



MONASH PARK
Plan of Management
2024-2029



Murrumbidgee
COUNCIL

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

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EXECUTIVE SUMMARY

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

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

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

The plan of management has been prepared with due regard to *Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers* issued in September 2021 and the sample for a generic Crown reserve plan of management outline, in order achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community, and the environment. It has been prepared to meet the requirements of the Local Government Act, 1993 (LG Act), as amended by the Local Government Amendment (Community Land Management) Act 1998.

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

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

This Plan of Management Plan covers Lot 7301 DP 1132742 being Crown Land Reserve No. 9984 and known as Monash Park.

Figure 1 – Aerial image



Legend

 Sportsground

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

The Plan of Management for Monash Park (MPPoM) was adopted on **23 July 2024**.

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

2. ABOUT PLANS OF MANAGEMENT

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

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

A plan of management can be prepared for more than one parcel of land (generic or geographic) or for a single parcel (significant or specific). The MPPOM is a specific plan of management.

The Crown land covered under this plan of management is a valuable community resource and the key objective of the MPPOM is to provide a clear direction that will enable ongoing use of Monash Park reserve for organized sporting activities and facilitate opportunities for uses appropriate to the land.

2.1 Why is Murrumbidgee Council preparing a Plan of Management?

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

Crown Land Manager, Murrumbidgee Council is required to prepare a plan of management for over 30 parcels of Crown land it is responsible for.

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

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

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

2.1 Corporate objectives of Murrumbidgee Council

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

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

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

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

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

2.2 Land to which this plan applies

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

Table 1: Land covered by this plan of management

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

2.3 Owner of the land

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

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

2.4 Categorisation of the reserves

The land covered by this generic plan of management is public land and for the purpose of clause 26 of the Local Government Act, 1993 is classified as community land. Table 2 identifies the purpose of the reserve and the categorization of the land as confirmed by the Department of Planning, Industry and Environment – Crown Lands.

Table 2: Reserve purpose, gazettal date and categorisation

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

3. Relevant legislation, policies and procedures

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

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

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

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Transport Infrastructure) 2021;
- Jerilderie Local Environmental Plan, 2012;
- Companion Animals Act, 1998;
- Disability Discrimination Act, 1992.

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

These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. The core objectives for the management of community land categorized as a sportsgrounds are set out in sections 36F of the Local Government Act, 1993 and clauses 103 of the Local Government (General) Regulation 2021 respectively.

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

Table 3: Guidelines and core objectives of sportsground

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

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

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

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

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

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

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

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

3.2 Crown Land Management Act 2016

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

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

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

Crown Land Managers have a statutory responsibility for the care, control and management of the Crown Land for the purposes for which the land is reserved or dedicated or other purposes as

authorised by the Act. In this instance the statutory responsibilities assigned to Murrumbidgee Council, as Crown Land Manager, are drawn from Division 3.4 of CLM Act. In this regard Murrumbidgee Council is authorised to:

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

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

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

3.3 Other relevant legislation and statutory controls

The following is an overview of any other relevant legislation and statutory controls including the provision of relevant factors listed in an environmental planning instrument, including the provisions of the Native Title Act, 1993 (Commonwealth), Aboriginal Land Rights Act, 1983, Jerilderie Local Environmental Plan 2012 and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

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

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

3.3.2 Aboriginal Land Rights Act, 1983

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

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

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

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

3.3.3 Environmental planning & assessment act, 1979

The Environmental Planning and Assessment Act, 1979 (EP&A Act) provides the fundamental framework for which planning and development in NSW takes place, with Part 3 of the Act providing

the mechanism for how environmental planning instruments are made; Part 4 relating to development assessment and consent; and Part 5 address infrastructure and environmental assessment.

3.3.3.1 State environmental planning policies

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

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

3.3.3.2 Local environmental plans

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

Table 4: Zoning of reserve

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

3.3.3.3 Development Control Plan

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

Murrumbidgee Council has two (2) development control plans in force, with the Jerilderie Development Control Plan 2012 (DCP) being relevant to the land. This document is published on the NSW Planning Portal and on Council's website.

3.4 Review of this plan

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

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

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

3.5 Community consultation

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

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

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

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

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

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

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

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

The provisions of sections 36A and 36B of the Local Government Act, 1993 do not apply to the land listed in Table 2 for the following reasons:

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

5. Land containing significant natural features

The provisions of section 36C of the Local Government Act, 1993 does not apply to any of the reserve listed in Table 2 as the land is not subject to a resolution of Murrumbidgee Council that declared the land, being a site of:

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

6. Culturally significant land

In 2010 the Office of Environment and Heritage (formerly the Department of Environment, Climate Change and Water) published the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. This code of practice is aimed at assisting individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects. As part of its due diligence in preparation of this Plan of Management, a basic search of the NSW Environment & Heritage Aboriginal Heritage Management Information System (AHIMS) for each of lots within the reserves on 5 May 2021 (see Appendix B) was undertaken. No Aboriginal sites are recorded in or near³ the above location; and no Aboriginal places have been declared in or near the above location.

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land reserve listed in Table 1 and is owned by the state of New South Wales and Murrumbidgee Council has been appointed the Crown Land Manager. Part 2 provides detailed information regarding the management of Monash Park, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

7. Vision for Monash Park

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

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

The vision set out in the plan of management aligns with Murrumbidgee Council's *Statement of Vision & Priorities – Three Towns One Community* that seeks to promote “community built by an innovative mindset delivering appropriate and reliable services”.

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

8. Management directions

Murrumbidgee Council acknowledges the sportsgrounds covered by this plan of management provides the local communities with both opportunities for passive and active recreational use of the land. While the current uses of the land meet the basic needs, opportunities exist to provide further benefit to the community through a co-ordinated approach to future development, including obtaining grants for new or upgrade facilities.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for Monash Park. It will identify the existing condition of the land and structures on the adoption of the plan, identify existing uses of the land as well as additional matters dealing with the day-to-day management and maintenance of the reserve. In order to realise the potential of the land and provide a greater benefit for the local community the following directions for the management of the reserve are proposed:

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

8.1 Statutory guidelines for development of the sportsgrounds

The provisions of section 36(3A)(b) of the Local Government Act that apply to site specific plan of management have been considered, and are as follows:

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

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

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

Table 4 identifies the zoning of the land under JLEP 2012. The RE1 zone that applies provide for a range of permissible land uses, however not all are consistent with the categorization of the land.

Table 6 below identifies the uses that are exempt development, permitted with or without the consent in an environmental planning instrument and Council's plan of management of Monash Park in terms of what it will permit.

Table 6 - Preferred uses of the reserve

| Land Use | Provisions of an environmental planning instrument | Allowed under MPPoM | Reason |
|--|---|---|---|
| <i>Building identification signs</i> | Permitted with consent. | Allowed if in conjunction with another use permitted in this plan of management | A building identification sign that is ancillary to another permitted use would be consistent with the purpose of the reserve and the categorization of the land. |
| <i>Environmental protection works</i> | Permitted with or without consent. | Allowed. | <i>Environmental protection works</i> would be consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation areas</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area</i> is consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation facilities (indoor)</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (indoor)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| <i>Recreation facilities (major)</i> | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (major)</i> is |

| | | | |
|--|--|--|--|
| | | | consistent with the purpose of the reserve and the categorization of the land. |
| Recreation facilities (outdoor) | Permitted with consent. | Allowed. | The use of the reserve as a <i>recreation area (outdoor)</i> is consistent with the purpose of the reserve and the categorization of the land. |
| SEPP Infrastructure | Exempt development or permitted without consent. | Allowed, subject to satisfying the requirements of clause 2.73 & 2.74 of SEPP (Transport & Infrastructure) 2021. | Works identified in clauses 2.73 & 2.74 of the SEPP would be consistent with the purpose of the reserve and the categorization of the land. |
| Water reticulation systems | Permitted without consent. | Allowed. | <i>Water reticulation systems</i> would be consistent with the purpose of the reserve and the categorization of the land. |

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

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

Table 7 and the images in Figures 2 to 19 identifies the current use of the land and existing structures that have been erected.

Table 7: Existing use of reserves and structures

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

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area*, the categorisation of the reserve as a *sportsground*. Monash Park is

being used for its gazette purpose for public recreation and the approved categorization as sportsground.

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

The provisions of Section 36(3A)(a) of the LG Act requires a plan of management to include a description of the condition of the land and structures on adoption of the plan. At the date of adoption of the Plan of Management for Monash Park, the playing surface of the main oval appear to be in fair condition, with the netball courts and cricket practice nets in good condition. All buildings are in good condition and appear to be well maintained.

Figure 2 – Signage at entrance⁴



Figure 4 – Main vehicular entrance

Figure 3 – Monument



Figure 5 – Entrance booth (for vehicles)



Figure 7 – Canteen (part of main building)

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

Figure 6 – Main building



Figure 8 – Clubhouse area (main building)



Figure 9 – Change rooms (main building)



Figure 10 – Grandstand



Figure 11 – Netball courts and seating



Figure 12 – Shade structures, spectator area



Figure 13 – Machinery storage shed



Figure 14 – Practice nets



Figure 15 – Main turf cricket pitch



Figure 16 – Main oval and goal posts



Figure 17 – Electronic scoreboard



Figure 18 – Main building from oval



Figure 19 – Playground equipment



8.3 Permitted use and future use

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

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

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

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

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

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

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

8.4 Leases, licences and other estates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Presently there are no leases, licenses or other estates in place.

9. Administration of Plan and Performance Targets

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

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

The land has been categorised partly as a sportsground.

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

Table 8 - Objectives and performance targets

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|--------------------------|---|---|--|
| Access | Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve. | Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards. Provision of shared facility where safe and appropriate, including the segregation of cyclists and pedestrians where appropriate. Use of regulatory signs. | Assess useability of Monash Park by wheelchair users through surveys and observation. Record and review all accidents and near misses as a result of inappropriate use. |
| Alcohol | Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or leased areas. | Use of regulatory signs and enforcement. | Record all complaints and investigations and where necessary take appropriate regulatory action. |
| Animal control | Impound all animals that are not under the full control of owner or handler. | Community education and involvement in monitoring. Use of regulatory signs and enforcement. | Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action. |

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|------------------------------|---|--|---|
| Anti-Social behaviour | Minimise and manage anti-social behaviour in the sportsground. | <p>Encourage community involvement and surveillance.</p> <p>Implement community health measures.</p> <p>Appropriate design and lighting of common areas.</p> | Record the number of complaints received and undertake investigations, and where necessary take appropriate regulatory action. |
| Buildings | <p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow new buildings, that are consistent with or ancillary to the reserve purpose of public recreation and use of the <i>sportsground</i>, are to complement to the design of the existing structures within Monash Park</p> | <p>Undertake regular cleaning and maintenance of the public amenities within Monash Park</p> <p>Provision and maintenance of security lighting in an around the amenities' building.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport & Infrastructure) 2021 where Council is to carry out the works.</p> <p>Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.</p> | <p>Undertake daily cleaning of the public amenities, and identify any new maintenance matters out or incidents of vandalism.</p> <p>Record and respond to complaints about hygiene and maintenance.</p> <p>Undertake regular of maintenance of the amenities in accordance with any operational plan for upkeep of all parks and recreational facilities within the local government area.</p> <p>Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</p> |
| Irrigation Systems | Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth. | Design, install and operate the system. | Number of incidents of failure of the irrigation system. |

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|-------------------|--|--|---|
| Landscaping | <p>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p> <p>Maintain playing surfaces to a standard providing safety for the people using the sportsground.</p> | <p>Use shade trees for user</p> <p>Preserve and reinforce indigenous planting and identify species endemic to the area.</p> <p>Application of correct horticultural techniques for the maintenance of the cricket pitch and other grassed playing surfaces</p> | <p>Number of comments about public acceptance and level of sporting usage.</p> <p>Number of comments about maintenance, durability and public acceptance of the landscape character.</p> |
| Lighting | <p>Allow flooding lighting which will enable safe training and playing areas during the evening and at night.</p> <p>Prevent excessive lighting impacts on adjoining land uses.</p> | <p>Set appropriate illumination levels.</p> <p>Design, site and install light facilities.</p> | <p>Number of comments from adjoining residents and Park users.</p> <p>Number of problems related to inadequate lighting.</p> |
| Outdoor Furniture | <p>Allow for the provision of adequate furniture, such as bubblers, tables, seats, bins, bollards, cycle racks, tree guards and planter tubs, etc at suitable locations.</p> <p>Create a comfortable setting for users both aesthetically and functionally.</p> | <p>Complement and be consistent with the theme for surrounding Public Open Space Areas.</p> <p>Appropriate design, siting, use of materials and erection of furniture.</p> | <p>Number of comments about acceptance by the community with regard to the suitability of the location and the style.</p> <p>Number of incidents of non-compliance with relevant Council Codes, Policies and Regulations.</p> |

| Management Issues | s.36(3)(b) Objectives and Performance Targets | s.36(3)(c) Means of achievement of objectives | s.36(3)(d) Manner of assessment of performance |
|---------------------------------------|---|---|--|
| Refreshment kiosks (mobile and fixed) | <p>Allow the licensing or leasing of <i>kiosks</i> or <i>food & drink premises</i> as approved by Council.</p> <p>Permissible on area defined in lease or licence agreement.</p> <p>Control and regulate the entry of casual vendors (eg: ice-cream carts) within Monash Park so that they do not conflict with canteen operations of the sporting clubs and their fund raising abilities.</p> <p>Appropriate control measures. Council approval.</p> <p>Enter into appropriate licensing/leasing agreements.</p> | <p>Council approval. Licensing/Leasing Agreement.</p> <p>Lease or license holders take precedence over casual street vendors.</p> <p>Casual street vendors are only to be permitted to operate from the site with the permission of the local sporting club or by their invitation.</p> | <p>Managing and reporting incidence of non-compliance with terms of Council approval, license or lease agreement.</p> <p>Number of licences issued.</p> <p>Number of public comments about vendors in public places.</p> <p>Number of reported illegal or unauthorised entries.</p> <p>Number of licences granted per annum.</p> |
| Shade structures and other shelters | <p>Allow structures which will provide shade and shelter for park users in appropriate areas</p> <p>Allow integration of structures that are harmonious, functional and aesthetically in keeping with the character of the park</p> | <p>Appropriate design, location and erection of structures.</p> | <p>Number of comments about the effectiveness of the structures in all weather conditions.</p> <p>Number of community responses to appearance of the structures.</p> <p>Number of structures erected.</p> |
| Signage | <p>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park.</p> <p>Regulate advertising signage.</p> | <p>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures & Signs.</p> <p>Council approval.</p> | <p>Number of user comments.</p> <p>Number of ordinance investigations and prosecutions.</p> |

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

APPENDICIES

APPENDIX A - Definitions

| Term | Legislative definition |
|--|---|
| community land | <p>means –</p> <p><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>means –</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>means –</p> <p><i>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</i></p> <p><i>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</i></p> |
| plan of management | <p>means –</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>means –</p> <ul style="list-style-type: none">(a) <i>a public park, or</i>(b) <i>any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or</i>(c) <i>any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or</i>(d) <i>any land dedicated or taken to be dedicated under section 49 or 50, or</i>(e) <i>any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or</i>(f) <i>any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or</i>(g) <i>Crown managed land that is dedicated or reserved—</i><ul style="list-style-type: none">(i) <i>for public recreation or for a public cemetery, or</i>(ii) <i>for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order</i> |

published in the Gazette by the Minister administering the [Crown Land Management Act 2016](#),

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

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

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

recreation area

means a place used for outdoor recreation that is normally open to the public, and includes –

- (a) a children's playground, or*
- (b) an area used for community sporting activities, or*
- (c) a public park, reserve or garden or the like,*

and any ancillary buildings but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).



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

Purchase Order/Reference : 21-C01-MC Monash Park

Client Service ID : 588341

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

Date: 05 May 2021

Dear Sir or Madam:

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

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



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

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

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

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

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not 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.