



ATTACHMENTS

Ordinary Council Meeting

Tuesday, 19 April 2022

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Location: Theatre Royal, Market St

Start Time: 4.00-5:30 pm

Or via Zoom: <https://us04web.zoom.us/j/71228415831?pwd=Gix1JK9Eyzs2UAmZFFIGH0f3n-c1lt.1>

Meeting ID: 712 2841 5831 Passcode: G2CbbA

1. Opening of Meeting
2. Acknowledgement of Country
We pay our respect to the Traditional Custodians of the Lands where we hold this meeting and pay our respects to Elders past, present and emerging.
3. Apologies: Nat Lay, Michelle White, Mandy Haley
Present: Sue Balshaw (left at 4:55pm), Lyn F, Emma Moore, Lea Myers, Mike Colreavy, Glenn Wilcox, Rachael Williams
4. Previous Minutes (FEB 2022) – Moved Lyn Second Sue, carried
5. Disclosures of Interest –

Guest Speaker – Jenene House

Associate Community & Safety Partner, Community & Place - Transport for NSW

jenene.m.house@transport.nsw.gov.au

0477 705 126

55 Currajong Street Parkes NSW 2870

Jenene is the Transport NSW representative for the Balranald, Wentworth and Broken Hill LGAs and our key contact in this space (Jenene's PPT is attached). Issues discussed included:

- Current situation of St Joseph's Principal picking up a number of students each day to get them to school (noting school buses at that end of town are coming in from Euston already at capacity). Explore need for dedicated bus service.
- Support required for a number of students travelling to Swan Hill each day for school to ensure safe travel for them, all commuting students and the bus driver. Jenene will commence this conversation by talking the to the Principals of the Swan Hill schools involved, before then hearing from parents etc. SCAIW to support with connecting Jenene to the schools and families
- Jenene with Council is working to re-commence the program to support local community members secure their Medium Rigid (MR) drivers licence

6. Reports from Council / Chair

Glenn Wilcox:

Follow-up happening on DIAP plan, letters going out to community groups. Current Council is looking to widen footpaths for multiuse – gophers etc, ensure all-ability playgrounds – all playgrounds will be upgraded over time. Remarking of all disabled carparks around town (Council has bought a hand held line marker to enable this).

In addition to the DIAP Council are currently seeking feedback on several plans (these are all available for view on Council's website):

- Community Strategic Plan
- Delivery Plan
- Operations Plan

Council is also looking to develop 10-year village plans – for total enhancement (mostly grant funded) of our communities

Council has committed to developing the annual budget earlier and with a clear revenue policy which is easy for the community to read, understand and follow.

Mike Colreavy:

New General Manager will be announced 5pm 25th March 2022 – will commence on the 26th April, Glenn will stay on until the end of the year to provide back-up in financial mgt. Mike notes significant improvements as a result of Glenn's work and the consultants that have been employed over the past months.

Bidgee Haven Hostel (BHH) update:

Current budget will have variations come May 2022 – so is under review. Hostel major budgetary areas remain to be corrected, currently reviewing all Medicare back payments to ensure full possible amounts being collected, this will enable the further improvement of services to residents etc

As we work through the current BHH operations and model we will come up with a better model of how we do this – including staffing

Aim to give community a very clear understanding of P&L so community can make well-informed decisions regarding the service on-going.

Mike and Glenn going on a tour of other Aged Care facilities to understand workings and opportunities

Mike put the BHH divestment decision on hold until February 2022 to allow further information to be gathered and Advisory Committee Chairs to gain a deeper understanding of the issues involved. Chairs changed position from complete resistance to 'perhaps' - with the right arrangement for partial divestment, sub-contracting of certain elements etc being considered. Community will have input when a more detailed plan of how BHH might operate longer term is drafted.

Mike not willing to put the council at the financial risk of the Hostel expansion until he is completely confident that this is the best choice. Promises it will not close (as the current service), best case scenario is that we retain community ownership of the building "bricks and mortar" and perhaps divest mgt.

Re expansion – the Commonwealth is not asking for the money to be returned so can safely proceed without losing the funding. Currently sending variations to contract to ensure the money stays even after the federal election. Also will claim back from grant some of the \$\$ already spent.

Update on 3 BHH Independent Living Units – all 3 units will be occupied as of next week. 13 residents in the hostel (could have 15 if the double room was filled).

Council looks viable going into the future – Advisory Committee structure is working.

7. Correspondence / Connections of note

Follow-up: MOTION the SCAIW Advisory Committee seeks formal advice from Council regarding progress of the initiative to place the two donated transportables from the Accommodation Village at the Balranald Caravan Park as emergency accommodation. Moved: Nat Lay, Seconded Sue Balshaw. Carried.

Council has no record of this arrangement. Glenn met with Accommodation Village owners last week – they also were not aware of this arrangement.

Rachael to follow up with Sue Balshaw to secure further details.

An opportunity may also exist re Euston Club – as they had some decommissioned caravan park buildings – ask Guy Fielding

Council has secured a grant of \$700K for Balranald caravan park improvements

Glenn noted re Emergency accommodation – unused Shire houses could be used in this space. Caravan Park might not be ideal because high traffic area (which would feel insecure / unsettling to vulnerable clients). Glenn will review and come back to the committee re possible council houses which may be suitable.

8. Planning for Health & Wellbeing Visiting and Local Services Networking EXPO

- Sponsorship – PHN & Health Direct have donated \$500 each towards cost of lunch, Emma indicated MaariMa could manage short fall in funding
- Registrations to date – 15 services have registered for stands, Rachael to circulate actual organisations registered to Advisory Committee – individual members to follow up with key services not registered
- Catering – Advisory Committee agreed on Bakery (Em to organise). Noted that Bowling Club could do next time.
- Set-up / pack-up – commence at 9am 7th April at Theatre Royal, stalls arrive from 10am. Expo commences at 11am.
- Promoting locally to the community, agreement to do letter box drop (Rachael to organise). Lyn to promote through RSL, Bingo etc
- Media promotions, Rachael to email media outlets.
- Review of site and layout plan – layout will depend on number of services registered
- Lyn will 'staff' table at entrance to record number of community members attending
- Launch at 12pm Rachael to invite Mike Colreavy to launch

9. Review of Service Directory development - Partnering with HealthDirect

Through meetings organised by Western NSW PHN Health Direct have been engaged to support with the data gathering and development of the Service Directory. This is a great outcome for the Advisory Committee as the service is free, HealthDirect handles updates etc so has strong sustainability. HealthDirect will attend the Expo as a way of both starting to capture services for the Directory and also sharing with the public how the HealthDirect service directory works.

10. Review of potential guest speakers to support priorities and workplan – no speakers discussed.
11. Items without Notice – NIL
12. Next Meeting (28th April 2022)

CHAIR: Iain Lindsay-Field

MINUTES OFFICER: Simone Carmichael

AGENDA ITEM	DISCUSSION
1.	Meeting commenced at 5:38pm Attendees:
COMMITTEE MEMBERS <div style="display: flex; justify-content: space-between;"> <div> <ul style="list-style-type: none"> ✓ Iain Lindsay-Field (Chair) ✓ Simone Carmichael (Secretary) ✗ Guy Fielding ✓ Dianne Williams (Zoom) </div> <div> <ul style="list-style-type: none"> ✓ Peter Lawler ✓ Sam Papa ✗ Adrian Gorman ✗ Linda Nelson ✗ Bronwyn Brougham </div> </div> COUNCIL <div style="display: flex; justify-content: space-between;"> <div> <ul style="list-style-type: none"> ✗ Glenn Wilcox (BSC A/GM) ✗ Mike Colreavy (BSC Administrator) </div> <div> <ul style="list-style-type: none"> ✓ Hodi Beauliv (BSC Director Corp & Comm Dev.) </div> </div> GUESTS None	
2.	Acknowledgement of country: Iain
3.	Apologies: Linda, Guy, Glenn
4.	Disclosures of Interest: Nil
5.	Confirmation of minutes 5.1 <u>Confirm October meeting minutes</u> – Moved Peter L, 2 nd Sam P. 5.2 <u>Confirm November meeting minutes</u> – Moved Sam P, 2 nd Peter L. Discuss December & February meeting notes -
6.	Business arising from minutes <ul style="list-style-type: none"> - <u>Bidgee Haven</u> – S35 Committee member applications extended to 18 March. - <u>Windfarm developments</u> – Peter enquired about a third proposed windfarm. Subsequent investigation by Simone has found the following information; “<i>Goldwind Australia and Lacour Energy are exploring the potential for a wind farm in the Hays Plain area, part of the South-West Renewable Energy Zone (REZ). Baldon Wind Farm would be located ~15 km north of Moulamein, ~55 km east of Balranald and ~75 km south west of Hay in NSW. The project would sit within the Murray River and Hay Shire Council areas.</i>” Source: https://baldonwindfarm.com/ Lengthy discussion held around how BSC and the community can benefit from these renewable energy developments. Discussion around traineeships, local employment, possible structure of a community foundation. - <u>Feb notes – Business Register</u> – Hodi said something they could do internally. She also informed the group March is “Small Business Month” and the shire have organized forums and training expos. - <u>Day of meeting</u> – Tuesday not a good day of the week for some members. Discussion held with decision made to keep the meeting on 1st Tuesday of the month.

7.	Report from council meeting
NO REPORT THIS MONTH	
8.	New Business
-	<u>GBITAC Annual Plan Review</u> – Simone suggested the plan be reviewed for 2022. Iain and Hodi suggested meeting at Yanga Homestead on the 8 th March, 10am – 12 to discuss the GBITAC annual plan.
9.	Items Without Notice
-	<u>Housing Shortage</u> – Peter raised the issue of housing shortages in the shire impeding industry investment. Di mentioned the work done previously on the Mungo Street worker accommodation. Hodi talked about the Housing Strategy developed for Robinvale and a need to assess the drivers and inhibitors to investment. It is often not a lack of land but the cost of building. One idea put forward is the community foundation discussed in 6. Above could invest in infrastructure including housing. Hodi to invite Ray Mitchell to address GBITAC
10.	MEETING CLOSED – 6:52pm Next Meeting 5th April 2022. (since changed to 12th April)

Euston Progressive Advisory Committee

Monday 28th March 2022

Opening Meeting at 6.05pm

Acknowledgement of Country

Present: Glen Wilcox, Guy Fielding, Santina Zappia, Louie Zaffina, Bill Vandenberg, Glen Stewart, Rusty Roberts, Phill Ruddick, Richard Lucas, John Batchelor

Apologies: Gray Woodhead, Geoff & Jan Windmill

Minutes of Previous Meeting:

Moved by: Louie Zaffina, 2nd Rusty Roberts, Carried.

Matters Arising:

Committee went through the points from Glen's letter dated 16th of March 2022.

- 1: Footy oval; needs some up-keep bringing it up to standard. Council has sent a letter to Robinvale/Euston Football club to arrange a meeting to discuss what needs to be done.
- 2: Repairs to footpath & guttering at Euston Pub; repairs were carried out on 21st of February 2022.
- 3: Cleaning of gutters outside of Euston Post Office has been done. Need to inform council if more problems with the gutters.
- 4: Village Plan; contractor has been commissioned.
- 5: Employment of 3rd person for Euston; Council have received 3 applications but no one appointed as yet.
- 6: Grant Funding for "Upgrade of the Recreation Reserve Entrance". Negotiations with Transport NSW are underway about including Euston in signage program. Council is meeting a landscape architect on Thursday.
- 7: Tiling at Benanee Toilets done.
- 8: Tapaulin Mail Road; Council will follow up with contractors.
- 9: Painting of house numbers on curbs; Euston maintenance workers have been provided with stencils, but it is up to the individual or a committee to paint the numbers. Council will supply paint & stencils.

10: Council will ask TFNSW to put up signs regarding heavy vehicles using engine brakes in residential areas.

11: Insulation of Euston Recreation Ground clubrooms; Council has asked a builder to install the bats.

12: Netball court changed to a Covered Multi-purpose court facility; Council waiting on State Government to get the go ahead. Designs and quotes are ready.

13: Council Presence in Euston; Council staff attend Euston weekly, a request to meet staff can be arranged by calling Council office.

14: Maintenance Schedule; Council will not provide a maintenance schedule as it may change day to day.

15: Intersections of Bertram Rd and Taylor Rd; money has been spent on road calming.

16: Public Toilet block on Murray Terrace; Council has asked staff to clean the toilet block 3 time a week.

17: There will be Community Consultation on new toilets and change room amenities at the Euston Recreation Reserve.

18: Grants that have received approval are waiting on State Government for the go ahead.

19: Committee Meeting Minutes; Some answers will be verbal or in writing, but recommendations in writing.

Correspondence:

- Glen Wilcox letter on responses of committee questions.
- Tourist workshop.
- Growing beyond Covid dinner.

Items without notice:

Santina: We would like to see more community entertainment (e.g.: like we had with Sara Storer on the oval). Need to talk to Connie to see if there is funding for Euston.

Louie: Does Council have any influence on the Highway between Euston & Mildura? We need to have overtaking lanes as the highway is becoming unsafe with the growing traffic. Recommend council talk to Traffic NSW or partition Sussan Ley.

Glen: Glen showed the committee a draft of the special Community News Letter and discussed the improvements that have been made in Euston. There will be a letter box drop to the Euston public. The new General Manager is Jeff Sawiak and will commence his duties on 26th of April 2022.

Recommendations to Council: Can council put up a post in the Euston Community Board (at the Post Office) of all the contact people and their roles, in Council.

Next Meeting:

Tuesday April 26th 6pm at Euston Club

Meeting Closed at 7.20pm



Mr Glenn Wilcox
A/General Manager
Balranald Shire Council
PO Box 120
Balranald NSW 2715

17 March 2022

Dear Mr Wilcox

**RE: BALRANALD INC CONTINUED OCCUPANCE OF THE OLD TOURIST CENTRE LOG CABIN AT THE
BALRANALD CARAVAN PARK**

Following your advice to Hank van Apeldoorn, I write to seek another year of occupancy of the log cabin for our regular meetings, event preparation and related activities as per the original arrangement made with GM Oliver McNulty approximately twelve months ago.

Yours sincerely

Wyn Scott
President
Ph 0428201008

	Info	Reply	Report	Discuss
GM				GM
DID				
Received: 22 MAR 2022 100m				
DCCD				edge
File No:				
Comments:				



DELEGATION OF AUTHORITY

GENERAL MANAGER

Resolution No:

In accordance with the provisions of Section 377 of the Local Government Act, 1993 Council hereby delegates to the General Manager, Mr Jeff Sowiak delegated authority to exercise or perform on behalf of Council the following powers, authorities, duties and functions:-

A.	Council Meeting and Operations
GMM01	<p>To determine matters which are included in the Business Papers of Council and its Committees, subject to the inclusion of the following items when they arise, namely:</p> <ul style="list-style-type: none">(i) reports on matters which cannot be determined under delegated authority;(ii) reports required to be submitted under any Act or Regulation;(iii) matters requiring a determination of Policy;(iv) reports directed by the Council to be submitted;(v) matters essential for the Council's information;(vi) matters requested by the Administrator/Mayor.
GMM02	To invite a group or individual to address any Council Committee.
GMM03	To lay information, to make application for search warrants, to make complaints, to initiate and carry on any proceedings and to represent Council in any Court on any matter.

GMM04	To affix the Council's Common Seal to documents provided that an attestation is still provided with each affixation of the Seal by the signatures of at least one (1) member of the Council's staff and the Administrator/Mayor or Deputy Mayor.
GMM05	To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council.
B.	General Administration
GMA01	To approve recommendations of the Consultative Committee.
GMA02	To disclose Council records in line with the Government Information (Public Access) Act 2009 (GIPA Act) Balranald Shire Council Publication Guide in consultation with Council's Public Officer.
GMA03	To enter into Pipeline Agreements with the State Government Authorities or their successor.
GMA04	<p>To exercise the power of entry and to authorise other employees of Council to have that power of entry under:</p> <ul style="list-style-type: none"> (a) The provisions of the Local Government Act, 1993 Section 191, 191A, 192 and 193. (b) The provisions of Section 119E of the Environmental Planning and Assessment Act, 1979. (c) The provisions of Section 28 of the Swimming Pools Act, 1992. (d) The provisions of Section 66 of the Rural Fires Act, 1997 (in line with Service Level Agreement). (e) The provisions of Section 37 of the Food Act, 2003. (f) The provisions of Sections 47 and 72 of the Public Health Act, 1991. (g) The provisions of Section 164 of the Roads Act, 1993. (h) The provisions of Section 42 of the Impounding Act, 1993. (i) The provisions of Sections 111 and 196 of the Protection of the Environment Operations Act, 1997 (j) The provisions of Sections 43, 44 and 50 of the Noxious Weeds Act, 1993. (k) The provisions of the Companion Animals Act, 1998.

GMA05	<p>To exercise the powers of an authorised officer/person and appoint such persons under:</p> <ul style="list-style-type: none"> (a) The Local Government Act, 1993; (b) The Impounding Act, 1993; (c) The Roads Act, 1993; (d) The Food Act, 2003; (e) The provisions of the Protection of the Environment Operations Act, 1997 (f) The Swimming Pools Act, 1992; (g) The Public Health Act, 1991; (h) The Rural Fires Act, 1997 (in line with Service Level Agreement); (i) The Noxious Weeds Act, 1993; (j) The Mines Inspection Act, 1901; (k) The provisions of the Companion Animals Act, 1998; (l) The Environmental Planning and Assessment Act 1979.
GMA06	To give approval to "approved forms" as defined by the Local Government Act, 1993.
GMA07	To issue references under Council letterhead.
GMA08	To authorise and undertake any necessary arrangements for the attendance of practical, technical and professional staff at any relevant course, seminar, congress meeting and conference but such approved attendance must be within budget limitations.
GMA09	To approve annual, sick, long service, special leave and leave without pay for Council employees.
C.	Finance
GMF1	To designate an employee of Council as the responsible accounting officer in accordance with Part 9 of the Local Government (General) Regulation, 2005.
GMF2	<p>To declare each parcel of rateable land in the Balranald Shire Council area to be within one or other of the following categories:-</p> <ul style="list-style-type: none"> • farm land • residential • mining • business

GMF3	To accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and to write off or reduce interest accrued on rates or charges if the person complies with the agreement.
GMF4	To write off accrued interest on rates or charges payable by a person if the person is unable to pay the accrued interest for reasons beyond the person's control or where payment of the accrued interest would cause that person extreme hardship.
GMF5	To invest money in accordance with Section 625 of the Local Government Act, 1993.
GMF6	To approve reimbursement for shortages in the Cashier's tray up to \$50 in any one case.
GMF7	To approve the submission of tenders, quotations and estimates for private works.
GMF8	To authorise the refund of fees in total or in part in respect of applications either refused by Council or withdrawn by the applicant.
GMF9	To authorise the release of any bond or bank guarantee where the required works or services have been completed in accordance with approvals granted by Council
GMF10	To require the lodgement of a cleaning deposit for the hiring of Council's parks, ovals, sporting facilities or buildings.
GMF11	To prepare and lodge applications for the payment of a Library Subsidy in accordance with Section 13 of the Library Act, 1939.
GMF12	To authorise expenditure of Council for works and services required in accordance with the adopted annual budget of Council up to a maximum of \$250,000.
GMF13	To initiate, negotiate and authorise royalty agreements on Council's behalf with local landholders for the acquisition of resources in the performance of Council's works program.
GMF14	To engage (or dismiss) contractors on an hourly, daily, weekly or monthly basis for works in accordance with Council's Work Program.
GMF15	To authorise the hire of Council's plant and resources for private works at comprehensive hire rates or at suitably negotiated rates.
GMF16	To write off accrued interest on rates and charges payable by a ratepayer who is paying by instalments in accordance with the provisions relating to the annual rate levy, Council's policy.
GMF17	To destroy Council records in accordance with the provisions of the State Records Act 1998 (NSW).

GMF18	To expend Council's maintenance votes in accordance with, and subject to the limits as adopted by Council in the annual budget.
GMF19	To write off Rates and Charges and other debts owed to Council as per its policies as per <i>Section 131 of the Local Government Act 1993 and Section 213 of Local Government Regulations</i> .
D.	Roads
GMR1	To close roads and bridges temporarily or impose load limits subject to the provisions of the Roads Act, 1993, for repair or construction when necessary.
GMR2	To approve applications for permission to open streets, subject to the proviso that applications received from private individuals (other than from State and Commonwealth authorities) shall not be approved until the cost of reinstatement has been paid in full.
GMR3	To deal with all matters relating to the alteration or deletion of easements or restrictions as to use pursuant to Section 88 (B) of the Conveyancing Act.
GMR4	To issue approvals for structures on footways pursuant to Sections 125 and 126 of the Roads Act, 1993.
GMR5	To give direction to remove obstructions or encroachments on public road pursuant to Section 107 of the Roads Act, 1993.
GMR6	To approve ramp and gate installations in accordance with Council policy.
GMR7	To approve the movement of stock, machinery or any other materials along or across any Council controlled road or through any built up area of the Shire, subject to any provisions of the Roads Act, 1993.
E.	Town Planning / Building Control
GMPB1	To determine the amount of any bond required to be lodged by developers as security for completion of works.
GMPB2	To exercise Council's power under the Environmental Planning Assessment Act to commence the preparation of a draft Local Environmental Plan and a Draft Development Control Plan.
GMPB3	To issue or serve approvals and orders under the provisions of Chapter 7 of the Local Government Act, 1993 and regulations thereunder including the extension, renewal, modification and revocation of any approval granted.
GMPB4	To implement Regulation 157c of the Construction Safety Act relating to Amusement Devices.
GMPB5	To implement the provisions of the Environmental Restoration and Rehabilitation Trust Act, 1990 as an authorised delegate under such Act.

GMPB6	To consider and determine objections and seek the concurrence of the Director-General of the Division of Local Government in relation to such objections under Section 82 of the Local Government Act, 1993.
GMPB7	To approve the re-location and re-positioning of buildings.
GMPB8	To approve the classification or re-classification of buildings under the provisions of the Local Government (General) Regulations, 2005 and the issue of appropriate certificates and statements.
GMPB9	To approve or refuse the issue of Building Certificates pursuant to the Environmental Planning and Assessment Act, 1979 as amended.
GMPB10	To authorise the service of orders on owners, builders or other persons to correct any breach of any approval or defects in buildings and structures.
GMPB11	To approve unconditionally or subject to conditions or refuse applications received in respect to the construction of fences, advertising signs and street banners.
GMPB12	To approve, subject to the payment of fees fixed by Council from time to time and pursuant to Section 68 of the Local Government Act, 1993 the erection of hoardings on footpaths.
GMPB13	To consider the applications and to issue unconditionally or subject to conditions or refuse applications for the occupation of caravans or other temporary accommodation on building sites.
GMPB14	To grant or refuse the extension/renewal of building approvals issued by Council.
GMPB15	To approve the variation of building lines where such variation is of a minor significance.
GMPB16	To accept or reject certifications submitted under Section 93 of the Local Government Act, 1993.
GMPB17	To approve Development Applications for all developments/classes of buildings where no substantial community objection is registered.
GMPB18	To refuse Development Applications that do not comply with legislation, Council's LEP or DCP.
GMPB19	To authorise, where appropriate, the determination of Land and Environment Court matters by an Assessor of the Court.
GMPB20	To grant a departure from a development standard pursuant to the various Development Control Plans where that provision is available and where such departure is considered to be in accordance with the overall aims and objectives of the relevant plan.

GMPB21	To serve any notices or orders or intention of any notice or order under the provisions of the Local Government Act and Regulations, Environmental Offences and Penalties Act and Regulations, Public Health Act and Regulations, Food Act and Regulations, Protection of the Environment Act, 1997 and regulations.
GMPB22	Pursuant to any delegation from the Director-General of the Department of Health to issue clean up notices under Section 51 of the Food Act, 1989.
GMPB23	Pursuant to any delegation from the Director-General of the Department of Health to serve Orders for Closure under Section 52 of the Food Act, 1989.
GMPB24	To approve or refuse applications for the installation of waste treatment devices and human waste storage facilities under Section 68 of the Local Government Act, 1993.
GMPB25	To issue Undertaker and Mortuary approvals pursuant to Section 68 of the Local Government Act, 1993.
GMPB26	To authorise the carrying out of work by Council pursuant to Section 678 of the Local Government Act, 1993.
GMPB27	To reject applications for approval pursuant to Section 85 of the Local Government Act, 1993.
F.	Bushfire / Emergency Services
GMBE1	To authorise the release of Council plant and other resources to assist firefighting and emergency work.
GMBE2	To authorise the use of Council resources to support the Balranald Local Emergency Management Committee, Balranald Local Emergency Operations Controller or Balranald State Emergency Service Local Controller.
GMBE3	To authorise the use of Council's resources and exercise the powers conferred under Section 36 of the Environmentally Hazardous Chemicals Act, 1985.
GMBE4	To make Council appointments to the Balranald Local Emergency Management Committee pursuant to the State Emergency Rescue and Management Act, 1989.
G.	Impounding / Stock Control/Saleyards
GMI1	To appoint Impounding Officers and authorised persons to impound and/or destroy certain animals and articles pursuant to the Impounding Act, 1993.
GMI2	To implement the provisions of the Companion Animals Act 1999 and regulations and serve any notice for breaches of the subject Act and Regulations.

GMI3	To issue any temporary grazing permits for public roads or for any Council controlled lands in accordance with Council's policy on this matter, or any other appropriate State or Federal legislation or any reasonable conditions of approval as determined by the General Manager.
H.	Miscellaneous Operational Matters
GMMM1	To determine applications for use of public roads for walkathons, charitable collections, motorcar trials, bicycle races and the like where the involvement of the Balranald Local Traffic Committee is not specifically required.
GMMM2	To determine the conditions of use of Council's parks gardens and reserves and other places in accordance with section 632 of the Local Government Act, 1993.
GMMM3	To vary the dates of opening and closing of the Balranald Pool Complex.
GMMM4	To impose and enforce any necessary restrictions to the water supplies of Balranald and Euston.
GMMM5	To issue pavement concessions for aircraft wishing to use the Balranald Aerodrome in accordance with the guidelines issued by the Department of Transport.
GMMM6	In consultation with the Administrator/Mayor the authority to approve or refuse applications for mineral explorations throughout the Shire unconditionally or subject to any appropriate conditions.
GMMM7	To approve the free utilisation of Council plant and equipment to charitable, service, voluntary and community organisations within the Shire in accordance with Council's policy.
GMMM8	To issue NOTAMS advices to the CASA in accordance with appropriate legislative requirements.

7/4/2022

Mr Glenn Wilcox,
Acting General Manager,
Balranald Shire Council,
70 Market Street,
Balranald NSW 2715

Dear Glenn Wilcox,

Regarding: Request for donation of raw water for the preparation of grounds for Homebush Rodeo.

Homebush Recreation Club will be hosting the next Homebush Rodeo on Saturday 23rd April 2022.

Homebush Rodeo is a well attended local event with previous years' rodeos attracting in the region of 1600 people. Many of these people are visitors who bring money and support to local businesses during their time in the region.

Homebush Recreation Club has imported surface material, which needs to be kept moist in order for the ground to remain in good condition for the event. Local business owner Mr Malcolm Cameron has generously offered to donate his time and water truck to cart raw water from Balranald township to the rodeo site in the days preceding the event. It is estimated that 8 to 10 truck loads will be required at 14,000 litres per load. The majority of this water would be needed on Thursday and Friday, 21st and 22nd April, just prior to the rodeo.

Homebush Recreation Club requests that Balranald Shire Council consider donating this water in sponsorship of the Homebush Rodeo – any donation would be gratefully received.

Yours Sincerely,



Ewan Waugh,
Secretary,
Homebush Recreation Club.



POLICY REGISTER

Debt Recovery

Policy adopted: 2022

Reviewed:

File Ref: D22.64766

DOCUMENT CONTROL

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Minute No.

BACKGROUND

Chapter 15 of The Local Government Act 1993 (*the Act*) sets out the requirements for levying and payment of rates and charges. Council issues an annual rate notice on all ratable land within the Shire on an annual basis. Council may also levy an annual charge for Commercial or Domestic Waste Management, Water and Sewer Access, Storm water Management Levy and for actual usage including Water Usage and Sewer Discharge usage.

Council also issues Sundry Debtor invoices for user fees and charges under various provisions of *the Act* and the Local Government (General) Regulation 2005 (*the Regulations*). These fees and charges are calculated to recoup Council's costs of service delivery for the respective items.

This policy replaces Council's previous policies for collection of Outstanding Rates and policy for collecting of Fees and Charges, both adopted February 2017.

POLICY OBJECTIVE

The objective of this policy is to ensure monies owed to Council are recovered in a timely, efficient and effective manner in order to finance Council's operations and ensure effective cash flow management and good financial control. While carrying out this responsibility Council will:

- Treat all people fairly, with integrity and consistently under this policy
- Treat all matters under this policy confidentially
- To be sympathetic to ratepayers and other debtors suffering genuine financial hardship
- Ensure effective control over debts owed to Council
- To fulfill the statutory requirement of the Local Government Act, 1993 (*the Act*) with respect to the recovery of rates, charges and other debts.
- Outline the principles and guidelines that apply to the recovery and management of overdue Rates, Water Consumption Charges and Sundry Debtor accounts

SCOPE

This policy will apply to all ratepayers and sundry debtors of Balranald Shire Council

This policy applies to Council staff with delegated responsibility for carrying out the procedures, and debt recovery agents who act on behalf of Council.

POLICY STATEMENT

Council will carry out debt recovery in a fair and consistent manner and in accordance with the provisions of *the Act*, to manage its finances in a thorough and timely manner.

- **PROVISIONS**

- **Rates and Annual Charges**

- Annual rates and charges notices are issued in July of each year. These may be paid in a single instalment or by quarterly instalments. If paid in a single instalment, the instalment is payable by 31 August. If payment is made by quarterly instalments, the instalments are payable by 31 August, 30 November, 28 February and 31 May.

- Annual Rate and charges Notices, quarterly Instalment Notices and Water Notices are issued 30 days before the due date.

- a) **Reference: Section 562 Local Government Act 1993**

- **Water and Sewer Consumption Charges**

Water and Sewer charges are billed quarterly, in arrears. Invoices are issued 30 days before the date due for payment.

- b) **Reference: Section 502 Local Government Act 1993**

Sundry Debtors

Council issues debtor invoices for numerous services, including private works, as set out in Council's Fees and Charges. Council also issues invoices for services provided by Bidgee Haven Hostel, lease fees, rental income, and other sundry income, including goods purchased by tender.

Council reserves the right to refuse credit for private works where a property owner has other overdue amounts owing to Council or has a poor payment history with Council. Council may also, on a case by case basis, require a 50% deposit prior to works commencing.

- c) **Statement of accounts are issued at the end of every month, and are due within 30 days.**

- d) **Reference: Section 608, 610(a-f) Local Government Act 1993**

- e) **Local Government (General) Regulation 2005**

Interest

Council charges interest, calculated on a simple daily basis, on amounts that become overdue, including rates, charges and sundry debtors. The maximum rate of interest is determined annually by the Department of Local Government and advertised in the NSW Government Gazette.

Council may waive or write off accrued interest charges in mitigating circumstances affecting the ratepayer, e.g. hospitalisation, death in the family, illness or other reasons that may cause the person financial hardship. Write offs are approved by a staff member or General Manager according to Council's delegation policy or by Council resolution. Council will be under no obligation to write off such charges.

Interest charges which have been incorrectly raised by Council will be written off.

f) Reference: Section 566 and 567 Local Government Act 1993

Reminder Notices

A Reminder Notice will be sent for outstanding amounts after 14 days of the due date, to those ratepayers or debtors who have not made satisfactory payment arrangements. This notice will provide the ratepayer or debtor a total of the amount overdue and option of paying by a suitable payment arrangement. Reminder Notices will request payment within 14 days from date of issue and advise legal action may commence if payment is not made in full or a suitable arrangement entered into.

Outstanding Water – Notice to restrict water supply

If the ratepayer fails to pay following a Reminder Notice for water usage, or does not enter into an acceptable payment plan, they may be notified of Councils "Intent to restrict the water supply" in 14 days from the date of that notice. Where the amount outstanding exceeds \$1000 the General Manager may, after approval of Council, organise disconnection of the water supply in place of restriction.

This notification will be hand delivered to the property in addition to being sent by registered post.

Where a notice of intent to restrict water supply is issued, and the amount is not paid within the designated 14 working days, Council staff will implement the notified actions and commence immediate debt recovery action.

In the event that amounts outstanding are paid after water supply has been restricted the ratepayer will be responsible for paying all water supply disconnection and restoration costs to Council prior to water supply being restored.

Reference: Clause 13 (1) (b) Local Government (Water Services) Regulation 1999

Payment Arrangements

Rates and Water payment arrangements should be calculated over a maximum period of 12 months and include payment of current rates as they fall due during the period of the arrangement. Under special circumstances this may be extended to two years upon application for relief under Council's Financial Hardship Assistance Policy. Payments can be made weekly, fortnightly, monthly or by other suitable arrangements. Where a ratepayer wishes to repay a debt over a period greater than 12 months, a 'Default Judgement' may be obtained to secure the debt. Any legal fees and charges will be charged against the account.

Debtors payment arrangements should be calculated over a maximum period of 3 months. Council can suspend ongoing private works agreements if a previous invoice becomes outstanding, and the amount has not been paid or a payment arrangement entered into after a reminder notice issued.

Interest will continue to accrue on any arrears during the period of payment arrangement.

Council does not accept transfer of land as payment in full of any debt.

Any default in arrangements that occur for a period of one month without prior notification will result in Council issuing a warning that other debt collection avenues will commence. Consideration will be given for extension on a case by case basis if an acceptable reason is given for default in the payment plan.

- **Debt Recovery Action - Referral to Debt Collection Agency**

g) If a payment arrangement is not entered into following a reminder notice, Council will seek to contact the ratepayer or debtor by phone or email, if possible.

h) If no further payment is made, a Final Notice will be issued by Council advising that the debt will be referred to Councils debt recovery agency to commence legal action. Legal action will be according to the provisions of the Act, and can include, but not limited to, the following options:

- Issue and serve a summons, known as Statement of liquidated claim
- Default Judgement (following a Affidavit of Debt lodged with the Court)
- Writ of execution (following a Application to Issue Execution form lodged with the Court). Unless an Instalment Order by the debtor is accepted by the Court, this will enable the Sheriff to seize goods to the estimated value of the debt and place them for sale at public auction, and Council receive payment of the debt from the sale.
- Garnishee issued for recovery by garnishee against the debtor's salary or bank account, or garnishee rent if property has a tenant under section 569 of *the Act*.
- Examination notice and order
- Bankruptcy proceedings
- Sale of land, according to section 713 of *the Act* where rates have been overdue for a minimum of 5 years or in the case of vacant land, after 12 months if the amount of the rates owing exceed the land value. Section 714-720 of *the Act* outline the process to follow for sale of land.

Section 605 of *the Act*, allows costs incurred by Council in the recovery process, including professional costs, legal fees and collection fees to be added to the amount owing by the relevant debtor subject to any limitation in respect of the amount that can be recovered which is imposed by any statutory instrument. Any costs awarded to Council by a court are a charge on the land, and are payable according to section 550 of *The Act*.

Writing off of debts

Rates & Charges

Rates or charges may only be written off in accordance with provisions of Clause 131 of the Local Government (General) Regulation 2005. It allows debts to be written off only:

- a. if the debt is not lawfully recoverable, or
- b. as a result of a decision of court, or
- c. if Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

If a debt is written off under this section does not prevent Council from taking legal proceedings to recover the debt. Clause 131(1) of *the Regulation* states that amounts according to Council's delegation may be written off by the General Manager. Amounts above the delegation can only be written off by resolution of Council.

Other Debts owed to Council

Debts owing to Council other than for rates or other charges may only be written off in accordance with the provisions of Clause 213 of the Local Government (General) Regulation 2005 or where the Act or any regulation in force under the Act, make specific provision for writing off those amounts in specified circumstances. In accordance with Clause 213(2) of the Local Government (General) Regulation 2005 Council fixes an amount according to Council's delegations as the amount above which debts to the Council may be written off only by resolution of the Council. Debts in relation to Concealed Water Leaks are the subject of a separate Policy.

- **Non Business Fees**

- Council may waive payment of, or reduce a non-business fee in a particular case if Council is satisfied that the case falls within a category of hardship or any other category in respect of which Council has determined payment should be so waived or reduced in accordance with Section 610E of the Local Government Act (Division 3 Council fees for non-business activities). Council determines the following categories

- 1. Demonstrated financial hardship; or
- 2. As recompense for poor customer service or other error on the part of Council; or
- 3. The circumstances of a particular case, where full fee payment would be unreasonable or inequitable.

- A Non Business Fee is any fee other than a fee for business activities defined in Section 610A of the Local Government Act, 1993 (Division 2 Council fees for business activities).

- **Confidentiality of Information**

Council will, at all times, maintain the confidentiality of information provided to it, or its staff members, in relation to an application under this Policy.

Personal information provided will be managed in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

Council will not supply private credit agencies with information regarding legal action it has taken in the recovery of overdue amounts. However, Council recognises that judgement details are supplied to credit agencies by NSW courts.

- **DOCUMENTATION / COUNCIL AND EXTERNAL REFERENCES**

Local Government (General) Regulation 2005

Local Government Act, 1993

Local Government (Water Services) Regulation 1999

Privacy and Personal Information Protection Act 1998

Balranald Shire Council's Policy for Assistance with Payment of Rates, Fees and Charges as a Result of Financial Hardship

Balranald Shire Council's Water Leak Policy

- **POLICY REVIEW**

- This policy will be reviewed four years from the date of formal adoption by Council or within 12 months of a Council election.

Bairnald Shire Council

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Report by responsible accounting officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 March 2022

It is my opinion that the Quarterly Budget Review Statement for Bairnald Shire Council for the quarter ended 31/03/22 indicates that Council's projected financial position at 30/6/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Glenis Wilcox, Acting General Manager
Responsible Accounting Officer

date:

12-4-2022

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Bairnald Shire Council

Income & expenses budget review statement

Budget review for the quarter ended 31 March 2022

Income & expenses Budget Review Statement

	Original budget 2021/22	Approved changes			Revised budget 2021/22	Variations for this Mar Qtr	Projected year end result	Actual YTD figures	Variance Surplus (Deficit)	Percentage Achieved
		Sep QBRs	Dec QBRs	Mar QBRs						
Income										
Administration	8,002	103			8,105	(11)	8,094	6,501	1,593	80%
Health Services	38				38		38	33	5	87%
Public order & safety	259				259		259	106	153	41%
Community services & education	5,534				5,534	1	5,535	960	4,575	17%
Housing & community amenities	794	(71)			723	46	769	568	201	74%
Recreation & Culture	2,745				2,745	65	2,810	878	1,932	31%
Building Control	18				18		18	10	8	56%
Transport & communication	5,422				5,422	412	5,834	2,835	2,999	48%
Business Undertakings	1,806				1,806	558	2,364	497	1,867	21%
Water supplies	1,594				1,594		1,594	1,377	217	86%
Sewer supplies	717				717		717	718	(1)	100%
Total income including Capital Grants & Contributions	26,929	32	-	-	26,961	1,071	28,032	14,483	13,549	
Expenses										
Administration	3,533	65			3,598	(40)	3,558	3,839	(241)	103%
Health Services	161				161		161	117	44	73%
Public order & safety	541				541		541	293	248	54%
Community services & education	1,254				1,254	-	1,254	850	404	68%
Housing & community amenities	902	54			956	23	979	515	441	53%
Recreation & Culture	755				755	-	755	451	304	60%
Building Control	78	(4)			74	-	74	60	14	81%
Transport & communication	1,858				1,858	(67)	1,791	1,076	782	60%
Business Undertakings	862	33			895	(130)	765	551	344	72%
Water supplies	1,137	16			1,153	(125)	1,028	363	790	35%
Sewer supplies	297	15			312	-	312	100	212	32%

Total expenses	11,378	179	-	-	11,557	(339)	11,218	8,215	3,342
Capital Grants and Cont. Expenditure	15,175				15,175	1,251	16,426	4,633	11,793
									210%
Total Surplus/Deficit	376	(147)	-	-	229	159	388	1,635	(1,586)

Balranald Shire Council

Income & expenses budget review statement

Recommended Income Variations this Quarter

Budget Variations being recommended include the following material items:

Notes	Income Details	(\$'000) Adopted Budget	(\$'000) Budget Amended To	(\$'000) Variation + or -
1	Administration			
	Reduction in Budget due to on other revenue expected in Office of the General Manager	12,000	2,000	10,000
	Total			11,500
6	Recreation and Culture			
	Increase in Budget due to New Grant allocation Art Gallery - Balranald Creative Grant	134,380	199,000	64,620
	Total			64,620
5	Housing & Community Amenities			
	Increase in Budget for Bidgee Haven Hostel after review of all income streams	1,231	1,277	46,000
	Total			46,000
8	Transport and Communications			
	Increase in Budget - New Funded Project FLR3 Tapalin Mail Road	0	412,500	412,500
	Total			412,500
9	Business Undertakings			
	Caravan Park			
	-Decrease in Budget due to Covid Impact on Park Fees	600,000	400,000	200,000
	- Increase in Budget due to Crown Reserve Grant Funds	0	771,000	771,000
	-Increase in Budget due to trends shown in actual Revenue received to date	500	4,000	3,500
	Tourist Info Centre			
	- Increase in Budget due to trends shown in actual Revenue received to date	2,000	5,000	3,000
	- Increase in Budget allocation for electricity reimbursement not given an original Budget	0	3,000	3,000
	- Decrease in Budget due to trends in actual Revenue received to date	5,000	3,000	2,000
	- Decrease in Budget - Sales down	60,200	40,000	20,200
	Total			558,300
	Total Recommended Income Variations this Quarter			1,071,420

Notes	Expenditure Details	(\$'000)	(\$'000)	(\$'000)
		Adopted Budget	Budget Amended To	Variation + or -
1	Administration			
	Decrease in Budget Software licencing in line with actual expenditure	40,000	30,000	- 10,000
	Decrease in Budget Software licencing in line with actual expenditure	15,000.00	5,000.00	- 10,000
	Decrease in Training in line with actual expenditure	17,500.00	7,500.00	- 10,000
	Decrease in Training in line with actual expenditure	20,000.00	10,000.00	- 10,000
	Total			40,000
5	Housing and Community Amenities			
	Increase in Budget after review of overall expenditure for Bidgee Haven Hostel	1,306	1,329	23,000
	Total			23,000
8	Transport and Communications			
	Decrease to Unsealed Rural Local Roads - Materials after review	685,500	618,000	- 67,500
	Total			- 67,500
9	Business Undertakings Expenses			
	Decrease in Budget after review of expenditure of Caravan Park	567,480	405,980	- 161,500
	Increase in Budget after review of expenditure of Tourist Info Centre	325,744	356,404	30,660
	Total			- 130,840
10	Water Supply Expenses			
	Decrease in Materials and Contractural Services in line with actual expenditure	104,000	24,000	80,000
	Decrease in Reservoir Materials and Contractural Services in line with actual expenditure	55,000	10,000	45,000
	Total			125,000
	Total Recommended Income Variations this Quarter			- 340,340

Balranald Shire Council

Capital budget review statement

Budget review for the quarter ended 31 March 2022

Capital budget

(\$000's)	Original budget 2021/22	Sep QBRs	Dec QBRs	Mar QBRs	Revised budget 2021/22	Variations for this Mar Qtr	Projected year end result	Actual YTD figures
Capital expenditure								
New assets								
- Plant & equipment	338				338		338	61
- Land & buildings	1,190				1,190		1,190	227
- Roads, bridges, footpaths	298				298	480	778	48
- Water	10				10		10	1
- Sewer	-				-		-	-
- Other	5,237				5,237		5,237	318
Renewal assets (replacement)								
- Plant & equipment	-				-		-	-
- Land & buildings	1,935				1,935	771	2,706	439
- Roads, bridges, footpaths	5,037				5,037		5,037	2,996
- Water	410				410		410	95
- Sewer	420				420		420	296
- Other	111				111		111	38
Loan repayments (principal)	189				189		189	114
Total capital expenditure	15,175	-	-	-	15,175	1,251	16,426	4,633
Capital funding								
Rates & other untied funding	2,112				2,112		2,112	2,934
Capital grants & contributions	12,846				12,846	1,251	14,097	3,403
Reserves:								
- External restrictions/reserves	197				197		197	-
- Internal restrictions/reserves	20				20		20	-
New loans	-				-		-	-
Receipts from sale of assets								
- Plant & equipment	-				-		-	-
- Land & buildings	-				-		-	-
Total capital funding	15,175	-	-	-	15,175	1,251	16,426	6,337
Net Capital funding - surplus/ (deficit)	-	-	-	-	-	-	-	(1,704)

Balranald Shire Council

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22**Capital budget review statement**
Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes Details

Increase Roads Capital by \$550,000 - New Funded Project - FLR#3Tapalin Mail Road
Decrease Roads Capital by \$110,000 - R2R Talapin Mail Road
Increase Roads Capital by \$40,000 Plant Purchase
Increase Land and Buildings Capital for Crown Reserve Management Grant by \$771,500

Balranald Shire Council

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Cash & investments budget review statement**Comment on cash & investments position****Reconciliation status**

The YTD cash & investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at bank (as per bank statements)		3,544
Cash at call		2,878
Investments on hand		13,000
less: unpresented cheques	(Timing Difference)	(3)
add: undeposited funds	(Timing Difference)	2
less: identified deposits (not yet accounted in ledger)	(Require Actioning)	-
add: identified outflows (not yet accounted in ledger)	(Require Actioning)	-
less: unidentified deposits (not yet actioned)	(Require Investigation)	-
add: unidentified outflows (not yet actioned)	(Require Investigation)	-
Reconciled cash at bank & investments		19,421
Balance as per March Monthly Statement of funds:		19,421
Difference:		-

Balranald Shire Council		Quarterly Budget Review Statement for the period 01/01/22 to 31/03/22				
Contracts budget review statement						
Budget review for the quarter ended 31 March 2022						
Part A - Contracts listing - contracts entered into during the quarter						
Contractor	Contract detail & purpose	Contract value	Start date	Duration of contract	Budgeted (Y/N)	Notes
Island Time Consulting	Management Support to Council	53,460	01.02.2022	11 Months	Part	
John Batchelor	Management Support to Council	55,440	01.02.2022	11 Months	Part	
PJRR Contracting	HRW/HS and Risk Management	31,500	01.02.2022	11 Months	Part	
Keith Coates	Internal Audit	125 per hr @ undefined period	01.02.2022		Part	
LG Consulting Services	Financial Services	140 per hr @ undefined period	01.01.2022		Part	

Balranald Shire Council

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22**Consultancy & legal expenses budget review statement**

Consultancy & legal expenses overview

Expense	YTD expenditure (actual dollars)	Budgeted (Y/N)
Consultancies	53,950	Y
Legal Fees	38,412	Part

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details



Balranald
Shire
COUNCIL

PLAN OF MANAGEMENT

BALRANALD CARAVAN PARK RESERVE

RESERVE No. 68009

Plan of Management
Bairanaki Caravan Park Reserve
Reserve No. 68009

PLAN OF MANAGEMENT DOCUMENT CONTROL

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version	Version 2.1			
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)

Plan of Management
 Balranald Caravan Park Reserve
 Reserve No. 68009

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Plan of Management
 Bahrakid Caravan Park Reserve
 Reserve No. 68009

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Plan of Management
 Balranald Caravan Park Reserve
 Reserve No. 68009

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Plan of Management

Bairanald Caravan Park Reserve
Reserve No. 68009

1 KEY INFORMATION

The Bairanald Caravan Park Reserve Plan of Management (Plan of Management) has been prepared by Bairanald Council (Council) to provide direction regarding the use and management of Bairanald Caravan Park – Crown Reserve 68009. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The Plan may be used to determine the allocation of resources and funds.

Plan of Management

Bairanald Caravan Park Reserve
Reserve No. 68009

2 INTRODUCTION

2.1 Background

The name Bairanald originates from Scotland and dates back to 1837. Bairanald developed as a thriving inland port and was proclaimed a municipality in 1882, becoming the Shire of Bairanald in 1956. Bairanald is located approximately 850km south west of Sydney and 450km north of Melbourne. The Council is situated within the Western Riverina region of New South Wales. It shares borders with Hay Shire and Murray River Council to the east, Carrathool and Central Darling to the north and Wentworth to west.

The Council provides services and support to a community of approximately 2500 permanent residents across a region covering 20000 square kilometres, including the town of Bairanald and the Euston rural villages of Kyalite and Oxley. A map of the local government area is shown below in **Figure 1**.

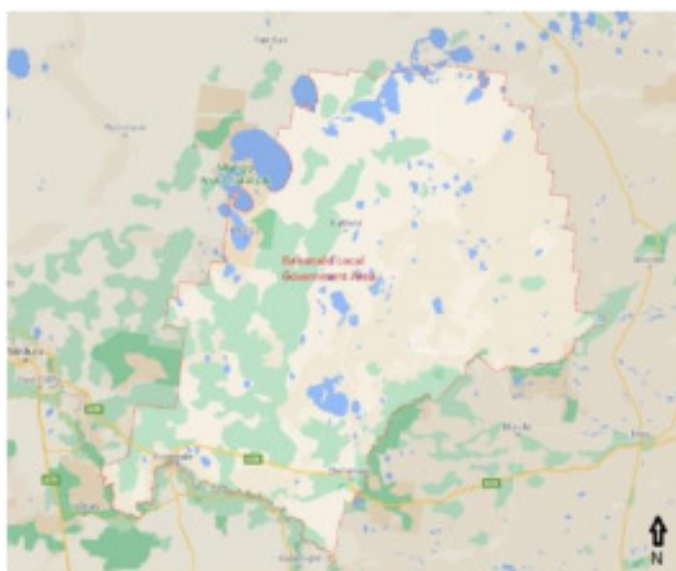


Figure 1 - Bairanald Council Local Government Area

Bairanald Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the Local Government Act 1993.

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 Balranald Caravan Park Reserve
 Reserve No. 68009

2.2 Strategic and Corporate Objectives

Balranald Council has set out several strategic objectives in the Council's Community Development Plan. The statement below is the intended outcome for the Balranald Shire through the implementation of the Balranald Shire 2022, the Shire's community strategic plan:-

"To create a better, more vibrant, more resilient and more engaged community, by capitalising upon its human, cultural, environmental and business assets and encouraging a strong sense of civic participation and pride".

The Community Vision Statement is based upon what the six community Pillars of Well Being that Balranald Shire 2022 identified as central to achieving the Shire's potential and designed state, namely –

1. A community that is proactive, engaged, inclusive and connected.
2. A liveable and thriving community that maintains lifestyle opportunities and addresses levels of hardship and disadvantage experienced by some residents.
3. A community that ensures a strong and resilient economy.
4. A community that respects and celebrates its diverse cultures, heritage and arts.
5. A community that maintains and strengthens its natural and built environment.
6. A community that values and fosters leadership, lifelong learning, innovation and good governance.

These Pillars of Well Being also are the source for the Shire's 18 Strategic Objectives, namely –

OUR PEOPLE

A community that is proactive, engaged, inclusive and connected.

- Create more opportunities for community members to socialise and connect in our community.
- Create and promote opportunities for greater community awareness and participation in the life of our community.
- Involve, support and prepare our young people.

OUR PLACE

A liveable and thriving community that maintains lifestyle opportunities and addresses levels of hardship and disadvantage experienced by some residents.

- Promote our community as a lifestyle, work and business destination.
- Create opportunities to assist community members who are disadvantaged or at risk.
- Provide a wide range of passive and active recreation and sports events, clubs, facilities and opportunities.

OUR ECONOMY

A community ensures a strong and resilient economy.

- Strengthen the capacity and opportunities for our local business communities.
- Develop and promote our community as a desirable place to stop, stay and experience the Outback and river environments of Southern NSW.
- Increase the net number, quality and variety of employment and training opportunities for our community members.

OUR CULTURE

A community that respects and celebrates its diverse cultures, heritage and arts.

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- Promote opportunities to acknowledge and celebrate our diverse cultures and faiths.

OUR INFRASTRUCTURE

- A community that maintains and strengthens its natural and built environment.
- To preserve and enhance our natural environments ensuring they remain sustainable, healthy and clean.
- Promote key communications and infrastructure improvements.
- Undertake key transport and energy infrastructure improvements.

OUR LEADERSHIP

A community that values and fosters leadership, lifelong learning, innovation and good governance.

- Enhance our community capacity through building the local leadership base of the community.
- Maintain a lifelong learning focus in our Shire by providing an ever growing range of skill development, education and training opportunities and facilities.
- Strengthen interagency collaboration and partnerships and facilitate synergistic actions.
- Continually identify and service the necessary financial and technical support to achieve our community aspirations.
- Operate an effective and efficiently managed Council that provides strong civic leadership, sound governance and facilitates community participation and decision making.

The following Community Guiding Principles derived from Bairanald Shire 2022 provide the context for the Community Plans. They are a product of the extensive community consultation process undertaken as part of the preparation of Bairanald Shire 2022.

Any proposed community action should be measured against these ten guiding principles, namely –

- **Social inclusiveness** – valuing and respecting the contribution of all community members, regardless of age, gender, ability, ethnicity, cultural background or length of residency.
- **Partnership and collaboration** – all organisations committing to cooperate, collaborate and network to ensure maximum positive outcomes for the residents of the Shire.
- **Sense of community** – retaining the unique sense of village, country feel, heritage, safety, freedom and family/community connection.
- **Positive mindset** – fostering community attitudes that embrace change, proactive 'can do' behaviours, optimism, hopefulness, and the belief in the community being architects and builders of their social and economic future.
- **Access and equity** – providing all residents with adequate health, educational, learning, housing and recreational opportunities, facilities and programs.
- **Asset and Opportunity Focus** – building upon local assets, capacities, creativity, diversity and existing initiatives; and facilitating opportunities and experiences that enable all residents to see and experience their communities as places of potential and opportunity.
- **Respect for the environment and sustainable practices** – respecting the natural environment, cultures and heritage and ensuring that the needs of the present are met without compromising the ability of future generations to meet their needs.
- **Celebration** – encouraging pride and times of celebration relating to the community's heritage, uniqueness, cultures and achievements.
- **Transparency and Accountability** – ensuring all initiatives, programs and services have transparent performance monitoring, review and evaluation.
- **Business Excellence** – encouraging a strong, innovative, customer-focused, profitable and collaborative business environment.

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2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 68009 and includes Lot 7032 DP 1028233 Parish Bairanald County Cairn. The area of the reserve is 72,990.78m². The Bairanald Caravan Park is located within the reserve. There are no permanent residents within the reserve (**Figure 2**).

The Bairanald Caravan Park Reserve was gazetted on 25 November 1938 and was set aside for the purpose of Public Recreation; Resting Place. An aerial photograph, outlining the extent of the reserve, is shown below in **Figure 2**.



Figure 2 – Aerial Photograph of Bairanald Caravan Park Reserve (Reserve No. 68009).

The Bairanald Caravan Park Reserve is a popular waterfront area with locals and tourist using the reserve for recreational activities mainly relating to the Murrumbidgee River. The Bairanald Caravan Park is situated within the reserve and popular with tourists. The use of part of the reserve by the Bairanald Caravan Park is detailed in **Section 5.9** of this Plan of Management.

2.4 Land Ownership

Bairanald Caravan Park Reserve 68009 is owned by the Crown and is managed by Bairanald Council as Crown Land Manager under the Land Management Act 2016.

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Reserve No. 68009

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land Management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993 (**Figure 3**).

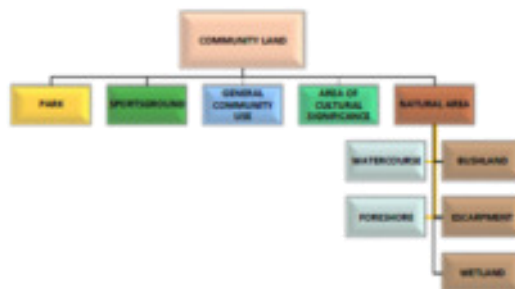


Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the Native Title Act 1993.

In the case of Bairnald Caravan Park, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of **Public Recreation; Resting Place**

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purpose of the land and its usage.

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

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

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for the which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.

3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 *Local Government Act 1993 and Local Government (General) Regulations 2021*

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. The *Local Government (General) Regulation 2021* requires Council to have regard to the guidelines for categorisation of community land set out in *Division 1 Guidelines for the categorisation of community land* (clauses 101 - 111).

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plans objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
- the buildings on the land as at adoption, and
- the use of the buildings and the land as at adoption

Commented [CJ1]: All documents updated to 2021 from 2005 regulations

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Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 *Crown Land Management Act 2016 and Crown Land Management Regulation 2021*

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

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

The Crown Land Management Regulation 2021 removes the deadline for councils managing Crown land (Council Crown land managers) to adopt plans of management for that land by 30 June 2021. A Council Crown land manager no longer must comply with s3.23(7) of the Crown Land Management Act in preparing and adopting the first Plan of Management for Crown land under the Local Government Act. A council will still have to adopt a Plan of Management in accordance with the Local Government Act however, it will not be required to hold a public hearing for the adoption of the Plan of Management where that Plan of Management proposes to alter the categorisation of the land. A Council Crown land manager will be required to obtain the Minister's consent before adopting a Plan of Management.

Commented [KJ2]: Updated to include the change from 2018 to 2021

3.3 *Native Title Act 1993 (Federal)*

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.

3.4 *Aboriginal Land Rights Act 1983*

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* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Councils to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Councils to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made

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in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

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

3.5 Biodiversity Conservation Act 2016

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 Environmental Planning and Assessment Act 1979

The land is zoned as follows under the Balranald Shire Council Local Environmental Plan 2010 (LEP):

- RU 1 Primary Production

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Figure 4 – Land Use Zone for Reserve No. 68009

The objectives of the land use zones are noted below in **Table 1**.

Table 1 – Objectives of Land Use Zones for Reserve No. 68009

Land Use Zone	Objectives
RU 1 Primary Production	<p>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</p> <ul style="list-style-type: none"> • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands.

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Land Use Zone	Objectives
	<ul style="list-style-type: none"> To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and biodiversity of the locality. To support rural communities. To ensure the provision of accommodation for itinerant workers.

Details regarding permitted developments in these land use zones is included in the Bairnald Shire Council LEP 2010.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;
- *Water Management Act 2000*;
- *Companion Animals Act 1998*;
- *Rural Fires Act 1997*;
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*;
- *Biosecurity Act 2015*;
- *Pesticides Act 1999*;
- *State Environmental Planning Policies*;
- *Bairnald Local Environmental Plan 2010*;
- *Guidelines supporting development control plans*; and
- *Council plans, strategies, policies, procedures and guidelines*, generally, as amended.

3.9 Reclassification of Reserves

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines

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provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.10 Review of this Plan

The use and management of Bairnald Caravan Park is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.11 Community Consultation

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re-categorisation would require an addition to the purposes for which the land is dedicated or reserved, but it will not be required to hold a public hearing. The Minister cannot give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

Commented [C3]: This has been altered now to reflect that public hearings are no longer needed

4 CULTURALLY SIGNIFICANT LAND

4.1 Aboriginal Significance

Bairnald is in the country of Muthi Muthi and Watti Watti Nations and members of the community are closely connected to the town and surrounding lands. The Muthi Muthi and Watti Watti people of this region developed a way of life over many generations. Approximately 6.8 per cent of the Shire's population is indigenous.

The Bairnald Local Environmental Plan 2010 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

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- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reserve No. 68009 is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 Non-indigenous Significance

The Bairanald Caravan park reserve was gazetted on 25 November 1938 and was set aside for public recreation and resting place. Council commenced operating a modern caravan park on the site in the 1960s with the construction of a number of cabins and associated facilities. The site contains the left span of the original Bairanald bridge built in the 1880s and demolished following completion of the new highway bridge in the 1970s.

5 DEVELOPMENT AND USE

5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Bairanald Council's corporate objectives as detailed in the following strategic documents:

- Bairanald Community Strategic Plan 2027
- Local Strategic Planning Statement
- Bairanald – Community Engagement Report
- Bairanald Economic Development Strategy
- Bairanald Investment Attraction Plan
- Bairanald Local Environmental Plan 2010

5.2 Bairanald Shire Community Strategic Plan 2027

All New South Wales local councils are required by the Local Government Act 1993 to develop a Community Strategic Plan. The CSP essentially addresses four key questions for the community:

1. Where are we now?
2. Where do we want to be in 10 years time?
3. How will we get there? And,
4. How will we know when we have arrived?

Bairanald Shire 2027 was developed as part of the Integrated Planning and Reporting Framework (IP&R) and is the overarching document that will be supported and integrated into all of Council's other planning documentation. The planning framework is shown in **Figure 5**.

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Figure 5 – Integrated Planning and Reporting (IP&R) Framework

The IP&R framework recognises that communities share similar aspirations, a safe, healthy, and pleasant place to live, a sustainable environment, opportunities for education and employment, and reliable infrastructure. The difference is how each community responds to these needs.

This framework allows Balranald Shire to draw their various plans including state and federal plans together, understand how they interact so that the community can get the maximum benefits from their efforts by planning holistically and sustainably for the future. A Summary of the IP&R framework is given in **Figure 6**.

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Figure 6. A summary of the IP&R Framework.

5.3 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Bairnald Caravan Park Reserve upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Bairnald Caravan Park Reserve

BUILDING DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 - Unserviceable
Access Roads	General Community Use	3
Signage	General Community Use	3
Car Parks	General Community Use	3
Toilet facilities	General Community Use	3
Fencing	General Community Use	3

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BUILDING DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 – Unserviceable
Barbecue and Gazebo	General Community Use	2
Caravan Park facilities	General Community Use	4
Water infrastructure	General Community Use	3
Power	General Community Use	3
Sewer infrastructure	General Community Use	3
Sheds	General Community Use	3

Bairnald Caravan Park Reserve is currently functioning appropriately for the purposes of the area.

5.4 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- Tourist and visitor accommodation
- Water recreational activities
- Public toilet
- Festivals

Council is willing to work with existing and potential users to expand the usage of Bairnald Caravan Park and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.5 Permitted Use Strategic Objectives

As previously noted, the classification of Bairnald Caravan Park is General Community Use with the intended purpose of public recreation. This purpose aligns with the reserve's past and current use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

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5.6 Further Development

Whilst maintenance of existing infrastructure is a priority there is scope to improve the caravan park if the development is in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*. Any review of development would also be in conjunction with the Balranald redevelopment strategy. A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.7 Leases, Licences and other Estates

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

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

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the *Native Title Act 1993*. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

Commented [KJ4]: Text altered to reflect Native Title Act 1993

The Plan of Management reflects the requirements for compliance with sections 46, 46A, 47 and 47A, 47B and 47C of the *Local Government Act* and the requirement for Minister for Local Government's approval for a lease licence or estate over five years, where an objection is received, and for any lease or licence for a term in excess of 21 years (up to the maximum term of 30 years) in accordance with sections 47(5) and 47(8AA) of the *Local Government Act*.

Commented [KJ5]: Additional requirements for compliance added

This Plan of Management expressly authorises the issue of leases, licences and other estates over Balranald Caravan Park, provided that:

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

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

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5.8 Area containing the Bairanald Caravan Park

Part of the Bairanald Caravan Park Reserve contains a caravan park currently owned and operated by the Bairanald Shire Council.

The use of Lot 7032 DP 1028233 for a caravan park is consistent with the following:

- the purpose of the reserve, as detailed in **Section 2.5** of this Plan of Management;
- the objectives of the RU1 – Primary Production land use zone as detailed in the *Bairanald Local Environmental Plan 2010* and the use of the land for the purpose of caravan park is specified as permitted with consent.

Based on the above information, the parcel of land known as Lot 7032 DP 1028233 is approved under this Plan of Management to be utilised for the purpose of a caravan or holiday park. The area of land to be used as a caravan park is 3.5 hectares (unsurveyed) and precludes the area used for boat ramp and associated parking and bushland area adjacent.

In the future, Bairanald Shire Council may seek to lease the caravan park to a private lease. If this is to occur, both the purpose and land zoning of the reserve will apply.

5.9 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.7**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 Plan of Management Objectives

The general objectives of this Plan of Management are shown below in **Table 3**.

Table 3 – Plan of Management Objectives

Plan of Management Objectives	
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.

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6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 Action Plan

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indicators and Targets for Plan of Management Objectives

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.

Plan of Management

Bairanaki Caravan Park Reserve
Reserve No. 68009

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.

Plan of Management
Bairnaldi Caravan Park Reserve
Reserve No. 68009

7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND

7.1 Management Authority

For the purposes of this plan, the management authority for the reserve is Bairnaldi Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorised.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

7.4 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the *Environmental Planning and Assessment Act*.

7.5 Role of Other Activities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

7.7 Principles for the Development of Adjoining Land

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.

Plan of ManagementBairanald Caravan Park Reserve
Reserve No. 68009**7.9 Contract and Volunteer Labour**

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Bairanald Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

7.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is consistent with the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to Council approval prior to the commencement of the activity.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

7.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational program shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.

Plan of ManagementBairanaki Caravan Park Reserve
Reserve No. 68009

Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

The infrequent sale of alcohol by a sporting committee, club or user group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making application for the use of a passive recreational area, if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

7.18 Companion Animals

Pets of patrons are permitted within the park area subject to management discretion and strict compliance with the park rules.

7.19 Parking

Parking is available at the Reserve in designated parking areas. All parking is regulated and monitored for compliance within the council designated parking areas.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.

7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

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7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavor to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

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APPENDIX A NATIVE TITLE ASSESSMENT

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 68009 and is contained in in Lot 7032 DP 1028233, Parish Bairanald, County of Cairn. The land is known as the Bairanald Caravan Park. The Crown is the owner of the land.

Bairanald Caravan Park Reserve was reserved from sale for the public purpose of Public Recreation; Resting Place and in the Government Gazette on 25 November 1938. Bairanald Council is the Crown Land Manager of the Land. The management and use of the and is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Bairanald Caravan Park Plan of Management has been prepared by Council and provides direction as to the use and management of Bairanald Caravan Park – Reserve 68009.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be consider to a future act must take into account the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

2b. If it is, why? If it is not, why not?

The activities authorised under the Plan of Management could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

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Bairanald Caravan Park Reserve
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3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be considered to be future acts within the meaning of Section 233 of the Native Title Act 1993, Council will notify NTSCorp and the Bairanald Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes

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Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 680009 was reserved from sale or lease for purpose of Public recreation; Resting Place, notified in the Government Gazette of 25 November 1938.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 25 November 1938.

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Public Recreation; Resting Place.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.



Balranald
Shire
COUNCIL

PLAN OF MANAGEMENT

**BALRANALD PRESCHOOL
RESERVE**

RESERVE No. 89742

Plan of Management

Bairanald Preschool Reserve
Reserve No. 89742

PLAN OF MANAGEMENT DOCUMENT CONTROL

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version				
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)

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Appendix A Native Title Assessment

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Balranald Preschool Reserve
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1 KEY INFORMATION

The Balranald Preschool Reserve Plan of Management (Plan of Management) has been prepared by Balranald Council (Council) to provide direction regarding the use and management of Balranald Preschool– Crown Reserve 89742. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The Plan may be used to determine the allocation of resources and funds.

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2 INTRODUCTION

2.1 Background

The name Balranald originates from Scotland and dates back to 1837. Balranald developed as a thriving inland port and was proclaimed a municipality in 1882, becoming the Shire of Balranald in 1956. Balranald is located approximately 850km south west of Sydney and 450km north of Melbourne. The Council is situated within the Western Riverina region of New South Wales. It shares borders with Hay Shire and Murray River Council to the east, Carrathool and Central Darling to the north and Wentworth to west.

The Council provides services and support to a community of approximately 2500 permanent residents across a region covering 20000 square kilometres, including the town of Balranald and the Euston rural villages of Kyalite and Oxley. A map of the local government area is shown below in **Figure 1**.

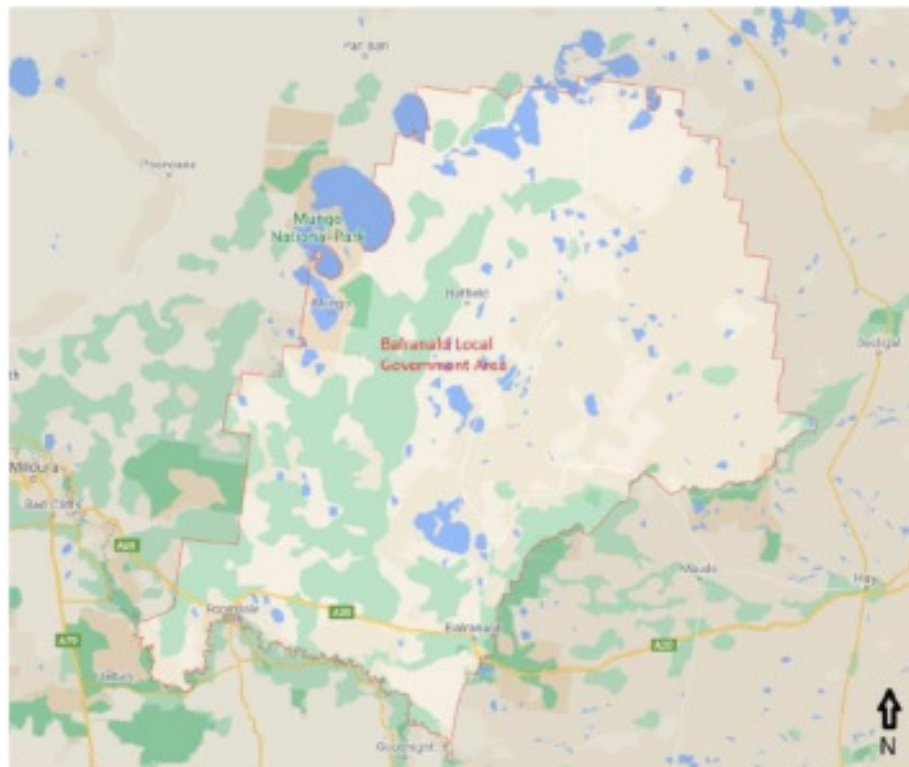


Figure 1 - Balranald Council Local Government Area

Balranald Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.

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2.2 Strategic and Corporate Objectives

Balranald Council has set out several strategic objectives in the Council's Community Development Plan. The statement below is the intended outcome for the Balranald Shire through the implementation of the Balranald Shire 2022, the Shire's community strategic plan:-

"To create a better, more vibrant, more resilient and more engaged community, by capitalising upon its human, cultural, environmental and business assets and encouraging a strong sense of civic participation and pride".

The Community Vision Statement is based upon what the six community Pillars of Well Being that Balranald Shire 2022 identified as central to achieving the Shire's potential and designed state, namely –

1. A community that is proactive, engaged, inclusive and connected.
2. A liveable and thriving community that maintains lifestyle opportunities and addresses levels of hardship and disadvantage experienced by some residents.
3. A community that ensures a strong and resilient economy.
4. A community that respects and celebrates its diverse cultures, heritage and arts.
5. A community that maintains and strengthens its natural and built environment.
6. A community that values and fosters leadership, lifelong learning, innovation and good governance.

These Pillars of Well Being also are the source for the Shire's 18 Strategic Objectives, namely –

OUR PEOPLE

A community that is proactive, engaged, inclusive and connected.

- Create more opportunities for community members to socialise and connect in our community.
- Create and promote opportunities for greater community awareness and participation in the life of our community.
- Involve, support and prepare our young people.

OUR PLACE

A liveable and thriving community that maintains lifestyle opportunities and addresses levels of hardship and disadvantage experienced by some residents.

- Promote our community as a lifestyle, work and business destination.
- Create opportunities to assist community members who are disadvantaged or at risk.
- Provide a wide range of passive and active recreation and sports events, clubs, facilities and opportunities.

OUR ECONOMY

A community ensures a strong and resilient economy.

- Strengthen the capacity and opportunities for our local business communities.
- Develop and promote our community as a desirable place to stop, stay and experience the Outback and river environments of Southern NSW.
- Increase the net number, quality and variety of employment and training opportunities for our community members.

OUR CULTURE

A community that respects and celebrates its diverse cultures, heritage and arts.

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- Promote opportunities to acknowledge and celebrate our diverse cultures and faiths.

OUR INFRASTRUCTURE

- A community that maintains and strengthens its natural and built environment.
- To preserve and enhance our natural environments ensuring they remain sustainable, healthy and clean.
- Promote key communications and infrastructure improvements.
- Undertake key transport and energy infrastructure improvements.

OUR LEADERSHIP

A community that values and fosters leadership, lifelong learning, innovation and good governance.

- Enhance our community capacity through building the local leadership base of the community.
- Maintain a lifelong learning focus in our Shire by providing an ever growing range of skill development, education and training opportunities and facilities.
- Strengthen interagency collaboration and partnerships and facilitate synergistic actions.
- Continually identify and service the necessary financial and technical support to achieve our community aspirations.
- Operate an effective and efficiently managed Council that provides strong civic leadership, sound governance and facilitates community participation and decision making.

The following Community Guiding Principles derived from Balranald Shire 2022 provide the context for the Community Plans. They are a product of the extensive community consultation process undertaken as part of the preparation of Balranald Shire 2022.

Any proposed community action should be measured against these ten guiding principles, namely –

- **Social inclusiveness** – valuing and respecting the contribution of all community members, regardless of age, gender, ability, ethnicity, cultural background or length of residency.
- **Partnership and collaboration** – all organisations committing to cooperate, collaborate and network to ensure maximum positive outcomes for the residents of the Shire.
- **Sense of community** – retaining the unique sense of village, country feel, heritage, safety, freedom and family/community connection.
- **Positive mindset** – fostering community attitudes that embrace change, proactive 'can do' behaviours, optimism, hopefulness, and the belief in the community being architects and builders of their social and economic future.
- **Access and equity** – providing all residents with adequate health, educational, learning, housing and recreational opportunities, facilities and programs.
- **Asset and Opportunity Focus** – building upon local assets, capacities, creativity, diversity and existing initiatives; and facilitating opportunities and experiences that enable all residents to see and experience their communities as places of potential and opportunity.
- **Respect for the environment and sustainable practices** – respecting the natural environment, cultures and heritage and ensuring that the needs of the present are met without compromising the ability of future generations to meet their needs.
- **Celebration** – encouraging pride and times of celebration relating to the community's heritage, uniqueness, cultures and achievements.
- **Transparency and Accountability** – ensuring all initiatives, programs and services have transparent performance monitoring, review and evaluation.
- **Business Excellence** – encouraging a strong, innovative, customer-focused, profitable and collaborative business environment.

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2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 89742 and includes Lots 17-19 Section 88 DP 758048 Parish Balranald County Cairn. The area of the reserve is 2,423.52 m². The Balranald Preschool is located within the reserve (**Figure 2**).

The Balranald Preschool Reserve was gazetted on 27 February 1976 and was set aside for the purpose of Kindergarten. An aerial photograph, outlining the extent of the reserve, is shown below in **Figure 2**.



Figure 2 – Aerial Photograph of Balranald Preschool Reserve (Reserve No. 89742).

The Balranald Preschool Reserve contains the Balranald Preschool. Balranald Preschool is located on Curla lane and Harben street. The school is a highly valued asset of the Balranald community. The use of the reserve as Balranald Preschool is detailed in **Section 5.9** of this Plan of Management.

2.4 Land Ownership

Balranald Preschool Reserve 89742 is owned by the Crown and is managed by Balranald Council as Crown Land Manager under the Land Management Act 2016.

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Balranald Preschool Reserve
Reserve No. 89742

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993 (**Figure 3**).



Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

In the case of Balranald Preschool, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of **Kindergarten**

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purpose of the of the land and its usage.

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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) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for the which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.

3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 Local Government Act 1993 and Local Government (General) Regulations 2021

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. The *Local Government (General) Regulation 2021* requires Council to have regard to the guidelines for categorisation of community land set out in *Division 1 Guidelines for the categorisation of community land* (clauses 101 - 111).

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plans objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
- the buildings on the land as at adoption, and
- the use of the buildings and the land as at adoption

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Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 *Crown Land Management Act 2016 and Crown Land Management Regulation 2021*

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

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

The Crown Land Management Regulation 2021 removes the deadline for councils managing Crown land (Council Crown land managers) to adopt plans of management for that land by 30 June 2021. A Council Crown land manager no longer must comply with s3.23(7) of the Crown Land Management Act in preparing and adopting the first Plan of Management for Crown land under the Local Government Act. A council will still have to adopt a Plan of Management in accordance with the Local Government Act however, it will not be required to hold a public hearing for the adoption of the Plan of Management where that Plan of Management proposes to alter the categorisation of the land. A Council Crown land manager will be required to obtain the Minister's consent before adopting a Plan of Management.

3.3 *Native Title Act 1993 (Federal)*

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.

3.4 *Aboriginal Land Rights Act 1983*

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* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made

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in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

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

3.5 Biodiversity Conservation Act 2016

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 Environmental Planning and Assessment Act 1979

The land is zoned as RU5 Village under the Bairnald Shire Council Local Environmental Plan 2010 (LEP).

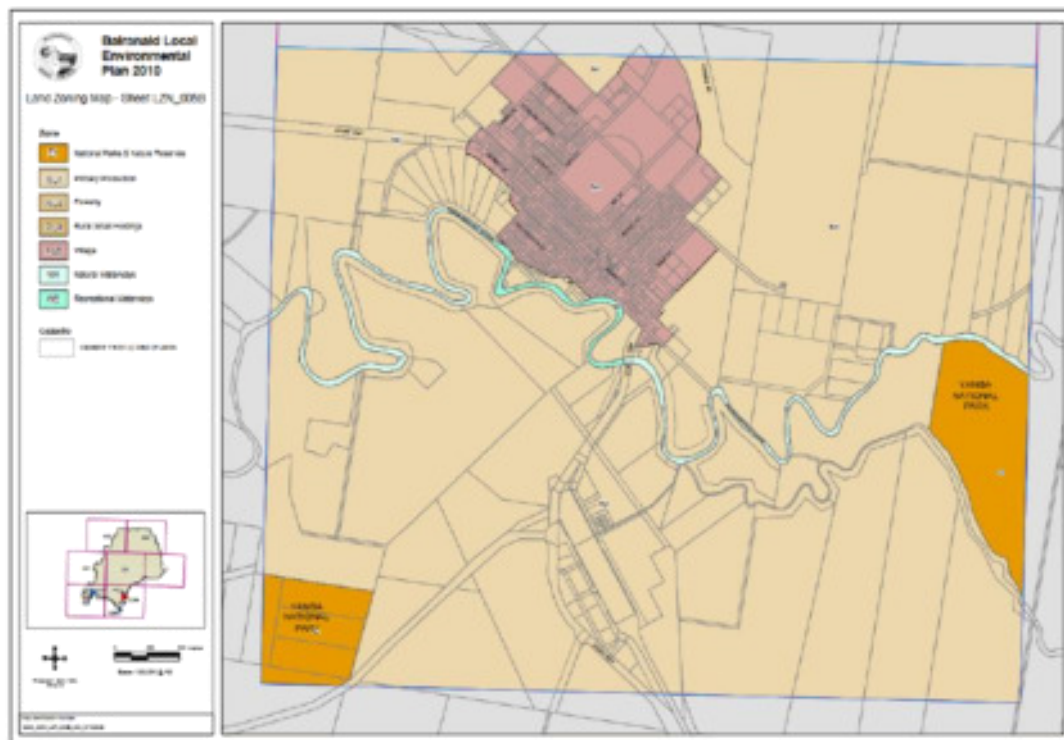


Figure 4 – Land Use Zone for Reserve No. 89742

The objectives of the land use zones are noted below in **Table 1**.

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Table 1 – Objectives of Land Use Zones for Reserve No. 89742

Land Use Zone	Objectives
RU 5 Village	<ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To define the town boundaries of Balranald, Euston and Kyalite. To encourage and provide opportunities for population and local employment growth. To ensure development maintains and contributes to the character of the zone. To protect the amenity of residents. To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services. To retain and facilitate expansion and redevelopment of the existing central business districts of the townships of Balranald and Euston and to further strengthen the core retail functions of those areas.

Details regarding permitted developments in these land use zones is included in the Balranald Shire Council LEP 2010.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;
- *Water Management Act 2000*;
- *Companion Animals Act 1998*;
- *Rural Fires Act 1997*;
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*;
- *Biosecurity Act 2015*;
- *Pesticides Act 1999*;

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- *State Environmental Planning Policies;*
- *Balranald Local Environmental Plan 2010;*
- *Guidelines supporting development control plans; and*
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

3.9 Reclassification of Reserves

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.10 Review of this Plan

The use and management of Balranald Preschool is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.11 Community Consultation

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would require an addition to the purposes for which the land is dedicated or reserved, but it will not be required to hold a public hearing. The Minister cannot give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

4 CULTURALLY SIGNIFICANT LAND

4.1 Aboriginal Significance

Balranald is in the country of Muthi Muthi and Watti Watti Nations and members of the community are closely connected to the town and surrounding lands. The Muthi Muthi and Watti Watti people of this region developed a way of life over many generations. Approximately 6.8 per cent of the Shire's population is indigenous.

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The Balranald Local Environmental Plan 2010 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reserve No. 89742 is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 Non-indigenous Significance

The Balranald Preschool reserve was gazetted on 27 February 1976 and was set aside for Kindergarten. The local school provides educational services to the wider community within and around Balranald.

5 DEVELOPMENT AND USE

5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Balranald Council's corporate objectives as detailed in the following strategic documents:

- Balranald Community Strategic Plan 2027
- Local Strategic Planning Statement
- Balranald – Community Engagement Report
- Balranald Economic Development Strategy
- Balranald Investment Attraction Plan
- Balranald Local Environmental Plan 2010

5.2 Balranald Shire Community Strategic Plan 2027

All New South Wales local councils are required by the Local Government Act 1993 to develop a Community Strategic Plan. The CSP essentially addresses four key questions for the community:

1. Where are we now?
2. Where do we want to be in 10 years time?
3. How will we get there? And,
4. How will we know when we have arrived?

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Balranald Shire 2027 was developed as part of the Integrated Planning and Reporting Framework (IP&R) and is the overarching document that will be supported and integrated into all of Council's other planning documentation. The planning framework is shown in **Figure 5**.



Figure 5 – Integrated Planning and Reporting (IP&R) Framework

The IP&R framework recognises that communities share similar aspirations, a safe, healthy, and pleasant place to live, a sustainable environment, opportunities for education and employment, and reliable infrastructure. The difference is how each community responds to these needs.

This framework allows Balranald Shire to draw their various plans including state and federal plans together, understand how they interact so that the community can get the maximum benefits from their efforts by planning holistically and sustainably for the future. A Summary of the IP&R framework is given in **Figure 6**.

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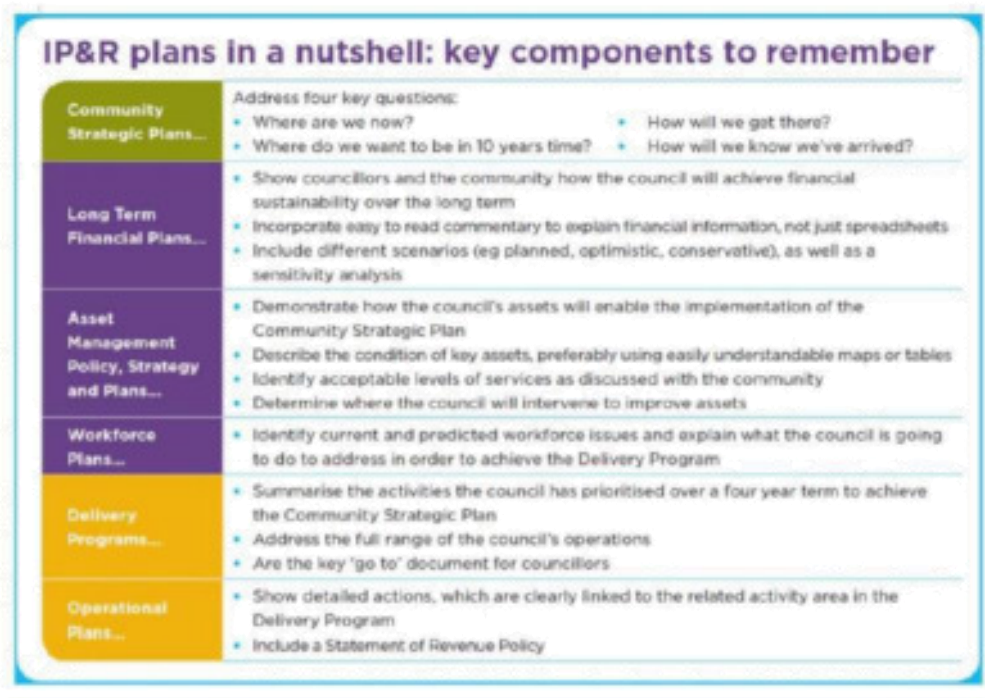
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Figure 6. A summary of the IP&R Framework.

5.3 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Balranald Preschool Reserve upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Balranald Preschool Reserve

BUILDING DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 - Unserviceable
Building	General Community Use	3
Signage	General Community Use	3
Grounds	General Community Use	3
Toilet facilities	General Community Use	3
Fencing	General Community Use	3

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BUILDING DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 - Unserviceable
Power	General Community Use	3
Sewer infrastructure	General Community Use	3

Balranald Preschool Reserve is currently functioning appropriately for the purposes of the area.

5.4 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- Preschool

Council is willing to work with existing and potential users to expand the usage of Balranald Preschool and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.5 Permitted Use Strategic Objectives

As previously noted, the classification of Balranald Preschool is General Community use with the intended purpose of Kindergarten. This purpose aligns with the reserve's past and current use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

5.6 Further Development

Whilst maintenance of existing infrastructure is a priority there is scope to improve Balranald Preschool if the development is in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*. Any review of development would also be in conjunction with the Balranald redevelopment strategy. A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.7 Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities

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and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the *Local Government Regulations 2005* is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

The Plan of Management reflects the requirements for compliance with sections 46, 46A, 47 and 47A, 47B and 47C of the Local Government Act and the requirement for Minister for Local Government's approval for a lease licence or estate over five years, where an objection is received, and for any lease or licence for a term in excess of 21 years (up to the maximum term of 30 years) in accordance with sections 47(5) and 47(8AA) of the Local Government Act.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Bairnald Caravan Park, provided that:

- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993*;
- the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government Regulations 2005;
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

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

5.8 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.7**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 Plan of Management Objectives

The general objectives of this Plan of Management are shown below in **Table 3**.

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Table 3 – Plan of Management Objectives

	Plan of Management Objectives
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 Action Plan

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indicators and Targets for Plan of Management Objectives

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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.

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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.

7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND

7.1 Management Authority

For the purposes of this plan, the management authority for the reserve is Bairanald Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorised.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

Plan of ManagementBalranald Preschool Reserve
Reserve No. 89742**7.4 Environmental Assessment of Activities**

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

7.5 Role of Other Activities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the Crown Land Management Act 2016 and the Local Government Act 1993.

7.7 Principles for the Development of Adjoining Land

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.

7.9 Contract and Volunteer Labour

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Balranald Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

Plan of ManagementBalranald Preschool Reserve
Reserve No. 89742**7.12 Commercial Activities**

Commercial activities may be carried out on the land, provided that the activity is consistent with the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to Council approval prior to the commencement of the activity.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

7.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational program shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.

Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

Alcohol is not permitted on the reserve.

7.18 Companion Animals

Pets of patrons are permitted within the Preschool and subject to management discretion and strict compliance with the reserve rules.

7.19 Parking

Parking is available along the street adjacent to the reserve. All parking is regulated and monitored for compliance within the council designated parking areas.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title

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Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.

7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavor to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

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7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

Plan of ManagementBalranald Preschool Reserve
Reserve No. 89742**APPENDIX A NATIVE TITLE ASSESSMENT**

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 89742 and is contained in Lots 17-19 Section 88 DP 758048 Parish Balranald County Caira. The land is known as the Balranald Preschool. The Crown is the owner of the land.

Balranald Preschool Reserve was reserved from sale for the public purpose of Kindergarten; and in the Government Gazette on 27 February 1976. Balranald Council is the Crown Land Manager of the Land. The management and use of the land is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Balranald Preschool Plan of Management has been prepared by Council and provides direction as to the use and management of Balranald Preschool– Reserve 89742.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered to be a future act must take into account the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

2b. If it is, why? If it is not, why not?

The activities authorised under the Plan of Management could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

Plan of Management

Balranald Preschool Reserve
Reserve No. 89742

3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be considered to be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Balranald Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes

Plan of Management

Bairanald Preschool Reserve
Reserve No. 89742

Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 89742 was reserved from sale or lease for purpose of Kindergarten; notified in the Government Gazette of 27 February 1976.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 27 February 1976 .

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Kindergarten.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.



Balranald
Shire
COUNCIL

PLAN OF MANAGEMENT

CHASTON BUILDING RESERVE

RESERVE No. 85196

Plan of ManagementChaston Building Reserve
Reserve No. 85196**PLAN OF MANAGEMENT DOCUMENT CONTROL**

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version				
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)

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Reserve No. 85196**Contents**

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Chaston Building Reserve
Reserve No. 85196

1 KEY INFORMATION

The Chaston Building Reserve Plan of Management (Plan of Management) has been prepared by Balranald Council (Council) to provide direction regarding the use and management of Chaston Building Reserve– Crown Reserve 85196. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The Plan may be used to determine the allocation of resources and funds.

Plan of Management

Chaston Building Reserve
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2 INTRODUCTION

2.1 Background

The name Balranald originates from Scotland and dates back to 1837. Balranald developed as a thriving inland port and was proclaimed a municipality in 1882, becoming the Shire of Balranald in 1956. Balranald is located approximately 850km south west of Sydney and 450km north of Melbourne. The Council is situated within the Western Riverina region of New South Wales. It shares borders with Hay Shire and Murray River Council to the east, Carrathool and Central Darling to the north and Wentworth to west.

The Council provides services and support to a community of approximately 2500 permanent residents across a region covering 20000 square kilometres, including the town of Balranald and the Euston rural villages of Kyalite and Oxley. A map of the local government area is shown below in **Figure 1**.

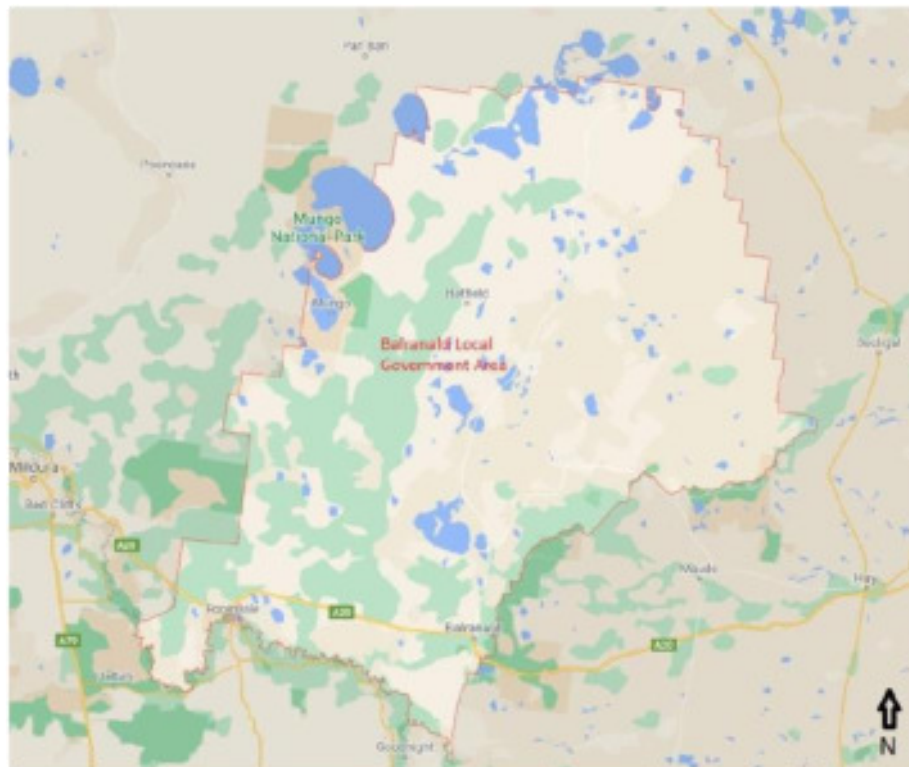


Figure 1 - Balranald Council Local Government Area

Balranald Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.

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Chaston Building Reserve
Reserve No. 85196

2.2 Strategic and Corporate Objectives

Balranald Council has set out several strategic objectives in the Council's Community Development Plan. The statement below is the intended outcome for the Balranald Shire through the implementation of the Balranald Shire 2022, the Shire's community strategic plan:-

"To create a better, more vibrant, more resilient and more engaged community, by capitalising upon its human, cultural, environmental and business assets and encouraging a strong sense of civic participation and pride".

The Community Vision Statement is based upon what the six community Pillars of Well Being that Balranald Shire 2022 identified as central to achieving the Shire's potential and designed state, namely –

1. A community that is proactive, engaged, inclusive and connected.
2. A liveable and thriving community that maintains lifestyle opportunities and addresses levels of hardship and disadvantage experienced by some residents.
3. A community that ensures a strong and resilient economy.
4. A community that respects and celebrates its diverse cultures, heritage and arts.
5. A community that maintains and strengthens its natural and built environment.
6. A community that values and fosters leadership, lifelong learning, innovation and good governance.

These Pillars of Well Being also are the source for the Shire's 18 Strategic Objectives, namely –

OUR PEOPLE

A community that is proactive, engaged, inclusive and connected.

- Create more opportunities for community members to socialise and connect in our community.
- Create and promote opportunities for greater community awareness and participation in the life of our community.
- Involve, support and prepare our young people.

OUR PLACE

A liveable and thriving community that maintains lifestyle opportunities and addresses levels of hardship and disadvantage experienced by some residents.

- Promote our community as a lifestyle, work and business destination.
- Create opportunities to assist community members who are disadvantaged or at risk.
- Provide a wide range of passive and active recreation and sports events, clubs, facilities and opportunities.

OUR ECONOMY

A community ensures a strong and resilient economy.

- Strengthen the capacity and opportunities for our local business communities.
- Develop and promote our community as a desirable place to stop, stay and experience the Outback and river environments of Southern NSW.
- Increase the net number, quality and variety of employment and training opportunities for our community members.

OUR CULTURE

A community that respects and celebrates its diverse cultures, heritage and arts.

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Chaston Building Reserve
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- Promote opportunities to acknowledge and celebrate our diverse cultures and faiths.

OUR INFRASTRUCTURE

- A community that maintains and strengthens its natural and built environment.
- To preserve and enhance our natural environments ensuring they remain sustainable, healthy and clean.
- Promote key communications and infrastructure improvements.
- Undertake key transport and energy infrastructure improvements.

OUR LEADERSHIP

A community that values and fosters leadership, lifelong learning, innovation and good governance.

- Enhance our community capacity through building the local leadership base of the community.
- Maintain a lifelong learning focus in our Shire by providing an ever growing range of skill development, education and training opportunities and facilities.
- Strengthen interagency collaboration and partnerships and facilitate synergistic actions.
- Continually identify and service the necessary financial and technical support to achieve our community aspirations.
- Operate an effective and efficiently managed Council that provides strong civic leadership, sound governance and facilitates community participation and decision making.

The following Community Guiding Principles derived from Balranald Shire 2022 provide the context for the Community Plans. They are a product of the extensive community consultation process undertaken as part of the preparation of Balranald Shire 2022.

Any proposed community action should be measured against these ten guiding principles, namely –

- **Social inclusiveness** – valuing and respecting the contribution of all community members, regardless of age, gender, ability, ethnicity, cultural background or length of residency.
- **Partnership and collaboration** – all organisations committing to cooperate, collaborate and network to ensure maximum positive outcomes for the residents of the Shire.
- **Sense of community** – retaining the unique sense of village, country feel, heritage, safety, freedom and family/community connection.
- **Positive mindset** – fostering community attitudes that embrace change, proactive 'can do' behaviours, optimism, hopefulness, and the belief in the community being architects and builders of their social and economic future.
- **Access and equity** – providing all residents with adequate health, educational, learning, housing and recreational opportunities, facilities and programs.
- **Asset and Opportunity Focus** – building upon local assets, capacities, creativity, diversity and existing initiatives; and facilitating opportunities and experiences that enable all residents to see and experience their communities as places of potential and opportunity.
- **Respect for the environment and sustainable practices** – respecting the natural environment, cultures and heritage and ensuring that the needs of the present are met without compromising the ability of future generations to meet their needs.
- **Celebration** – encouraging pride and times of celebration relating to the community's heritage, uniqueness, cultures and achievements.
- **Transparency and Accountability** – ensuring all initiatives, programs and services have transparent performance monitoring, review and evaluation.
- **Business Excellence** – encouraging a strong, innovative, customer-focused, profitable and collaborative business environment.

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2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 85196 and includes Lot 11 Section 89 DP 758048 Parish Balranald County Caira. The area of the reserve is 747.24 m². The Balranald Library is located within the reserve (**Figure 2**).

The Chaston Building Reserve was gazetted on 22 January 1965 and was set aside for the purpose of Local Government Purposes. An aerial photograph, outlining the extent of the reserve, is shown below in **Figure 2**.



Figure 2 – Aerial Photograph of Chaston Building Reserve Trust Reserve (Reserve No. 85196).

The Chaston Building Reserve Trust Reserve contains the Balranald Library. Balranald Library is located on the corner of Market and We Streets, directly opposite the Balranald Fire Station. The library is a highly valued asset of the Balranald community. The use of the reserve as Chaston Building Reserve Trust is detailed in **Section 5.9** of this Plan of Management.

2.4 Land Ownership

Chaston Building Reserve 85196 is owned by the Crown and is managed by Balranald Council as Crown Land Manager under the Land Management Act 2016.

Plan of Management

Chaston Building Reserve
Reserve No. 85196

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993 (**Figure 3**).



Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

In the case of Chaston Building Reserve, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of **Local Government Purposes**

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purpose of the of the land and its usage.

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Chaston Building Reserve
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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) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.

3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 Local Government Act 1993 and Local Government (General) Regulations 2021

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. The *Local Government (General) Regulation 2021* requires Council to have regard to the guidelines for categorisation of community land set out in *Division 1 Guidelines for the categorisation of community land* (clauses 101 - 111).

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plans objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
- the buildings on the land as at adoption, and
- the use of the buildings and the land as at adoption

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Chaston Building Reserve
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Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 *Crown Land Management Act 2016 and Crown Land Management Regulation 2021*

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

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

The Crown Land Management Regulation 2021 removes the deadline for councils managing Crown land (Council Crown land managers) to adopt plans of management for that land by 30 June 2021. A Council Crown land manager no longer must comply with s3.23(7) of the Crown Land Management Act in preparing and adopting the first Plan of Management for Crown land under the Local Government Act. A council will still have to adopt a Plan of Management in accordance with the Local Government Act however, it will not be required to hold a public hearing for the adoption of the Plan of Management where that Plan of Management proposes to alter the categorisation of the land. A Council Crown land manager will be required to obtain the Minister's consent before adopting a Plan of Management.

3.3 *Native Title Act 1993 (Federal)*

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.

3.4 *Aboriginal Land Rights Act 1983*

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* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made

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in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

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

3.5 Biodiversity Conservation Act 2016

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 Environmental Planning and Assessment Act 1979

The land is zoned as RU 5 Village under the Balranald Shire Council Local Environmental Plan 2010 (LEP):

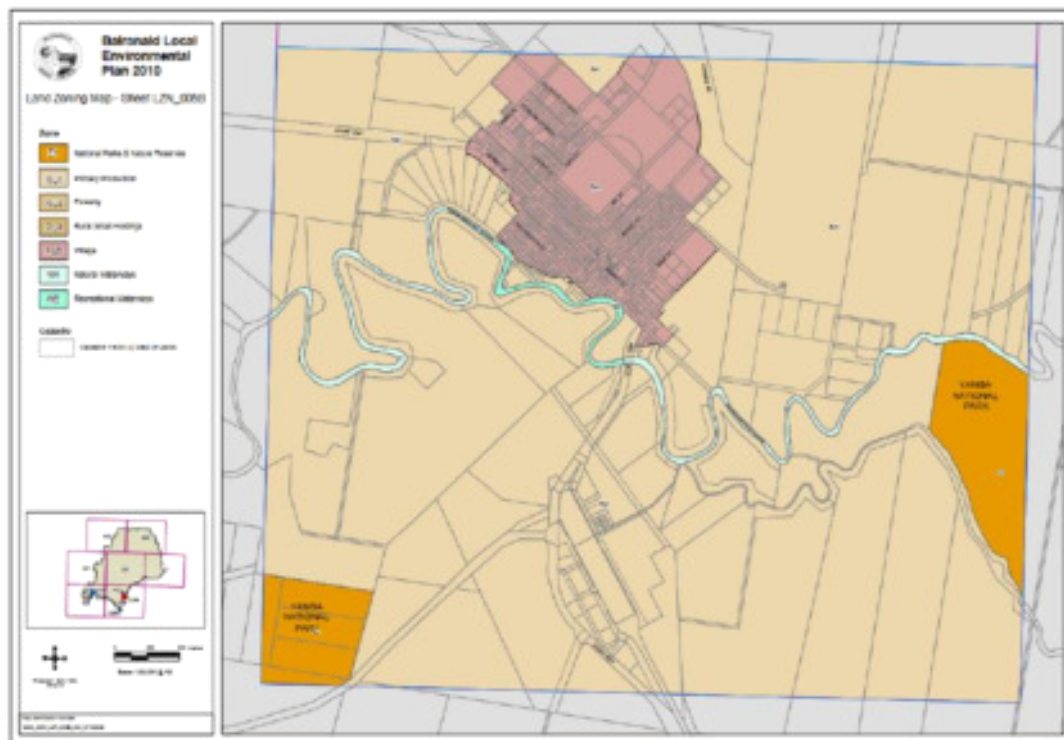


Figure 4 – Land Use Zone for Reserve No. 85196

The objectives of the land use zones are noted below in **Table 1**.

Table 1 – Objectives of Land Use Zones for Reserve No. 85196

Plan of ManagementChaston Building Reserve
Reserve No. 85196

Land Use Zone	Objectives
RU 5 Village	<ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To define the town boundaries of Balranald, Euston and Kyalite. To encourage and provide opportunities for population and local employment growth. To ensure development maintains and contributes to the character of the zone. To protect the amenity of residents. To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services. To retain and facilitate expansion and redevelopment of the existing central business districts of the townships of Balranald and Euston and to further strengthen the core retail functions of those areas.

Details regarding permitted developments in these land use zones is included in the Balranald Shire Council LEP 2010.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;
- *Water Management Act 2000*;
- *Companion Animals Act 1998*;
- *Rural Fires Act 1997*;
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*;
- *Biosecurity Act 2015*;
- *Pesticides Act 1999*;
- *State Environmental Planning Policies*;
- *Balranald Local Environmental Plan 2010*;
- *Guidelines supporting development control plans*; and

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- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

3.9 Reclassification of Reserves

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.10 Review of this Plan

The use and management of Chaston Building Reserve is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.11 Community Consultation

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would require an addition to the purposes for which the land is dedicated or reserved, but it will not be required to hold a public hearing. The Minister cannot give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

Plan of ManagementChaston Building Reserve
Reserve No. 85196**4 CULTURALLY SIGNIFICANT LAND****4.1 Aboriginal Significance**

Balranald is in the country of Muthi Muthi and Watti Watti Nations and members of the community are closely connected to the town and surrounding lands. The Muthi Muthi and Watti Watti people of this region developed a way of life over many generations. Approximately 6.8 per cent of the Shire's population is indigenous.

The Balranald Local Environmental Plan 2010 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reserve No. 85196 is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 Non-Indigenous Significance

The Chaston Building Reserve was gazetted on 22 January 1965 and was set aside for Local Government Purposes. The library services the wider community within and around Balranald.

5 DEVELOPMENT AND USE**5.1 Overview**

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Balranald Council's corporate objectives as detailed in the following strategic documents:

- Balranald Community Strategic Plan 2027
- Local Strategic Planning Statement
- Balranald – Community Engagement Report
- Balranald Economic Development Strategy
- Balranald Investment Attraction Plan
- Balranald Local Environmental Plan 2010

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5.2 Balranald Shire Community Strategic Plan 2027

All New South Wales local councils are required by the Local Government Act 1993 to develop a Community Strategic Plan. The CSP essentially addresses four key questions for the community:

1. Where are we now?
2. Where do we want to be in 10 years time?
3. How will we get there? And,
4. How will we know when we have arrived?

Balranald Shire 2027 was developed as part of the Integrated Planning and Reporting Framework (IP&R) and is the overarching document that will be supported and integrated into all of Council's other planning documentation. The planning framework is shown in **Figure 5**.



Figure 5 – Integrated Planning and Reporting (IP&R) Framework

The IP&R framework recognises that communities share similar aspirations, a safe, healthy, and pleasant place to live, a sustainable environment, opportunities for education and employment, and reliable infrastructure. The difference is how each community responds to these needs.

This framework allows Balranald Shire to draw their various plans including state and federal plans together, understand how they interact so that the community can get the maximum benefits from

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their efforts by planning holistically and sustainably for the future. A Summary of the IP&R framework is given in **Figure 6**.

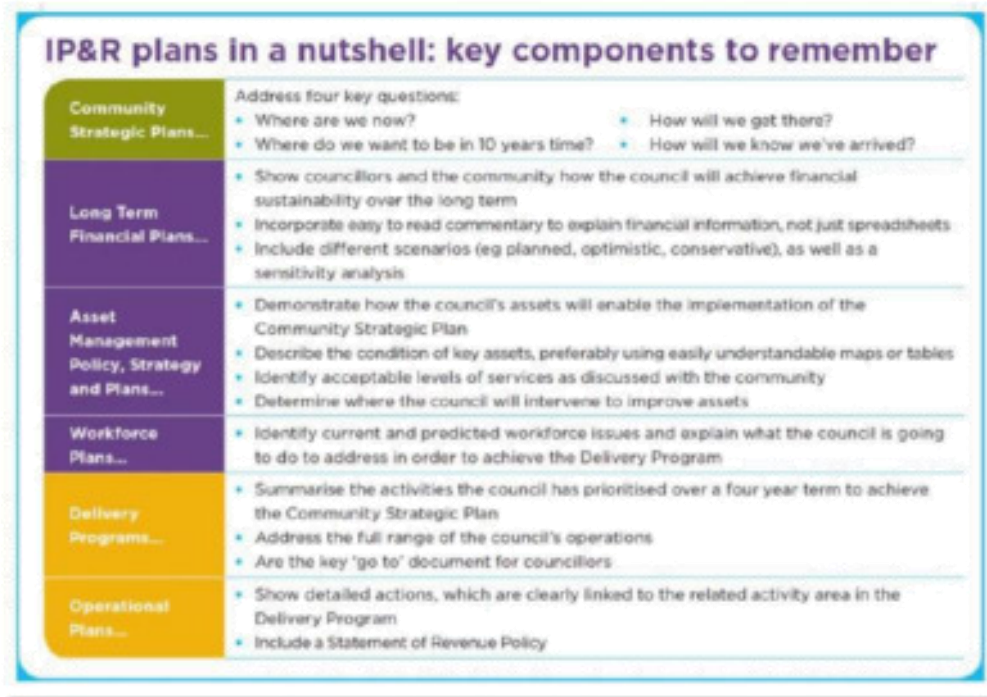


Figure 6. A summary of the IP&R Framework.

5.3 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Chaston Building Reserve Trust Reserve upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Chaston Building Reserve Trust Reserve

BUILDING DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 - Unserviceable
Building	General Community use	3
Signage	General Community use	3
Toilet facilities	General Community use	3
Fencing	General Community use	3
Power	General Community use	3
Sewer infrastructure	General Community use	3

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Chaston Building Reserve is currently functioning appropriately for the purposes of the area.

5.4 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- Library
- Meeting room
- Playground
- Historic CWA restrooms

Council is willing to work with existing and potential users to expand the usage of Chaston Building Reserve and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.5 Permitted Use Strategic Objectives

As previously noted, the classification of Chaston Building Reserve is General Community use with the intended purpose of Local Government Purposes. This purpose aligns with the reserve's past and current use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

5.6 Further Development

Whilst maintenance of existing infrastructure is a priority there is scope to improve Chaston Building Reserve if the development is in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*. Any review of development would also be in conjunction with the Balranald redevelopment strategy. A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.7 Leases, Licences and other Estates

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

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

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the *Native Title Act 1993*. The authorisation should ensure the

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proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

The Plan of Management reflects the requirements for compliance with sections 46, 46A, 47 and 47A, 47B and 47C of the Local Government Act and the requirement for Minister for Local Government's approval for a lease licence or estate over five years, where an objection is received, and for any lease or licence for a term in excess of 21 years (up to the maximum term of 30 years) in accordance with sections 47(5) and 47(8AA) of the Local Government Act.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Balranald Caravan Park, provided that:

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

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

5.8 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.7**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 Plan of Management Objectives

The general objectives of this Plan of Management are shown below in **Table 3**.

Table 3 – Plan of Management Objectives

Plan of Management Objectives	
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.

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3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 Action Plan

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indicators and Targets for Plan of Management Objectives

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.

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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.

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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.

7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND**7.1 Management Authority**

For the purposes of this plan, the management authority for the reserve is Balranald Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorised.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

7.4 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

7.5 Role of Other Authorities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

Plan of ManagementChaston Building Reserve
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Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.

7.9 Contract and Volunteer Labour

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Balranald Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

7.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is consistent with the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to Council approval prior to the commencement of the activity.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

Plan of ManagementChaston Building Reserve
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Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational program shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.

Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

Alcohol is only permitted in association with officially sanctioned events and subject to NSW licencing requirements.

7.18 Companion Animals

Pets of patrons are not permitted directly within the Library.

7.19 Parking

Parking is available along each street adjacent to the reserve. All parking is regulated and monitored for compliance within the council designated parking areas.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.

7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

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Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavor to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

Plan of ManagementChaston Building Reserve
Reserve No. 85196**APPENDIX A NATIVE TITLE ASSESSMENT**

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 85196 and is contained Lot 11 Section 89 DP 758048 Parish Balranald County Caira. The land is known as the Chaston Building Reserve. The Crown is the owner of the land.

Chaston Building Reserve was reserved from sale for the public purpose of Local Government Purposes; and in the Government Gazette on 22 January 1965. Balranald Council is the Crown Land Manager of the Land. The management and use of the land is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Chaston Building Reserve Plan of Management has been prepared by Council and provides direction as to the use and management of Chaston Building Reserve 85196.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered to be a future act must take into account the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

2b. If it is, why? If it is not, why not?

The activities authorised under the Plan of Management could be considered to be a future act within the meaning of Section 233 of the Native Title Act 1993.

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3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be considered to be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Balranald Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes

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Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 680009 was reserved from sale or lease for purpose of Local Government Purposes; notified in the Government Gazette of 22 January 1965.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 22 January 1965.

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Local Government Purposes.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.
