



ATTACHMENTS

Ordinary Council Meeting

Tuesday, 16 August 2022

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**Balranald Shire Council Beautification Advisory Committee - Balranald
Minutes of Meeting held at the Balranald Shire Council Chambers
Tuesday 14th June 2022**



Meeting Opened with Acknowledge of Country recited by Toni Tyrer – Chairperson of the Balranald Shire Council Beautification Advisory Committee – at 17:05hrs

Present: Val Bradbury, Gaye Renfrey, Connie Mallet (BSC Tourism, Communications and Events Coordinator), Jeff Sowiak (BSC General Manager), Lea Lawrie, Toni Tyrer (BBAC Chairperson), Penny Jolliffe, Sue Morton, Fiona Scoleri (BSC Executive Assistant) and Karen Norfolk (BBAC Secretary)

Apologies: Lynne Carter

Minutes Read and Accepted: Moved by Val Bradbury and Seconded by Gaye Renfrey

Business Arising from Previous Minutes:

- Fiona Scoleri still waiting for feedback from the members of the Beautification Committee in regards to the lions Park Upgrade. Fiona is also still waiting to hear back from Brett and Sally Morton and Kateena Boulton. Feedback to be in by Friday 17th June 2022.
- Once the floodwater goes away, seating will be placed on the Common Land side of the River at the end of the Walking Track (Swimming Bend). It was also mentioned that a seat to go on the Common Land Side of the River facing out to look across to Mayall Street. Maybe go for a walk when the floodwaters go away and safe to walk the Walking Tracks.
- The tree that will eventually block the view of the banner on the Royal Theatre Wall will be removed.

CORRESPONDENCE IN:

- Email from Fiona Scoleri – Lions Park Comments Needed Urgently Please
- Email from Sue Morton – re Notice of Meeting
- Email from Val Bradbury – re Notice of Meeting
- Email from Lea Lawrie – re Notice of Meeting
- Email from Gaye Renfrey – Windmill Update
- Email from Carol Holmes – Meeting

CORRESPONDENCE OUT:

- Email to BBAC Members and Balranald Shire Council – Notice of Meeting
- Email to Carol Holmes, Mike Colreavy, Jeff Sowiak and Balranald Shire Council – Postponement of BBAC Meeting
- Email to Connie Mallet – BBAC Meeting, Minutes and Agenda
- Email to Carol Holmes, Mike Colreavy, Jeff Sowiak and Balranald Shire Council – BBAC Minutes and Agenda
- Email to BBAC Members – BBAC Minutes and Agenda

Moved by Karen Norfolk and Seconded by Lea Lawrie

BALRANALD BEAUTIFICATION FINANCIAL STATEMENT:

- Balance same as May Meeting – \$9,460.00

Balranald Shire Council Update:

- Jeff Sowiak passed around the Proposed Alternations to the Balranald Visitor Centre Documentation, which showed the new design for the Visitor Centre. Everyone was very impressed with the new design.
- Jeff also passed around the Draft Settlement Strategy (Enhancement and Growth) Documentation for the BBAC to look at and give feedback on.
- Connie Mallet is looking into a grant for a Storage Shed plus 50 Chairs for the Cemetery.

COMMITTEE PRIORITIES: Windmill Project Update

- The drive out to Willow Vale was a successful day. Gaye Renfrey and Sue Morton represented the BBAC. Richard Lucas – Works Coordinator represented the Balranald Shire Council and Des Renfrey went along for drive.
- The windmill from Willow Vale is small enough to fit into the new location – the most Eastern Comer of the Discovery Centre.
- Gaye Renfrey, Errol Bradbury and Alan Lodge (BSC Representative) will head out to Willow Vale soon again for Alan to do a Safety Audit.
- Connie Mallet is happy to work with the BBAC to do up a grant to get funding for the Windmill Project. We need to put a project plan together – story behind the windmill, the significant of windmills to Balranald, costing of the plaque with the story on it, etc. David Eastburn and Adrian Gorman happy to put together the story of the windmill. Gaye has asked Errol Bradbury for a quote of costing for the project.
- Connie will email the BBAC Committee Members the template for the Grant Funding.

RECOMMENDATIONS:

- No recommendations were made at this meeting

ITEMS WITHOUT NOTICE:

- Gaye Renfrey made mention of the replacement rose bushes down the Main Street, as it is the time to plant the bushes. Discuss more at the next meeting.

Next Meeting: To be Notified

Meeting Closed: 18:00hrs

Euston Progressive Advisory Committee

Monday 25th July 2022

Opening Meeting at 6.05pm

Acknowledgement of Country

Present:

Guy Fielding, Jeff Sowiak, Kerry Jones, Rusty Roberts, Glen Stewart, Geoff Windmill, Santina Zappia.

Minutes of Previous Meeting:

Moved:

Apologies

Jan Windmill, Louie Zaffina, Gray Woodhead.

Matters Arising:

- Kerry now has copies of the oval irrigation plans
- Rusty, Geoff, Gray & Louie had a meeting with Ossie Cummins at the footy oval to see what needs to be done. Ossie Cummins will give the committee options on what needs to be done and we are also waiting on quotes from him.
- Louie has sent a message saying he had spoken to Helen Dulton and meeting with Julie Jewel, (from Helen's office), regarding funding. Their suggestion was to go through Cara at C2 Hills Agency to apply for funding. The fees from C2 Agency are \$2500 upfront then 10% of the grant if successful. Kerry advised against going through C2 Agency as it would be too costly. Glen will look into what other sports grants are available.
- Kerry informed us the survey on the boundary of The Euston Recreation Reserve have been done. Council is still in negotiations on the local roads.
- IPLAN Project: comments have been forwarded on to the consultants.
- Rusty asked about the progress on the front fence & entrance to The Euston Recreation Reserve, Council to follow up.
- Glen informed us that funding of \$1.6 million, has come through for The Robinvale/Euston Workforce Network.

Agenda Items:

Correspondence:

Jeff has supplied a list of Council Staff and positions. This will be displayed at the Euston Post Office.

Carol from Council sent email regarding receiving minutes from last month's meeting.

Items Without Notice:

Jeff: Toilets have been cleaned and they are having upgrades done

Rusty: Spouting on clubrooms need to be repaired

Santina: Is it possible to ask ACM on the entrance to Euston, to clean up their frontage.

Meeting Closed 7.10pm.

Next Meeting; Monday August 29th, 2022



Balranald
Shire
COUNCIL

PLAN OF MANAGEMENT

BALRANALD PRESCHOOL RESERVE

RESERVE No. 89742

Plan of ManagementBalranald 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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Reserve No. 89742**Contents**

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Balranald Preschool Reserve
Reserve No. 89742

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.

Plan of ManagementBalranald Preschool Reserve
Reserve No. 89742**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**.

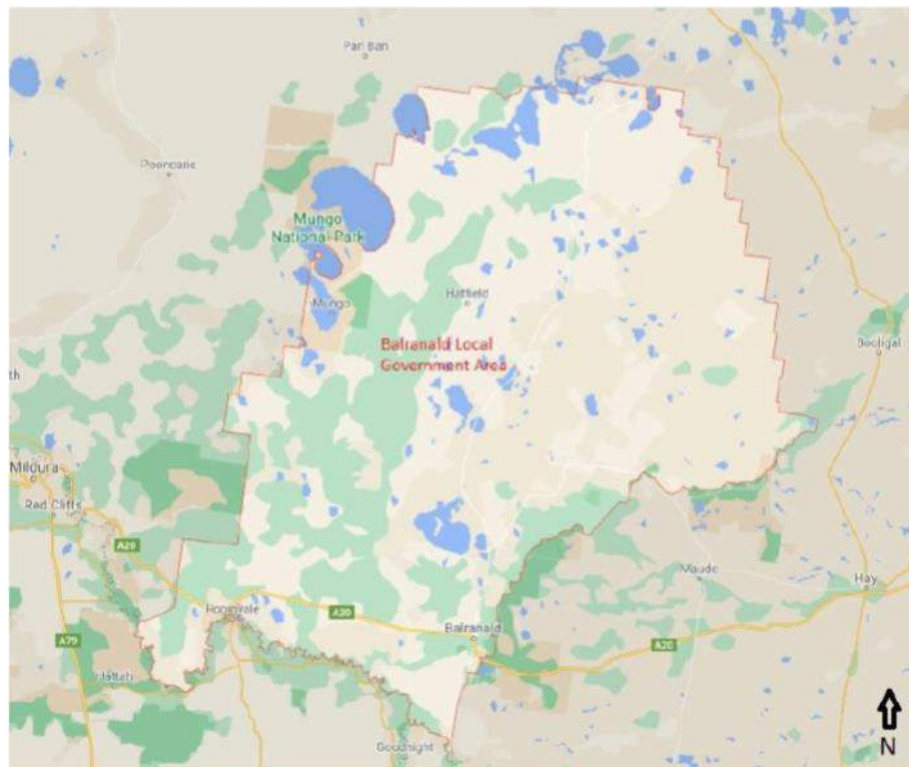


Figure 1 - Balranald Council Local Government Area

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*.

Plan of ManagementBalranald Preschool Reserve
Reserve No. 89742**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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Balranald Preschool Reserve
Reserve No. 89742

- 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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Balranald Preschool Reserve
Reserve No. 89742

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 Caira. 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.

Plan of Management

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**).

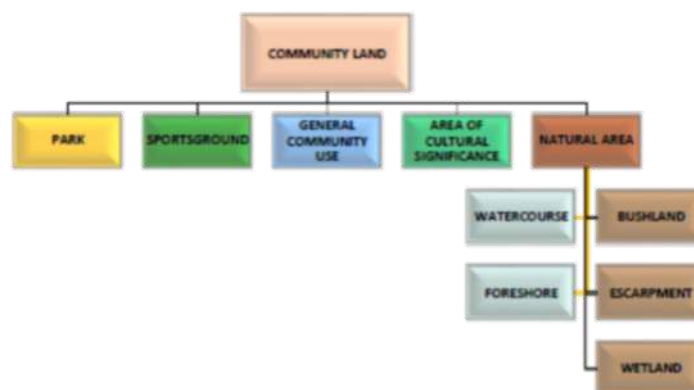


Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

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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Balranald Preschool Reserve
Reserve No. 89742

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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Balranald Preschool 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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Balranald Preschool Reserve
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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 Balranald Shire Council Local Environmental Plan 2010 (LEP).

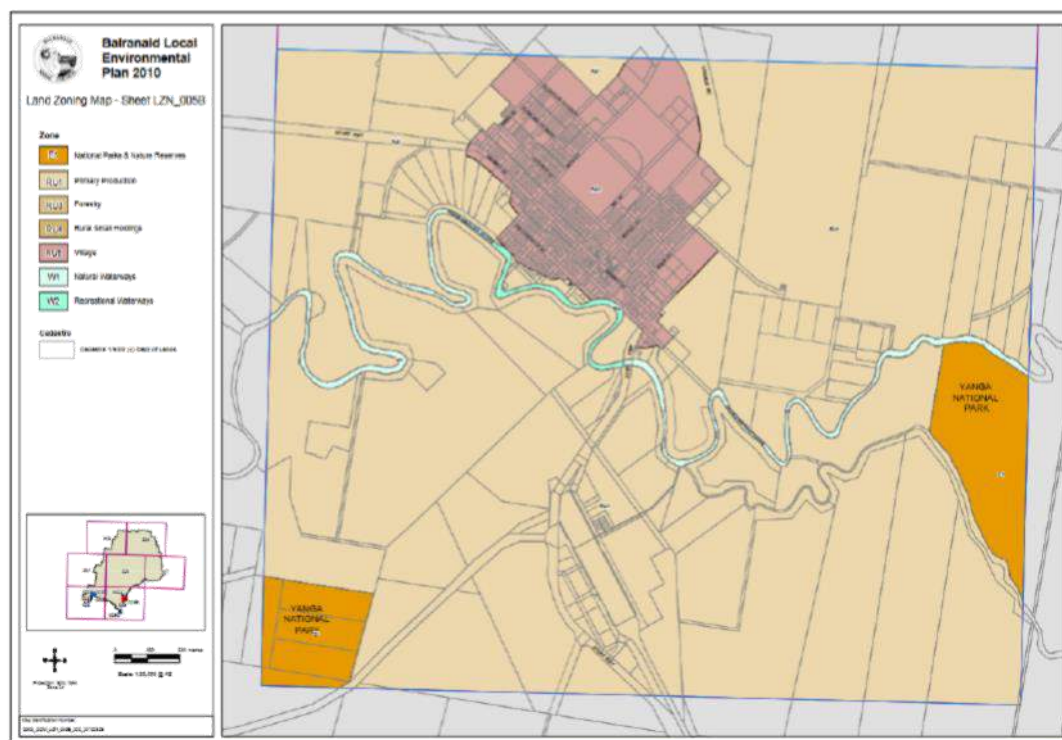


Figure 4 – Land Use Zone for Reserve No. 89742

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

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Balranald Preschool Reserve
Reserve No. 89742

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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Balranald Preschool Reserve
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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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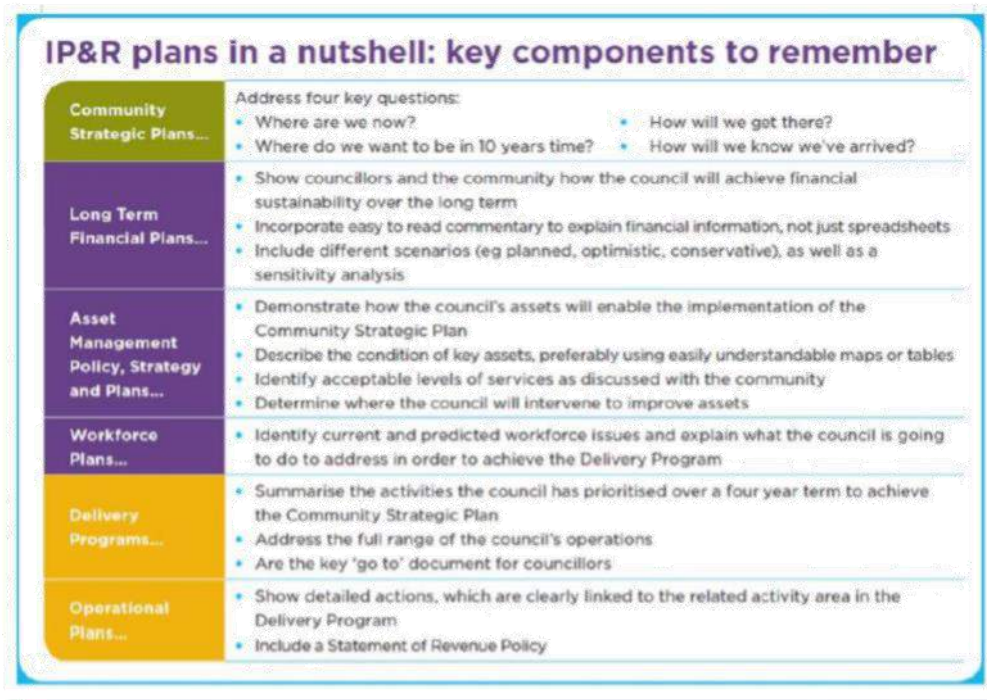


Figure 6. A summary of the IP&R Framework.

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 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 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**.

Plan of ManagementBalranald Preschool Reserve
Reserve No. 89742**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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Balranald Preschool Reserve
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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 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.

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.

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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 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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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 ManagementChaston Building Reserve
Reserve No. 85196**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**.

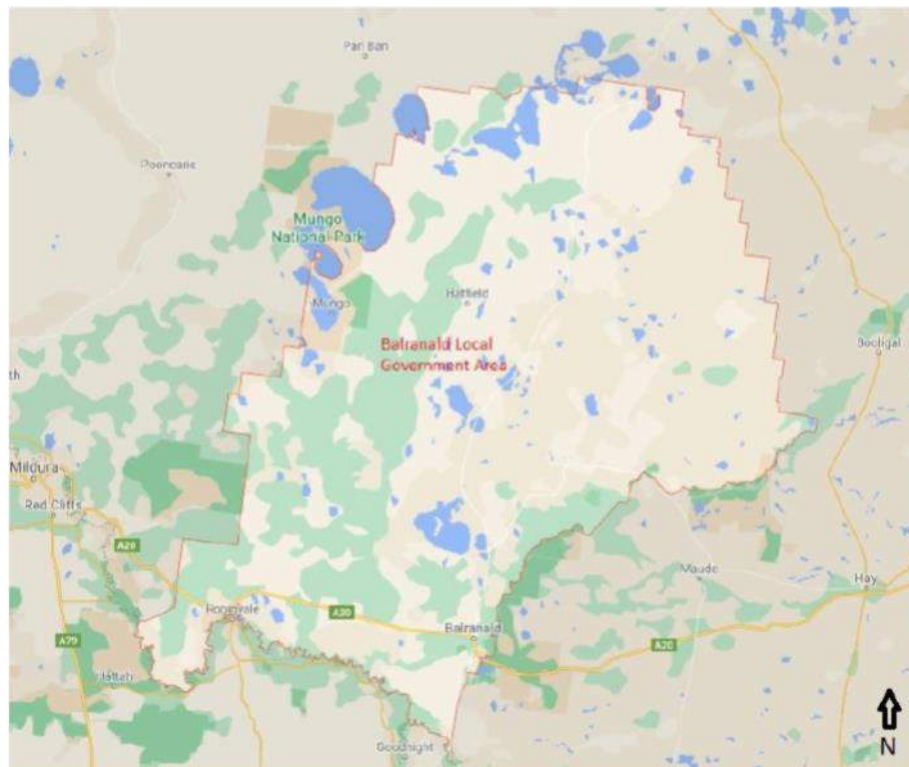


Figure 1 - Balranald Council Local Government Area

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 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.

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Chaston Building Reserve
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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**).

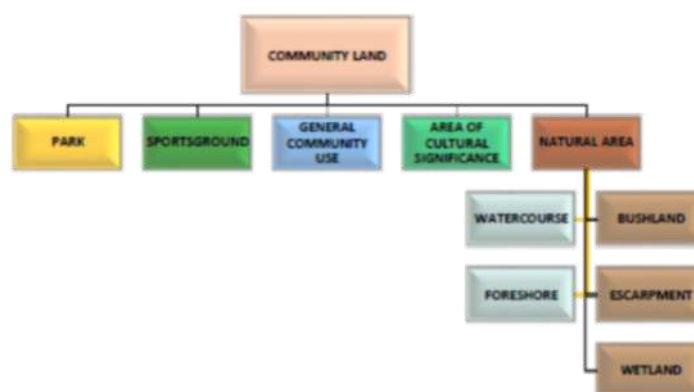


Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

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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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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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):

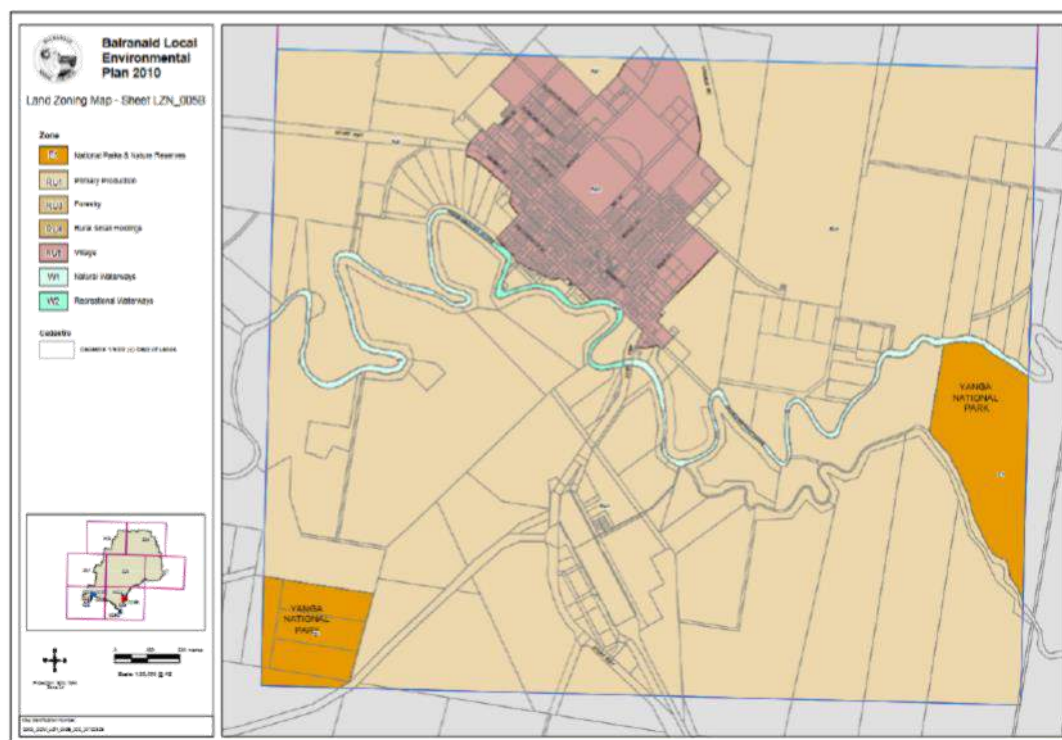


Figure 4 – Land Use Zone for Reserve No. 85196

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

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

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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.

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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**.

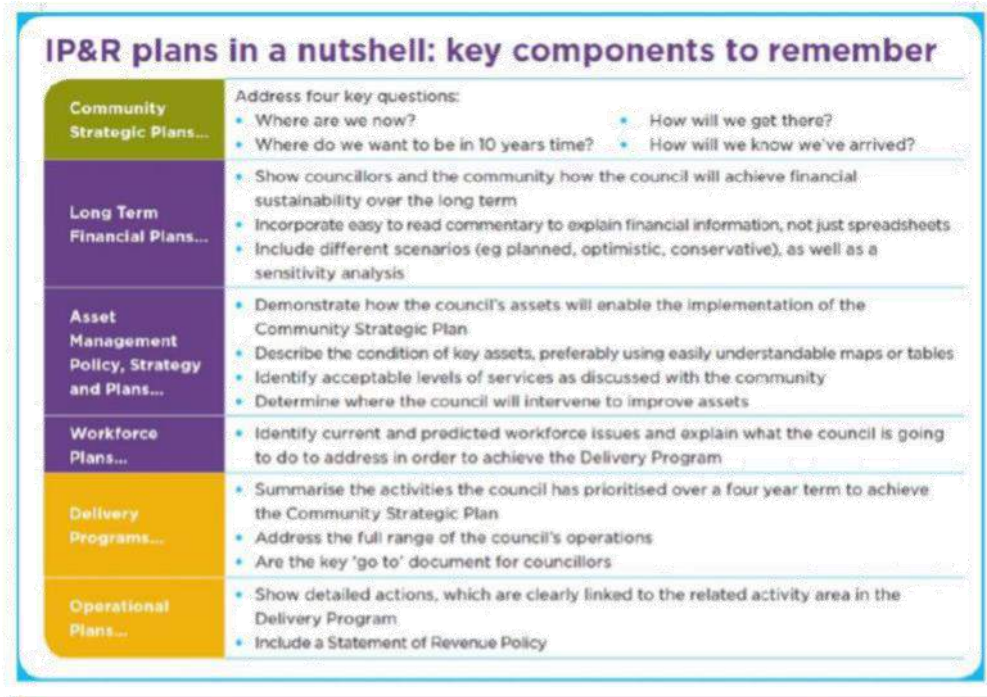


Figure 6. A summary of the IP&R Framework.

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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Plan of ManagementChaston Building Reserve
Reserve No. 85196

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.

Plan of ManagementChaston Building Reserve
Reserve No. 85196

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 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*.

Plan of Management

Chaston Building Reserve
Reserve No. 85196

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.

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
Reserve No. 85196**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 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.

Plan of Management

Chaston Building Reserve
Reserve No. 85196

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.

Plan of Management

Chaston Building 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 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.



Balranald
Shire
COUNCIL

PLAN OF MANAGEMENT

HERITAGE PARK RESERVE

RESERVE No. 9909

Plan of ManagementHeritage Park Reserve
Reserve No. 9909**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. 9909**Contents**

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1 KEY INFORMATION

The Heritage Park Reserve Plan of Management (Plan of Management) has been prepared by Balranald Council (Council) to provide direction regarding the use and management of Heritage Park– Crown Reserve 9909. 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 ManagementHeritage Park Reserve
Reserve No. 9909**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**.

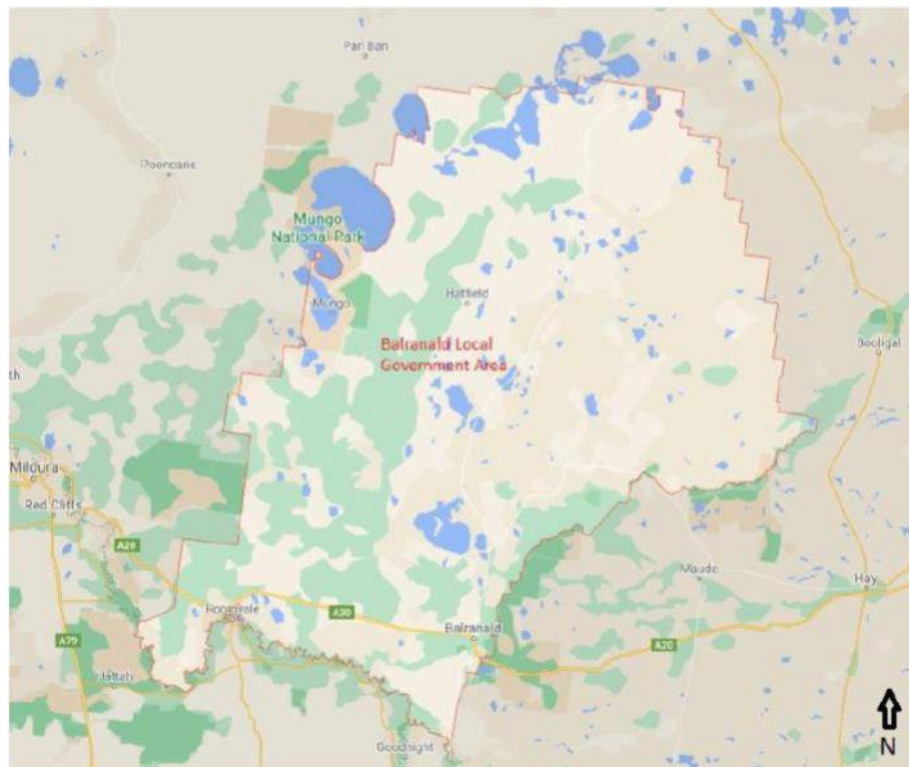


Figure 1 - Balranald Council Local Government Area

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 9909 and includes Lot 71 DP 1127975 Parish Balranald County Cairn. The area of the reserve is 5,758.12 m². The Balranald Courthouse is located within the reserve (**Figure 2**).

The Heritage Park Reserve was gazetted on 19 October 1889 and was set aside for the purpose of Court House; Lock-Up; with additional purpose - Gazetted - S121A: Urban Services. An aerial photograph, outlining the extent of the reserve, is shown below in **Figure 2**.



Figure 2 – Aerial Photograph of Heritage Park Reserve (Reserve No. 9909).

The Heritage Park Reserve contains the old Balranald Gaol. Heritage Park is located on the corner of Market St and River St. the precinct is a highly valued asset of the Balranald community. The use of the reserve as Heritage Park is detailed in **Section 5.9** of this Plan of Management.

2.4 Land Ownership

Heritage Park Reserve 9909 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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Heritage Park Reserve
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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**).

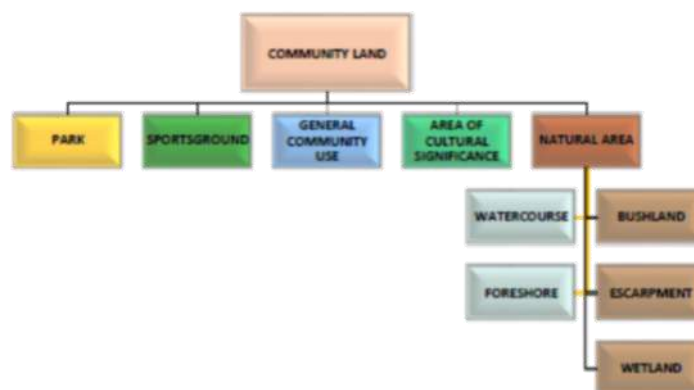


Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

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 Heritage Park, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of **Court House; Lock-Up; with additional purpose - Gazetted - S121A: Urban Services**

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) Regulation 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 Balranald Shire Council Local Environmental Plan 2010 (LEP).

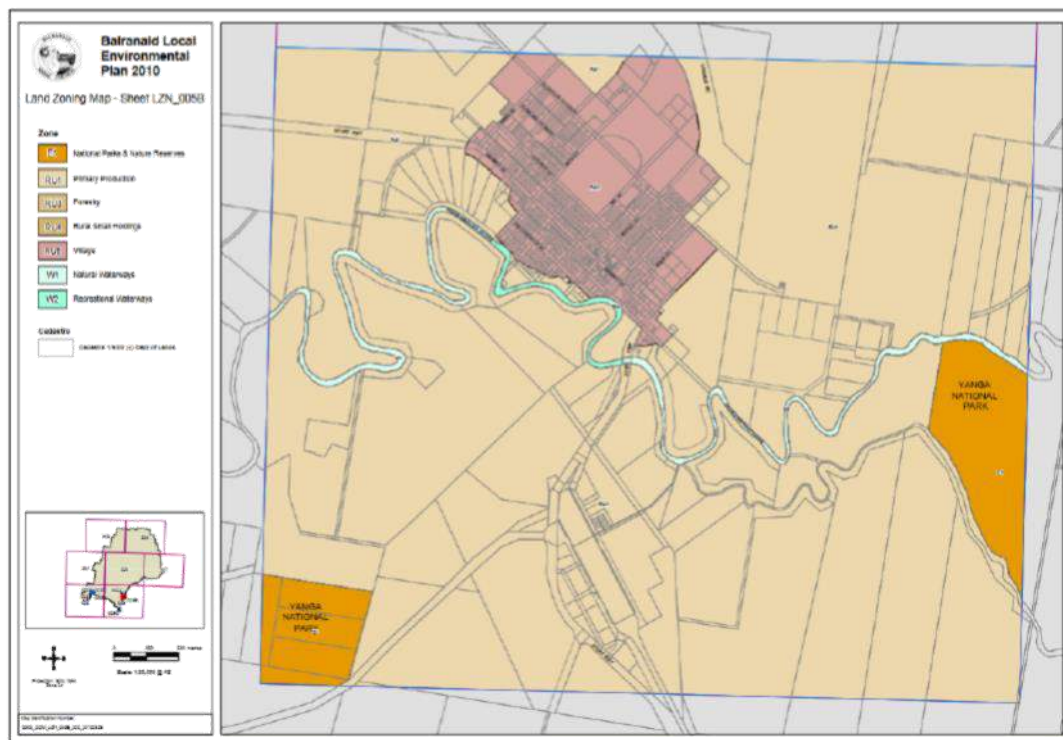


Figure 4 – Land Use Zone for Reserve No. 9909

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. 9909

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 Heritage 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.

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

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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. 9909 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 Heritage Park reserve was gazetted on the 19 October 1889 and was set aside for Court House; Lock-Up; with additional purpose - Gazetted - S121A: urban Services. The local courthouse provides 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?

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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 6**.



Figure 6 – 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 7**.

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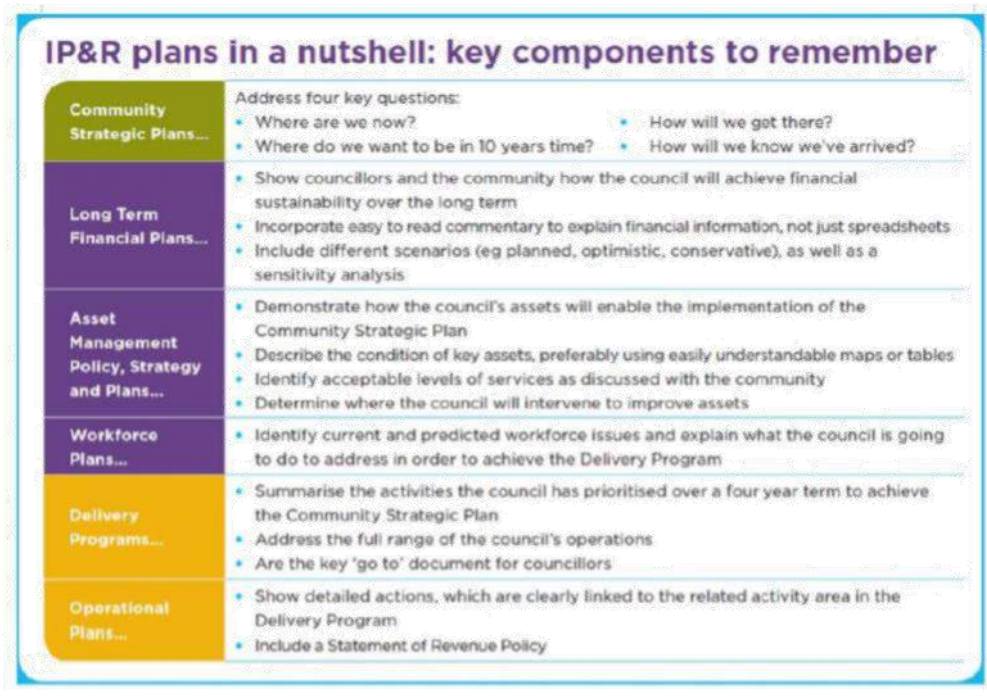
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Figure 7. A summary of the IP&R Framework.

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 Heritage Park Reserve upon recent inspection is shown below in **Table 2**.

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

BUILDING DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 - Unserviceable
Building	General Community Use	2
Signage	General Community Use	2
Grounds	General Community Use	2
Toilet facilities	General Community Use	2
Fencing	General Community Use	3

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BUILDING DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 - Unserviceable
Power	General Community Use	2
Sewer infrastructure	General Community Use	2

Heritage 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:

- Visitor Information Centre
- Historic elements such as Lock-Up and Wintong School building
- Skate park
- Public conveniences
- parking

Council is willing to work with existing and potential users to expand the usage of Heritage 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 Heritage Park is General Community use with the intended purpose of Court House; Lock-Up; with additional purpose - Gazetted - S121A: urban Services. 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 Heritage 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.

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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 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 LG 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

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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.
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 – Indictors 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 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.

Plan of ManagementHeritage Park Reserve
Reserve No. 9909**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 ManagementHeritage Park Reserve
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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 permitted in Heritage Park only as part of officially sanctioned activities and with appropriate licencing in place.

7.18 Companion Animals

Pets are permitted in Heritage Park in accordance with requirements of the Companion Animals Act 1998.

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.

Plan of ManagementHeritage Park Reserve
Reserve No. 9909**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.

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 ManagementHeritage Park Reserve
Reserve No. 9909**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 9909 and is contained in Lot 71 DP 1127975 Parish Balranald County Caira. The land is known as the Heritage Park. The Crown is the owner of the land.

Heritage Park Reserve was reserved from sale for the public purpose of Court House; Lock-Up; with additional purpose - Gazetted - S121A: Urban Services; and in the Government Gazette on 19 October 1889. 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 Heritage Park Plan of Management has been prepared by Council and provides direction as to the use and management of Heritage Park– Reserve 9909.

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

Heritage Park Reserve
Reserve No. 9909

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 ManagementHeritage Park Reserve
Reserve No. 9909

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 9909 was reserved from sale or lease for purpose of Court House; Lock-Up; with additional purpose - Gazetted - S121A: Urban Services; notified in the Government Gazette of 19 October 1889.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 19 October 1889.

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 Court House; Lock-Up; with additional purpose - Gazetted - S121A: Urban Services.

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

GREENHAM PARK RESERVE

RESERVE No. 630017

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**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. 630017

1 KEY INFORMATION

The Greenham Park Reserve Plan of Management (Plan of Management) has been prepared by Balranald Council (Council) to provide direction regarding the use and management of Greenham Park– Crown Reserve 630017. 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 ManagementGreenham Park Reserve
Reserve No. 630017**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**.

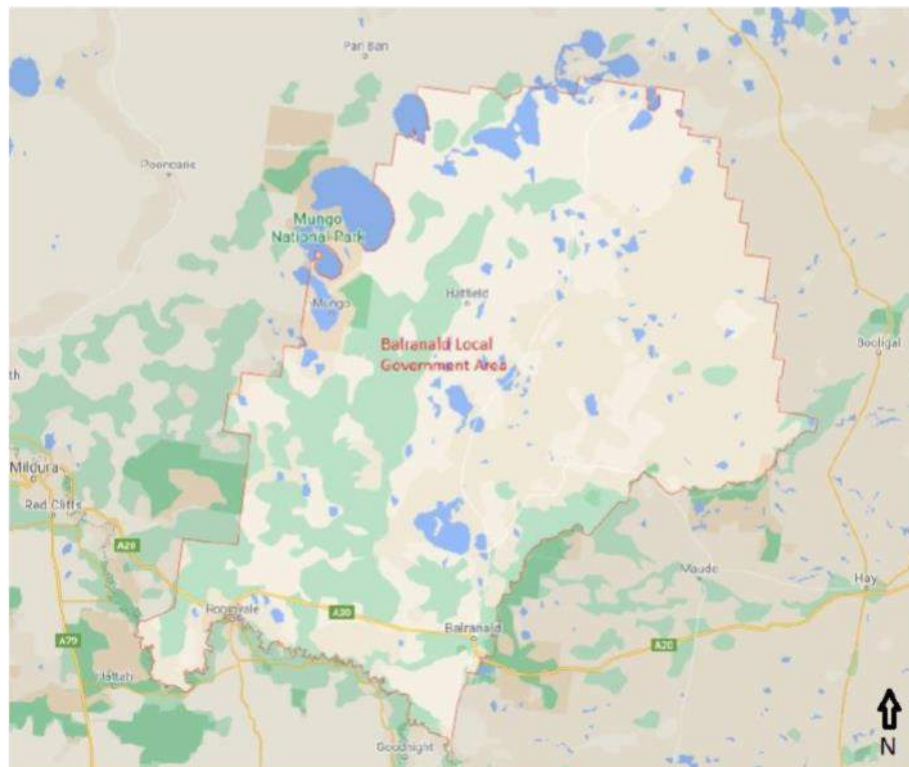


Figure 1 - Balranald Council Local Government Area

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*.

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**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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Greenham Park 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.

Plan of Management

Greenham Park Reserve
Reserve No. 630017

2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 630017 and includes Lot 1 DP 668322, Lot 122 DP 751170, Lot 7302 DP 1174178 Parish Balranald County Caira. The area of the reserve is 239,951.88 m². The Greenham Park is located within the reserve (**Figure 2**).

The Greenham Park Reserve was gazetted on 12 November 1884 and was set aside for the purpose of Public Recreation. An aerial photograph, outlining the extent of the reserve, is shown below in **Figure 2**.



Figure 2 – Aerial Photograph of Greenham Park Reserve (Reserve No. 630017).

The Greenham Park Reserve contains the Balranald Racecourse and stables, showground, two (2) multipurpose sporting ovals (including clubroom infrastructure), lawn tennis club, netball courts and cricket nets as well as the local pool. It is bordered by the local golf club to the north, and the Balranald Central school to the East along We street. The park is a highly valued asset of the Balranald community. The use of the reserve as Greenham Park is detailed in **Section 5.9** of this Plan of Management.

2.4 Land Ownership

Greenham Park Reserve 630017 is owned by the Crown and is managed by Balranald Council as Crown Land Manager under the Land Management Act 2016.

Plan of Management

Greenham Park Reserve
Reserve No. 630017

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**).

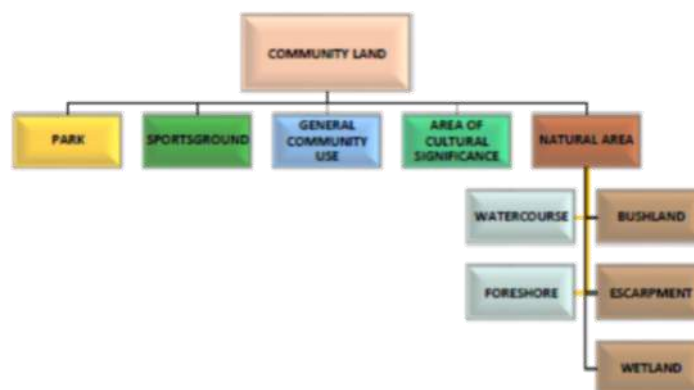


Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

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 Greenham Park, Council has requested and obtained initial categorisation of:

- **Sportsground** for the purpose of **Public Recreation**

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.

The core objectives for management of community land categorised as Sportsground are:

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Greenham Park Reserve
Reserve No. 630017

- 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 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) Regulation 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 the use of the general public. Clause 101(2) of the *Local Government (General) Regulation 2021* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

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

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.

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**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 Land(?) 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 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*.

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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 Balranald Shire Council Local Environmental Plan 2010 (LEP).

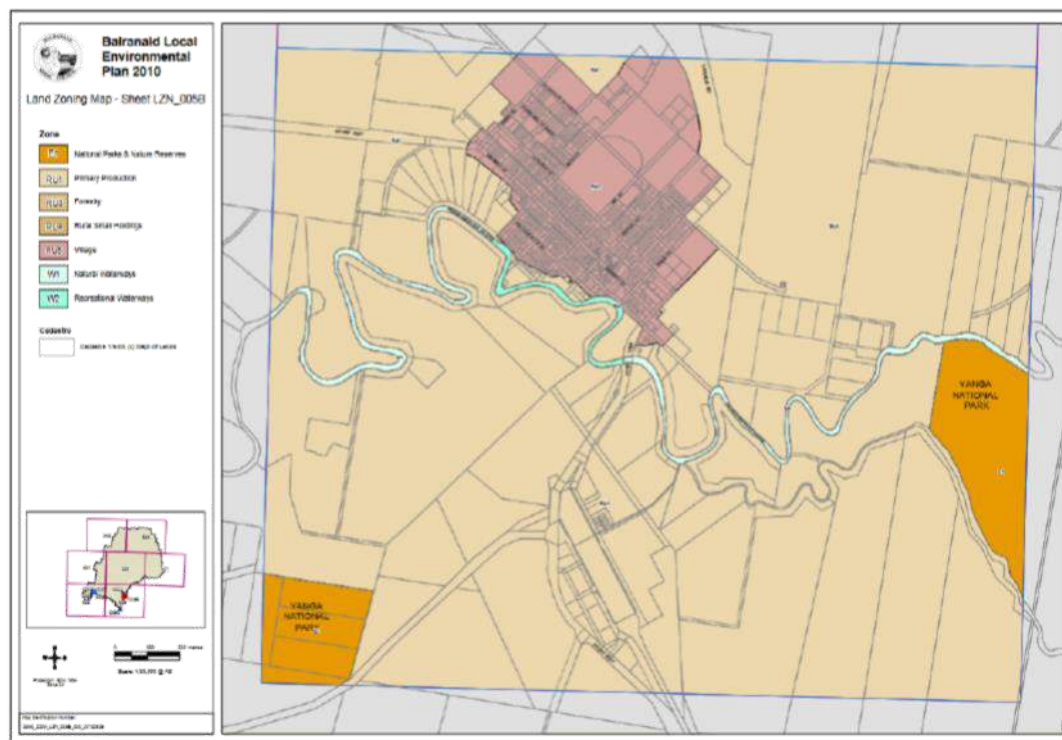


Figure 4 – Land Use Zone for Reserve No. 630017

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

Table 1 – Objectives of Land Use Zones for Reserve No. 630017

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.

Plan of ManagementGreenham Park Reserve
Reserve No. 630017

Land Use Zone	Objectives
	<ul style="list-style-type: none"> • 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
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

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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 Greenham 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.

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 ManagementGreenham Park Reserve
Reserve No. 630017**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. 630017 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 Greenham Park reserve was gazetted on 12 November 1884 and was set aside for public recreation. The park contains significant sporting facilities that are used by the general public and surrounding schools. Sporting activities such as football, netball and horseracing attracts many thousands of locals and visitors to the park each year.

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

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**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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Greenham Park Reserve
Reserve No. 630017

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

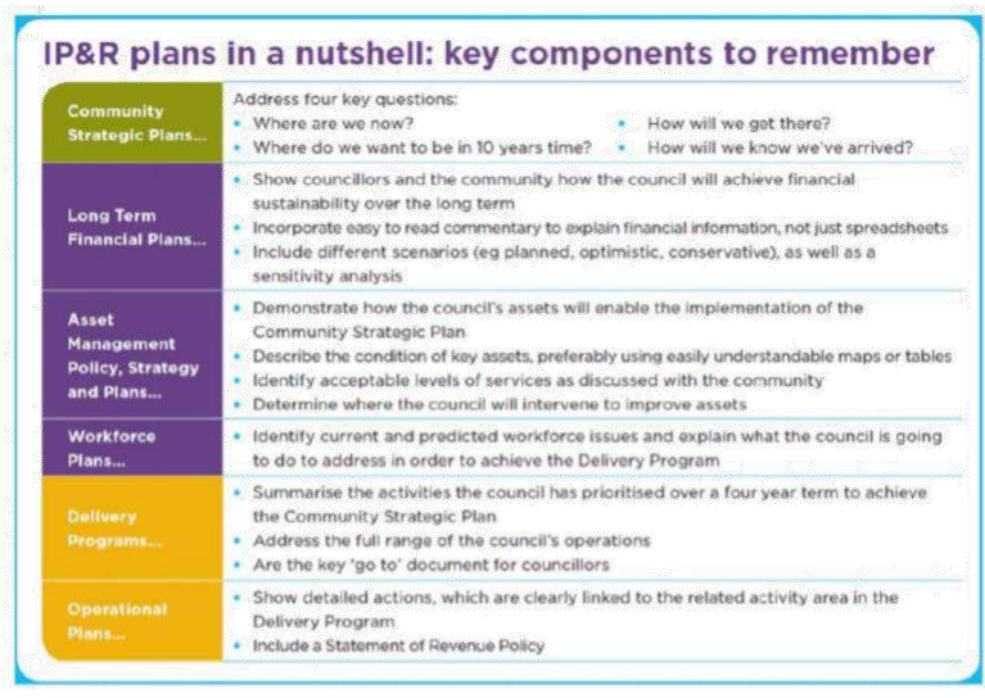


Figure 6. A summary of the IP&R Framework.

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 Greenham Park Reserve upon recent inspection is shown below in **Table 2**.

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

BUILDING DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 - Unserviceable
Access Roads	Sportsground	3
Signage	Sportsground	3
Car Parks	Sportsground	3
Toilet facilities	Sportsground	3

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BUILDING DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 - Unserviceable
Fencing	Sportsground	3
Netball Courts	Sportsground	3
Cricket Nets	Sportsground	3
Pool Facilities	Sportsground	4
Ovals	Sportsground	3
Racecourse	Sportsground	3
Water infrastructure	Sportsground	3
Power	Sportsground	3
Sewer infrastructure	Sportsground	3
Sheds	Sportsground	3

Greenham 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:

- Horse Racecourse
- Sporting facilities
- Community events (eg local cultural festival, markets and performances)

Council is willing to work with existing and potential users to expand the usage of Greenham 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 Greenham Park is Sportsground 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.

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Greenham Park Reserve
Reserve No. 630017

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 Greenham 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 (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 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 *LG Act*.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Greenham 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.

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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.
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.

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**Table 4 – Indictors 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.
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 <i>Government Act 1993 and the Crown Land Management Act 2016.</i> Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.

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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 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.

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.

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**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.

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

Plan of ManagementGreenham Park Reserve
Reserve No. 630017

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.

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.

Plan of ManagementGreenham Park Reserve
Reserve No. 630017**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.

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.

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Reserve No. 630017

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 standard work practices.

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 ManagementGreenham Park Reserve
Reserve No. 630017**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 630017 and is contained in in Lot 1 DP 668322, Lot 122 DP 751170, Lot 7302 DP 1174178 Parish Balranald County Caira. The land is known as the Greenham Park. The Crown is the owner of the land.

Greenham Park Reserve was reserved from sale for the public purpose of Public Recreation; and in the Government Gazette on 12 November 1884. Balranald 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 Greenham Park Plan of Management has been prepared by Council and provides direction as to the use and management of Greenham Park– Reserve 630017.

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 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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Greenham Park Reserve
Reserve No. 630017

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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Greenham Park Reserve
Reserve No. 630017

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; notified in the Government Gazette of 12 November 1884.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 12 November 1884.

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

EUSTON RECREATION GROUND RESERVE

RESERVE No. 77904

Plan of ManagementEuston Recreation Ground Reserve
Reserve No. 77904**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)

Plan of Management
Euston Recreation Ground Reserve
Reserve No. 77904

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Appendix A Native Title Assessment

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Plan of Management

Euston Recreation Ground Reserve
Reserve No. 77904

1 KEY INFORMATION

The Euston Recreation Ground Reserve Plan of Management (Plan of Management) has been prepared by Balranald Council (Council) to provide direction regarding the use and management of Euston Recreation Ground– Crown Reserve 77904. 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 ManagementEuston Recreation Ground Reserve
Reserve No. 77904**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**.

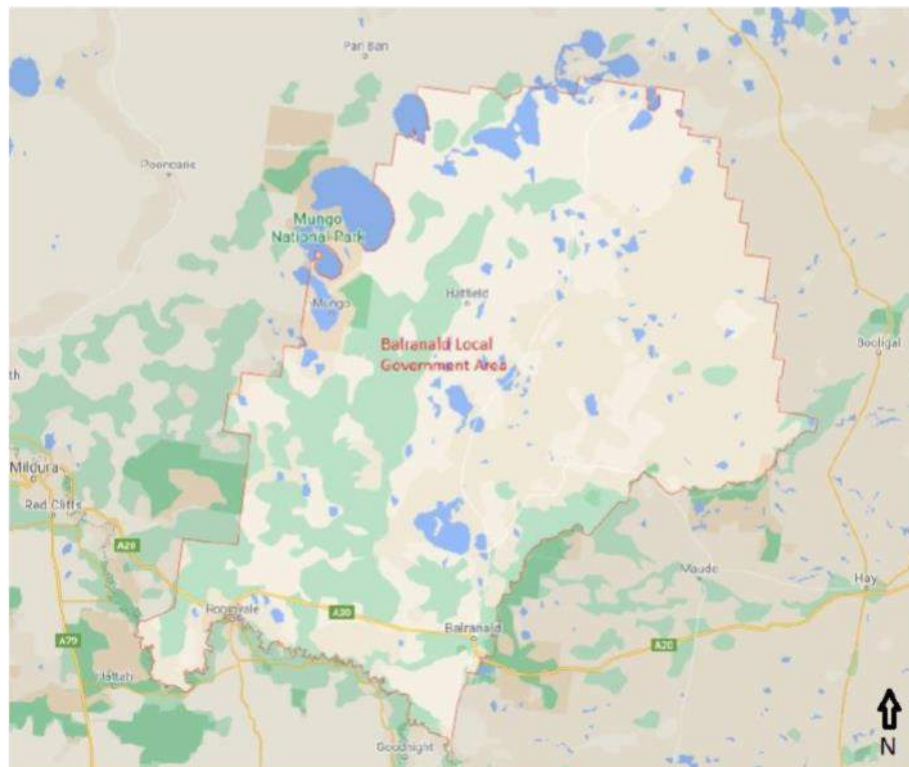


Figure 1 - Balranald Council Local Government Area

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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Euston Recreation Ground Reserve
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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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Euston Recreation Ground Reserve
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2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 77904 and includes Lot 7005 DP 756085, Lot 21 Section 1 DP 758402, Lots 1-3, 16-20 Section 2 DP 758402, Lot 7309 DP 1181418 Parish Euston County Taila Part: Lot 3 DP 44241, Lot 11 Section 21 DP 758402 Parish Euston County Taila. The area of the reserve is 82,586.52 m². The Euston Recreation Ground is located within the reserve (Figure 2).

The Euston Recreation Ground Reserve was gazetted on 26 August 1955 and was set aside for the purpose of Public Recreation. An aerial photograph, outlining the extent of the reserve, is shown below in Figure 2.



Figure 2 – Aerial Photograph of Euston Recreation Ground Reserve (Reserve No. 77904).

The Euston Recreation Ground Reserve contains the Balranald Racecourse, showgrounds, lawn tennis club, netball and cricket nets as well as the local pool. It is bordered by the local golf club to the north, and the Balranald Central school to the East along We street. The park is a highly valued asset of the Balranald community. The use of the reserve as Euston Recreation Ground is detailed in Section 5.9 of this Plan of Management.

2.4 Land Ownership

Euston Recreation Ground Reserve 77904 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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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**).

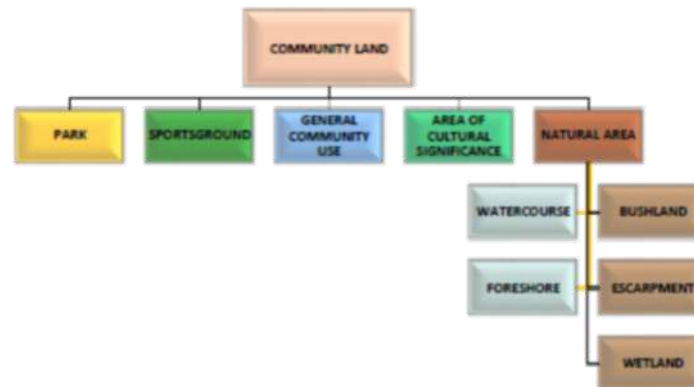


Figure 3 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

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 Euston Recreation Ground, Council has requested and obtained initial categorisation of:

- **Sportsground** for the purpose of **Public Recreation**

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 Sportsground are:

- 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

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.

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

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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 Balranald Shire Council Local Environmental Plan 2010 (LEP).

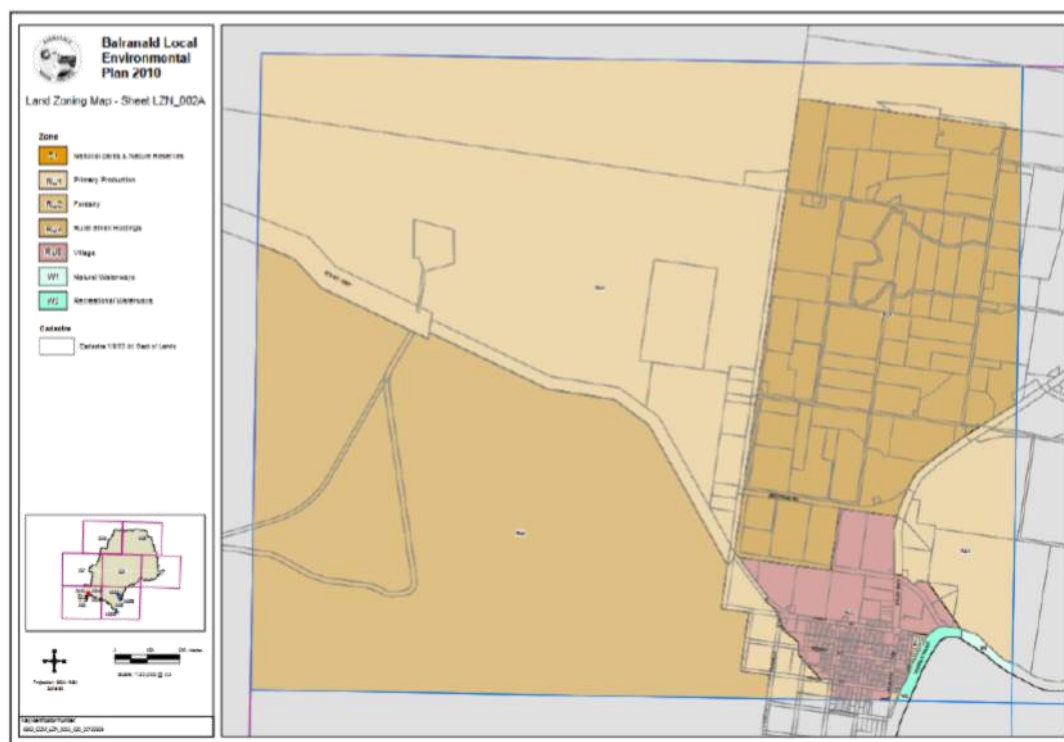


Figure 4 – Land Use Zone for Reserve No. 77904

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

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Euston Recreation Ground Reserve
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Table 1 – Objectives of Land Use Zones for Reserve No. 77904

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 Euston Recreation Ground 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

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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. 77904 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 Euston Recreation Ground reserve was gazetted on the 26 August 1955 and was set aside for public recreation. The park contains significant sporting facilities that are used by the general public and surrounding schools.

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?

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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 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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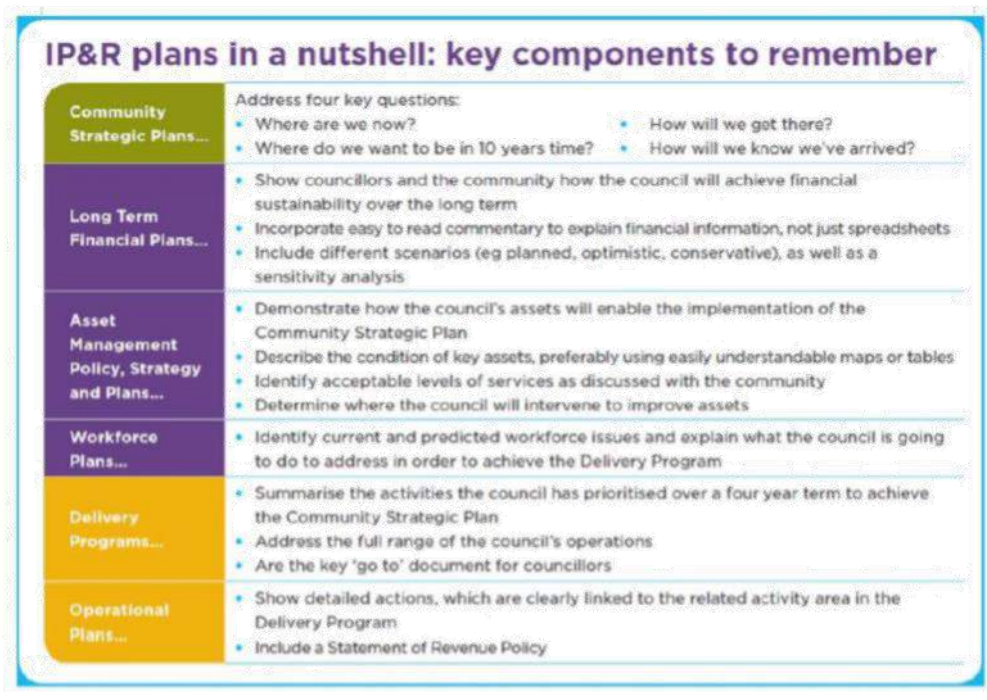


Figure 6. A summary of the IP&R Framework.

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 Euston Recreation Ground Reserve upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Euston Recreation Ground Reserve

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

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BUILDING DESCRIPTION	CATEGORY	CONDITION RATING 1 – Good 5 - Unserviceable
Netball Courts	Sportsground	3
Cricket Nets	Sportsground	3
Ovals	Sportsground	3
Water infrastructure	Sportsground	3
Power	Sportsground	3
Sewer infrastructure	Sportsground	3
Sheds	Sportsground	3

Euston Recreation Ground 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:

- Sporting facilities
- Cultural events
- Educational events

Council is willing to work with existing and potential users to expand the usage of Euston Recreation Ground 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 Euston Recreation Ground is Sportsground 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.

Plan of ManagementEuston Recreation Ground Reserve
Reserve No. 77904**5.6 Further Development**

Whilst maintenance of existing infrastructure is a priority there is scope to improve Euston Recreation Ground 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 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.

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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.
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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Plan of ManagementEuston Recreation Ground Reserve
Reserve No. 77904

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 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.

Plan of ManagementEuston Recreation Ground Reserve
Reserve No. 77904**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 ManagementEuston Recreation Ground Reserve
Reserve No. 77904**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

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.

Plan of ManagementEuston Recreation Ground Reserve
Reserve No. 77904**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.

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.

Plan of Management

Euston Recreation Ground Reserve
Reserve No. 77904

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 ManagementEuston Recreation Ground Reserve
Reserve No. 77904**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 77904 and is contained in in Lot 7005 DP 756085, Lot 21 Section 1 DP 758402, Lots 1-3, 16-20 Section 2 DP 758402, Lot 7309 DP 1181418 Parish Euston County Taila Part: Lot 3 DP 44241, Lot 11 Section 21 DP 758402 Parish Euston County Taila. The land is known as the Euston Recreation Ground Reserve. The Crown is the owner of the land.

Euston Recreation Ground Reserve was reserved from sale for the public purpose of Public Recreation; and in the Government Gazette on 26 August 1955. Balranald 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 Euston Recreation Ground Plan of Management has been prepared by Council and provides direction as to the use and management of Euston Recreation Ground– Reserve 77904.

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?

Plan of Management

Euston Recreation Ground Reserve
Reserve No. 77904

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.

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
Euston Recreation Ground Reserve
Reserve No. 77904

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 77904 was reserved from sale or lease for purpose of Public Recreation; notified in the Government Gazette of 26 August 1955.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 26 August 1955.

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.

CONSERVATION MANAGEMENT PLAN FOR THE 'THEATRE ROYAL' – 90 MARKET ST, BALRANALD



PREPARED FOR:
BALRANALD SHIRE COUNCIL
70 MARKET STREET (PO Box 120)
BALRANALD NSW 2715

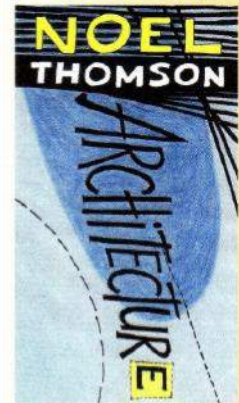
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APRIL 2021

RECORD OF AMENDMENTS

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21.4.2022	-	For Review	NT
			NT
			NT

THEATRE ROYAL BALRANALD – CONSERVATION MANAGEMENT PLAN



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1. EXECUTIVE SUMMARY

DRAFT

2. INTRODUCTION

2.1 Purpose

A Conservation Management Plan is a conservation planning document, which analyses the current context, condition, and management of the place [which has cultural significance], and provides conservation management policies and strategies for the 'best practice' management of the place taking into account client and 'external' requirements, and current and optimum management structures for the Theatre Royal, Balranald.

Balranald Shire Council agreed to the preparation of the Conservation Management Plan in September 2021 and they provided funding for this Plan.

Balranald Shire Council provided the following tasks to be undertaken in relation to the Masterplan for the Theatre Royal:

Tasks

- 1.1. Undertake a site visit to record and review the issues;
- 1.2. Consult fully with relevant Council Officers, in relation to the project;
- 1.3. Investigate the previous studies & related documents;
- 1.4. Complete the following tasks in relation to the CMP
 - 1.4.1 Obtain the physical analysis & condition.
 - 1.4.2 Review evidence of potential significance and undertake analysis of evidence
 - 1.4.3 Investigate the significance & prepare a current Statement of Significance.
 - 1.4.4 Provide conservation policies.
 - 1.4.5 Review the future uses after studying the constraints & opportunities.
 - 1.4.6 Provide Masterplan options for the Theatre Royal
 - 1.4.7. Provide Recommendations for future management, maintenance and conservation.

Conservation Management Plan for: The Theatre Royal building

Item Type: Built **Group:** Recreation & Entertainment **Category:** Theatres

Local Govt Area: Balranald

Address: 80 Market Street, Balranald NSW 2715

Statutory Address: Lot A Section 13 DP 156137

Owner: Balranald Shire Council



Fig. 1: SixMaps - aerial view of Theatre Royal building and shops/offices – Market St, Balranald

THEATRE ROYAL BALRANALD – CONSERVATION MANAGEMENT PLAN

3

2.2 Heritage Significance

With reference to Heritage NSW “Assessing Heritage Significance” an item will be considered to be of State or Local heritage significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the following criteria:

HISTORICAL:

Criterion (a): An item is important in the course, or pattern, of NSW’s cultural or natural history (or the cultural or natural history of the local area).

ASSOCIATIVE:

Criterion (b): An item has strong or special association with the life works of a person or group of persons, of important in NSW’s cultural or natural history (or the cultural or natural history of the local area).

AESTHETIC:

Criterion (c): An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

SOCIAL:

Criterion (d): An item has strong or special association with a particular community or particular community or cultural group in NSW (or the local area), for social, cultural or spiritual reasons.

RESEARCH POTENTIAL:

Criterion (e): An item has the potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of local area).

RARITY:

Criterion (f): An item possesses uncommon, rare or endangered aspects of the areas cultural or natural history (or the cultural or natural history of local area).

REPRESENTATIVENESS:

Criterion (g): An item is important in demonstrating the principal characteristics of a class of NSW’s cultural or natural places; or cultural or natural environments.

- or a class of local area’s cultural or natural places; or cultural or natural environments.

STATEMENT OF SIGNIFICANCE:

This Statement of Significance is an extract from Balranald Shire Heritage Review/Study 2013.

This early 20th century Picture Theatre and Hotel has high landmark value, historic and aesthetic significance. Some of its original Arts & Crafts style features, such as ceramic tiled shopfronts and lead lights contribute to its aesthetic value. Originally built in the 1920’s as part of an entertainment complex, the Theatre Royal now comprises a range of uses, including small shops.



Fig. 2: Street view of Theatre Royal and shops/offices – Market St, Balranald

2.3 Background & Overview

The Balranald Shire Council acquired the majority of the Theatre Royal building in early 2000s, with Council having undertaken restoration works and upgrade projects to utilise the theatre space as a public hall. These works included footing stabilisation, roof replacement, lighting & electrical upgrade and extensions for new kitchen & green rooms. The building has historical value in the streetscape and is a much-loved public building.

Council seeks to maintain the building within available resourcing and look to future funding opportunities to conserve and restore the building to continue the use of the multi-purpose asset for the benefit of the community more appropriately.

Balranald Shire Council engaged Noel Thomson Architecture in 2021 to prepare Conservation Management Plan for the Theatre Royal, Balranald.

The Conservation Management Plan is to include the following sections;

1. Introduction
2. Analysis of Historical Significance
3. Analysis of Physical Evidence
4. Heritage Significance
5. Conservation Policies
6. Master Plan Documentation
7. Management Plan and Maintenance

2.4 Acknowledgments and Bibliography

This document has been prepared by Noel Thomson of Noel Thomson Architecture Pty Ltd with the assistance of;

- Balranald Shire Council Staff – Ray Mitchell
- Balranald Shire Library Staff – Janaya Gaston
- Balranald Local Historian – Angela Harben
- Balranald Shire Community Heritage Study 2006-2007 – Heritage Archaeology
- Balranald Shire Heritage Study 2013 – Noel Thomson and Peter Kabaila
- Movie Theatre Heritage Register for NSW, 1896-1996 by Ross Thorne, Les Tod and Kevin Cork
- Cinema and Theatre Historical Society of Australia Inc Online Database
- Cinema Record publication – Issue 27 Feb 2000 (Theatre Histories: 85. Country Movie Mogul - Frank O'Halloran) by Gerry Kennedy
- Trove and Articles from the "Riverina Recorder" on Royal Theatre Balranald

3. ANALYSIS OF HISTORICAL SIGNIFICANCE

3.1 Brief History of Balranald

Balranald Shire is one of western New South Wales most important settlement areas and one of the few to have sites on the World Heritage List. Balranald, in the County of Cairn, is located on a vast plain approximately 910 km west of Sydney. It became a thriving inland port on the Murrumbidgee River c.1853, particularly with the advent of the river steamer trade. The township of Balranald was gazetted on 4th April 1851. Several explorers are associated with the district of Balranald. They include Lieutenant John Joseph William Oxley, Captain Charles Sturt, Major Sir Thomas Livingston Mitchell, Yurranigh, Turandurey and Ballandella and Burke and Wills. Balranald serves a region of sheep, cattle, wheat, and irrigated fruit farming; lumbering and mining are also local activities. Balranald Shire encompasses a diverse natural landscape which includes the world heritage listed Mungo National Park and the picturesque Yanga National Park. Surrounded by the wonders of the Murrumbidgee, Murray, Lachlan, Wakool and Edward Rivers.

With reference to the Balranald Shire Heritage Review prepared in 2013 by Peter Kabalia and Noel Thomson, a brief European History of Balranald is as follows;

"Balranald developed around a river ford. A river crossing was then an important – and sometimes lengthy- stop in the journey. Hawkers and innkeepers sought passing trade by putting up a few pine log and bark huts at the river crossing. In 1848 Leighton Robinson and Thomas Duggan established a general store at Balranald and during the same year a public house, the Balranald Inn, was erected by a Mr Robertson. In the same year the Commissioner for Crown Lands for the Lower Darling District, George James McDonald, visited the river crossing and named the settlement after his home village of Balranald in the Outer Hebrides, Scotland. He pointed out that the township's position, on the lower reaches of the Murrumbidgee River, was expected to be of strategic importance with the impending introduction of steam navigation on the Murray. Balranald was an established settlement by the time of the Burke and Wills expedition (1860). The expedition crossed the Murrumbidgee River by the punt at the bottom of Mayall Street. They made camp on the river bank in front of the Balranald Inn.

Although Balranald was gazetted at the start of the Victorian gold rush period in 1851, with the first land sale of 35 lots a few years later, the settlement at Lang's Crossing (later Hay) overtook it soon after. Lang's crossing had already been in operation before Balranald was gazetted. The development of the stock-route across the One-tree Plain to Lang's Crossing was attributed mainly to the cattle tycoon Sidney Kidman (1857-1935), taking his cattle drivers through Hay along what later became known as "Kidman Way", through White Cliffs to Hay and then the Victorian gold fields, by-passing Balranald. By the latter half of the 1850s, when the fat-stock market was at its peak, Balranald was exhibiting signs of stagnation. The gold rush therefore held up development of Balranald because all meat-sheep traffic was going through Hay. Although Hay grew faster during the gold rushes, Balranald became established as a sheep grazing area, supplying meat to the gold rush settlements and wool for export through Melbourne.

In 1853 the river steamboat trade commenced with the advent of Cadell's "Lady Augusta" and Randell's "Mary-Ann" and within a few years Balranald became an inland port. After the initial lag in development, Balranald and Euston boomed, becoming busy river ports to about 1900. They became transport interchanges, with wool and red gum being transferred by bullock wagons from sheep stations by riverboat to Echuca from the 1850s.

Paddle steamers had reached nearby Darlington Point by 1858, bringing goods for Echuca and Adelaide. Erection of a Public Wharf was a part of the working river front at Balranald. The local station owners made their wealth by selling their wool produce to the cities by paddle steamer to Echuca. Balranald was also a "wooding station", where cut lengths of gum were sold to the captains by the ton.

When the railway line to Balranald was under construction, steamers transported sleepers along the river. Mail coaches and teamsters still criss-crossed the country. The punts at Balranald permitted safe transport of people, produce and livestock across the Murrumbidgee. Wool from the big sheep station properties such as Yanga and Canally (which were virtually self-sufficient villages) was taken for loading onto barges on the Balranald wharves. From there, paddle steamers towed the barges to the river junction and then upstream along the Murray River to the river port and rail head at Echuca. From there, the wool was taken by road, and later by rail, to Melbourne. Goods went back the other way, from Melbourne to Balranald.

From around 1865 to 1873, Balranald's population had doubled to 350. Its first inhabitant (Robertson, who had built the first hotel) was still there. There was also a resident Police Magistrate (Major Thomas Mitchell's son), courthouse, jail, public school, shops and two hotels. By 1887, Balranald was a boom town with St Barnabas Anglican Church, St Dymphna's Catholic Church, a gospel hall, the Australian Joint Stock Bank, private hospital, and Masonic Hall. It had seven hotels including the Bridge House Hotel. There were four barber shops, four general stores including Harben's General Store, two butchers, two bakeries, two boot makers, three banks, two blacksmiths, tinsmith, tailor, saddler and post office. New South Wales Colonial Architect, James Barnet designed the Post and Telegraph Office which was erected at Balranald in 1871.

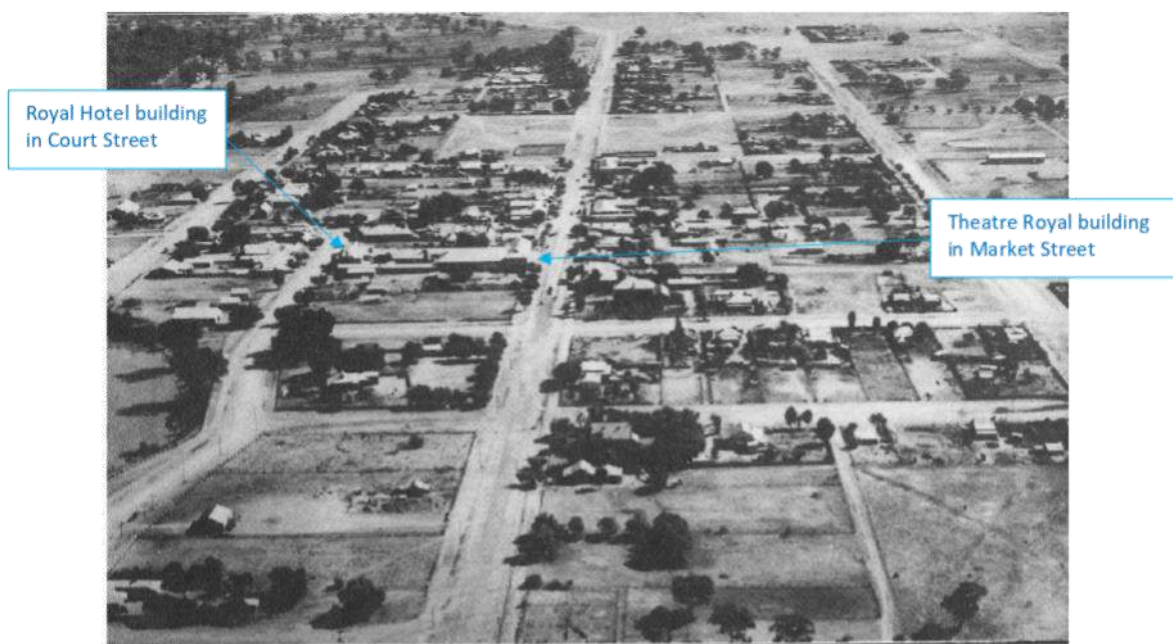


Fig. 3: Parish & Town Maps for Balranald, indicating the site of the Theatre Royal building in Market Street

With death of the river trade, came the automatic economic decline of Balranald and Euston. The result on the housing fabric of Balranald is that there is a significant well-preserved stock of late 19th century and Federation period (c1890-c1915) worker's cottages and houses. Local people at Balranald do a lot of home-tuning, personalising their properties, modifying original houses with small additions, sunshades, and ornamental gardens.

In the 1920s land was subdivided from the largest stations to satisfy a land shortage in Victoria. To service the new blocks, the Victorian railway was extended from Echuca to Balranald. Commercial river transport continued for some years after the railway was completed to connect the region to Melbourne (1926). But within two generations, river and rail were replaced by road. The Cobb & Co factory, for example, was converted to a motor garage, the Hay Motor & Engineering Co. The Balranald Railway Station was demolished. At Balranald, the main street moved from Mayall Street (connecting to the old river port) to Market Street on the Sturt Highway. Just as the river transport was gradually phased out by the railway, the railway was gradually made obsolete by sealed road transport. However, even as late as the 1950s, loads of wool were still being carted from Yanga Station on roads that were only dirt tracks.

There was even a gate across the Sturt Highway between Balranald and Hay until the late 1960s. Gradually, however, the State Roads Authority and local Councils undertook asphalt surfacing of the road network and by the end of the 1970's the railway was disused and the station closed.



Balranald, 1936 — a souvenir aerial photograph issued by "THE ARGUS"

Fig. 4: 1936 aerial view of Balranald indicating the Theatre Royal building in Market Street

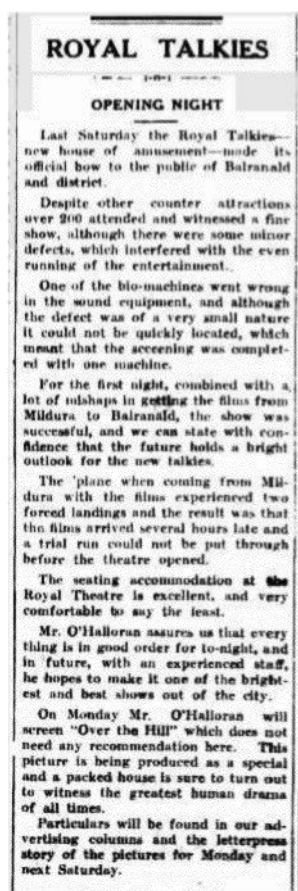
In the present day, Balranald Shire has a small ratepayer base that covers a large land area, around 20,000 square kilometres containing 2,500 people. Although much has been demolished or radically altered at the town of Balranald, its fragmented architectural streetscape contains many examples of 19th century and early 20th century houses. A visual survey was made of every street and land of the town to photograph every 100 year old dwelling in the town. Houses that make an important contribution to the streetscape have been identified for possible heritage listing. Particular cases of historic houses exist, however, in visually prominent street locations, where tourists can easily appreciate historic houses as they drive through the town. The Highway and town exit heading to Mungo National Park are two such places.

Timeline:

- 1830: Explorer Charles Sturt expedition of the Murrumbidgee River passes the site of Balranald
- 1835: William Charles Wentworth (explorer) establishes Yanga Station
- 1836: Major Thomas Mitchell and his party stopped on the site of Balranald on his trek of the Murrumbidgee and Murray Rivers
- 1847: George James McDonald, the Commissioner for Crown Lands for the Lower Darling District, arrived at the site of the present-day township of Balranald, noting it's the place for a new settlement
- 1849: Francis McCabe surveys the site after decision to lay out Balranald township was made in November
- 1851: The township of Balranald was gazetted on 4th April
- 1853: The Australian Joint Stock Bank opened for business in Sydney on 24th January and in 1931 was absorbed by the Bank of New South Wales
- 1865: The first school in Balranald established, later to become the Balranald Central School
- 1866: Royal Hotel was constructed in Court Street
- 1871: Post & Telegraph Office erected in Market Street
- 1873: Anglican Church constructed and services began 6th April
- 1875: Catholic Church construction completed
- 1877: The newspaper Riverina Recorder commences
- 1880: Hospital constructed and dedicated on 16th January

1881: Balranald population around 400, reporting that five stores and six hotels
 1882: Balranald was proclaimed a Municipality in 1882 and Herman Levy was elected its first mayor
 1883: Lift-span bridge constructed over the Murrumbidgee River opened to traffic in April
 1885: New Courthouse erected in Market Street and Balranald Racing Club established
 1887: The Gaol, Police Station & residence were Masonic Hall construction completed
 1888: Presbyterian Church construction completed
 1899: Post & Telegraph Office extended and St Joseph's Catholic School established
 1911: Public telephone system / service established in Balranald
 1926: Balranald was connected to the Victorian Rail system and Railway Station constructed
 1926-27: The new Royal Hotel buildings commenced construction in Market Street
 1929: New Fire Station building constructed in Market Street
 1933: New 'Rose Drapery' store and 'Theatre Royal' opened in the Royal Hotel buildings in Market Street
 1944: Norma Male was appointed Town Clerk at the Balranald Municipal Council, the first female town clerk in New South Wales
 1956: The local government administrative body became the Shire of Balranald
 1964: New premises for the Balranald Shire Council were opened in August, erected at a cost of £40,000
 1965: Women's Rest Centre (CWA) & Library building opened on 1st October
 1966: The Royal Hotel had ceased operation and building later demolished
 1977: The Police lock-up was last used, the holding both men and women had ceased.
 1978: Theatre Royal Café ceased operation in the Market Street building.
 2015: Council's new \$1.5million Balranald Discovery Centre opened at 83 Market Street
 2020: NSW local government minister Shelley Hancock places Balranald Shire Council in under administration, as of 29th January until 2024.

3.2 History of Theatre Royal Balranald



Mr W. A. Merrett, the proprietor of the Royal Hotel in Court Steet, started constructing the Balranald's Theatre Royal building behind the hotel facing Market Street in c1926. The 'Theatre Royal' was licensed to Mr Merrett in November 1933, this 400+ seat cinema is accessed by a small, rather narrow foyer that leads from the street to the auditorium. The theatre building has four shops with upstairs accommodation and a supper room which had a direction connection to the entry foyer below. Theatre Royal opened with fanfare on 30th September 1933 to a packed house of over 200 people in attendance with Frank P O'Halloran the operator. Frank O'Halloran of Balranald started his rural 'Regent' chain of cinemas from this site in 1933. The Theatre Royal was leased to O'Halloran Theatres (a well-known Victorian cinema chain) and by 1937 there were two theatres operating in Balranald – "The Britannia" and the "Royal", O'Halloran Theatres operated the new 'Regent Theatre' from 1940-1957 with the Moore family purchasing the 'Regent Theatre' in 1958. With the introduction of television in the 1960s there was a decline in the use of the theatre and it ceased to operate as a picture theatre in 1962.

Having laid unutilised and vacant for many years the Balranald Shire Council acquired the title to the building in 2002. The Shire Council has received grants of \$250,00 from DOTARS and \$75,000 from the NSW Ministry for the Arts for the redevelopment of the 1930's theatre building into a multipurpose centre including commercial spaces, courthouse, council chambers, library and 300 seat theatre. Further upgrades and restoration works have included footing stabilisation, roof replacement, lighting & electrical upgrade and extensions for new kitchen & green rooms.

Fig. 5: Article from the 'Riverina Recorder' reviewing the Opening Night for Theatre Royal on 30th September 1933



The Digger's Ball on July 22nd, 1938 at the Royal Hall.
"The Good Old Days"

- Courtesy Viki Stead

Fig. 6: photograph of the gathering for the 'Digger's Ball in 1938 at the Theatre Royal

Frank O'Halloran:

P. F (Frank) O'Halloran was born on 14 December 1905 and lived his early life in Balranald. He was educated at Assumption College (Kilmore, Victoria) and on his return following the death of his father to run 'Rosalind Park', formed a dance band which was in popular demand in the Balranald area. Frank O'Halloran was keenly interested in the movies and around 1935 decided to take the risk and get into the 'movie business.' In 1932/33 he had opened an electric appliance shop which was known as the Balranald Radio Company. He ran this business for some years and during this time he hired the Theatre Royal which had 450 seats.



Kevin (left) and Frank O'Halloran

Fig. 7: photograph of Kevin & Frank O'Halloran courtesy of Mary Livingston – from the Cinema Record publication – Issue 27 Feb 2000

This project proved successful, and he next took a big gamble and crossed the border to the prosperous Murray River town of Swan Hill where he leased the Modern Town Hall. This large venue seated 1200 and became the centre of his operations in c.1938/39. From these beginnings O'Halloran Theatres expanded to locations in Deniliquin (NSW) and Nyah West, Warracknabeal, Dimboola and Nhill in Victoria for 'Regent Theatre' chain/network. At its peak, O'Halloran Theatres controlled 13 screens in 11 locations spread across hundreds of kilometres of Victoria and southern NSW. Frank O'Halloran was a canny businessman who was not afraid to take on the film distribution companies. He refused to pay percentages and only rented films at fixed prices. He also refused the distributors unreasonable demands to accept packages of films and he only booked the movies he favoured. From the late 1950's and especially during the 1960's, with the introduction of television for the 1956 Melbourne Olympic, the arrival of television in many country areas began to have an effect on cinema attendances and he had to diversify into other areas. Frank O'Halloran's long and productive life came to end with his death in November 1989.

Timeline:

- 1926-27: Mr W Merrett, the proprietor of the Royal Hotel commences construction of the new Royal Hotel buildings in Market Street
- 1933: New 'Rose Drapery' store and 'Theatre Royal' opened in the Royal Hotel buildings in Market Street
- 1933: Theatre Royal opened with fanfare on 30th September to a packed house of over 200 people in attendance with Frank P O'Halloran the operator
- 1940: O'Halloran Theatres operated the new 'Regent Theatre' from 1940-1957.
- 1958: The Moore family purchase the 'Regent Theatre' and operate it until its closure in 1962
- 1978: Theatre Royal Café ceased operation in the Market Street building
- 1978-2002: The 'Theatre Royal' building & shops used for a range of retailing; apparel, toys, giftware, furniture and offices
- 2002: Council purchase the 'Theatre Royal' building on 8th September 2002
- 2006: Footing stabilisation (Uretek & key reblocking and underpinning) undertaken at the Theatre
- 2006: Works undertaken to the Theatre building including; roof and floor replacement and replastering
- 2008: New lighting occurs in the theatre and hall furniture purchased
- 2009: Major electrical upgrade/replacement undertaken renovation
- 2010: Lead light restoration to the shopfronts at the 'Theatre Royal' building
- 2011: New addition to the 'Theatre Royal' building occurs with Change rooms & Kitchen constructed
- 2020: The vacant allotment to the east is upgraded for new parking area and open space treatment
- 2021: New reverse cycle airconditioning added to the 'Theatre Royal' hall (yet to be commissioned due Essential Energy metering matter)
- 2021: Current first floor of the 'Theatre Royal' building unoccupied, with ground floor retail space being utilised by local 'Craft Group', with shops used by CanAssist and the Council for offices

4. ANALYSIS OF PHYSICAL EVIDENCE

4.1 Definitions/Glossary of Heritage Terms

This section identifies and defines heritage terms used in the Burra Charter, the *Heritage Act 1977*

adaptation means modifying a **place** to suit compatible uses

alter in relation to a heritage item means to: make structural changes to the inside or outside of the heritage item or make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, including changes resulting from painting previously unpainted surfaces, providing that the same colour scheme and paint type is used

compatible use means a use that involves no change to the culturally significant **fabric**, changes which are substantially reversible or changes which require a minimal impact.

conservation means all the processes of looking after a place so as to retain its **cultural significance**. It includes maintenance, and may according to circumstance, include **preservation**, **restoration**, **reconstruction** and **adaptation** and will commonly be a combination of more than one of these.

conservation management plan means a document prepared in accordance with the NSW Heritage Office guidelines which establish the heritage significance of an item, place or heritage conservation area, and identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

cultural significance means aesthetic, historic, scientific, or social value for past, present or future generations.

curtilage means the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance.

demolish a heritage item or a building work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item or building, work, tree or place.

environmental heritage means those places, buildings, works, relics, movable objects, and precincts, of State or local heritage significance.

fabric means all the physical material of the **place**.

heritage item means : a, building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the council and the site of which is described in Schedule X (insert reference to the schedule of the plan containing a written description of heritage item sites) and shown (insert how it is shown, for example, by diagonal hatching) on the map marked "....."

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

in the vicinity means surroundings, context, environment or vicinity of a heritage item

item means a place, building, work, relic, movable object or precinct.

local heritage significance means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

maintenance means the continuous protective care of the fabric, contents and setting of a place and is to be distinguished from repair. Repair involves **restoration** or **reconstruction** and should be treated accordingly.

material affectation means changes made to an item or place that will affect the heritage significance of that item or place and inclusive of more than just change to the fabric of that item or place.

movable object means a movable object that is not a relic.

place means an area of land, with or without improvements.

precinct means an area, a part of an area, or any other part of the State.

preservation means maintaining the fabric of a place in its existing state and retarding deterioration.

reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric.

renovation in relation to a building or work means: the making of any structural changes to the outside of the building or work or the making of non -structural changes to the fabric or appearance of the

outside of the building or work, including changes that involve the repair, plastering or other decoration of the outside of the building or work.

restoration means returning the existing fabric of a place to a known earlier state by removing accretions or by assembling existing components without the introduction of new material.

setting means the area of influence or setting of a heritage item which may vary from the surrounding garden and fields of a country house to the pavement of an urban building.

State heritage significance means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

4.2 The Theatre Royal – Building Condition

The 'Theatre Royal' building was in a dilapidated state when Council acquired the building in 2002 and have undertaken many upgrade works to restore that building and make the hall operational. The building is a masonry constructed building of two storeys facing Market Street that consists of 4 shops and entry foyer/passage to the large single storey Hall/Auditorium to the rear.

The building upgrades since 2002 have included the installation of new Male & Female toilets, Kiosk/Kitchenette, upgrade to the Auditorium with new lighting, carpet and operable wall and most recently the extension to the west side for new commercial Kitchen and Green/ Change rooms located off the Stage. There is an understage area that is currently not utilised due to 'water' issues that will need to be addressed, otherwise the Auditorium / old 'Theatre Royal' building is in good condition.

The first floor of the Market Street building where original Supper Room and Apartment above the Café is in poor condition having not been occupied for many years and closed off. The former vacant apartment consisted of a Kitchen, Bathroom, (both de-fitted) Living and Bedroom with the stair access from the shop below restricted/closed off. The original Supper Room is only accessible from the former vacant apartment as the stair access from the foyer has been removed when the electrical upgrade occurred to form the new electrical switchroom.

For the layout of the 'Theatre Royal' building, see drawings below and refer Appendix 2 and for Existing Condition photographs refer Appendix 1.

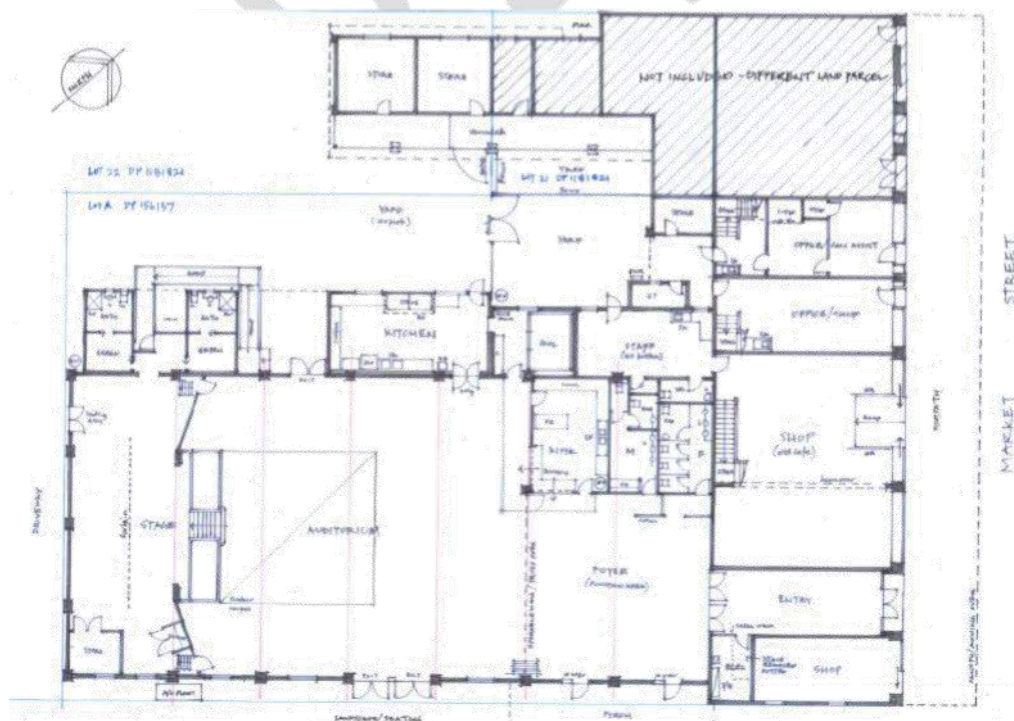


Fig. 8: Ground Floor Plan for the Theatre Royal building – Noel Thomson Architecture

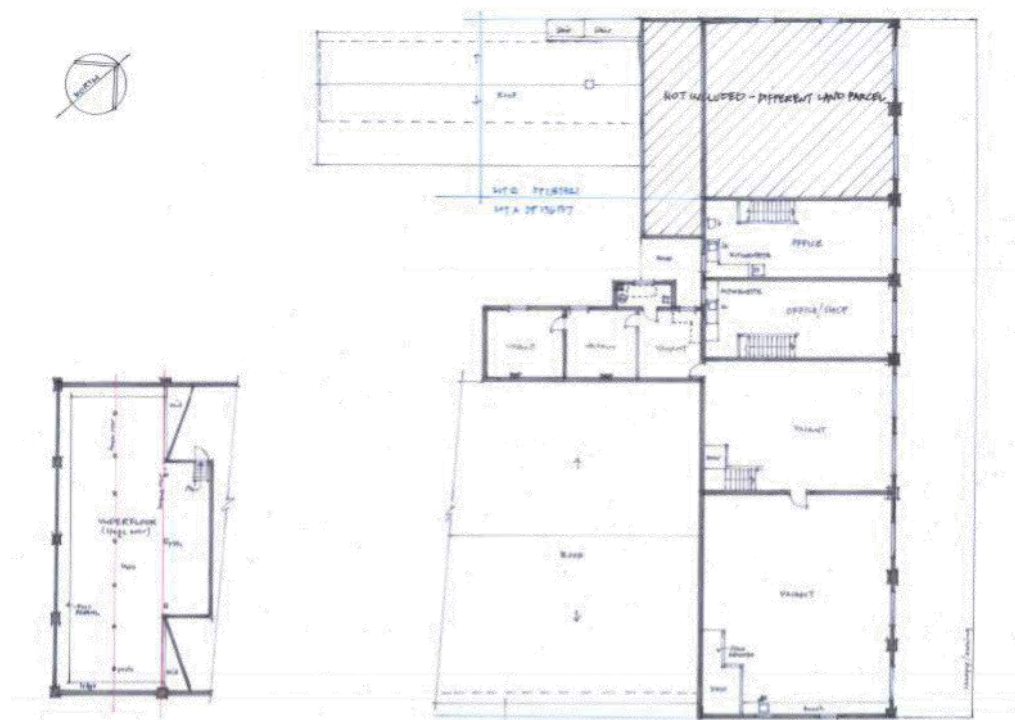


Fig. 9: Understage & First Floor Plan for the Theatre Royal building – Noel Thomson Architecture

4.3 The Theatre Royal – Recent Works

Council acquired the title to the building in 2002 and have undertaken upgrades and restoration works have included footing stabilisation (2002), roof replacement (2006), lighting & electrical upgrade (2008/09), leadlight restoration to the shopfronts (2010) and extensions for new kitchen & green rooms (2011). The most recent works have been the upgrading of the vacant allotment to the east upgraded for new parking area and open space treatment (2020) and the new reverse cycle airconditioning added (2021) to the 'Theatre Royal' hall (yet to be commissioned due Essential Energy metering matter).

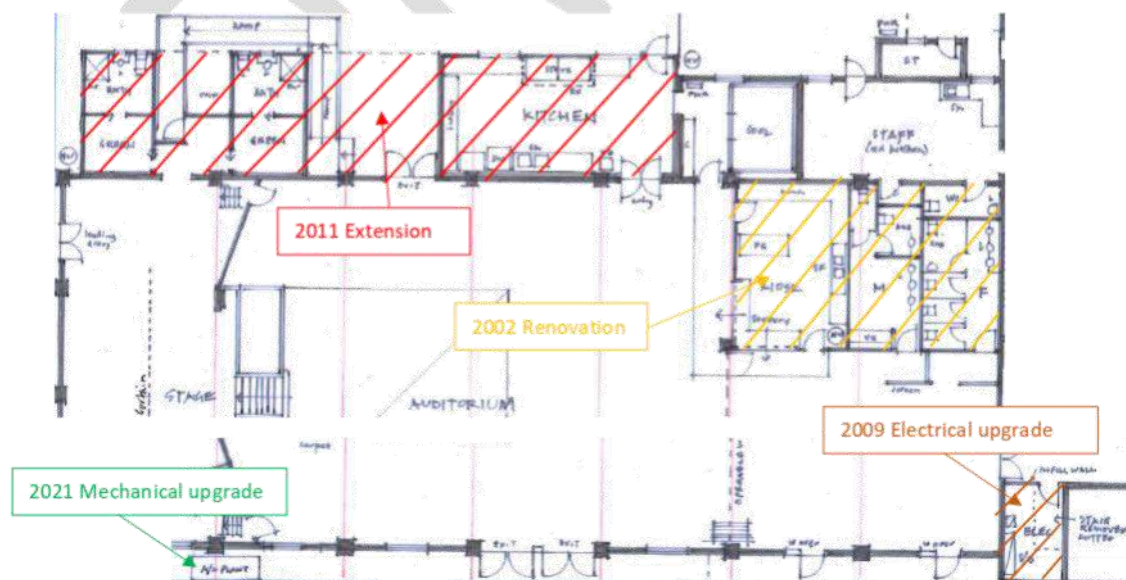


Fig. 10: Theatre Royal building - Ground First Floor Plan extract - Noel Thomson Architecture

5. HERITAGE SIGNIFICANCE

5.1 Current Status / Listings

Currently the Theatre Royal, Balranald is not a Locally or State listed heritage item, however it does hold significance for the township, and there is the possibility that it will be listed locally in the future as recommended by the Balranald Shire Heritage Study 2013 (by Noel Thomson & Peter Kabaila)

5.2 Statutory Heritage Lists

Only lists based on legislation have statutory standing in NSW. Heritage items with statutory protection include:

- items of local heritage significance listed on Schedules to Local Environmental Plans
- items of special significance to the people of NSW listed on the State Heritage Register
- NSW items on the Register of the National Estate (the Commonwealth has limited powers to restrict the actions of its agencies which affect these items).

Statutory lists of heritage items advise owners and the community of special places and objects which should be kept for future generations to appreciate and enjoy. Owners of items on these lists need to make an application to a consent authority, such as a local council or the Heritage Council, before they can make major changes. The consent authority has the responsibility of approving only those changes that respect the heritage significance of the item

Most of the items on local heritage schedules are of local heritage significance. But some items listed by local councils are also of State significance.

The State Heritage Register:

The State Heritage Register was created in April 1999 as a result of amendments to the Heritage Act, 1977. The Heritage Council seeks public comment before recommending the listing of items to the Minister for Urban Affairs and Planning. Listings are published in the Government Gazette. The Register will even

5.3 Other Heritage Lists

The State Heritage Inventory already includes some cross-references to heritage items in New South Wales that are identified by organisations such as the National Trust, the Art Deco Society, the Institution of Engineers and the Royal Australian Institute of Architects.

In most cases these non-statutory lists cannot be used to control future changes to the items. Their value is to alert the community, local councils and the Heritage Council to significant items that may need to be listed on the State Heritage Register or local environmental plans lists. The Theatre building is **not listed** on the following heritage registers;

- Register National Trust of Australia (NSW)
- Register of the National Estate
- Royal Australian Institute of Architects - Register of Significant Buildings
- NSW Heritage State Heritage Register

5.4 The Burra Charter

The Burra Charter (2013) The Australia ICOMOS Charter for Places of Cultural Significance is used as a guideline in assessing heritage significance. The Burra Charter provides guidance for the conservation and management of places of cultural significance. The Charter sets a standard of practice for those who provide advice, make decisions, about, or undertake works to places of cultural significance, including owners, managers and custodians.

Article 26.1 of the Burra Charter states that:

"Work on a place should be preceded by studies to understand of the place which should include analysis of physical, documentary and other evidence, drawing on appropriate, knowledge, skills and disciplines."

Once the place has been studied, the cultural significance can be assessed. Article 1.2 of the Burra Charter defines **cultural significance** as the *"aesthetic, historic, scientific, social or spiritual value for past, present or future generations."*

5.5 NSW Heritage Office Guidelines

The evaluation criteria for the assessment of cultural significance were developed by the NSW Heritage Council in association with amendments to the NSW Heritage Act 1977. They were developed with the goal of national consistency and community understanding and replaced the previously used **State Heritage Inventory (SHI)** assessment criteria. The **State Heritage Register (SHR)** criteria were gazetted followings to the Heritage Act and have been in force since April 1999.

Assessment in this report has been made using these criteria for listing on the State Heritage Register. Criteria are outlined in the publication *Assessing Heritage Significance – Heritage Office 2001*. Under each section a place is assessed to be of **STATE** or **LOCAL** or **NO** heritage significance.

STATE: Of significance to the State of New South Wales

LOCAL: Of significance to the Local Government area

5.6 Grading of Significance









Grading reflects the contribution the element makes to the overall significance of the item. In accordance with the NSW Heritage Office Guidelines for Assessing Heritage Significance, the following five grades of significance have been defined.








Different components of a place may make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance. In some cases it may be useful to specify the relative contribution of an item or its components. While it is useful to refer to the following table when assessing this aspect of significance it may need to be modified to suit its application to each specific item.





Grading	Justification	Status
Exceptional	Rare or outstanding elements directly contributing to an item's local or state significance. High degree of intactness. Item can be interpreted relatively easily	Fulfil the criteria for local or state listing = 5
High	High degree of original fabric. Demonstrates a key element of the items significance. Alterations do not detract from significance.	Fulfil the criteria for local or state listing = 4
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfil the criteria for local or state listing = 3
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfill the criteria for local or state listing = 2
Intrusive	Damaging to the item's heritage significance.	Does not fulfill the criteria for local or state listing = 1

Area	Photograph	Status / Rating
Market St / front facade		5

East side facade		4
East & rear facade		4
West side & rear facade		4 & 3
Stores building		3
Shopfronts (east)		4
Shopfronts		4
Theatre Entry Foyer		5
Auditorium		5

Auditorium & Stage		5
& Stage		5
Theatre Toilets		3
Theatre Kitchenette		3
Theatre Kitchen (2011)		3
Change / Green rooms (2011)		3
Stage		4
Understage area		4 & 3

Former Shop (storage)		4
Former Stair to first floor – now electrical room		3
First Floor - former Supper Room (vacant)		4
Grd Floor - former shop - now new Office		4
First Floor - former shop / apartment – now new Office		4
Grd Floor - former Shop - now CanAssist		4
First Floor - former shop / apartment - now CanAssist staff		4

Grd Floor - former Café - - now Craft Group Shop		4
First Floor - former Shop upper (vacant)		4
First Floor - former Shop Apartment kitchen (vacant)		4 & 3
First Floor - former Shop Apartment Living room (vacant)		4
First Floor - former Shop Bedroom (vacant)		4
First Floor - former Shop Apartment Bath Room (vacant - derelict)		3 & 4
Grd Floor - former Café kitchen - now Craft Group staff area		3
Grd Floor - former Café kitchen - now Craft Group staff area & toilet		3

Stores Building - 2 Store rooms		3
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5.7 Assessment of Significance

With reference to Heritage NSW "Assessing Heritage Significance" the assessment of significance against NSW Heritage Criteria is as follows:

An item will considered to be of **STATE** or **LOCAL** heritage significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the following criteria:

HISTORICAL:

Criterion (a): *An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).*

Having opened in 1933, the Theatre Royal is historically significant due to its construction taking many years to complete during the depression forming an shops and theatre building in Balranald's mainstreet.

ASSOCIATIVE:

Criterion (b): *An item has strong or special association with the life works of a person or group of persons, of important in NSW's cultural or natural history (or the cultural or natural history of the local area).*

The Theatre Royal is important due to its association with Mr W. A. Merrett who owned the Royal Hotel and constructed the building behind to achieve a major 'entertainment' complex for Balranald. Mr Frank O'Halloran is an important figure in Balranald, southern NSW and Victoria with started with operating the Theatre Royal in 1933. Some years later O'Halloran Theatres had 13 cinema's operating under the 'Regent Theatre' banner by the 1950's.

AESTHETIC:

Criterion (c): *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).*

The Theatre Royal has aesthetic significance due to its design being a two storey shop building (with theatre behind) fronting Market Street having an imposing facade with Arts & Crafts style features and leadlighting detailing at shopfronts.

SOCIAL:

Criterion (d): *An item has strong or special association with a particular community or particular community or cultural group in NSW (or the local area), for social, cultural or spiritual reasons.*

Having operated as a picture theatre / cinema from its 1933 opening until its closure in 1962 and for the many important events (Diggers Ball 1938), the theatre is socially significant to the people of Balranald.

RESEARCH POTENTIAL:

Criterion (e): *An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of local area).*

The Theatre Royal has minimal potential to yield additional information on Balranald and NSW's history other than what has been identified in this CMP.

RARITY:

Criterion (f): *An item possesses uncommon, rare or endangered aspects of the areas cultural or natural history (or the cultural or natural history of local area).*

The Theatre Royal building with shops, accommodation and auditorium is unique to Balranald and is a rarity in the Riverina and southern NSW.

REPRESENTATIVENESS:

Criterion (g): *An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments.*

- *or a class of local area's cultural or natural places; or cultural or natural environments.*

Along with the arrival of the railway, the Theatre Royal demonstrates the development in the 1920's of the prosperous township of Balranald and is representative of other theatres being built around that period.

5.8 "Theatre Royal" Statement of Significance

The "Theatre Royal" building is significant to Balranald having been constructed by Mr W. A Merrett the owner of the adjoining Royal Hotel and operational from 1933 until its closure in 1962. It is important due to its association with local, Mr Frank O'Halloran who operated the theatre from 1933 until the 1950's having expanded this 'movie' empire into southern NSW and Victoria operating 13 cinemas in total.

This early 20th century Picture Theatre and Shop has high landmark value, historic, aesthetic and social significance due to its operation as a picture theatre/cinema for 40 years. Some of its original Arts & Crafts style features, such as ceramic tiled shopfronts and lead lights contribute to its aesthetic value. Originally built in the 1920's as part of an entertainment complex, the "Theatre Royal" building now comprises a range of uses, including small shops / offices and auditorium for use and hire to the people of Balranald.

6. CONSERVATION POLICY DEVELOPMENT

INTRODUCTION:

The **guiding conservation policy** is that the Theatre Royal shall be conserved and appropriately managed in a manner respecting its cultural & state heritage significance. That the features intrinsic to that heritage significance are conserved, and that change be consistent and sympathetic with the viable use or uses.

6.1 BURRA CHARTER – BASIS OF APPROACH

POLICY 1.1

All conservation work and development will be carried out in accordance with the principles of The Australia ICOMOS charter for the conservation of places of cultural significance (the Burra Charter) in its current form.

POLICY 1.2

The statement of significance in this plan, together with any additional detailed research and assessments and scope of works, will guide future decisions and work on the place.

POLICY 1.3

Prior to undertaking work to any fabric on any building as having Significance, a statement of heritage impact consistent with NSW Heritage Manual procedures, shall be prepared which;

- Verifies the assessment of Significance through detailed investigation, recording and evaluation by conservation professional.
- Confirms the relevant policies applicable to the Significance and level of intervention proposed.
- Establishes a comprehensive specification applicable to the proposal, based on conservation policies from this Plan.

POLICY 1.4

All available documentary and physical evidence is to be reviewed as a guide, prior to any work being undertaken.

All work to be undertaken on the basis of known evidence. Conjecture, guesswork or prejudicial estimation is not acceptable.

POLICY 1.5

Retention, enhancement and retrieval of significant characteristics should be adopted as opportunities arise, after consideration of the changing needs and circumstances of the site and its users.

6.2 Control Change

POLICY 2.1

Ensure that sufficient consultation related to changes occurs between the stakeholders and Balranald Shire Council and Heritage NSW (as required).

POLICY 2.2

Ensure that changes provide for retention and enhancement of all significant fabric and items as identified in this Conservation Management Plan.

POLICY 2.3

Ensure that the Masterplan as referenced in this Conservation Management Plan is updated for any future works, then adopted and carried out in the recommended priority/staged order proposed.

POLICY 2.4

Ensure that all proposals are fully funded prior to works commencing on site.

POLICY 2.5

Ensure that all changes to the building have been vetted / approved by an experienced and professional conservation 'consultant' prior to any conservation works being undertaken.

POLICY 2.6

Prior to undertaking any changes or conservation works to the building ensure that approval for Works has been obtained from the NSW Heritage Council.

6.3 Management and Curtilage

POLICY 3.1

The curtilage for the site shall cover both the Theatre Royal and the adjacent allotments, that form part of the original overall building and the now vacant allotments to the east. The whole site is covered by the five allotments and due to its heritage links, a Management Structure should be established that is capable of the following:

- Provide and manage levels of authority and responsibility for the stakeholders.
- Devise, implement and supervise conservation works / maintenance activities.
- Enhancing and develop the Cultural Significance of the site.
- Establishing visitor related activities which support appropriate interpretation and promotion.

POLICY 3.2

Implementation and establishment of a Management Structure for the Theatre Royal in accordance with the above guidelines shall be undertaken as a priority.

POLICY 3.3

Decisions must be made in the context of the use of the Theatre Royal and the whole site and its significance. Efficient and appropriate use should be made of the Theatre Royal and site/buildings, while also having regard to the amenity and value to the community.

6.4 Services

POLICY 4.1

Prior to the installation of new services, heritage architect/consultants opinion to be sort. New services should not generally be chased into brickwork or superimposed on fabric in visible locations while brackets; mountings and fixings should not damage significant fabric.

POLICY 4.2

All redundant services should be removed and the surrounding fabric made good, in particular where these services are exposed and visually intrusive,

POLICY 4.3

External lights should be in keeping with traditional fittings, of appropriate design and unobtrusive. Lighting levels should provide safety at night and an appropriate degree of spilled lighting to the buildings without apparent "floodlighting" or glare.

POLICY 4.4

Solar photovoltaic collectors - the objective is to place these intrusive modern services onto roofs where they will have lesser impact on the heritage significance. The proposal would be to place solar panels on the north/west roof of the Theatre so that it is not visible from the street.

POLICY 4.5

The installation of a new mechanical air conditioning system for the Theatre has occurred, however can not be operated due to inadequate power supply to the building - upgrade to electrical supply to the street and required by Essential Energy.

6.5 Safety Measures

POLICY 5.1

Conflicts between Fire Safety requirements and conservation recommendations should at first be referred to heritage architect/consultant and the 'Fire Advisory Panel' of the NSW Heritage as appropriate.

POLICY 5.2

All works shall meet the performance requirements and provisions of the National Construction Code / Building Code of Australia for Fire, Egress, Disabled & Access and Essential Services, as administered by Balranald Shire Council.

POLICY 5.3

With the adaptive reuse and occupation of the first floor, this part of the building to be brought up to 'Standard' as per Policies 5.1 & 5.2 and the 'Premises Standard' where disabled access via lift required to the first floor.

6.6 Maintenance and Repairs

POLICY 6.1

Undertake all tasks as set out in the Scope of Works for implementation in accordance with this Conservation Management Plan and with the minimum intervention in the significant fabric. Ensure that NSW Heritage approval is obtained prior to undertaking any works.

POLICY 6.2

Use of the Management and Maintenance Plan as advised by this Conservation Management Plan.

POLICY 6.3

As part of the 'Total Asset Management Planning', the owners/stakeholders (adopted Management Structure) shall include forecast expenditures sufficient for a five year Maintenance Plan.

POLICY 6.4

Consultants, staff and tradespeople must have appropriate qualifications for the tasks including sound conservation experience working on heritage buildings.

POLICY 6.5

In accordance with the "Burra Charter" Significant fabric must not be damaged by maintenance and repair activity. Trades will need to adhere to the conservation requirements for making good the surrounding materials and finishes if damaged.

POLICY 6.6

Roofs, awnings, gutters, box gutters downpipes and drains, brickwork & dampness are to be subject to regular inspection, repair and maintenance.

6.7 Building and appearance form

POLICY 7.1

Adaptation, which does not adversely affect the character and significance of the Theatre Royal may be permitted within areas of building, however the following alterations may not be acceptable;

- The removal of primary internal walls
- Any works at the proscenium arch, side screens and dress circle balustrade
- New openings for doors and windows in significant rooms and external original walls
- Externally mounted plant and equipment
- Attached and exposed services and conduits
- Where there appears to be no feasible alternative for mechanical plant & equipment and exposed services, they should be accommodated and screened with a discrete envelope, painted in a similar colour to the surrounding material

POLICY 7.2

The Theatre Royal building should retain its principal form including the floor layouts, roofs, mass, decoration, fenestration and access points. Work to areas of significance should be limited to preservation, restoration and reinstatement. All work, which could have a detrimental impact on the external form, is not acceptable.

POLICY 7.3

External materials, finishes and colour schemes for the Theatre Royal building should be based on site investigation and scope of works. Prior to undertaking any changes to the external appearance Seek Council Approval

6.8 Intrusive Elements

POLICY 8.1

Intrusive elements, such as later added mechanical plant to the east side the "Theatre Royal" building should be screened so as to eliminate or reduce their detrimental impact on the significance of the Theatre building.

POLICY 8.2

The making good of fabric associated with the removal of intrusive elements must be completed without further damage, and in a manner consistent with the Burra Charter principles of *restoration or reconstruction*.

6.9 Conservation Advice and CMP Adoptions**POLICY 9.1**

The Conservation Management Plan is a guide for the future care and maintenance of the Theatre Royal. Experienced and professional conservation advice should be utilised for all conservation works.

POLICY 9.2

A comprehensive copy of all relevant archival materials should be assembled for reference use on site and stored in a secure manner at the Theatre Royal. A similar copy should be lodged with the Balranald Shire Council for reference and safe keeping. The following should be included;

- Copies of all drawings and plans
- Copies of all available photographs
- A copy of the Conservation Management Plan
- A copy of the Management and Maintenance Plan
- A copy of the Maintenance Plan / Checklist
- A copy of relevant records relating to building maintenance contractors and works.

POLICY 9.3

Masterplanning for the Theatre Royal building and site elements has been prepared and form part of this Plan. Priority should be given to the documented works that are highlighted in the Theatre Royal – Masterplan by Noel Thomson Architecture Pty Ltd - Refer Appendix 3

POLICY 9.4

A commitment is to be made to consult stakeholders and Balranald Shire Council on a new Management Structure with regard to the adequate care and maintenance of the Theatre Royal building and site.

POLICY 9.5

The ICOMOS Burra Charter recommends that a Conservation Management Plan should contain provision for adoption and review.

Balranald Shire Council to adopt this Conservation Management Plan. Review this plan within 10 years, or in the event of radical change to the Theatre Royal building, or in ownership and major changes in use or circumstances. When the detailed design for the alterations to the components of the building are completed, seek Council approval

POLICY 9.6

On adoption / endorsement of this Conservation Management Plan, Balranald Shire Council shall make this Plan available to the general public and place a copy in the Balranald Library.

6.10 Interiors**POLICY 10.1**

Ensure that all uses are sympathetic with the conservation of significant building fabric and finishes within the Theatre and other building spaces.

POLICY 10.2

Where appropriate, reinstatement of significant items such as light fittings and fixtures should be based on archival research and be consistent with the Burra Charter principles, in particular;

- Doors and windows
- Pendant light fittings
- Ceilings (auditorium)
- Proscenium Arch (auditorium)
- Timber joinery - including skirtings, architraves, etc.

6.11 Archaeology**POLICY 11.1**

Where works are proposed which involve excavation, an archaeological assessment should be made to determine the possibility that relics may be revealed. This is particularly the case at adjacent to the Theatre building

POLICY 11.2

Where there is a possibility that relics may be exposed, specialist advice should be obtained from NSW Heritage, prior to the commencement of work. An Archaeological investigation should then be undertaken to assess, identify and record evidence of previous development.

POLICY 11.3

Where archaeological evidence is revealed at a works site, excavation should cease until advice has been obtained from a suitably qualified professional/archaeologist.

6.12 Adaptive Reuse and Opportunities

POLICY 12.1

Encourage and support research directed at increasing the knowledge and understanding of the significance of the Theatre Royal at a local level (Balranald Community) and promote through the Balranald Tourist Information Centre and Balranald Shire Council. The following areas of research are worthy of detailed investigation;

- Detailed history of the establishment of the Theatre Royal
- The operation of the Theatre and its relationship with Balranald residents

POLICY 12.2

Support the development of temporary exhibitions, in conjunction with Policy 13.1 with the objective of attracting the support of the community.

POLICY 12.3

Support the Masterplan and proposed adaptive reuse of first floor areas

POLICY 12.4

Maintain contact with 'Theatres' within the region to exchange information and skills related to the projection of movies and performance venues.

POLICY 12.5

Continue to promote the use of the Theatre Royal as a 'Entertainment Venue', 'Function Centre' and 'Multipurpose Hall' capable of holding conferences, performances, weddings, etc through the Balranald Tourist Information Centre and Balranald Shire Council.

6.13 Significance and Conservation Funding

POLICY 13.1

Balranald Shire Council should pursue funding of the conservation and masterplan works for the Theatre Royal, Balranald and other issues raised in this CMP.

16.14 LEP Requirements / Considerations

POLICY 14.1

If/when the Theatre Royal is heritage listed then the Balranald Local Environmental Plan - 2010, with reference to Clause 5.10 Heritage Conservation, the following sub-clauses would apply;

(1) Objectives

The objectives of this clause are as follows:

- "(a) to conserve the environmental heritage of Balranald, and*
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,"

(2) Requirement for consent

Development consent is required for any of the following:

- "(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
(iii) a building, work, relic or tree within a heritage conservation area."

(3) When consent not required

"However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area,”*

(4) Effect on heritage significance

“The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).”

(5) Heritage impact assessment

“The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is situated, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.”*

7 MASTERPLAN

INTRODUCTION:

This section of the report identifies the constraints and opportunities, which arise as a result of the heritage significance of the Theatre Royal and input from stakeholders and building owner for the 'masterplanning' of the theatre/buildings and the adjoining allotments. The Theatre Royal is to be retained and upgraded in accordance with Conservation guidelines and 'masterplan' drawings.

7.1 Preparation of Masterplan

It is important that an in principle agreement with the full range of stakeholders for the Theatre Royal is reached for the preparation of a masterplan. Based on the appreciation of constraints and opportunities for the theatre/building and the adjoining allotments and the operational aspects, this detailed masterplan is developed.

Refine all options for potential uses for the Theatre Royal in the preparation of the masterplan and if necessary set stages for the works to be undertaken. Complete all necessary consultations and prepare a 'Business Plan' to prove the viability of the proposal.

Balranald Shire Council provided the following tasks to be undertaken in relation to the Masterplan for the Theatre Royal;

1. Consult fully with relevant Council Officers, Project Manager and user groups of the Theatre
2. Following consultations, determine the best solutions for the future development of the Theatre Royal and Buildings to meet anticipated future needs, particularly:
 - 2.1 Review the technical issues and options for a kitchen, catering functionality, storage for temporary use items & equipment, air-conditioning, ventilation and stage sound/lighting
 - 2.2 Review options for practical landscaping of the site – planting, pavements and ground and structured planting treatments

Noel Thomson prepared briefing notes from the site visit and instructions from Council where review of current theatre operations undertaken and input into master planning was obtained. From this meeting an outline of opportunities and restraints were highlighted as follows;

1. First priority is to finalise air-conditioning - power supply issue to the theatre so as to better utilise the building all year round.
2. Conservation, proscenium arch + side walls and stage is required on ongoing basis so that deterioration is avoided.
3. Maintenance issues raised; need to address building movement / cracking, moisture / rising damp and seepage at the understage area.
4. Intention is that movies be brought back to the theatre which requires resolution of fire issues and upgrade of projection and sound systems, so that the theatre can be fully utilised now that refurbishment complete.
5. Blackout blinds for the windows to prevent light penetration during daytime movies. The inside edge of the windows could be painted black to assist.
6. Stage upgrade required, in particular lighting and sound along with need for refurbishment of the floor and underfloor / access storage
7. Paint the outside surfaces of the building

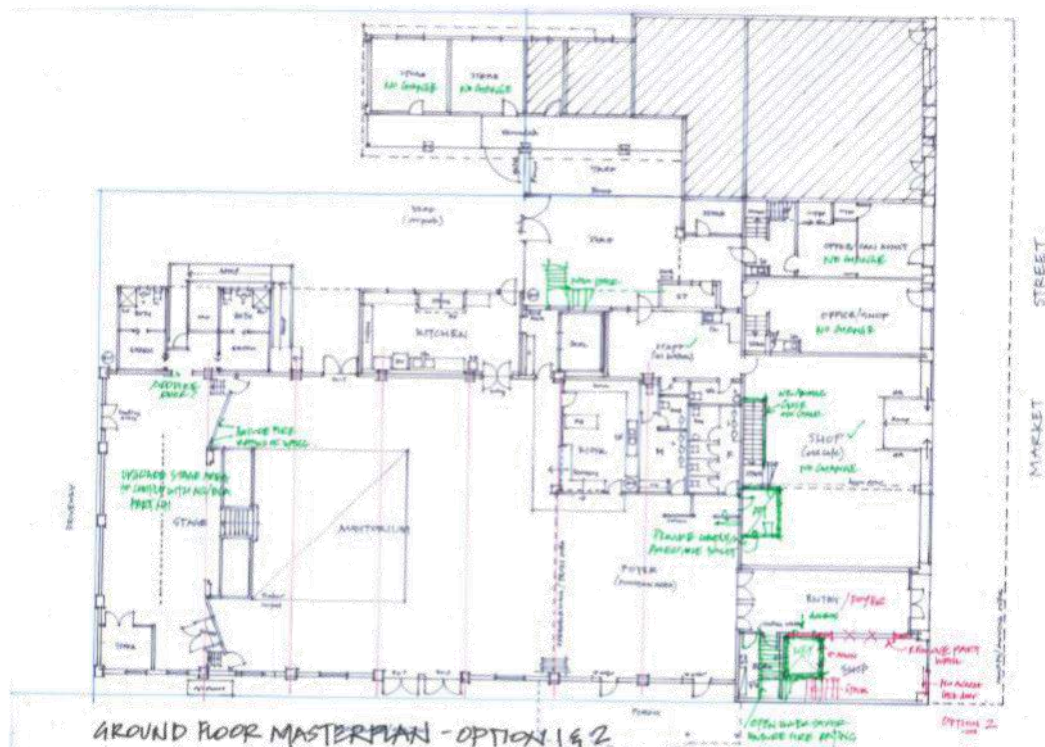
The preliminary masterplan concept sketch options were prepared and form part of this CMP. Currently the building can be operated for many functions, from picture theatre/movies, live performance venue (stage, band, musical, presentation nights, etc), function centre venue (weddings, parties, conferences, seminars, etc) and for other occasions. This should be outlined and form part of Council's Theatre Royal 'Function Package' for the hire of the venue.

Noel Thomson Architecture has prepared Masterplan Concept Designs, with the basis of the design as outlined below;

1. The auditorium to remain a multipurpose space for events such as performances, movies and functions (conferences, weddings, school events, etc).
2. The adjacent Building where store areas exist is to be upgraded that will cater for the storage of lightweight function equipment, seating benches, tables, seats, decorations, etc.
3. The upstairs area where vacant and former supper room is to be upgraded to become a small function / meeting / gathering space - where the internal access by stair is to be reinstated and lift installed.
4. The proposal for the understage area / once water issues have been resolved is for the placement of additional / easier access that will have the potential to cater for additional storage.

Note: fire upgrade will be required if area to be used for storage

5. Upgrade auditorium infrastructure to ensure new substantial lighting and sound systems.



Note: Refer to Appendix 3 for the Masterplan Concept Drawings

7.2 Implementation of a Masterplan

Arrangements should be put in place to engage a full team of consultants with relevant experience, including heritage, services, structure and landscape consultants to assist in the preparation of tender / construction documentation for the implementation of the masterplan designs.

The cost of conserving the significant parts of the building, further adaptation of the building to enable multi-function use and upgrading services to an acceptable standard is likely to be in excess of the available local resources in the short term. As is often the case with projects such as these, staged implementation of the works is likely to be the adopted strategy.

In determining priorities, both cost and need have been considered. One of the major expenses will be the cost of a heating and cooling system that would be suitable for the whole auditorium space

High priority works are for the conservation / maintenance repairs which will assist in the long-term structural capability of the building, medium priority works are for the upgrade / expansion of the building will assist in the long-term viability of the building and low priority work achieves a particularly high quality

facility across all areas of potential use. The works have been set out below in stages as the likelihood is that the works will be implemented progressively. Depending on the availability of funding, construction works could be staged as follows;

- Stage 1: Get operational the mechanical services installed to the auditorium and stage areas by upgrading the electrical supply to the building.
Install compliant accessible toilet at the rear of the auditorium.
- Stage 2: Building repairs and maintenance including areas of damaged masonry work due to movement / cracking, review and install appropriate damp-proofing at understate area, window repairs and painting, etc
- Stage 3: Upgrade the stage area / proscenium arch structurally for the new projection, lighting and sound system for cinema/movies and live performances.
- Stage 4: Construct new works for adaptive reuse of first floor areas, including installation of new lift and stairs.
- Stage 5: Rework existing stores at ground level, potential to construct link to auditorium
- Stage 6: Further conservation works, building repairs and maintenance that that will enhance the internal and external areas of the building.
- Stage 7: Install solar panel system to roof and upgrade electrics as required.

8. MANAGEMENT AND MAINTENANCE PLAN

INTRODUCTION:

This section of the report identifies the management and maintenance tasks, which arise as a result of the heritage significance of the Theatre Royal. Guidelines are required to ensure the appropriate management, statutory approvals and maintenance tasks are followed.

8.1 Recommendation for works

The Theatre Royal is to be retained and upgraded in accordance with Conservation guidelines.

Complete essential conservation works that are required to prevent further decay to the building fabric and establish clear management and operational guidelines for all contractors, staff and visitors, so that they are aware of the heritage value of the building/site.

8.2 Statutory Controls and Opportunities

If/when the Theatre Royal is Heritage Listed, as with all development, Council will require a Development Application and an application for a Construction Certificate for the proposed building works. In regards to a Development Application the works are to be fully described in a Heritage Impact Statement completed by a heritage architect/consultant. This is to ensure that the general character of the works are sympathetic with the significance of the building, and that the details for 'change' does not detract from the heritage architecture.

This Conservation Management Plan (CMP) may then be proposed to Balranald Shire Council as a document for consent, allowing for minor works, which are covered within the agreed CMP to be exempt from a continual approval process.

8.3 Management

Following the implementation of the proposed new Management Structure for the Theatre Royal building, the adoption of this Conservation Management Plan is critical for the buildings ongoing management.

The policies in this CMP should direct and support all future decisions concerning the site including those involving restoration, reinstatement and new construction.

It is highly recommended that an experienced heritage architect/consultant be retained to consistently advise on conservation and development issues. This will ensure that documentation and proposed works are always based on sound advice, relative to the heritage significance of the Theatre Royal and the statutory requirements and approvals.

8.4 Maintenance

The Conservation Management Plan lists the works, which may be defined as corrective maintenance. These items are designed to bring the building to an acceptable standard. This will apply to the building fabric and also to the appropriate character of the materials, finishes and workmanship. The Management & Maintenance Plan must then cover the following requirements;

- Planned maintenance: For example cleaning of roofs and gutters, deterring roosting pigeons, external painting, etc.
- Emergency corrective maintenance: For example health, safety and security issues.
- Maintenance tasks may be carried out by staff in some instances, but mostly by specialist contractors and tradespeople. It is essential that all personnel are familiar with the tasks and any specific requirements dictated by the heritage status of the materials and finishes.
- It is important that contractors involved with tasks such as air-conditioning and communications are aware of the heritage significance of the building to ensure that inappropriate works (materials and workmanship) are not undertaken.
- There are many examples, particularly on external elevations, where services have been fixed to walls. The first alternative should be to attempt a concealed route either on the inside or the outside. Where this is not possible, screen the item / service with an appropriate material and colour. The screen is not to disguise or imitate but to reduce the visual impact of the object.

Recommendation is for the preparation of Management & Maintenance Plan and Maintenance Checklist documentation separate to this Conservation Management Plan.

Note: For Proforma documentation refer Appendix 4

APPENDIX 1 – CURRENT PHOTOGRAPHS 2021

APPENDIX 2 – EXISTING BUILDING LAYOUTS (GROUND AND FIRST FLOOR)

APPENDIX 3 – MASTERPLAN LAYOUT (GROUND AND FIRST FLOOR)

APPENDIX 4 – PROFORMA MANAGEMENT AND MAINTENANCE PLAN AND MAINTENANCE CHECKLIST



Balranald Shire Council Grants/Projects Update Summary As at 10th August 2022

Submitted by the Community Projects Coordinator

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- Fixing Local Roads (FLR) Round 1

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- Fixing Local Roads (FLR) Round 3

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- Transport Access Regional Partnerships Funding (TARP) 2019 – 2023
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- Increasing Resilience to Climate Change 2021 IRCC
- Community Building Partnership 2021
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- Crown Reserve Improvement Fund 21/22

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- Community Building Partnership Grant 2022
- COVID-19 Aged Care Support Program Extension – COVID Outbreak Reimbursement
- Office of Responsible Gambling – Community Contribution Panel
- Reconnecting Regional NSW Community Events Program
- Building Better Regions Fund – Community Stream Round 6
- Regional NSW – Business Case & Strategy Fund
- Stronger Communities Fund Round 5
- Regional Tourism Activation Fund Round 2

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

REPORT HIGHLIGHTS:

Elements that been added to this report from last month:

- We have now added Project Commencement and End Dates to the "Project Manager" Column
- We have added "Funds Received to Date" and "Expenses to Date" under the "Funding Value" column

NOTE: At this stage we are just starting to get the relevant information of Funds Received and Expenses to Date on current projects. Edna will be doing a report which will provide us with the latest information on these which will then be updated on this report.

Completed & Fully Acquitted Projects and funds received that have now been taken off this Report from last month:

The following have now been taken off this report and archived on the Grants Register:

- NSW Partnerships Local Council Funding Stage 2 – Response to Covid 19 – Office of LG
- Balranald Retirement Hostel – Aged Care Workforce Bonus Payment 2022 – Department of Health
- Active Pools – NSW Government of Sport
- Small Business Month NSW 2022 – NSW Treasury
- The Festival of Place Summer Night Fund 2022

Applications Pending that have been Approved from last month:

- Business Improvement Fund 2022 – Department of Health

Applications Pending or Applications to be submitted added from last month:

- Regional NSW – Business Case and Strategy Development Fund
- Stronger Country Communities Fund – Round 5
- Regional Tourism Activation Fund – Round 2

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Ref	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Block Grant 2020/2021 – Transport NSW	F20.387	Vince Scoleri Project Start Date: 1 st July 2020 Project Finish Date: 30 th June 2021	Roads Component: \$1,165,000 Traffic Facilities component: \$42,000 Supplementary component: \$89,000	\$1,296,000 Funds Received to date: \$1,296,000 Amount expended by Council: \$1,178,290.73	1 st Payment \$649,000 Receipt 52,575 Aug2021 2 nd Payment \$647,000 Receipt 53,927 Jan 2022 This project is fully acquitted and will be removed from the report next month
Block Grant 2021/2022 – Transport NSW	F21.521	Vince Scoleri Project Start Date: 1 st July 2021 Project Finish Date: 30 th June 2022	Main Road Maintenance. - MR 67 (192.9KM), MR 431 (6.5KM), MR 514 (62.9KM), MR 296 (2.2km) Roads Component: \$1,165,000 Traffic Facilities component: \$42,000 Supplementary component: \$89,000	\$1,298,291 (as per Schedule 1 of the Block Grant Agreement 2021/2022) Funds Received to date: Expenses to date:	Requiring update on the status/completion information as at 30 th June 2022
RMS Repair Program 2020/2021 – Roads and Maritime Services Job Cost Code: 0224-4999-0006	F19.710	Vince Scoleri	Oxley Road & Kyalite Road Development	Awaiting Confirmation funds received	Works Completed. Awaiting confirmation of final acquittal information from the Project Manager

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Ref	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Regional Roads Repair Program – Transport NSW	F22.139	Vince Scoleri Project Start Date: In Planning Stage Project Finish Date: 30 th June 2023	Increased heavy vehicle traffic on MR67 has resulted in push outs and edge breaks along large sections of the road. To repair damage by adding an overlay of gravel to shoulders and cement stabilising road edges and shoulders. Reseal and reinstall line marking.	\$200,000 – Grant \$200,000 Council Contribution Funds Received to date: Expenses to date:	On the 29 th April 2022 Early advice of Council's Priority 2 Project – Balranald Ivanhoe Road was successful for funding. Awaiting Agreement
Fixing Local Roads (FLR) – Round 1 – Transport NSW	F20.525 F20.573 F20.572	Vince Scoleri R1a: Project Start Date: March 2022 Project Finish Date: July 2022 R1b: Project Start Date: Sept 2020 Project Finish Date: Still in Progress	R1a: Weimby Kyalite - Sealing existing road for safety improvements R1b: Mama Box Creek Road - \$550,000 transfer of funds from R1a to Marma Box Creek Road project via an approved Variation	\$1,927,500 – Grant \$128,500 Council Contribution Funds Received to date: Expenses to date: Funds Received to date: Expenses to date:	Weimby Kyalite Road construction is complete and balance of funds of \$550,000 has been transferred to Marma Box Creek Road project under Fixing Local Roads Round 1 via a Variation of Transfer D22.65622. Latest update is that new signs have been ordered but not yet delivered.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Fixing Local Roads (FLR) – Round 2 – Transport NSW Job Cost Code: 6020-4999-000 Revenue: 6100-1100-0004	F21.184	Vince Scoleri Project Start Date: September 2021 Project Finish Date: Works stopped due to Tender exceeding the budget	Leslie Drive Euston Upgrade - Seal extension and initial seal	\$246,500 – Grant \$14,500 Council Contribution Funds Received to date: Expenses to date:	Works stopped due to Tender exceeding the budget. Awaiting further information on financial status of the project
Fixing Local Roads (FLR) Round 3 – Transport NSW Job Cost Code: Tapalin Mail Road: 9008-4999-0001 Job Cost Code: Euston Prungle Road: 9015-4499-0001 Job Cost Code: Marma Box Creek Rd: 9019-4999-0004	F19.184 F21.582	Vince Scoleri Project Start Date: Sept 2020 Project Finish Date: Still in Progress	Sealing existing road for safety improvements – 1. Marma Box Creek Road Sealing, 2. Euston Prungle Road Sealing, 3. Tapalin Mail Road	1. \$600,000– Grant \$200,000 Council Contribution 2. \$300,000– Grant \$100,000 Council Contribution 3. \$412,500– Grant \$137,500 Council Contribution Funds Received to date: Expenses to date:	Marma Box Creek Road estimated costs not matching actual cost of works. Works have been stooped until a full review of scope of works is done by Kerry and Richard. Euston Prungle Road initial pricing of works assumed a local source of gravel. This may not be available. Review of costings and gravel sources underway. Tapalin Mail Road may not be sealed till Sept/Oct 2022 due to weather.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Roads to Recovery 2019-2024 – Department of Infrastructure, Transport, Regional Development & Communications	F19.751	Vince Scoleri Project Start Date: May 2020 Project Finish Date: July 2024	Funding is allocated to 21 road projects. You can view detailed allocation of expenditure at D22.65956 on CM	\$4,997,524 Funds Received to date: Expenses to date:	Works in progress. Proposed completion date is 2024.: All road projects completed except for Kilpatrick Road Resealing, Weimby Kyalite Road, Marma Box Creek Road, Leslie Drive, Tapalin Mail Road
Tourism Small Business Funding – Small Business Video Project Job Cost Code: 6560-2304-0000	F22.296	Connie Mallet Project Start Date: May 2022 Project Finish Date: 30 th June 2022	This project is being funded by a Small Business Grant that John Batchelor had found that had not been expended as at 30/6/2021. The project involves the filming of Balranald Shire visitor services' small businesses. The video will be used across a number of digital and social media platforms.	\$5,000 Grant \$1,000 Council Contribution Funds Received to date: \$5,000 Invoice Paid: \$6,000	Filming was now completed just prior to 30 th June. Draft Video is being edited for release
ClubGrant Euston Gym 2021/2022 – Euston Club Job Code: 4684-4999-0012	F21.490	Thai Dang Project Start Date: 4 th October 2021 Project Finish Date: 30 th June 2022 Project Start Date: 8 th September 2020 Project Finish Date: 30 th June 2021	Euston Riverfront Outdoor Fitness Equipment Euston Riverfront Reserve Redevelopment	\$63,055 Funds Received to date: Expenses to date: \$88,000 Funds Received to date: Expenses to date:	On the 12 th July 2022 an Acquittal Report was submitted to the funding body. Follow up receipt of funds.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Youth Grant – Youth Week 2022 – NSW Government Communities & Justice Job Code: 2580-2220-0000	F22.4	Fraser White Project Start Date: 1 st January 2022 Project Finish Date: 2 nd June 2022	Activities for Youth Week	\$3,644.30 Grant \$2,513.00 Council Contribution Funds Received to date: Expenses to date:	Project completed. On the 14 th July 2022 the Project Manager received an email from the funding body requesting a completion report that was due on the 30 th June 2022. To Follow-up to ensure completion report is submitted.
Everyone Can Play 2022 – Department of Planning, Industry and Environment Job Code: 4682-4999-0013	F22.292	Thai Dang Project Start Date: December 2021 Project Finish Date: In Progress	Everyone Can Play (ECP) Lions Park Inclusion Project	\$200,000 Funds Received to date: \$40,000 Expenses to date:	We have received the first payment of \$40,000 24 th May 2022 Project has now commenced - In Progress
Financial Assistance Grant 2021/22 & 2022/2023 – Office of Local Government – Department of Planning & Environment Job Code: 6660-2550-0200	F21.477	General Manager	Local Government Grants Commission financial assistance	2021/22: \$4,650,213 2022/23: \$3,737,513	Total funding value is \$4,721,432. We have received 4 instalments of \$607,708 plus \$2,290,600 advance from the 20/21 GL. We have also received an advance of \$3,737,513 for the 22/23 GL on the 14 th April 2022 Question: Do we need to leave this grant on the report?

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
E-Planning Programs Department of Industry & Planning Job Codes: 5521-2390-0000 5521-2070-0000 5521-4999-0000	F19.717	Ray Mitchell	Funding allocated between 3 projects: <ul style="list-style-type: none"> • Materials & Contract • Training • WIP Capitalised 	\$50,000 Funds Received to date: \$50,000 Expenses to date: Training: \$1,724.73 Website Upgrade Contribution: \$6,524.46 IT Components: \$41,750.81	On the 27 th June 2022 a final report was submitted and signed by the GM This is now fully acquitted and will be taken off this report next month
Bidgee Haven Retirement Hostel Expansion Grant – Department of Health Job Code: 2620-4999-0021	F19.244	General Manager	Bidgee Haven Expansion Construction - Specialised Dementia Wing	\$4,680,000	First payment of \$500,000 has been received. Project currently on hold

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager	Description	Funding Value	Status to Date
Library Subsidy Grant 21/22 – Library Council NSW Job Code: 4520-4999-0012	D22.60803	Janaya Gaston	Annual Library Operational Funding	\$80,500	Following up on receipt for the payment
Local Priority Grant 21/22 – Library Council NSW General Ledger: 4520-1100-0000	D22.60803 – Grant Application	Janaya Gaston	Funding is for: <ul style="list-style-type: none"> • Book collection & Bookshelves • Printing services • School Holiday & community programs • Building enhancements or expansion programs • Upgrades to the library management system 	\$20,340 Funds Received to date: \$40,000 Expenses to date:	On the 13 th January 2022 the signed Local Priority Grant Application form was on Content Manager.
Public Library Infrastructure Grant 21/22 – Library Council NSW General Ledger: 4520-1100-0000 Job Cost Code: 4520-4999-0018	F22.190 F22.204	Connie Mallet & Janaya Gaston Project Start Date: May 2022 Project End Date:	Funding is for Stage 1 of the project which includes access to the adjoining unused CWA room, a technology support hub, removal of a double window to create a double door for wheelchair access, removal of a small window for a larger window to view playground, building of a wall, ceiling and flooring for server room.	\$67,862 Funds Received to date: \$67,862 Expenses to date:	Revised costings have been received for project costings. Ray Mitchell is currently reviewing and finalising competitive quotes. Project is now in progress Progress report due in December 2022.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Discovery Centre Redevelopment – Far West Joint Organisation Job Code: 6560-4999-0033	F20.593	General Manager Project Start Date: TBA Project End Date: TBA	Redevelopment of the Discovery Centre.	\$950,000 Funds Received to date: Expenses to date: \$5,005 (GST incl) for Site Analysis	The 2 nd set of plans have been released and is currently under consideration. DA process is in place.
Market Street Revitalisation – Department of Industry – Part of Our Rivers our Region Total Value amongst a number of LGA's is \$16,803,000 Job Cost Code: 6015-4999-0001 6015-4999-0002	F19.607	Ray Mitchell	Market Street Improvement activities. Mayall Street to River Street –	\$1,898,592.60 Grant \$109,242.46 Council Contribution Funds Received to date: Expenses to date:	On the 5 th July 2022 we provided the project coordinator Andrea Otto confirmation on particular elements of the Variation document in reference to the Market Street Revitalisation project. After consultation with the Project Manager and Community Projects Coordinator, on the 8 th August 2022 Andrea Otto finalised the Variation that will be submitted to the funding body for approval.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Our Rivers Our Region – Department of Infrastructure, Regional Development and Cities Job Code: 6000-4999-0012 Total Value amongst a number of LGA's is \$16,803,000	F19.650	Thai Dang Project Start Date: 01-07-2021 Project End Date: 25-01-2022	Funding is allocated into 3 projects: 1. Riverfront Enhancement Eco Trails 2. Swing Bridge Widening 3. Riverbend Reserve Place-making includes BBQ, toilet, furniture, gym equipment & signs	Balranald Council Value Components: \$30,0007 – Riverfront EcoTrail \$170,000 for Swing Bridge \$444,000 for Riverbend Reserve Place Making Funds Received to date: Expenses to date:	On the 5th July 2022 we provided the project coordinator Andrea Otto the latest Progress Report, updated Financial Report (by Edna) and relevant photos of completed project components After consultation with the Project Manager and Community Projects Coordinator, on the 8 th August 2022 Andrea Otto finalised the Variation that will be submitted to the funding body for approval.
Drought Community Funding Grant – Department of Industry, Science, Energy & Resources General Leger: 0535-1100-0001 0535-1100-0002 Job Code: Various	F20.587	Ray Mitchell Project Start Date: January 2021 Project End Date:	Drought relief funding for community projects and groups Funding was allocated between 27 community projects	\$1,000,000,000 Funds Received to date: \$1,000,000 Receipt: 47652 17/03/2020 \$500,000.00 Receipt: 48585 6/05/2020 \$500,000.00 Expenses to date:	Project is completed. Various acquittals from community groups who received the funding On the 5 th July we received noticed that a component of the project at Clare School – the shade sail structure had yet to be installed.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Local Roads Community Infrastructure ROUND 1 20/21 - Department of Infrastructure, Transport, Regional Development and Communications	F20.367	Kerry Jones Project Start Date: July 2020 Project End Date: Dec 2021	Project comprised of: ANZAC Park Fencing, Balranald Cemetery Toilet change to ANZAC toilet, Euston Eco Trail, Footpaths for Balranald and Euston, Theatre Royal heating, Bertram Road Traffic Calming, Wampo Corner Safety Upgrade, Puton Lane Sealing, Murrumbidgee Bridge Path Upgrade, Greenham Park Furniture and Storage and Traffic Safety Upgrades	\$832,921 Funds Received to date: Expenses to date:	Completed. On the 26 th of June 2022, Fiona Scoleri sent all the final Report Documentation to the funding body On the 14 th of July 2022 we received an email from the funding body to confirm receipt of documentation and is currently queued for final payment installation.
Local Roads Community Infrastructure ROUND 2 21/22 - Department of Infrastructure, Transport, Regional Development and Communications	F20.693 F21.241 F21.242 F21.445 F21.247 F21.445 F21.246 F21.445 F21.245 F22.136 F21.249 F21.248 F21.244	Kerry Jones Ray Mitchell Thai Dang Brian Ebery Fraser White Alan Lodge Project Start Date: July 2020 Project End Date: Dec 2021	Funding allocated to the following: <ul style="list-style-type: none">• Balranald Aerodrome Fencing• Toilet at Balranald Cemetery• Balranald Irrigation Automation• Euston Town Approaches• Euston Rec Reserve Upgrade• Kyalite Riverside Reserve Enhancements• Seal off Street Parking• Theatre Royal Refurbishments• Church & Harben Street Drainage Improvements• Balranald Riverfront Accessibility Works	<ul style="list-style-type: none"> ➤ \$110,000 ➤ \$50,000 ➤ \$66,000 ➤ \$100,00 ➤ \$40,000 ➤ \$30,000 ➤ \$26,739 ➤ \$84,000 ➤ \$30,000 ➤ \$80,000 Funds Received to date: Expenses to date:	<ul style="list-style-type: none"> • Aerodrome Fencing Project - Completed • Toilet at Balranald Cemetery - Completed • Euston Rec Reserve Upgrade – Completed • Seal Off Street Parking – Tennis Courts & Gallery – Approx. Sept/Oct 2022 – Letter of Request for Extension sent. Official form is to be submitted by Kerry Jones for the following: • Church & Harben Street Drainage Improvements • Theatre Royal Refurbishments • Improvements Balranald Riverfront Accessibility Works • Balranald Irrigation Automation • Kyalite Riverside Reserve Enhancements • Euston Town Approaches Variation to be submitted for reallocation of funds to LRC1 Round 3

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Local Roads Community Infrastructure ROUND 3 22/23 - Department of Infrastructure, Transport, Regional Development and Communications General Ledger: 6280-1125-0001	F21.478	Kerry Jones Project Start Date: 20/10/2021 Proposed end Date: 31/12/2023	According to the documentation on CM a Work Schedule was submitted on the 8 th March 2022 to the funding body which outlined the scope of works but was not initially accepted due to LRCI Phase 1 report not been completed but this has now been completed.	\$1,665,842 Funds Received to date: Expenses to date:	A Revised Schedule is to be prepared and submitted to Council for endorsement Variation to be submitted for reallocation of funds from LRCI Round 2 to LRC1 Round 3
Stronger Country Community Funds Round 2 – Department of Premier of Cabinet Job Code: 4662-4999-0015 4640-4999-0009	F19.584	Ray Mitchell	<ul style="list-style-type: none"> Greenham Park Multipurpose Centre Upgrade Swimming Pool Revitalisation Project 	➤ \$221,486 ➤ \$185,117 Funds Received to date: \$61,089 receipt 43559 \$61,089 receipt 50879 \$62,939 receipt 50879 Expenses to date:	➤ Invoices for Milestone 2 \$73,090 & Milestone 3 \$75,306 completed ➤ On the 10 th August 2022, the Project Manager received notification that the completion report has been received and approved by the Manager, Grants Management Office for closure. ➤ Invoices for Milestone 1 \$61,089, Milestone 2 \$61,089 & Milestone 3 \$62,939 all received The SSCF Round 2 will be taken off this report next month.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Stronger Country Community Funds Round 3 – Local Government NSW General Ledger: 4546-1100-0000 4662-1100-0008	F22.124 F22.123	Ray Mitchell Fraser White	<ul style="list-style-type: none"> Construction of Balranald Creative Community Learning Centre Balranald Tennis Court Upgrades Stage 2 	➤ \$284,377 Funds Received to date: \$113,750.80 Funds Outstanding: \$170,626.20 Expenses to date: \$284,341.69 ➤ \$287,503.80 Funds outstanding: \$287,504.00 Expenses to date: \$287,184.44	➤ Invoice for Milestone 1 \$113,750.80 & Milestone 2 \$85,313.10 completed. Invoice for Milestone 3 \$85,313.10 has been prepared ➤ Invoice for Milestone 1 \$115,001.60 completed. Invoices for Milestone 2 & 3 each for \$86,251.80 10 has been prepared ➤ Milestone 1 \$115,001.60 completed. Invoices for Milestone 2 & 3 each for \$86,251.80 10 has been prepared ➤ We now have received the login into SmartyGrants and are in the process of completing the Claim Forms for each Milestone and submitting these along with the invoices
Stronger Country Community Funds Round 4 – Local Government NSW General Ledger: 4546-1100-0000 4662-1100-0008	F21.364	Thai	Euston Netball Upgrade: Demolition of existing change netball rooms and public toilets at Euston and construction of new, inclusive, change rooms and public toilets combined together. Renewed 200 lux LED outdoor sport lighting to both Balranald and Euston netball courts	\$527,626 Funds Received to date: Expenses to date:	A Variation is currently being developed to say that the netball courts change rooms will now be refreshed not demolished.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Transport Access Regional Partnerships Funding (TARP) 2019 – 2023 – Transport NSW Job Code: 2670-2405-0002 2670-2405-0001 2670-2405-0003	F22.127 F19.277 F19.277	Connie Mallet & Fiona Scoleri	Includes to funding streams: Beating Isolation: Providing transport to community based facilities for disadvantaged community members Backing Balranald Youth: Transport initiative for Balranald youth Building Resources Balranald: To provide funding for at least 12 people to obtain their medium rigid license	➡ \$20,000 Expenses to date: ➡ \$25,000 Expenses to date: ➡ \$18,000 Expenses to date:	In Progress. The TARP project has been extended till April 2023 Evaluation is due on the 8 th October 2022
Street Light Subsidy – Carbon Bank of Australia General Ledger: 6000-1211-0000		Essential Energy	Energy Saving Street Lighting	\$ 26,753.76 Receipt of funds: Expenses to date:	Project Start Date was April 2022.

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager & Project Dates	Description	Funding Value/ Funds Received & Expenses	Status to Date
Increasing Resilience to Climate Change 2021 IRCC – Local Government NSW Job Cost Code: 3160-2390-0001	F19.714	General Manager	Climate change adaptive - Private domestic water supplies on rural and remote properties	\$102,500	The final report and invoice were submitted on the 6 th of January for \$18,150.00 On the 15 th June 2022 we received notice that the final report was in the wrong format and a spreadsheet was provided for the update. On the 27 th June 2022 the updated report (updated by Edna) was sent to the funding body.
Community Building Partnership 2021	F19.718	Thai Dang	Project: Kyalite Memorial Park and Foreshore Development. The funding will be used to develop an attractive link between the Wakool River Foreshore and the Kyalite Village with pathways, signage and off-street parking.	\$32,572	<ul style="list-style-type: none"> Solar lighting along steps – quotes received Information Bay Slab – completed - \$4,999.00 Information Bay Signage – quotes received
Business Improvement Fund 2022 – Department of Health	F22.149	Sheridan Hammet Project Start Date: August 2022 Proposed End Date: Final Report is due July 2023	Installation of new IT infrastructure at Bidjee Haven Retirement Hostel	\$285,548 Funds received to date: Payment 1 is due 31 st August 2022 Expenses to date:	Application submitted March 2022 As at the 18 th July 2022 we received news that we have been successful in receiving partial funding of \$285,548 for the IT software and staff training components of the requested funding. On the 8 th of August 2022 a Signed Agreement was sent to the funding body

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

APPLICATIONS PENDING / APPLICATIONS TO BE SUBMITTED

Grant/Project	CM Folder	Project Manager	Description	Funding Value	Status to Date
Community Building Partnership Grant 2022	F22.346	Connie Mallet	Enhancements/Upgrade of IT multi-media communications and displays at the Interpretive Pavilion	\$50,040.00 Grant \$50,040.00 Council Contribution	Application Submitted 10 th June 2022
COVID-19 Aged Care Support Program Extension – COVID Outbreak Reimbursement 2022 – Department of Health	F22.303	Sheridan Hammet	Reimbursement for money spent during the May 2022 COVID Outbreak at the Hostel	\$20,700.40	Application submitted June 2022
Office of Responsible Gambling – Community Contribution Panel	F22.220	Connie Mallet	Funds from the Euston Club to be evenly allocated between Maari Ma Health Aboriginal Cooperation, Strengthening Community Access, Inclusion & Wellbeing Advisory Committee (under the auspice of Balranald Shire Council) and Mallee Family Care	Funds to Council's Advisory Committee: \$84,764 per year for 3 years	Signed Document by all panel members was sent to the Minister 27 th May 2022. The Advisory Committee will be responsible for: <ul style="list-style-type: none"> • Gambling education & awareness • Mental Health first aid training for community members • Develop a health service map and strategic plan for health services in the Balranald Shire • Cross-referral to GambleAware counselling services in the Far West NSW •

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager	Description	Funding Value	Status to Date
Building Better Regions Fund- Community Stream Round 6	F22.349	Connie Mallet	Development of Council's Economic Development Strategy	\$20,000	Application Submitted 10 th February 2022
Reconnecting Regional NSW Community Events Program	F22.193	Connie Mallet	<p>Balranald Shire Council was allocated an amount of \$150,854 for community events. An application was to be submitted with breakdown of allocation of the proposed funding. Funding was to only go to events that were free entry for attendees.</p> <p>Our application proposed the funding of 4 events including:</p> <ul style="list-style-type: none"> • The Sounds & Scribble Youth Summer Festival (proposed new event) • The Salami Festival Euston • SW Arts Regional Events & Touring Program • Stop Shop Stay Bazaar (Christmas Market Day- supporting local businesses) 	\$150,854	Application Submitted 8 th July 2022

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager	Description	Funding Value	Status to Date
Building Better Regions Fund- Community Stream Round 6	F22.349	Connie Mallet	Development of Council's Economic Development Strategy	\$20,000	Application Submitted 10 th February 2022

Applications to be submitted:

Grant/Project	CM Folder	Project Manager	Description	Funding Value	Status to Date
Regional NSW – Business Case and Strategy Development Fund	CM Box G22/13 App Folder: F22.470	Connie Mallet Application due: 24 th August 2022	Funding Stream 1 – Regional Significance – To support the development costs of a business case for regionally significant economic or community development initiatives in regional NSW	Dependant on the quote that has to be submitted by a qualified 3 rd Party	<p>Initial discussions with executive management is to develop a Business Case in collaboration with Wentworth Shire and Central Darling Shire to fix the roads to World Heritage Mungo National Park</p> <p>On the 29th July the Project Manager had a phone conference with Regional NSW to discuss our proposal and have advised that this is the type of Business Case the funding body will be keen to support.</p> <p>Currently executive management are communicating with the other LGAs for Letters of Support and the Project Manager is speaking to other peak agencies for Letters of Support including Destination NSW – Riverina Murray and National Parks</p>

Balranald Shire Council Grants/Projects Update Summary as @ 10th August 2022

Grant/Project	CM Folder	Project Manager	Description	Funding Value	Status to Date
Stronger Country Communities Fund – Round 5	CM Box: G22/11 App Folder: F22.461	Connie Mallet General Manager Application Due: 23 rd Sept 2022	For Community infrastructure or community programs and for project delivered by the community	Balranald Shire Council Allocation: \$943,758 for Council Community Projects \$387,978 for Community delivered projects	Letter to the GM from the Deputy Premier on 4 th August 2022 re announcement. Currently identifying potential projects for the application
Regional Tourism Activation Fund Round 2	CM Box: G22/12 App Folder: F22.44	Connie Mallet Application Due: 27 th September 2022	For the development of high impact tourism and events infrastructure that will increase the visitor appeal – particularly international to increase visitor economy.	Between \$500,000 - \$20,000,000 is available. 25% Contribution by Council We are yet to determine amount for the application	Currently investigating potential project/s

DATE	Meeting	Topic	Who was involved
25/07/22	Euston Progressive Advisory Committee	Monthly Meeting	GM & EME
27/07/22	All Staff Breakfast	Recognition of Awards	Administrator, GM, EME and all Staff
27/07/22	TRONOX	Atlas Haul Road	GM & EME
28/07/22	Caravan Park Inspection	Inspections	Administrator, GM & MHD
28/07/22	SCAIW Advisory Committee	Ordinary Meeting – Disability Inclusion Action Plan	Administrator and GM
29/07/22	Governance	External Governance & Financial Consultants	Administrator and GM
1/8/22	Vic Upgrade Project	Update on VIC Project	GM & Architects
2/8/22	Transgrid	Update	GM, EME & MHD
3/8/22	Balranald Beautification	Monthly Meeting	EME
8/8/22	Far West JO	Strategy Resilience Strategy	Administrator & GM
8/8/22	Murrumbidgee Local Health District	Zoom Meeting	Administrator and GM
9/8/22	MANEX	Monthly Meeting	Administrator, GM and MANEX
9/8/22	OLG	Catch-Up	Administrator and GM
9/8/22	Zoom Meeting	Rural Fire Fighting Equipment	GM
10/8/22	Catch Up	Executive Catch Up with Administrator	Administrator, GM & EME
10/8/22	Workshop	Aboriginal Cultural Tourism Workshop	GM
11/8/22	LEMC	Quarterly Meeting	Administrator and GM
11/8/22	Kyalite Progressive	Grant Project Update	GM
11/8/22	Discussion -	Department Regional NSW	Administrator and GM
16/08/22	Council Meeting	Ordinary Meeting	Administrator, GM and EME
Administrator - Mike Colreavy			
General Manager (GM) – Jeff Sowiak			
Executive Manager – Engineering (EME) – Kerry Jones			
MHD – Ray Mitchell			

Meeting	Officer/Director	Section	Subject
Council 11/17/2020	Holmes, Carol Holmes, Carol	Part A - General Manager's Reports	Disability Action Plan Review
RESOLUTION 2020/196			
Moved: Administrator Mike Colreavy			
That Council commences a review of the current Disability Action Plan 2017-2019 with a view to updating the status of actions and developing a new Plan, with appropriate community consultation, for the period of 2021-2025, to be completed by the 31 March 2021 and for consideration by Council at the April Ordinary Council Meeting.			
CARRIED			
<i>23 Nov 2020 - 10:08 AM - Peter Kozlowski</i>			
This matter is delegated to Gavin for action in conjunction with relevant Advisory Committees.			
<i>23 Nov 2020 - 10:16 AM - Peter Kozlowski</i>			
Action reassigned to Helgeland, Gavin by: Kozlowski, Peter for the reason: The Manager Strategic Development is the most appropriate person to coordinate this task.			
<i>15 Jul 2021 - 2:37 PM - Carol Holmes</i>			
Revised Target Date changed by: Holmes, Carol From: 1 Dec 2020 To: 21 Sep 2021			
Reason: Given to AWACAF Advisory Committee for their review and comments. Report back to Council after viewing and updating			
<i>28 Sep 2021 - 2:53 PM - Carol Holmes</i>			
Action reassigned to Holmes, Carol by: Holmes, Carol for the reason: Gavin no longer works for Council			
<i>5 Apr 2022 - 3:36 PM - Carol Holmes</i>			
Revised Target Date changed by: Holmes, Carol From: 21 Sep 2021 To: 30 Apr 2022			
Reason: DIAP forwarded to interest groups for review & comment in March 2022			
<i>25 Jul 2022 - 3:41 PM - Carol Holmes</i>			
Revised Target Date changed by: Holmes, Carol From: 30 Apr 2022 To: 14 Aug 2022			
Reason: Draft for Discussion at a meeting of SCAIW on 28th July			
<i>10 Aug 2022 - 10:43 AM - Carol Holmes</i>			
Revised Target Date changed by: Holmes, Carol From: 14 Aug 2022 To: 31 Oct 2022			
Reason: SCAIW have reviewed and made changes, will be reported back to SCAIW and then Council			

Meeting	Officer/Director	Section	Subject
Council 10/19/2021	Beauliv, Hodi Batchelor, John	Part B - Corporate & Community Services Reports	Bidgee Haven Retirement Hostel Expansion Project
RESOLUTION 2021/186			
Moved: Administrator Mike Colreavy			
1. Noting that:			

- a) The Ministerial Performance Improvement Order imposed on Council in 2017 envisages Council following a path to financial sustainability;
- b) Requirement No 16 of the Performance Improvement Order Action Plan 2018 originally required Council to consider divesting the management and possibly ownership of the Bidgee Haven Hostel to ensure losses do not impact on Council's limited budget and risks to Council are minimized. Although consideration was given by Council in September 2017 to various alternate management arrangements, in-house management arrangements for the Hostel have continued up to now;
- c) Until today's report, the Administrator's requests to successive General Managers to demonstrate categorically that the proposed Bidgee Haven Hostel extension project can be delivered within the funding approved by the Commonwealth Government and Council have not received a positive answer;
- d) Under Council in-house management:
 - (i) Bidgee Haven Hostel operates at a loss when all operating expenses (including depreciation) and capital costs are factored in; and
 - (ii) financial viability of the expanded Hostel will, at best, only be marginal and permanently reliant on continuing occupancy rates around 90%, - at worst the Hostel will not be financially viable;
- e) Council's governance framework is already overstretched, and it lacks the kind of project management expertise required to deliver this project successfully, as is readily apparent from the report on the Better Practice Review in today's Council Meeting Agenda and other information under consideration by Council's Audit Risk & Improvement Committee;
- f) Council's current and predicted long-term financial position is not sufficiently robust to assume the risks associated with expanding and operating the Bidgee Haven Hostel complex in-house;
- g) Other crucial Council services, particularly roads, are already overstretched and cannot absorb further losses if they are incurred by the Bidgee Haven Hostel;
- h) The expansion of Bidgee Haven Hostel could eventually proceed, in line with community expectations, but under the ownership/stewardship of a specialist operator with demonstrated capability in efficiently operating similar facilities elsewhere, and Council can act immediately to seek a suitable purchaser;

- i) A proposed sale will be more attractive to a specialist operator if there is an opportunity to modify the project design to satisfy their operational requirements prior to the construction phase;
 - j) The recommendation of the Ageing Well, Aged-Care & Facilities Advisory Committee to proceed with the build immediately, while simultaneously investigating the possibility of negotiating a sale of the Hostel complex, is a clear indication that community sentiment supports the Bidgee Haven Hostel's expansion proceeding;
 - k) The recommendation of the responsible Director and the Acting General Manager is not to proceed with the tendering and construction of the 15-bed extension, and instead to call for expressions of interest for the potential sale of the Hostel complex and seek advice as to the transfer of grant funding to a future Hostel operator; and
 - l) The two recommendations referred to in (j) and (k) above are incompatible – they cannot coexist and it would be financially irresponsible for Council not to follow Management's recommendation in this case.
2. That tendering and construction of the 15-bed extension be placed on hold, at this stage.
3. That advice be sought from the funding body about the potential to transfer the approved grant funding to a future hostel operator.
4. That expressions of interest be called for the sale of the Bidgee Haven Hostel complex to an experienced, specialist aged-care operator.
5. That the pre-construction design and planning work, and preparation of tender documents currently underway, be finalised by Council for inclusion with the sale of the complex.
6. That Council receives and notes the Minutes of the Ageing Well, Aged Care and Facilities Advisory Committee (AWACAFAC) meeting held on 14 October 2021.

CARRIED

13 Dec 2021 - 3:56 PM - Carol Holmes

Revised Target Date changed by: Holmes, Carol From: 16 Nov 2021 To: 15 Feb 2022

Reason: Placed on hold - report back to Ordinary Council Meeting in February 2022

11 Mar 2022 - 2:55 PM - Carol Holmes

Revised Target Date changed by: Holmes, Carol From: 15 Feb 2022 To: 31 May 2022
Reason: This item remains on hold whilst financial/organisation reviews are undertaken
5 Apr 2022 - 3:37 PM - Carol Holmes
Revised Target Date changed by: Holmes, Carol From: 31 May 2022 To: 30 Jun 2022
Reason: Grant funding applied for to undertake Business & Financial assessment
10 Aug 2022 - 10:45 AM - Carol Holmes
Revised Target Date changed by: Holmes, Carol From: 30 Jun 2022 To: 30 Dec 2022
Reason: Grant applied for was successful to undertake a business and financial assessment

Meeting	Officer/Director	Section	Subject
Hostel Committee 2/15/2022	Hammet, Sheridan Batchelor, John	Reports	BIDGEE HAVEN INDEPENDENT LIVING UNITS FOR TRANSITIONING INTO HOSTEL
COMMITTEE RECOMMENDATION			
Moved: Member Hodi Beauliv			
Seconded: Member Glenn Wilcox			
That			
<ul style="list-style-type: none"> the report be received and noted the committee seek legal advice on the information package regarding the units the committee clarifies the purpose of the units in the revised information package 			

Meeting	Officer/Director	Section	Subject
Council 12/17/2021	Beauliv, Hodi Batchelor, John	Part A - Corporate & Community Services Reports	LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 3
RESOLUTION 2021/221			
Moved: Administrator Mike Colreavy			
That Council approve the list of projects for funding under Phase 3 of the Local Roads and Community Infrastructure Program			
<ol style="list-style-type: none"> Euston Multi-Court Conversion and Shade Estimated Cost: \$250,000 Tennis Club Lights Estimated Cost - \$150,000 Balranald Cricket Club Nets Estimated Cost - \$40,000 Road upgrades – All remaining funds and under expenditure will be put towards local and regional road upgrades – Estimated Cost - 			

\$1,225,842

CARRIED*25 Jul 2022 - 4:39 PM - Carol Holmes*

Revised Target Date changed by: Holmes, Carol From: 14 Jan 2022 To: 14 Jan 2022

Reason: In progress

Meeting	Officer/Director	Section	Subject
Council 4/19/2022	Mitchell, Ray Jones, Kerry	Part A - Infrastructure & Development Reports	Balranald Caravan Park Crown Land Plan of Management
RESOLUTION 2022/75			
Moved: Administrator Mike Colreavy			
That Council:			
1) submit the Caravan Park Crown Land Plan of Management for Ministerial approval; and			
2) report the results of the submission for Ministerial approval to the subsequent ordinary Council meeting			
			CARRIED
<i>10 Aug 2022 - 10:53 AM - Carol Holmes</i>			
Revised Target Date changed by: Holmes, Carol From: 17 May 2022 To: 31 Oct 2022			
Reason: In progress			

Meeting	Officer/Director	Section	Subject
Council 6/28/2022	Sowiak, Jeff Sowiak, Jeff	Part A - General Manager's Reports	Balranald Visitor Centre Alterations
RESOLUTION 2022/115			
Moved: Administrator Mike Colreavy			
That			
1. Provided funding for this project is confirmed by the Far West Joint Organisation;			
2. The revised plans for the Balranald Visitor Information Centre be endorsed and			
3. Council proceed with fully developed architectural and structural plans for the extensions to the Balranald Visitor Information Centre in accordance with the preliminary plans and			

4. Tenders be invited for the construction of the proposed works

CARRIED

25 Jul 2022 - 4:47 PM - Carol Holmes

Revised Target Date changed by: Holmes, Carol From: 26 Jul 2022 To: 30 Aug 2022

Reason: Funding from FWJO confirmed - Draft Plans with Architect for tender and DA documentation

Meeting	Officer/Director	Section	Subject
Council 7/26/2022	Mitchell, Ray Jones, Kerry	Part A - Infrastructure & Development Reports	BALRANALD LOCAL ENVIRONMENTAL PLAN 2010 – HOUSEKEEPING AMENDMENT
RESOLUTION 2022/135			
Moved: Administrator Mike Colreavy			
That Council:			
<ol style="list-style-type: none"> 1. Supports the Planning Proposal – Balranald LEP Housekeeping Amendment to amend the <i>Balranald Local Environmental Plan 2010</i>. 2. Submit the Planning Proposal to the NSW Department of Planning and Environment for Gateway Determination seeking public exhibition of the proposed amendments. 3. Receive a further report after the public exhibition period addressing any submissions made in respect of the Planning Proposal. 			
CARRIED			

Meeting	Officer/Director	Section	Subject
Council 7/26/2022	Mitchell, Ray Jones, Kerry	Part A - Infrastructure & Development Reports	NSW Public Spaces Charter
RESOLUTION 2022/136			
Moved: Administrator Mike Colreavy			
That Council:			
<ol style="list-style-type: none"> 1. Become a signatory to the NSW Public Spaces Charter; and 2. Seek guidance from the NSW Public Spaces Charter project team to develop an action plan to implement the NSW Public Spaces Charter; and 			

3. Undertake consultation in relation to the action plan in accordance with Council's Community Engagement Strategy 2020–2024.

CARRIED

Meeting	Officer/Director	Section	Subject
Works Committee 7/1/2022	Jones, Kerry Jones, Kerry	Reports	WASTE MANAGEMENT FEES & CHARGES
COMMITTEE RESOLUTION 2022/3			
Moved: Chairperson Mike Colreavy			
That Council resolve to			
<ul style="list-style-type: none"> Negotiate a 10% commission with the Euston Post Office and the Discovery Centre at Balranald from each Token sold to cover administration costs; That Council provide 100 tokens to the Local Aboriginal Land Council Office to allow distribution as required; That tokens be provided to local service organisations to distribute to residents who may be financially impacted by waste disposal costs; Amend its 2022/23 waste management budget to allocated 50% cost of purchase of a suitable 4x4 Rangers (Regulations Officer) vehicle to the Plant Reserve to cover the cost of undertaking illegal waste inspections at Balranald and Euston; That 50% of all running expenses for the vehicle including fuel shall be paid from the waste management budget That 50% of the Rangers time is allocated to the waste management budget to cover inspections, illegal dumping follow up and travelling; and Advertising and implementation of the new fees to be undertaken as soon as possible. 			
CARRIED			
10 Aug 2022 - 10:51 AM - Carol Holmes			
Revised Target Date changed by: Holmes, Carol From: 8 Jul 2022 To: 30 Aug 2022			
Reason: Tip Charges in place, tokens to be distributed			

Meeting	Officer/Director	Section	Subject
Works Committee 7/1/2022	Mitchell, Ray Jones, Kerry	Reports	RFT 21/22-04 Contract for Waste Collection Services for Balranald & Euston

6.1 RFT 21/22-04 CONTRACT FOR WASTE COLLECTION SERVICES FOR BALRANALD & EUSTON**COMMITTEE RESOLUTION 2022/5**

Moved: Chairperson Mike Colreavy

That Council consider the options as below;

1. Cancel Tender RFT21/22-04 Contract For Waste Collection Services For Balranald & Euston in accordance with Clause 178 (3)(a) of the Local Government (General) Regulation 2021 due to a lack of a wider interest in the tender process; and/or
2. Authorise the General Manager to enter into negotiations with Balranald Diesel Service in accordance with Clause 178 (3)(e) of the Local Government (General) Regulation 2021 due to their interest in the tender with the requirement that all WH&S and Financial documentation is provided to Council.

CARRIED

Meeting	Officer/Director	Section	Subject
Works Committee 7/1/2022	Jones, Kerry Jones, Kerry	Reports	RFT 21/22-03 - CONSTRUCTION OF SHOULDER WIDENING OF TAYLOR ROAD AND LESLIE ROAD AND PAVEMENT REHABILITATION OF KILPATRICK ROAD EUSTON
COMMITTEE RESOLUTION 2022/6 Moved: Chairperson Mike Colreavy That the Council having twice gone to the market and having received tender prices that are well and above the available funding, decline to accept any of the tenders received pursuant to Clause 178 (1) and to authorise the General Manager to enter into negotiations for undertaking part or so much of the works as the budget would permit in accordance with Section 178(3)(e), with Harril Pty Ltd trading as Coburns Earthmoving, being the company that submitted the lowest conforming tender received.			
<p style="text-align: right;">CARRIED</p> <p>10 Aug 2022 - 10:52 AM - Carol Holmes Revised Target Date changed by: Holmes, Carol From: 8 Jul 2022 To: 30 Sep 2022 Reason: Variation submitted with Transport NSW</p>			