

# COMMUNITY LAND PLAN OF MANAGEMENT

## Gwydir Local Government Area



September 2022

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**Council acknowledges the traditional owners of the land, the Kamilaroi People and pays its respect to Elders both past and present.**

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## Summary

This Community Land Plan of Management applies to the majority of land that is owned by Gwydir Shire Council, and Crown land that Council manages on behalf of the State of New South Wales. All public land owned by a council must be classified as either “community” or “operational” land. The purpose of the land classification is to clearly delineate which land should be kept for use by the general public (community land) and which land need not be kept for that purpose (operational land).

A Plan of Management is required to be prepared for public land which is owned and/or managed by a council and classified as community land under the *Local Government Act 1993*, in acknowledgement of this land’s primary purpose – passive and active use by the community. A Plan of Management on community land is a document that provides for and directs the use and management of that land. It describes the current purposes and uses of the community lands and their values, assigns them to one or more categories and sets out objectives and performance targets for active land management and use.

This Plan of Management (PoM) is a generic plan which covers land parcels across the Gwydir Local Government Area covering the Gwydir Shire in north-western NSW. These lands are categorised as Park, Sportsground, General Community Use and Natural Area, the latter of which in this PoM, is further categorised into Bushland, Foreshore and Watercourse.

The land covered by this plan was included in this plan because the generic management objectives and actions outlined in this plan are applicable to that land.

This PoM gives express authorisation for Gwydir Shire Council to grant leases, licences, hire arrangements or other estates as required for use of the land and/or facilities/buildings on the land, for purposes consistent with the core objectives for the category of that land. It also specifies the provisions whereby Council can carry out certain types of developments, and building works on community land, being either exempt development, or developments not requiring consent.

The vision for this Plan of Management for community land is:

**“Continuing to provide great public facilities and services,  
while maintaining the culture, history, and natural  
qualities of the Gwydir Shire for a prosperous, vibrant and  
happy community”**

# 1 Introduction

This PoM applies to parcels of land that are owned by Gwydir Shire Council (Council) and classified as community land. This PoM also applies to Crown land that Council manages for the use of the general public. Crown land is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the *Crown Land Management Act 2016* (CLM Act). Council therefore now manages all community land, Crown or Council-owned, under one portfolio.

These land parcels are further categorised as Park, Sportsground, General Community Use and Natural Areas under the *Local Government Act 1993* (LG Act).

The LG Act provides the legislative framework for Council's day-to-day operations, and it identifies Council's responsibility to actively manage land and to involve the community in developing a strategy for management.

This PoM has been prepared in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community and the environment. It has been prepared to meet the requirements of the LG Act.

Specifically, the aims of the PoM are to:

- update any previous plans of management for the community lands now covered in this PoM.
- meet Council's obligations regarding public land management under the requirements of the LG Act and the CLM Act.
- provide a basis for guiding Council's ongoing management of and developments on the community land covered by the PoM in accordance with relevant legislative requirements.
- contribute to the objectives of the **Gwydir Shire Council Community Strategic Plan (2013-2023)**,<sup>1</sup> the town plans for Bingara<sup>2</sup> and Wialda<sup>3</sup> and the Vision for community land development and management as highlighted in this PoM (see 1.1).
- reflect the values and expectations of the community who live in the Local Government Area in the use and development of community land.
- utilise community contributions collected by Council in the development of the PoM to provide informed planning advice to Council.
- facilitate desirable use of these land parcels by the community, through granting of appropriate leases, licences, permits and other estates.

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<sup>1</sup> Gwydir Shire Council *Community Strategic Plan 2017-2027*.

<sup>2</sup> Bingara Town Strategy for Gwydir Shire Council October 2010.

<sup>3</sup> Wialda Community Plan for Gwydir Shire Council June 2008 Issue A.



## **1.1 A Vision for Community Land**

It is of value to consider a hierarchy of plans and their visionary statements which impact on the Gwydir Shire and its future. These plans range from those driven at a higher level such as the NSW government, plans developed by Council for its Shire, and those developed around the considerations of the major towns within the shire.

For instance, the vision of the wider geographical region of the New England North-West of New South Wales<sup>4</sup> is for:

**Nationally valued landscapes and strong, successful communities from the Great  
Dividing Range to the rich black soil plains**

This statement draws on the broader region's diverse landscapes, rich natural resources and strong communities which make up the New England North-West as a dynamic and prosperous region that capitalises on its past and future.

A series of planning statements developed by Council build the directions for the future which have particular relevance to the management of its community lands. Council's own vision for the management of the Gwydir Local Government Area:<sup>5</sup>

**“To be the recognised leader in Local Government through continuous learning  
and sustainability”**

Council's mission is:

**“To ensure that the Council's long-term role is viable and sustainable by  
meeting the needs of our residents in a responsible caring way, attract  
sustainable development while maintaining the traditional rural values,  
character and culture of our people”**

Council recognises within its core values several important aspects which also reflect on the management of its community lands. For example, there is an emphasis on the provision of a safe, clean and healthy environment in which all people have the opportunity to participate and share in the Council's services and facilities. Council is therefore committed to seeking the opinion of the community in relation to service delivery, and in doing so, recognises these valuable contributions from the community. In fact, Council has achieved this during the process of developing its Community Strategic Plan which produced a Gwydir Shire community vision of:

**“Many Hands Make a Community”**

This community vision is an acknowledgement that help and support across the shire, is at least in-part, derived from within, through a collaborative approach to the future.

A number of additional visionary statements developed within the Gwydir Shire exist as a result of the development of additional plans which have also been developed through consultation with the community at various times.

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<sup>4</sup> New England North-West Regional Plan 2036: NSW Department of Planning: [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

<sup>5</sup> Gwydir Shire Council *Community Strategic Plan 2017-2027*.

For example, the (previously mentioned) Bingara Town Strategy articulates its own vision which:

**“seeks to build on the strengths of the town and district... and to preserve and enhance those things our community values”**

This vision is built around the theme of regeneration and details the future of each major asset - the people, the infrastructure and the environment.

Similarly, the visionary statements within the Warialda Community Plan, strongly advocate the value of public assets and key services. It also acknowledges the value of the community through the advice it provides, and its contributions to services delivery.

Overall, all of these statements reflect Council’s commitment to provide the appropriate level of services to the community, with a strong implication that this will occur through the responsible management of the assets for which Council has responsibility, and in consideration of the advice it receives through consultation.

Community lands provide the land and infrastructure basis for many such services to the community.

Therefore, the vision statement for the management of the community lands embraced by this PoM is proposed as:

**“Continuing to provide great public facilities and services,  
while maintaining the culture, history, and natural  
qualities of the Gwydir Shire for a prosperous, vibrant  
and happy community”**

## **1.2 The Gwydir Local Government Area**

### **Amalgamation and Formation**

Gwydir Shire Council was formed by NSW Government proclamation on 17 March 2004, when the former Yallaroi, Bingara and Barraba Shires were abolished. Yallaroi and Bingara were fully amalgamated into the newly formed Gwydir Shire while Barraba was split between Gwydir and the newly formed Tamworth Regional Council. Council has offices in Bingara and Warialda.

### **Location, Towns and Settlements**

Gwydir Shire is located on the northwestern slopes and plains of NSW, approximately 560 km north of Sydney, 160 km north of Tamworth, 430km southwest of Brisbane, 85 km west of Inverell and 80 km east of Moree. The Shire extends from the Nandewar Range in the south, north almost to the NSW-Queensland border (see Figure 1).



Figure 1 – Gwydir Shire Local Government Area

The Shire has two main towns – Bingara and Warialda. Bingara was settled by Europeans after the discovery of gold in 1852 brought prospectors to the area. In the 1880's copper and diamonds were also discovered, which cause a rapid development of that town. Warialda, or "Place of Wild Honey" derived its name from the Weraeri (Wirraayaraay) people who frequented the area, the

town becoming the first administrative centre for the Gwydir District after a Border Police outpost was established there in 1837.<sup>6</sup>

The Shire also contains five rural villages – North Star, Croppa Creek, Coolatai, Gravesend and Upper Horton, and twenty-one rural localities:

- |                 |              |                       |
|-----------------|--------------|-----------------------|
| • Back Creek    | • Crooble    | • Pallal              |
| • Balfours Peak | • Dinoga     | • Pallamallawa (part) |
| • Bangheet      | • Elcombe    | • Riverview           |
| • Blue Nobby    | • Gineroi    | • Rocky Creek         |
| • Boonal        | • Gulf Creek | • Upper Bingara       |
| • Cobbadah      | • Gundamulda | • Warialda Rail       |
| • Copeton       | • Keera      | • Yallaro             |

These days, both Bingara and Warialda have small, vibrant shopping centres, with supermarkets, historic hotels, eateries and shops that meet the day-to-day needs of the community.

There are also a few boutiques and some lifestyle and ‘quirky’ retailers that are always popular with visitors. Both towns are ideal to use as a stop-over base for exploring the Gwydir Shire and surrounding regions.<sup>7</sup>

### **Main Road Networks, Landscape and Agriculture**

The Shire sits at the crossroads of the Fossickers Way, a popular north-south touring route, the Gwydir Highway, a significant east-west route linking the NSW North Coast to Outback NSW, and on Nature’s Way linking Narrabri to Inverell via Gwydir Shire. The Bruxner Highway running east to west, traverses the northern edge of the Shire with links into southern Queensland. Covering more than 9,122 square kilometers, the landscapes of the Shire are diverse.

The southern and central areas are located within the Gwydir River catchment area with the Gwydir River flowing through Bingara and Gravesend. The southern areas of the Shire are hilly with pockets of highly fertile river flats along the Gwydir River and its main tributaries. Mt Kaputar National Park (on the south-western edge of the Shire) contains rugged remnant volcanic peaks and landforms rising above the Gwydir Valley.

The northern part of the Shire lies within the ‘Golden Triangle’,<sup>8</sup> derived from the black soils of the basalt outflows of the New England, one of the most productive agricultural areas in Australia. Red-brown earth soils dominate the southern section of the Shire. These soils are mainly derived from the weathering of a range of sedimentary rocks, where the terrain is more undulating to steep and dissected. Additionally, an area of sandstone derived from more coarsely graded soils exists around the township of Warialda extending to the north where they become mixed with soils of other origins, especially the black soils. Sandstone derived soils have reduced agricultural significance, but are significant for the provision of environmental services.

<sup>6</sup> History of Our Towns and Villages Gwydir Shire Council: [www.gwydir.nsw.gov.au](http://www.gwydir.nsw.gov.au)

<sup>7</sup> Gwydir Shire Council *Community Strategic Plan 2017-2027*.

<sup>8</sup> *Community Strategic Plan 2017-2027 (page 19)*.

<sup>8</sup> *Community Strategic Plan 2017-2027*.



Agriculture is therefore the primary land use and economic activity within Gwydir Shire. Livestock production dominates in the southern and central areas of the Shire, with the Shire producing prime beef, lamb and pork. Broadacre cropping is undertaken in the northern part of the Shire, with the main crops being wheat, sorghum and barley. Other crops include dryland cotton, other grains (oats, maize, triticale), hay and pasture seeds, pulses (chickpeas, field beans, mung beans, fava beans, lentils) and oilseeds (canola, soybeans and sunflowers).

## **The People**

The most recent census<sup>9</sup> showed the Shire to have a population of over 4,910 people, with:

- a medium age of 50 years.
- 36.5% of the population aged 60 years plus (compared to 23.5% statewide).
- 21.9% under 20 years.
- 5.8% are identified as Australian aboriginal.
- 23.6% of the Shire's population are active in some form of voluntary work through an organisation or group (compared to a statewide average of 13%).
- 27.4% of the population received a total household weekly income of less than \$650 (compared to 16.3% statewide).

The trend in total population for the Shire over the past decade has been somewhat inconsistent. For instance, the population change as reported by both the 2011 and 2016 censuses bucked many rural trends across NSW inland regions of the state in that period, when it showed a 6% increase.<sup>10</sup> However, it is noted that a comparison between the most recent (2021) and the previous (2016) censuses, indicates a 6.6% decline in total population for the Shire for the period. Most likely, this is mainly due to the residual impact of severe drought conditions, effecting employment levels over the past four years, across the main industry in the Shire, agriculture. This seasonal transition, nevertheless, becomes an additional management challenge for Council, and the community, to maintain a goal for population growth accompanied by economic opportunity. Council's aspiration is to see an increase in population to 8,000 residents by 2031<sup>11</sup> through a commitment to strategic planning, new technology and partnerships and resettlement programs.

Council acknowledges as in other parts of regional NSW, there is a growing segment of the population across the Shire in the older age groupings. Aged care and opportunities for this group is an additional planning consideration for Council.

An optimistic aspect about the activities of people in the Shire, is the relatively high proportion of the population already involved in voluntary work through organisations or groups (23.6%), compared to the trend across the state (13%). A strong volunteer force is essential to maintaining the region's character, as well as a range of services and opportunities for others in the community, including

<sup>9</sup> 2021 Census, Australian Bureau of Statistics.

<sup>10</sup> Media release office of Adam Marshall MP Member for Northern Tablelands 28 June 2017.

<sup>11</sup> *Community Strategic Plan 2017-2027 (page 19)*.

through the management of community lands and its infrastructure. This requirement may well be supported by the increasing population in the older and retired age groups.

### **Services and Functional Uses offered by Community Lands**

This PoM covers a network of community land consisting of Crown Land and Council owned parcels across the Gwydir Shire. This community land exists as parks, sporting fields, general community use areas, and natural areas, all contributing to a range of essential services.

Although not a complete description of purpose, the community land parcels covered by this PoM deliver the following valuable services and functional uses:

- camping areas and caravan parks
- community halls
- dog parks
- drainage areas
- heritage areas
- homes for the aged
- lookouts
- nature management areas including bushland and natural flora areas
- parks and gardens
- playgrounds and BBQ sites
- pony club
- pre-school/kindergarten
- public baths
- public recreation areas
- resting places
- sport fields, tennis courts, golf courses and a racecourse
- walkways

## **1.3 Legislative and Policy Context**

### **1.3.1 Local Government Act 1993**

Land owned by Council is managed under the *Local Government Act 1993* (LG Act).

Part 2 of the LG Act provides that public land must be classified as either “community” or “operational” land. The purpose of the land classification is to clearly delineate which land should be kept for use by the general public (community land) and which land need not be kept for that purpose (operational land). The major consequence of the classification is that it determines the ease or difficulty by which the land may be alienated by sale, lease or other means. Community land would ordinarily comprise land such as a Sportsground, Hall, Public Park etc.,<sup>12</sup> and Operational land would consist of land which facilitates carrying out of a public service, such as works depots, or land held as a temporary asset or investment.

Community land:

- cannot be sold.
- cannot be leased, licensed or any other estate granted over the land for more than 21 years.
- must have a Plan of Management prepared for it.

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<sup>12</sup> See the note to Chapter 6, Part 2 of the *Local Government Act 1993*.

The LG Act provides that community land must be categorised and specifies the core objectives for the management of each category.

The LG Act also provides for regulations which provide controls on the use and operation of land. Regulations which may impact the management of community land in the Gwydir Local Government Area include the *Local Government (General) Regulation 2021* and *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

### 1.3.2 Crown Land Management Act 2016

In New South Wales Crown land is managed under the CLM Act. However, Division 3.4 of the CLM Act provides that a council manager<sup>13</sup> is authorised to classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the LG Act.<sup>14</sup>

Crown land covered by this PoM (see Appendices 4 - 10) is owned by the State of New South Wales for the benefit of all persons.

The CLM Act requires councils to prepare plans of management for Crown reserves as if they were community land under the LG Act.

Section 48 of the LG Act provides that Council has the control of certain Crown reserves for which it has not been appointed council manager. This land is not subject to the Division 3.4 of the CLM Act.

The Department of Planning, Housing and Infrastructure – Crown Lands (DPHI-CL) is working to appoint Council as Crown Land Manager (CLM) for the following reserves:

- R.76966 – Gragin Road Drainage
- Pt R.30132, Pt R.83965 and Pt R.58115 – Coolatai Sportsground
- Pt R.3856 – Yallaroi Hall

These reserves currently default to the Minister or are managed by Local Lands Services (LLS). Until a NSW government gazette notification that Council has been appointed as the CLM has been published, Council is not permitted to issue a lease and/or licence or authorise any development over any of these reserves, excepting with the consent of the Minister. If Council is not appointed CLM for any of these reserves that default to the Minister and/or managed by LLS, they can remain in the PoM and will continue to be managed by the Minister and LLS. This PoM will not be updated to reflect any changes regarding these appointments. For further advice regarding these reserves, contact Council.

### 1.3.3 Native Title Act 1993

Native title describes the communal, group or individual bundle of rights and interests held by Aboriginal or Torres Strait Islander peoples. Matters relating to native title fall within the Commonwealth jurisdiction of the Commonwealth *Native Title Act 1993* (NTA).

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<sup>13</sup> A council manager is a local council which has been appointed Crown land manager of a reserve under Section 3.3 of the CLM Act.

<sup>14</sup> Section 3.22 of the CLM Act provides for certain restrictions on the management of Crown land relating to sale, classification and contravention of the CLM Act.

The NT Act sets out how native title rights are to be recognised and protected, making provisions for Aboriginal and Torres Strait Islanders establishing the existence of native title, lodging native title claims, determining and validating the extinguishment of native title, and dealing with land and waters where native title may not have been extinguished.

On Crown land, native title rights and interests must be considered unless native title has been extinguished, surrendered or determined by a court to no longer exist.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NT Act. The NT Act specifies procedures that must be followed before future acts can be done legally.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the creation of an easement.
- the issue of a lease or licence.
- the undertaking of major earthworks.

On Crown land, a future act undertaken by Council, which is not covered by one of the Future Act subdivisions of the NT Act may be invalid.

In this regard no future act may happen on the following Crown reserves (or part thereof):

- the whole of Gwydir Riverside Camping Area (R.1001371)
- Lot 305 DP 751137 being part of Warialda Recreation Ground & Captain Cook Park (D.560021)
- Lot 7037 DP 10436520 being part of Gravesend Recreation Reserve (R.81241)
- Lots 1 & 20 Section 18 DP 759052, part of Lot 7305 DP 1137582 & the unnamed laneway being of Nicholson Oval (R.88245), and
- Lot 333 DP 751137 being part of Warialda Caravan Park (R.90987).

unless:

- the lands become excluded land for the purposes of the CLM Act, or
- the act is a tenure which satisfies the requirements of Section 24HA (Management of Water and Airspace) of the NT Act, or
- the act is a public work or tenure which satisfies the requirements of Section 24KA of the NT Act, or



- the act is a low impact act and satisfies the requirements of Section 24LA of the NT Act.

#### **1.3.4 Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) establishes the legislative framework for the conservation of threatened species, populations and ecological communities of plants and animals in NSW. It also aims to improve the identification, conservation and recovery of threatened species and reduce the threats faced by those species. The LG Act requires that where community land is associated with the habitat of endangered species (S 36A) or threatened species (S 36B), appropriate responses are required where a plan of management is being considered, including considerations being subject to the decision of respective department heads.

#### **1.3.5 Local Land Services Act 2013**

The objectives of the *Local Land Services Act 2013* (LLS Act) broadly include that the management of natural resources occur in the social, economic and environmental interests of the state (S 3). Pertinent to land management actions on community land, Part 5A regulates the clearing of native vegetation. The LLS Act applies to rural lands, with the exception of those for which restrictions on the clearing of native vegetation otherwise apply (*Wilderness Act 1987*, *National Parks and Wildlife Act 1974*, *Forestry Act 2012*, BC Act, and more). However, clearing which is to be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (which covers the majority of local government activities), does not require consideration under the LLS Act.

The BC Act should be considered in relation to clearing native vegetation.

#### **1.3.6 Environmental Planning and Assessment Act 1979**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the overarching control of planning and development in NSW. The EP&A Act creates three levels of Environmental Planning Instruments being:

- State Environmental Planning Policies
- Local Environmental Plans, and
- Development Control Plans.

The EP&A Act is the enabling legislation for many of the roles and responsibilities of local governments in NSW. Under Division 3.4 (3) (b) councils are authorised to make Local Environment Plans (LEPs). Division 4.2 ensures a council has the power of a consent authority for nominated developments within the local area over which the council has jurisdiction. These authorisations permit councils to implement and manage any PoM on community land as required by the LG Act.

In the Gwydir Local Government Area, the Environmental Planning Instruments with significant impact on the management of community land are the State Environmental Planning Policies (set out below) and the *Gwydir Local Environment Plan 2013* (LEP).

## Land Zones

The LEP provides Land Zones for all land within the Gwydir Local Government Area.

A full list of the described zonings applicable to the lands of this PoM, and their respective permitted and prohibited activities in accordance with corresponding Land Use Tables, as they now apply, can be found within Part 2 in the LEP.<sup>15</sup>

## Further LEP Considerations

The LEP zonings also requires important planning considerations and requirements, triggering additional state legislative responsibilities. These appear in the LEP as listings of various miscellaneous provisions and schedules, and relevant map indices. The following are examples where these requirements will have likely implications to the management of some of the land parcels considered within this PoM:

- Part 5
  - Heritage Conservation
  - Bushfire Hazard Reduction
  - Infrastructure Development
  - Eco Tourist Facilities
- Schedule 5
  - Environmental Heritage.

## State Environmental Planning Policies

Community land is subject to a range of State Environmental Planning Policies.

Of particular note is the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP). Section 2.73 of the T&I SEPP provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act.<sup>16</sup>

Other State Environmental Planning Policies that are considered more relevant to the future of the community land covered by this PoM are briefly described in **Appendix 1** being:

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

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<sup>15</sup> The PoM refers to permitted uses within the LEPs as being permitted uses on community lands, however, the T&I SEPP provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act.

<sup>16</sup> **Appendix 2** has a brief description of the T&I SEPP.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)*
- *State Environmental Planning Policy (Resources & Energy) 2021*

### 1.3.7 Other Legislation and Statutory Controls

A PoM does not over-rule additional legislation and statutory controls that also apply to the management of community land.

### 1.3.8 Additional Council Plans and Policies

In addition to the above state policies and the directions of the LEPs, Council has developed a number of plans, strategies, general policies and papers which have either direct or broad relevance to planning, management and maintenance of community land. The following lists those of particular relevance for the future management and service delivery of the land parcels covered by this PoM:

- ***Community Strategic Plan 2017-2027*** – Spanning a period of ten years, the Community Strategic Plan is the highest level of plan prepared by Gwydir Shire Council and the community. As a living document and a roadmap to the future, it belongs to the community, and reflects the community's main priorities and future aspirations. As well as capturing Council's vision and mission, it also promotes the vision and goals created by the community through the consultation process. This strategy also summarises an evolving list of aspirations and achievements within the Shire.
- ***Community Engagement Strategy 2015*** – Any process that involves the community in problem solving or decision making, uses the community input to make better decisions. This strategy matches Council goals to capture input and provide information back to the community. It identifies all stakeholders including external partners, and sets out the methods for engagement.
- ***Bingara Town Strategy 2010*** – This Strategy aims to provide vision and direction for Bingara for both the long and short term. The strategy aims to future-proof Bingara from changes affecting both the local and the global neighbourhood. It achieves this through the acknowledgment of the town's unique history, its agriculture, culture, and its warm and creative community.
- ***Warialda Community Plan 2008*** – This plan provides a vision and direction for the Warialda township, by focusing on its public spaces: the parks, streets and riverside environment. The plan emerged from a community design and planning process which focused on community comment. Short term physical improvements to the town's public spaces will reflect the community's vision for a vibrant energetic township.
- ***Long Term Financial Plan 2015/2016 – 2024-2025*** – As a decision-making tool, this Financial Plan is an important part of council's strategic planning process. This is the point where long-term community aspirations and goals are tested against financial realities.
- ***Workforce Management Plan 2017-2021*** – Gwydir shire council workforce management plan

is part of the planning and reporting framework for local government. It forms part of the Resourcing Strategy, which aims at meeting the priorities in the Gwydir Shire Council Community Strategic Plan. The plan enables the ongoing recruitment and retention of staff with the appropriate values, attitude and knowledge to support the changing work environment while strengthening relationships with businesses and other community partners to deliver services efficiently and to a high standard.

- **Asset Management Plan 2011** – The programs and services the Council selects must be carefully designed and delivered to equitably and cost effectively advance the well-being of the Shire's people. This asset management plan covers the infrastructure assets that serve the Gwydir Shire Council Plant and Equipment needs via a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner.

Full details of Council's relevant policies and plans as listed above can be found at Council's website at [www.gwydir.nsw.gov.au](http://www.gwydir.nsw.gov.au).

## **1.4 Plans of Management**

### **1.4.1 What is a Plan of Management?**

The LG Act requires that Council prepare a plan of management in conjunction with the community to identify the important features of the land, clarify how Council will manage the land and how the land may be used or developed. Until a plan of management for community land is adopted, the nature and use of the land cannot be changed. To change the nature and use of the land, the plan of management must be revised.

Council will undertake the required process as per Section 36 of the LG Act and Section 3.23 of the CLM Act for this Plan of Management (PoM).

Specifically, S. 36 (3) (a)-(d) of the LG Act requires that a plan of management must identify:

- category of the land (see 1.4.4).
- objectives and performance targets of the Plan with respect to the land (see 1.4.4).
- means by which the Council proposes to achieve the PoM's objectives and performance targets.
- the manner in which Council proposes to assess its performance with respect to the Plan's objectives and performance targets.

A plan of management may give authorisation for Council to grant leases, licences, hire arrangements or other estates as required for use of the land and/or facilities/buildings on the land in compliance with S. 46 of the LG Act for purposes consistent with the core objectives for the category of land.

### **1.4.2 Types of Plans**



The LG Act allows a plan of management to cover one or multiple parcels of land.

Where multiple parcels of land are covered in one plan (Generic Plans), like this plan, the LG Act specifically states what needs to be included. Where a plan of management covers one parcel of land (Specific Plans), there is greater detail on what has to be prescribed in the Plan. A Generic Plan sets the framework of how the land is to be managed. A Specific Plan clearly outlines very precise management proposals.

Plans of management for community land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequent amendments to the Plan may occur.

For the majority of lands considered here, this PoM is the first to be developed. Note that Generic plans that applied to the land cease to apply once land is affected by threatened species laws. In this circumstance, a new specific PoM must be prepared that complies with the requirements. No change in the use of the land and no new lease or licence can be granted until the required specific PoM is made.<sup>17</sup>

Specific works to be carried out in individual Parks, Sportsgrounds, General Community Use and Natural Area land will be shown on masterplans and various schedules to which this PoM refers, which will be prepared in the future as required and which will include engagement with the community.

#### **1.4.3 Relationship with Other Plans**

This PoM provides an overarching strategy and consistent management approach for community land parcels within the Gwydir Local Government Area, with the exception of those lands for which specific plans of management have been developed or are to be developed and for which this Generic plan has no jurisdiction. It is currently proposed by Council that specific plans of management will be developed for the following community land:

- Myall Creek Memorial Site
- All Nations Hill at Bingara
- Bingara Riverside Park

#### **1.4.4 Categorisation and Objectives**

Under Section 36(4) of the LG Act, all community land must be categorised as one of the following categories:

- Natural Area - further categorised as either Bushland, Wetland, Escarpment, Foreshore or Watercourse
- Sportsground
- Park

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<sup>17</sup> Public Land Management Practice Note No.1 (revised) May 2000: *NSW Department of Local Government*.

- Area of Cultural Significance;<sup>18</sup> or
- General Community Use.

The Core Objectives for all community land categories vary according to the categorisation of the land. All objectives for all categories are defined in Sections 36E to 36N of the LG Act and also appear in **Appendix 3** of this PoM.

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<sup>18</sup> Note that land that is the subject of a resolution by the Council that declares that where items of Aboriginal, historical or cultural significance are present, the land is an **area of cultural significance**. In these cases, the land cannot be dealt with under a generic plan and must have its own specific plan of management.

## 2 Community Land Plan of Management

### 2.1 Land to Which this Plan Applies

The lands which are subject to this PoM are distributed across the Gwydir Local Government Area. There is a natural concentration of land parcels within and around the major centres of Bingara and Wialda however they also exist within and between smaller towns and villages (Gravesend, Croppa Creek, Coolatai, North Star and Upper Horton) and generally amongst rural communities.

The parcels included were generated from Council's Land Register of all public land areas listed in **Appendices 3 to 8**.

### 2.2 Process for Preparing the Plan

The process for the development of this PoM involved the following steps:

- preliminary categorisation of Crown land sent to the Minister for approval.
- inception discussion with Council staff.
- supply of relevant community land title information from Council, including LEP zonings and ownership (Crown, Council).
- meetings on site with Council staff and community consultations during the week of 25 July 2022.
- PoM drafted and discussed with Council.
- in accordance with Section 70B of the *Crown Land Management Regulation 2018* Council will obtain consent of the Minister administering the CLM Act prior to adopting this PoM (see **Appendix 10**).
- public notification of the preparation of the draft PoM on Council's website and at public places and service outlets.
- draft PoM on exhibition on Council's website, at libraries and customer service areas.
- written submissions received online to Council.
- public hearing into proposed categorisation and recategorisation of community land owned by Council, or if the boundary of a categorisation within a category of community land changes, as required.
- review and advice from Council's Native Title Manager and notification to native title claimants and /or NTSCORP (if required).
- resolution by Council.

- adoption by the Minister required only if significant changes made to draft regarding Crown land.

Community consultation is an important process providing information necessary for an effective PoM for community land and is a requirement under Section 38 of the LG Act. As such, Council is committed to the principles and activities within the participating community which guide Council's decision-making processes. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of people using such community lands.

Many discussions were conducted between the authors of this PoM and Council officers during its compilation. Council will undertake further consultation as necessary, in accordance with its communication strategies.

## **2.3 Ownership and Management**

The majority of the community land to which this PoM applies, is owned by:

- Gwydir Shire Council, or
- the State of New South Wales<sup>19</sup> being Crown land.

**Appendices 3 - 8** show ownership details of the land subject to the PoM.

Much of the Crown land is subject to native title rights and interests under the NT Act (see Section 1.3.3 of this PoM). On Crown land native title rights and interests must be considered unless:

- native title has been extinguished; or
- native title has been surrendered; or
- determined by a court to no longer exist.

Most community land subject to this PoM will be managed directly by Council. However, where appropriate, Council may establish committees under Section 355 of the LG Act to advise and assist with the management of specific facilities. Section 355 committees operate over the majority of the halls owned and managed by Council.

### **Aboriginal Land Rights**

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and loss of land in NSW. The lodgment of an aboriginal land claim (ALC) under Section 36 of the ALR Act, over Crown land creates an inchoate interest in the land for the claimant pending determination of the claim. The DPHI-CL advises that, if the land is subject to an

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<sup>19</sup> Council is Crown land manager for Crown land subject to this PoM.

undetermined ALC, any works, development or tenures authorised by the PoM should not go ahead if:

- the proposed activity could prevent the land being transferred to an ALC claimant in the event that an undetermined claim is granted.
- the proposed activity could impact or change the physical/environmental condition of the land, unless:
  - the council manager has obtained written consent from the claimant Aboriginal Land Council to carry out the proposed work or activity, and/or
  - the council manager has obtained a written statement from the Aboriginal Land Council confirming that the subject land is withdrawn (in whole or partial) from the land claim.
- the proposed activity is a lease to be registered on title unless the council manager has obtained written consent from the claimant Aboriginal Land Council.

Some of the Crown land in this PoM will be subject to ALCs. These ALCs claims await determination by the Minister for Water, Property and Housing. Any land granted under ALR Act will no longer be subject to this PoM.

## 2.4 Land Categories

In accordance with the guidelines set out in the *Local Government (General) Regulation 2021* and Practice Note 1: Public Land Management (Department of Local Government Amended 2000), and consistent with respective core objectives, all community land reserves covered by this PoM are categorised either as:

- Park – **Appendix 3** lists the land parcels categorised as Park.
- Sportsground – **Appendix 4** lists the land parcels categorised as Sportsground.
- General Community Use – **Appendix 5** lists the land parcels categorised as General Community Use.
- Natural Area, further categorised as Bushland, Foreshore and Watercourse – **Appendices 6-8**.

For Crown land these categories have been assigned as required under Section 3.23 of the CLM Act.

### 3 Leases, Licences, Authorisation and Other Estates

For this section, please see the Explanation of Terms<sup>20</sup> set out below.

Council may allow use of community land by a casual user for any permissible use (see Sections 6 – 12) according to the land category. However, Council may require a form of authorisation for a permissible use to be undertaken.

The authorisation in a PoM gives ‘in principle’ support for activities, uses and developments consistent with the objectives for land categorisation to proceed to development assessment under the EP&A Act, if required.

This PoM does not in itself imply or grant consent for activities, uses or developments. Any proposed uses and developments which are consistent with this POM must still be referred for development consent and where required, be advertised widely for information and invitation to comment. Any subsequent application for development consent would be supported by and assessed against this PoM.

The LG Act provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of community land in accordance with Section 46.

Tenures may be held by:

- community organisations and sporting clubs, or
- by private/commercial organisations or
- individuals providing facilities and/or services for public use.

The maximum period for leases and licences on community land allowable under the LG Act is 30 years (with the consent of the Minister for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of community land.

Community land may only be leased or licensed for periods of more than 5 years if public notice is given according to the requirements of Sections 47 and 47A of the LG Act.

On Crown land, which Council manages under Section 48 of the LG Act, Council does not have authority to issue tenures. For these lands tenures must be issued by the Minister administering the

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#### <sup>20</sup> Explanation of Terms

<b>Tenure</b>	A lease, licence or other estate issued by Council in accordance with Section 46 of the <i>Local Government Act 1993</i> or Section 2.20 of the <i>Crown Land Management Act 2016</i> .
<b>Hire Agreement</b>	An estate issued by Council generally for the single use of a facility.
<b>Holder</b>	The company, organisation, individual or group of individuals who have been issued with a Tenure.
<b>Hirer</b>	The company, organisation, individual or group of individuals who have been issued with a Hire Agreement.
<b>Regular Hirer</b>	A Hirer who regularly uses a facility through a Hire Agreement or has an ongoing Hire Agreement.
<b>Singular Hirer</b>	A Hirer who has a Hire Agreement as a once off or irregularly.
<b>Casual User</b>	A person or group of people using community land for passive recreation, non-commercial purposes without a Tenure or Permit.
<b>User</b>	The collective term for a Holder, Hirer and Casual User.
<b>Permit</b>	A permit is an authority to undertake a use which may or may not attract a fee.

CLM Act.

### **3.1 Types of Tenures**

#### **3.1.1 Leases**

A lease will be generally required where exclusive use or control of all or part of community land is desirable for effective management. A lease may also be required when the scale of investment in facilities, the necessity for security measures, or where the relationship between a holder and facilities on community land justifies such security of tenure.

Leases issued by Council will require:

- That subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council, and consistent with Section 47C of the LG Act.
- Maintenance of the facility will be the responsibility of the Lessees.

#### **3.1.2 Licences**

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different holders can apply to the same area at the same time, provided there is no conflict of interest.

#### **3.1.3 Hire Agreements**

An agreement for use of community land (Hire Agreement) may be issued by Council for any purpose listed in Sections 6-12, or by a Management Committee subject to the approval of Council. A hire agreement may be issued to a regular hirer or a singular hirer for formal use. Any legal requirements as determined by Council will include the requirement for adequate public liability insurance cover. Hire agreements may be issued for the use of a hall or a tennis court, etc.

#### **3.1.4 Permits**

A permit may be issued by Council to undertake a particular activity on community land. Such a permit may or may not attract a fee.

#### **3.1.5 Easements**

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

The granting of easements over Crown land will be subject to the provisions of the NT Act and Division 8.7 of the CLM Act.



## 3.2 Purposes for which Tenures may be issued

In accordance with Section 46A of the LG Act, a Plan of Management for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a Plan of Management.

This Plan of Management authorises a Tenure to be issued:

- for any permissible use (see Sections 6 – 14).
- for purposes consistent with the designated:
  - categorisation, and
  - zoning under Section 46 of the LG Act, and
  - on Crown land, the reserve purpose of the particular reserve (see **Appendices 3-8**) as required under the CLM Act.
- on Crown land. The CLM Act allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the CLM Act. This section provides that licences may be issued, inconsistent with the reservation purpose, for prescribed purposes currently being:<sup>21</sup>

(a) access through a reserve	(m) grazing
(b) advertising	(n) hiring of equipment
(c) camping using a tent, caravan or otherwise	(o) holiday accommodation
(d) catering	(p) markets
(e) community training or education	(q) meetings
(f) emergency occupation	(r) military exercises
(g) entertainment	(s) mooring of boats to wharves or other structures
(h) environmental protection conservation or restoration or environmental studies	(t) sales
(i) equestrian events	(u) shows
(j) exhibitions	(v) site investigations
(k) filming (as defined in the <i>Local Government Act 1993</i> )	(w) sporting and organised recreational activities
(l) functions	(x) stabling of horses
	(y) storage.

## 3.3 Tenures on Crown land and Native Title

A tenure or hire agreement on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NT Act and in accordance with Part 8 of the CLM Act unless native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's native title

<sup>21</sup> *Crown Land Management Regulation S.31.*

managers that it complies with any applicable provisions of the native title legislation.<sup>22</sup>

### **3.4 Current Tenures on Crown land**

There are no current Council tenures over Crown land.

### **3.5 Direction of Funds**

Income produced from the Sportsgrounds, Parks, General Community Use and Natural Area categories will be distributed in a fashion directed by Council.

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<sup>22</sup> Please see Section 1.3.3 of this PoM for further restrictions on tenures over Crown land.

## 4 Development

### 4.1 Development of New and Improvement of Existing Facilities

All major developments and improvements made to community Land to be funded (solely or partially) by Council, will be subject to Council approval.

Council can carry out certain types of proposed developments and building works that are developments permitted without consent or exempt development under the T&I SEPP or are permitted without development consent under the LEPs.



*Figure 2 – Community land assets  
(clockwise from top) Gwydir Oval, Bingara; Gravesend Stockyards; The playground at the Warialda Sports and Recreation Ground.*

Council can also undertake certain activities under Part 5 of the EP&A Act. The purpose of the Part 5 assessment system is to ensure public authorities fully consider environmental issues before they undertake or approve activities that do not require development consent from a council or the Minister. If an activity is judged by the relevant public authority to significantly affect the

environment, then an environmental impact statement will need to be prepared and considered by the public authority.

All other proposed development and building works consistent with the values, desired outcomes and performance targets set out in this PoM would be subject to the normal development applications in accordance with the EP&A Act and the LEPs.

Council will encourage community assistance in the development of new facilities as well as maintenance of existing facilities through the co-operation and assistance of the local community.

## 4.2 Community Engagement

Prior to development of new or enhancing existing facilities Council will undertake a community consultation process in accordance with the Gwydir Shire *Community Engagement Strategy 2017*. This may include the development of masterplans or other plans which will be placed on exhibition or be subject to stakeholder notification.

On the Crown land parcels covered by this PoM, native title rights and interests must be considered unless:

- native title has been extinguished; or
- native title has been surrendered; or
- determined by a court to no longer exist.

Where it is proposed to construct or establish a public work<sup>23</sup> on reserved or dedicated Crown land, where native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the NT Act.<sup>24</sup>

Where a proposed update of an existing masterplan, capital works program, facilities asset management plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the NT Act have been addressed including the notification and opportunity to comment noted above.

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<sup>23</sup> A public work is defined as:

- (a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:
- (i) a building, or other structure (including a memorial), that is a fixture; or
  - (ii) a road, railway or bridge; or
  - (iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or
  - (iii) a well, or bore, for obtaining water; or
  - (iv) any major earthworks; or
- (b) a building that is constructed with the authority of the Crown, other than on a lease.

Major earthworks are defined as:

*earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.*

<sup>24</sup> Please see Section 1.3.3 of this PoM for further restrictions on development over Crown land.

## 5 Communication

Communication between Council, sports bodies, hall committees, service clubs, various committees and other community land user groups and individuals is important to the success of this Plan. Council will use and maintain existing clear lines of communication and establish new lines and methods as necessary. Several key communication actions and strategies are described in respective Performance Targets including:<sup>25</sup>

- keeping the community well informed about recreational facilities and settings, and other community facilities and settings through a variety of methods including signage, social media and Council's website.
- involving the community in collating information on community priorities and analysing existing facilities and settings.
- seeking community feedback in relation to the level of satisfaction regarding community facilities and settings.
- maintaining community involvement consistent with Council's Community Engagement protocols.
- continuing to support respective Council Sporting Committees and Reference Groups, Hall Committees, Tenure Holders, and Landcare / Rivercare Groups etc. in the use of reserves.
- consulting regularly with the above bodies and collating information on ongoing priorities for Sportsgrounds, Hall Committees, Landcare Groups etc.
- engaging with the community prior to implementation of actions proposing major upgrades to facilities.

Most community land subject to this PoM will be managed directly by Council. However, where appropriate, Council may establish committees under Section 355 of the LG Act to advise and assist with the management of specific facilities.

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<sup>25</sup> Consistent with Gwydir Shire Council's *Community Engagement Strategy 2017*.

## **6 Park**

### **6.1 Park Category Definition**

Land should be categorised as a Park under Section 36(4) of the LG Act if the land is, or is proposed to be, improved by landscaping, gardens, playgrounds, non-sporting equipment and facilities including amenities, walking tracks, pedestrian and cycle paths, fitness equipment, skateparks, memorials and open space. Parks are therefore used for passive or active recreational, social, educational and cultural pursuits and unstructured recreation activities. These uses would therefore include sitting and viewing for rest and relaxation, walking, cycling, children's play, casual games, dog exercising, outdoor fitness, BBQ's, picnics, and ceremonies. Park activities should not unduly intrude on the peaceful enjoyment of the land by others.<sup>26</sup>

Land parcels categorised as Park occurring across the Gwydir Local Government Area represent a wide range of sizes, configurations and uses. The quality and quantity of facilities in parks vary in line with a park hierarchy, with larger regional parks generally having more and better facilities to cater for greater demand than local parks.

### **6.2 Core Objectives – Park**

The core objectives for management of community land categorised as a Park<sup>27</sup> are:

- to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- to provide for passive recreational activities or pastimes and for the casual playing of games, and
- to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

### **6.3 Land included in the Park Category**

The land parcels categorised as Park covered by this PoM offer recreational and social opportunity to locals and visitors. Park lands are distributed widely across the Gwydir Local Government Area, tending to occupy an important niche between the more commercially based community lands especially those provided for paying custom such as camping and caravanning, and those with few if any amenities which tend to have a focus on the provision of environmental services (bushland, wetland etc.) and/or venues which facilitate and encourage outdoor activities (walking, exercising etc.).

The diversity of character and function of areas categorised in this PoM as Park across the Gwydir Local Government Area is demonstrated at:

- One Nation Hill – Dog Park Bingara
- Apex Park at Warialda

<sup>26</sup> S 104 *Local Government (General) Regulation 2021* – NSW legislation.

<sup>27</sup> S 36G of the LG Act – NSW Legislation.



- Captain Cook Park, Warialda
- Gravesend Park
- Gwydir Riverside Park at Bingara
- An area associated with the Gulf Creek Hall
- Warialda Pioneer Cemetery

All Park lands included in this PoM and their details including reserved purpose and location, are listed in **Appendix 3**.



Figure 3 – Land categorised as Park  
(left to right) Warialda Pioneer Cemetery and Country Women's Association parks, Bingara

## 6.4 Park Category Values

Values may be described as what is important or special about a place. These values which generally embrace social, environmental, economic and financial considerations, provide a strong foundation for the maintenance, protection and where required, enhancement of these values across the Parks of the Gwydir Local Government Area.

Parks provide valuable space for unstructured recreation and space for nature, with important social and environmental benefits contributing to the liveability and character of the area. They enhance social sustainability and the community's health and well-being. Parks create community opportunities, through formed and unformed areas, including passive recreation, celebrating, mixing in groups socially, remembering, and informal playing of games.

The Gwydir Local Government Area's Parks directly contribute to community value by providing:

### Recreational opportunities

- spaces for unstructured outdoor recreational opportunities – playgrounds, fitness areas.
- places for active recreation – kick a ball, run about areas, practice walls and hoops.

- local open spaces for the community to enjoy activities – picnic areas and barbecues, dog exercise.
- places for people to walk, enjoy nature and observe wildlife.

### **Social benefits**

- spaces for social gatherings, cultural activities and other events.
- places to meet others in which to relax: the places are safe, secure, family friendly for picnics, play and other activities.
- acknowledgement of natural and cultural heritage.
- social bonds at the local community level through involvement of volunteers in recreation, and by local residents meeting each other in recreational settings.
- aesthetic qualities producing a sense of openness and space, tranquility and restfulness, the sounds, sights and smells of nature.
- social inclusion and connectedness through participation and volunteering.
- social sustainability and the community's health and well-being.
- intangible psychological benefits.
- important historical, educational and cultural sites for ceremonial community gatherings.

### **Environmental benefits**

- protected natural settings for physical activity and visual pleasure.
- environmental protection, water absorption, clean air, reduce urban heat effect, help absorb greenhouse gas emissions.
- visual and landscape character of the local area, contributing to its liveability and appeal.
- natural areas, which create habitat and links between areas, spaces for trees, birds and other wildlife.

### **Economic benefits**

- the attraction of tourists and visitors for events or social gatherings held in parks and enhancing local economies.
- economic benefits from the development of recreational facilities, production and sale of related goods and services, and employment of people in the recreation and sport industry.

- significant savings in national health costs due to generated peace of mind, exercise, and improved health, allowing such funds to be redirected into other areas of health services.
- visual amenity of streetscapes which has a positive effect on land and property values.

## **6.5 Key Management Issues for Parks**

The key management issues for Parks are:

- ensuring the provision of a wide range of parks and related facilities meet the present and future needs of the community.
- provision of the appropriate range of accessible facilities and settings.
- planning for future recreational needs and opportunities.
- maintaining recreational amenity, quality, maintenance, rubbish disposal and cleanliness.
- maintaining the condition of key facilities especially toilet blocks.
- provision of adequate car parking.
- notification of permissible activities, conflicting uses and compliance.
- maintaining good neighbourhood relationships.
- establishing effective communications regarding park upgrades and other improvements.
- managing construction activities and impacts.
- avoiding unnecessary encroachment on and alienation of park, by other requirements.
- managing vegetation issues eg. replacement trees, planted areas, grass cutting.
- managing other legislative responsibilities eg. vegetation, biodiversity, bushfires.
- managing vandalism to grounds, built assets, and memorials.
- ensuring effective signage.

## **6.6 Desired Outcomes for Parks**

The desired outcomes for Parks are:

- that appropriate recreational, cultural, social and educational pastimes and activities are available, which are well utilised.
- landscape character is consistent with the local landform, residential character and natural and

cultural heritage.

- well-maintained open areas as community gathering places for passive recreation.
- where it exists, well maintained infrastructure including amenities, playgrounds, picnic areas and other recreation areas in a variety of settings.
- no conflicting uses.
- good neighbourhood relationships.
- rolling program of park upgrades and improvements.
- effective access and well managed safety issues.
- where present, effective environmental sustainability.
- leases and licences as appropriate are managed effectively.

## **6.7 Permissible Uses and Development on Park lands**

Park lands covered by this PoM may, subject to Council assessment, approvals and booking/hire systems, be used for the following:

- |  |  |
|--|--|
| • access roads   | • maintenance activities   |
| • alternate energy technology  | • maintenance buildings and infrastructure                       |
| • amenities  | • mobile food vendors  |
| • art and cultural classes and events  | • natural areas  |
| • biodiversity enhancement   | • organised playing of games                                     |
| • canteens and kiosks  | • outdoor film screening   |
| • car parking  | • passive recreation   |
| • casual playing of games or informal sporting activities                          | • paths  |
| • children's programs and events   | • personal training  |
| • community events (fundraising / charity events, special events)                  | • playing of a musical instrument, or singing, for fee or reward |
| • community notice signs   | • private events (i.e., weddings, birthdays)                     |
| • dog training and exercise  | • public performance, book launch or education                   |
| • drainage and irrigation  | • public utility infrastructure                                  |
| • emergency use  | • recycling (return & earn stations)                             |
| • fairs, markets and auctions  | • remediation works  |
| • filming and photography of events, speeches, concerts etc. (commercial, amateur) | • school recreation  |
| • fitness and wellbeing programs   | • school vacation activities                                     |
| • gala days and club meetings  | • shade structures   |
| • landscaping  | • sponsorship signage (temporary)                                |
| • low intensity cafes and kiosks where appropriate                                 | • storage facilities   |
|  | • telecommunication facilities                                   |

- temporary compound
- temporary structures (i.e., marquees, tents, stages)
- visitor amenities
- water tanks
- youth programs and events.

## 6.8 Tenures on Park lands

Council may consider granting leases, licences, permits or other estate on community land categorised as Park, consistent with the requirements of Section 3 of this PoM and the Permissible Uses and Development listed in Section 6.7.

This PoM expressly authorises on lands categorised as Park:

- the issuing of permits for:
  - art and cultural classes and events
  - children's programs and events
  - community events (fundraising/charity events, special events, park runs)
  - community notice signs
  - dog training and exercise
  - fairs, markets and auctions
  - filming and photography of events, speeches, concerts etc. (commercial, amateur)
  - fitness and wellbeing programs, launch or education
  - mobile food vendors
  - organised playing of games
  - outdoor film screening
  - personal training
  - playing of a musical instrument, or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - sponsorship signage (temporary)
  - temporary structures (i.e., marquees, tents, stages)
  - youth and volunteer programs and events.
- the issuing of licences or hire agreements for:
  - alternate energy technology
  - art and cultural classes and events
  - fairs, markets and auctions
  - filming and photography of events, speeches, concerts etc. (commercial, amateur)
  - fitness and wellbeing programs
  - gala days and club meetings
  - mobile food vendors
  - occupation and use of canteens and kiosks
  - occupation and commercial use of low intensity cafes and kiosks
  - occupation and use of Park facilities and amenities
  - organised playing of games
  - outdoor film screening
  - personal training
  - playing of a musical instrument, or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - sponsorship signage (temporary)
  - storage facilities
  - temporary structures (i.e., marquees, tents, stages)
  - youth and volunteer programs and events.
- the issuing of easements as required for utilities and access.

Development approval may be required for certain events and activities on community lands and Council should be contacted for advice.

## 6.9 Performance Targets – Parks

Park Objective	Performance Targets <sup>28</sup>	Strategies	Performance Indicator
To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.	Encourage and promote parks as community gathering places for passive recreation, casual playing of games and for various arts and cultural activities.	<ol style="list-style-type: none"> <li>1. Keep the community well informed about park spaces and facilities through a variety of methods including signage, social media and Council's website.</li> <li>2. Manage open spaces to promote use for cultural events and community programs.</li> <li>3. As required, update and review policy and procedures regarding use of parks for events.</li> <li>4. Where possible, support communities to run events which promote a sense of community.</li> </ol>	<ul style="list-style-type: none"> <li>• Shared use of recreational spaces and settings.</li> <li>• Support provided by Council for the running/staging of events, consistent with category objectives and Council's <i>Events Assistance Policy</i>.</li> </ul>
	Facilitate the use of any built venues and open areas for recreational, cultural, social and educational pastimes and activities through the granting of leases/licences.	<ol style="list-style-type: none"> <li>5. Review and as required, update Council's <i>Leasing and Licencing Policy</i>, consistent with this PoM for any leases/licences to reflect objectives for the management of Parks, for long and short-term use, and casual use activities (see Section 6.7).</li> <li>6. Maintain register of leases for built infrastructure.</li> </ol>	<ul style="list-style-type: none"> <li>• Leases/licences issued in accordance with the requirements of the LG Act, Council's Leasing and Licencing Policy for purposes consistent with the core objectives for Parks.</li> <li>• Effective records management system for tenures issued or major infrastructure.</li> </ul>
To provide for passive recreational activities or pastimes and for the casual playing of games.	Consider existing facilities and settings to ensure they are targeted, diverse and appropriate and can support a range of recreational, cultural, social and educational activities.	<ol style="list-style-type: none"> <li>1. Involving the community, analyse existing facilities and settings; investigate options to address gaps; amend Council's existing aspirations and plans (eg. Council's <i>Community Engagement Strategy</i>) as appropriate; develop new strategic recreation plans and masterplans for high profile sites.</li> </ol>	<ul style="list-style-type: none"> <li>• Community feedback indicates high level of satisfaction regarding the range of Park facilities and settings.</li> </ul>
	Maintain the amenity and quality of the existing Park settings and facilities.	<ol style="list-style-type: none"> <li>2. In accordance with Council's <i>Community Engagement Strategy, and Long-Term Financial Plan<sup>29</sup></i>, develop maintenance plans for grounds and settings, including (where they exist) play equipment, fitness equipment, picnic settings, barbecues etc.</li> <li>3. Review and update the maintenance plans in Parks to ensure they are of the right quality to meet community needs.</li> <li>4. Continue to support community volunteers to maintain parks.</li> </ol>	<ul style="list-style-type: none"> <li>• Community feedback indicates high level of satisfaction about park maintenance.</li> <li>• Parks are well used by a range of user groups, including schools.</li> <li>• Condition of infrastructure and grounds meets maintenance schedules.</li> </ul>

<sup>28</sup> Performance Targets – to Achieve Core Objectives / Desired Outcomes.

<sup>29</sup> Gwydir Shire Council – *Long Term Financial Plan 2015/2016-2024/2025*.



Park Objective	Performance Targets <sup>28</sup>	Strategies	Performance Indicator
To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.	Upgrade and improve the existing park infrastructure, including buildings, play equipment, exercise equipment, practice and run around areas, walking paths, picnic and barbecue settings and associated amenities.	<ol style="list-style-type: none"> <li>1. Develop associated masterplans/capital works plans/maintenance plans and asset management plans, outlining proposed works to replace and/or improve Park settings and facilities.</li> <li>2. Implement a rolling upgrade and improvements program for Park facilities and develop/amend appropriate operational plans.</li> <li>3. Undertake the relevant approvals process for any proposed development to upgrade Parks.</li> <li>4. Consult regularly with the community to collate information on community priorities for Parks.</li> <li>5. Enable the community to improve parks, in accordance with approved plans.</li> </ol>	<ul style="list-style-type: none"> <li>• Community is informed about proposed improvements prior to works undertaken.</li> <li>• Master plans and landscape concept plans prepared for any new park infrastructure proposed.</li> <li>• Community involvement in proposal consistent with Council's Community Engagement protocols.</li> <li>• Community feedback indicates high level of satisfaction about Park improvements.</li> <li>• Works undertaken consistent with T&amp;I SEPP.</li> <li>• Procedural rights in relation to native title are provided.</li> <li>• Number of community led improvements.</li> </ul>
	Conserve the existing landscape character of the parks, including the existing vegetation, recreational settings and other historical and cultural values and natural heritage values.	<ol style="list-style-type: none"> <li>6. Ensure implementation of Council's management and development of Parks acknowledges landscape character, natural and cultural heritage attributes.</li> <li>7. Landscape, and as required, upgrade Parks in accordance with Council's relevant strategies in such a way to reflect the region's natural and cultural heritage.</li> <li>8. Protect and promote the cultural heritage and update and maintain relevant Aboriginal Heritage where present.</li> <li>9. Address encroachments onto Park Reserves. eg R.76966 and R.87406</li> <li>10. Council must take due care not to unearth or disturb the remains of any person who is buried in, or the ashes of any person which have been placed in or on, converted cemeteries or gravesites.</li> </ol>	<ul style="list-style-type: none"> <li>• All development on community land is undertaken in accordance with cultural heritage legislation.</li> <li>• Master plans and/or landscape concept plans prepared incorporating identified landscape and heritage values.</li> <li>• Community involvement in relevant proposals consistent with Council's Community Engagement protocol.</li> <li>• Parks are managed in accordance with stipulated environmental legislative requirements.</li> <li>• Works undertaken consistent with T&amp;I SEPP.</li> </ul>

Park Objective	Performance Targets <sup>28</sup>	Strategies	Performance Indicator
	Ensure Park management maintains and improves safe and enjoyable access and use by people.	<p>11. Ensure all Park signage is effective and compliant.</p> <p>12. Manage Bushfire Hazard in accordance with local Bushfire Risk Management Plans.</p> <p>13. Ensure plans and consider and address the issues of human safety during access and use of Parks by people (buildings, tracks, roads, fences etc.) in accordance with safety design principles and best practice.</p> <p>14. Address any inappropriate encroachments by other land managers.</p>	<ul style="list-style-type: none"> <li>• Natural areas managed for bushfire hazard as required.</li> <li>• Relevant safety audit complete and effectively implemented.</li> <li>• Signage appropriate and accords with Schedule 5 I&amp;E SEPP requirements with the Statewide Mutual / Council's <i>Signs and Remote Supervision Policy</i>.</li> <li>• Parks and infrastructure compliant.</li> <li>• No reports of human injury due to park condition.</li> <li>• All unauthorised occupations of Park lands are excluded.</li> </ul>

## 7 Sportsground

### 7.1 Sportsground Category Definition

Land should be categorised as a Sportsground under Section 36(4) of the LG Act if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.<sup>30</sup>

The opportunity to experience sportsgrounds and to participate in sport and other active recreation activities at sportsgrounds is a benefit to individuals and to the community for many reasons. It is widely recognised that participation in sport, recreation and leisure pursuits is critical to the health and wellbeing of individuals, and that physical inactivity is an independent risk factor for a number of health conditions.<sup>31</sup>

It is therefore important to preserve sportsgrounds and to plan their future improvement and maintenance.

The main sports played at Sportsgrounds covered within this PoM include:

- athletics
- cricket
- football (soccer)
- rugby league
- golf
- tennis
- horse sports/rodeos.

### 7.2 Sportsground Core Objectives

Relevant Core Objectives for the management of land categorised as Sportsground<sup>32</sup> are:

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

### 7.3 Land included in the Sportsground Category

The land parcels categorised as Sportsground within this PoM provide varying services across the Gwydir Local Government Area with a concentration within the limits of towns and villages.

The diversity of character and function of areas categorised in this PoM as Sportsground across the Gwydir Local Government Area is demonstrated at:

<sup>30</sup> S 103 *Local Government (General) Regulation 2021*.

<sup>31</sup> National Physical Activity Recommendations for Older Australians: Discussion Document, Australian Government Department of Health.

<sup>32</sup> S 36F of the LG Act – NSW Legislation.

- Gwydir Oval at Bingara
- Warialda Recreational Ground
- Bingara Golf Links
- Coolatai Tennis Club
- Coolatai Sportsground
- Gravesend Recreational Reserve.

All Sportsground lands are listed in **Appendix 4**.



Figure 4 – Sportsground Lands  
(Clockwise from top) – Bingara Golf Course, Gwydir Oval, Bingara and Bingara Netball Courts

## 7.4 Sportsground Category Values

Values may be described as what is important or special about a place, in this case, a sportsground. These values which generally embrace social, environmental, economic and financial considerations, provide a strong foundation for the maintenance, protection and where required, enhancement of these values across the Sportsground land of the Gwydir Local Government Area.

The Gwydir Local Government Area's Sportsground land directly contributes to community value by providing:

- structured and unstructured outdoor and indoor recreational opportunities, facilities and settings.



- places specifically built and set up to participate in organised sports that can be utilised for other active recreational pursuits when not used for organised sports.
- venues for a range of associated activities surrounding the active sports playing areas, including play equipment, picnic areas, exercise equipment and practice areas.
- spaces for social gatherings, cultural activities and other events.
- contributions to social sustainability and the community's health and well-being.
- aesthetic contribution to the sense of openness, space and relief from the urban fabric.
- positive influences on the liveability and appeal of the local area.
- contributions to the visual and landscape character of the local area.
- opportunities to plan for future sporting and other active recreational needs.
- minimum negative impacts on neighbours and other community members.



*Figure 5 – Sportsground Lands*

*(Clockwise from top) – Gravesend Recreation Reserve – tennis courts, Warialda Rail Clubhouse and tennis courts, Gravesend Recreation Reserve horse sport and drafting yards*

## **7.5 Key Management Issues for Sportsground land**

The key management issues for Sportsground land are:

- quality and maintenance standards of the playing surfaces.
- standard and functionality of the associated amenities.
- accessibility of the amenities.
- use of playing areas for exclusive use during designated times for organised games and/or training.
- community access to sport – open for general community use at certain times out of designated times.
- managing conflicting uses – shared uses, seasonal sport changeovers, dogs on playing fields.
- impacts of sporting uses on neighbours – including noise, parking, light spill, balls out of field, hours of operation.
- permissible activities in club houses including alcohol use.
- safe pedestrian access to sportsgrounds.
- planning for upgrades of playing surfaces and/or associated amenities.
- managing construction activities during upgrades to playing surfaces and/or associated amenities.
- managing maintenance issues between season and changing sports
- costs of maintenance, management and upgrades.
- continuing decrease in participation in traditional organised sports both on and off the field, leading to under utilisation and increasing responsibility on Council in terms of management, maintenance and coordination.
- costs to traditional voluntary organisations of equipping, insuring and managing activities.
- complexity of management and increasing demands placed on voluntary organisations.
- avoiding unnecessary encroachment on and alienation of sportsground, by other requirements

## 7.6 Desired Outcomes for Sportsground land

The desired outcomes for Sportsground land are:

- good quality sportsgrounds as community gathering places for active recreation as well as passive social gatherings and general enjoyment of open space.
- well-maintained and widely used sportsground playing surfaces which provide year-round formal and informal use for community and visitors.
- well-maintained surrounds around playing areas which includes playgrounds, BBQs, walking/running loops, shade, seating, dog exercise areas and connectivity to diversify use.
- change rooms and amenities in good condition suitable for all sporting users and others including accessible female friendly facilities.
- rolling program of sportsground upgrades and improvements using appropriate asset management and long-term recreation plans, which prioritise upgrades to accommodate local needs and provide sport tourism opportunities.
- well managed sportsgrounds where user groups are respectful of other user groups.
- sportsgrounds and associated neighbours / neighbourhoods in harmony.



Figure 6 - Sportsground Lands

Warialda Recreation Ground - rooms and facilities at Captain Cook Oval (top left); Captain Cook playing field (bottom left); tennis courts (right)



## 7.7 Permissible Uses and Development on Sportsground land

Sportsground land covered by this PoM may, subject to Council assessment, approvals and booking/hire systems, be used for the following:

- access roads
- alternate energy technology
- amenities
- approved commercial or trade business
- art and cultural classes and events
- biodiversity enhancement
- canteens and kiosks
- car parking
- casual playing of games or informal sporting activities
- children's programs and events
- clubhouse amenities
- community events (fundraising/charity events, special events)
- community notice signs
- court sports
- dog training and exercise
- drainage and irrigation
- emergency use
- equestrian activities and events
- fairs, markets and auctions
- filming and photography of events, speeches, concerts etc. (commercial, amateur)
- fitness and wellbeing programs
- gala days and club meetings
- landscaping
- licensed bar, bistro and café
- low intensity cafes and kiosks
- maintenance activities
- maintenance buildings and infrastructure
- mobile food vendors
- natural areas
- organised playing of games
- organised sports competitions
- organised sports training
- outdoor film screening
- passive recreation
- paths
- personal training
- playing of a musical instrument, or singing, for fee or reward
- private events (i.e., weddings, birthdays)
- public performance, book launch or education
- public utility infrastructure
- recycling (return & earn stations)
- remediation works
- school hiring for recreational and educational purposes
- school recreation
- school sports/carnivals and recreation
- school vacation activities
- shade structures
- sponsorship signage (temporary)
- sports facilities
- storage facilities
- telecommunication facilities
- temporary compounds
- temporary structures (i.e., marquees, tents, stages)
- visitor amenities
- water tanks
- youth programs and events.

## 7.8 Tenures on Sportsground land

Council may consider granting leases, licences, permits or other estate on community land categorised as Sportsground, consistent with the requirements of Section 3 of this PoM and the Objectives and Permissible Uses listed in Section 7.7.

This PoM expressly authorises on lands categorised as Sportsground land:

- the issuing of permits for:

- art and cultural classes and events
- children's programs and events
- community events (fundraising/charity events, special events)
- community notice signs
- dog training and exercise
- fairs, markets and auctions
- filming and photography of events, speeches, concerts etc. (commercial, amateur)
- fitness and wellbeing programs
- mobile food vendors
- organised playing of games
- outdoor film screening
- personal training
- playing of a musical instrument, or singing, for fee or reward
- private events (i.e., weddings, birthdays)
- public performance, book launch or education
- school vacation activities
- sponsorship signage (temporary)
- temporary structures (i.e., marquees, tents, stages)
- youth and volunteer programs and events.
- the issuing of licences or hire agreements for:
  - alternate energy technology
  - art and cultural classes and events
  - fairs, markets and auctions
  - filming and photography of events, speeches, concerts etc. (commercial, amateur)
  - fitness and wellbeing programs
  - gala days and club meetings
  - mobile food vendors
  - occupation and commercial use of licensed bars bistros and cafés
  - occupation and commercial use of low intensity cafes and kiosk
  - occupation and use of canteens and kiosks
  - occupation and use of sportsground facilities and amenities for sporting competitions or school sporting activities
  - organised playing of games
  - organised sports competitions
  - organised sports training
  - outdoor film screening
  - personal training
  - playing of a musical instrument, or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - sponsorship signage (temporary)
  - storage facilities
  - telecommunication facilities
  - temporary structures (i.e., marquees, tents, stages)
  - visitor amenities
  - youth and volunteer programs and events.
- the issuing of easements as required for utilities and access.
- issuing of a lease or licence for all or part of a sporting area to a club, organisation or individual for the purpose of operating and managing the facility.<sup>33</sup>
- the issuing of seasonal and casual permits/licences/agreements to sporting organisations for

<sup>33</sup> Any lease may require the party entering into a Service Agreement with Council to document and guarantee terms of community access and to outline the maintenance works to be undertaken by the lessee and Council. For example, a tennis facility may be leased to a club or professional coach via a service agreement. The agreement would state that the general public is to have access to the facility, provided that the required fee is paid, and that the facility is used appropriately. Users may not necessarily be members of a tennis club managing at the facility.

the use of the grounds, sporting fields and amenities.

Development approval may be required for certain events and activities on community lands.

## 7.9 Performance Targets – Sportsground

Sportsground Objective	Performance Targets <sup>34</sup>	Strategies	Performance Indicator
To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.	Promote and facilitate an active community engaged in sport, with Sportsgrounds as community gathering places for organised games and/or training and other active recreational pursuits.	<ol style="list-style-type: none"> <li>1. Consult the community to ensure sportsgrounds' services and costs meet community needs.</li> <li>2. Continue to support Sport and Recreation Reference Groups and Sports Councils (where relevant).</li> <li>3. Seek to use Council's social media channels to share information from community sporting partners.</li> <li>4. Investigate opportunities for the promotion of the region's sporting facilities for sport related tourism.</li> </ol>	<ul style="list-style-type: none"> <li>• Community involvement in proposal consistent with Council's community engagement strategies.</li> <li>• Player statistics from Sportsground bookings, active club member activities indicate high level of participation in active recreation.</li> <li>• Income achieved through use of Sportsgrounds is improved.</li> </ul>
	Develop and upgrade built assets and playing surfaces where required, in accordance with the informal and organised needs of the region's sporting community.	<ol style="list-style-type: none"> <li>5. Review the needs of sportsgrounds covered by this PoM both in terms of infrastructure and grounds.</li> <li>6. Develop associated masterplans/capital works plans outlining proposed works to replace and/or improve Sportsground settings, built structures, playing surfaces and other facilities.</li> <li>7. Reduce environmental impact by installation of more efficient lighting (LED) and minimisation of water consumption at pools and fields.</li> <li>8. Undertake relevant approvals process for any proposed development to upgrade Sportsgrounds.</li> <li>9. Implement a rolling program of upgrade and improvements for relevant Sportsground facilities in accordance with approvals.</li> <li>10. Continue to consult regularly with sporting bodies and collate information on ongoing priorities for Sportsgrounds.</li> <li>11. Support sporting groups to continue to improve facilities in accordance with identified priorities.</li> <li>12. Protect and promote cultural heritage where present.</li> </ol>	<ul style="list-style-type: none"> <li>• Master plans and/or landscape concept plans prepared.</li> <li>• Asset management plans for sports fields, tennis courts, golf course completed and implemented.</li> <li>• Works undertaken consistent with T&amp;I SEPP requirements and industry standards.</li> <li>• Feedback from Sportsground users, including Sport and Recreation References Groups and Sports Councils (where relevant), clubs and associations, indicate grounds in playable condition to support level of use.</li> <li>• Works completed on budget to standards set by various plans.</li> <li>• State guidelines and priorities which focus on gender neutral change facilities are followed.</li> <li>• Procedural rights in relation to native title are complied with.</li> <li>• Landowners consents and grants approved.</li> <li>• All development on community land is undertaken in accordance with cultural heritage legislation.</li> </ul>

<sup>34</sup> Performance Targets – to Achieve Core Objectives / Desired Outcomes.

Sportsground Objective	Performance Targets <sup>34</sup>	Strategies	Performance Indicator
	Maintain existing settings, infrastructure and playing surfaces to suitable and acceptable standards to support the current level of use.	<p>13. Develop maintenance schedules/plans to manage existing structures and grounds at Sportsgrounds consistent with specified maintenance standards for Council staff, contractors and industry standards.</p> <p>14. Ensure compliance in responsible maintenance requirements of leased facilities on Sportsgrounds and establish process for reporting between Council and tenure holder.</p> <p>15. Road “Swaps” under Sections 44 and 196 of the <i>Roads Act 1993</i> between Sportgrounds and adjoining road reserves to be considered where appropriate. eg R.88245</p> <p>16. Prioritise required safety audits on the facilities of Sportsgrounds.</p>	<ul style="list-style-type: none"> <li>• Maintenance of capital works and playing surfaces at Sportsgrounds is adequate and accords with standards.</li> <li>• Feedback from Sportsground users, including Sports Councils, clubs and associations, indicate grounds in playable condition to support level of use.</li> <li>• Safety audits are regularised, documented, complete and issues identified are effectively addressed.</li> <li>• Maintenance of leased facilities is operating satisfactorily.</li> <li>• No reports of human injury due to condition of facilities.</li> </ul>
	Facilitate use of the sporting clubhouses etc. and grounds at Sportsgrounds for long-term and short-term casual purposes through the granting of short-term leases and/or licences.	<p>17. Review and as required, update Council’s <i>Leasing and Licencing Policy</i>,<sup>35</sup> in line with this PoM for any leases/licences to reflect objectives for the management of Sportsgrounds, for all permissible activities (see Section 7.7).</p> <p>18. Maintain register of tenures for use of Sportsground facilities including playing surfaces and clubhouse facilities.</p> <p>19. Review Sportsground hire fees annually, based on a percentage of costs to maintain and improve playing areas.</p>	<ul style="list-style-type: none"> <li>• Leases/licences issued in accordance with the requirements of the LG Act for purposes consistent with the core objectives for Sportsgrounds.</li> <li>• Register of leases/licences issued for seasonal hire of sportsgrounds.</li> <li>• Income achieved through use of Sportsgrounds is improved.</li> </ul>
	Facilitate community access, comfort, enjoyment to/of Sportsgrounds and their surrounding settings for sport viewing and other passive recreational activities.	<p>20. Review accessibility, pedestrian access and circulation, seating and landscape amenity and aesthetics and include these aspects in any master plan/landscape concept plan (discussed above) for any proposed upgrade or improvement works.</p>	<ul style="list-style-type: none"> <li>• Appropriate master plans prepared.</li> <li>• Feedback from Sportsground users, including Sports Councils (where they exist), clubs and associations, and the general public indicate grounds are well accessed and comfortable.</li> </ul>

<sup>35</sup> Leasing and Licencing Policy Gwydir Shire Council.

Sportsground Objective	Performance Targets <sup>34</sup>	Strategies	Performance Indicator
To ensure that such activities are managed having regard to any adverse impact on nearby residences.	Manage activities associated with any major works to substantially upgrade or rebuild Sportsgrounds to avoid adverse impacts on nearby residences and other community lands adjacent.	<ol style="list-style-type: none"> <li>1. Engage with the community prior to implementation of actions proposing major upgrade to sportsgrounds.</li> <li>2. Undertake the relevant approvals process for any proposed development to substantially upgrade or rebuild sportsgrounds.</li> <li>3. Manage any construction activities to minimise negative impact on neighbours and adjacent community lands, especially regarding noise, general visual impact, environmental considerations and other construction management issues.</li> </ol>	<ul style="list-style-type: none"> <li>• Community involvement in proposal consistent with Council's Community Engagement Policy.</li> <li>• Minimum negative impacts on neighbours and other community members.</li> </ul>
	Manage day to day activities on Sportsgrounds regarding any adverse impacts on nearby residences and other community lands adjacent through the maintenance regimes, conditions of hire, on ground signs and other regulatory processes.	<ol style="list-style-type: none"> <li>4. Manage day to day activities to minimise negative impact on neighbours and adjacent community lands, especially regarding noise, lighting design, car park location and traffic, general visual impact, environmental considerations and other management issues.</li> <li>5. Prepare standard conditions of hire for Sportsgrounds which set out hours of use, acceptable behaviour, night training lights, advertising, use of alcohol, maintenance requirements etc.</li> <li>6. Conduct required compliance activities which cover all tenure requirements.</li> <li>7. Review signage around Sportsgrounds, including any parking signs, to ensure that they provide clear information regarding use.</li> </ol>	<ul style="list-style-type: none"> <li>• Minimum negative impacts on neighbours and other community members.</li> </ul>

## 8 General Community Use

### 8.1 General Community Use Category Definition

Land should be categorised as General Community Use (GCU) under Section 36(4) of the LG Act if the land:

- may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- is not required to be categorised as a natural area under Section 36A, 36B or 36C of the LG Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a Natural Area, a Sportsground, a Park or an area of Cultural Significance.<sup>36</sup>

### 8.2 Core Objectives – General Community Use

Relevant Core Objectives for management of community land categorised as GCU<sup>37</sup> 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:

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

### 8.3 Land included in the GCU Category

The GCU land parcels covered by this PoM range broadly from those which support community halls, swimming pools, cemeteries, an old courthouse, a war memorial, camping areas, horse riding areas, homes for the aged and general reserves. These public lands may generally be considered those that do not clearly fall within the definitions of other categories yet remain important for delivering the wide assortment of key services to the community. Where these land parcels remain undeveloped, they importantly represent an opportunity for consideration for future community purposes as the community grows.

The diversity of character and function of areas categorised in this PoM as General Community Use across the Gwydir Local Government Area is demonstrated at:

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| • Bingara Showground and Racecourse | • Warialda Swimming Pool           |
| • Warialda Caravan Park             | • Warialda Homes for the Aged      |
| • Warialda Pre-School               | • Croppa Creek War Memorial        |
|                                     | • Warialda Cross Country/Pony Club |

<sup>36</sup> S. 106 *Local Government (General) Regulation 2021* – NSW legislation.

<sup>37</sup> S 36I of the LG Act – NSW Legislation.



- Bingara Court House
- North Star Caravan Park
- Gwydir Riverside Camping Area Bingara.

All General Community Use lands are listed in **Appendix 5**.



*Figure 7 – General Community Use Land  
Warialda Swimming Baths (left); Old Courthouse and Tourist Information Centre, Bingara (right)*

## 8.4 Values – General Community Use

Values may be described as what is important or special about a place. The values of GCU reserves are similar to those previously described for Parks, providing an opportunity for resting and unstructured recreation as well as space for nature, with important social and environmental benefits contributing to the liveability and character of the area. They enhance social sustainability and the health and well-being of the immediate community, as well as those travelers who pass by and through the region. GCU reserves provide opportunity for rest, visual amenity and walking. Although generally being more decentralised, unformed and larger in area, where they are located in or near villages, they may provide opportunities for future development and community use.

## 8.5 Key Management Issues for GCU Land

There are issues specific to each site, but the following generic list may be relevant:

- the generally decentralised and isolated nature of some of these reserves, predisposes them to a range of unique issues which impact on the ease and effectiveness of their care, maintenance, public health, safety and security.
- traffic and pedestrian access, parking, safety and security, particularly off major roads.

- conservation of landscape character and natural and cultural heritage.
- appropriateness of current use of the site – the range of issues associated with existing facilities and settings.
- impact on neighbours, including hours of operation, particularly where public gatherings may occur such as for the community halls included in this category.
- impact on adjoining land uses, particularly rural and natural settings.
- bushfire management in terms of public safety and asset protection both on and off reserve.
- administration of the facilities where they exist– leasing, financial returns.
- future use of the site regarding matching of service provision with community needs, particularly in growing communities.



*Figure 8 – General Community Use Land  
(clockwise from left) Riverside Caravan Park at Bingara; Caravan Park at Warialda; Upper Bingara Public Hall/Schoolhouse, Cranky Rock Recreation Area – Caravan Park*

## 8.6 Desired Outcomes for GCU Land

These include:

- facilities meet the needs of the community now and into the future.
- facilities and grounds are well managed.
- uses are compatible with adjoining land uses.



- local communities value and appreciate their reserves, and demonstrate “ownership,” participating voluntarily with care, maintenance and security of the reserves through fund-raising and on-ground action.
- good environment management using environmental values, where present, and in accordance with legislative requirements.
- issues of public safety are addressed through sound management.



Figure 9 – General Community Use Land  
(Clockwise from left) – Bingara Showground, Warialda Showground entry and display sheds

## 8.7 Permissible Uses and Development on Land for General Community Use

GCU lands covered by this PoM may, subject to Council assessment, approvals and booking/hire systems, be used for the following:

- access roads
- alternate energy technology
- amenities
- approved commercial or trade business
- art and cultural classes and events
- biodiversity enhancement
- book launches
- camping and caravanning
- canteens and kiosks

- car parking
- casual playing of games or informal sporting activities
- child-care centre and pre-schools
- children's programs and events
- community events (fundraising/charity events, special events)
- community notice signs
- court sports
- dog training and exercise
- drainage and irrigation
- emergency use
- equestrian activities and events
- fairs, markets and auctions
- filming and photography of events, speeches, concerts etc. (commercial, amateur)
- fitness and wellbeing programs
- gala days and club meetings
- grazing
- indoor and outdoor film screening
- landscaping
- licensed bar, bistro and café
- maintenance activities
- maintenance buildings and infrastructure
- mobile food vendors
- natural areas organised playing of games and sports
- passive recreation
- paths
- personal training
- playing of a musical instrument, or singing, for fee or reward
- private events (i.e., weddings, birthdays)
- public performance or education
- public utilities and/or works associated with relevant legislation (bushfire, telecommunications etc.)
- public utility infrastructure
- recycling (return & earn stations)
- remediation works
- rest areas
- school hiring for recreational and educational purposes
- school vacation activities
- shade structures
- sponsorship signage (temporary)
- sports facilities
- storage facilities
- telecommunication facilities
- temporary compounds
- temporary structures (i.e., marquees, tents, stages)
- visitor amenities
- water tanks
- youth programs and events
- retirement and seniors housing.

This PoM endorses the actions proposed in the Concept Plan within *Draft Plan of Management Bingara Showground and Racecourse* prepared by Council in 2021 (see Appendix 11).

## 8.8 Tenures on General Community Use Lands

Council may consider granting leases, licences, permits or other estate on community land categorised as General Community Use consistent with the requirements of Section 3 of this PoM and the Objectives and Permissible Uses listed in Sections 8.2 and 8.7.

This PoM expressly authorises on lands categorised as GCU:

- the issuing of permits for:
  - art and cultural classes and events
  - children's programs and events
  - community events (fundraising/charity events, special events)
  - dog training and exercise

- filming and photography of events, speeches, concerts etc. (commercial, amateur)
- fitness and wellbeing programs
- fairs, markets and auctions
- mobile food vendors
- organised playing of games
- indoor and outdoor film screening
- personal training
- playing of a musical instrument, or singing, for fee or reward
- private events (i.e., weddings, birthdays)
- public performance, book launch or education
- sponsorship signage (temporary)
- temporary structures (i.e., marquees, tents, stages)
- youth and volunteer programs and events, community notice signs
- school vacation activities.
- the issuing of licences or hire agreements for:
  - access
  - alternate energy technology
  - art and cultural classes and events
  - community notice signs
  - fairs, markets and auctions
  - filming and photography of events, speeches, concerts etc. (commercial, amateur)
  - fitness and wellbeing programs
  - gala days and club meetings
  - grazing
  - indoor and outdoor film screening
  - mobile food vendors
  - occupation and commercial use of licenced bars, bistros and cafés
  - occupation and commercial use of low intensity cafes and kiosks
  - occupation and use of canteens and kiosks
  - occupation and use of facilities and amenities
  - organised playing of games
  - personal training
  - playing of a musical instrument, or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - school vacation activities
  - sponsorship signage (temporary)
  - storage facilities
  - temporary structures (i.e., marquees, tents, stages)
  - youth and volunteer programs and events.
- the issuing of easements as required for utilities and access.

This PoM specifically authorises:

- lease or licence for three years for the operation and management of the Warialda Caravan Park (being Reserve 90987).
- lease or licence for three years for the operation and management of the North Star Caravan Park (being Reserve 85949).
- lease or licence for three years over part of Cunningham Park, Bingara (including part Reserve 47979) for the operation and management of the Bingara caravan park.
- lease or licence for three years for the operation and management of the Cranky Rock Camping

Area.

- lease or licence for three years over part of Cunningham Park, Bingara (being part Reserve 47979) for the operation and management of the Bingara swimming pool.
- lease or licence for three years for the operation and management of the Warialda Swimming Pool (being Reserve 47979).

Development approval may be required for certain events and activities on community lands.

## 8.9 Performance Targets - General Community Use

Objective GCU	Performance Targets <sup>38</sup>	Strategies	Performance Indicator
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:			
In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.	Promote, encourage and provide for the use of the land for public recreation and for the physical, cultural, social and intellectual welfare of individuals to meet the current needs of the local community and of the wider public.	<ol style="list-style-type: none"> <li>1. Keep community well informed about recreational facilities and settings, and other community facilities and settings used for the physical, cultural, social and intellectual welfare of individuals, on general community land through a variety of methods including signage, social media and Council's website.</li> <li>2. Analyse and scope GCU reserves and investigate options to address gaps (where they exist) in the provision of appropriate facilities and settings, prioritise required actions and amend existing plans accordingly (eg., consistent with <i>Community Strategic Plan</i>).</li> <li>3. Develop master plan/landscape concept plan and associated project plan outlining any proposed works to improve or upgrade specific recreation and other community facilities, engaging with the community in the early stages.</li> <li>4. Develop works plans which are conscious of rising energy costs and include conservative measures and standards where possible (solar energy etc).</li> <li>5. Ensure future public recreation facilities and other community facilities are managed in such a way that they increase their long-term viability.</li> <li>6. Encourage and enlist community participation in care and maintenance of key GCU reserves by conducting community discussions.</li> <li>7. Manage the land, assets, environmental outcomes, and bushfire hazards, in accordance with legislative requirements and existing plans.</li> <li>8. Protect and promote the cultural heritage and update and maintain relevant Aboriginal Heritage where present.</li> </ol>	<ul style="list-style-type: none"> <li>• Community feedback indicates high level of satisfaction regarding recreational and other community activities, facilities and settings on GCU land.</li> <li>• Local community participate in joint programs of protection, care and maintenance of key assets/ reserves (eg. community halls).</li> <li>• Relevant natural resource outcomes are achieved, and bushfire hazards managed in accordance with local bushfire management plans.</li> <li>• All development on community land is undertaken in accordance with cultural heritage legislation.</li> <li>• All development on community land is undertaken in accordance with the principles of energy conservation.</li> <li>• Master plans and/or landscape concept plans (if required) prepared incorporating identified landscape and heritage values.</li> </ul>

<sup>38</sup> Performance Targets – to Achieve Core Objectives / Desired Outcomes.



Objective GCU	Performance Targets <sup>38</sup>	Strategies	Performance Indicator
	Provide public recreation facilities and other community facilities on GCU reserves to meet the future needs of the local community and of the wider public.	<ol style="list-style-type: none"> <li>Undertake the relevant approvals process for any proposed development to improve or upgrade recreation facilities and other community facilities.</li> <li>Implement actions as required.</li> </ol>	<ul style="list-style-type: none"> <li>Flexible facilities that support a range of community needs and diverse range of user groups.</li> <li>Master plans and/or landscape concept plans prepared.</li> <li>Works undertaken consistent with T&amp;I SEPP or EP&amp;A Act as required.</li> <li>Community involvement in proposal consistent with Council's Community Engagement Policy.</li> </ul>
In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).	Manage the use of the land, and any facilities on that land, in relation to purposes for which a lease, licence or other estate may be granted in respect of the land.	<ol style="list-style-type: none"> <li>Review and as required, update Council's <i>Leasing and Licencing Policy</i> in line with this PoM for any leases/licences to reflect objectives for the management of GCU reserves, for long- and short-term use, and casual use activities.</li> <li>Issue tenures accordingly, ensuring that proposed uses are appropriate to the nature, characteristics and sustainable capacity of the land.</li> <li>Maintain register of leases/licences for community land for GCU.</li> </ol>	<ul style="list-style-type: none"> <li>Leases/licences issued in accordance with the requirements of the LG Act and Council's <i>Leasing and Licencing Policy</i> for purposes consistent with the core objectives for GCU.</li> <li>Effective records management system for tenures issued for major infrastructure.</li> <li>Register of leases/licences for GCU.</li> </ul>

## 9 Natural Area

### 9.1 Natural Area Category Definition

Land should be categorised under Section 36(4) as Natural Area under the Act, if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative living system or other natural feature or attribute that would be sufficient to further categorise into one or more of the following (see Sections 10 to 14 below for full descriptions):<sup>39</sup>

- bushland
- escarpment
- foreshore
- watercourse
- wetland.

Land must be categorised as a natural area<sup>40</sup> when:

- it has been declared a critical habitat, and/or is directly affected by a recovery plan or threat abatement plan under the BC Act or the *Fisheries Management Act 1994*.
- It is the site of a known natural, geological, geomorphological, scenic or other feature that is considered by the Council to warrant protection or special management considerations, or
- It is the site of a wildlife corridor.

### 9.2 Core Objectives – Natural Area

The core objectives for management of community land categorised as a Natural Area<sup>41</sup> are to:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- maintain the land, or that feature or habitat, in its natural state and setting, and
- provide for the restoration and regeneration of the land, and
- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and

<sup>39</sup> S 102 *Local Government (General) Regulation 2021*.

<sup>40</sup> Land which is (1) directly affected by a recovery plan or threat abatement plan under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*, or (2) the site of a known natural, geological, geomorphological, scenic or other feature that is considered by the Council to warrant protection or special management considerations, or (3) is the site of a wildlife corridor, cannot be included under a generic PoM such as this PoM (see S. 36 A, B and C of the LG Act, and Public Land Management Practice Note No. 1 (revised) May 2000: *NSW Department of Local Government*). Generic plans that applied to the land cease to apply once land is affected by threatened species laws noted above. In this circumstance, a new, specific PoM must be prepared that complies with the requirements. No change in the use of the land and no new lease or licence can be granted until the required specific PoM is made.

<sup>41</sup> S 36E of the LG Act – NSW Legislation.

- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the relevant state legislation.

### **9.3 Values – Natural Area**

Values may be described as what is important or special about a place. The (three) component categories of areas categorised as Natural Area across the Gwydir Local Government Area (Bushland, Foreshore and Watercourse) have a common grouping of values, all of which contribute intrinsically to environmental outcomes specific to the category. These values<sup>42</sup> also define more broadly, the quality of the interaction of the various elements of Natural Areas, by people who live and/or visit the Gwydir Local Government Area.

#### **Aesthetic Values and Landscape Amenity**

Although highly subjective as it applies to natural environments, aesthetic value is defined as a judgment of value based on the appearance of an object and the emotional responses it evokes. It essentially defines a response (by humans) to a position in the landscape initiated by a preliminary appreciation of visual characteristic, but extends to include sensory, experiential and emotional responses to a place.<sup>43</sup> The aesthetic values and landscape amenity frames the viewing, softens the aspect, defines the character and helps create the identity of a natural area.

#### **Habitat, Heritage, and Scientific Opportunity**

The Natural Areas within the Gwydir Local Government Area provide habitat for a number of important threatened species, endangered ecological communities and significant diversity of native flora and fauna.<sup>44</sup> Natural Areas provide corridors for the movement and survival of key native species from marine, estuarine and land-based geographies. Natural Areas provide a record of past ecosystems and their physiographical environment, most important for the monitoring of change and condition through scientific endeavour.

#### **Environmental Protection**

Natural Areas provide buffers:

- reducing impacts of the activities of adjoining areas on all ecosystem elements (terrestrial, aquatic, marine, flora, fauna).
- protecting and stabilising landscape components (eg. soils, vegetation).

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<sup>42</sup> These natural area values are subsequently referred to as bushland values, foreshore values and watercourse values respectively for those lands further categorised as Bushland, Foreshore and Watercourse.

<sup>43</sup> Defining the Aesthetic Values of the Great Barrier Reef, February 2013: *Report to Commonwealth Department of Sustainability, Environment, Water, Population and Communities*.

<sup>44</sup> Note that Councils are required to be consulted by the relevant agency (National Parks and Wildlife Service or NSW Fisheries) when a draft recovery plan or threat abatement plan is made, or a declaration of critical habitat is proposed that will affect public land (Public Land Management Practice Note No. 1 (revised) May 2000: *NSW Department of Local Government*.).

- absorbing rainfall and reducing the amount of runoff from storms.
- filtering pollutants from both air and water, and
- absorbing carbon dioxide and assisting in mitigating climate change.

### Cultural Heritage

Natural Areas may also capture a rich array of both tangible and intangible elements of cultural heritage. Folklore, traditions, language, and knowledge are time-generated and have important dependencies on landscape components such as mountain, geological formation, forest, creek, river, foreshore, and flora. Aboriginal occupation sites, quarries and scarred trees provide evidence of Aboriginal use of the landscape element and their cultural life. Similarly, non-Aboriginal history is evident in old paths, walking tracks and steps, abandoned mine sites, wells, and other structures, including industrial remnants now consumed by nature.<sup>45</sup>

### Recreational

Natural Areas are an accessible community resource, providing recreational opportunities for bushwalking, exercising, camping, viewing, birdwatching, swimming, paddling, cycling, art, and relaxation. All are critical components of community health. Appropriate planning should also identify when and where prescribed recreational uses are not appropriate, due to excessive and inappropriate pressures on identified key natural values.

### Educational

Natural Areas may also provide a valuable community resource for both formal and informal education, through an opportunity to experience nature and develop awareness and interest in the environment. The involvement of the community in the management of the future of these areas is becoming increasingly important especially since some decisions about future management are not easily resolved by scientific or economic grounds alone. The creation of awareness through experience therefore provides a valuable lifeline for ongoing support in the management of Natural Areas, to which the community may contribute.

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<sup>45</sup> Land that is the subject of a resolution by the Council that declares that where items of Aboriginal, historical or cultural significance are present, the land is an **area of cultural significance**. In these cases, the land cannot be dealt with under a generic plan and must have its own specific plan of management.

## 10 Natural Area Bushland

### 10.1 Bushland Category Definition

Community land is categorised as Natural Area and further categorised as Bushland (Bushland) under Sections 36(4) and 36(5) of the LG Act if the land contains primarily native vegetation which is:<sup>46</sup>

- in its natural state or a remainder of the natural vegetation, or
- although not the natural vegetation, is still representative of the structure or floristics, of the natural vegetation in the locality.

### 10.2 Core Objectives – Area of Bushland

The core objectives for management of community land categorised as Bushland<sup>47</sup> are to:

- ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land.
- protect the aesthetic, heritage, recreational, educational and scientific values of the land.
- promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.
- restore degraded bushland.
- protect existing landforms such as natural drainage lines, watercourses and foreshores.
- retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- protect bushland as a natural stabiliser of the soil surface.

### 10.3 Land included in the Bushland Category

Bushland ranges from non, moderately, or highly disturbed native vegetation featuring regeneration, regrowth, various structures including native shrubs and grassland and includes weeds, logs and leaf litter, all of which contain a range of habitats for native fauna.

Within this PoM, Bushland category lands occur across a significant range of geographies as small pocket-sized residual areas often providing significant habitat and connectivity to other areas assisting the mobility of fauna and flora. The habitat value of a bushland reserve near Warialda is

<sup>46</sup> S 107 *Local Government (General) Regulation 2021*.

<sup>47</sup> S 36J of the LG Act – NSW Legislation.

acknowledged in its name, a Nature Reserve. Another bushland reserve at Bingara is shared with the showground and racecourse (General Community Use).

The following examples demonstrate the diversity of character and function of a limited number of land parcels categorised in this PoM as Bushland across the Gwydir Local Government Area:

- Cranky Rock Reserve, near Warialda
- Koorilgur Nature Reserve, Warialda
- Part of the Bingara Showground and Racecourse.

All Bushland lands are listed in **Appendix 6**.



Figure 10 – Natural Area – Bushland Land

Koorilgur Nature Reserve, Warialda is reserved for the preservation of Native Flora and Fauna, and Environmental protection.

## 10.4 Key Management Issues of Bushland Lands

- fragmentation by clearing for development
- edge effects from urban development
- road encroachments onto bushland reserves
- weed invasion
- predation of native fauna by domestic animals
- bushfire hazard reduction
- plantings in Bushland Lands
- changing climate, especially fire hazard impact and management
- Illegal rubbish dumping
- ensuring effective signage
- unsustainable levels of recreation use which compromise Bushland values
- lack of appreciation, awareness and education regarding Bushland values
- encouraging and facilitating volunteers
- managing ongoing legislative responsibilities eg. vegetation, biodiversity, bushfire management.



## 10.5 Desired Outcomes for Bushland Lands

The desired outcomes for Bushland Lands are that:

- the components of Bushland Land ecosystems are protected, and natural ecological processes reinstated to appropriate levels, as required.
- there will be no-net-loss of bushland areas and maintenance of existing bushland qualities for biodiversity, shade, and aesthetic value.
- safe and appropriate public access and enjoyment are facilitated without compromising other objectives.
- community education and involvement in Bushland Land management, are enhanced.
- where they exist, cultural heritage values, including aboriginal, historic, aesthetic, scientific and social, are protected.
- where it exists, infrastructure including amenities, picnic areas and other recreation areas in a variety of settings are well considered and maintained.
- all land management including works occurs appropriately and in accordance with required legislation.

## 10.6 Permissible Uses and Development on Bushland Lands

Bushland areas covered by this POM may, subject to Council assessment, approvals and booking/hire systems, be used for the following:

- |   |  |
|---|--|
| • access roads  | • filming and photography of events, speeches, concerts etc. (commercial, amateur) |
| • amenities   | • fire hazard reduction and associated earth works                                 |
| • bio-banking   | • fitness and wellbeing programs   |
| • biodiversity enhancement  | • guided bushwalks   |
| • bush regeneration works   | • horse riding   |
| • bushwalking   | • Landcare activities  |
| • camping   | • maintenance activities   |
| • car parking   | • maintenance buildings and infrastructure   |
| • carbon sequestration  | • natural areas  |
| • casual playing of games or informal sporting activities         | • passive recreation   |
| • children's programs and events                                  | • paths  |
| • community events (fundraising / charity events, special events) | • personal training  |
| • community notice signs  | • picnicking   |
| • cycling   | • planting / rehabilitation  |
| • dog training and exercise                                       | • preservation of biological diversity and habitat                                 |
| • drainage and irrigation   |  |
| • emergency use   |  |
| • environmental and scientific study                              |  |

- preservation of natural heritage
- public utility infrastructure
- shade structures
- storage facilities
- temporary compound
- temporary structures (i.e., marquees, tents, stages)
- vegetation clearing for asset protection zones
- visitor amenities
- walking/hiking
- water tanks
- youth programs and events.

## 10.7 Tenures on Bushland Land

Council may consider granting leases, licences, permits or other estate on community land categorised as Bushland, consistent with the requirements of Section 3 of this PoM and the Permissible Uses and Development listed in Section 10.6.

This PoM expressly authorises on lands categorised as Bushland:

- the issuing of permits for:
  - camping by an approved community group (eg. Scouts)
  - children's programs and events
  - community events (fundraising/charity events, special events, park runs)
  - community notice signs
  - cultural events
  - filming and photography of events etc. (commercial, amateur)
  - fitness and wellbeing programs
  - Landcare activities
  - orienteering, trail runs, mountain bike events etc.
  - personal training
  - sponsorship signage (temporary)
  - temporary structures
  - youth and volunteer programs and events.
- the issuing of licences or hire agreements for:
  - alternate energy technology
  - art and cultural classes and events
  - fairs, markets and auctions
  - filming and photography of events, speeches, concerts etc. (commercial, amateur)
  - fitness and wellbeing programs
  - gala days and club meetings
  - mobile food vendors
  - occupation and use of canteens and kiosks
  - occupation and commercial use of low intensity cafes and kiosks
  - occupation and use of Park facilities and amenities
  - organised playing of games
  - outdoor film screening
  - personal training
  - playing of a musical instrument or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - sponsorship signage (temporary)
  - storage facilities
  - telecommunication facilities.
  - temporary structures (i.e., marquees, tents, stages)
  - youth and volunteer programs and events.
- the issuing of easements as required for utilities and access.

Development approval may be required for certain events and activities on community lands.

## 10.8 Performance Targets – Natural Area - Bushland

Bushland Objectives	Performance Targets <sup>48</sup>	Strategies	Performance Indicator
To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land.	<p>Ensure the components of Bushland ecosystems are protected, and natural ecological processes reinstated to appropriate levels as required.</p> <p>Protect and maintain the habitat of any Threatened Species or Endangered Ecological Community.</p> <p>Ensure Bushlands areas which require priority action, are identified.</p>	<ol style="list-style-type: none"> <li>1. Assess key environmental pressures which threaten Bushland values, develop preventative and restorative plans for priority areas, add budgets accordingly and implement priority measures.</li> <li>2. Adequately consider any proposed development on or near the Bushland area, ensuring the objectives of management of this area are not compromised.</li> <li>3. As required, responsibly undertake a targeted control of priority weeds which threaten the native shrublands and trees.</li> <li>4. Identify and manage Threatened Species, their habitat or Endangered Ecological Communities consistent with the requirements of state legislation.</li> <li>5. With local Bushfire Management authority, implement the relevant components of the respective <i>Local Bushfire Management Plan</i>.</li> <li>6. Identify priority reserves which support elements of more significant native vegetation and habitat requiring protection; in need of increased shade levels (for cooling purposes); or offer good corridor opportunities for wildlife corridor establishment/ improvement and target vegetation actions accordingly.</li> <li>7. Ensure rubbish is routinely removed and illegal rubbish dumping activities are minimised by effective signage and compliance.</li> <li>8. Regular inspection by Council officers.</li> </ol>	<ul style="list-style-type: none"> <li>• Plans effectively implemented and current/ongoing threats to ecological viability minimised.</li> <li>• Biodiversity values and natural habitat maintained and/or showing positive responses to on-ground actions.</li> <li>• Bushfire hazard reduction requirements and works effectively implemented without significant bushfire damage to Bushland values.</li> <li>• The right trees are established (or managed) in the right places</li> </ul>
To protect the aesthetic, heritage, recreational, educational and scientific values of the land.	Cultural heritage values, including aboriginal, historic, aesthetic, scientific and social, are protected and are appropriately managed.	<ol style="list-style-type: none"> <li>1. Master plans and/or landscape concept plans prepared incorporating identified landscape and heritage values on Bushland area as required.</li> <li>2. Road “Swaps” under Sections 44 and 196 of the <i>Roads Act 1993</i> between Bushland reserves and adjoining road reserves to be considered where appropriate. eg R.86320</li> <li>3. Engage the community during early stages of developing masterplans.</li> <li>4. Implement plans accordingly.</li> </ol>	<ul style="list-style-type: none"> <li>• Significant cultural, historical, social, recreational and scientific items of significance located in Bushland areas are retained and appropriately managed into the future.</li> <li>• The community is involved in decisions and implementation.</li> </ul>

<sup>48</sup> Performance Targets – to Achieve Core Objectives / Desired Outcomes.

Bushland Objectives	Performance Targets <sup>48</sup>	Strategies	Performance Indicator
To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.	<p>Advise and direct the community in its use and enjoyment of Bushland areas to protect their ecological value.</p> <p>Ensure new and existing infrastructure meets the needs of the community in its use of Bushland areas.</p> <p>Enhance community education and involvement in Bushland Land management.</p> <p>Ensure strong involvement of the community in Bushland management.</p>	<ol style="list-style-type: none"> <li>1. Install effective signage which not only safely directs, but also effectively informs and educates the community on Bushland values.</li> <li>2. Adopt the learnings of successful current community programs which identify and reinstate key habitat through targeted plantings and promulgate to other areas.</li> <li>3. Develop plans to create safe and appropriate public access and associated amenities (including walking paths, picnic and barbecue settings) without compromising other objectives.</li> <li>4. Involve the community in decision making, where appropriate, to ensure strategies and plans which protect Bushland values are effective, for example through the creation of local Bush Care groups.</li> <li>5. Undertake required works consistent with T&amp;I SEPP.</li> </ol>	<ul style="list-style-type: none"> <li>• Visitations to Bushland areas and involvement of the community in Bushland management, shows improvement.</li> <li>• The community's use of Bushland areas does not impact on the values, quality and natural habitat of the land.</li> <li>• Community action of targeted revegetation in critical areas, is enhanced.</li> </ul>
To restore degraded bushland.	<p>Restore priority Bushland areas as required.</p> <p>Ensure bushland values are not compromised by invasive plant species, bushfire and other pressures.</p>	<ol style="list-style-type: none"> <li>1. Identify key Bushland areas which are under significant threat and develop restorative plans, allocate budget and implement priority works.</li> <li>2. Adopt the learnings of successful current community programs which identify and reinstate key habitat through targeted plantings and promulgate to other areas.</li> <li>3. Replant critical Bushland areas to native species where it has been cleared/destroyed below reasonable thresholds.</li> <li>4. As required, undertake a targeted control of priority weeds which threaten the native shrublands and trees.</li> <li>5. With local authority, implement the relevant components of the <i>Bushfire Management Plan</i>.</li> <li>6. Where possible, enlist community support in bushland rehabilitation such as plantings and regrowth management.</li> <li>7. Regular inspection by Council officers.</li> </ol>	<ul style="list-style-type: none"> <li>• Plans to restore degraded Bushland are continuously and effectively implemented.</li> <li>• Weed control, re-establishment of bushland maintained and/or showing positive responses to on-ground action.</li> <li>• Bushfire fuel levels are adequately managed and implementation of required bushfire management works effective.</li> <li>• Community involvement in decision making for Bushland management is increased.</li> </ul>

<b>Bushland Objectives</b>	<b>Performance Targets <sup>48</sup></b>	<b>Strategies</b>	<b>Performance Indicator</b>
To protect existing landforms such as natural drainage lines, watercourses and foreshores.	Retain and enhance all native vegetation within the Bushland area.	<ol style="list-style-type: none"> <li>1. Identify and protect important landforms, such as riparian areas, creeks, gullies and steep landforms and appropriately manage native vegetation for their stabilisation.</li> <li>2. Adequately consider any proposed development on or near the reserve, ensuring any of the objectives for management of areas categorised Bushland are not compromised.</li> <li>3. As required, adopt appropriate weed control strategies.</li> <li>4. Regular inspection by Council officers.</li> </ol>	<ul style="list-style-type: none"> <li>• Developments do not impinge on Bushland values of key landforms.</li> <li>• Required works and measures implemented effectively.</li> <li>• Weed control, re-establishment of bushland on existing key landforms maintained and/or showing positive responses to on-ground action.</li> </ul>
To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term.	Ensure Bushland integrity and connectivity is maintained to satisfactory thresholds, below which significant declines in Bushland values would otherwise occur.	<ol style="list-style-type: none"> <li>1. Adequately consider any proposed development on or near the reserve, ensuring any of the objectives for management of areas categorised Bushland are not compromised.</li> <li>2. Undertake required works consistent with T&amp;I SEPP.</li> <li>3. As required, adopt appropriate weed control strategies.</li> <li>4. Regular inspection by Council officers.</li> </ol>	<ul style="list-style-type: none"> <li>• No declines in Bushland values occur due to ongoing uses and developments.</li> <li>• Required works and measures implemented effectively.</li> <li>• Weed control, re-establishment of bushland on existing key landforms maintained and/or showing positive responses to on-ground action.</li> </ul>
To protect bushland as a natural stabiliser of the soil surface.	Retain and enhance all native vegetation within the Bushland area in order to address any existing or potential soil erosion issues.	<ol style="list-style-type: none"> <li>1. Identify causes of inappropriate soil erosion due to authorised or unauthorised use (eg. trail and mountain bikes, 4WD vehicles etc.).</li> <li>2. Install effective signage that effectively informs, educates and directs the community on Bushland values, especially soil erosion and degradation.</li> <li>3. Identify and treat areas showing excessive soil erosion due to use, development or inappropriate use by the community.</li> <li>4. Regular inspection by Council officers.</li> </ol>	<ul style="list-style-type: none"> <li>• No significant sheet, rill or gully erosion occurs during rainfall events.</li> <li>• Positive responses to on-ground actions.</li> <li>• No inappropriate use of Bushland areas by the community, especially on tracks, steep slopes etc.</li> </ul>

## 11 Natural Area Foreshore

### 11.1 Foreshore Category Definition

Community land is categorised as Natural Area and further categorised as Foreshore (Foreshore) under Sections 36(4) and 36(5) of the LG Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.<sup>49</sup>

### 11.2 Core Objectives – Foreshore Lands

The core objectives for management of community land categorised as Foreshore<sup>50</sup> are to:

- maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

### 11.3 Land included in the Foreshore Lands Category

Local significant Foreshore land is situated on or near the water's edge and generally forms a transition zone between the aquatic and terrestrial environment. Foreshore land in this PoM exists at Bingara, in an area known as the Gwydir Riverside Camping Area which has been reserved for the purposes of public recreation and environmental protection.

Details of Foreshore lands are listed in **Appendix 7**.

### 11.4 Key Management Issues for Foreshore Lands

- protection and management of the key recreational amenity of Foreshores whilst managing community access and use (eg. Gwydir River).
- appropriate management of environmentally sensitive foreshore areas.
- identification and management of key buffer zones along foreshore areas.
- illegal clearing of vegetation to enhance views of adjoining landholders, illegal access by 4WDs and uncontrolled domestic dogs (particularly in dog exclusion areas).
- illegal rubbish dumping and the impact of litter on the river.
- pests and weeds.

<sup>49</sup> S 111 *Local Government (General) Regulation 2021* – NSW Legislation.

<sup>50</sup> S 36N of the LG Act – NSW Legislation.



- management of stormwater discharge from streets, into the river system.
- managing the impact of releases from Copeton Dam especially in relation to human safety.
- managing the impact of river flooding in relation to stream bank stability and human safety.
- ensuring effective signage.
- unsustainable levels of recreation use which compromise natural Foreshore Land values.
- maintaining and/or improving the access to, and enjoyment of, Foreshore Land reserves for their recreational values.
- meeting the demands on appropriate infrastructure to match community usage.
- lack of appreciation, awareness and education regarding Foreshore Land values.
- encouraging and supporting volunteers.
- managing ongoing legislative responsibilities, eg., vegetation, biodiversity, bushfires management.



Figure 11 – Natural Area - Foreshore Land  
Riverside Camping Area Bingara (on north bank of Gwydir River).

## **11.5 Desired Outcomes for Foreshore Lands**

The desired outcomes for Foreshore lands are:

- that they are protected and natural ecological processes reinstated to appropriate levels as required, particularly to protect riparian vegetation and bank stability.
- that they are maintained as a transition area between the aquatic and terrestrial environments.
- safe and appropriate public access and enjoyment are facilitated without compromising other objectives.
- community education in Foreshore land management is enhanced.
- where they exist, cultural heritage values, including aboriginal, historic, aesthetic, scientific and social are protected.
- where it exists, infrastructure including amenities, picnic areas and other recreation areas in a variety of settings are well considered and maintained.
- that all land management including works occurs appropriately and in accordance with required legislation.

## **11.6 Permissible Uses and Development on Foreshore Lands**

Foreshore areas covered by this PoM may, subject to Council assessment, approvals and booking/hire systems and Reserve purpose, be used for the following:

- |   |  |
|---|--|
| • access roads  | • filming and photography of events, speeches, concerts etc. (commercial, amateur) |
| • alternate energy technology                                     | • fire hazard reduction and associated earth works                                 |
| • amenities   | • fitness and wellbeing programs   |
| • art and cultural classes and events                             | • Landcare activities  |
| • biodiversity enhancement and preservation                       | • landscaping  |
| • bush care projects  | • maintenance activities   |
| • camping   | • mobile food vendors  |
| • car parking   | • natural areas  |
| • casual playing of games or informal sporting activities         | • passive recreation   |
| • ceremonies  | • paths  |
| • children's programs and events                                  | • personal training  |
| • community events (fundraising / charity events, special events) | • picnicking   |
| • community notice signs  | • playing of a musical instrument, or singing, for fee or reward                   |
| • dog training and exercise                                       | • preservation of natural heritage   |
| • drainage and irrigation   | • private events (i.e., weddings, birthdays)                                       |
| • emergency use   |  |
| • environmental and scientific study                              |  |

- public utility infrastructure
- remediation works
- school recreation
- school vacation activities
- shade structures
- skateboarding/roller coasting
- sponsorship signage (temporary)
- storage facilities
- telecommunication facilities
- temporary compound
- temporary structures (i.e., marquees, tents, stages)
- visitor amenities
- walking and cycling
- water tanks
- youth programs and events

## 11.7 Tenures on Foreshore Lands

Council may consider granting leases, licences, permits or other estate on community land categorised as Foreshore land, consistent with the requirements of Section 3 of this PoM and the Permissible Uses and Development listed in Section 12.6.

On lands categorised as Foreshore land this PoM expressly authorises:

- the issuing of permits for:
  - art and cultural classes and events
  - camping by an approved community group (eg. Scouts)
  - ceremonies (wedding etc.)
  - children's programs and events
  - commercial classes (exercise, abseiling etc.)
  - community events (fundraising/charity events, special events, park runs)
  - community notice signs
  - cultural events
  - dog training and exercise
  - exhibitions/demonstrations
  - fairs, markets and auctions
  - filming and photography of events etc. (commercial, amateur)
  - fireworks displays, subject to conditions
  - fitness and wellbeing programs
  - hang gliding commercial
  - helicopter landings as part of filming, emergency
  - Landcare activities
  - mobile food vendors
  - motor home and caravans (self-contained only) – overnight stays on constructed carparks
  - ocean/estuary swim competitions, surfing competitions etc.
  - organised playing of games
  - orienteering, trail runs, mountain bike events etc.
  - personal training
  - playing of a musical instrument, or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - skating, roller blade competitions
  - sponsorship signage (temporary) and temporary structures (i.e., marquees, tents, stages)
  - youth and volunteer programs and events.
- the issuing of licences or hire agreements for:
  - alternate energy technology
  - art and cultural classes and events

- fairs, markets and auctions
  - filming and photography of events, speeches, concerts etc. (commercial, amateur)
  - fitness and wellbeing programs
  - gala days and club meetings
  - mobile food vendors
  - occupation and use of canteens and kiosks
  - occupation and commercial use of low intensity cafes and kiosks
  - occupation and use of facilities and amenities
  - organised playing of games
  - outdoor film screening
  - personal training
  - playing of a musical instrument, or singing, for fee or reward
  - private events (i.e., weddings, birthdays)
  - public performance, book launch or education
  - school vacation activities
  - sponsorship signage (temporary)
  - storage facilities
  - temporary structures (i.e., marquees, tents, stages)
  - youth and volunteer programs and events.
- the issuing of easements as required for utilities and access.

Development approval may be required for certain events and activities on community lands.

## 11.8 Performance Targets – Natural Area – Foreshore

Foreshore Objectives	Performance Targets <sup>51</sup>	Strategies	Performance Indicator
<p>To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area.</p>	<p>Foreshore Land ecosystems are protected, and natural ecological processes reinstated to appropriate levels as required, particularly to protect riparian vegetation and bank stability.</p> <p>Foreshore Lands are maintained as a transition area between the aquatic and terrestrial environments.</p> <p>Protect and maintain the habitat of any Threatened Species or Endangered Ecological Community.</p>	<ol style="list-style-type: none"> <li>1. Appropriate management of environmentally sensitive foreshore areas.</li> <li>2. Identify and manage Threatened Species, their habitat or Endangered Ecological Communities consistent with the requirements of state legislation.</li> <li>3. Develop plans, allocate budgets and implement as required.</li> <li>4. Manage illegal rubbish dumping, litter on beaches, pests and weeds (e.g., Bitou Bush).</li> <li>5. Management of stormwater discharges from built up areas into the river.</li> <li>6. Manage access points for people and vehicles to avoid erosion/degradation.</li> <li>7. Manage against unsustainable levels of recreation use which compromise natural Foreshore Land values (eg. camping spots, 4WDs etc.).</li> <li>8. Manage against illegal clearing of foreshore areas by installing and maintaining appropriate compliance regime.</li> </ol>	<ul style="list-style-type: none"> <li>• Appropriate coast management policy effectively implemented.</li> <li>• No declines in Foreshore values occur due to ongoing uses and developments.</li> <li>• Required works and measures effectively implemented on Foreshore area management plans where applicable.</li> <li>• Environmental pressures from weeds, stormwater discharges, rubbish dumping and litter, illegal clearing of vegetation, inappropriate access etc. represent no major threat to Foreshore values, due to appropriate on-going land management and monitoring.</li> <li>• Threatened Species or Endangered Ecological Community and associated habitat, managed in accordance with legislative requirements.</li> </ul>

<sup>51</sup> Performance Targets – to Achieve Core Objectives / Desired Outcomes.

Foreshore Objectives	Performance Targets <sup>51</sup>	Strategies	Performance Indicator
<p>To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p>	<p>Safe and appropriate public access and enjoyment are facilitated without compromising other objectives.</p> <p>Community education and involvement in Foreshore area management is enhanced.</p> <p>Where they exist, cultural heritage values, including aboriginal, historic, aesthetic, scientific and social are protected.</p> <p>Where it exists, infrastructure including amenities, picnic areas and other recreation areas in a variety of settings are well considered and maintained.</p>	<ol style="list-style-type: none"> <li>1. Maintain and/or improve the access to, and enjoyment of, Foreshore land reserves for their recreational values.</li> <li>2. Ensure effective signage to both inform community of Foreshore, and reduce damage to Foreshore values.</li> <li>3. Create and manage appropriate infrastructure to match high community usage by developing plans/masterplans.</li> <li>4. Encourage and support volunteers (eg. Landcare, student groups) to elevate appreciation, awareness and education regarding Foreshore area values.</li> <li>5. Ensure retention and appropriate management of historical places on Foreshore areas (historical plaques, monuments etc.).</li> <li>6. Protect human health and wellbeing due to flooding of river caused by natural flows or dam releases.</li> </ol>	<ul style="list-style-type: none"> <li>• The community's use of Foreshore areas does not impact on the values, quality and natural habitat of the land.</li> <li>• Visitations to Foreshore areas and involvement of the community in Foreshore management, shows improvement, in sync with growing populations (especially beaches).</li> <li>• Required works and measures effectively implemented on Foreshore areas and in accordance with existing coastal management plans where applicable.</li> <li>• No major issues to human safety especially resulting from flooding.</li> </ul>



## 12 Natural Area Watercourse

### 12.1 Watercourse Category Definition

Community land is categorised as Natural Area and further categorised as Watercourse (Watercourse) under Sections 36(4) and 36(5) of the LG Act if the land includes:<sup>52</sup>

- any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and
- associated riparian land or vegetation.

### 12.2 Core Objectives – Watercourse Lands

The core objectives for management of community land categorised as Watercourse<sup>53</sup> are:

- to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- to restore degraded watercourses, and
- to promote community education, and community access to, and use of, the watercourse, without compromising the other core objectives of the category.

### 12.3 Land included in the Watercourse Lands Category

Local significant Watercourse land is situated on the edge of watercourses or drainage lines. It generally complements the transition zone between the aquatic and terrestrial environment. Watercourse land in this PoM exists adjacent to Warialda Creek at Cranky Rock Reserve, also on Warialda Creek at Warialda, and in association with Foreshore land near the Gwydir River at Bingara at the locality known as the Gwydir Riverside Camping Area, which has been reserved for the purposes of public recreation and environmental protection.

Details of Watercourse lands are listed in **Appendix 8**.

<sup>52</sup> S 110 *Local Government (General) Regulation 2021* – NSW Legislation.

<sup>53</sup> S 36M of the LG Act – NSW Legislation.

## 12.4 Key Management Issues for Watercourse Lands

- neighbouring urban and industrial development, resulting in run-off and changed hydrology, street drainage and water quality eg., at Warialda (turbidity, wastewater, sewage, effluent, other chemical).
- mechanical operations associated with development (clearing, stream bank disturbance etc.) and their impacts on key ecological values such as riparian vegetation, biodiversity, streambank stability/soil erosion, water quality and riparian ecosystems.
- weeds and pest species – including some priority weeds and other invasive weeds.
- damage caused by inappropriate access by people, vehicles (both on and off road).
- lack of appreciation, awareness and education regarding Watercourse land values.
- illegal rubbish dumping.
- managing the impact of river flooding in relation to stream bank stability and human safety.
- ensuring effective signage.
- encouraging and facilitating volunteers to assist in vigilance and management.
- protection and management of the key recreational amenity of Watercourses whilst managing community access and use (eg. Gwydir River, Warialda Creek).



Figure 12 – Natural Area – Watercourse Land

Cranky Rock Reserve, east of Warialda, is reserved for Public Recreation but also contains significant natural habitat

- maintaining and/or improving the access to and enjoyment of Watercourse Land reserves for their recreational values.
- meeting the demands on appropriate infrastructure to match community usage.
- managing ongoing legislative responsibilities eg., vegetation, biodiversity, bushfires management, water quality etc.

## **12.5 Desired Outcomes for Watercourse Lands**

The desired outcomes for Watercourse lands are:

- to protect the biodiversity and ecological values, particularly in relation to riparian vegetation, riparian habitats and bank stability and that these values are reinstated to appropriate levels as required.
- that safe public access and enjoyment are facilitated without compromising the other objectives.
- maintenance and/or improvement of access to, and enjoyment of, Watercourse Lands for their recreational values.
- the improved appreciation, awareness and education regarding Watercourse land values.
- that volunteers are encouraged to participate in decision making and management.
- that community education and involvement in Watercourse Land management, are enhanced.
- that cultural heritage values, including aboriginal, historic, aesthetic, scientific and social, are protected.
- infrastructure is well-maintained.
- that all land management including works occurs appropriately and in accordance with required legislation.

## **12.6 Permissible Uses and Development on Watercourse Lands**

Watercourse areas covered by this PoM may, subject to Council assessment, approvals and booking/hire systems and Reserve purpose, be used for the following:

- |   |  |
|---|--|
| • access roads                              | • directional signage  |
| • alternate energy technology               | • dog training and exercise  |
| • biodiversity enhancement and preservation | • emergency use  |
| • bush care projects                        | • filming and photography of events, speeches, concerts etc. (commercial, amateur) |
| • bushwalking                               | • fire hazard reduction and associated   |
| • community notice signs                    |  |

- earth works
- fitness and wellbeing programs
- Landcare / Rivercare activities, planting/rehab etc.
- landscaping
- maintenance activities
- maintenance of buildings and infrastructure
- natural areas
- passive recreation
- paths
- preservation of natural heritage
- public utility infrastructure
- restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment
- temporary structures
- water-based recreation.

## **12.7 Tenures on Watercourse Lands**

Council may consider granting leases, licences, permits or other estate on community land categorised as Watercourse land, consistent with the requirements of Section 3 of this PoM and the Permissible Uses and Development listed in Section 12.6.

On lands categorised as Watercourse land this PoM expressly authorises:

- the issuing of permits for:
  - access
  - Landcare activities
  - personal training
- the issuing of licences or hire agreements for:
  - access
  - filming and photography (commercial, amateur)
  - Landcare activities
  - personal training
- the issuing of easements as required for utilities and access.

Development approval may be required for certain events and activities on community lands.

## 12.8 Performance Targets – Natural Area – Watercourse

Watercourse Objectives	Performance Targets <sup>54</sup>	Strategies	Performance Indicator
To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows.	<p>Watercourse Land is managed to protect the natural ecological values and processes, particularly to protect riparian vegetation and bank stability.</p> <p>Protect and maintain the habitat of any Threatened Species or Endangered Ecological Community.</p>	<ol style="list-style-type: none"> <li>1. Identify key pressures on Watercourse environments through review and development of appropriate plans.<sup>55</sup></li> <li>2. Develop plans, allocate budgets and implement as required.</li> <li>3. Where relevant, manage existing control structures, such as culverts, batters, bridges and other works, which impact on Watercourse Land.</li> <li>4. Consider the need for additional engineering works where streambank instability is a factor, to avoid stream bank erosion, stream turbidity.</li> <li>5. Address incursion by weeds and pest species – including priority weeds, other invasive weeds and feral animals.</li> <li>6. Identify and manage Threatened Species, their habitat or Endangered Ecological Communities consistent with the requirements of state legislation.</li> </ol>	<ul style="list-style-type: none"> <li>• Plans effectively implemented and current/ongoing threats to biodiversity and ecological viability minimised.</li> <li>• Biodiversity values and natural habitat maintained and/or showing positive responses to on-ground actions.</li> <li>• No reports of chemical pollution due to developments.</li> <li>• Major streambank instability problems have been addressed.</li> <li>• All streambank works operate within expected design limits.</li> <li>• Threatened Species or Endangered Ecological Community and associated habitat, managed in accordance with legislative requirements.</li> </ul>
To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability.	Watercourse areas are managed to protect key biodiversity and ecological values, particularly in relation to riparian vegetation and habitats, and bank stability.	<ol style="list-style-type: none"> <li>1. Manage riparian areas to protect Watercourse values, particularly riparian vegetation, streambank erosion and access points for people and vehicles.</li> <li>2. Manage against unsustainable levels of recreation use which compromise natural Watercourse values.</li> <li>3. As required, undertake a targeted control of priority weeds which threaten the integrity of riparian zones.</li> </ol>	<ul style="list-style-type: none"> <li>• Access points well managed with no evidence of streambank instability.</li> <li>• Replanting of riparian vegetation on degraded streambanks is effective.</li> <li>• Weeds being managed effectively by on-ground action.</li> </ul>

<sup>54</sup> Performance Targets – to achieve Core Objectives / Desired Outcomes.

<sup>55</sup> Pressures may include neighbouring urban, industrial and agricultural development, resulting in run-off and changed hydrology, pollution both in surface and groundwater (wastewater, sewage, effluent, other chemicals) and general encroachment into Watercourse areas.

Watercourse Objectives	Performance Targets <sup>54</sup>	Strategies	Performance Indicator
To restore degraded watercourses.	Watercourse area ecosystems are protected, and natural ecological processes reinstated to appropriate levels as required.	<ol style="list-style-type: none"> <li>1. Identify key Watercourse areas which are significantly degraded (riparian vegetation, streambank erosion) and develop restorative plans, allocate budget and implement priority works.</li> <li>2. Replant critical watercourse areas to native species, where riparian zones have been cleared/destroyed below reasonable thresholds.</li> <li>3. Where relevant, encourage and support volunteers to elevate appreciation, awareness and education regarding Watercourse area functions and values.</li> <li>4. As required, undertake a targeted control of priority weeds which threaten the integrity of riparian zones.</li> <li>5. Regular inspection by Council officers.</li> </ol>	<ul style="list-style-type: none"> <li>• Plans to restore degraded Watercourse areas are continuously and effectively implemented.</li> <li>• Weeds being managed effectively by on-ground action.</li> <li>• Replanting of riparian vegetation on degraded streambanks is effective.</li> <li>• Community involvement in decision making for Watercourse management is increased.</li> </ul>
To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.	<p>Facilitate safe public access and enjoyment without compromising the other objectives.</p> <p>Acknowledge and protect cultural heritage values of Foreshore areas, including Aboriginal, historic, aesthetic, scientific and social.</p> <p>Maintain and/or improve the access to and enjoyment of Watercourse Lands for their recreational values.</p> <p>Improved appreciation, awareness and education regarding Watercourse land values.</p> <p>Encouraged a stronger community contribution in decision making and management of Watercourse areas.</p>	<ol style="list-style-type: none"> <li>1. Manage against unsustainable levels of recreation use which compromise natural Watercourse values (eg. camping spots, 4WDs etc.).</li> <li>2. Ensure effective signage to both inform community of Watercourse and reduce damage to Watercourse values.</li> <li>3. Create and manage appropriate infrastructure to match high community usage by developing plans.</li> <li>4. Encourage and support volunteers (eg., Rivercare groups if appropriate) to elevate appreciation, awareness and education regarding Watercourse area values.</li> <li>5. Ensure retention and appropriate management of historical places on Watercourse areas (historical plaques, monuments etc.).</li> </ol>	<ul style="list-style-type: none"> <li>• Visitations to Watercourse lands and involvement of the community in Watercourse management, shows improvement</li> <li>• The community's use of Watercourse areas does not impact on the values, quality and natural habitat of the land.</li> <li>• Required works and measures implemented effectively and well utilised by the community.</li> <li>• Increases in community participation in Watercourse area management.</li> </ul>



## 13 References

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## 14 Appendices

1. Relevant State Environmental Planning Policies.
2. Core objectives for categories of Community Land.
3. Parks described within this Plan of Management.
4. Sportsgrounds described within this Plan of Management.
5. General Community Use lands described within this Plan of Management.
6. Natural Area - Bushland lands described within this Plan of Management.
7. Natural Area - Foreshore lands described within this Plan of Management.
8. Natural Area - Watercourse lands described within this Plan of Management.
9. Category Plans for Sites with more than a single category.
10. Key Steps in Preparing the First Plan of Management for Crown Reserves.
11. Concept Plan within *Draft Plan of Management Bingara Showground and Racecourse* - 2021.

## Appendix 1

### RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) commenced in New South Wales on 1 March 2022 consolidating 4 earlier SEPPs focused on employment and advertising. The T&I SEPP focuses on:

- Planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The T&I SEPP provides that certain types of works do not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Section 2.20 of the T&I SEPP provides that a range of works are “exempt development” when carried out for or on behalf of a public authority. These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, firefighting emergency equipment, small decks, prefabricated sheds of up to 30m<sup>2</sup> in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks (size is not specified) and demolition of buildings covering an area of up to 100m<sup>2</sup>.

Section 2.73 of the T&I SEPP further provides that Development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act. Further, any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- a. development for any of the following purposes:
    - i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges
    - ii. recreation areas and recreation facilities (outdoor), but not including grandstands
    - iii. visitor information centres, information boards and other information facilities
    - iv. lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard
    - v. landscaping, including landscape structures or features (such as artwork) and irrigation systems
    - vi. amenities for people using the reserve, including toilets and change rooms
    - vii. food preparation and related facilities for people using the reserve
    - viii. maintenance depot
    - ix. portable lifeguard towers.
  - b. environmental management works
  - c. demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
- Educational establishments and childcare facilities containing planning for child-care centres, schools, TAFEs and Universities.

- Major infrastructure corridors containing planning controls and reserves land for the protection of the 3 North South Rail Lines, South West Rail Link extension and Western Sydney Freight Line corridors.
- Three ports containing the land-use planning and assessment framework for Port Botany, Port Kembla and the Port of Newcastle.

### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP Exempt) provides that certain types of works do not require development consent under Part 4 of the EP&A Act. The General Exempt Development Code is set out in Division 1 of the SEPP, providing the limitations and conditions of the exemptions. They include:

- |  |                                  |
|--|----------------------------------|
| • access ramps   | • fences                         |
| • advertising and signage                                    | • flagpoles                      |
| • aerials, antennae and communication dishes                 | • footpaths, pathways and paving |
| • air-conditioning units                                     | • fowl and poultry houses        |
| • animal shelters  | • garbage bin storage enclosure  |
| • aviaries   | • hot water systems              |
| • awnings, blinds and canopies                               | • landscaping structures         |
| • balconies, decks, patios, pergolas, terraces and verandahs | • minor building alterations     |
| • barbecues and other outdoor cooking structures             | • mobile food and drink outlets  |
| • bollards   | • playground equipment           |
| • charity bins and recycling bins                            | • screen enclosures              |
| • earthworks, retaining walls and structural support         | • sculptures and artworks        |
|  | • temporary uses and structures  |
|  | • waste storage containers.      |

Section 1-16 of Division 2 of the SEPP provides the General Requirements for exempt development.

### **State Environmental Planning Policy (Housing) 2021**

The *State Environmental Planning Policy (Housing) 2021* (HSEPP) commenced in New South Wales on 1 March 2022 consolidating 5 earlier SEPPs focused on affordable housing. The HSEPP focuses on:

- development for affordable housing, and
- diverse housing including:
  - secondary dwellings
  - group homes
  - co-living housing
  - build to rent housing

- housing for seniors and for people with a disability
- short term accommodation the aim of which is to:
  - support short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use.
  - provide for the safety of users of short-term rental accommodation who may be less familiar with the dwelling.
  - clarify the types of housing that may be used for the purposes of short-term rental accommodation.
- conversion of certain serviced apartments
- manufactured home estates
- caravan parks, the aim of which is to encourage:
  - the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
  - the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
  - the provision of community facilities for land so used, and
  - the protection of the environment of, and in the vicinity of, land so used.
- temporary emergency accommodation
- residential accommodation for flood recovery.

### State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (I&E SEPP) commenced in New South Wales on 1 March 2022 consolidating 2 earlier SEPPs focused on employment and advertising. The I&E SEPP aims to:

- protect and enhance the Western Sydney employment area for employment purposes.
- ensure that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high-quality design and finish.
- regulate signage (but not content) under Part 4 of the Act, and
- to provide time-limited consents for the display of certain advertisements, and
- to regulate the display of advertisements in transport corridors, and
- to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP) commenced in New South Wales on 1 March 2022 consolidating 11 earlier SEPPs focused on biodiversity and conservation. The B&C SEPP focuses on:

- Vegetation in non-rural areas containing planning rules and controls relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes.
- Koala habitat protection:
  - across NSW core rural zones of RU1, RU2 and RU3 except within the Greater Sydney and Central Coast areas, and
  - within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3.
- Environmental planning and assessment along the Murray River.
- Bushland in urban areas containing provisions to protect and preserve bushland within public open space zones and reservations.
- Prohibition of canal estate development.
- Water quality objectives in the Sydney drinking water catchment.
- Protect the environment of the Hawkesbury–Nepean River system.
- Management and improvement of environmental outcomes for Sydney Harbour and its tributaries.
- Management and promotion of integrated catchment management policies along the Georges River and its tributaries.
- Protection, conservation and management of the Willandra Lakes Region World Heritage Property.



## Appendix 2

### CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND (*Local Government Act 1993*)

#### **36E Core objectives for management of community land categorised as a natural area**

The core objectives for management of community land categorised as a natural area are:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

#### **36F Core objectives for management of community land categorised as a sportsground**

The core objectives for management of community land categorised as a 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.

#### **36G Core objectives for management of community land categorised as a park**

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

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

#### **36H Core objectives for management of community land categorised as an area of cultural significance**

- (1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research of social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:

- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance.
- (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
- (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state.
- (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact).
- (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

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

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

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

### **36J Core objectives for management of community land categorised as bushland**

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

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface.

### **36K Core objectives for management of community land categorised as wetland**

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

- (a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- (b) to restore and regenerate degraded wetlands, and
- (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

### **36L Core objectives for management of community land categorised as an escarpment**

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

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

### **36M Core objectives for management of community land categorised as a watercourse**

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

- (a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

### **36N Core objectives for management of community land categorised as foreshore**

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

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

## Appendix 3 - Park Category

### Schedule of Community Land descriptions including reserve purpose and categorisation, Gwydir Shire

Site Name	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Gwydir Oval Bingara	Public Recreation	Bingara	Lot 1 DP 1106774	Crown	1000404	14/03/1881	Sportsground, Park	RE1	1
Cunningham Park <sup>56</sup>	Public Recreation	Bingara	Lots 319, 321 DP 42797, Lot 208 DP 754819	Crown	47979	31/07/1912	GCU, Park	RU5 / RU1	2
Cunningham Park	Public Recreation	Bingara	Lot 7028 DP 1019618	Crown	51158	01/12/1915	Park	RU5	
Byrnes Street Reserve	Park	Bingara	Lot 1 DP 851246	Council			Park	RU5	
Fays Park	Park	Bingara	Lot 1 DP 880866	Council			Park	RU5	
Batterham Lookout	Public Recreation	Bingara	Lot 315 DP 754819	Crown	89552	22/08/1975	Park	RU1	
Coolatai Tennis Courts	Public Recreation	Coolatai	Lots 6, 45, 117 DP 751115	Crown	88449	24/12/1971	Sportsground, Park, GCU	RU5 / RU1	4
Elcombe Camping Reserve	Public Recreation	Elcombe	Lot 52 DP 754838	Crown	50440 <sup>57</sup>	23/12/1914	Park	RU1	
Gravesend Park	Public Recreation	Gravesend	Lots 1-2 Sec 9 DP 758471	Crown	96798	10/06/1983	Park	RU5	
Gulf Creek Hall	Public Hall, Public Recreation	Gulf Creek	Lot 19 DP 754821, Lot 4 Section 4 DP 758481, Lot 7004 DP 1029183	Crown	83140	21/04/1961	Sportsground, Park, GCU	RU1	10
Upper Horton Park	Park	Upper Horton	Lot: 11 DP: 1089979, Lot 1,2,9,10 Sec 2 DP759020	Council			Park	RU5	
Pioneer Cemetery	Public Park	Warialda	Lot 7313 DP 1136164	Crown	1000697	10/09/1982	Park	RE1	
Warialda Recreation Ground and Captain Cook Park	Public Recreation	Warialda	Lot 305 DP 751137, Lot 7024 DP 1021104, Lot 7045 DP 1021107	Crown	560021	02/06/1893	Sportsground, Park <sup>58</sup>	RE1	5
Apex Park Warialda	Public Recreation	Warialda	Lot 192 DP 751137	Crown	87406	26/09/1969	Park	RE1	
Bill Cleal Park - Hospital Park	Public Recreation	Warialda	Lot 1,9,10 Sec 34 DP 759052	Crown	71806	18/06/1946	Park	RE1	

<sup>56</sup> Also known as Junction Park Reserve.

<sup>57</sup> The DPHI – CL has identified an historic road through Reserve 50440. The process to formally dedicate part of this Crown land as public road will be negotiated between Council and DPHI - CL.

<sup>58</sup> A part of this reserve is managed by Warialda Showground Land Manager. This categorisation only applies to the area managed by Council.

Site Name	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Gragin Road Drainage	Drainage	Warialda	Lot 3 Sec 29 DP 759052	Crown <sup>59</sup>	76966	06/08/1954	Park	RU5	9
Warialda Creek Reserve	Public Recreation	Warialda	Lot 7035 DP 751137, Lots 7032-7033 DP 1029725, Lot 7034 DP 1032714, Lots 7323, 7325 DP 1164676, Lot 7329 DP 1166640	Crown	71531	01/06/1945	NA – Watercourse, Park	RU5 / RU1	9

<sup>59</sup> See Section 1.3.2. Council requested to be appointed as Crown land manager of R.76966 on 8 November 2023.

## Appendix 4 – Sportsground Category

### Schedule of Community Land descriptions including reserve purpose and categorisation, Gwydir Shire

Site Name	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Gwydir Oval Bingara	Public Recreation	Bingara	Lot 1 DP 1106774	Crown	1000404	14/03/1881	Sportsground, Park	RE1	1
Bingara Golf Links	Public Recreation	Bingara	Lot 272 DP 754819, Lot 7035 DP 1001197	Crown	73975	19/01/1951	Sportsground	RE1	
Coolatai Sportsground <sup>60</sup>	Public Recreation	Coolatai	Lot 7004 DP 1028488	Crown	65761	17/01/1936	Sportsground	RU1	
	Travelling Stock		Pt 7305 DP 1157352	Crown <sup>61</sup>	Pt 30132	TBD			
	Future Public Requirements				Pt 83965	TBD			
	Commonage				Pt 58115	TBD			
Coolatai Tennis Courts	Public Recreation	Coolatai	Lots 6, 45, 117 DP 751115	Crown	88449	24/12/1971	Sportsground, Park, GCU	RU5 / RU1	4
Gravesend Recreation Reserve	Public Recreation	Gravesend	Lots 111, 216, 270 DP 751108, Lot 7037 DP 1043652	Crown	81241	21/11/1958	Sportsground	RU5	
Gulf Creek Hall	Public Hall, Public Recreation	Gulf Creek	Lot 19 DP 754821, Lot 4 Section 4 DP 758481, Lot 7004 DP 1029183	Crown	83140	21/04/1961	Sportsground, Park, GCU	RU1	10
Nicholson Oval	Public Recreation	Warialda	Lot 7038 DP 751137, Lots 1, 8-14, 20 Sec 18 DP 759052, Lot 7036 DP 1021101, Lot 7305 DP 1137582	Crown	88245	21/05/1971	Sportsground	RE1	
Warialda Recreation Ground and Captain Cook Park	Public Recreation	Warialda	Lot 305 DP 751137, Lot 7024 DP 1021104, Lot 7045 DP 1021107	Crown	560021	02/06/1893	Sportsground, Park <sup>62</sup>	RE1	5
Warialda Rail Public Recreation Reserve	Public Recreation	Warialda Rail	Lot 232 DP 751137	Crown	55457	26/05/1922	Sportsground	RU1	
Yallaroi Oval	Public Recreation	Yallaroi	Lot 101 DP 751101	Council			Sportsground	RU1	

<sup>60</sup> At the time of drafting only half the sportsground is on R.65761. The rest is on R30132 (TSR), R83965 (FPR) and R58115 (Commonage).

<sup>61</sup> See Section 1.3.2. Council requested to be appointed as Crown land manager of this part of R30132 (TSR), R83965 (FPR) and R58115 (Commonage) on 14 August 2023.

<sup>62</sup> A part of this reserve is managed by Warialda Showground Land Manager. This categorisation only applies to the area managed by Council.



## Appendix 5 – General Community Use Category

### Schedule of Community Land descriptions including reserve purpose and categorisation, Gwydir Shire

SITE NAME	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Cunningham Park <sup>63</sup>	Public Recreation	Bingara	Lots 319, 321 DP 42797, Lot 208 DP 754819	Crown	47979	31/07/1912	GCU, Park	RU5 / RU1	2
Gwydir Riverside Camping Area	Public Recreation, Environmental Protection	Bingara	Lot 7040 DP 94079, Lot 7040 DP 1016557, Lot 7021 DP 94078	Crown	1001371	21/08/1998	NA – Foreshore, GCU, NA – Watercourse	RE1	6
Bingara Court House	Heritage Purposes, Community Purposes	Bingara	Lot 332 DP 821249	Crown	160038	20/09/1991	GCU	RU5	
Bingara Showground / Racecourse	Public Recreation, Racecourse, Showground	Bingara	Lot 7033 DP 1016558	Crown	560018	26/06/1931	GCU, NA – Bushland	RE1	7
Bingara Memorial Hall	Public Hall	Bingara	Pt Lot 18 DP1126638	Council			GCU	RU5	
Coolatai Tennis Courts	Public Recreation	Coolatai	Lots 6, 45, 117 DP 751115	Crown	88449	24/12/1971	Sportsground, Park, GCU	RU5 / RU1	4
Crooble Memorial Hall	War Memorial (Hall Site)	Crooble	Lots 7-8 Section 2 DP 758306	Crown	77800	29/07/1955	GCU	RU1	
Croppa Creek Hall	War Memorial	Croppa Creek	Lot 7009 DP 1030135	Crown	79797	09/08/1957	GCU	RU1	
Gravesend Hall	Public Hall	Gravesend	Lots A,B DP401780	Council			GCU	RU5	
Gulf Creek Hall	Public Hall, Public Recreation	Gulf Creek	Lot 19 DP 754821, Lot 4 Section 4 DP 758481, Lot 7004 DP 1029183	Crown	83140	21/04/1961	Sportsground, Park, GCU	RU1	10
North Star Caravan Park	Public Recreation	North Star	Pt Lot 3 DP 1124486	Crown	85949	16/09/1966	GCU	RU5	
Chain of Ponds Creek Reserve	Resting Place	Upper Bingara	Lot 7302 DP 1162022	Crown	84385	11/04/1963	GCU	RU1	
Upper Bingara Public Hall	Public Hall	Upper Bingara	Lots 43, 58 DP 754842	Crown	86866	18/10/1968	GCU	RU1	

<sup>63</sup> Also known as Junction Park Reserve.

SITE NAME	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Warialda Homes for the Aged	Homes for the Aged	Warialda	Lot 235 DP 751137	Crown	83055	24/02/1961	GCU	RU5	
Warialda Swimming Pool	Public Baths	Warialda	Lot 312 DP 751137	Crown	86261	05/05/1967	GCU	RE1	
Warialda Pre-School	Kindergarten	Warialda	Lot 335 DP 751137	Crown	89462	20/06/1975	GCU	RU5	
Warialda Caravan Park	Caravan and Camping Park	Warialda	Lots 333-334 DP 751137	Crown	90987	09/12/1977	GCU	RU5	
Warialda Cross Country Course / Pony Club	Resting Place	Warialda	Lots 260-269 DP 751137	Crown	70834	26/02/1943	GCU	RU1	
Cranky Rock Camping Area	Park	Warialda	Lot 7 DP 810015 Lot 1 DP 872854	Council			GCU, NA – Bushland	RU1	8
Warialda Town Hall	Public Hall	Warialda	Lots 51, 52, 53 DP1123410	Council			GCU	RU5	
Warialda Rail War Memorial <sup>64</sup>	War Memorial	Warialda Rail	Lot 342 DP 39977	Crown	91739	22/02/1980	GCU	RU5	
Yallaroi Hall <sup>65</sup>	Travelling Stock	Yallaroi	Pt 7303 DP 1157213	Crown <sup>66</sup>	Pt 3856	TBD	GCU	RU1	

<sup>64</sup> Also known as Burgaria War Memorial.

<sup>65</sup> At the time of drafting Council is not manager of R.3856 (TSR).

<sup>66</sup> See Section 1.3.2. Council requested to be appointed as Crown land manager of this part of R.3856 on 14 August 2023.

## Appendix 6 – Natural Area Bushland Category

### Schedule of Community Land descriptions including reserve purpose and categorisation, Gwydir Shire

SITE NAME	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Elcombe Road Reserve	Plantation	Bingara	Lot 323 DP 705431	Crown	98126	04/04/1986	NA – Bushland	R5	
Bingara Showground / Racecourse	Public Recreation, Racecourse, Showground	Bingara	Lot 7033 DP 1016558	Crown	560018	26/06/1931	GCU; NA – Bushland	RE1	7
Upper Bingara Roadside	Public Recreation	Upper Bingara	Lots 7001-7002, DP 1124731	Crown	86320	07/07/1967	NA – Bushland	RU1	
Koorilgur Nature Reserve	Preservation of Native Flora and Fauna, Environmental Protection	Warialda	Lot 7009 DP 1122169	Crown	69856	14/02/1941	NA – Bushland	RU1	
Koorilgur Nature Reserve	Preservation of Native Flora and Fauna	Warialda	Lot 272 DP 751137, Lot 7301, DP 1134026	Crown	70712	16/10/1942	NA – Bushland	RU1	
Cranky Rock Reserve	Public Recreation	Warialda	Lot 21 DP 751086	Crown	87886	07/08/1970	NA – Bushland NA – Watercourse	RU1	8
Cranky Rock Camping Area	Park	Warialda	Lot 7 DP 810015, Lot 1 DP 872854	Council			GCU, NA – Bushland	RU1	8

## Appendix 7 – Natural Area Foreshore Category

### Schedule of Community Land descriptions including reserve purpose and categorisation, Gwydir Shire

SITE NAME	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No	Gazette	Category	Zone	Plan
Gwydir Riverside Camping Area	Public Recreation, Environmental Protection	Bingara	Lot 7040 DP 94079, Lot 7040 DP 1016557, Lot 7021 DP 94078	Crown	1001371	21/08/1998	NA – Foreshore, GCU, NA – Watercourse	RE1	6
Warialda Creek Reserve	Public Recreation	Warialda	Lot 7035 DP 751137, Lots 7032-7033 DP 1029725, Lot 7034 DP 1032714, Lots 7323, 7325 DP 1164676, Lot 7329 DP 1166640	Crown	71531	01/06/1945	NA – Watercourse, Park	RU5 / RU1	9

## Appendix 8 – Natural Area Watercourse Category

### Schedule of Community Land descriptions including reserve purpose and categorisation, Gwydir Shire

SITE NAME	Purpose(s)	Locality/Town	Lot / Section / DP	Owner	Res No		Category	Zone	Plan
Cranky Rock Reserve	Public Recreation	Warialda	Lot 21 DP 751086	Crown	87886	07/08/1970	NA – Bushland NA – Watercourse	RU1	8
Gwydir Riverside Camping Area	Public Recreation, Environmental Protection	Bingara	Lot 7040 DP 94079, Lot 7040 DP 1016557, Lot 7021 DP 94078	Crown	1001371	21/08/1998	NA – Foreshore, GCU, NA – Watercourse	RE1	6
Warialda Creek Reserve	Public Recreation	Warialda	Lot 7035 DP 751137, Lots 7032-7033 DP 1029725, Lot 7034 DP 1032714, Lots 7323, 7325 DP 1164676, Lot 7329 DP 1166640	Crown	71531	01/06/1945	NA – Watercourse, Park	RU5 / RU1	9
Warialda Rail Drainage channel	Drainage	Warialda Rail	Lot B DP 340128	Council			NA – Watercourse	RU5	

## Appendix 9 – Category Plans for Sites with more than a single category



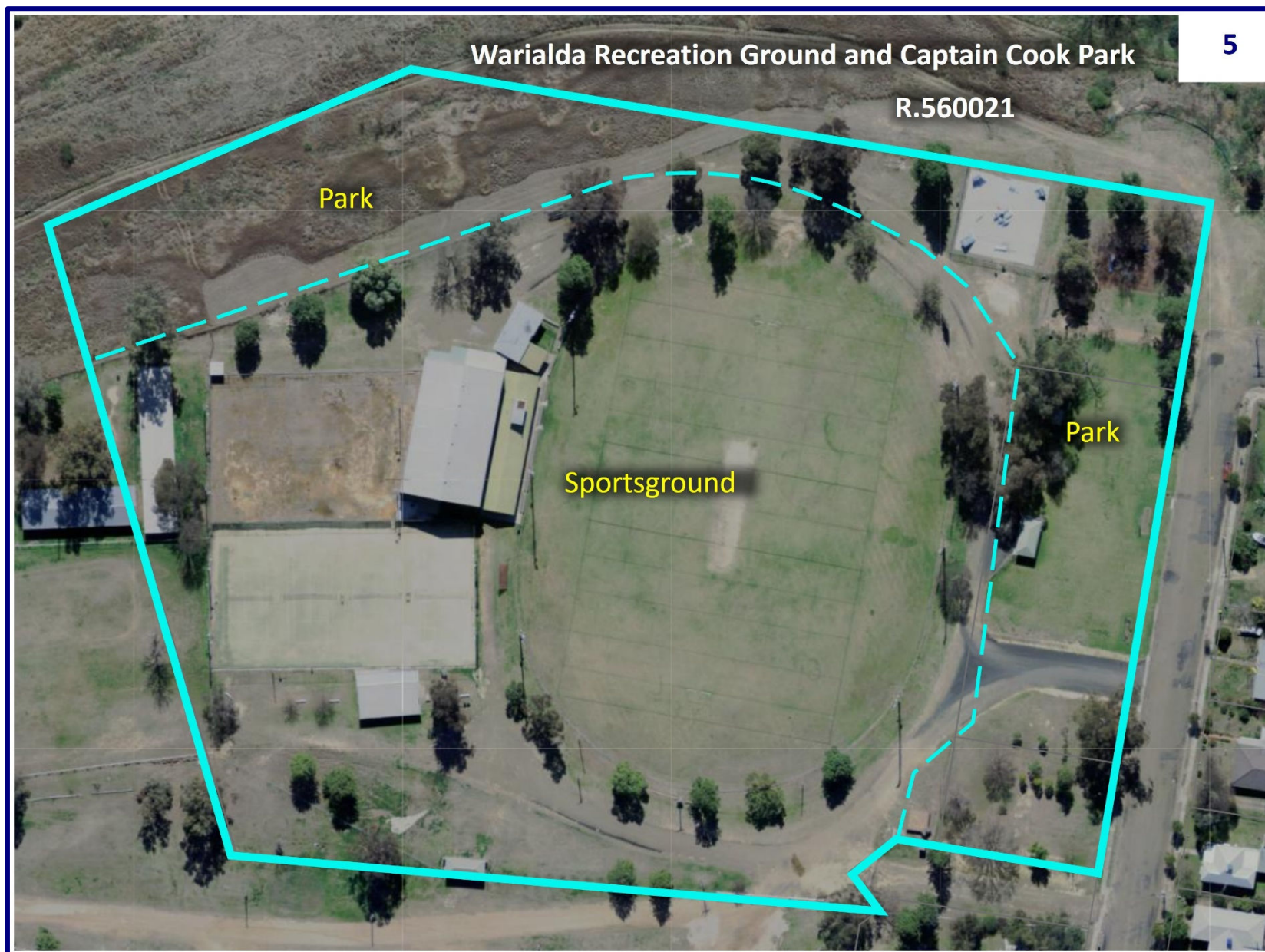




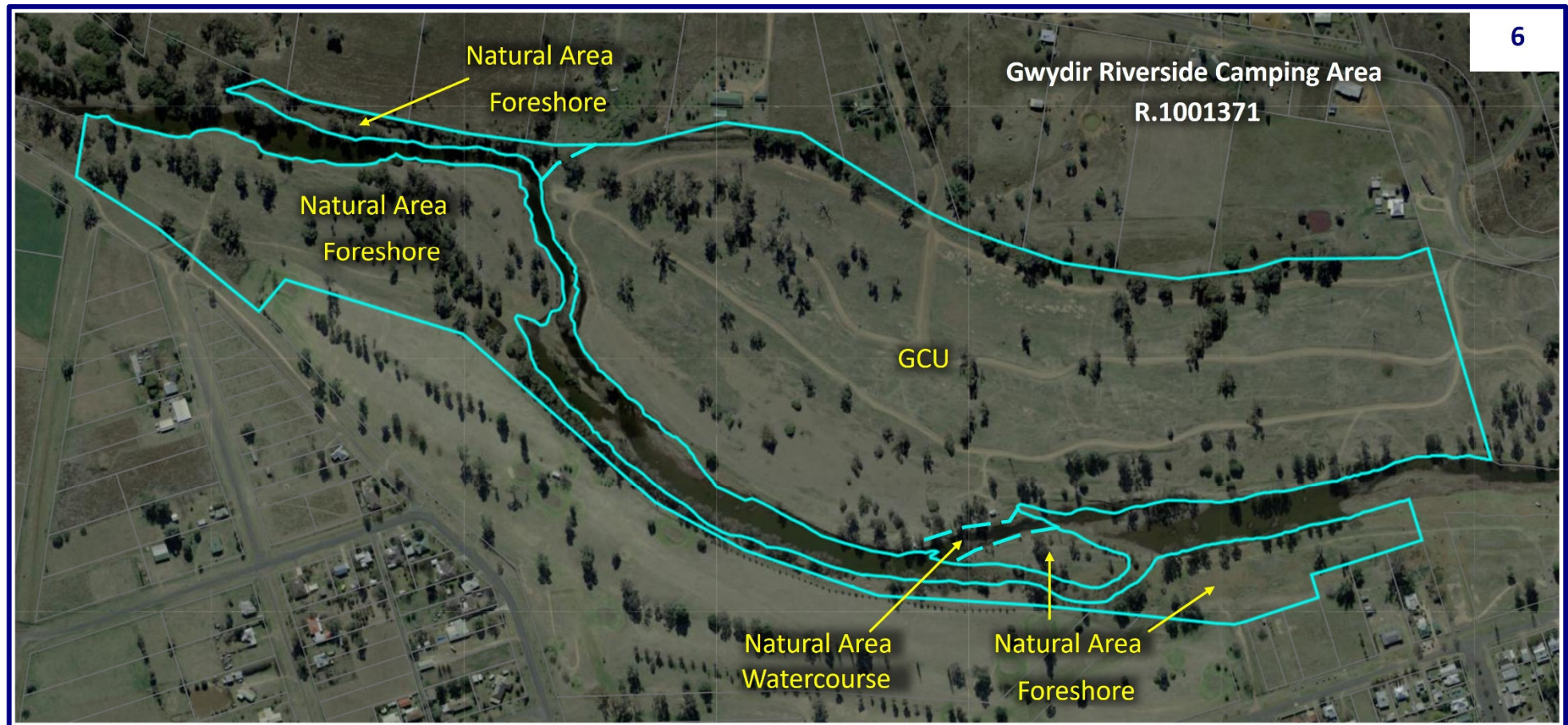


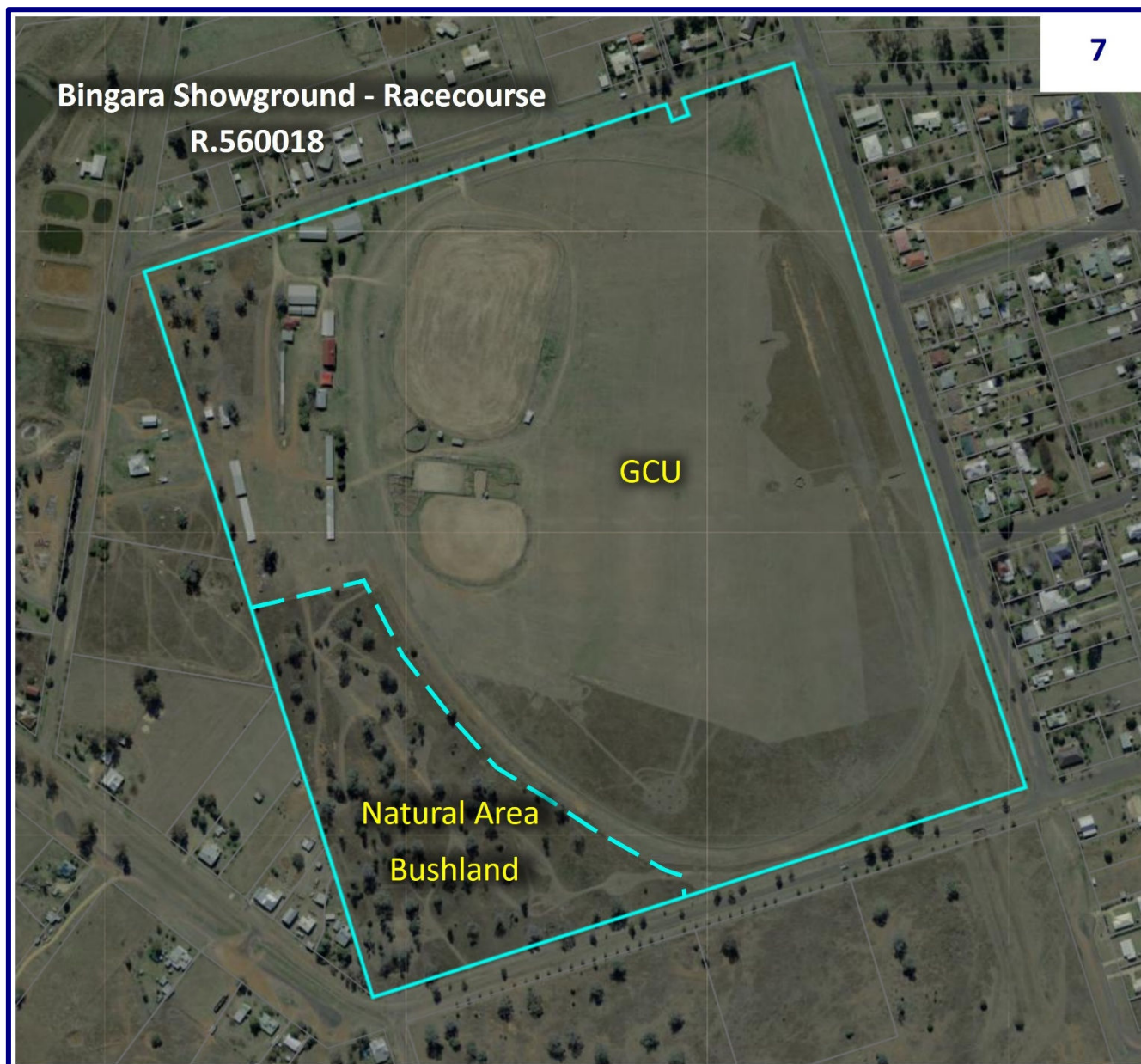




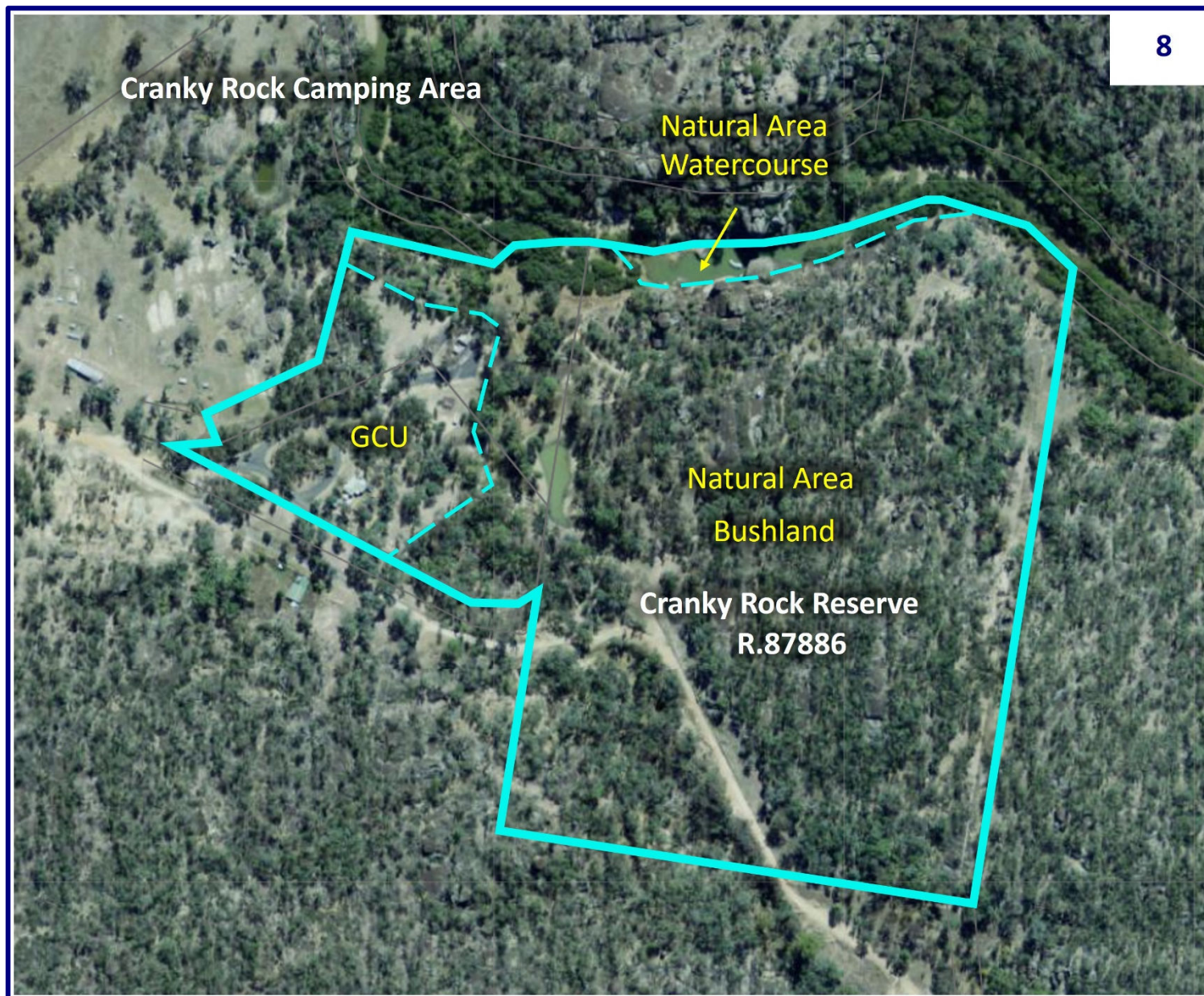




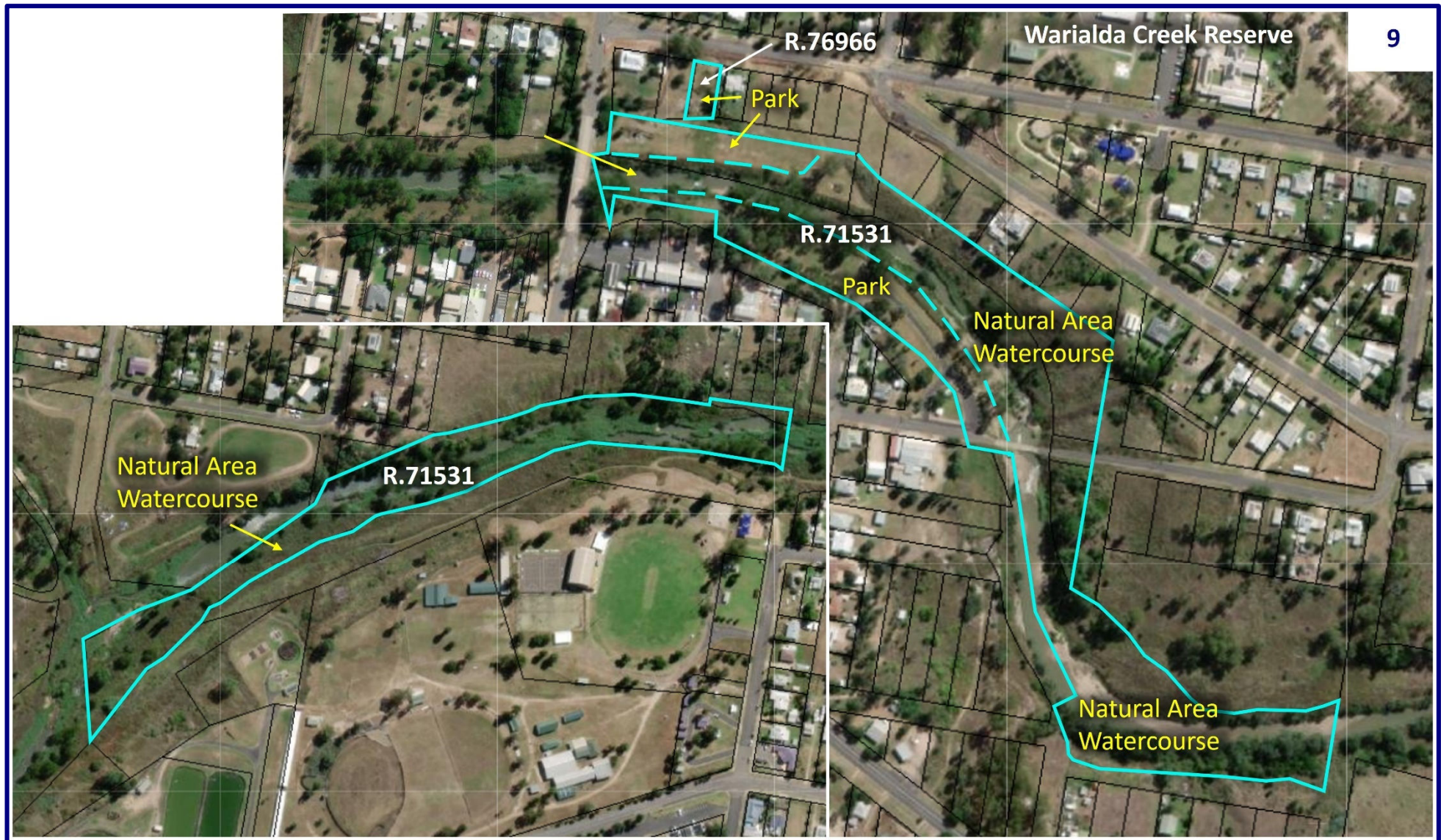
















## Appendix 10

### KEY STEPS IN PREPARING THE FIRST POM FOR CROWN RESERVES.

(from Page 7 – *Developing Plans of Management for community land Crown reserves* - NSW Department of Planning and Environment – Crown lands).

<p>Step</p> <p>1</p>	<p><b>Drafting the PoM</b></p> <ul style="list-style-type: none"> <li>• The PoM must meet all the minimum requirements outlines in section 36(3) of the LG Act and identify the owner of the land.</li> <li>• Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised.</li> <li>• Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.</li> </ul>
<p>Step</p> <p>2</p>	<p><b>Notifying the landowner and seeking Minister's consent to adopt.</b></p> <ul style="list-style-type: none"> <li>• The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act.</li> <li>• Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowners (the department) of the draft PoM.</li> <li>• Note: in certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.</li> </ul>
<p>Step</p> <p>3</p>	<p><b>Community consultation</b></p> <ul style="list-style-type: none"> <li>• Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</li> <li>• Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).</li> </ul>
<p>Step</p> <p>4</p>	<p><b>Adopting a PoM</b></p> <ul style="list-style-type: none"> <li>• If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM.</li> <li>• A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act.</li> <li>• When a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be sent to the department: council.clm@crowland.nsw.gov.au</li> </ul>