: Land categorization and gazettal date

Crown Reserve	Purpose(s) & gazettal date	Categorisation
<i>R31393 The Pines, Jerilderie</i>	Public recreation 8 September 1900	Natural area (bushland)
<i>R33953 Thurrova Reserve, Thurrova</i>	Refuge in time of flood 22 February 1902	Natural area (bushland)
<i>R55431 The Cape, Jerilderie</i>	Access 26 May 1922	Natural area (foreshore and bushland) & General community use
<i>R68938 Bunyip Hole Reserve, Darlington Point</i>	Public recreation 5 January 1940	Natural area (foreshore and bushland)
<i>R82340 Darlington Point</i>	Public recreation 5 February 1960	Natural area (foreshore and bushland)

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Natural Areas (NAPoM) 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 Natural Areas include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Transport & Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- Murrumbidgee Local Environmental Plan, 2013;
- Companion Animals Act, 1998;
- Biosecurity Act, 2015;
- Biodiversity Conservation Act, 2016; and
- Fisheries Management Act, 1994.

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 natural area is set out in section 36E with specific requirements for bushland and foreshore categories specified in sections 36J, 36N of the Local Government Act, 1993.

The core objectives for *general community uses* are specified in section 36I of the Act. Part 4 Division 1 the Local Government (General) Regulation 2021 set down the guidelines for the respective categorization of land (viz. 102, 106, 107 and 111).

These core objectives are set out in Table 4 on pages 12 & 13.

Table 4: Guidelines and core objectives

Land	Guidelines	Core Objectives
<p><i>Natural area</i></p>	<p>Land should be categorised as a natural area under section 36(4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.</p> <p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—</p> <p>(a) <i>is the natural vegetation or a remainder of the natural vegetation of the land, or</i></p> <p>(b) <i>although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</i></p> <p>Such land includes—</p> <p>(a) <i>bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</i></p> <p>(b) <i>moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</i></p> <p>(c) <i>highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</i></p> <p>Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water’s edge and forms a transition zone between the aquatic and terrestrial environment.</p>	<p>The core objectives for management of community land categorised as a natural area are—</p> <p>(a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and</p> <p>(b) to maintain the land, or that feature or habitat, in its natural state and setting, and</p> <p>(c) to provide for the restoration and regeneration of the land, and</p> <p>(d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and</p> <p>(e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.</p>

<i>General community use</i>	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <p>a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</p> <p>b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)</p>
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While the Local Government Act 1993 (LG Act) contains many provisions that have an impact on the management of these 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.

Given the categorization of the reserves, and their character none of the listed activities under Section 68 of the Local Government would be appropriate for the reserves, except within the *general community use* portion of Cape Reserve.

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 NAPoM, is based on the initial for categorisation of the reserves which was approved by Minister on **[insert date]**.

3.3 Other relevant legislation and statutory controls

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

3.3.1 Native Title Act, 1993

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

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

3.3.2 Aboriginal Land Rights Act, 1983

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

Council should be mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land, Council should ensure that Crown land under its control is at all times lawfully used and occupied.

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

Strategies which allow Council to validly carry out a project or activity under the Native Title Act may not deal with project risks arising in relation to the Aboriginal Land Rights Act, 1983.

3.3.3 Environmental planning & assessment act, 1979

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

3.3.3.1 State environmental planning policies

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

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

- State Environmental Planning Policy (Transport & Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021

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

3.3.3.2 Local environmental plans

Murrumbidgee Council administers two (2) local environmental plans being the Jerilderie Local Environmental Plan 2012 (JLEP) and the Murrumbidgee Local Environmental Plan 2013 (MLEP). Both of these environmental planning instruments were made under Part 3 of the EP&A Act that guide development and land use within the Murrumbidgee Council local government area.

Table 5: Land zoning

Land	Local environmental plan	Zoning of land
R31393 <i>The Pines, Jerilderie</i>	Jerilderie Local Environmental Plan 2012	RU1 Primary Production
R33953 <i>Thurrowa Reserve, Thurrowa</i>	Jerilderie Local Environmental Plan 2012	RU1 Primary Production
R55431 <i>The Cape, Jerilderie</i>	Jerilderie Local Environmental Plan 2012	RU1 Primary Production
R68938 <i>Bunyip Hole Reserve, Darlington Point</i>	Murrumbidgee Local Environmental Plan 2013	Part RU1 Primary Production; Part E3 Environmental Management; and Part RU5 Village
R82340 <i>Darlington Point</i>	Murrumbidgee Local Environmental Plan 2013	RU1 Primary Production

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 and 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 Natural Areas.

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 Natural Areas.

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

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

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

5. Land containing significant natural features

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

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

6. Culturally significant land

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

As part of its due diligence in preparation of this Plan of Management, a basic search of the NSW Environment & Heritage Aboriginal Heritage Management Information System (AHIMS) for each of lots within the reserves was undertaken. With the exception of Lot 7012 DP 1024215 and Lot 7312 DP 1159328 no Aboriginal sites are recorded in or near¹ 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 and a watering hole. 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.

¹ 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 natural areas and general community use, 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 Natural Areas

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

“Providing a place that preserves that natural character of the locality”

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 land covered by this plan of management maintains its fundamental purpose of being a refuge in the time of flood, but also provides an opportunity to provide scope for the social and recreational use of the land as an informal area for primitive camping. While the current uses of the land meet the primary purpose of the, opportunities exist to provide further benefit to the community.

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

- To maintain and enhance the visual aesthetics of the reserve through proper maintenance of and regular clean-up of the land as a result of any illegal dumping.
- To investigate opportunities for further use of the land for primitive camping including, subject to funding, the provision of amenities.

- To provide opportunities for community events, within the scope of Section 68 of the Local Government Act, 1993 within Cape Reserve designated as *general community use*.

8.1 Statutory guidelines for development of the natural areas

The provisions of section 36(3A)(b) of the Local Government Act that apply to a 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 reserves are in the most part vacant, with structures limited to fencing, signage and in some cases limited seating. In terms of a land use under the provision of the environmental planning instrument may fall within the broad definition as a *recreation area*, which is a place used for outdoor recreation.

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 the relevant local environmental planning instrument as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to Division 19 & 25 of the SEPP, development for soil conservation works and waterway or foreshore management activities may carried out without consent by or on behalf of a public authority. Such works are limited to those set out in clauses 2.133 and 2.165 of the SEPP.

Table 5 identifies the zoning of the land under both Jerilderie Local Environmental Plan 2012 and Murrumbidgee Local Environmental Plan 2013. These zones that apply, particularly the RU1 Primary Production and the RU5 Village zones, 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 Natural Areas in terms of what it will permit.

Table 6 - Preferred uses of land categorised as natural area

Land Use	Provisions of an environmental planning instrument	Allowed under NAPoM	Reason
Boat launching ramps	Permitted with consent in RU1, RU5 and C3 zones of both JLEP 2012 and MLEP 2013.	Allowed, subject to proper environmental studies and that it is for public use to gain access to the Murrumbidgee River.	The use is considered consistent with the purpose and classification of the reserve as it provides public access to the waterways.
Boat sheds	Permitted with consent in RU1, RU5 and E3 zones of both JLEP 2012 and MLEP 2013.	Not allowed.	The use would be inconsistent with the purpose of the reserve and its classification.
Building identification signs	Permitted with consent in RU1, RU5 and E3 zones of both JLEP 2012 and MLEP 2013.	Allowed if in conjunction with another use permitted in this plan of management	A building identification sign would only with the purpose of the reserve and its categorization of the land as a <i>natural area</i> if it is ancillary to another permitted use.
Camping grounds	Permitted with consent in RU1, RU5 and E3 zones of both JLEP 2012 and MLEP 2013.	Primitive camping grounds, without communal amenities would be allowed except within RU5 zone.	The use would be consistent with the purpose of the reserve and with categorization of the land.
Eco-tourist facilities	Permitted with consent in RU1, RU5 and E3 zones of both JLEP 2012 and MLEP 2013.	Allowed in RU1 and RU5 zoned land subject to proper environmental studies.	The use of part of the land as an eco-tourist facility would be in keeping with the purpose of the reserve and the categorization of the land as a <i>natural area</i> .
Environmental protection works	Permitted without consent.	Allowed.	<i>Environmental protection works</i> are in keeping with the purpose and categorisation of the reserve.
Flood mitigation works	Permitted with consent in RU1, RU5 and E3 zones of both JLEP 2012 and MLEP 2013.	Allowed.	The use would be consistent with the purpose and categorization of the land.
Forestry	Permitted with consent in RU1 zones of both JLEP 2012 and MLEP 2013.	Not allowed.	The use would be inconsistent with the purpose of the reserve and the categorization of the land as a <i>natural area</i> .
Information and education facilities	Permitted with consent.	Not allowed.	The use would be inconsistent with the purpose of the reserve and the categorization of the land as a <i>natural area</i>
Recreation areas	Permitted with consent in RU1 and RU5 zones of both JLEP 2012 and MLEP 2013.	Allowed.	The use of the reserves as a <i>recreation area</i> is in keeping with the categorization of the land as a <i>natural area</i> .

Land Use	Provisions of an environmental planning instrument	Allowed under NAPoM	Reason
Roads	Permitted with consent in RU1 and RU5 zones of both JLEP 2012 and MLEP 2013. Permitted without consent in SP2 zone.	Not allowed, except for bushfire fighting purposes.	Except where need for bushfire fighting purposes the construction of a road would be inconsistent with the purpose of the reserve and categorization of the land as a <i>natural area</i> .
SEPP Infrastructure	Exempt development or permitted without consent.	Allowed, subject to satisfying the requirements of clause 2.133 & 2.165 of SEPP (Transport & Infrastructure) 2021.	Works identified in SEPP (Transport & Infrastructure) 2021 as development permitted without consent are for environmental protection purposes and would be considered consistent with the purpose and categorisation of the reserve.
Tree removal	Subject to the provisions of State Environmental Planning Policy (Tree Removal in Non-Urban Areas) 2017	Not allowed.	The use would be inconsistent with the purpose of the reserve and its categorisation of the land as a <i>natural area</i> .

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

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

The reserves are in the most part vacant, with structures limited to fencing, signage and in some cases limited seating. There was evidence of the land being used for camping.

Each of the reserves is being used for their intended purpose and are consistent with the categorization 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 on adoption of the plan.

8.3.1 Pines Reserve (R.31393)

At the date of adoption of the Plan of Management for Natural Areas, Pines Reserve comprised of natural grass cover, a plantation of pine trees and remnant vegetation and associated perimeter fencing.

Figure 1 – Aerial Image of The Pines



Legend

 Natural area (bushland)

Figure 2 – Entrance to reserve



Figure 3 – part of reserve looking eastwards



8.3.2 Thurrowa Reserve (R.33953)

At the date of adoption of the Plan of Management for Natural Areas, Thurrowa Reserve was in its natural state covered with native grasses and remnant vegetation. Part of the site is fenced as shown in figures 5 and 6.

Figure 4 – Aerial Image of Thurrowa Reserve



Legend

 Natural area (bushland)

Figure 5 – Part of reserve looking west



Figure 6 – part of reserve looking north-west



8.3.3 The Cape (R.55413)

At the date of adoption of the Plan of Management for Natural Areas, the Cape comprised of a mix of native vegetation along the edge of the water way, and natural grasses. The site is flat and largely vacant with the only structure being a stock bridge to the north constructed in 1985 and shown in image 8 and 10.

Figure 7 – Aerial Image of the Cape



Legend




	Natural area (bushland)
	Natural area (foreshore)
	General community use

Figure 8 – Stock bridge looking southwards



Figure 9 – Plaque



Figure 10 – Bridge looking west



Figure 11 – Waterway



Figure 12 – Part of bushland



Figure 13 – part of grazing area



8.3.4 Bunyip Hole Reserve (R.68938)

At the date of adoption of the Plan of Management for Natural Areas, Bunyip Hole comprises largely of remnant vegetation running along the southern foreshore of the Murrumbidgee. The reserve features a number of walking trails, interspersed with signage, seating and fencing.

Figure 15a – Aerial Images of Bunyip Hole Reserve (West)



Figure 15b – Aerial Images of Bunyip Hole Reserve (East)



Figure 15c – Aerial Images of Bunyip Hole Reserve (South)



Legend

- Natural area (bushland)
- Natural area (foreshore – 40 metres from MHWM)

Figure 16 – Warning signage



Figure 17 – Part of reserve looking east



Figure 18 – Map signage



Figure 19 – Walking path



Figure 20 – Picnic tables



Figure 21 – Walkway along river



Figure 22 – Park bench



Figure 23 – Corral fencing



Figure 24 – Information signage



Figure 25 – Corral fencing



Figure 26 – Part of bushland



Figure 27 – Park seating





8.3.5 Reserve No. 82340 Darlington Point

At the date of adoption of the Plan of Management for Natural Areas, Reserve No. 82340 at Darlington Point, the native grass cover and remnant vegetation were in their natural state. The site adjoins the Murrumbidgee Valley Regional Park.

Figure 28 – Aerial Image



Legend

-  Natural area (bushland)
-  Natural area (foreshore – 40 metres from MHWM)

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 licence or otherwise*
- (vi) *describe the scale and intensity of any such permitted use or development.*

Natural Areas will continue to be used as a *natural area* and the future works are likely to be limited to the clean-up of any unlawful dumping.

The reserves have all been mapped as being areas of varying degrees of environmental sensitivity and as such any development of the land would be subject to detailed reports. Given the zoning restrictions and the limited uses permitted by this plan, it is not expected that any future works would have an adverse impact on the environmental sensitivity 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 Regulations 2021 is prohibited.

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

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

- with the exceptions of those purposes identified in section 47B of the Local Government Act, 1993 is only over land that is categorised as *general community use*.
- the purpose is consistent with the core objectives for the category of the land.
- the lease, license or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government Regulations 2021.
- the issue of the lease, license or other estate and the provisions of the lease, license 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, license or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government Regulations 2021.
- the issue of the lease, license or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

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

Presently there are no leases or licenses in 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.*

Each of the reserves have been categorised partly as a natural area, with sub-categories of bushland or bushland and foreshore. The Cape an at Jerilderie has an additional categorisation of general community use.

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

Table 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 vehicular access.	Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards. Use of regulatory signs.	Record and review all accidents and near misses as a result of inappropriate use. Record all illegal or unauthorised vehicular entry and where necessary take appropriate regulatory action.
Barbeques	Allow the use of portable barbeques (with the exception of wood fire barbeques).	Use of regulatory signs regarding the use of portable barbeque facilities.	Record the number of reported failures and accidents, including reported near misses.
Rubbish Dumping and Littering.	Prohibit rubbish dumping and littering.	Regulatory signage at appropriate locations. Community education on the environmental impacts of rubbish dumping. Regular clean-up of reserve to remove any illegal dumping of rubbish	Number of incidents of illegal dumping Cost of clean-up and litter collection per annum
Signage	Allow suitable information, regulatory, identification, interpretive and directional signage relating to the reserve. Regulate advertising signage.	Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures & Signs. Council approval.	Number of user comments. Number of ordinance investigations and prosecutions.

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.

DRAFT

APPENDIX B - Aboriginal Heritage Information Management System Search Extracts



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

Purchase Order/Reference : 20-C01-MC The Pines

Client Service ID : 578498

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 : 156, DP:DP756425 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. *

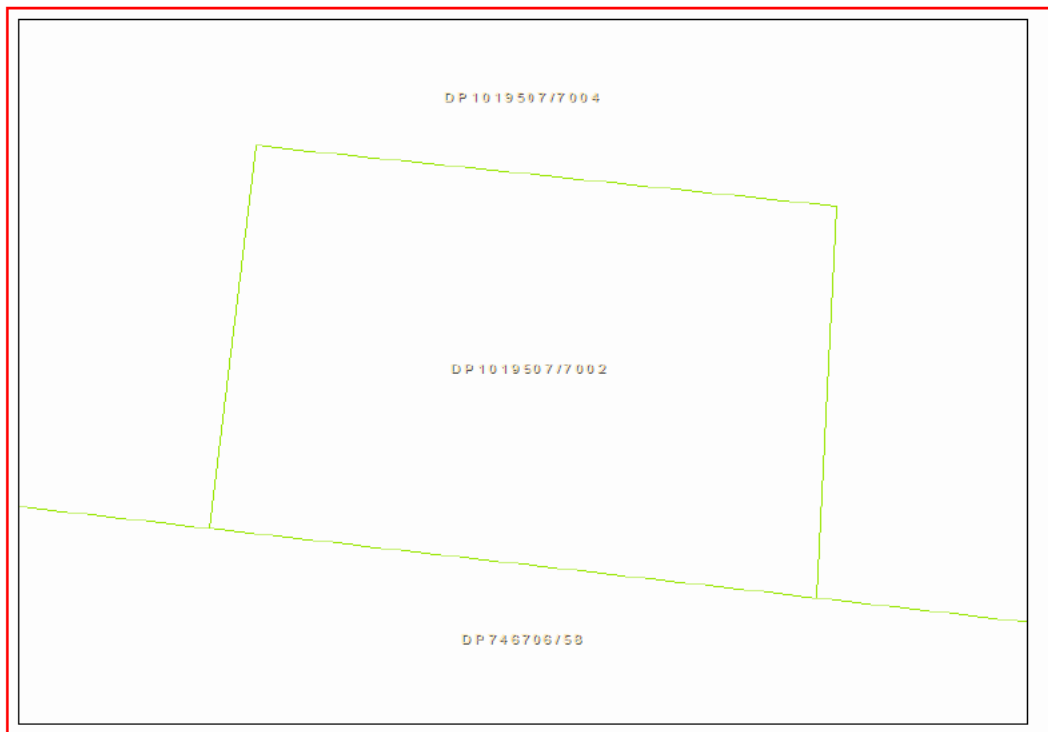
PARISPLAN URP
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7002, DP:DP1019507 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 : 7001, DP:DP1001673 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 : 7014, DP:DP1002224 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. *

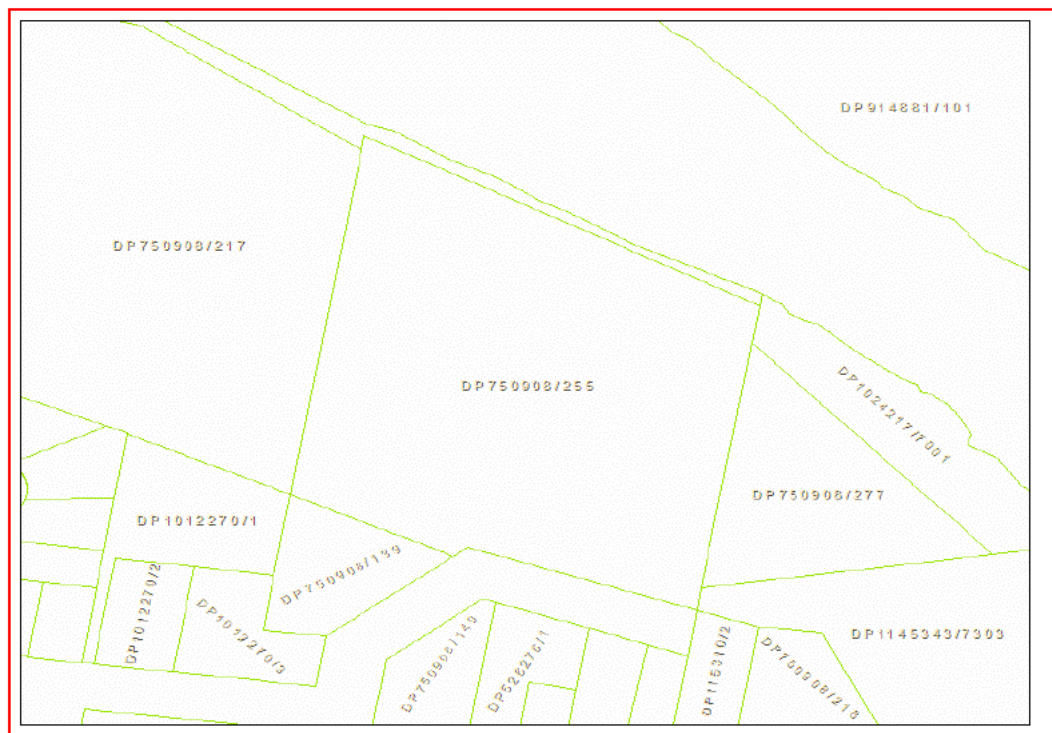
PARISPLAN URP
63 HILLAM DR
GRIFFITH NEW SOUTH WALES 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 255, 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

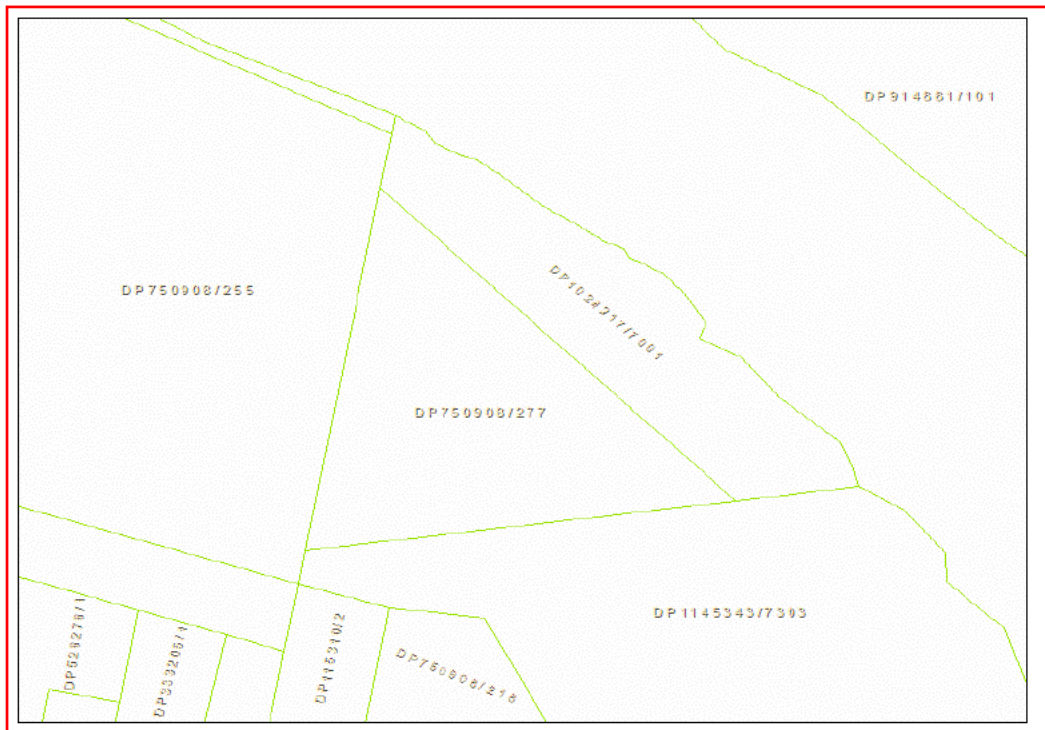
Attention: Steven Parisotto

Email: admin@parisplan.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 277, 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. *

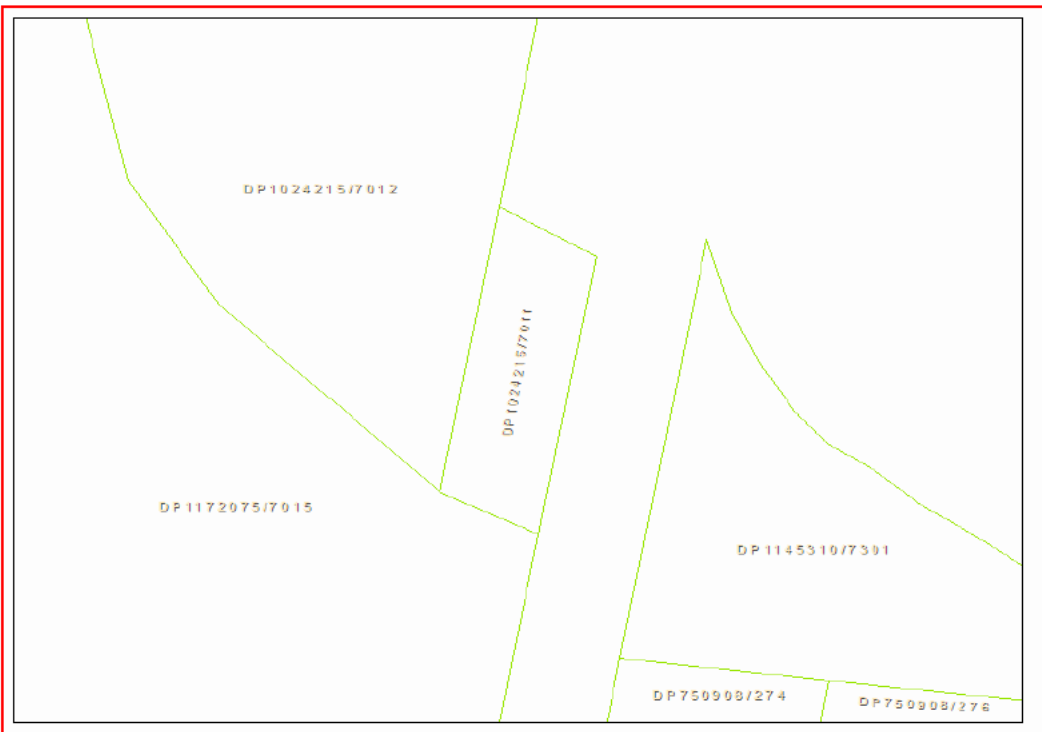
PARISPLAN URP
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7011, DP:DP1024215 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

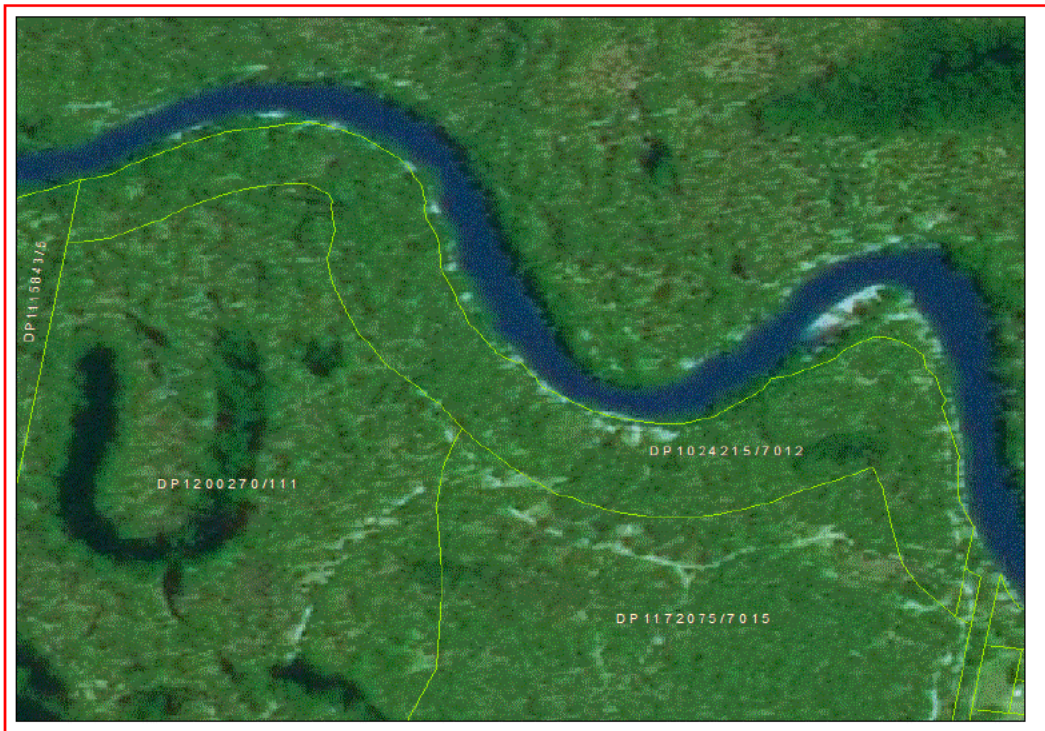
Date: 24 March 2021

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 : 7012, DP:DP1024215 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:

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

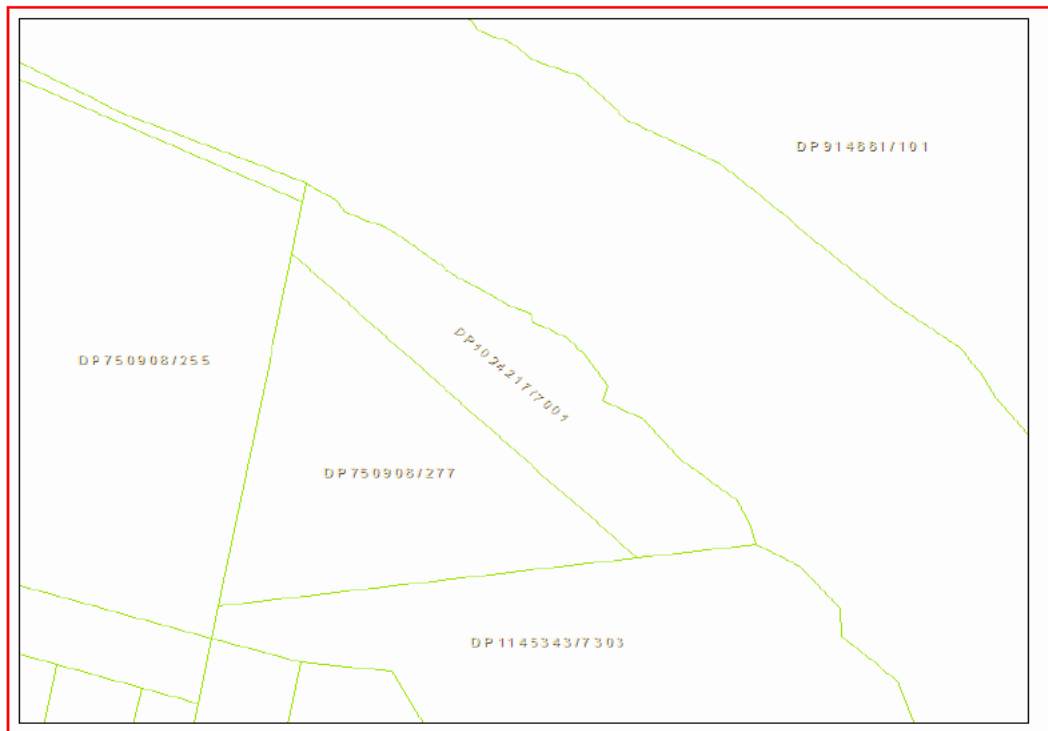
PARISPLAN URP
 63 HILLAM DR
 GRIFFITH NEW SOUTH WALES 2680
 Attention: Steven Parisotto
 Email: admin@parisplan.com.au

Date: 24 March 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7001, DP:DP1024217 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 : 7301, DP:DP1145310 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 : 7303, DP:DP1145343 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 : 7312, DP:DP1159328 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:

1	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 : 60, DP:DP751688 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 : 66, DP:DP751688 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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



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

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

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

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

Important information about your AHIMS search

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

Applicant	Work to be done	Total Project Cost	Funding Requested	Assessment Score	Funding Recommended	Applicant Contribution
St Joseph Church, Jerilderie (LHI)	Works for rising damp	\$48,004	\$5,000	70	\$5,000	\$43,004
Punt Hotel, Darlington Point (DLHI)	Verandah repairs and painting	\$11,050	\$5,000	68	\$4,000	\$6050
The Homestead, the Barracks, Darlington Point (LHI)	Replace the roof and repair/restore original features	\$80,000	\$5,000	65	\$5,000	\$75,000
Presbyterian Church, Darlington Point (DLHI)	Facia timber replaced and painted	\$10,780	\$5,000	63	\$4,000	\$5780
Toganmain Woolshed (LHI)	Restump the cooks quarters	\$10,000	\$5,000	58	\$4,750	\$5,000
Darlington Point Post Office (NHL)	Paint the front of the post office	\$2572.80	\$1,286.40	55	\$1000	\$1286
Royal Mail Hotel, Jerilderie (LHI)	Restoration works	\$1,320,000	\$1,300,000	35	Nil	\$264,000
(GST)						






SCHEDULE OF INVESTMENTS - 31 MARCH 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.
IMB Ltd	785,693.83	5.00%	3/04/2024	6	29
Bendigo	861,998.84	4.80%	4/04/2024	4	28
Westpac	1,500,000.00	5.02%	5/04/2024	4	39
Bendigo	1,500,000.00	4.86%	19/04/2024	4	45
Bendigo	1,000,000.00	4.85%	22/04/2024	4	44
Bendigo	1,000,000.00	4.80%	29/04/2024	3	36
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
Bendigo	1,274,478.35	4.70%	16/09/2024	6	21
	<u>30,296,919</u>				

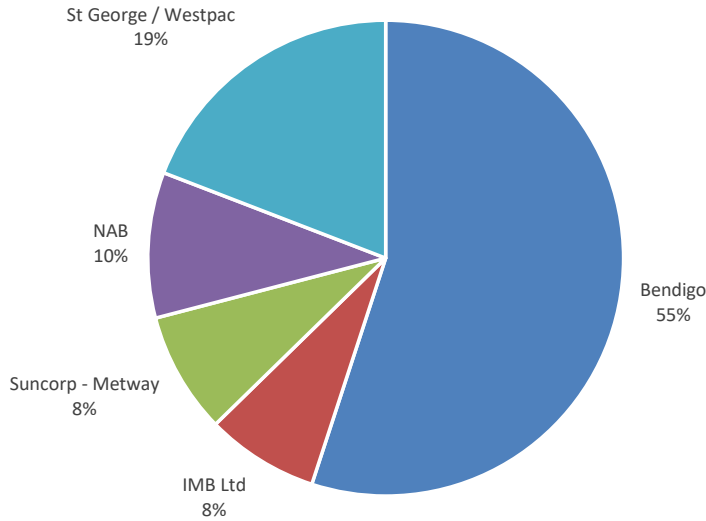
Maturity

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

Month	\$ Funds Maturing	
April 2024	\$ 6,647,693	
May 2024	\$ 7,138,131	
June 2024	\$ 7,887,251	
July 2024	\$ 7,349,365	
August 2024	\$ -	
September 2024	\$ 1,274,478	
	<u>\$ 30,296,919</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	16,671,072	A- / Baa1 / A-	A	N/A	55.03%	N/A
IMB Ltd	2,322,415	- / Baa1 / BBB+	BBB	10%	7.67%	●
Suncorp - Metway	2,500,000	A+ / A1 / A	A	14%	8.25%	●
NAB	3,000,000	AA- / Aa2 / A+	A	14%	9.90%	●
St George / Westpac	5,803,432	AA- / Aa2 / A+	AA	30%	19.16%	●
	<u>30,296,919</u>				<u>100%</u>	

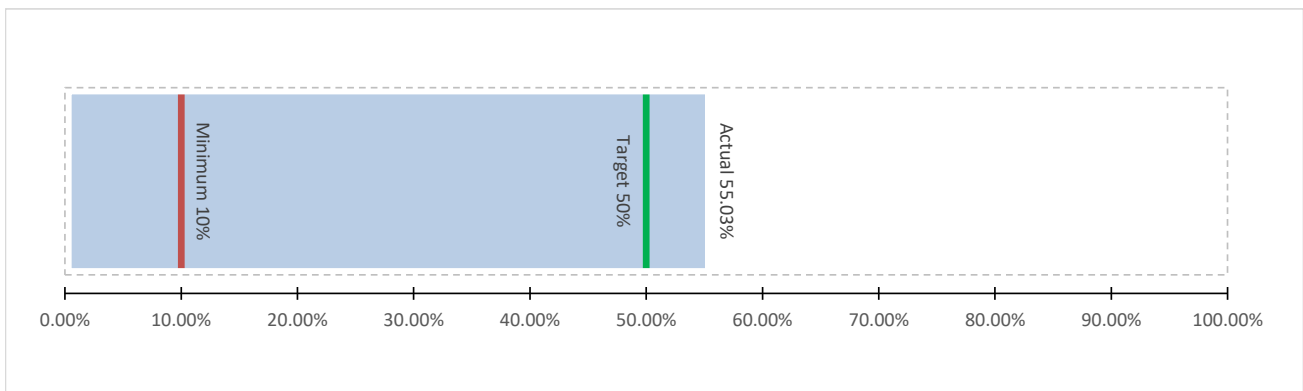


Investment with Bendigo Bank

55.03% ●

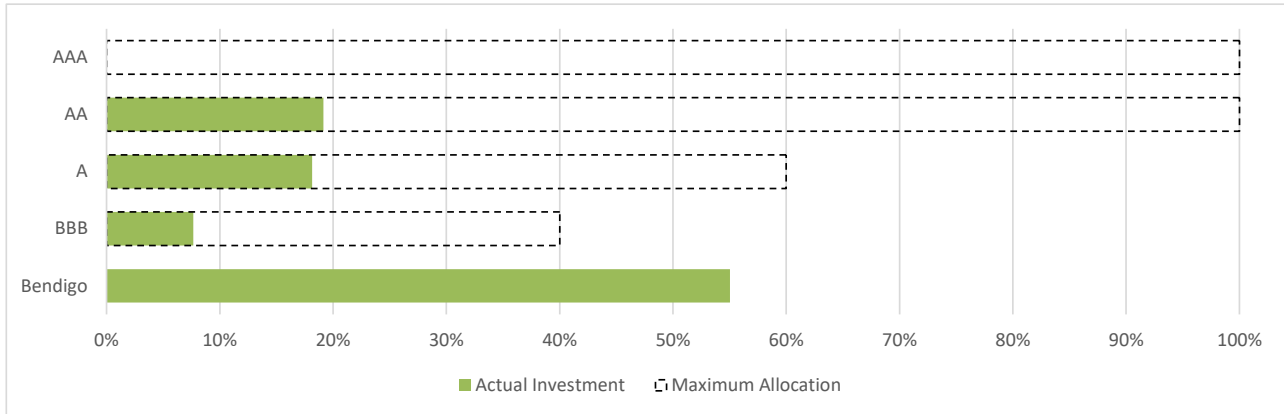
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

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%	\$ 5,803,432	19.16%	●
A	60%	\$ 5,500,000	18.15%	●
BBB	40%	\$ 2,322,415	7.67%	●
Bendigo	N/A	\$ 16,671,072	55.03%	N/A
Total		\$ 30,296,919	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
Bendigo - Inv 35	565,529	Partial redemption to meet cash flow requirements
	<u>565,529</u>	

New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Suncorp Inv 31	500,000	4.95%	4	Surplus funds invested to optimise cash flow
Westpac Inv 24	500,000	4.90%	3	Surplus funds invested to optimise cash flow
	<u>1,000,000</u>			

Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Bendigo - Inv 26	1,517,577	4.69	3	Rollover for cash flow purposes
Bendigo - Inv 23	524,205	4.79	4	Rollover for cash flow purposes
Westpac - Inv 30	614,989	4.95%	4	Rollover for cash flow purposes
Bendigo - Inv 21	1,274,478	4.70%	6	Rollover for cash flow purposes
Bendigo - Inv 33	1,597,051	4.80%	4	Rollover for cash flow purposes
Bendigo - Inv 35	500,000	4.80%	4	Partial rollover
Bendigo - Inv 40	1,000,000	4.80%	4	Rollover for cash flow purposes
	<u>7,028,300</u>			

Investment performance

	Mar-24	FYTD
Total investment income, including accrued interest	\$120,727	\$1,255,963
Money-weighted rate of return (% p.a.)	5.14%	5.34%
Bloomberg AusBond Bank Bill Index	4.41%	4.34%
Over performance/(under performance)	0.73%	1.00%

