

AREAS OF CULTURAL SIGNIFICANCE: The Willows

Plan of Management
2024-2029



Murrumbidgee
COUNCIL

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Plan of Management prepared for **Murrumbidgee Council**

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Table of Contents

EXECUTIVE SUMMARY	4
PART 1: INTRODUCTION AND GENERAL INFORMATION	5
1. KEY INFORMATION.....	5
2. ABOUT PLANS OF MANAGEMENT.....	5
2.1 <i>Why is Murrumbidgee Council preparing a Plan of Management?</i>	6
2.1 <i>Corporate objectives of Murrumbidgee Council</i>	6
2.2 <i>Land to which this plan applies</i>	7
2.3 <i>Owner of the land</i>	9
2.4 <i>Categorisation of the reserves</i>	9
3. RELEVANT LEGISLATION, POLICIES AND PROCEDURES.....	9
3.1 <i>Local Government Act 1993</i>	10
3.2 <i>Crown Land Management Act 2016</i>	12
3.3 <i>Other relevant legislation and statutory controls</i>	13
3.4 <i>Review of this plan</i>	16
3.5 <i>Community consultation</i>	17
4. LAND COMPRISING THE HABITAT OF ENDANGERED SPECIES OR THREATENED SPECIES.....	18
5. LAND CONTAINING SIGNIFICANT NATURAL FEATURES.....	18
6. CULTURALLY SIGNIFICANT LAND.....	18
PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND	19
7. MANAGEMENT DIRECTIONS.....	20
8.1 <i>Statutory guidelines for development of the reserves</i>	20
8.2 <i>Use of the land and structures at the date of adoption of the plan</i>	23
8.3 <i>Condition of the land and structures on adoption of the plan</i>	23
8.4 <i>Permitted use and future use</i>	24
8.4 <i>Leases, licences and other estates</i>	26
9. ADMINISTRATION OF PLAN AND PERFORMANCE TARGETS.....	27
APPENDICIES	31
APPENDIX A - DEFINITIONS.....	31
APPENDIX B - EXTRACT FROM PLANNING REPORT.....	33
SUMMARY OF PLANNING CONTROLS	33
LIST OF FIGURES & TABLES	
<i>Figure 1 – Aerial Image of The Willows</i>	8
Figure 4A – Existing building (street).....	24
Figure 4B – Existing building (rear).....	24
Figure 4C – Existing buildings.....	24
Figure 4D – Existing amenities.....	24

EXECUTIVE SUMMARY

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

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

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

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

The plan of management has been prepared with due regard to *Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers* issued in June 2023 and the sample for a site-specific Crown reserve plan of management outline, in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community, and the environment. It has been prepared to meet the requirements of the Local Government Act, 1993 (LG Act), as amended by the Local Government Amendment (Community Land Management) Act 1998.

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

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

This Plan of Management Plan covers the following:

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

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

The Plan of Management for Areas of Cultural Significance: The Willows was adopted on **23 July 2024**.

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

2. ABOUT PLANS OF MANAGEMENT

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

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

A plan of management can be prepared for more than one parcel of land (generic or geographic) or for a single parcel (significant or specific). The Plan of Management for Areas of Cultural Significance – The Willows is a specific plan of management.

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

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

2.1 Why is Murrumbidgee Council preparing a Plan of Management?

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

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

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

It is not intended that the Plan of Management for Areas of Cultural Significance: The Willows will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management are have been formulated so that they align with Murrumbidgee Council's Community Strategic Plan (CSP) that was adopted in 2019, which has been

adopted on two guiding tenants, one being the principle of social justice and the other being sustainability.

Social justice principles underpinned the Murrumbidgee Council CSP are:

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

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

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

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

2.2 Land to which this plan applies

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

Table 1: Land covered by this Plan of Management

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

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

Figure 1 – Aerial Image of The Willows



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

Land	Reason
<i>R62157 Pump station</i>	This site has dual categorisation including a natural area and it has been included in the generic plan of management for natural areas
<i>R88058 Darlington Point Museum</i>	This site has its own unique characteristics and a separate plan of management is warranted.
<i>R150042 Jerilderie Court House and Library</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
R89633 <i>The Willows, Jerilderie</i>	Museum	Area of cultural significance

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Areas of Cultural Significance is primarily guided by:

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

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

- Environmental Planning and Assessment Act, 1979;

-
- Environmental Planning and Assessment Regulation, 2021;
 - State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - Jerilderie Local Environmental Plan, 2012;
 - Murrumbidgee Local Environmental Plan, 2013;
 - Companion Animals Act, 1998;
 - Disability Discrimination Act, 1992.

3.1 Local Government Act 1993

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

The core objectives for the management of community land categorised as an area of cultural significance are set out in section 36H of the Local Government Act, 1993 and clause 105 of the Local Government (General) Regulation, 2021 respectively. These core objectives are as follows:

Table 4: Core objectives

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

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

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

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

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

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

6 Deliver a public address or hold a religious service or public meeting

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

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

3.2 Crown Land Management Act 2016

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

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

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
- (d) that, where appropriate, multiple use of Crown land be encouraged, and
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt within the best interests of the State consistent with the above principles.

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

as Crown Land Manager, are drawn from Division 3.4 of CLM Act. In this regard Murrumbidgee Council is authorised to:

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

On 25 February 2020 Murrumbidgee Council resolved to provide written notice to the Minister of the initial categorisation of the Crown Land pursuant to section 3.23(4) Murrumbidgee Council. The copy of the initial categorisation of the reserves listed Table 3 and other land managed by Murrumbidgee Council was sent to the Department of Planning, Industry & Environment (Crown Lands) on 4 March 2020.

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

3.3 Other relevant legislation and statutory controls

The following is an overview of any other relevant legislation and statutory controls including the provision of relevant factors listed in an environmental planning instrument, including the provisions of the relevant environmental planning instruments and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such

recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

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

3.3.2 Aboriginal Land Rights Act, 1983

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

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

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

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

3.3.3 Environmental planning & assessment act, 1979

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

3.3.3.1 State environmental planning policies

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

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartments

It should be noted that not all these would be applied to the development within Plan of Management for Areas of Cultural Significance, as many relate to development that is inconsistent with the categorisation of the land and this plan of management. State Environmental Planning Policy (Transport Infrastructure) 2021 is one which most likely would require consideration when evaluating a development on the land.

3.3.3.2 Local environmental plans

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

Table 5: Land zoning

Land	Local environmental plan	Zoning
R89633 The Willows, Jerilderie	Jerilderie Local Environmental Plan 2012	RU5 Village

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

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

3.3.1.2 Development Control Plan

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

Murrumbidgee Council has two (2) development control plans in force. These documents are published on the NSW Planning Portal and on Council's website.

3.4 Review of this plan

This Plan of Management has been prepared pursuant to the provisions of the Crown Land Management Act 2016 to provide an appropriate statutory basis for the continuing improvement and function of The Willows

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

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

3.5 Community consultation

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

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

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

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

With regard to the provisions of sections 38 and 39 of the LG Act, Council resolved on 28 May 2024 to place the draft PoM on public exhibition for 28 days. The exhibition date commenced on 31 May 2024 and ended on 28 June 2024. The public noticed advised that submissions would be received up until 12 July 2024 which is 42 days after the commencement of the public exhibition period.

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

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

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

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

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

5. Land containing significant natural features

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

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

6. Culturally significant land

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

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

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

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

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

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

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

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve listed in Table 6 below is owned by the state of New South Wales and Murrumbidgee Council has been appointed the Crown Land Manager. Part 2 provides detailed information regarding the proposed area of cultural significance use categorisation of the land, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

Table 6: Reserve purpose and gazette date

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

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

7. Management directions

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

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

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

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

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

8.1 Statutory guidelines for development of the reserves

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

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

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

The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in JLEP 2012 as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to clause 2.73(1)(d)(ii) of the SEPP, development for any purpose may be carried out without consent on Crown managed land by or on behalf of the Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted under the Local Government Act 1993 in relation to Crown managed land managed by a Council. Irrespective of the categorisation of the land, the provisions of clause 2.73(3)(a) and 2.74(1) allows certain development that may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council.

Under both JLEP 2012 the reserve is zoned RU5 Village and one of the objectives of the zone is to allow for a range of land uses, services and facilities that are associated with a rural village. Table 7 below identifies the uses that are exempt development, permitted with or without the consent in an environmental planning instrument and Council's plan of management. As described in section 3.3.1.1 of this plan, the RU5 Village zone is an open zone and permits a wide range of uses, however not all uses are deemed compatible with the current use of the land or the purpose of the reserve and in this regard Table 8 identifies certain uses that would complement the current reserve purpose and provide scope for Council to ensure the heritage integrity of the buildings are made through sympathetic development.

Table 7 – Permitted uses of land consistent with reserve purpose

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

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

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

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

Table 9 – Other development that may be considered

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

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

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

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

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

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

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

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

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

Figure 2A – Existing building (street)⁴



Figure 2B – Existing building (rear)



Figure 2C – Existing buildings



Figure 2D – Existing amenities



8.4 Permitted use and future use

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

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

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

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

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

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

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

8.4.1 Reserves as area of cultural significance

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

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

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

8.4 Leases, licences and other estates

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

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

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

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

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

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

9. Administration of Plan and Performance Targets

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

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

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

Table 11 - Objectives and performance targets

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access	Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve.	Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards.	Assess useability of the reserves by wheelchair users through surveys and observation.
Alcohol	<i>Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or leased areas.</i>	<i>Use of regulatory signs and enforcement.</i>	<i>Record all complaints and investigations and where necessary take appropriate regulatory action.</i>
Artworks and monuments	<i>Allow for public and community artworks and monuments in appropriate settings.</i>	<i>Engage appropriate persons to engage the community to identify, commission & erect artworks.</i>	<i>Document comments received in respect to artworks. Install artworks based on any budgetary funding or State and Federal grants</i>
Buildings	<i>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities. Allow buildings and building alterations, ancillary to the use of the museum.</i>	<i>Undertake regular cleaning and maintenance of the buildings. Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Infrastructure) 2007, where Council is to carry out the works. Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.</i>	<i>Undertake regular of maintenance of the buildings in accordance with any operational plan for upkeep of all areas of cultural significance within the local government area. Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</i>
Hours of Usage	<i>Restrict the hours of use of the facilities commensurate to the amenity of the area.</i>	<i>Council approval and regulatory signs for special events and group activities.</i>	<i>Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.</i>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<i>Landscaping (including irrigation systems)</i>	<p><i>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</i></p> <p><i>Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.</i></p>	<p><i>Augment existing indigenous planting.</i></p> <p><i>Use screen planting for visual acoustic and physical buffers.</i></p> <p><i>Application of correct horticultural and tree surgery techniques.</i></p> <p><i>Minimise rubbish dumping within the local area via community education.</i></p> <p><i>Design, install and operate the irrigation system.</i></p>	<p><i>Number of comments about public acceptance and level of usage.</i></p> <p><i>Degree of turf encroachment into planted areas.</i></p> <p><i>Number of comments about maintenance, durability and public acceptance of the landscape character.</i></p> <p><i>Number of reported incidents of rubbish dumping .</i></p> <p><i>Number of incidents of failure of the irrigation system.</i></p>
<i>Lighting</i>	<p><i>Allow security lighting which will enable safe movement of pedestrians along major access routes at night.</i></p> <p><i>Prevent excessive lighting impacts on adjoining land uses.</i></p> <p><i>Allow for lighting of special events at night.</i></p> <p><i>Allow for the lighting of architectural or landscaped features.</i></p>	<p><i>Set appropriate illumination levels.</i></p> <p><i>Design, site and install light facilities.</i></p> <p><i>Regulate times for lighting of special events.</i></p> <p><i>Council approval.</i></p>	<p><i>Number of comments from adjoining residents and Park users.</i></p> <p><i>Number of problems related to inadequate lighting.</i></p>
<i>Signage</i>	<p><i>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park.</i></p> <p><i>Regulate advertising signage.</i></p>	<p><i>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures & Signs.</i></p> <p><i>Council approval.</i></p>	<p><i>Number of user comments.</i></p> <p><i>Number of ordinance investigations and prosecutions.</i></p>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<i>Site Utility Services</i>	<i>Allow for the installation of all services as required by site usage.</i>	<i>Approval by the appropriate Statutory Authorities.</i> <i>Construction and installation of all necessary services.</i> <i>Registration of appropriate easements.</i>	<i>All facilities are adequately serviced, identified and located.</i> <i>Number of objections received from service authorities about the location and quality of services.</i> <i>Number of site utility service installations constructed.</i>
<i>Special Events</i>	<i>Allow special events within the museum with minimal adverse visual, physical, social and environmental impact.</i>	<i>Council approval as required under Environmental Planning & Assessment Act, 1979 and/or Local Government Act, 1993</i>	<i>Number of comments about special events.</i> <i>Attendance levels at special events.</i>
<i>Vandalism</i>	<i>Minimise vandalism within the reserves.</i>	<i>Appropriate landscape design techniques.</i> <i>Appropriate use of materials.</i> <i>Encouragement of community involvement and education.</i> <i>Appropriate use of signage. Prompt repair of vandalised areas.</i>	<i>Number of reported incidents of vandalism</i>
<i>Waste Management</i>	<i>Minimise litter within the reserves. Encourage recycling.</i>	<i>Provide and service enough waste management facilities in strategic locations.</i> <i>Provide a recycling station for glass, aluminium, PET plastics etc.</i>	<i>Number of garbage and recycling bins provided.</i> <i>Number of comments in relation to inadequate waste facilities.</i>

APPENDICIES

APPENDIX A - Definitions

Term	Legislative definition
commercial premises	<p>means any of the following—</p> <ul style="list-style-type: none"> (a) business premises, (b) office premises, (c) retail premises.
community facility	<p>means a building or place—</p> <ul style="list-style-type: none"> (a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or welfare of the community, <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>
community land	<p><i>means –</i></p> <p><i>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</i></p>
community participation plan	<p><i>means –</i></p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p>
environmental planning instrument	<p><i>means –</i></p> <p><i>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</i></p> <p><i>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</i></p>
food and drink premises	<p>means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</p> <ul style="list-style-type: none"> (a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar.
plan of management	<p><i>means –</i></p>

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

public reserve

means –

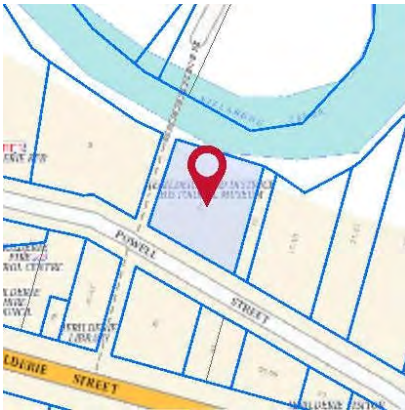
- (a) a public park, or
- (b) any land conveyed or transferred to the council under section 340A of the [Local Government Act 1919](#), or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the [Local Government Act 1919](#), or
- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the [Crown Lands Consolidation Act 1913](#), or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the [Crown Lands Act 1989](#), or
- (g) Crown managed land that is dedicated or reserved—
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the [Crown Land Management Act 2016](#),

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

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

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

APPENDIX B - Extract from Planning Report



Property Details

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

Summary of planning controls

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

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