



Murrumbidgee
COUNCIL

DEVELOPMENT CONTRIBUTIONS PLAN (Revision 1)

SECTION 7.12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

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1. Administration and operation of the plan

1.1 What is the name of this development contributions plan?

This development contributions plan is called the *Murrumbidgee Council S7.12 Development Contributions Plan 2017 (Revision 2)* (“the development contributions plan”).

1.2 Application of this development contributions plan

The development contributions plan applies to all land within the Local Government Area of Murrumbidgee Council.

1.3 When does this development contributions plan commence?

The development contributions plan commences on 25 May 2017.

1.4 The purpose of this contributions plan

The primary purpose of the development contributions plan is:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a levy pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and
- to assist Murrumbidgee Council (“Council”) in providing the appropriate public facilities that are required to maintain and enhance amenity and service delivery within the Murrumbidgee local government area; and
- to publicly identify the purposes for which the levies are required; and
- to ensure Council’s management of levies complies with relevant legislation, guidelines and practice notes.

1.5 When is the levy applicable?

The levy is applicable to applications for development consent and applications for complying development certificates under Part 4 of the EP&A Act, except where exempt under Section 1.7 below.

1.6 What is the levy amount?

The amount to be levied is:

- nil where the proposed cost of carrying out the development is \$100,000 or less; or
- 0.5% of the development cost where the proposed cost of carrying out the development is between \$100,000 and \$200,000; or
- 1.0% of development cost where the proposed cost of carrying out the development is more than \$200,000.

1.7 Are there any exemptions to the levy?

The following development is exempted from a levy under this development contributions plan:

- development where the proposed cost of carrying out the development is \$100,000 or less; or
- development for the purposes of a single dwelling house; or
- development for the purposes of creating disabled access; or
- affordable housing as defined by the EP&A Act; or seniors housing as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (other than self-contained dwellings forming part of seniors housing development); or
- works undertaken for charitable purposes or by a registered charity; or
- places of public worship, public hospitals and emergency services; or

- recreational facilities, community, cultural or educational facilities provided by or on behalf of the Council or another public authority; or
- development for the sole purpose of adaptive reuse of an item identified in Council's Heritage Schedule in the LEP; or
- development exempted from Local Infrastructure Contributions by way of a Direction made by the Minister for Planning under section 7.17 of the EP&A Act; or
- development, apart from subdivision, where a condition of section 7.11 of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In addition, Council will not impose a levy in respect of development:

- for the sole purpose of Building Code of Australia Class 10 structures except for class 10 structures involving wind farms, frost fans; or solar panels and battery installations associated with wind farms or solar farms or battery storage facilities; or
- for which Council considers by formal ratification at a full Council meeting as an exemption. For such claims to be considered, any such development will need to include a comprehensive submission justifying the case for exemption.

1.8 Relationship with other plans and policies

The development contributions plan repeals the *Darlington Point Section 94 Plan*.

The development contributions plan supplements the provisions of the *Jerilderie Local Environmental Plan 2012*, *Murrumbidgee Local Environmental Plan 2013* and any amendment or local environmental plan/s which may supersede these plans.

Council may also levy contributions towards the provision of water and sewerage infrastructure, which are not part of this development contributions plan. Such contributions will be charged in accordance with the requirements of Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*.

1.9 Pooling of levies

The development contribution plan expressly authorises money obtained from section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for the public facilities listed in the works program at Schedule 1 and in accordance with any staging set out in that Schedule.

1.10 Construction certificates and the obligation of accredited certifiers

In accordance with clause 156 of the *Environmental Planning and Assessment Regulation 2021* ("the EP&A Regulation"), a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 156(2) of the EP&A Regulation.

Failure to follow this procedure may render such a certificate invalid.

1.11 Complying development certificates and the obligations of accredited certifiers

In accordance with section 7.21(1) of the EP&A Act, a certifying authority (Council or an accredited certifier) must impose a condition requiring payment of the levy in accordance with the development contributions plan and which satisfies the following criteria:

- Pursuant to section 4.17(1) of the EP&A Act and the development contributions plan, a levy calculated in accordance with Section 1.12 below.
- The amount to be paid is to be adjusted in accordance with Section 1.15 below.

1.12 How will the levy be calculated?

The levy will be calculated as follows:

Levy payable = L x \$C Where:

L is 0.005 where the cost of development is between \$100,001 and \$200,000 or 0.01 where the cost of development is more than \$200,000; and

\$C is the cost of carrying out the proposed development (calculated in accordance with Section 1.13 below).

1.13 How will the cost of carrying out the proposed development be calculated?

A development application or an application for complying development certificate must submit an estimated cost of development that has been calculated in accordance with clause 208 of the EP&A Regulation.

That clause provides as follows:

“208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

- (1) *The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.*
- (2) *The costs of carrying out development include the costs of, and costs incidental to, the following-*
 - (a) *if the development involves the erection of a building or the carrying out of engineering or construction work—*
 - (i) *erecting the building or carrying out the work, and*
 - (ii) *demolition, excavation and site preparation, decontamination or remediation,*
 - (b) *if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,*
 - (c) *if the development involves the subdivision of land—preparing, executing and registering—*
 - (i) *the plan of subdivision, and*
 - (ii) *the related covenants, easements or other rights.*
- (3) *In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.*

- (4) *The following costs and expenses must not be included in an estimate or determination of the proposed cost—*
- (a) *the cost of the land on which the development will be carried out,*
 - (b) *the costs of repairs to a building or works on the land that will be kept in connection with the development,*
 - (c) *the costs associated with marketing or financing the development, including interest on loans,*
 - (d) *the costs associated with legal work carried out, or to be carried out, in connection with the development,*
 - (e) *project management costs associated with the development,*
 - (f) *the cost of building insurance for the development,*
 - (g) *the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,*
 - (h) *the costs of commercial stock inventory,*
 - (i) *the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,*
 - (j) *the costs of enabling access by people with disability to the development,*
 - (k) *the costs of energy and water efficiency measures associated with the development,*
 - (l) *the costs of development that is provided as affordable housing,*
 - (m) *the costs of development that is the adaptive reuse of a heritage item.*
- (5) *The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.*

Example—

A contributions plan may adopt the Consumer Price Index.

- (6) *To avoid doubt, this section does not affect the determination of the fee payable for a development application.”*

Without limitation to the above, Council may review the estimated cost of development and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

1.14 When is the levy payable?

A levy must be paid to Council at the time specified in the condition on the development consent that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a construction certificate or complying development certificate.

1.15 How will the levy be adjusted?

Levies required as a condition of consent under the provisions of the development contributions plan will be adjusted at the time of payment in accordance with the following formula:

Levy at time of payment = \$L + \$A Where:

\$L is the original levy as set out in the consent condition; and **\$A** is the adjustment amount which is:

$\$L \times (\text{Current Index} - \text{Base Index})$

Base Index

where:

the **Current Index** is the most recent quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) at the time the levy is paid; and the **Base Index** is the quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) for the period immediately prior to the date of the development consent.

Note: In the event that the Current Index is less than the Base Index, the contribution payable shall be that stated in the consent condition.

1.16 Can deferred or periodic payments be made?

Council does not allow deferred or periodic payment of levies authorised by the development contributions plan.

1.17 Refunds of levies

Council's policy is that there are generally no refunds of section 7.12 levy payments made under the development contributions plan.

Should someone seek a refund of levies, a formal request must be made in writing to Council outlining the reasons for the requested refund.

1.18 Savings and transitional provisions

A development application which has been submitted prior to the adoption of the development contributions plan but not yet determined shall be determined in accordance with the provisions of the plan which applied at the date of making the application.

1.19 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to community infrastructure contributions. These are addressed in Divisions 4 of Part 9 of the EP&A Regulation and include:

- maintenance of, and public access to, a levies register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of levies; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council's administration office.

2. Expected development and demand for public facilities

The relationship between expected development and the demand for public facilities is established through:

- population growth in parts of the local government area;
- the future population will require the provision of additional public facilities; and
- the future population will diminish the existing population's enjoyment and standards of public facilities unless additional facilities are provided.

Council is committed to providing the equitable distribution of public facilities for the benefit and well-being of all residents. Council's works program (Schedule 1) identifies the public amenities or services to be provided, recouped, extended or augmented by contribution monies derived by this plan.

This development contributions plan applies to all land within the local government area of Murrumbidgee. The levies will be used towards meeting the cost of provision or augmentation of public facilities that have been or will be provided across the entire local government area in accordance with the works program (Schedule 1).

Department of Planning (DoP) Circular PS 05-003 states that: there does not have to be a connection between the subject of the levy and the object any monies derived are spent on.

Accordingly, monies derived by this plan may be used to embellish public facilities in a location remote from that which the levy was derived (e.g. in another town).

3. Works Program

The works program (Schedule 1) identifies the public facilities for which section 7.12 levies under the EP&A Act will be required.

Levies paid to Council under a condition authorised by the development contributions plan will be applied towards meeting the cost of provision or augmentation of public facilities that have been or will be provided. Schedule 1 provides a summary of public facilities, which have been or will be provided by Council over the next five years, as well as the estimated cost of provision and timing.

4. References

The following reference documents have been utilised in the preparation of the development contributions plan:

- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2021
- Department of Planning Circular PS 05-003 - Changes to the Development Contributions System in NSW - June 2004
- Murrumbidgee Local Environmental Plan 2013
- Jerilderie Local Environmental Plan 2012

Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

Council means Murrumbidgee Council

Development Contributions Plan means:

- *Murrumbidgee Council S7.12*
- *Development Contributions Plan 2017*

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

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*

Levy means a financial contribution under section 7.12 of the EP&A Act authorised by the development contributions plan

Public Facility means a public amenity or public service

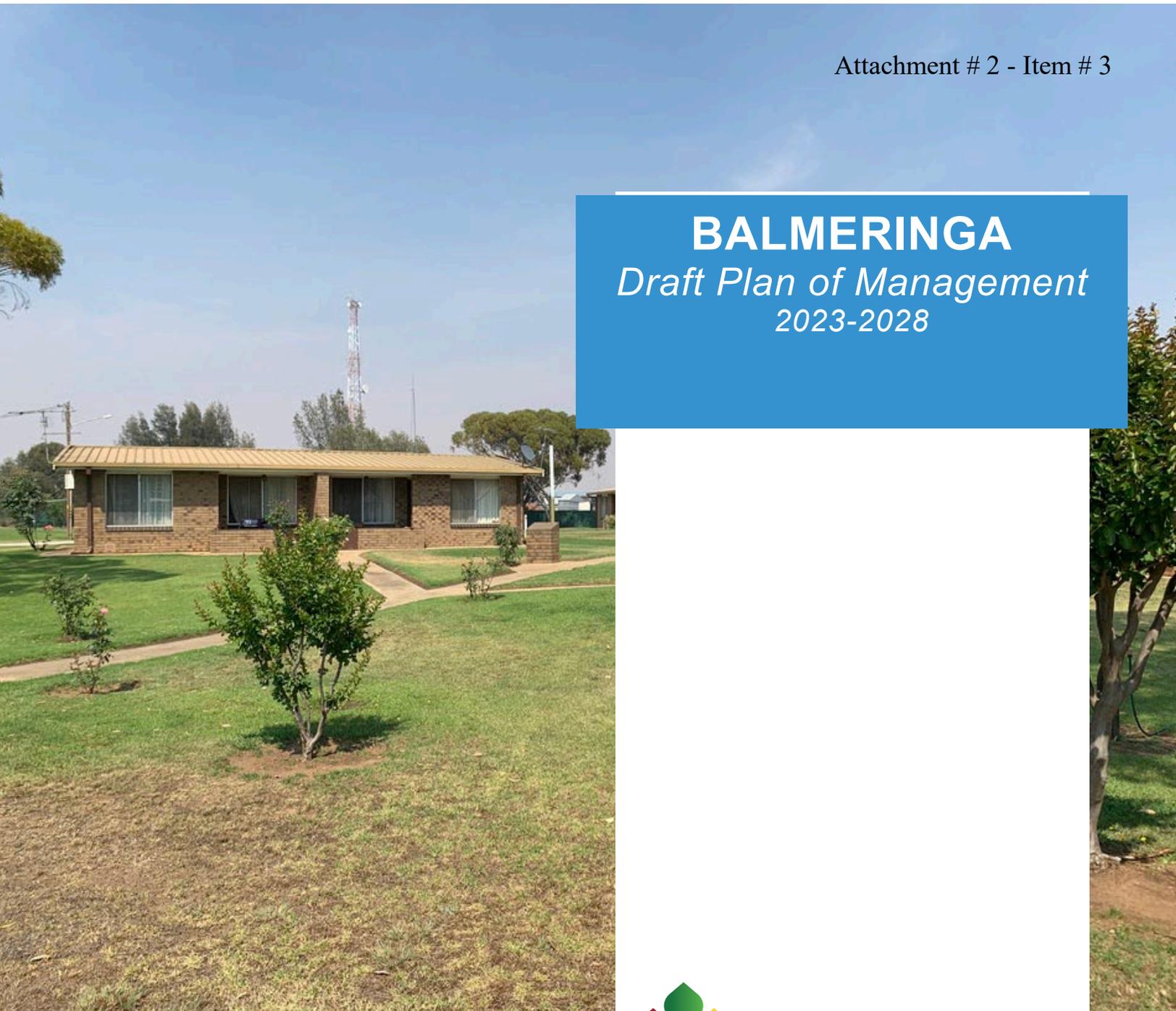
Schedule 1 – Works Program

Public facilities to be funded/embellished through S7.12 levies are listed in the following Schedule.

ITEM NO.	DESCRIPTION	ESTIMATED COST	ESTIMATED TIME FRAME	PRIORITY
COMMUNITY FACILITIES				
1	Hall upgrade works as required	\$450,000	2023-2026	Low
2	Upgrades to parks as required	\$35,000	2023-2026	Low
3	Upgrade works to sports grounds, heritage and cultural precincts , as required	\$1,500,000	2023-2026	Medium
4	Town Medical Centres	\$5,000,000	2023-2024	High
5	Pre-schools	\$3,500,000	2023-2024	High
6	Critical worker housing	\$10,000,000	2023-2027	High
ROAD WORKS				
1	Works on Council regulated roads as determined by Council as medium priority	\$1,500,000	2023-2026	Medium

BALMERINGA

Draft Plan of Management
2023-2028



Murrumbidgee
COUNCIL

JUNE 2023

November 2020

Plan of Management prepared for **Murrumbidgee Council**

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EXECUTIVE SUMMARY

Balmeringa is a small residential complex in the village of Jerilderie. The reserve has significant value to the local community as it has, since 1977, providing social housing for the aged.

Balmeringa is a Crown reserve (R90713) and 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 Balmeringa 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 land is categorised in this plan of management, 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 reserve to meet the needs of the Jerilderie community.

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 is for the whole of Lot 215 DP 756426, being Crown Land Reserve No. 90713 and known as Balmeringa, Jerilderie.
- 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 Balmeringa.
- The Plan of Management for Balmeringa 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.

The Crown land covered under this plan of management is a community resource that provides a direction that will enable ongoing use of the reserve for residential purposes, targeting housing for elders of the Jerilderie community.

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 Balmeringa.

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 Plan of Management for Balmeringa 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 covers one of the many Crown reserves categorised as a *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
R90713 Balmeringa Jerilderie	Lot 215 DP 756426	Crown land managed by Murrumbidgee Council.

Balmeringa, highlighted in the aerial image (contained in Figure 1 on page 8), is within Jerilderie approximately 600m from the central business district. It has an area of 5,285.4m² and has a frontage of Southey St (part of the A39).

Figure 1 – Location of Balmeringa¹



Balmeringa comprises of five single storey, self-contained villas and a detached carport within well maintained landscaped gardens.

¹ NSW Department of Planning, Industry and Environment, SixMaps

2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 it must be identified that Balmeringa 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
R90713 Balmeringa Jerilderie	Homes for the aged 18 February 1977	General community use

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Balmeringa (BPoM) is primarily guided by:

- Local Government Act, 1993
- Crown Land Management Act, 2016
- Crown Land Management Regulation, 2018

Other legislation, regulations and environmental planning instruments that may be of relevance to the BPoM include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Jerilderie Local Environmental Plan, 2012;
- Murrumbidgee Local Environmental Plan, 2013;
- Companion Animals Act, 1998;
- Disability Discrimination Act, 1992.

3.1 Local Government Act 1993

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

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.

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 general community use categorization of the land, they would be inconsistent with the purpose of the reserve, that being homes for the aged. In this regard, the activities listed in Table D of Section 68 of the Local Government Act, 1993 are not supported by the BPoM.

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 Balmeringa 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 confirmed the initial categorisation proposed.

This Plan of Management for Balmeringa, being a new plan of management for Crown Land Reserve No. 90713, is based on the initial for categorisation of the reserve as general community use, which was approved by Minister on **[insert date]**.

3.3 Other relevant legislation and statutory controls

The following is an overview of any other relevant legislation and statutory controls including the provision of relevant factors listed in an environmental planning instrument, including the provisions of the Native Title Act, 1993 (Commonwealth), Aboriginal Land Rights Act, 1983, 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.

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

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

3.3.3 Environmental planning & assessment act, 1979

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

3.3.3.1 State environmental planning policies

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

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

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

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.

Figure 2 - Zoning Map

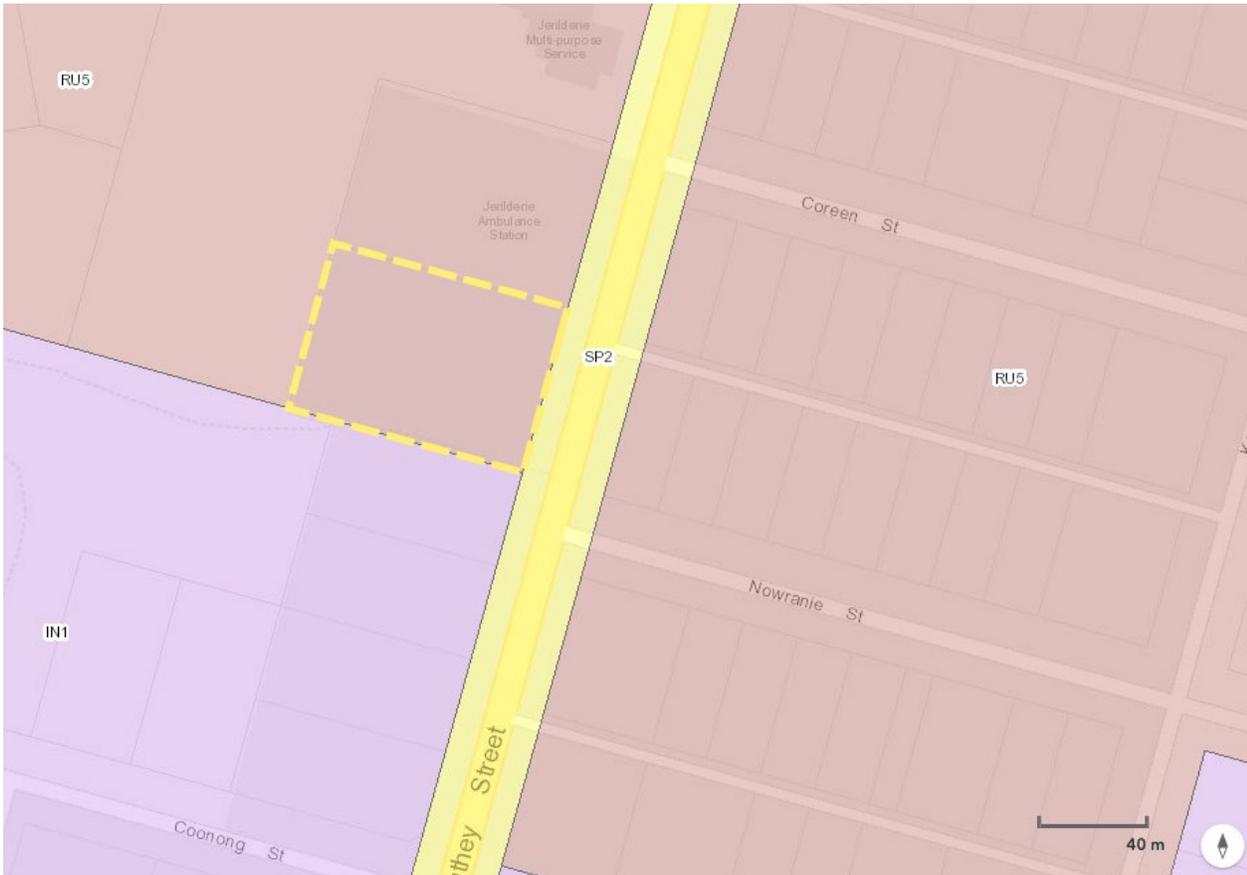


Table 4: Land zoning

Land	Local environmental plan	Zoning of land
R90713 Balmeringa Jerilderie	Jerilderie Local Environmental Plan 2012	RU5 Village

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

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

Under JLEP 2012 *seniors housing and dwelling houses* are permitted at Balmeringa.

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 Balmeringa. 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 Balmeringa.

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

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

3.5 Community consultation

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

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

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

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

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

- Provide the landowner with a copy of the draft PoM. This was done on **[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 Balmeringa.

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 Balmeringa 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 Balmeringa 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 Balmeringa 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 Management Information System on 9 November 2020 indicates that:

- no Aboriginal sites are recorded in or near⁴ the above location; and

⁴ The search parameter applied was within 200m of Lot 1 DP 395229

- no Aboriginal places have been declared in or near the above location.

A copy of the AHIMS report is set out in Appendix C.

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 & Gazette date	Categorisation
R90713 Balmeringa Jerilderie	Homes for the aged 18 February 1977	General community use

7. Vision for Balmeringa

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

“Providing residential accommodation and facilities for the elderly members of the community.”

The vision for Balmeringa 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 that Balmeringa provides the local community with housing opportunities for the elderly, and help maintain a connection with Jerilderie. Currently the reserve provides residential housing for the aged, and there is scope for further housing to be provided on the Crown Land and on adjoining land owned by Murrumbidgee Council. In this regard the current use of the land provides significant social benefit to the community and is in keeping with Murrumbidgee Council’s vision for the land.

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

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

- To continue the current use of the land for residential purposes, one that incorporates *seniors housing*.
- To enable future development for residential development that specifically provides housing for seniors and also those with a disability.

8.1 Statutory guidelines for development of Balmeringa

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.*

Balmeringa is a well maintained facility that provides the locality a venue for housing for seniors. In terms of a land use under the provision of the environmental planning instrument may fall within the broad definition as a community facility.

The provisions of both State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and (Transport and Infrastructure) 2021 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in the relevant local environmental planning instrument as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to 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.

Table 6 identifies the zoning of the land under Jerilderie Local Environmental Plan 2012 of the reserve.

The RU5 Village 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 Balmeringa in terms of what it will permit.

The allowed uses are consistent with the purpose of the reserve, being homes for the aged.

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

Land Use	Provisions of an environmental planning instrument	Allowed under Balmeringa Plan of Management	Reason
Centre-based childcare facilities	Permitted with consent under JLEP 2012.	Not allowed.	<i>Centre-based childcare facilities</i> are inconsistent with the purpose of the reserve as homes for the aged.
Community facilities	Permitted with consent under JLEP 2012.	Allowed only if in conjunction with the current use of the land.	Community facilities are consistent with the general community use category and if used in conjunction with the current purpose, homes for the aged, would be consistent with that purpose
Dwelling house	Permitted with consent under JLEP 2012.	Allowed, with the restriction that any dwelling house is used for providing accommodation for the aged.	A dwelling house is consistent with categorisation of the reserve. A dwelling house specific to providing residential accommodation for the aged is consistent with the purpose of the reserve.
Environmental protection works	Permitted without consent under JLEP 2012.	Allowed.	Environmental protection works are in keeping with the categorisation and purpose of the reserve.
Home-based childcare	Permitted without consent under JLEP 2012.	Allowed.	Home-based childcare is only permitted in conjunction with a dwelling house. On the basis that a dwelling house is consistent with the categorisation and purpose of the reserve so too is home-based childcare.

Land Use	Provisions of an environmental planning instrument	Allowed under Balmeringa Plan of Management	Reason
Home occupations	Permitted without consent under JLEP 2012.	Allowed.	Home occupations are only permitted in conjunction with a dwelling house. On the basis that a dwelling house is consistent with categorisation and purpose of the reserve so too are home occupations.
Neighbourhood Shops	Permitted with consent under JLEP 2012.	Not allowed.	Neighbourhood shops are inconsistent with the categorisation of the reserve.
Oyster aquaculture	Permitted with consent under JLEP 2012.	Not allowed.	Oyster aquaculture is inconsistent with the categorisation of the reserve.
Places of public worship	Permitted with consent under JLEP 2012.	Not allowed.	The use of the reserve as place of public worship is considered inconsistent with the categorisation and purpose of the reserve.
Respite day care centres	Permitted with consent under JLEP 2012.	Not allowed	The use as a respite day care centre would be consistent with the general community use category, however is inconsistent with the purpose of the reserve.
Roads	Permitted without consent under JLEP 2012.	Not allowed. In the event that road widening is required Council would be required to acquire the land.	The use would be inconsistent with the general community use categorization of the reserve and its purpose for public recreation.
SEPP Transport & Infrastructure	Exempt development or permitted without consent.	Allowed, subject to satisfying the requirements of clause 65 & 66 of SEPP (Infrastructure).	Identified in SEPP (Infrastructure) 2007 as exempt development or development permitted without consent.
Schools	Permitted with consent under JLEP 2012.	Not allowed.	The use of the land as school is <i>inconsistent purpose</i> of the reserve.
Tank-based aquaculture	Permitted with consent under JLEP 2012.	Not allowed	Tank based aquaculture is inconsistent with the <i>purpose and categorization</i> of the reserve.
Water reticulation systems	Permitted without consent under JLEP 2012.	Allowed.	Water reticulation systems are consistent with the categorisation of the reserve.

Land Use	Provisions of an environmental planning instrument	Allowed under Balmeringa Plan of Management	Reason
Any other development	Permitted with consent under JLEP 2012.	Not allowed, except for development permitted under SEPP (Housing) 2021 providing that the purpose of the reserve is met.	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 for general community uses and the purpose of the reserve for homes for the aged. Should a use be proposed that is consistent with the objectives of general community use and purpose of the reserve, then Council will consider a development application.

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

As this plan of management applies only to Balmeringa, 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.

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

Table 7: Existing use of reserve and structures

Land	Current use	Existing structures
R90713 Balmeringa Jerilderie	Community facility	<ul style="list-style-type: none"> ▪ Six (6) x 2 bedroom villas ▪ Carport ▪ Clothes lines ▪ Mailbox ▪ Footpaths ▪ Driveway

The buildings and the associated equipment are consistent with development that falls under the definition of seniors housing and the land is being used for its gazetted reserve purpose. There are no current leases/licenses or other arrangements for 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 on adoption of the plan.

At the date of adoption of the Plan of Management for Balmeringa, the existing villas and carport appeared to be structurally sound and outwardly well maintained and in good condition. Footpaths, and garden areas were very well maintained and in excellent appearance, contributing to a positive visual effect on the streetscape.

Figure 4 – Entrance to Balmeringa



Figure 5 – Existing villa



Figure 6 – Existing villas



Figure 7 – Mailboxes



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:

- (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.

Balmeringa will continue to be used in accordance with their categorization and reserve purpose and future improvements will include regular maintenance and subject to considered design the potential for additional residential accommodation in accordance with State Environmental Planning Policy (Housing) 2021.

While the future improvements may involve permanent structures being erected, 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.

Table 8 – 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) Land that is suitable for</p> <p>i. Providing affordable residential accommodation for:</p> <ul style="list-style-type: none"> ▪ Seniors ▪ Persons with a disability <p>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</p>	<p>The Plan of Management will allow and facilitate development for the purposes that would benefit the social, community, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> ▪ Development for the purposes of housing for seniors and persons with a disability ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage

8.3.2 Balmeringa as general community use

The purpose of this section is to provide an 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 Balmeringa.

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, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

8.4 Leases, licences and other estates

Leases, licenses and other estates formalise the use of community land by groups 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 license 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 license 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 license or short term license or hire agreement will be issued.

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

- 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, license or other estate can be validated by the provisions of the Native Title Act 1993.
- the land is not subject to a claim under the Aboriginal Land Rights Act 1983.
- the lease, license or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (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 Plan of Management expressly authorises the issue of leases/licences and other estates provided that the purpose is consistent with the purpose for which it was dedicated or reserved.

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

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 as 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
Access	Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve.	Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards.	Assess useability of Balmeringa by wheelchair users through surveys and observation. Record and review all accidents and near misses as a result of inappropriate use.
Buildings	Maintain existing buildings to a healthy and safe standard. Allow new buildings, ancillary to the use of the park, are to complement to the design of the Balmeringa.	Undertake regular cleaning and maintenance of the buildings within Balmeringa. Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.	Undertake regular maintenance of any other Council asset within the reserve
Irrigation Systems	Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.	Design, install and operate the system.	Number of incidents of failure of the irrigation system.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Landscaping	<p>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p>	<p>Augment existing indigenous planting. Use exotic species in suitable locations.</p> <p>Application of correct horticultural and tree surgery techniques.</p> <p>Minimise rubbish dumping within the local area via community education.</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 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>
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>

APPENDICIES

APPENDIX A - Definitions

Term	Legislative definition
community facility	<p>means a building or place—</p> <ul style="list-style-type: none">(a) owned or controlled by a public authority or non-profit community organisation, and(b) used for the physical, social, cultural or intellectual development or welfare of the community, <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>
community land	<p>means –</p> <p>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</p>
community participation plan	<p>means –</p> <p>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</p>
environmental planning instrument	<p>means –</p> <p>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</p> <p>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</p>
plan of management	<p>means –</p> <p>a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land. (Local Government Act, 1993)</p>
public reserve	<p>means –</p> <ul style="list-style-type: none">(a) a public park, or(b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or(c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or

- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the [Crown Lands Consolidation Act 1913](#), or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the [Crown Lands Act 1989](#), or
- (g) Crown managed land that is dedicated or reserved—
 - (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.

Seniors housing

means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for—

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.



Property Report

29 SOUTHEY STREET JERILDERIE 2716



Property Details

Summary of planning controls

2

Detailed planning information

State Environmental Planning Policies which apply to this property

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

24/01/2020 10:15 AM | 821e69e2-9578-49e7-9c68-bdce43e9dafa

1 / 3



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

Purchase Order/Reference : 20-C01-MC Balmeringa

Client Service ID : 548424

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

Date: 09 November 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 215, DP:DP756426 with a Buffer of 200 meters, conducted by Steven Parisotto on 09 November 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. *



Department of Planning and Environment

Our ref: LBN21/1565, DOC21/171076

Steven Parisotto
Senior Planner
Murrumbidgee Council
PO Box 96
JERILDERIE NSW 2716

via email: StevenP@murrumbidgee.nsw.gov.au
cc: mail@murrumbidgee.nsw.gov.au

31 July 2023

Subject: Murrumbidgee Council draft Plan of Management – Balmeringa

Dear Mr Parisotto

Thank you for submitting the draft Plan of Management (PoM) for Balmeringa originally on 16 August 2021, and the amended draft on 26 June 2023.

I have reviewed the draft PoM and support it being placed on public exhibition.

Council should conduct a final review of the document to ensure all legislation referenced is currently in force, departmental names are up to date, and spelling, grammar and formatting is correct and consistent.

Subject to no changes following public exhibition, as a delegate for the Minister for Lands and Property, I consent to council to adopt the PoM under clause 70B of the Crown Land Management Regulation 2018.

If the PoM is amended after public exhibition (except for minor editorial and formatting changes), council must resubmit the draft PoM for Minister's consent to adopt. With the amended PoM, please provide the following documents:

- a table of PoM amendments, or tracked changes
- summary report of submissions from public exhibition (if any)
- council reports on the proposed adoption (if any)

If there are no amendments to the PoM, please provide a copy of the adopted PoM. All documents must be sent to council.clm@crowland.nsw.gov.au.

Please remember, an adopted PoM authorises the lawful use and occupation of Crown land. Council must ensure that any activities planned on the reserve are expressly authorised in the adopted PoM and native title obligations are met.

If you have any further questions or need assistance, please contact the Council Crown Land Management Team at council.clm@crowland.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Adam'.

Jane Adam
Acting Principal Policy and Project Manager
Department of Planning and Environment – Crown Lands

COREE CENTRAL HALL

*Draft Plan of Management
2023-2028*



Murrumbidgee
COUNCIL

AUGUST 2023

April 2023

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

Plan of Management prepared by:

PARISPLAN Urban & Regional Planning

63 Hillam Drive

GRIFFITH NSW 2680

Email: parisplan@icloud.com

ABN: 66 527 814 168

Disclaimer:

PARISPLAN Urban & Regional Planning has prepared this Plan of Management for Coree Central Hall 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

Coree Central Hall is located in the locality of Logie Brae, in the south-western part of the Murrumbidgee Council local government area. The reserve has significant value to the local community has been with a community hall, tennis courts and playground equipment which all promote and facilitate recreational, cultural and social pastimes.

Coree Central Hall is a Crown reserve (R.98071) and 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 Coree Central Hall 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 land is categorised in this plan of management, 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 reserve to meet the needs of the Logie Brae community.

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.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

- This Plan of Management Plan is for the whole of Lot 1 DP 395229, being Crown Land Reserve No. 98081 and known as Coree Central Hall, Logie Brae.
- Reserve No. 98081 was gazetted on 31 January 1986 for the purpose of public recreation.
- 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 Coree Central Hall.
- The Plan of Management for Coree Central Hall 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 gazetted reserve 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.

The Crown land covered under this plan of management is a community resource that provides a direction that will enable ongoing use of the reserve for passive outdoor recreation, and a facility that provides a space for communal gathering 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 Coree Central Hall.

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 Plan of Management for Coree Central Hall 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 one of the many Crown reserves categorised 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
R98071 Coree Central Hall Logie Brae	Lots 1 DP 395229	Crown land managed by Murrumbidgee Council.

Coree Central Hall, highlighted in the aerial image contained in Figure 1 on page 9, is within Logie Brae, a small locality in the south-western part of the local government area. It comprises of a single parcel of land which has an area of approximately 8650m² and is can accessed by Mayrung Road to the south.

Figure 1 – Location of Coree Central Hall¹



Coree Central Hall provides the local community a public hall and open space for the purpose of passive outdoor recreation, including synthetic tennis courts, basketball courts and playground equipment. Landscaping largely comprises of planted and remnant vegetation planted along the western and northern perimeter of the site.

¹ Extract from Property Report for Lot 1 DP 395229 dated 3 January 2020, NSW Department of Planning, Industry and Environment, Planning Portal

2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 it must be identified that Coree Central Hall 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
R98071 Coree Central Hall <i>Logie Brae</i>	Public recreation 31 January 1986	General community use

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Coree Central Hall is primarily guided by:

- Local Government Act, 1993
- Local Government (General) Regulation, 2021
- Crown Land Management Act, 2016
- Crown Land Management Regulation, 2018
- Native Title Act, 1993 (Commonwealth)
- Aboriginal Land Rights Act, 1983

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

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

3.1 Local Government Act 1993

Section 3.23(6) of the Crown Land Management Act, 2016 requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as community land under the Local Government Act 1993 (LG Act). These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. The core objectives for the management of community land categorized as *general community use* is set out in Clause 36I 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.	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: <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)

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.

It should be noted that the primary objectives for a reserve that is categorised as *general community use* have the underlying intention of promoting and encouraging the use of these reserves for public recreation, including those benefiting the cultural, social, intellectual welfare for individual members of the public and the local community.

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

Section 68 of the Act requires a person, wanting to carry out 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. There is nothing in the Plan of Management for Coree Central Hall 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 Coree Central Hall 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 C.

This Plan of Management for Coree Central Hall, being a new plan of management for Crown Land Reserve No. 98071, is based on the initial for categorisation of the reserve as *general community use*, which was approved by Minister on **[insert date]**.

3.3 Other relevant legislation and statutory controls

The following is an overview of any other relevant legislation and statutory controls including the provision of relevant factors listed in an environmental planning instrument, including the provisions of the Native Title Act, 1993 (Commonwealth), Aboriginal Land Rights Act, 1983, 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 native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

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

3.3.2 Aboriginal Land Rights Act, 1983

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

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

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

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

3.3.3 Environmental planning & assessment act, 1979

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

3.3.3.1 State environmental planning policies

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

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

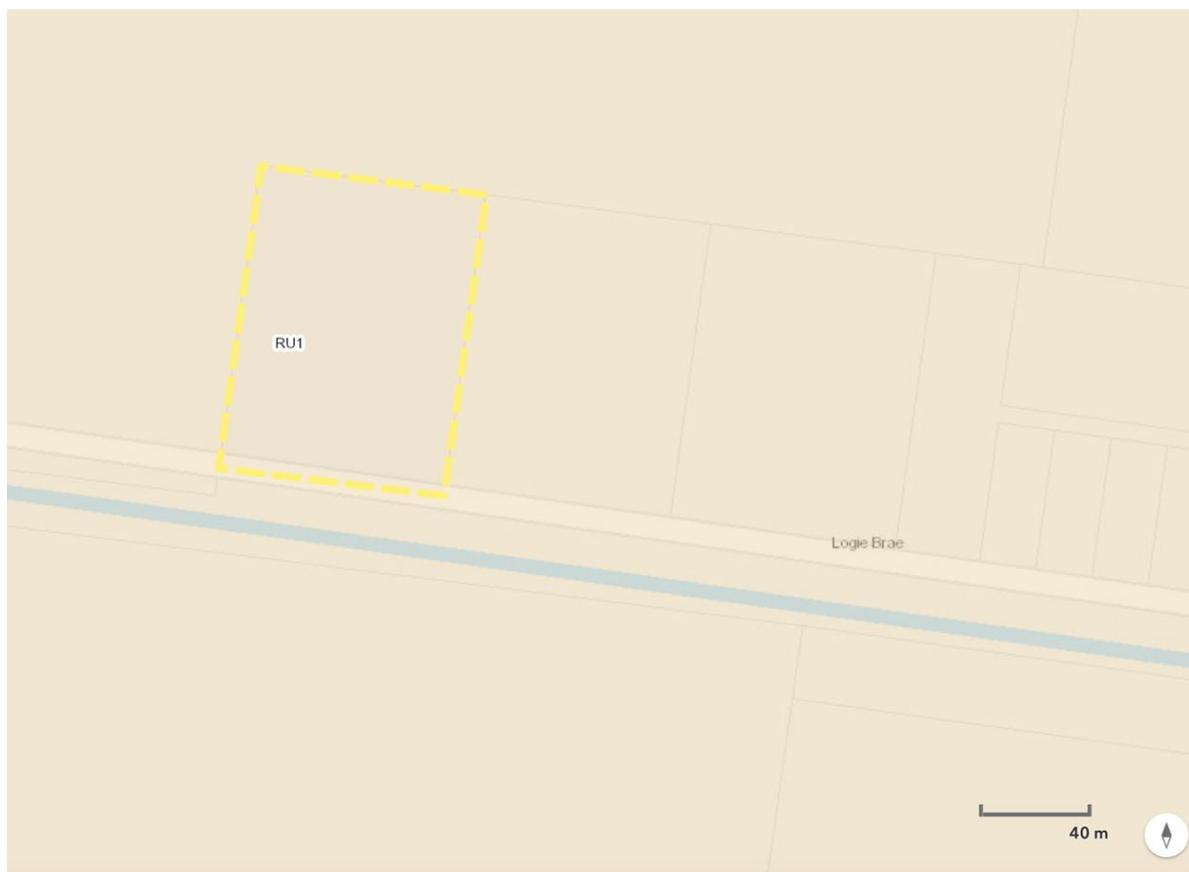
It should be noted that not all these would be applied to the development within Coree Central Hall, as many relate to development that is inconsistent with the categorisation of the land and this plan of

management. State Environmental Planning Policy (Transport and Infrastructure) 2021 is one which most likely would require consideration when evaluating a development on the land.

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 Coree Central Hall is zoned RU1 Primary Production.

Figure 2 - Zoning Map



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
R98071 Coree Central Hall Logie Brae	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 Coree Central Hall. 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 Coree Central Hall.

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

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

3.5 Community consultation

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

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

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

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

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

- Provide the landowner with a copy of the draft PoM. This was done on **[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 Coree Central Hall.

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 Coree Central Hall 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 Coree Central Hall 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 Coree Central Hall 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 Management Information System on 4 November 2020 indicates that:

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

A copy of the AHIMS report is set out in Appendix E.

⁴ The search parameter applied was within 200m of Lot 1 DP 395229

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 & Gazette date	Categorisation
R98017 Coree Central Hall Logie Brae	Public recreation 31 January 1986	General community use

7. Vision for Coree Central Hall

The vision for the use of Coree Central Hall is best described as:

“Providing a place that fosters well-being of the community through social and recreation”

The vision for Coree Central Hall 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 that Coree Central Hall provides the local community with a strong sense of place providing a central place where the local residents can gather for social events. Currently the reserve provides opportunities for passive recreational use of the land and facilities for public community events and private social events. In this regard the current use of the land provides significant social benefit to the community and is in keeping with Murrumbidgee Council's vision for the land.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for Coree Central Hall. 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 land as a *recreation area* particularly one that incorporates facilities for active public recreation.
- Enable the continuing use of the existing building as a *community facility* and community groups or individuals to use the building for meetings and other social gatherings.
- To provide a safe and pleasant venue for all, by enabling activities identified in Table D under Section 68 of the LG Act.
- To maintain and enhance the visual aesthetics of the reserve through proper maintenance of lawns, gardens and buildings

8.1 Statutory guidelines for development of Coree Central Hall

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.*

Coree Central Hall is a well maintained facility that provides the locality a venue for public and social functions. In terms of a land use under the provision of the environmental planning instrument may fall within the broad definition as a *community facility*.

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 6 identifies the zoning of the land under Jerilderie Local Environmental Plan 2012 of Coree Central Hall. 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 Coree Central Hall Reserve in terms of what it will permit.

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

Land Use	Provisions of an environmental planning instrument	Allowed under CCHPoM	Reason
Building identification signs	Permitted with consent	Allowed if in conjunction with another use permitted in this plan of management	A building identification sign would only be consistent with the categorization of the land if it is ancillary to another permitted use.
Community facilities	Permitted with consent	Allowed.	The use of the reserve and its existing buildings would be consistent with the <i>general community use</i> categorization and the purpose of the reserve
Environmental protection works	Permitted without consent.	Allowed.	<i>Environmental protection works</i> are in keeping with the categorization and purpose of the reserve.
Flood mitigation works	Permitted with consent	Allowed.	Flood mitigation works would be in keeping with the categorisation and purpose of the reserve in terms of protecting assets.
Recreation areas	Permitted with consent.	Allowed.	The use of Coree Central Hall as a <i>recreation area</i> is in keeping with the categorization of the land and the public recreation purpose of the reserve
Roads	Permitted without consent.	Not allowed. In the event that road widening is required Council would be required to acquire the land.	The use would be inconsistent with the <i>general community use</i> categorization of the reserve and its purpose for public recreation.
SEPP Infrastructure	Exempt development or permitted without consent.	Allowed, subject to satisfying the requirements of clause 65 & 66 of SEPP (Transport and Infrastructure) 2021.	Identified in SEPP (Transport and Infrastructure) 2021 as exempt development or development permitted without consent.
Water reticulation systems	Permitted without consent.	Allowed.	The use would be consistent with the categorization of the land and purpose of the reserve.

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

As this plan of management applies only to Coree Central Hall, 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.

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

Table 7: Existing use of reserve and structures

Land	Current use	Existing structures
R98017 Coree Central Hall Logie Brae	Community facility	<ul style="list-style-type: none"> ▪ Community hall ▪ Amenities' building ▪ Water tank ▪ Tennis court (synthetic) ▪ Basketball court ▪ Playground equipment including soft-fall area ▪ Picnic shelter with table and benches ▪ Flood lighting

The buildings and the associated equipment are consistent with development that falls under the definition of a *recreation area* and the land is being used for its permitted purpose. There are no current leases/licenses or other arrangements for 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 on adoption of the plan. The existing community hall, amenities' building were well maintained and in a very good condition (see figures 4-10).

Figure 4 – Entrance sign



Figure 5 – Entrance fencing and vegetation



Figure 6 – Front elevation of hall



Figure 7 – Rear of hall



The playground equipment, picnic shelter and tennis courts shown in Figures 8, 8A appear to be structurally sound and in good condition. The amenities block (Figure 10) is also structurally sound with the toilet facilities in good condition.

Figure 8 – Picnic shelter and tennis courts



Figure 8A Picnic shelter and courts beyond



Figure 9 – Playground equipment



Figure 10 – Amenities' building



8.3 Permitted use and future use

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

- (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.*

Coree Central Hall will continue to be used in accordance with its categorization and the future improvements will include regular maintenance.

While the future improvements may involve permanent structures being erected, there is no perceived harm as ultimately can be reversed. The extent of these work would generally fall within the category of exempt development as set out in State Environmental Planning Policy (Transport and Infrastructure) 2021 and as such would not involve irreversible harm to the land.

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

Table 8 – 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 <i>general community use</i>.</p> <p>a) Land that is suitable for</p> <p>i. The gathering of groups for a range of social, cultural or recreational purposes.</p> <p>ii. Providing multi-purpose buildings with broad based community uses such as:</p> <ul style="list-style-type: none"> ▪ casual or informal recreation ▪ meetings (including for social, recreational, educational or cultural purposes) ▪ functions ▪ concerts, including all musical genres ▪ performances (including film and stage) ▪ exhibitions ▪ fairs and parades ▪ workshops ▪ leisure or training classes <p>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</p>	<p>The Plan of Management will allow and facilitate development for the purposes that would benefit the social, community, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> ▪ Development for the purposes of social, community, cultural and recreational activities – such as pavilions for the display of items, grandstands, awnings, stages and the like ▪ Amenities, kiosks/cafes ▪ Advertising structures and signage (such as A-frames and banners) that relate to approved uses/activities; are discreet and temporary, and are approved by the council ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage

8.3.2 Coree Central Hall 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 Coree Central Hall.

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, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

8.4 Leases, licences and other estates

Leases, licenses 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 license 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 license 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 license or short term license or hire agreement will be issued.

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

- 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, license or other estate can be validated by the provisions of the Native Title Act 1993.
- the land is not subject to a claim under the Aboriginal Land Rights Act 1983.
- the lease, license or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (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 Plan of Management expressly authorises the issue of leases/licences and other estates provided that the purpose is consistent with the purpose for which it was dedicated or reserved.

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

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 as 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
Access	Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve.	Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards. Use of regulatory signs.	Assess useability of Coree Central Hall by wheelchair users through surveys and observation. Record and review all accidents and near misses as a result of inappropriate use.
Alcohol	Implement controls to prohibit the consumption and/or possession of alcohol, except within designated or leased areas.	Use of regulatory signs and enforcement.	Record all complaints and investigations and where necessary take appropriate regulatory action.

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>Anti-Social behaviour</i>	Minimise and manage anti-social behaviour in the general community use area	Encourage community involvement and surveillance. Implement community health measures. Appropriate design and lighting of common areas.	Record the number of complaints received and undertake investigations, and where necessary take appropriate regulatory action.
<i>Artworks and monuments</i>	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 Record the number incidents of vandalism and damage to artworks and monuments.
<i>Barbeques</i>	Allow the installation and use of gas or electric barbeques. Allow the use of portable barbeques (with the exception of wood fire barbeques).	Design, locate and maintain permanently installed barbeques. Use of regulatory signs regarding the use of barbeque facilities, both permanent and portable.	Record the number of reported failures and accidents, including reported near misses.

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
Buildings	<p>Allow safe, clean, convenient and hygienic public amenity facilities for persons of all abilities.</p> <p>Allow for multi-purpose use of buildings & facilities.</p>	<p>Undertake regular cleaning and maintenance of the public amenities within Coree Central Hall.</p> <p>Undertaking an appropriate review of environmental factors when considering development listed in State Environmental Planning Policy (Transport and Infrastructure) 2021, where Council is to carry out the works.</p> <p>Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.</p>	<p>Undertake daily cleaning of the public amenities, and identify any new maintenance matters out or incidents of vandalism.</p> <p>Record and respond to complaints about hygiene and maintenance.</p> <p>Undertake regular of maintenance of the amenities in accordance with any operational plan for upkeep of all parks and recreational facilities within the local government area.</p> <p>Record all incidents of accidents and near misses as a result of damage or wear and tear to the amenity facilities.</p>
Informal Recreation	Allow games which are suitable within reserve	Allow games which are suitable within reserve.	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.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Landscaping	<p>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p> <p>Retain existing endemic species.</p> <p>Control and protect existing exotic species within Coree Central Hall 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.</p> <p>Use screen planting for visual acoustic and physical buffers.</p> <p>Use of suitable organic mulches at an appropriate depth.</p> <p>Preserve and reinforce indigenous planting.</p> <p>Identify species endemic to the area.</p> <p>Use recognised suitable species.</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>
Lighting	<p>Allow flood lighting which will enable safe use of tennis courts</p> <p>Prevent excessive lighting impacts on adjoining land uses.</p> <p>Allow for lighting of special events at night.</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>Number of comments from adjoining residents and users.</p> <p>Number of problems related to inadequate lighting.</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
Outdoor Furniture	Create a comfortable setting for users both aesthetically and functionally.	Appropriate design, siting, use of materials and erection of furniture.	Number of comments about acceptance by the community with regard to the suitability of the location and the style.
Playgrounds	Provide safely designed and sited playgrounds.	Playground design, materials and layout to relevant safety standards. Playgrounds sited away from physical hazards.	Number of accidents and injuries attributed to unsafe design, siting and layout.
Rubbish Dumping and Littering.	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
Shade structures and other shelters	Allow structures which will provide shade and shelter for user groups in appropriate areas Allow integration of structures that are harmonious, functional and aesthetically in keeping with the character of the reserve	Appropriate design, location and erection of structures.	Number of comments about the effectiveness of the structures in all weather conditions. Number of community responses to appearance of the structures. Number of structures erected.
Signage	Allow suitable information, regulatory, identification, interpretive and directional signage relating to the Park. Regulate advertising signage.	Appropriate design and siting of signage in accordance with the relevant DCP for Advertising, Structures & Signs. Council approval.	Number of user comments. Number of ordinance investigations and prosecutions.

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

APPENDICIES

APPENDIX A - Definitions

Term	Legislative definition
community facility	<p>means a building or place—</p> <ul style="list-style-type: none">(a) owned or controlled by a public authority or non-profit community organisation, and(b) used for the physical, social, cultural or intellectual development or welfare of the community, <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>
community land	<p>means –</p> <p>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</p>
community participation plan	<p>means –</p> <p>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</p>
environmental planning instrument	<p>means –</p> <p>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</p> <p>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</p>
plan of management	<p>means –</p> <p>a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land. (Local Government Act, 1993)</p>
public reserve	<p>means –</p> <ul style="list-style-type: none">(a) a public park, or(b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or(c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or(d) any land dedicated or taken to be dedicated under section 49 or 50, or

- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the [Crown Lands Consolidation Act 1913](#), or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the [Crown Lands Act 1989](#), or
- (g) Crown managed land that is dedicated or reserved—
 - (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.

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).

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

Reserve No.	Purpose(s)	Category
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



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

Purchase Order/Reference : 20-C01-MC Coree Hall
Client Service ID : 547443

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

Date: 04 November 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP395229 with a Buffer of 200 meters, conducted by Steven Parisotto on 04 November 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. *



Murrumbidgee
COUNCIL

Draft Building Over or Adjacent to Council Infrastructure 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:	
Next Review:	See Policy Review clause
Revision Number:	
Review Date:	
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Minute Number:	
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October 2023

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DRAFT

PART 1 – PRELIMINARY

Name of the Policy and Purpose

1. This policy is the ***Building Over or Adjacent to Council Infrastructure Policy*** and its purpose is to protect the Council's interest should problems arise following the construction or placement of a building or structure over or within the zone of influence of Council water, sewerage and stormwater infrastructure.

Aim of Policy

2. The aim of the policy is to:
 - a. Provide direction as to what is permitted when seeking consent to construct or erect a building or structure over or adjacent to water, sewerage or stormwater infrastructure, based on the following order of approach:
 - i. Reposition the proposed building or structure;
 - ii. Relocate the affected infrastructure;
 - iii. Provision of protection measures and build in the vicinity of underground infrastructure;
 - b. Provide guidelines that Council deems acceptable with regard to building over or in the vicinity of its underground infrastructure.
 - c. Ensuring that there is no adverse impact upon the operation, maintenance, replacement or structural integrity of Council's infrastructure.

Scope of policy

3. This policy applies to
 - a. The construction of all Class 1-10 buildings and structures as set out in the Building Code of Australia
 - b. Where Council determines that the location of a building or structure is near or in the vicinity of Council infrastructure, including those that are:
 - i. within, or likely to be within the zone of influence of a water, sewer or stormwater pipe; and
 - ii. within, or likely to be within the minimum clearance requirements to enable maintenance and repair; and
 - iii. likely to prevent or otherwise limit access for the purpose of maintenance or repairs; and
 - iv. encroach or likely to encroach upon any easement.
 - c. All new development in the Murrumbidgee Council Local Government Area that is to connect to Council's infrastructure, as a result of the amplification and expansion of the infrastructure network.

Definitions

4. In this policy:

Application means an 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.

Building Code of Australia (BCA) means the National Construction Code, Volumes I, II & III.

Council means Murrumbidgee Council.

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

Easement means a legal right that attaches to land or a part of land (the 'burdened land') and allows a benefiting party to use the land in a particular manner.

Infrastructure asset means the physical components concerned with the supply of water, sewerage and stormwater services owned and maintained by Council. This would include gravity sewer mains, sewer maintenance holes, pressure sewerage mains, water mains and associated structures and utilities and stormwater mains.

Invert means the outside edge of the lowest part of the cross section of a pipe.

Light weight building or structure means structures such as demountable aboveground swimming pools and rainwater tanks that are able to be removed via manual handling, and buildings up to 60m² in floor area constructed as portal frame or similar with bolted base connections, able to be removed using machinery without the need for partial or total demolition.

Structure means anything that is constructed and is identified in the Building Code of Australia as a Class 1-10 building that may either be fixed, moveable, temporary or permanent.

Zone of influence means the area extending both horizontally and longitudinally along the alignment of an underground pipeline within which settlement or disturbance of the ground may cause damage to structures within this zone, or load from structures on the surface may have an impact on the pipeline.

5. Any other word or expression used in this policy has the same meaning as it has in the Environmental Planning & Assessment Act, 1979 and any instruments made under the Act, unless it is otherwise defined in this policy.

6. Notes in this policy do not form part of the policy.

PART 2 – GUIDELINES AND APPLICATION REQUIREMENTS

Limitations and restrictions

7. The following limitations and restrictions apply:
 - a. Council will not permit the erection of a structure or a building over its water supply infrastructure, or within the zone of influence of that infrastructure, whether or not the infrastructure is within an easement.
 - b. Council will not permit the erection of a structure or a building over its stormwater infrastructure, or within the zone of influence of that infrastructure, whether or not the infrastructure is within an easement.
 - c. Council may permit the erection of a structure or building over its sewer infrastructure if it can be demonstrated that no alternative options for their siting exist, and compliance with the controls set down in clause 9 are met.
 - d. Any costs associated to repair or relocate Council infrastructure shall be borne by the developer.

Controls

8. The controls in this part have been developed so as to inform developers, consultants, designers and the general public as to what Council deems acceptable with regard to building over or in the vicinity of water, sewer and stormwater infrastructure, including associated access points, utilities and easements.
9. Council's first position is that structures are not to be constructed over sewer mains or within the sewer zone of influence. Where the structure cannot be repositioned, or where it is impractical to relocate services, the following controls apply:
 - a. Structures and/or construction generally **will not be permitted** to be built over and/or in close proximity to the following:
 - An easement containing a pressurised sewer or within 1 metre from any point on the outside edge of the pressurised sewer or associated vent or maintenance structure;
 - Where sufficient clearances to sewer manholes, inspection shafts, or maintenance points and junctions cannot be achieved;
 - Concrete pipes, asbestos cement pipes or vitreous clay pipes as they may be cracked and have leaking joints and require rehabilitation or replacement before construction to minimise the likelihood of any problems or structural failure. If local conditions permit, these pipes can be replaced with alternative pipe materials, subject to approval by Council;
 - Any gravity sewer that, in the opinion of Council, is in poor condition. The condition of the sewer must be reviewed by Council and, as necessary, has been CCTV inspected, its structural condition assessed and, as appropriate, rehabilitation works undertaken. The costs associated with the CCTV inspection are to be at the applicant/owner's expense;
 - Within 1 metre of a sewer connection servicing an adjoining property;
 - Class 1 and Class 2-9 buildings.

- b. Structures or buildings that **may be permitted** to be built over and/or in close proximity to the following:
- Landscaping, including terraced garden beds;
 - Concrete driveways, paths or decorative paving;
 - Class 10a buildings, including non-habitable garages, carports, sheds, pergolas and the like;
 - Class 10b structures, including fences, retaining walls, swimming pools, flag-poles and the like.
- c. The following setbacks and clearances apply for all structures:
- i. A minimum setback of 1.5 metres is required from the centre of any maintenance shaft or manhole, as well as a minimum vertical clearance of 2.4 metres;
 - ii. Where access structures, maintenance shafts or manholes are located in the rear of a property, a minimum side setback of 900mm is required.
- d. The following controls apply to landscaping, including raised garden beds, paved areas, driveways, flagpoles, retaining walls and fences:
- i. An application is not required provided that all works comply with the exempt development requirements set out in clause 1.16 and part 2, division 1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
 - ii. Footings for retaining walls or fences over 600mm in height are not permitted within 1.5m of a pipeline or manhole. Any retaining wall or fencing crossing a pipeline must be supported to ensure loads are not transferred to the pipeline;
 - iii. Where the sewer main is shallow, 1.0m or less, root barriers are to be installed around any new tree plantings. Any selected tree or shrub species should have a non-invasive root system so as to prevent damage to Council's infrastructure assets.
- e. The following controls apply to Class 10a buildings, including non-habitable garages, carports, sheds, pergolas and the like:
- i. Footings are not permitted within any existing or proposed easement;
 - ii. Footings are not permitted within 1.5m of a pipeline or manhole;
 - iii. The foundations of any structure are to be constructed in such manner that no loads due to the structure are transferred onto Council's infrastructure assets or their foundations.
- f. The following controls apply to swimming pools.
- i. Swimming pools are not permitted within any existing or proposed easement;
 - ii. Above ground swimming pools are not permitted within 1.5m of a pipeline or manhole;
 - iii. In-ground swimming pools are to be located outside the zone of influence, plus 2 metres from any pipeline (water, sewer, stormwater) or manhole.

- g. Easements and restrictions on the title of the land shall be required in the following instances:
- i. In all new subdivisions, easements shall be provided for all Council infrastructure (including but not limited to water mains, stormwater mains and sewer mains). The easement shall be referenced on the plan of subdivision and in a Section 88B instrument on the title of the land;
 - ii. Where the development involves work being undertaken on existing infrastructure, including the provision of new infrastructure or the relocation of existing infrastructure. The easement will be registered on a plan and in a Section 88B on the title of the land;
 - iii. The width of any easement shall be in accordance with the following table:

Table 1: Easement widths

Depth to pipe invert	Minimum width of easement
Up to 2.5m	3.0m
Greater than 2.5m	To be determined by Director
Low pressure sewer systems	1.0m or twice the depth of the invert, whichever the greater

Note 1: Where possible underground infrastructure shall be centrally positioned within the easement.

Note 2: The Director has the power to vary the width of an easement for low pressure sewer systems.

PART 3 – OTHER MATTERS

Legislation and related matters

10. 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) National Construction Code, Vol I, Building Code of Australia Class 2-9 Buildings, 2022 (as amended)
- (f) National Construction Code, Vol II, Building Code of Australia Class 1 & 10 Buildings, 2022 (as amended)
- (g) National Construction Code, Vol III, Plumbing Code of Australia 2022 (as amended)

11. Directorate

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

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 - 31 JULY 2023**External investments**

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

Institution	Balance (\$)	Yield (p.a.)	Maturity	Term (months)	No.
Bendigo	832,251.32	4.40%	2/08/2023	5	28
Bendigo	3,000,000.00	4.35%	21/08/2023	6	45
NAB	500,000.00	4.20%	22/08/2023	3	42
Suncorp - METWAY	1,017,408.22	4.31%	28/08/2023	6	20
Bendigo	1,016,860.27	4.40%	1/09/2023	6	22
St George	522,616.92	3.88%	3/09/2023	5	27
Suncorp - METWAY	1,603,232.06	4.95%	6/09/2023	3	34
Bendigo	1,222,198.36	4.00%	16/09/2023	6	21
Westpac	600,000.00	4.41%	21/09/2023	5	30
Westpac	1,236,408.33	4.53%	25/09/2023	4	25
IMB Ltd	773,572.06	4.65%	3/10/2023	4	29
Bendigo	3,000,000.00	4.55%	16/10/2023	5	37
Westpac	800,000.00	4.99%	23/10/2023	4	32
Bendigo	1,539,359.11	5.05%	27/10/2023	4	33
Bendigo	1,514,794.52	4.70%	30/10/2023	5	40
IMB Ltd	1,027,274.89	5.15%	17/11/2023	5	24
Bendigo	505,041.10	5.15%	20/11/2023	5	23
Westpac	505,343.56	5.13%	20/11/2023	5	41
Westpac	1,038,909.05	5.00%	21/11/2023	4	43
Bendigo	1,030,847.13	5.15%	27/11/2023	4	35
IMB Ltd	1,000,000.00	4.75%	29/11/2023	6	38
St George	1,022,057.90	4.05%	18/12/2023	9	31
Bendigo	1,000,000.00	5.25%	21/12/2023	5	44
NAB	3,000,000.00	5.40%	25/01/2024	7	47
Bendigo	1,000,000.00	5.35%	27/01/2024	6	36
Bendigo	2,800,000.00	5.50%	28/06/2024	12	46
	<u>33,108,175</u>				

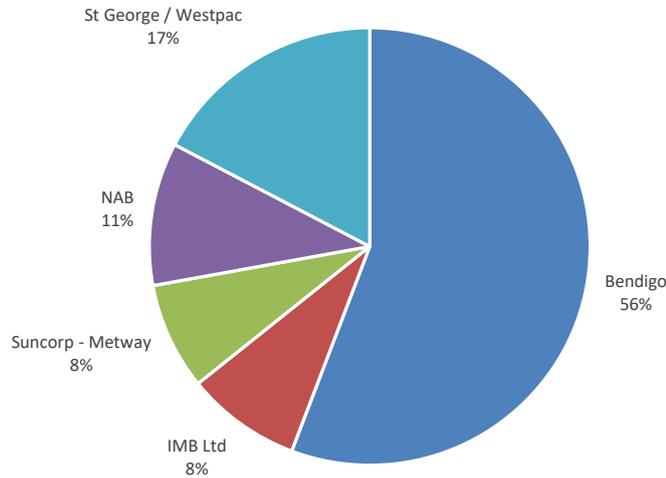
Maturity

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

Month	\$ Funds Maturing	
August 2023	\$ 5,349,660	
September 2023	\$ 6,201,316	
October 2023	\$ 7,627,726	
November 2023	\$ 5,107,416	
December 2023	\$ 2,022,058	
January 2024	\$ 4,000,000	
February 2024	\$ -	
March 2024	\$ -	
April 2024	\$ -	
May 2024	\$ -	
June 2024	\$ 2,800,000	
	<u>\$ 33,108,175</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	18,461,352	BBB+ / A3 / A-	A	N/A	55.76%	N/A
IMB Ltd	2,800,847	- / Baa1 / BBB+	BBB	10%	8.46%	●
Suncorp - Metway	2,620,640	A+ / A1 / A	A	14%	7.92%	●
NAB	3,500,000	AA- / Aa3 / A+	A	14%	10.57%	●
St George / Westpac	5,725,336	AA- / Aa3 / A+	AA	30%	17.29%	●
	<u>33,108,175</u>				<u>100%</u>	

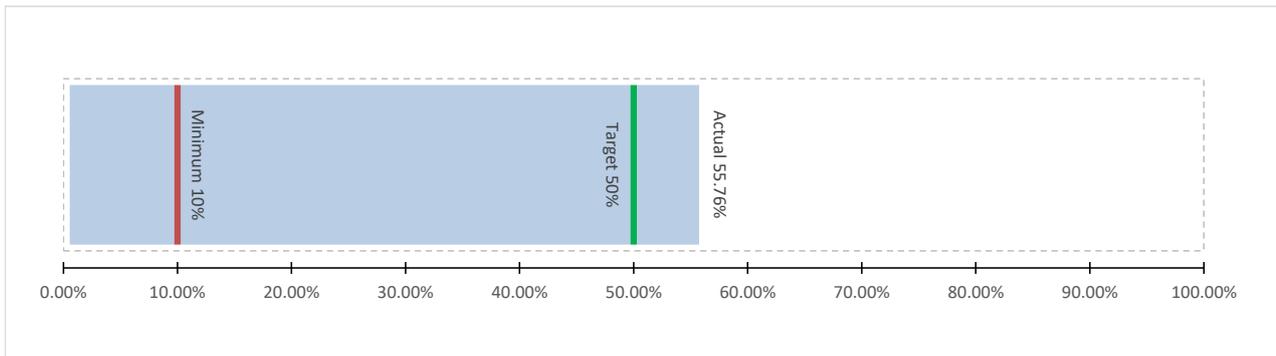


Investment with Bendigo Bank

55.76% ●

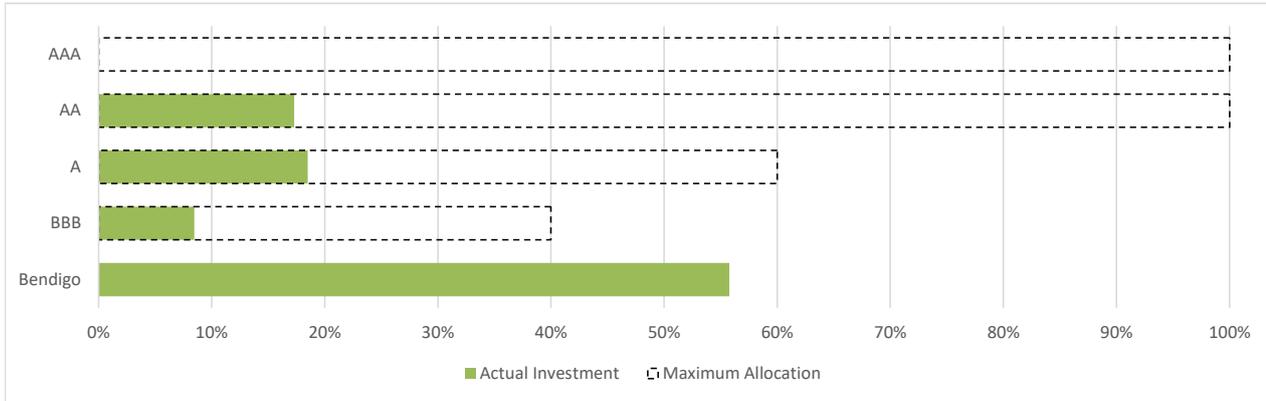
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

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%	\$ 5,725,336	17.29%	●
A	60%	\$ 6,120,640	18.49%	●
BBB	40%	\$ 2,800,847	8.46%	●
Bendigo	N/A	\$ 18,461,352	55.76%	N/A
Total		\$ 33,108,175	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
Bendigo - Inv 26	519,690	Redeemed for cash flow purposes incl. interest
Westpac - Inv 39	1,245,994	Redeemed for cash flow purposes incl. interest
Bendigo - Inv 44	552,073	Partial redemption for cash flow purposes incl. interest
Bendigo - Inv 36	526,024	Partial redemption for cash flow purposes incl. interest
	<u>2,843,781</u>	

New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
	<u>0</u>			

Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Westpac - Inv 43	1,038,909	5%	4	
Bendigo - Inv 35	1,030,847	5.15%	4	
Bendigo - Inv 44	1,000,000	5.25%	5	
Bendigo - Inv 36	1,000,000	5.35%	6	
	<u>4,069,756</u>			

Investment performance

	Jul-23	FYTD
Total investment income, including accrued interest	\$139,363	\$139,363
Money-weighted rate of return (% p.a.)	4.77%	4.77%
Bloomberg AusBond Bank Bill Index	4.48%	4.48%
Overperformance/(underperformance)	0.29%	0.29%

