

GENERIC PLAN OF MANAGEMENT FOR JERILDERIE COMMON & JERILDERIE STOCK ROUTE

*Draft Plan of Management
2024-2029*



Murrumbidgee
COUNCIL

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EXECUTIVE SUMMARY

Jerilderie Common and the Jerilderie Stock Route are located south of the township on the Newell Highway. The generic Plan of Management for Jerilderie Common & Stock Route (the plan) aims to provide a basis for guiding Council's ongoing management for the two sites.

Both Jerilderie Common (R1010748) and the Jerilderie Stock Route (R85679) are owned by the State Government that is managed as community land by Murrumbidgee Council for the benefit of the local community.

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

The reserves identified in this plan of management have been categorised as general community use. The current use patterns; condition of the existing built and natural assets; emerging needs, constraints and opportunities, have been considered in this plan of management. The plan of management identifies appropriate objectives and actions, as well as measures that enable the successful implementation of key outcomes provided by the plan and a means for the effective ongoing management of the reserves. 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 to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community, and the environment. It has been prepared to meet the requirements of the Local Government Act, 1993 (LG Act), as amended by the Local Government Amendment (Community Land Management) Act 1998.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

This Plan of Management Plan covers the following:

- Lot 7005 DP 1025055 being Crown Land Reserve No. 85679 comprising the Jerilderie Stock Route;
- Lot 7034 DP 1084860 being Crown Land Reserve No. 1010748 being Jerilderie Common

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

The Generic Plan of Management for Jerilderie Common & Stock Route (JCSRPOM) 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 Jerilderie Common & Stock Route is a generic plan of management based on their geographic proximity, categorization of land and zoning.

The Crown land covered under this plan of management is a community resource that provides a direction that will enable ongoing use of the reserves for the following purposes:

- The infrequent use for the purpose of grazing of livestock within the travelling stock route plantation; and
- An area which is available for grazing and the agisting livestock to meet the needs of local residents.

2.1 Why is Murrumbidgee Council preparing a Plan of Management?

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

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

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

-
- Create a concept design for future developments;

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

2.1 Corporate objectives of Murrumbidgee Council

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

Social justice principles underpinned the Murrumbidgee Council CSP are:

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

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

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

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

2.2 Land to which this plan applies

This Plan of Management Plan covers two of the ten Crown reserves categorised as or in part as *general community use* which Murrumbidgee Council is the Crown Manager. Land covered by the plan of management is listed in Table 1:

Table 1: Land covered by this plan of management

Land	Real property description	Land owner
R85679 Stock Route Jerilderie	Lot 7005 DP 1025055	Crown land managed by Murrumbidgee Council.
R1010748 Jerilderie Common Jerilderie	Lot 7034 DP 1084860	Crown land managed by Murrumbidgee Council.

Crown reserves categorised as *general community use* not covered by this plan includes community land covered by other plans of management listed in Table 2.

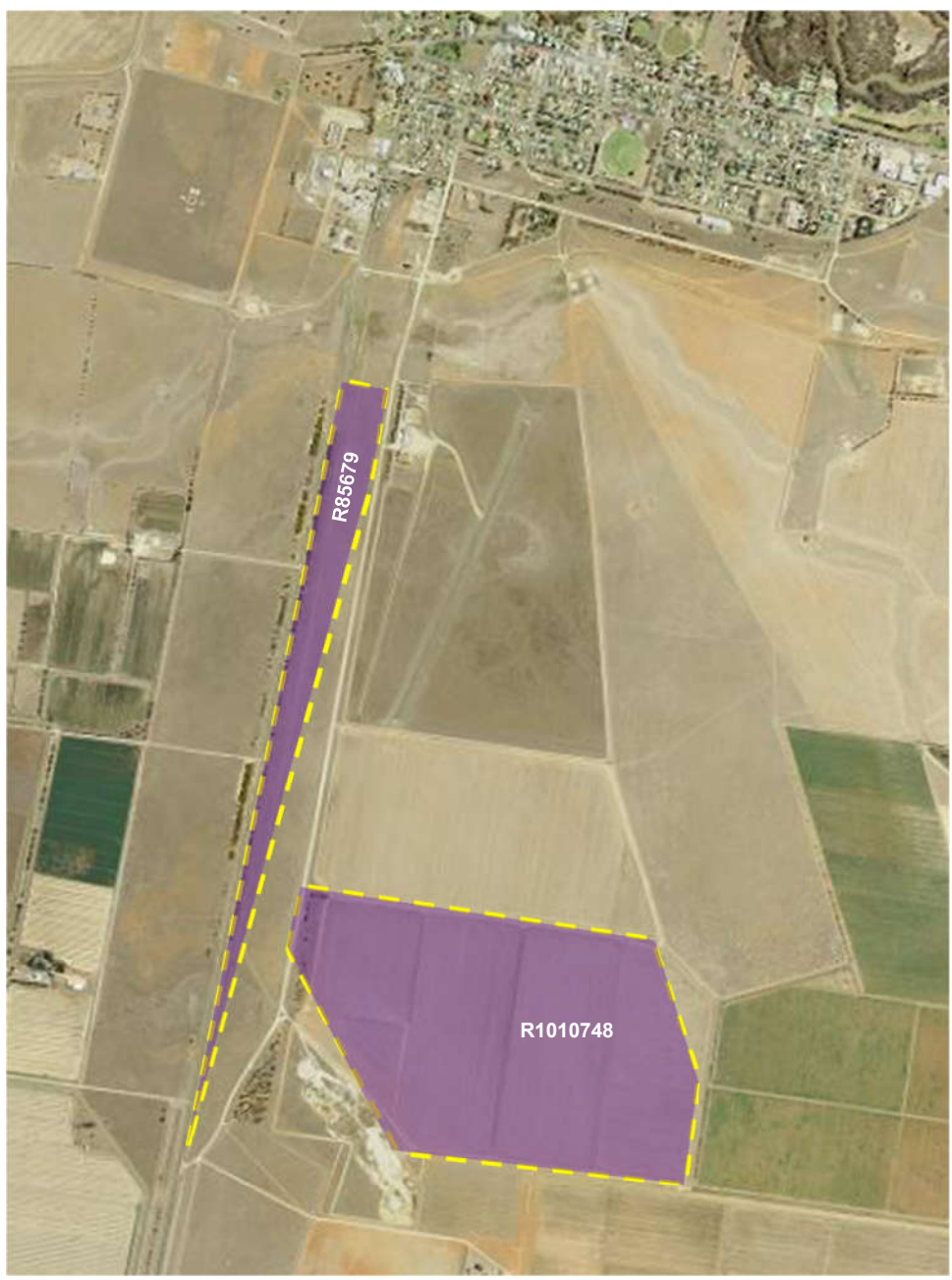
Table 2: General community use land not covered by this plan

Land	Reason
R150042 Jerilderie Court House and Library	This site has dual categorisation including an area of cultural significance and it has been included in a site specific plan of management.
R94084 Adrian Douglas Park Darlington Point	This site has dual categorisation including a park and it has been included in the generic plan of management for Darlington Point Parks
R97198 Chant Street Playground Darlington Point	This site has dual categorisation including a park and it has been included in the generic plan of management for Darlington Point Parks
R9922 Elliot Park, Jerilderie	This site has dual categorisation including a park and it has been included in the specific plan of management for Elliot Park
R55928 Jerilderie Racecourse and Showground	This site has dual categorisation including a sportsground and it has been included in the site specific plan of management for Jerilderie Racecourse and Showground.
R90713 Balmeringa	Site specific site plan
R98071 Central Coree Hall	Site specific site plan
R60373 Darlington Point Caravan Park	This site has dual categorisation including an area of cultural significance and it has been included in a site specific plan of management.

The Stock Route (R85679) and the Jerilderie Common (R1010748) highlighted in the aerial image contained in Figure 1 on page 9, are located approximately 2.5 kilometres south of Jerilderie off the Newell Highway (A39). The stock route is an irregular, almost triangular, shaped parcel of land with frontages to the Newell Highway and Rifle Range Road. It has an area of 22.93ha.

Jerilderie Common comprise of a single irregular shaped parcel of land, with an area of approximately 110ha. It can be accessed via Rifle Range Road.

Figure 1 – Location of Stock Route (R85679) and Jerilderie Common (R1010748)¹



¹ SW Department of Planning, Industry and Environment, SixMaps

Both the stock route and Jerilderie Common are vacant in terms of structures, other than stock fencing which has been erected along the western and southern boundaries of the Common. The Stock route retains grasses and native shrubs, while Jerilderie Common was being used for agriculture.

2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 it must be identified that Jerilderie Common & Stock Route is owned by the Crown and that Murrumbidgee Council has been appointed as Crown Land Manager under the provisions of Division 3.2 of the Crown Land Management Act, 2016. The subject land is not subject to any trust, estate, interest, dedication, condition, restriction or covenant referred to in clause 37(b) of the Local Government Act, 1993. Further there is no condition or restriction imposed by the owner in respect to the use of management of the land as referenced in clause 37(c) of the Act.

2.4 Categorisation of the reserve

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 2: Land categorization and gazettal date

Land	Purpose(s) & gazettal date	Categorisation
R85679 Stock Route Jerilderie	Plantation 25 February 1966	General community use
R1010748 Jerilderie Common Jerilderie	Community purposes 12 August 2005	General community use

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Jerilderie Common & Stock Route is primarily guided by:

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- Local Government Act, 1993
 - Local Government 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 Jerilderie Common & Stock Route include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2021;
- Jerilderie Local Environmental Plan, 2012;
- Murrumbidgee Local Environmental Plan, 2013;
- Biosecurity Act, 2015; and
- Biodiversity Conservation Act, 2016.

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 *general community use* is set out in Clause 36l of the Act, and clause 106 of the Regulation which are set out in Table 3 below.

Table 3: Core objectives

Land	Guidelines ²	Core Objectives ³
<i>General community use</i>	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

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

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

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

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

² NSW Local Government (General) Regulation 2021, Part 4 Division 1, Guidelines for the categorisation of community land.

³ NSW Local Government Act 1993, Part 2 Division 2, Use and management of community land.

There is nothing in the Plan of Management for Jerilderie Common & Stock Route that would prevent it from grant an approval to any of the activities listed in Table D.

3.2 Crown Land Management Act 2016

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

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

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

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

- Classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the Local Government Act 1993, subject to this Division (see section 3.21(1)).
- To manage its dedicated or reserved Crown land as if it were community land or operational land, but only as permitted or required by this Division including those functions ascribed to it pursuant to section 3.22 of the CLM Act.

-
- Assign an initial category or categories to the Crown Land in accordance with sections 3.23(2) & (3) of the CLM Act that Council considers to most closely relate to the purpose for which the land is dedicated or reserved.
 - Prepare the first plan of management applicable to the land, either by amending an existing plan of management that applies to the land or adopt a new plan of management in accordance with sections 3.23 (6) & (7) of the CLM Act

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

3.3 Other relevant legislation and statutory controls

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

3.3.1 Native Title Act, 1993

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

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

3.3.2 Aboriginal Land Rights Act, 1983

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

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

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

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

3.3.3 Environmental planning & assessment act, 1979

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

3.3.3.1 State environmental planning policies

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

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Primary Production) 2021

- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021

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

3.3.3.2 Jerilderie local environmental plan 2012

Jerilderie Local Environmental Plan 2012 (JLEP) is an environmental planning instrument made under Part 3 of the EP&A Act that guides development and land use within part of the Murrumbidgee Council local government area. Under JLEP 2012 The Jerilderie Common & Stock Route is zoned RU1 Primary Production.

The zone is considered to be a closed zone, that is one where all permitted activities are listed. Specifically, the Land Use Table in JLEP 2012 states:

Table 4: Land zoning

Land	Local environmental plan	Zoning of land
R85679 Stock Route Jerilderie	Jerilderie Local Environmental Plan 2012	RU1 Primary Production
R1010748 Jerilderie Common Jerilderie	Jerilderie Local Environmental Plan 2012	RU1 Primary Production

3.3.1.3 Development Control Plan

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

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

3.4 Review of this plan

This Plan of Management has been prepared pursuant to the provisions of the Crown Land Management Act 2016 to provide an appropriate statutory basis for the continuing improvement and function of the reserves. This Plan is to be reviewed approximately every five years or as required to ensure it continues to be relevant to and consistent with government legislation and policy and community expectation.

3.5 Community consultation

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

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

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

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

Following consideration of submissions, Council resolved on **[insert date]** to adopt the Plan of Management for Jerilderie Common and Stock Route.

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 Crown reserves under this plan of management 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 Jerilderie Common and Stock Route as the land is not subject to a resolution of Murrumbidgee Council that declared the land, being a site of:

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

6. Culturally significant land

The provisions of section 36D of the Local Government Act, 1993 does not apply to the reserves as the land is not subject to a resolution of Murrumbidgee Council declaring the land, because of the presence on the land of any item the Council considers to be of Aboriginal, historical or cultural significance. A search of the NSW Environment & Heritage Aboriginal Heritage Information Management System on 24 March 2021 indicates that (see Appendix B):

- no Aboriginal sites are recorded in or near⁴ the above location; and
- no Aboriginal places have been declared in or near the above location.

⁴ The search parameter applied was within 50m of both lots

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve listed in Table 5 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 general community use categorisation of the land, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

Table 5: Reserve purpose and gazette date

Land	Purpose(s) & gazettal date	Categorisation
<i>R85679 Stock Route Jerilderie</i>	Plantation 25 February 1966	<i>General community use</i>
<i>R1010748 Jerilderie Common Jerilderie</i>	Community purposes 12 August 2005	<i>General community use</i>

7. Management directions

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for 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 the continuing use of the existing land for agriculture, including cropping and grazing.

8.1 Statutory guidelines for development of Jerilderie Common & Stock Route

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 reserve is frequently used but not always involves active use. In terms of a land use under the provision of the environmental planning instrument may fall within the broad definition as agriculture.

Table 6 identifies the zoning of the land under Jerilderie Local Environmental Plan 2012 of Jerilderie Common and Stock Route. The RU1 Primary Production zone that apply provide a range of permissible land uses, however not all are consistent with the categorization of the land. Table 6 below identifies the uses that are exempt development, permitted with or without the consent in an environmental planning instrument and Council’s plan of management of the reserves in terms of what it will permit.

Table 6 - Preferred uses of land

Land Use	Provisions of an environmental planning instrument	Allowed under TRPoM	Reason
Agriculture	Permitted without consent	Agriculture involving cropping and the keeping of livestock is permitted within Jerilderie Common Grazing of livestock for temporary purposes is permitted within the Jerilderie Stock Route	The use would be consistent with the general community use categorization and purpose of the reserves.
Aquaculture	Permitted with consent.	Permitted within Jerilderie Common.	The use would be consistent with the general community use categorization and purpose of the reserve.
Flood mitigation works	Permitted with consent	Allowed.	Flood mitigation works would be in keeping with the categorisation of the reserve in terms of protecting assets.
Forestry	Permitted with consent	Allowed.	The use would be consistent with the general community use categorization and purposes of the reserves
Water reticulation systems	Permitted without consent.	Allowed.	The use would be consistent with the categorization of the land.

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

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

At the time of preparing the land was being used for agriculture, which is defined term under JLEP 2012 and apart from stock fencing along property boundaries, there are no other built structures within the reserves. The existing *fences are in fair condition and in no immediate need of repair or replacement.*

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

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

At the date of adoption of the Plan of Management for Jerilderie Common & Stock Route both reserves were vacant, with the only improvements being stock fencing erected along the perimeter of Jerilderie Common (see Figure 8A below). The existing fencing is in fair condition.

Figure 8A – Looking north-east across Jerilderie Common ⁵



Figure 8B – Looking north along Stock Route



⁵ Images in Figures 8A and 8B taken on 9 December 2019 © Steven Parisotto Photography

Figure 8C – Historical aerial image c.1976 ⁶



Figure 8C – Historical aerial image c.1996



Figure 8E – Historical aerial image c2013 ⁷



Figure 8F – Aerial image September 2020



The agricultural use of the land varies, and while the image in Figure 8A indicates a fallow state it has been consistently used for cropping over the past 45 or so years as shown in Figures 8C (from 1976) to 8F (in 2020).

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:

⁶ Images in Figures 8C and 8D from NSW Spatial Portal Historical Imagery,

⁷ Images in Figures 8E and 8F from Google Earth

- (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.

Table 7 – Permissible uses and activities for land categorized as general community use

General Community Use	
Purpose or use as...	Development to facilitate
<p>The following purpose or uses are permitted by this Plan of Management on land categorized as a general community use.</p> <p>a) <i>Land that is suitable for</i></p> <ul style="list-style-type: none"> i. <i>Agriculture (excluding intensive livestock keeping agriculture and horticulture) within Jerilderie Common</i> ii. <i>Keeping of livestock including fencing within Jerilderie Common</i> iii. <i>Grazing of livestock within Jerilderie Stock Route</i> <p>b) <i>Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</i></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"> ▪ <i>Planting of crops (excluding horticulture)</i> ▪ <i>Keeping, breeding and raising of livestock (excluding intensive livestock agriculture)</i> ▪ <i>Fencing of land with Jerilderie Common</i> ▪ <i>Water reticulation systems for agriculture.</i> ▪ <i>Grazing of livestock</i>

8.3.1 Jerilderie Common & Stock Route as general community use

The purpose of this section is to provide and understanding of the core objectives for community land as a general community use, identify the legislative requirements concerning the development of the land and otherwise identify key matters that set out the strategy for managing Jerilderie Common & Stock Route . This section applies to that part of Jerilderie Common & Stock Route in aerial image set out in Figure 1.

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

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

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

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

Jerilderie Common & Stock Route is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires. Further the land has not been mapped as being area of high biodiversity, nor is the groundwater system identified as being vulnerable.

The land is flat and comprises a mix a natural occurring grasses and shrubs within the stock route and crops within the common. Apart from stock fencing defining the boundaries of adjoining free-hold land with the two reserves there are no other structures erected upon the land.

8.4 Leases, licences and other estates

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

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

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

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

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

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

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

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

- access through a reserve
- emergency occupation
- environmental protection, conservation or restoration or environmental studies,
- grazing of livestock

Table 7 - Leases, licences and other estates and purposes for which they may be granted for the Jerilderie Common

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> 10 years* 	<ul style="list-style-type: none"> Use of land for agricultural purposes (except for horticulture) Use of land for the keeping of livestock (except intensive livestock agriculture).
Licence	<ul style="list-style-type: none"> 10 years* 	<ul style="list-style-type: none"> Use of land for agricultural purposes (except for horticulture) Use of land for the keeping of livestock (except intensive livestock agriculture).
Short-term licence	<ul style="list-style-type: none"> 12 months 	<ul style="list-style-type: none"> Agistment of livestock
Other estates		This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

Land within the Jerilderie Stock Route is not suitable for any form of lease, license or other estate as it provides an area which is only suited for the temporary grazing for travelling livestock.

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.

Table 8 – Current agreements

Reserve	Purpose	License	Holder	Authorised activity
R1010748 Jerilderie Common	Community purposes	Commenced: 1 January 2016 Ends: 31 December 2035	Jerilderie Football Club	Agriculture for the purpose of dry land and irrigation farming

Further to Section 3.3.1 and reference to Native Title Assessment, Council is required under the provisions of the CLMA 2016, to undertake steps to identify whether the activity proposed on Crown land will affect Native Title. Council must further consider what provisions of the NTA 1993 will validate

the activity; and what procedures should be taken in relation to a particular activity prior to its commencement. Council must also have regard for any existing claims made on the land under the NSW Aboriginal Land Rights Act 1983 (ALR Act).

The activity must be authorised through Part 2 Division 3 of the NTA 1993/

Council must obtain written advice from its Native Title Manager in relation to certain activities and acts carried out on Crown land where the land is not excluded land, in accordance with native title legislation and applicable to works and activities to be undertaken on the Jerilderie Common.

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 in this plan of management has been categorised partly as a general community use.

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

Table 9 - Objectives and performance targets

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Agriculture	Allow extensive agriculture, involving annual crops and grazing of livestock	Ensure proper leases and/or licenses are in place.	Recording of any leases/licenses.
Animal control	Impound all animals that are not under the full control of owner or handler.	Community education and involvement in monitoring. Use of regulatory signs and enforcement.	Record all complaints about loose dogs, attacks and animal waste, and where required take regulatory action.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<i>Rubbish Dumping and Littering.</i>	Prohibit rubbish dumping and littering.	Regulatory signage at appropriate locations. Community education on the environmental impacts of rubbish dumping.	Number of incidents of illegal dumping Cost of clean-up and litter collection per annum
<i>Water reticulation systems</i>	Allow irrigation systems to be install to optimise water usage to be installed by the lease/license holder	Lease/license hold responsible for design, installation and operation the system.	Lease/license holder responsible for addressing of incidents of failure of the irrigation system.

APPENDICIES

APPENDIX A - Definitions

Term	Legislative definition
agriculture	<p>means any of the following —</p> <ul style="list-style-type: none">(a) aquaculture,(b) extensive agriculture,(c) intensive livestock agriculture,(d) intensive plant agriculture.
community land	<p>means –</p> <p>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</p>
community participation plan	<p>means –</p> <p>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</p>
environmental planning instrument	<p>means –</p> <p>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</p> <p>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</p>
extensive agriculture	<p>means any of the following —</p> <ul style="list-style-type: none">(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,(b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,(c) bee keeping,(d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their

		<i>primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.</i>
water reticulation system		<i>means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.</i>
plan of management		<i>means – a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land. (Local Government Act, 1993)</i>
public reserve		<i>means – (a) a public park, or (b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or (c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or (d) any land dedicated or taken to be dedicated under section 49 or 50, or (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the Crown Lands Consolidation Act 1913, or (f) any land vested in the council, and declared to be a public reserve, under section 76 of the Crown Lands Act 1989, or (g) Crown managed land that is dedicated or reserved— (i) for public recreation or for a public cemetery, or (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the Crown Land Management Act 2016, being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or (h) land declared to be a public reserve and placed under the control of a council under section 52 of the State Roads Act 1986, or (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the Roads Act 1993,</i>

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.



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 20-C01-MCC JSR

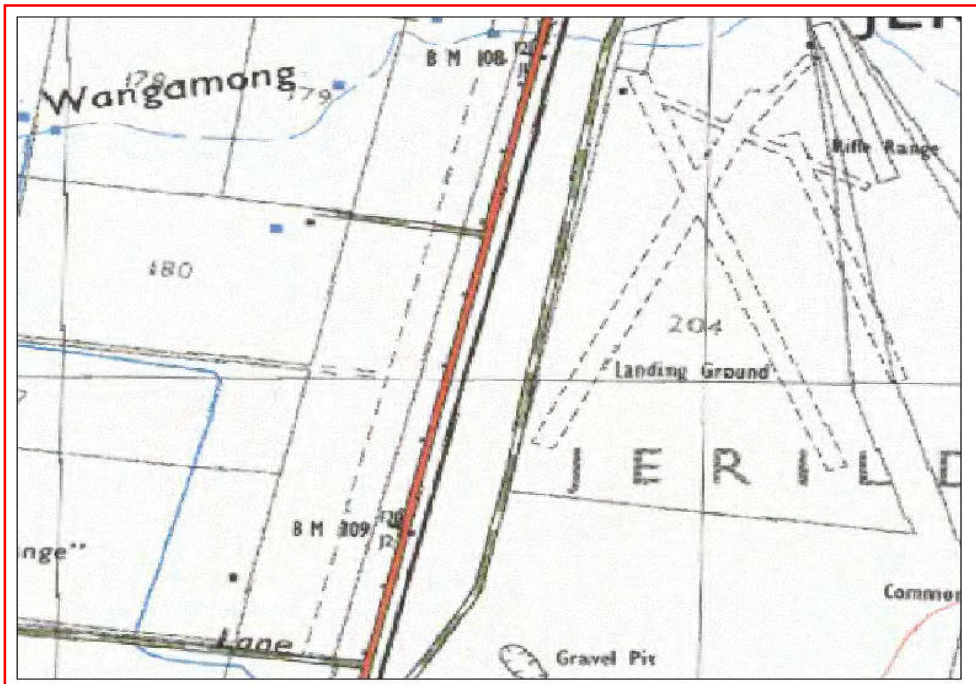
Client Service ID : 578469

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

Date: 24 March 2021

AHIMS Web Service search for the following area at Lot : 7005, DP:DP1025055 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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



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

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

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

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

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

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

Important information about your AHIMS search

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

PARISPLAN

Date: 24 March 2021

63 Hillam Dr
Griffith New South Wales 2680

Attention: Steven

Parisotto Email:

admin@parisplan.com.

au Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 7034, DP:DP1084860 with a Buffer of 50 meters, conducted by Steven Parisotto on 24 March 2021.

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



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

0 Aboriginal sites are recorded in or near the above location.

0 Aboriginal places have been declared in or near the above location. *
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If your search shows Aboriginal sites or places what should you do?

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- *This search can for m part of your due diligence and remains valid for 12 months.*