



## Draft Legislative Compliance Policy

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## **1. Purpose**

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

## **2. Policy scope**

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

## **3. Outcomes**

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

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

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

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

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

## **4. Policy Statement**

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

These processes and structures will aim to:-

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

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

## **5. Roles and Responsibilities**

### **Councillors and Committee Members**

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

### **Executive Team**

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

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

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

### **Information Services Officer**

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

### **Employees**

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

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

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

## 6. Definitions

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

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

## 7. Legislation and Supporting Documents

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

## 8. Procedure

### 8.1 Implementation of Legislation

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

### 8.2 Identifying Current Legislation

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

### 8.3 Identifying New or Amended Legislation

- NSW Office of Local Government

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

- Department of Planning

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

- Local Government NSW

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

- Special Interest Groups and Professional Networks

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

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

#### **8.4 Obtaining Advice on Legislative Provisions**

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

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

#### **8.5 Informing Council of Legislative Change**

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

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

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

#### **8.6 Reporting of Non-compliance**

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

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

## **9. Policy Review**

This Policy:

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

## Schedule 1 – Compliance Framework Legislation/Award

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



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

## Schedule 2 - Reporting Obligations

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

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

# ***AREA OF CULTURAL SIGNIFICANCE DARLINGTON POINT MUSEUM***

**Draft Plan of Management  
2024-2029**



**Murrumbidgee  
COUNCIL**

**MARCH 2024**

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Plan of Management prepared for **Murrumbidgee Council**

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## EXECUTIVE SUMMARY

Murrumbidgee Council has a long and diverse history of both Aboriginal cultural significance and post-European colonization and the pastoral development of the interior of New South Wales, with perhaps the most notable being the penning of the *Jerilderie Letter* by Ned Kelly. In total, Murrumbidgee Council manages and maintains four reserves which have been identified as having significant cultural value to the community. Plans of management for areas of cultural significance have been developed for each of the sites with the aim to provide a basis for guiding Council's ongoing management of the reserves.

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

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

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

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

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



## PART 1: INTRODUCTION AND GENERAL INFORMATION

### 1. KEY INFORMATION

This Plan of Management Plan covers the following:

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

Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of the Darlington Point Museum

The Plan of Management for Areas of Cultural Significance – Darlington Point Museum was adopted on **[insert date]**.

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

### 2. ABOUT PLANS OF MANAGEMENT

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

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

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

The Crown land covered under this plan of management is a valuable community resource and the key objective of the PoM is to provide a clear direction that will enable the history of Darlington Point be



shared with members the local community and visitors to the local government area while facilitating opportunities that would allow the ongoing conservation of the heritage items.

## **2.1 Why is Murrumbidgee Council preparing a Plan of Management?**

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

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

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

It is not intended that the Plan of Management for Areas of Cultural Significance – Darlington Point will cover all of the items listed above.

## **2.1 Corporate objectives of Murrumbidgee Council**

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

adopted on two guiding tenants, one being the principle of social justice and the other being sustainability. Social justice principles underpinned the Murrumbidgee Council CSP are:

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

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

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

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

## 2.2 Land to which this plan applies

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

**Table 1: Land covered by this Plan of Management**

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

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

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

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

**Figure 1: Aerial Image of Darlington Point Museum**



## 2.3 Owner of the land

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

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

## 2.4 Categorisation of the reserves

The land covered by this plan of management is public land and for the purpose of clause 26 of the Local Government Act, 1993 is classified as community land. Table 3 identifies the purpose of the

reserve and the categorization of the land as confirmed by the Department of Planning, Industry and Environment – Crown Lands.

**Table 3: Land categorisation**

Land	Purpose(s)	Categorisation
R88058 <i>Darlington Point Museum</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 – Darlington Point include:

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

#### 3.1 Local Government Act 1993

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

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

**Table 4: Core objectives**

Land	Guidelines <sup>1</sup>	Core Objectives <sup>2</sup>
<i>Area of cultural significance</i>	Land is too categorised as an area of cultural significance includes an area of Aboriginal significance; or is an area of aesthetic significance; or is an area of archaeological significance; or is an area of historical significance; or is an area of technical or research significance; or is an area of social significance.	<p>The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area for past, present or future generations by the active use of conservation methods including:</p> <ul style="list-style-type: none"> <li>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,</li> <li>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,</li> <li>c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,</li> <li>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),</li> <li>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.</li> </ul>

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

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

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

certain activities specified in the Table from Section 68 of the Act, in particular those listed under Part D Community land.

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

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

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

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

### **3.2 Crown Land Management Act 2016**

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

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

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and



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- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
  - (d) that, where appropriate, multiple use of Crown land be encouraged, and
  - (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
  - (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt within the best interests of the State consistent with the above principles.

Crown Land Managers have a statutory responsibility for the care, control and management of the Crown Land for the purposes for which the land is reserved or dedicated or other purposes as authorised by the Act. In this instance the statutory responsibilities assigned to Murrumbidgee Council, as Crown Land Manager, are drawn from Division 3.4 of CLM Act. In this regard Murrumbidgee Council is authorised to:

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

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

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

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### 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**

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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**

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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.



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### 3.3.3 Environmental planning & assessment act, 1979

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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

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

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

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

### 3.3.3.2 Local environmental plans

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

**Table 5: Land zoning**

Land	Local environmental plan	Zoning
R88058 Darlington Point Museum	Murrumbidgee Local Environmental Plan 2013	RU5 Village

The RU5 Village zone under MLEP 2013 is considered to be an open zone, that is one where a broad range of land uses and typically lists any number of uses, including any other development not specified in item 2 of 4, where item 2 refers to development permitted without consent and item 4 identifies development that is prohibited. Specifically, the Land Use Table in MLEP 2013 states:

#### **1 Objectives of zone**

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

#### **2 Permitted without consent**

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

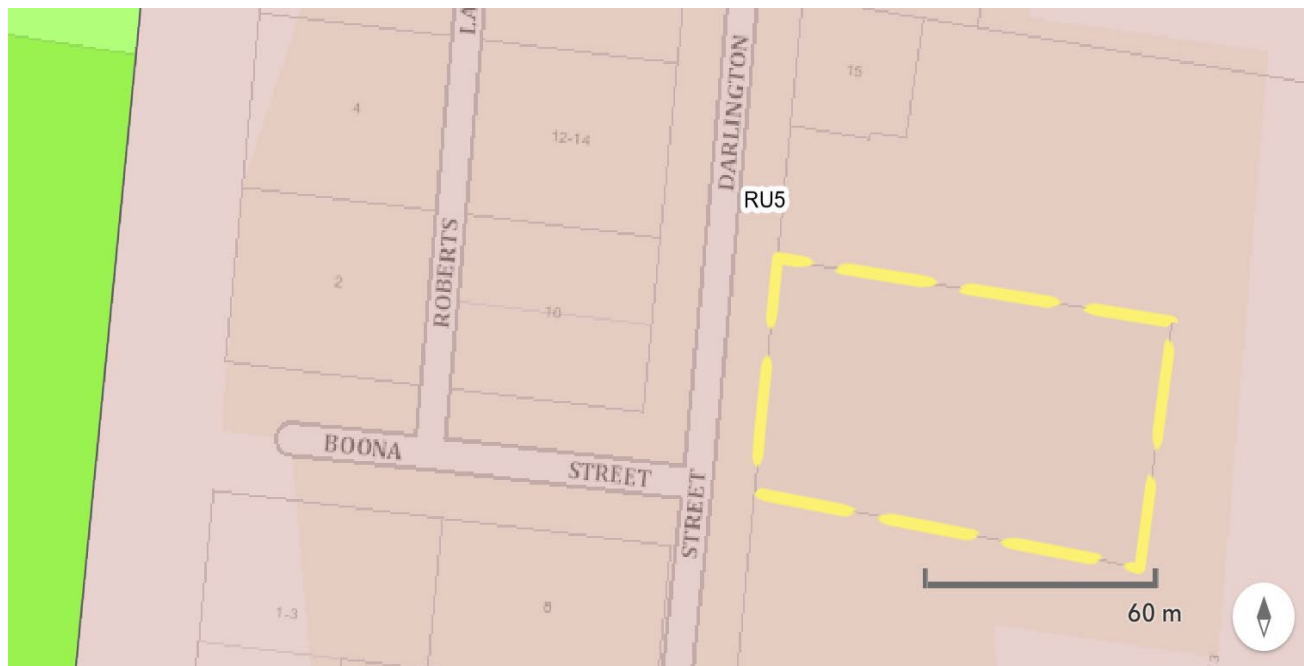
#### **3 Permitted with consent**

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

#### **4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Rural industries; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities*

**Figure 2: Extract from MLEP 2013 Zoning Map**



### 3.3.1.2 Development Control Plan

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

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

## 3.4 Review of this plan

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

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

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

### 3.5 Community consultation

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

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

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

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

With regard to the provisions of sections 38 and 39 of the LG Act, Council resolved on **[insert date]** to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM. This was done on **[insert date]**.
- Provide notification to the Chief Executive of the Office of Environment and Heritage **[insert date]**.
- Place the draft PoM on public exhibition for 28 days. The exhibition date commenced on **[insert date]** and ended on **[insert date]**. The public noticed advised that submissions would be

received up until **[insert date]** which is 42 days after the commencement of the public exhibition period.

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

Following consideration of submissions, Council resolved on **[insert date]** to adopt the Plan of Management for Areas of Cultural Significance – Darlington Point Museum.

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

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

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

#### **5. Land containing significant natural features**

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

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

#### **6. Culturally significant land**

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

In terms of section 36D(1) Murrumbidgee Council, when initially categorising the community land comprising Crown Reserve No. 88058, declared the Darlington Point Museum 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 Darlington Point Museum (former Court House group) (I1) is listed in Schedule 5 of MLEP 2013 as heritage item. The status has heritage items requires the provisions of clause 5.10 of those environmental planning instruments to be taken into consideration in assessing any development application on the land. Further a search of the NSW Environment & Heritage Aboriginal Heritage Management Information System on 18 September 2020 indicates that:

- No Aboriginal sites are recorded in or near<sup>3</sup> the above location; and
- No Aboriginal places have been declared in or near the above location.

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

- Applies to Lot 7002 DP 1021253 in its entirety.
- Crown Reserve No. 88058 and the buildings contained therein are because of the historical and cultural connection to Darlington point makes the reserve an area of cultural significance.
- The provisions set out in Table 7 and in clause 9 of this plan of management are designed to protect the Darlington Point Museum, including the features of Murrumbidgee LEP which designates the site as being a heritage item.
- The plan of management incorporates the core objectives under section 36 of the LGA, 1993.

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

## **PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND**

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

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<sup>3</sup> The search parameter applied was within 200m of each of the lots

**Table 6: Reserve purpose and gazette date**

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

## 7. Management directions

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

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

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

- Enable sympathetic uses of the buildings that are Tables 7, 8 and 9 to enable the conservation of the structures and preserve the historic association of the reserves with the community.
- To enable appropriate activities identified in Table D under Section 68 of the LG Act.

To maintain the structural integrity of the buildings within the boundaries of the reserves and preserve the respective histories of Darlington Point and Jerilderie through proper conservation strategies.

### 8.1 Statutory guidelines for development of the reserves

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

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

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

The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in MLEP 2012 as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to clause 65(1)(d)(ii) of the SEPP, development for any purpose may be carried out without consent on Crown managed land by or on behalf of the Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted under the Local Government Act 1993 in relation to Crown managed land managed by a Council. Irrespective of the categorisation of the land, the provisions of clause 65(3)(a) and 66(1) allows certain development that may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council.

Under MLEP 2013 the reserve is zoned RU5 Village and one of the objectives of the zone is to allow for a range of land uses, services and facilities that are associated with a rural village. Table 7 below identifies the uses that are exempt development, permitted with or without the consent in an environmental planning instrument and Council's plan of management. As described in section 3.3.1.1 of this plan, the RU5 Village zone is an open zone and permits a wide range of uses, however not all uses are deemed compatible with the current use of the land or the purpose of the reserve and in this regard Table 8 identifies certain uses that would complement the current reserve purpose and provide scope for Council to ensure the heritage integrity of the buildings are made through sympathetic development.

**Table 7 – MLEP 2013 permissible uses of land consistent with reserve purpose**

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



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

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

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

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

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

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

The structures in the reserve include a number of historic buildings which have been relocated to the site (see Figures 3A, 3C, 3E, 3G), sheds (Figure 3H) and displays of historic machinery within an open complex. The museum is not curated in the sense that there is no full-time staffing of the facility. The museum is unfenced and is open to the general public to enter the site and view the buildings. Information plaques are attached to some of the buildings providing an outline of the building's history.

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

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

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

At the date of adoption of the PoM the museum site and buildings were in fair to poor condition and was maintained to a rudimentary standard, and there was evidence of some of the structures requiring general maintenance, if not for heritage reasons but for general occupational health and safety.

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

**Figure 3A – Former Council Building<sup>4</sup>**

**Figure 3B – Plaque**

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



Figure 3C – Former police residence



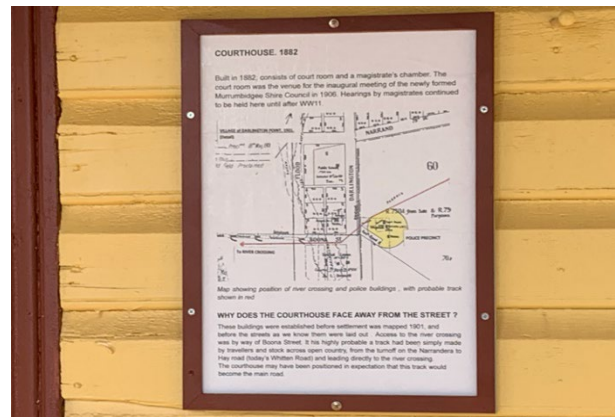
Figure 3D – Plaque



Figure 3E – Former court house



Figure 3F – Plaque





**Figure 3G – Other buildings**



**Figure 3H – Other buildings**



### 8.3 Permitted use and future use

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

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

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

**Table 9 – Appropriate uses and activities for land categorised as an area of cultural significance**

Area of Cultural Significance	
Purpose or use as...	Development to facilitate
<p>The following purpose or uses are permitted by this Plan of Management on land categorised as an area of cultural significance.</p> <p>a) Land that is suitable for</p> <ul style="list-style-type: none"> <li>▪ Preserving the history of Darlington Point by permitting buildings with a tangible historic link to the</li> </ul>	<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"> <li>▪ Development that includes the relocation of historic buildings to the site.</li> <li>▪ Development that includes the construction of replicated buildings that have been lost as a result of the development of the township.</li> </ul>

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

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

### 8.3.1 Reserves as area of cultural significance

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

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

- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,*
- (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,*
- (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,*
- (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow*

*compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),*

*(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.*

#### **8.4 Leases, licences and other estates**

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

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

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

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

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

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

## 9. Administration of Plan and Performance Targets

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

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

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

**Table 10 - Objectives and performance targets**

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<b>Access</b>	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.
<b>Alcohol</b>	<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>
<b>Artworks and monuments</b>	Allow for public and community artworks and monuments in appropriate settings.	Engage appropriate persons to engage the community to identify, commission & erect artworks.	Document comments received in respect to artworks.  Install artworks based on any budgetary funding or State and Federal grants

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
<b>Buildings</b>	<p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow buildings and building alterations, ancillary to the use of the museum including the relocation of historic buildings or construction of replicas that provide a tangible connection to the heritage of Darlington Point.</p>	<p>Undertake regular cleaning and maintenance of the buildings.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Infrastructure) 2007, where Council is to carry out the works.</p> <p>Assess and determine any development application in accordance with the provisions of the Environmental Planning &amp; Assessment Act, 1979.</p>	<p>Undertake regular of maintenance of the buildings in accordance with any operational plan for upkeep of all areas of cultural significance within the local government area.</p> <p>Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</p>
<b>Hours of Usage</b>	<p>Restrict the hours of use of the facilities commensurate to the amenity of the area.</p>	<p>Council approval and regulatory signs for special events and group activities.</p>	<p>Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.</p>
<b>Landscaping (including irrigation systems)</b>	<p>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</p> <p>Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.</p>	<p>Augment existing indigenous planting.</p> <p>Use screen planting for visual acoustic and physical buffers.</p> <p>Application of correct horticultural and tree surgery techniques.</p> <p>Minimise rubbish dumping within the local area via community education.</p> <p>Design, install and operate the irrigation system.</p>	<p>Number of comments about public acceptance and level of usage.</p> <p>Degree of turf encroachment into planted areas.</p> <p>Number of comments about maintenance, durability and public acceptance of the landscape character.</p> <p>Number of reported incidents of rubbish dumping .</p> <p>Number of incidents of failure of the irrigation system.</p>



Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<i>Lighting</i>	<p><i>Allow security lighting which will enable safe movement of pedestrians along major access routes at night.</i></p> <p><i>Prevent excessive lighting impacts on adjoining land uses.</i></p> <p><i>Allow for lighting of special events at night.</i></p> <p><i>Allow for the lighting of architectural or landscaped features.</i></p>	<p><i>Set appropriate illumination levels.</i></p> <p><i>Design, site and install light facilities.</i></p> <p><i>Regulate times for lighting of special events.</i></p> <p><i>Council approval.</i></p>	<p><i>Number of comments from adjoining residents and Park users.</i></p> <p><i>Number of problems related to inadequate lighting.</i></p>
<i>Signage</i>	<p><i>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park.</i></p> <p><i>Regulate advertising signage.</i></p>	<p><i>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures &amp; Signs.</i></p> <p><i>Council approval.</i></p>	<p><i>Number of user comments.</i></p> <p><i>Number of ordinance investigations and prosecutions.</i></p>
<i>Site Utility Services</i>	<p><i>Allow for the installation of all services as required by site usage.</i></p>	<p><i>Approval by the appropriate Statutory Authorities.</i></p> <p><i>Construction and installation of all necessary services.</i></p> <p><i>Registration of appropriate easements.</i></p>	<p><i>All facilities are adequately serviced, identified and located.</i></p> <p><i>Number of objections received from service authorities about the location and quality of services.</i></p> <p><i>Number of site utility service installations constructed.</i></p>
<i>Special Events</i>	<p><i>Allow special events within the park with minimal adverse visual, physical, social and environmental impact.</i></p>	<p><i>Council approval as required under Environmental Planning &amp; Assessment Act, 1979 and/or Local Government Act, 1993</i></p>	<p><i>Number of comments about special events.</i></p> <p><i>Attendance levels at special events.</i></p>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Vandalism	Minimise vandalism within the reserves.	<p>Appropriate landscape design techniques.</p> <p>Appropriate use of materials.</p> <p>Encouragement of community involvement and education.</p> <p>Appropriate use of signage. Prompt repair of vandalised areas.</p>	Number of reported incidents of vandalism
Waste Management	Minimise litter within the reserves. 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>Number of garbage and recycling bins provided.</p> <p>Number of comments in relation to inadequate waste facilities.</p>

## APPENDICIES

### APPENDIX A - Definitions

<b>Term</b>	<b>Legislative definition</b>
<b>community facility</b>	<p>means a building or place—</p> <ul style="list-style-type: none"> <li>(a) owned or controlled by a public authority or non-profit community organisation, and</li> <li>(b) used for the physical, social, cultural or intellectual development or welfare of the community,</li> </ul> <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>
<b>community land</b>	<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>
<b>community participation plan</b>	<p>means –</p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p>
<b>environmental planning instrument</b>	<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>
<b>Kiosk</b>	<p>means –</p> <p><i>premises that are used for the purposes of selling food, light refreshments and other small convenience items</i></p>
<b>plan of management</b>	<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>
<b>public reserve</b>	<p>means –</p> <ul style="list-style-type: none"> <li>(a) a public park, or</li> <li>(b) any land conveyed or transferred to the council under section 340A of the <a href="#">Local Government Act 1919</a>, or</li> <li>(c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the <a href="#">Local Government Act 1919</a>, or</li> </ul>

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

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

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

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

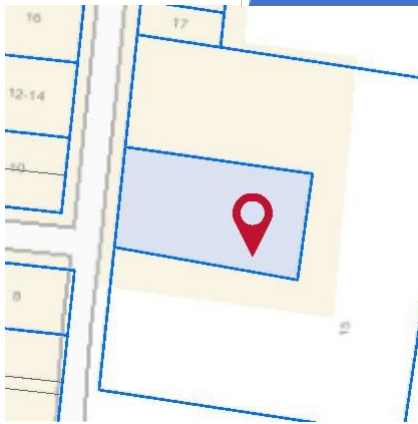
## Property Details

Address: DARLINGTON STREET DARLINGTON



# Property Report

DARLINGTON STREET DARLINGTON POINT 2706



Lot/Section 7002/-/DP102125

/Plan No: 3

Council: MURRUMBIDGEE COUNCIL

## Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional

planning controls not outlined in this report. Please contact your council for more information.

Local Environmental Plans	Murrumbidgee Local Environmental Plan 2013 (pub. 23-8-2013)
Land Zoning	RU5 - Village: (pub. 23-8-2013)
Height Of Building	NA
Floor Space Ratio	NA
Minimum Lot Size	600 m <sup>2</sup>
Heritage	Court house group (former) Significance: Local
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Groundwater Vulnerability	Groundwater Vulnerable



## AHIMS Web Services (AWS) Search Result

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

Client Service ID : 536402

Steven Parisotto  
63 Hillam Dr  
Griffith New South Wales 2680  
Attention: Steven Parisotto  
Email: [parisplan@icloud.com](mailto:parisplan@icloud.com)

Date: 18 September 2020

Dear Sir or Madam:

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

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





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

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

### **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.

# DARLINGTON POINT PARKS

*Draft Plan of Management  
2024-2029*



**Murrumbidgee**  
COUNCIL

**MARCH 2024**



---

**September 2022**

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

*Plan of Management prepared by:*

**PARISPLAN Urban & Regional Planning**

63 Hillam Drive

GRIFFITH NSW 2680

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**Disclaimer:**

*PARISPLAN Urban & Regional Planning has prepared this Generic Plan of Management for Darlington Point Parks on behalf of Murrumbidgee Council in good faith relying upon information and/or data supplied by the client or other parties. PARISPLAN Urban & Regional Planning however cannot warrant or verify that information provided is truly accurate and as such expressly disclaims any and all liability to any person or persons in reliance on the report and its contents in part or in whole.*

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## EXECUTIVE SUMMARY

Murrumbidgee Council has a broad and diverse network of open space that covers a differing levels of recreation use. In total, Murrumbidgee Council manages and maintains a number of reserves categorised as *park* including Adrian Douglas Park, Chant Street Playground and White Street Playground, all located in the village of Darlington Point. The Generic Plan of Management for Darlington Point Parks (the plan) aims to provide a basis for guiding Council's ongoing management of its parks, sportsgrounds and general community use land within the Murrumbidgee Local Government Area in accordance with the requirements of the NSW Local Government Act 1993 (the Act) and the Crown Land Management Act, 2016.

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 and the Crown Land Management Act, 2016.

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

The plan of management has been prepared with due regard to *Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers* issued in November 2019 and the sample for a generic Crown reserve plan of management outline, so as 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).

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

## PART 1: INTRODUCTION AND GENERAL INFORMATION

### 1. KEY INFORMATION

This Plan of Management Plan covers the following:

- Lot 2 DP 705823 being Crown Land Reserve No. 94084 – Adrian Douglas Park (gazetted on 19 December 1980 as public recreation and a children’s playground);
- Lot 1 DP 608992 being Crown Land Reserve No. 97197 – White Street Playground (gazetted on 16 March 1984 as public recreation and a children’s playground);
- Lots 38-41 DP 252736 being Crown Land Reserve No. 97198 (gazetted on 16 March 1984 as public recreation and a children’s playground);
- and Lots 42-45 DP 252736 being community land which is owned by Murrumbidgee Council – Chant Street Playground

The Generic Plan of Management for Darlington Point Parks (DPPPoM) was adopted on **[insert date]**.

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

### 2. ABOUT PLANS OF MANAGEMENT

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

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

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

The Crown land covered under this plan of management is a valuable community resource and the key objective of the DPPPoM is to provide a clear direction that will enable ongoing use of each of the reserve for both passive and unstructured active outdoor recreation and for the general enjoyment for all members the local community, visitors to the local government areas, and facilitate opportunities for uses appropriate to the land.

## ***2.1 Why is Murrumbidgee Council preparing a Plan of Management?***

---

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

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

- Provide a single document that collates information held by Council to enable a single point of reference;
- Expand upon the Council's corporate objectives and direction set out in its Community Strategic Plan;
- Provide an outline of 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 DPPPoM will cover all of the items listed above.

---

## 2.1 Corporate objectives of Murrumbidgee Council

---

The management actions in this Plan of Management 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 several open space areas in the village of Darlington Point which Murrumbidgee Council manages which has been categorised as a park and general community use. The purpose of developing a specific Generic Plan of Management for Darlington Point Parks is to acknowledge their importance to the social wellbeing of the Darlington Point community by providing open space for passive recreation and social gatherings and community facilities that meet the needs of its residents.



**Table 1: Land covered by this plan of management**

Land	Real property description	Land owner
R94084 Adrian Douglas Park Darlington Point	Lot 2 DP 705823	Crown land managed by Murrumbidgee Council.
R97197 White Street Playground Darlington Point	Lot 1 DP 608992	Crown land managed by Murrumbidgee Council
R97198 Chant Street Playground Darlington Point	Lots 38-41 DP 252736	Crown land managed by Murrumbidgee Council
Chant Street Playground	Lots 42-45 DP 252736	Community land owned by Murrumbidgee Council

Land not covered by this plan includes community land covered by specific plans of management listed in Table 2; public open spaces and recreation facility assets within the local government area that are owned and managed by other entities; and privately-owned land that is made available for public use.

**Table 2: Crown reserves classified as a park not covered by this plan of management**

Land	Reason
Elliot Park, Jerilderie	Site specific plan of management
Lions Park, Darlington Point	Site specific plan of management

### 2.3 Owner of the land

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

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

## 2.4 Categorisation of the reserves

The land covered by this 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 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 categorization and gazettal date**

Land	Purpose(s) & gazettal date	Categorisation
<i>R94084 Adrian Douglas Park Darlington Point</i>	Public recreation and children's playground  19 December 1980	Park and general community use
<i>R97197 White Street Playground Darlington Point</i>	Public recreation and children's playground  16 March 1984	Park
<i>R97198 Chant Street Playground Darlington Point</i>	Public recreation and children's playground  16 March 1984	Park (Lots 38-41)

*Figure 1: Crown reserves categorization of Adrian Douglas Park*





**Legend**

- Park
- General community use

*Figure 2: Crown reserves categorization of Chant Street Playground*



**Legend**

-  Park (Crown reserve)
-  General community use (non-Crown reserve)

*Figure 3: Crown reserves categorization of White Street Playground*



**Legend**



In terms of the requirements of section 3.23 (3) of the CLM Act, 2016 the assigned categories are those considered by Murrumbidgee Council to be the categories that are most closely related to the purposes for which the land is dedicated or reserved, a view that was subsequently confirmed by Department of Planning, Industry and Environment – Crown Lands. While the alignment the LG Act, 1993 categorisation of the land with the reserve purpose allows for uses that are ancillary to the purpose to be considered it does not necessarily allow all permissible used identified in the Land Use Table under Murrumbidgee Local Environmental Plan 2013.

### **3. Relevant legislation, policies and procedures**

The statutory framework for the preparation and operation of the Generic Plan of Management for Darlington Point Parks (DPPPoM) 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 Generic Plan of Management for Darlington Point Parks include:

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

### **3.1 Local Government Act 1993**

---

Section 3.23(6) of the Crown Land Management Act, 2016 requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as community land under the Local Government Act 1993 (LG Act). These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. The core objectives for the management of community land categorized as a park and for general community use are set out in sections 36G and 36I of the Local Government Act, 1993 and clauses 104 & 106 of the Local Government (General) Regulation 2005 respectively. These core objectives are set out in Table 4.

**Table 4: Land categorization**

Land	Guidelines <sup>1</sup>	Core Objectives <sup>2</sup>
Park	<i>Land which is, or proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.</i>	<p>The core objectives for management of community land categorised as a park are:</p> <ul style="list-style-type: none"> <li>a) <i>to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.</i></li> <li>b) <i>to provide for passive recreational activities or pastimes and for the casual playing of games.</i></li> <li>c) <i>to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management</i></li> </ul>
General community use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> <li>a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)</li> </ul>

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 a specified activity, 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*

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

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



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- 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.

In considering the activities permitted under Table D of Section 68 of the Local Government Act, Council must be satisfied that they accord with the primary purpose of the reserve that it was dedicated, which in each particular reserve were for public recreation and children's playground. Council can be reasonably satisfied that the approved categorization of the land as a park or park and general community use is in keeping with the purpose of the reserve and furthermore the temporary uses set out in Table D would not result in material or ongoing harm.

As part of any application for a Section 68 approval, Council will need to consider the circumstances of each application on merit.

### **3.2 Crown Land Management Act 2016**

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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. Their response is set out in Appendix B.

This DPPPoM, is based on the initial categorisation of the reserves which was approved by Minister on **[insert date]**. The Crown Land Management Amendment (Plan of Management) Regulation 2021 no longer requires a public hearing for Crown reserves.

### **3.3 Other relevant legislation and statutory controls**

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

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### ***3.3.1 Native Title Act, 1993***

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All activities on the land must address 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***

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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 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.

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***

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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***

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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 (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 (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- 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 DPPPoM, as many relate to development that is inconsistent with the categorisation of the land and this plan of management.

#### ***3.3.3.2 Local environmental plans***

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

**Table 5: Land zoning**

Land	Local environmental plan	Zoning of land
R94084 Adrian Douglas Park Darlington Point	Murrumbidgee Local Environmental Plan 2013	RE1 Public Recreation
R97197 White Street Playground Darlington Point	Murrumbidgee Local Environmental Plan 2013	RU5 Village
R97198 Chant Street Playground Darlington Point	Murrumbidgee Local Environmental Plan 2013	RU5 Village

#### 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 DCP No. 1 applying to the land at Coleambally and Darlington Point. 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 Adrian Douglas Park, and the White Street and Chant Street playgrounds.

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

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

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

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

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

With regard to the provisions of sections 38 and 39 of the LG Act, Council resolved on **[insert date]** to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM.
- Place the draft PoM on public exhibition for 28 days..

Following consideration of submissions, Council resolved on **[insert date]** to adopt the Generic Plan of Management for Darlington Point Parks.

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

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

- that no part of the reserve has been declared to be an area critical habitat under the Threatened Species Conservation Act, 1995, and

- that no part of the reserve has been declared to be an area of critical habitat under Part 7A of the Fisheries Management Act, 1994, and
- the reserve is not affected by a recovery plan for the purpose of Part 4 of the Threatened Species Conservation Act, 1995 or Division 5 of Part 7A of the Fisheries Management Act, 1994, and
- the reserve is not affected by a threat abatement plan for the purpose of Part 5 of the Threatened Species Conservation Act, 1995 or Division 5 of Part 7A of the Fisheries Management Act, 1994, 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 listed in Table 3 as the land is not subject to a resolution of Murrumbidgee Council that declared the land, being a site of:

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

#### **6. Culturally significant land**

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

As part of its due diligence in preparation of this Plan of Management, a basic search of the NSW Environment & Heritage Aboriginal Heritage Management Information System (AHIMS) for each of lots within the reserves on 15 October 2020 (see Appendix D) was undertaken, indicating that:

- no Aboriginal sites are recorded in or near<sup>3</sup> the above location; and
- no Aboriginal places have been declared in or near the above location

### **PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND**

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<sup>3</sup> The search parameter applied was within 50 to 200m 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 Adrian Douglas Park, the White Street and the Chant Street playgrounds, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

## **7. Vision for the Darlington Point Parks**

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

***“Providing places that provide the opportunity for passive recreation, social gatherings and facilities that meet the needs of the local community”***

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

## **8. Management directions**

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

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

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

- Use of the reserves as a *recreation area* particularly one that incorporates a children's playground, public park, reserve or garden or the like including any ancillary buildings.
- To maintain and enhance the visual aesthetics of the reserve through proper maintenance of lawns, gardens and structures.
- To provide spaces for public sculptures.

## 8.1 Statutory guidelines for development of the parks

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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 uses of the reserves would fall within the broad definition as a *recreation area*, as defined in the standard instrument and uses that incorporates a children's playground, public park and other amenities is consistent with the categorisation of the land as a *park* and *general community use*.

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(2)(c)(ii) of the SEPP, development for any purpose may be carried out without consent on Crown managed land by or on behalf of the Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted under the Local Government Act 1993 in relation to Crown managed land managed by a Council. Irrespective of the categorisation of the land, the provisions of clause 2.73(3)(a) and 2.74(1) allows certain development that may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council.

Table 5 identifies the zoning of the land under Murrumbidgee Local Environmental Plan 2013 of each of the three reserves. The RE1 Public Recreation zone that applies to Adrian Douglas Park is a closed zone and the number of land uses permitted are limited, however the current land use, being a recreation facilities and community facilities are both permissible. The RU5 Village zone that applies to the White Street and Chant Street playgrounds, is an open zone that 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 the three reserves in terms of what it will permit. Tables 8 & 9 identify some specific uses which would be consistent with the purpose of the reserve and the categorization of the land.

**Table 6 - Preferred uses of land categorised as park and general community use**

Land Use	Provisions of an environmental planning instrument	Allowed under DPPPoM	Reason
<b>Community facilities</b>	Permitted with consent in both RE1 & RU5 zone.	Only allowed on that part of the Chant Street Playground owned by Council and Adrian Douglas Park reserves categorised as <i>general community use</i>	<i>Community facilities</i> are consistent with the categorization of that part of the land as a <i>general community use</i> . In terms of s36G & 36I of the Local Government Act, 1993 <i>community facilities</i> would meet the future needs of the community, in terms of general welfare of the public (through cultural, social and educational pastimes and activities) and therefore would accord with the purpose of the reserve.
<b>Environmental protection works</b>	Permitted without consent.	Allowed.	<i>Environmental protection works</i> are in keeping with the purpose of the reserve categorisation of land as <i>park</i> and <i>general community use</i> .
<b>Recreation areas</b>	Permitted with consent in both RE1 & RU5 zone.	Allowed.	The use of the reserves as a <i>recreation area</i> is consistent with the categorization of the land as a <i>park</i> and the purpose of the reserve as public recreation
<b>Recreation facilities (indoor)</b>	Permitted with consent in both RE1 & RU5 zone.	Allowed.	The use of the land as an <i>indoor recreation facility</i> is consistent with the purpose of the reserve and categorization of the land as <i>park</i> and <i>general community use</i> .
<b>Recreation facilities (outdoor)</b>	Permitted with consent in both RE1 & RU5 zone.	Allowed.	The use of the land as an <i>outdoor recreation facility</i> is consistent with the purpose of the reserve as public recreation and children's playground categorization of the land as <i>park</i> and <i>general community use</i> .
<b>Roads</b>	Permitted without consent.	Not allowed.  In the event that road widening is required Council would be required to acquire the land.	The construction of a <i>road</i> is inconsistent with the purpose of the reserve and the categorization of the land as <i>park</i> and <i>general community use</i> .

Land Use	Provisions of an environmental planning instrument	Allowed under DPPPoM	Reason
<b>Water reticulation systems</b>	Permitted without consent.	Allowed.	<i>Water reticulation systems</i> are consistent with the categorization of the land as a <i>park</i> and would be incidental to the purpose of the reserve.
<b>Any other development</b>	Permitted with consent in RU5 zone.  Prohibited in RE1 zone.	Not allowed without an amendment to the Plan of Management.	The RU5 Village zone under MLEP 2013 provides opportunities for a wide range of land uses some of which may or may not be compatible with the categorisation of the land as a <i>park</i> and <i>general community use</i> . Should a use be proposed that is consistent with the purpose of the reserve as public recreation and children's playground and the objectives of a <i>park</i> or <i>general community use</i> then Council may consider amending the Plan of Management.

Land Use	Provisions of an environmental planning instrument	Allowed under DPPPOM	Reason
<b>SEPP Infrastructure</b>	Exempt development or permitted without consent.	<p>Allowed, subject to satisfying the requirements of clause 2.73 &amp; 2.74 of SEPP (Transport &amp; Infrastructure) including:</p> <ul style="list-style-type: none"> <li>• pedestrian pathways, &amp; cycleways</li> <li>• recreation areas</li> <li>• lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,</li> <li>• landscaping, including landscape structures or features (such as art work) and irrigation systems,</li> <li>• amenities for people using the reserve, including toilets</li> <li>• demolition of buildings</li> <li>• bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities</li> <li>• play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence, or</li> <li>• seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures</li> </ul>	The works Identified in SEPP (Transport & Infrastructure) 2021 as exempt development or development permitted without consent listed in column 3 are consistent with the purpose of the reserve and the categorization as a <i>park</i> and <i>general community use</i> .

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

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

Table 7 identifies the current use of the land and existing structures that have been erected.

**Table 7: Existing use of reserves and structures**

Land	Current use	Existing structures
R94084 Adrian Douglas Park Darlington Point	Park with playground equipment	<ul style="list-style-type: none"> <li>Water tank and associated cage enclosure</li> <li>Cricket practice pitch (synthetic) and nets</li> <li>BBQ facilities x 2</li> <li>Playground equipment including soft-fall area</li> <li>All-weather awning over playground equipment</li> <li>Picnic shelter with table and benches</li> <li>Park bench</li> <li>Signage</li> <li>Garbage bins</li> <li>Public hall (Darlington Point Children's Activity Centre) and associated fencing and playground equipment and shade shelters.</li> </ul>
R97197 White Street Playground Darlington Point	Lawn area contiguous with neighbouring residence	<ul style="list-style-type: none"> <li>Partial perimeter fencing</li> <li>Colorbond fence bisecting reserve</li> </ul>
R97198 Chant Street Playground Darlington Point	Vacant land	<ul style="list-style-type: none"> <li>Perimeter fencing</li> <li>Bus shelter and bin within footpath reserve</li> </ul>

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area*, the purpose of the reserve as public recreation and children's playground and the categorisation of the reserves as a *park* and or *general community use*.

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

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

#### 8.3.1 Adrian Douglas Park

At the date of adoption of the Generic Plan of Management for Darlington Point Parks, grass cover at Adrian Douglas Park are well maintained and existing trees in healthy condition.

Adrian Douglas Park provides a variety of modern playground equipment including a soft-fall area under a large steel shade structure (see figures 8 & 9) along with an older equipment. The park also features park benches, garbage receptables, a picnic shelter (see figure 7), cricket practice nets (see figure 6).



Part of the reserve has been fenced, and this incorporates the community facility building being used by the Darlington Point Children's Activity Centre. The building is constructed of weatherboard, with a gable metal clad roof, with the compound including play equipment and a all-weather structure. The building from outward appearance is in good condition and well maintained.

There is running along the western boundary of the site, within the road reserve.

***Figure 4 – Existing community facility<sup>4</sup>***



***Figure 5 – Adrian Douglas Park grassed area***



***Figure 6 – Cricket nets***



***Figure 7 – Picnic table and shelter***



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<sup>4</sup> Images in Figures 2 to 13 taken on 2 December 2019 © Steven Parisotto Photography



**Figure 8 - Existing older style play equipment**



**Figure 9 – Play equipment under shelter**



**Figure 10 – Existing park bench**



**Figure 11 – Water tank enclosure**



### **8.3.2 White Street playground**

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At the date of adoption of the Generic Plan of Management for Darlington Point Parks, grass cover at the White Street Playground are well maintained and existing trees in healthy condition.

Other than fencing, which is in good condition, there are no structures within the reserve.

**Figure 12 – White Street playground**



**Figure 13 – Chant Street playground**



The fencing shown in Figure 12 appears to have been erected without regard to the classification of the reserve, and upon initial investigation it is unclear as to when the fence was erected and who undertook the works or whether approval was ever granted. As part of this plan of management Council proposes to undertake further investigation and seek to rectify the encroachment. This may include initiating enforcement action under the Environmental Planning and Assessment Act, 1979 on the person or entity who installed and benefits from the fence.

### **8.3.3 Chant Street playground**

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At the date of adoption of the Generic Plan of Management for Darlington Point Parks, grass cover at the Chant Street Playground was non-existent or in very poor condition (see Figure 13)

Other than perimeter fencing, which is in good condition, there are no structures within the reserve.

There is a bus shelter and garbage receptacle in Figure 13 are within the road reserve.

### **8.4 Permitted use and future use**

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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.*

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Murrumbidgee Council area.

Murrumbidgee Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings and on recreational land in particular, Murrumbidgee Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks. The general types of uses which may occur on community land categorised as a *park* or *general community use*, and the forms of development generally associated with those uses, are set out in Tables 8 and 9 on page 32. The facilities on community land may change over time, reflecting the needs of the community.

All three reserves will continue to be used in accordance with their categorization and the future improvements may include provision of an amenities' building and replacement or provision of additional playground equipment which will encourage greater use of the land by the local community.

Whereas Table 6 in Section 8.1 above provides a broad guideline to what Council prefers to see within the reserve and reflect the needs of the community over time, the works and uses set out in Tables 8 & 9 identify a more specific list of works and uses deemed appropriate to the reserve.

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

<b>Park</b>	
<b>Purpose or use as...</b>	<b>Development to facilitate</b>
<p>The following or uses are permitted by this Plan of Management on land categorized as a <i>park</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"> <li>Active and passive recreation including children's play and cycling</li> <li>Group recreational use, such as picnics and private celebrations</li> <li>Eating and drinking in a relaxed setting</li> <li>Publicly accessible ancillary areas, such as toilets</li> <li>Local festivals, parades, markets, fairs, exhibitions and similar events and gathering</li> <li>Low intensity commercial activities (e.g. recreational equipment hire)</li> <li>Filming and photographic projects</li> <li>Busking</li> <li>Public address (speeches)</li> <li>Community gardening</li> </ol> <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 the following development which would be ancillary to the use of the reserves as recreation area and playground.:</p> <ul style="list-style-type: none"> <li>Development for the purposes of improving access, amenity and the visual character of the park, e.g paths, public art, pergolas;</li> <li>Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts</li> <li>Amenities to facilitate the safe use and enjoyment of the park e.g. picnic tables, BBQs, sheltered seating areas</li> <li>Mobile food vending carts, including kiosks used on a temporary basis;</li> <li>Lighting, seating, toilet facilities, courts, paved areas</li> <li>Hard and soft landscaped areas</li> <li>Storage sheds</li> <li>Car parking and loading areas</li> <li>Community gardens</li> <li>Heritage and cultural interpretation, e.g. signs</li> <li>Advertising structures and signage (such as A-frames and banners of a temporary nature) that relate to approved uses/activities</li> <li>Water saving initiatives such as stormwater harvesting, rain gardens and swales</li> </ul>

**Table 9 – Permissible uses and activities for land categorized as general community use**

<b>General Community Use</b>	
<b>Purpose or use as...</b>	<b>Development to facilitate</b>
<p>The following purpose or uses are permitted by this Plan of Management on land categorized as a <i>general community use</i>.</p> <p>a) Land that is suitable for</p>	<p>The Plan of Management will allow and facilitate development for the purposes that would benefit the social, community, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> <li>Landscaping and finishes, improving access, amenity and the visual character of the general community area</li> <li>Water saving initiatives such as rain gardens</li> </ul>

<ul style="list-style-type: none"> <li>i. The gathering of groups for a range of social, cultural or recreational purposes.</li> <li>ii. Providing multi-purpose buildings with broad based community uses such as: <ul style="list-style-type: none"> <li>▪ casual or informal recreation</li> <li>▪ meetings (including for social, recreational, educational or cultural purposes)</li> <li>▪ functions</li> <li>▪ concerts, including all musical genres</li> <li>▪ performances (including film and stage)</li> <li>▪ exhibitions</li> <li>▪ fairs and parades</li> <li>▪ workshops</li> <li>▪ leisure or training classes</li> <li>▪ childcare (e.g. before and after school care, vacation care)</li> <li>▪ designated group use (e.g. scout and girl guide use)</li> </ul> </li> <li>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Energy saving initiatives such as solar lights and solar panels</li> <li>▪ Carparking and loading areas</li> <li>▪ Signage related to the approved use of the site</li> </ul>
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## 8.5 Leases, licences and other estates

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

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

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

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

- the purpose is consistent with the core objectives for the category of the land.



- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government Regulations 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.
- the land is not subject to a claim under the Aboriginal Land Rights Act 1983.
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government Regulations 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.

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

Presently there are no leases or licenses in force for any of the reserves.

Any future lease, licence or other estate to be granted must be by way of tender in accordance with Division 1 of Part 3 of the Local Government Act, 1993. In accordance with clause 70(3) the maximum tenure is not to exceed 21 years or 30 years with ministerial consent.

## 9. Administration of Plan and Performance Targets

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

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

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

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

### **Table 8 - Objectives and performance targets**

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
<b>Access</b>	<p>Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve.</p> <p>Allow an access network for pedestrians and cyclists that contribute to the aesthetic quality of the reserves.</p> <p>Except for maintenance and emergency vehicles prohibit vehicular access without permit/ licence.</p>	<p>Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards.</p> <p>Provision of shared facility where safe and appropriate, including the segregation of cyclists and pedestrians where appropriate.</p> <p>Use of regulatory signs.</p>	<p>Assess useability of the reserves by wheelchair users through surveys and observation.</p> <p>Record and review all accidents and near misses as a result of inappropriate use.</p> <p>Record all illegal or unauthorised vehicular entry and where necessary take appropriate regulatory action.</p>
<b>Alcohol</b>	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.
<b>Animal control</b>	Impound all animals that are not under the full control of owner or handler.	<p>Community education and involvement in monitoring.</p> <p>Use of regulatory signs and enforcement.</p>	Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action.
<b>Anti-Social behaviour</b>	Minimise and manage anti-social behaviour in the park and the general community use areas	<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.
<b>Artworks and monuments</b>	<p>Allow for public and community artworks and monuments in appropriate settings.</p> <p>Maintain existing monuments.</p>	<p>Engage appropriate persons to engage the community to identify, commission &amp; erect artworks.</p> <p>Undertake repairs to existing monuments as required.</p>	<p>Document comments received in respect to artworks.</p> <p>Install artworks based on any budgetary funding or State and Federal grants</p> <p>Record the number incidents of vandalism and damage to artworks and monuments.</p>

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
<b>Barbeques</b>	<p>Allow the installation and use of gas or electric barbeques.</p> <p>Allow the use of portable barbeques (with the exception of wood fire barbeques).</p>	<p>Design, locate and maintain permanently installed barbeques.</p> <p>Use of regulatory signs regarding the use of barbeque facilities, both permanent and portable.</p>	<p>Record the number of reported failures and accidents, including reported near misses.</p>
<b>Buildings</b>	<p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow new buildings, ancillary to the use of the reserves</p>	<p>Undertake regular cleaning and maintenance of the public amenities within the parks.</p> <p>Provision and maintenance of security lighting in and around the amenities' building.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport &amp; 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 &amp; 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>
<b>Buskers</b>	<p>Allow buskers to perform within the reserves.</p>	<p>Regulation by Council.</p>	<p>Number of comments.</p> <p>Number of unauthorised buskers/ bands.</p>
<b>Hours of Usage</b>	<p>Allow unrestricted use of the reserves by individuals.</p> <p>Allow for the management of reserves' usage times for special events and user groups.</p>	<p>Council approval and regulatory signs for special events and group activities.</p>	<p>Record and investigate the number of unauthorised special events and group activities and where necessary take appropriate regulatory action.</p>



<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Informal Recreation	Allow games which are suitable within the park.	Allow games which are suitable within the parks.	Number of comments about activity.
Irrigation Systems	Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.	Design, install and operate the system.	Number of incidents of failure of the irrigation system.
Landscaping	<p>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p> <p>Provide a positive contribution to the local character both physically and visually. .</p> <p>Control and protect existing exotic species within the reserves by minimising weed infestation and associated impacts.</p>	<p>Augment existing indigenous planting. Use exotic species in suitable locations.</p> <p>Use shade trees for user comfort and protection. And screen planting for visual acoustic and physical buffers.</p> <p>Preserve and reinforce indigenous planting and identify species endemic to the area.</p> <p>Application of correct horticultural and tree surgery techniques.</p> <p>Minimise rubbish dumping within the local area via community education.</p> <p>Implementation of the Noxious Weeds Act.</p>	<p>Number of comments about public acceptance and level of park usage.</p> <p>Degree of turf encroachment into planted areas.</p> <p>Number of comments about maintenance, durability and public acceptance of the landscape character.</p> <p>Number of reported incidents of infestation of exotic plant species.</p> <p>Number of comments about quality of vegetation.</p> <p>Number of reported incidents of sick trees.</p> <p>Number of reported incidents of rubbish dumping</p>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Lighting	<p>Allow security lighting which will enable safe movement of pedestrians along major access routes at night.</p> <p>Prevent excessive lighting impacts on adjoining land uses.</p> <p>Allow for lighting of special events at night.</p> <p>Allow for the lighting of architectural or landscaped features.</p>	<p>Set appropriate illumination levels.</p> <p>Design, site and install light facilities.</p> <p>Regulate times for lighting of special events.</p> <p>Council approval.</p>	<p>Number of comments from adjoining residents and Park users.</p> <p>Number of problems related to inadequate lighting.</p>
Outdoor Furniture	<p>Allow for the provision of adequate furniture, such as bubblers, tables, seats, bins, bollards, cycle racks, tree guards and planter tubs, etc at suitable locations.</p> <p>Create a comfortable setting for users both aesthetically and functionally.</p>	<p>Complement and be consistent with the theme for surrounding Public Open Space Areas.</p> <p>Appropriate design, siting, use of materials and erection of furniture.</p>	<p>Number of comments about acceptance by the community with regard to the suitability of the location and the style.</p> <p>Number of incidents of non-compliance with relevant Council Codes, Policies and Regulations.</p>
Playgrounds	<p>Provide safely designed and sited playgrounds.</p>	<p>Playground design, materials and layout to relevant safety standards.</p> <p>Playgrounds sited away from physical hazards.</p>	<p>Number of accidents and injuries attributed to unsafe design, siting and layout.</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 &amp; drink premises</i> as approved by Council.</p> <p>Permissible on area defined in lease or licence agreement.</p> <p>Control and regulate the entry of casual vendors (eg: ice-cream carts) within the parks and pedestrian areas where appropriate.</p> <p>Appropriate control measures. Council approval.</p> <p>Enter into appropriate licensing/leasing Agreements.</p>	<p>Council approval. Licensing/Leasing Agreement.</p> <p>Lease or license holders take precedence over casual street vendors.</p>	<p>Managing and reporting incidence of non-compliance with terms of Council approval, license or lease agreement.</p> <p>Number of licences issued.</p> <p>Number of public comments about vendors in public places.</p> <p>Number of reported illegal or unauthorised entries.</p> <p>Number of licences granted per annum.</p>
Rubbish Dumping and Littering.	<p>Prohibit rubbish dumping and littering.</p>	<p>Regulatory signage at appropriate locations.</p> <p>Community education on the environmental impacts of rubbish dumping.</p>	<p>Number of incidents of illegal dumping</p> <p>Cost of clean-up and litter collection per annum</p>
Shade structures and other shelters	<p>Allow structures which will provide shade and shelter for park users in appropriate areas</p> <p>Allow integration of structures that are harmonious, functional and aesthetically in keeping with the character of the park</p>	<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>

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Signage	<p>Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park.</p> <p>Regulate advertising signage.</p>	<p>Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures &amp; Signs.</p> <p>Council approval.</p>	<p>Number of user comments.</p> <p>Number of ordinance investigations and prosecutions.</p>
Site Utility Services	<p>Allow for the installation of all services as required by site usage.</p>	<p>Approval by the appropriate Statutory Authorities.</p> <p>Construction and installation of all necessary services.</p> <p>Registration of appropriate easements.</p>	<p>All facilities are adequately serviced, identified and located.</p> <p>Number of objections received from service authorities about the location and quality of services.</p> <p>Number of site utility service installations constructed.</p>
Special Events	<p>Allow special events within the reserves with minimal adverse visual, physical, social and environmental impact.</p>	<p>Council approval as required under Environmental Planning &amp; Assessment Act, 1979 and/or Local Government Act, 1993</p>	<p>Number of comments about special events.</p> <p>Attendance levels at special events.</p>
Vandalism	<p>Minimise vandalism within the park and or playgrounds.</p>	<p>Appropriate landscape design techniques.</p> <p>Appropriate use of materials.</p> <p>Encouragement of community involvement and education.</p> <p>Appropriate use of signage. Prompt repair of vandalised areas.</p>	<p>Number of reported incidents of vandalism</p>

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
Waste Management	Minimise litter within the parks. Encourage recycling.	Provide and service enough waste management facilities in strategic locations.  Provide a recycling station for glass, aluminium, PET plastics etc.  Community education.	Number of garbage and recycling bins provided.  Number of comments in relation to inadequate waste facilities.

## APPENDICIES

### APPENDIX A - Definitions

<b>Term</b>	<b>Legislative definition</b>
<b>community land</b>	<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>
<b>community participation plan</b>	<p>means –</p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p>
<b>environmental planning instrument</b>	<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>
<b>plan of management</b>	<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>
<b>public reserve</b>	<p>means –</p> <ul style="list-style-type: none"> <li>(a) <i>a public park, or</i></li> <li>(b) <i>any land conveyed or transferred to the council under section 340A of the <a href="#">Local Government Act 1919</a>, or</i></li> <li>(c) <i>any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the <a href="#">Local Government Act 1919</a>, or</i></li> <li>(d) <i>any land dedicated or taken to be dedicated under section 49 or 50, or</i></li> <li>(e) <i>any land vested in the council, and declared to be a public reserve, under section 37AAA of the <a href="#">Crown Lands Consolidation Act 1913</a>, or</i></li> <li>(f) <i>any land vested in the council, and declared to be a public reserve, under section 76 of the <a href="#">Crown Lands Act 1989</a>, or</i></li> <li>(g) <i>Crown managed land that is dedicated or reserved—</i> <ul style="list-style-type: none"> <li>(i) <i>for public recreation or for a public cemetery, or</i></li> <li>(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></li> </ul> </li> </ul>

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

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

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

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

**recreation area**

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

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

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

recreation  
(outdoor)

facility

means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).



**APPENDIX B - Copy of Notice from Minister advising of categorisation of Crown land**

**Attachment 1: Schedule of Crown reserves categorisation consistent with reserve purpose**

<b>Reserve No.</b>	<b>Purpose(s)</b>	<b>Category</b>
R9984	Public Recreation	Sportsground
R31393	Public Recreation	Natural Area
R33953	Refuge in time of Flood	Natural Area
R55431	Access	General Community Use, Natural Area
R55928	Racecourse and Showground	Sportsground, General Community Use
R60373	Public recreation	General Community Use, Natural Area
R62157	Preservation of Graves	Area of Cultural Significance, Natural Area
R68938	Public Recreation	Natural Area
R72160	Public Recreation	Sportsground
R75491	Public Recreation; Children's playground	Park
R82340	Public Recreation	Natural Area
R85679	Plantation	General community Use
R88058	Museum	Area of Cultural Significance
R88451	Public Recreation	Sportsground
R88754	Public Recreation	Sportsground
R89633	Museum	Area of Cultural Significance
R90713	Home of the Aged	General Community Use
R94084	Children's Playground, Public Recreation	Park, General Community Use
R97197	Children's Playground, Public Recreation	Park
R97198	Children's Playground, Public Recreation	Park, General Community Use
R98071	Public Recreation	General Community Use
R150042	Community Purposes, Heritage Purposes	General Community Use, Area of Cultural Significance
R1010748	Community Purposes	General Community Use
R1021768	General Cemetery	General Community Use

**Attachment 2: Schedule of Crown reserves directed for categorisation**

Council is directed to re-categorise the reserve as outlined below in accordance with section 3.23(5) of the Act so as not to cause, or be likely to cause, material harm to the land.

<b>Reserve No.</b>	<b>Purpose(s)</b>	<b>Direction</b>
R9983	Public Recreation	Park

**Figure 14 – Adrian Douglas Park**



**Figure 15 – Chant Street Playground**





**Figure 16 – White Street Playground**



## APPENDIX D - Aboriginal Heritage Information Management System Search Results



### AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 20-C01-MC AD Park

Client Service ID : 542783

Steven Parisotto

Date: 15 October 2020

63 Hillam Dr

Griffith New South Wales 2680

Attention: Steven Parisotto

Email: parisplan@icloud.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 2, DP:DP705823 with a Buffer of 50 meters, conducted by Steven Parisotto on 15 October 2020.**



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

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

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

**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.



Steven Parisotto

Date: 15 October 2020

63 Hillam Dr

Griffith New South Wales 2680

Attention: Steven Parisotto

Email: parisplan@icloud.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP608992 with a Buffer of 50 meters, conducted by Steven Parisotto on 15 October 2020.**



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



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

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

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

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

You can get further information about Aboriginal places by looking at the gazettal notice that declared it.

- Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

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

Steven Parisotto

Date: 15 October 2020

63 Hillam Dr

Griffith New South Wales 2680

Attention: Steven Parisotto

Email: parisplan@icloud.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 39, DP:DP252736 with a Buffer of 200 meters, conducted by Steven Parisotto on 15 October 2020.**



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

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

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

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

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.

You can get further information about Aboriginal places by looking at the gazettal notice that declared it.

- Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

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



**Draft** Use of Council’s Footpath Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised by	John Scarce	General Manager		

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

March 2024

## PART 1 – PRELIMINARY

### 1) Name of the Policy and Purpose

- (1) This policy is the ***Use of Council's Footpath Policy*** and its purpose is to set down guidelines and application requirements relating to the use of the Council's footpaths within commercial areas of Coleambally, Darlington Point and Jerilderie.

### 2) Aim of Policy

- (1) The aims of the policy are:
  - a) to enable local food and drink premises, including hotels, refreshment rooms, cafes, restaurants, in the commercial areas of each village with the opportunity to establish safe outdoor eating areas on the public footpath;
  - b) to provide opportunities for not-for-profit organisations, charities and commercial operators to set up food vending carts and barbeques to operate from appropriate locations on Council's footpath;
  - c) to provide local business the opportunity to display merchandise in appropriate locations on Council's footpath;
  - d) to enable local business the opportunity to display temporary advertising structures in appropriate locations on Council's footpath; and
  - e) to allow buskers to perform on land owned by or in the control of Council.
  - f) to enable local charity groups and sporting organisations to set up stalls and sell raffle tickets.
- (2) The policy also aims, through the provisions of fair and reasonable controls, to manage public safety on footways for all people living in and visiting the Murrumbidgee local government area, especially for the elderly and the visibility/mobility impaired, by maintaining a safe environment and prevention of obstruction to pedestrian and vehicle movement in the designated areas.

### 3) Scope of policy

- (1) This policy applies to all land within the commercial precincts of Coleambally, Darlington Point and Jerilderie, shown in Figures 1, 2 and 3.
- (2) The display of temporary advertising structures and goods for sale is not permitted in the following areas:
  - a. Parks, open spaces or public road median strips.
  - b. Narrow footpaths that are considered to have high pedestrian use.
  - c. Footpaths that are occupied by other uses, such as bus stops, taxi ranks, fire hydrants, Australia Post facilities.
  - d. Footpaths in the vicinity of intersections which may interfere with visibility or distract vehicular movement.
- (3) Where the use of the footpath is adjacent to a classified road, concurrence of Transport for NSW is required.



**Figure 1: Coleambally Commercial Precinct**



**Figure 2: Darlington Point Commercial Precinct**



**Figure 3: Jerilderie Commercial Precinct**



#### **4) Definitions**

(1) In this policy:

**Application** means either a development application for consent under Part 4 of the Act to carry out development, and includes an application for a complying development certificate and an application to modify a development consent, or an application made under section 68 of the Local Government Act, 1993.

**Busker** is a person (or group) who plays a musical instrument, sings, dances, mimes or performs an act to entertain the public.

**Council** means Murrumbidgee Council.

**Development process** means application, assessment, determination, and enforcement.

**Food and drink premises** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

**Food vending cart** means a barrow, trolley or cart that does not require registration with the Transport for NSW and any adjacent area reasonably used for the purpose of displaying and selling food stuffs.

**Hotel** means the premises to which an hotelier's licence, granted under the Liquor Act 1982, relates.



**Local charity or sporting organisations** means a group with ties to the local government area and the villages and surrounds of Coleambally, Darlington Point and Jerilderie.

**Primary service authorisation** enables liquor to be served to patrons without another product or service under an on-premises licence. The most common example is the sale of liquor in a restaurant without a meal. All restaurants, including those with a primary service authorisation, cannot operate with the primary purpose of selling or supplying liquor. Restaurants with a primary service authorisation must have meals available at all times. A primary service authorisation does not allow a restaurant to operate as a bar.

**Public performance** means performance by a group of music, singing, dance or similar activity, or public speaking on behalf of a group, agency or Church.

**Refreshment room** means a restaurant, café, tearoom, eating house or the like.

(2) Notes in this policy do not form part of the policy and are advisory.

## **PART 2 – GUIDELINES FOR OUTDOOR DINING**

### **5) Requirements for use of footpath for outdoor dining**

- (1) Where it is proposed to use Council's footpath for outdoor dining, incorporating the placement of tables, chairs and associated shade structures, an application for development consent is to be made to Council and determined in accordance with the provisions of Environmental Planning & Assessment Act, 1979 and Section 125 of the Roads Act, 1993. Consent, if granted, will be subject to:
  - a. Any approval will be subject to compliance with the provisions set down in clause 3 of the Policy and will be subject to conditions including, but not limited to, annual agreement where the payment of fees is in accordance with Council's Revenue Policy and written indemnification against action or claims against Council included in Public Liability Insurances.
  - b. Applicants will be required to enter into a licence agreement with Council, make payment of fees based on the dimensions of the area approved by Council in accordance with Council's Revenue Policy and provide written indemnification against action or claims against Council included in Public Liability Insurances.

**Note 1:** Development consent determines only that the footpath may be used for the purpose of outdoor dining. The licence to occupy the footpath is an agreement between the occupier and the land owner (Council) describing the terms under which the footpath is used. This may vary from time to time in accordance with this Policy or its amendments.

**Note 2:** The existence of development consent does not imply approval of any of the terms of the licence agreement. A licence agreement will not be entered into that departs from conditions of development consent.

## 6) Controls and guidelines applying to outdoor dining

(1) The following controls have been developed to provide guidelines for applicants seeking development consent for outdoor dining:

- a. Only applies to premises which have received development approval for, or are lawfully used as, food and drink premises.
- b. There shall be no obstruction or danger created for pedestrian or vehicular traffic flow.
- c. The area to be occupied shall normally be of a dimension that is equal to the width of the shop front. A development or licence application which proposes to extend forward of the neighbouring shop front will be referred to the neighbouring property owner and business operator unless written permission of the parties is contained in the application.
- d. Council has set a standard distance of a minimum 2.6 m wide clear area being provided to enable pedestrian movement. A greater or lesser distance may be imposed or considered based on the proposal and the circumstances of the case, including existing constraints due to the volume of pedestrian traffic, proximities to other footpath obstructions, proximity to intersections and other footpath conditions, including cross-fall and slope.
- e. Outdoor dining will not be permitted on the footpath adjacent to the shop wall.
- f. Where parking is adjacent to any proposed outdoor eating area, a setback of one metre is required for passengers to alight from their vehicles. A suitable road safety barrier system may be required with a 1.0 metre setback from the kerb.
- g. If alcohol is to be served, it shall be done in accordance with Liquor and Gaming NSW licensing requirements for primary service authorisation. In the case of hotel premises, the outdoor eating area on Council's footpath is to be used primarily for the serving and consumption of meals and is not to be used solely for serving alcohol, such as a 'beer garden'.
- h. Any approval for meal consumption will require appropriate signage stating that the furniture is only to be used by customers who are to consume a meal prepared or sold by the establishment, and stating any restriction to hours where alcohol is consumed. The wording is to be approved by the Director Planning, Community & Development (or equivalent position) or their nominated delegate.
- i. Where it is proposed that alcohol will be consumed, specific approval is required from Liquor and Gaming NSW and, where no liquor licence is in force, both Murrumbidgee Council and Liquor and Gaming NSW.

**Note 3:** Where an alcohol free zone is in force, the development consent only applies to the area delineated for outdoor dining.

**Note 4:** Where this adjoins a classified road, Council will refer the matter to Transport for NSW and be subject to their concurrence.

- j. The hours of operation shall be:
  - i. For premises where no alcohol service is provided, the hours for the use of the outdoor seating shall be between 6.00am until the close of trade of the approved use of the premises or 12.00am, whichever is the earliest.
  - ii. For premises where alcohol is proposed to be served, including BYO premises, the hours for the use of the outdoor seating shall be between 6.00am until the close of trade of the approved use of the premises or 12.00am, whichever is the earliest. Alcohol shall not be served or consumed on the footpath prior to 10.00am or after

10.30pm Sunday to Thursday, and prior to 10.00am to midnight Friday and Saturdays.  
A legible sign describing the requirements above is to be clearly displayed.

- k. No moveable furniture is to be left on the footpath area outside the hours stated in (j) above.
- l. Unless otherwise approved by Council, street furniture must meet the following objectives:
  - i. Moveable tables must be metal mesh, timber or similar construction.
  - ii. Chairs must be metal mesh, timber or similar finish.
  - iii. High quality plastic furniture shall be permitted with the approval of Council.
  - iv. A range of umbrella colours will be permitted, provided there is consistent grouping of the theme of the umbrellas in colour and advertising.
  - v. Discrete advertising related to the restaurant premises will be permitted on the umbrellas.
  - vi. Street furniture must be kept in good serviceable order and repair.
- m. Where it is proposed, or is considered necessary, to carry out footpath construction works, paving materials shall be in accordance with the relevant policy or masterplan.
- n. Planter boxes, screens, menu boards or other paraphernalia may be approved subject to specifications required by the Director Planning, Community & Development (or equivalent position) or their nominated delegate, provided details are provided in the development application.
- o. Where no onsite toilet facilities are provided, the maximum number of chairs on the footpath, plus within the premises, shall not exceed 20.
- p. Drop-down screens that interfere with the effectiveness of CCTV coverage will not be allowed.
- q. Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Appropriate fire safety equipment must be easily accessible and its location noted in the application. Heating devices should turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed from public land and appropriately stored when not in use. Direct access to the gas mains and use of electrical extension cords are not permitted.
- r. Installation of gas heaters should be in accordance with AS 4565 – 2004 Radiant Gas Heaters. Heaters must not be placed where they may present a fire hazard (eg in close proximity to umbrellas).
- s. In limited circumstances Council may approve the use of a portion of an outdoor dining area for the purposes of a coffee cart to be used in conjunction with an approved refreshment room. The coffee cart shall comply with the, Australia New Zealand Food Standards Code and the NSW Food Act 2003 and Regulation. Patrons of the coffee cart shall be within the outdoor dining area while being served, and queuing outside of this area is not permitted.
- t. Council will require the approved area to be delineated at the applicant's expense. The method of delineation will be determined by Council.

## **7) Application requirements**

- (1) The applicant shall lodge a development application with Council via the NSW Planning portal. The information to be provided with the development application is to include:
  - a. Land owner's consent from the land owner of the food and drink premises and Murrumbidgee Council as the owner of the footpath. Should the siting of any tables and chairs extend beyond the boundary of the site, then owner's consent is also required from the neighbouring properties.
  - b. Payment of the prescribed fee for a development application, as published in Council's fees and charges.
  - c. Detailed plans of the footpath, showing the exact dimensions and position of the proposed area, siting of the street furniture, a cross-section from the property boundary to the top-of-kerb and details of the style, type and colour of the street furniture.
  - d. A statement of environmental effects.

**Note 5:** Where conditional approval is given, additional fees are payable in accordance with Council's fees and charges. These fees shall include, but not be limited to, a bond, a licence preparation fee and an annual fee per square metre.

## **PART 3 – GUIDELINES FOR OTHER USES OF COUNCIL'S FOOTPATH**

### **8) General requirements for use of footpath for other purposes**

- (1) An application is to be made to Council pursuant to Section 68 of the Local Government Act, 1993.
  - a. the sale of food and drinks on a take-away basis, incorporating the placement of food vending carts and gas operated barbeques; or
  - b. the display of goods incorporating the placement of merchandise racks and trade tables; or
  - c. the temporary placement of advertising structures incorporating the placement of A-frame or sandwich board or like type structures; or
  - d. for the purpose of busking; or
  - e. for the sale of raffle tickets and the like by local charities and sporting groups.

### **9) Controls and guidelines applying to temporary mobile food vending carts and barbeques**

- (1) The following controls have been developed to provide guidelines for applicants seeking approval for mobile food vending carts and barbeques:
  - a. No obstruction or danger is created for pedestrian or vehicular traffic flow.
  - b. The area to be occupied shall be parallel in length to the shop front. Any extensions on to the neighbouring shopfront of the same premises must have the neighbouring property owner's written permission prior to submitting an Activity Application.
  - c. Council has set a standard distance of a minimum 2.6 m wide clear area being provided to enable pedestrian movement. A greater or lessor distance may be imposed or considered based on the proposal and the circumstances of the case, including existing constraints due to the volume of pedestrian traffic, proximities to other footpath obstructions, proximity to intersections and other footpath conditions, including cross-fall and slope, or the nature of the proposed activity.

- d. The hours of operation for the vending cart or barbeque selling or displaying commodities are limited from 8.00am to 7.00pm daily during daylight saving period and from 8.00am to 6.00pm daily during other times of the year. In exceptional circumstances, hours of operation may be varied at the discretion of the Director Planning, Community & Development (or equivalent position) or their nominated delegate.
- e. The mobile food vending cart or barbeque shall not operate within 50 metres from any existing business or other premises, displaying or selling similar types of food stuffs at the same time. In addition, a mobile food vending cart shall not operate within 50 metres from any not-for-profit or charity organisation operating a fund raising activity which includes a barbeque facility.
- f. No alcohol is to be served.
- g. No food vending cart or barbeque equipment or moveable furniture is to be left on the footpath area outside the hours stated in d) above.
- h. All food vending carts and barbeque equipment displaying or selling food must comply with the Food Standards, Australian and New Zealand Food Safety Standards, the Food Act 2003 and the applicable requirements of the NSW Food Authority – Mobile Food Vending Vehicles, 2009.
- i. Suitable garbage receptacles with close-fitting lids must be provided in the food vending cart. When directed, a suitable receptacle must be provided adjacent to the food vending cart for placing litter, and all garbage must be removed daily, or more frequently when the need arises

## **10) Controls and guidelines applying to the display of goods on the footpath**

- (1) The following controls have been developed to provide guidelines for applicants seeking approval for the display of goods on the footpath. Council will consider the following matters in determining the application:
  - a. Whether products may be considered offensive in a manner from accepted social, moral, religious and cultural perspective.
  - b. Whether the proposed display and sale of goods is likely to cause a safety hazard for pedestrians or detrimentally affect the amenity of the surrounding area or cause damage to footways.
  - c. Display and sale of food items must meet all requirements of the relevant health legislation (eg. safe storage, appropriate temperature regulation, etc).
  - d. The display must not extend further than 1 metre from the existing shop front and be restricted to the length of the street boundary of the premises unless otherwise agreed by Council and stated on the licence permit.
  - e. Council has set a standard distance of a minimum 2.6 m wide clear area for pedestrians at all times without obstructions from urban features including street trees, bins, street furniture and signs. A greater or lesser distance may be imposed or considered based on the proposal and the circumstances of the case.
  - f. The day-to-day operation of a business in a licensed street trading area is the responsibility of the proprietor/permit holder and the use is at the permit holder's own risk. It is their responsibility to ensure good management practices occur, and the permit holder must:
    - i. Operate the business in accordance with principles outlined in this policy and conditions of licence agreement;
    - ii. Observe all legal requirements and laws relating to the business;
    - iii. Maintain access in and around the site, with consideration that the occupied space is publicly owned space;

- iv. Comply with all requests made by Council's Planning and Compliance Officers, both formal and informal, during the course of the daily operation of the business.
- g. All goods for sale must be established well clear of driveway access points and routes for emergency vehicles;
- h. Display stand(s) must be:
  - i. Stable, and, in the case of inclement weather conditions, be removed from the footpath;
  - ii. Any display structures with wheels must incorporate a locking device for safety and stability.
  - iii. High presentation quality and appearance;
  - iv. Fit for purpose; and
  - v. Suitably finished so that no damage is caused to Council's pavements.
- i. Displays must be placed immediately against the front wall of the approved business;
- j. Displays must not exceed 1 metre in width or extend beyond the common boundary between adjacent shops;
- k. The permit holder shall be permitted to display goods and place display stands within the approved trading area only during the hours that the business premises is open. All display stands, racks, containers and goods must be removed from the footway and stored within the business premises after business hours;
- l. Full supervision and control must be readily available from the licence holder, proprietor or employees;
- m. The placement of food, perishables or produce of any type within the approved area must comply with health regulations, legislation and requirements;
- n. Displays and goods must not hang from awnings or be attached to the shop fronts;
- o. The permit holder will only be permitted to sell goods that are available from the subject business;
- p. The display of the following items are prohibited:
  - i. Breakable items such as glass, china ware and bottled liquids;
  - ii. Offensive materials;
  - iii. Vending machines, electronic games or pinball machines, poker machines and the like;
  - iv. Large items of household furniture and whitegoods;
  - v. Liquor products, beers, wines or the like, tobacco products or drugs of any type, including scheduled medicines; and
- q. The approved area shall not be utilised by anyone other than the permit holder;



## **11) Controls and guidelines applying to advertising structures**

- (1) The following controls have been developed to provide guidelines for applicants seeking approval for the placement of advertising structures on the footpath. Council will consider the following matters in determining the application:
- a. The maximum number of A-frame or sandwich board or like type structures permitted shall be one (1) per premises. Where a premises is occupied by more than one business, such as an arcade or a first floor use, one (1) additional sign may be permitted.
  - b. The content of the sign is only to display details of the business, including details of goods and services available or special sales. The sign shall not contain third-party advertising.
  - c. Council has set a standard distance of a minimum 2.6 m wide clear area for pedestrians at all times without obstructions from urban features including street trees, bins, street furniture and signs. A greater or lesser distance may be imposed or considered based on the proposal and the circumstances of the case.
  - d. All moveable signage is to be stored away from the public area and off public land outside the hours of operations as approved of the current business.
  - e. All signage must be kept clear of access points to the shop including those of adjoining premises. and routes for emergency vehicles;
  - f. The a-frame sign, sandwich board or like type structure must be:
    - i. Stable, and in the case of inclement weather conditions be removed from the footpath;
    - ii. Constructed of metal or solid timber construction and of a colour harmonious to the surrounds;
    - iii. High presentation quality and appearance;
    - iv. Suitably finished so that no damage is caused to Council's pavements.
  - g. The a-frame sign, sandwich board or like structure must not exceed a height of 1200mm nor exceed 600mm in width.
  - h. Displays must be placed immediately against the front wall of the approved business.

## **12) Controls and guidelines applying to buskers**

- (1) The following controls have been developed to provide guidelines for applicants seeking to busk or provide a public performance:
- a. Buskers can perform anywhere in the areas identified in Figures 1, 2 and 3
  - b. Buskers can perform at any one time between the hours of 9.00 am and 5.00 pm each day.
  - c. A busker may accept, but cannot solicit, donations in appreciation of their performance
  - d. Performances must not cause a nuisance by:
    - i. Obstructing pedestrian or vehicle traffic or entrances to shops or buildings.
    - ii. Excessive noise, due to the amplification of musical or other equipment.
    - iii. Selling or offering for sale of any articles, commodities or services other than a busker's own original recordings.
    - iv. Using dangerous implements or materials as part of the performance.
    - v. Vilifying or harassing any member of the community, including but not limited to racial, sexual, gender or disability discrimination.

### **13) Controls and guidelines applying to sale of raffle tickets and local charity groups**

- (1) The following controls have been developed to provide guidelines for local charities and sporting clubs wishing to sell raffle tickets and set up stalls;
  - a. Stalls may be set up anywhere in the areas identified in Figures 1, 2 and 3
  - b. Stalls may only operate between 9.00 am and 5.00 pm each day.

## **PART 3A – APPLICATION REQUIREMENTS FOR OTHER USES**

### **14) Application requirements for temporary mobile food vending carts and barbeques**

- (1) The applicant for a temporary food vending cart or a barbeque shall lodge a completed Section 68 application in accordance with of NSW Local Government Act, 1993 to Council which shall be accompanied by the following:
  - a. Owner's consent from the premises where the food vending cart or barbeque is to be set up in front of, and Murrumbidgee Council as the owner of the footpath.
  - b. In the case of a food vending cart, payment of the prescribed fee;
  - c. A site plan showing the proposed siting of the food vending cart or barbeque;
  - d. Design and specifications of the proposed food vending cart.
  - e. Evidence of a current public liability insurance cover (minimum \$20 million) is to be provided, which must indemnify Council of all public liability.

**Note 6:** Should approval be given for a food vending cart it will be limited to a maximum 36 months and be renewable after the end of this period

**Note 7:** Where conditional approval is given, additional fees are payable in accordance with Council's fees and charges. These fees shall include, but not be limited to, a bond, a licence preparation fee and an annual fee per square metre.

**Note 8:** Should approval be given for a barbeque to be set up, it will be limited to one (1) day only and be renewable after the end of this period.

### **15) Application requirements for the display of goods or advertising structures on the footpath**

- (1) The applicant seeking to display goods or advertising structures on the footpath is to lodge a completed Section 68 application in accordance with the NSW Local Government Act, 1993 to Council, which shall be accompanied by the following:
  - a. Owner's consent from the premises where merchandise racks, display tables and advertising structures are to set up in front of, and Murrumbidgee Council as the owner of the footpath.
  - b. Plans of the footpath, showing the siting of the merchandise rack, display table and details of the style, type and colour of the street furniture; and
  - c. Plans of the footpath, showing the siting of the advertising structure, including details of signage content; and
  - d. Evidence of a current public liability insurance cover (minimum \$20 million) is to be provided which must indemnify Council of all public liability.

**Note 9:** Should approval be given for the use of Council's footpath for the display of goods, it will be limited to a maximum of 52 days in a calendar year only and be renewable after the end of this period.

**Note 10:** Should approval be given for an advertising structure it will be limited to a maximum of 36 months and be renewable after the end of this period.

**Note 11:** The licence holder shall be responsible for any damage caused to Council's footway by the installation, maintenance and/or removal of the outdoor furniture or facilities, and will bear all costs to repair and make good to existing.

**Note 12:** Licence agreements are to remain with the property.

## **16) Application requirements for buskers and local street stall holders**

(1) A busker or a local charity/sporting group is to lodge a completed Section 68 application in accordance with the NSW Local Government Act, 1993 to Council, which shall be accompanied by the following:

- a. The owner's consent from Murrumbidgee Council as the owner of the footpath.
- b. The owner's consent from the business operator of the premises where the busker is to perform, or where the stall is to be set up.

**Note 13:** If busking as a group, each member of the group will need to apply for an individual busking licence. Groups of up to 3 licensed buskers can perform at any one time, providing all members have their licence on display.

**Note 14:** Busking approvals will be valid for a maximum of 12 months.

**Note 15:** Should approval be given for a local stall, it will be limited to a one (1) day only and be renewable after the end of this period.

## **PART 5 – OTHER MATTERS**

### **17) Council Consent as Land Owner**

- (1) Council's consent as land owner is required prior to the submission of any application for the use of the footpath. Where Council refuses to grant land owner's consent, it shall provide reasons for withholding such consent.

### **18) Unauthorised Use**

- (1) The unauthorised use of the footpath, including additional tables and chairs associated with outdoor dining, temporary advertising structures, merchandise racks or trade tables that are not in accordance with an approval or otherwise permitted by Council shall be removed upon the direction of an authorised Council officer. Where a direction to remove the unauthorised items has been ignored, Council shall impound the unauthorised items.

### **19) Repair or maintenance works**

- (1) Any repair or maintenance works to be carried out on the footpath by Council will take precedent over the approval for commercial use. The approval will be suspended during any such work on the footpath and the permit holder will be given a reasonable period of notice in advance.

### **20) Notification of Council-related development applications**

- (1) All development applications for footpath dining areas will be notified for a minimum period of 14 days in accordance with clause 3.3 Community Participation Plan (CPP).

### **21) Legislation and related matters**

- (1) The following legislation and related matters were referenced in the drafting of the policy:
  - a. Environmental Planning and Assessment Act, 1979
  - b. Environmental Planning and Assessment Regulation, 2021
  - c. Local Government Act, 1993
  - d. Local Government (General) Regulation, 2021
  - e. Roads Act, 1993
  - f. State Environmental Planning Policy (Exempt & Complying Development) 2008

### **22) Directorate**

This policy was prepared by the Planning, Community and Development Directorate

### **23) Policy Review**

This Policy:

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

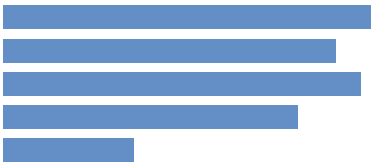
**SCHEDULE OF INVESTMENTS - 29 FEBRUARY 2024****External investments**

In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

<b>Institution</b>	<b>Balance (\$)</b>	<b>Yield (p.a.)</b>	<b>Maturity</b>	<b>Term (months)</b>	<b>No.</b>
Bendigo	1,500,000.00	4.70%	6/03/2024	3	26
Bendigo	1,246,843.24	4.45%	16/03/2024	6	21
Bendigo	515,943.76	4.83%	20/03/2024	4	23
Westpac	600,000.00	5.01%	21/03/2024	6	30
Bendigo	1,565,129.67	4.93%	25/03/2024	5	33
Bendigo	1,048,737.27	4.83%	27/03/2024	4	35
Bendigo	1,000,000.00	4.97%	28/03/2024	5	40
IMB Ltd	785,693.83	5.00%	3/04/2024	6	29
Bendigo	861,998.84	4.80%	4/04/2024	4	28
Westpac	1,500,000.00	5.02%	5/04/2024	4	39
Bendigo	1,500,000.00	4.86%	19/04/2024	4	45
Bendigo	1,000,000.00	4.85%	22/04/2024	4	44
Bendigo	1,000,000.00	4.80%	29/04/2024	3	36
IMB Ltd	500,000.00	5.10%	6/05/2024	5	41
Bendigo	2,056,469.86	4.83%	16/05/2024	4	37
Westpac	813,343.12	4.99%	23/05/2024	4	32
NAB	3,000,000.00	5.05%	24/05/2024	4	47
Westpac	768,318.28	5.00%	29/05/2024	4	25
Suncorp - METWAY	1,000,000.00	5.02%	3/06/2024	4	34
Westpac	1,069,674.42	4.97%	21/06/2024	4	43
Suncorp - METWAY	1,000,000.00	4.93%	25/06/2024	4	20
Bendigo	2,800,000.00	5.50%	28/06/2024	12	46
St George	537,107.36	4.19%	3/07/2024	5	27
Bendigo	1,039,292.49	5.01%	29/07/2024	6	22
IMB Ltd	1,036,720.68	4.95%	30/07/2024	5	38
	<u>29,745,273</u>				

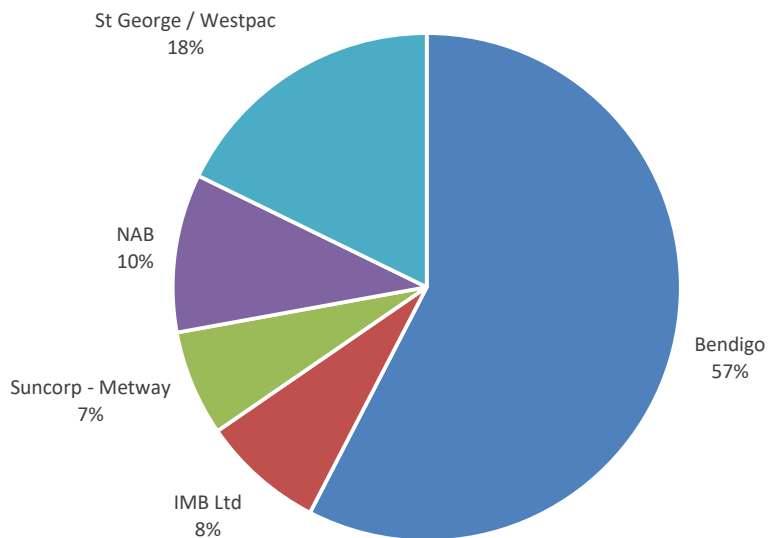
**Maturity**

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

<b>Month</b>	<b>\$ Funds Maturing</b>	
March 2024	\$ 7,476,654	
April 2024	\$ 6,647,693	
May 2024	\$ 7,138,131	
June 2024	\$ 5,869,674	
July 2024	\$ 2,613,121	
	<u>\$ 29,745,273</u>	

## Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	17,134,415	BBB+ / A3 / A-	A	N/A	57.60%	N/A
IMB Ltd	2,322,415	- / Baa1 / BBB+	BBB	10%	7.81%	●
Suncorp - Metway	2,000,000	A+ / A1 / A	A	14%	6.72%	●
NAB	3,000,000	AA- / Aa3 / A+	A	14%	10.09%	●
St George / Westpac	5,288,443	AA- / Aa3 / A+	AA	30%	17.78%	●
	<u>29,745,273</u>				<u>100%</u>	



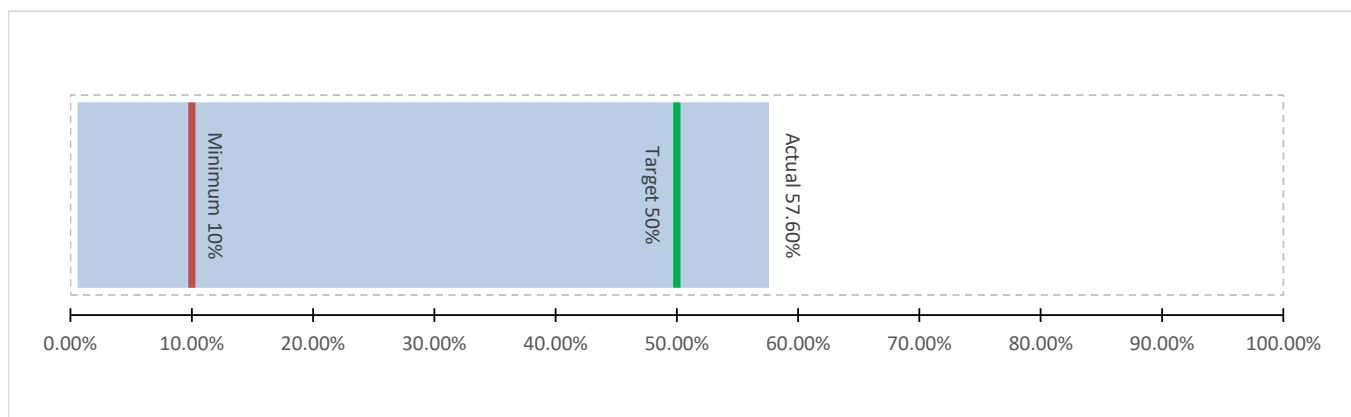
### Investment with Bendigo Bank

57.60%



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

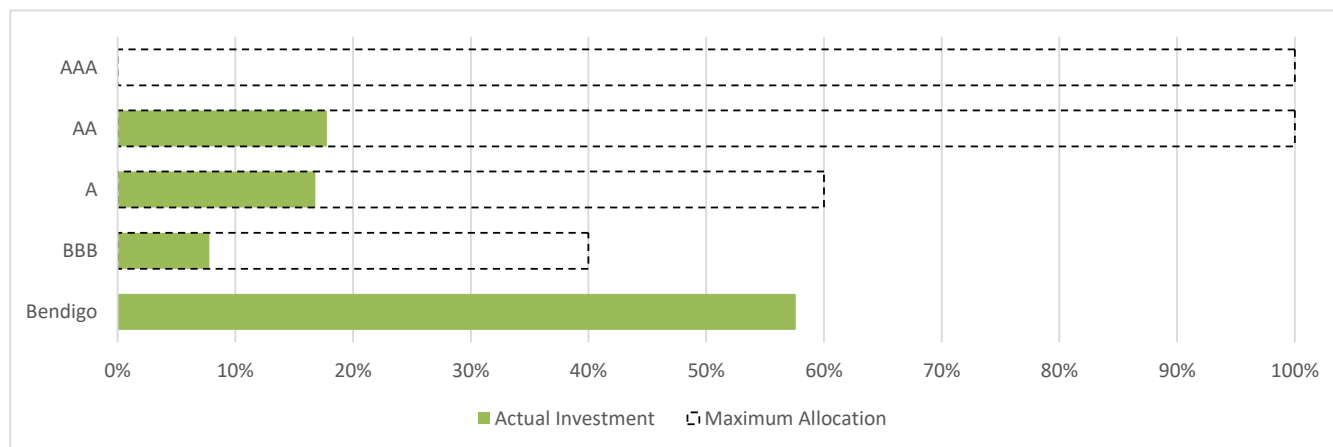
If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.





## Overall Credit Quality Limits

Credit Rating	Maximum	Balance	% Invested	Compliant
AAA	100%	\$ -	0.00%	●
AA	100%	\$ 5,288,443	17.78%	●
A	60%	\$ 5,000,000	16.81%	●
BBB	40%	\$ 2,322,415	7.81%	●
Bendigo	N/A	\$ 17,134,415	57.60%	N/A
<b>Total</b>		<b>\$ 29,745,273</b>	<b>100%</b>	



## Monthly investment movements

### Redemptions

Institution - No.	Balance (\$)	Comments
Inv 34 - Suncorp	654,598	Part Investment for cash flow re 2/02/2024
Inv 24 - IMB	506,041	Cash flow requirements 15/02/2024
Inv 42 - NAB	512,577	Cash flow requirements 16/02/2024
Inv 20 - Suncorp	65,754	Part Investment for cash flow re 26/02/2024
	<b>1,738,970</b>	

### New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
	Nil			

### Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Suncorp Inv 34	1,000,000	5.02	4	Part rollover to meet cash flow requirements
St George Inv 27	537,107	4.19	5	Rollover at current rates
Westpac Inv 43	1,069,674	4.97%	4	Rollover at current rates
Suncorp Inv 20	1,000,000	4.93%	4	Rollover at current rates
IMB Inv 38	1,036,721	4.95%	5	Rollover at current rates
	<b>4,643,502</b>			

Investment performance

	Feb-24	FYTD
Total investment income, including accrued interest	\$104,889	\$1,135,236
Money-weighted rate of return (% p.a.)	4.39%	5.42%
Bloomberg AusBond Bank Bill Index	4.14%	4.32%
Over performance/(under performance)	0.26%	1.10%

