

# PLAN OF MANAGEMENT for Victoria Park & Oxley Park



## Oxley Highway & Udora Road, WARREN



*Figure 1: Photo of Entrance Gates to Victoria Park from Udora Road, Warren.*

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Planning & Development Solutions

For Warren Shire Council

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## Document Control

Version	Date	Document	Provided To
A	July 2019	DRAFT for Internal Review	Glenn Wilcox, General Manager WSC
B	October 2019	DRAFT for Agency Review	Glenn Wilcox, General Manager WSC NSW Government - Crown Lands
C	September 2021	DRAFT for Public Exhibition	Maryanne Stephens WSC
D	June 2022	DRAFT FINAL	Maryanne Stephens WSC
E	July 2022	FINAL	Maryanne Stephens WSC
F	February 2023	Updated FINAL	Maryanne Stephens WSC

# 1 KEY INFORMATION

## 1.1 Overview

- a) This is a Plan of Management ('Plan' or 'PoM') for Victoria Park and Oxley Park ('Subject Land') (as described in Section 1A.2 below) and shown on Figure.3 Location Map below and the maps in the Appendices.
- b) Warren Shire Council ('Council');
- c) The date of adoption is ..... [complete after consultation & approval].

This Plan of Management (PoM) has been prepared by **iPLAN PROJECTS** on behalf of Warren Shire Council and provides direction as to the use and management of council-owned community land and council-managed Crown reserves classified as 'community land' in the Warren Shire area. This Plan is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* (CLM Act) and Section 36 of the *Local Government Act 1993* (LG Act).

This Plan specifically addresses the management of Crown Reserve No.16121 (Victoria Oval) and Crown Reserve No.97684 (Oxley Park). This Plan outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

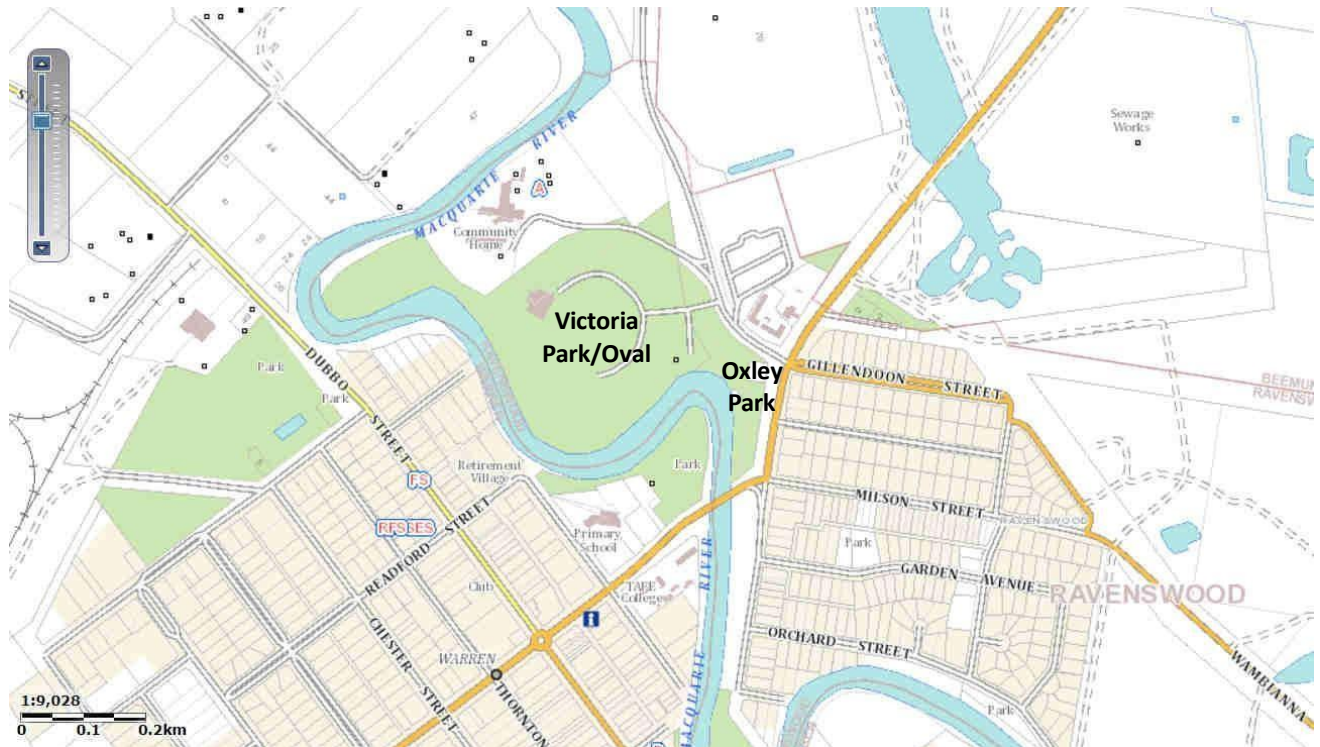


Figure 2: Location map of Subject Land/Recreation Area in the Town of Warren (Source: NSW Government SIX Maps).

## 1.2 Land to Which this Plan Applies

This Plan applies to the land known as 'Victoria Park' and 'Oxley Park' ('Subject Land') which is described as follows (Contact the council or refer to the council's website for information about other public land not listed below):

- a) **Address:** Oxley Highway (Coonamble Road) & Udora Rd, (Suburb/Locality of Ravenswood) WARREN;
- b) **Owner:** The State of NSW (Crown Lands);
- c) **Location Description:** The land is located on the northern bank of the Macquarie River to the north of the Town of Warren in the Suburb of Ravenswood. Primary access to Oxley Park is from the Coonamble Road / Oxley Highway and this provides primary access to Victoria Park via Udora Road.
- d) **Map:** Please see *Appendix A: Map of Plan Area*. This shows the boundary of the Plan area and land titles for relevant lots. See also Deposited Plans below.

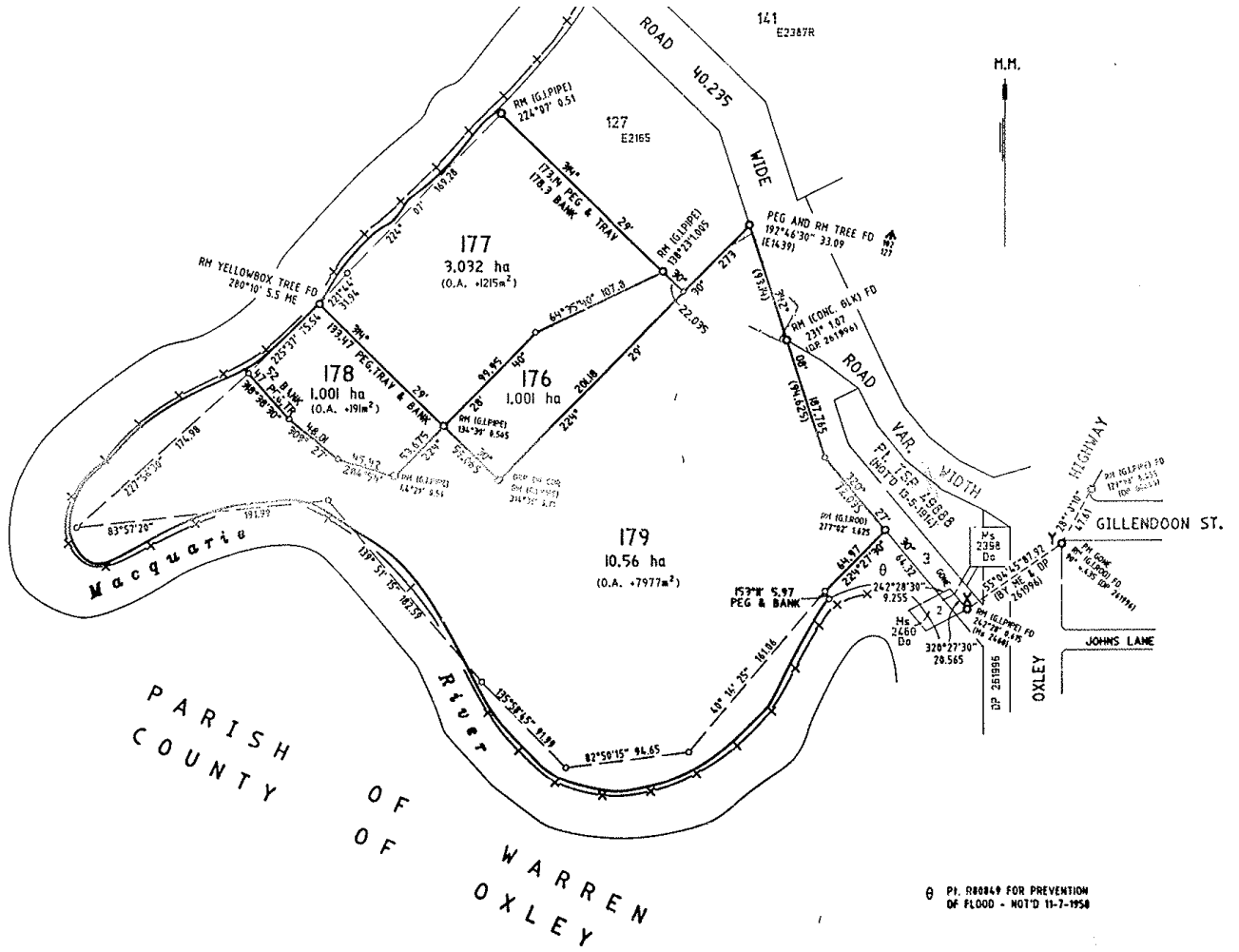
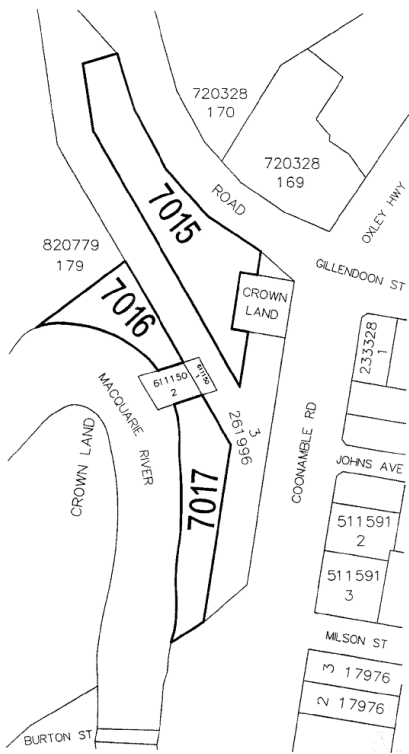


Figure 3: Excerpt from DP820779 (Plan of Subdivision) for Victoria Park.

Figure 4: Excerpt from DP1021004 (Plan of Crown Land) for Oxley Park.



e) Land Title(s), Ownership & Management:

Title	Area	Land Use Zone	Manager	Owner/Reserve
Lots 176 & 179 DP820779	Total Area ~11.82ha (CL Portal)/~11.56ha (by Deposited Plan)	Zone RE1 Public Recreation	Council	Crown Reserve No.16121 for <b>Public Recreation</b> (Notified 13/08/1892) Lot 176 added (Gazetted 20/11/1992)
Lots 3 & 4 DP261996	Total Area ~1.764 ha (CL Portal)	Zone RE1 Public Recreation	Council	Crown Reserve No.97684 for <b>Public Recreation</b> (Notified 15/02/1985)
Lots 7015, 7016, & 7017 DP1021004		(Lot 4) Zone SP2 Infra-structure		
<b>Excludes:</b> Lot 1 DP1012134; Lots 1 & 2 DP611150	~935m <sup>2</sup> + ~700m <sup>2</sup> = ~1,635m <sup>2</sup> Total Area (SIX Maps estimate)	Zone SP2 Infra- structure	Water Authority/ Council	Water Tank & pumping infrastructure adjacent to river not in above reserves but Crown Land.

1.3 Ownership & Management of the Land

The land is owned by the Crown and is managed by Warren Shire Council as Crown Land Manager under the *Crown Land Management Act 2016* (CLM Act).

The following are any restrictions, covenants, trusts, etc. applying to the land and whether the use or management of the land is subject to any condition imposed by the owner:

- a) Land excludes minerals and is subject to reservations and conditions in favour of the Crown – See Crown Grant(s).
- b) Reserve No.16121 for Public Recreation. The land is a reserve within the meaning of the CLM Act and there are restrictions on transfer and other dealings in the land under that Act, which may require consent of the Minister.
- c) There are also water pipes that connect between the Macquarie River pump station and the Warren Water Reservoir Tank across Oxley Park. There are also sewer and water mains through the Site. There are no formal easements.

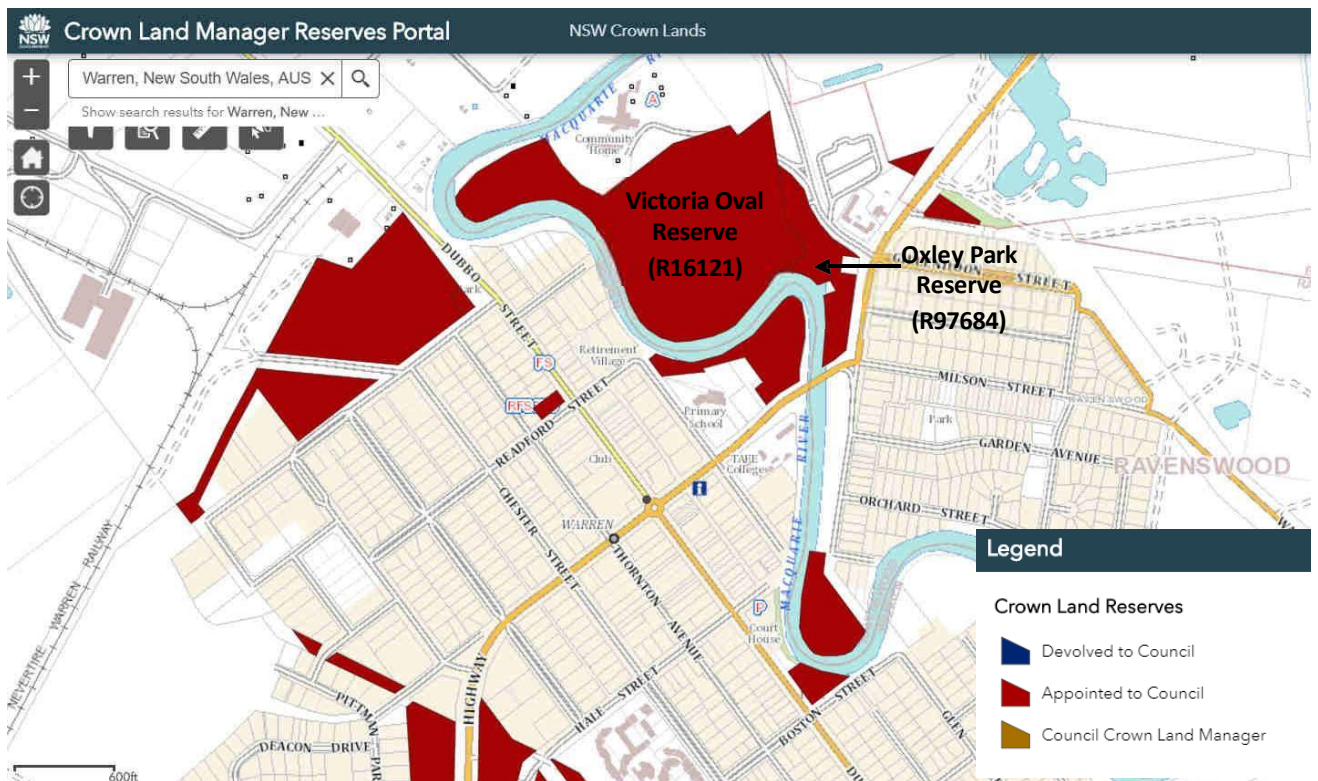


Figure 5: Excerpt from Crown Lands Portal showing Victoria/Oxley Parks are Crown Land Reserves.

## 2 AIMS & OBJECTIVES

### 2.1 Acknowledgement of Country

This Plan recognises the traditional custodians of the Crown land to which this Plan applies. We pay our respects to their leaders - past, present and emerging. Crown land has significant spiritual, social, cultural and economic importance to the First Nations peoples of NSW. The *Crown Land Management Act 2016* (CLM Act) recognises and supports First Nations' rights and interests in Crown land.

### 2.2 Role of Plan of Management

The CLM Act requires local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). Section 3.23(6) of the CLM Act requires council managers to adopt a Plan of Management (PoM) for any Crown reserve for which it is the appointed Crown land manager and is classified as 'community land' under the LG Act.

The NSW Government (September 2021) *Developing plans of management for community land Crown reserves – Guidelines for Council Crown Land Managers* ('2021 Guidelines') sets out the following benefits of having a plan of management (*Section 2.1 – The role of a plan of management (PoM) in managing Crown reserves*):

*A PoM is the key strategic planning and governance tool that councils must have in place for the management and use of community land. PoM set out objectives and performance targets for community land and authorise use of the land, including tenures and development on the land.*

*PoM are also a critical tool to ensure that any authorisation or restriction on the use of a Crown reserve, including proposed development and tenures, considers Aboriginal rights and interests in Crown land under the Commonwealth Native Title Act 1993 (NT Act) the NSW Aboriginal Land Rights Act 1983 (ALR Act).*

*It is important for any PoM to provide vision and relevance for the next 5–10 years, to provide certainty to council and the community about how the reserve will be used.*

### 2.3 Objectives of Plan of Management

Warren Shire Council takes a 'values-based approach' to the planning, use and management of the Reserves. Values may be described as what is important or special about a place. This Plan of Management aims to protect and enhance the values of the applicable area.

The objectives of this Plan are to:

- Present a clear, concise, practical and performance-oriented framework for the management of the Reserves to Council, users and the community that can be adapted as demands on the reserve(s) change;
- Set out how the Reserves will be used, improved, maintained and managed into the future aligned with the values and expectations of Council, the community and its users;
- Provide a level of service appropriate to each of the sites which matches demand and enhances safe use of the site(s) aligned to the recommendations of State, regional and local strategic plans and studies on needs and demands for sporting, recreation and community facilities;
- Provide equal and safe access to each of the sites for all current and expected future user groups;
- Maintain facilities at the sites and support the work of volunteer user groups in their maintenance and development in accordance with this Plan;
- Maximise funding opportunities (where available) to develop and enhance facilities and amenities at the sites;
- Ensure the requirements of the *Native Title Act 1993* and the *Aboriginal Land Rights Act 1983* for the management of Crown Land are addressed;
- Meet Councils obligations in relation to all relevant legislative requirements, particularly the *Local Government Act 1993*, *Crown Land Management Act 2016* and the *Environmental Planning & Assessment Act 1979*;
- Be consistent with the Warren Shire Community Strategic Plan and other strategies, plans and policies; and
- Allow for entering into appropriate commercial and community use agreements on reserve(s).

## 2.4 Corporate Objectives

The Subject Land, which is part of the portfolio of land either owned by Council or Crown land, is the responsibility of Council to manage. This Plan refers to the relevant corporate objectives in the following key Council documents that make up the *Integrated Planning & Reporting* ('IPR') Framework (as amended/updated):

- a) Community Strategic Plan;
- b) Delivery Program;
- c) Long Term Financial Plan;
- d) Operational Plan;
- e) Annual Report.

**Figure 6: Integrated Planning & Reporting Framework**  
([www.warren.nsw.gov.au](http://www.warren.nsw.gov.au)).



Council has also adopted a *Village (Enhancement) Plan* ('Village Plan') for Warren that includes more detailed strategies and projects for key recreation grounds including the Subject Land and this forms the basis of the Concept (Layout) Plan in this Plan along with subsequent additional engagement with key stakeholders by Council.

## 2.5 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see above). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the *Local Government (General) Regulation 2021*. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for the relevant Park, Sportsground, General Community Use and Natural Area categories are set out in the relevant category sections of this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Warren Shire Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Warren Shire Council ('Council') encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities.

## 2.6 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserves described in this Plan in accordance with the legislation and conditions imposed by the Minister administering the CLM Act. The use of the land described in this Plan must:

- Be consistent with the purpose for which the land was dedicated or reserved;
- Consider native title rights and interests and be consistent with the provisions of the *Commonwealth Native Title Act 1993*;
- Consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists;
- Consider and not be in conflict with any interests and rights granted under the CLM Act;
- Consider any interests held on title.

## 2.7 Local Environmental Plan

Under *Warren Local Environmental Plan 2012* ('LEP') the Subject Land is entirely within Zone RE1 Public Recreation (with some possible overlap into Zone SP2 (Water) Infrastructure). The Objectives for these zone(s) are set out in Section 5 of this report. It can be seen that the objectives of this plan and each categorisation below are consistent with the zone objectives.

## 2.8 Legislation & State Policies

Please refer to Section 6 of this Plan for a more detailed analysis of some relevant legislation & state policies which may contain relevant objectives to this Plan.

## 2.9 Limitations to this Plan

- a) This Plan relies upon information taken at or under the particular time and/or conditions specified herein.
- b) This Plan relies on the best information and mapping available at the time of compilation, some of this information is gathered from external Government bodies. Accordingly, boundary inaccuracies in mapping may be present and Council will endeavour to rectify mapping inaccuracies when changes are made at the relevant external organisation.
- c) Any representation, statement, opinion or advice, expressed or implied in this publication is made in good faith, however, on the basis that Council, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement, or advice referred to herein.
- d) Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information from [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) or [www.warrenshire.nsw.gov.au](http://www.warrenshire.nsw.gov.au) or other appropriate sources.
- e) Any finding, conclusion or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the client.
- f) Warren Shire Council (or the consultant preparing this Plan) accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any other parties.

## 3 PREPARATION OF THE PLAN OF MANAGEMENT

### 3.1 Template

Council has elected to utilise the standardised template (modified as required) from the Office of Local Government.

This has subsequently been updated to Template No.3 (August 2021) on the Council Crown land manager website at <https://reservemanager.crownland.nsw.gov.au/who-we-are/who-manages-crownland/council-crown-land-manager>.

Council acknowledges that the structure of the two sample outline documents are based on *Plan of Management for Community Land 2011* developed and adopted by Lake Macquarie City Council in 2011. In particular, it uses 'Section C: Specific Crown Reserve PoM Outline'. The template states that Councils may wish to utilise this structure when developing a specific plan of management for Crown reserves which cover one reserve or multiple reserves of the same categorisation.

We have also worked with Melting Pot Planning (Lisa Schiff) in order to integrate this Plan with the other PoMs being prepared for Warren Shire.

Council acknowledges that generic PoMs cannot be made for land declared as follows:

- As critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3));
- By council to contain significant natural features (section 36C(2));
- By council to be of cultural significance (section 36D(2)).

### 3.2 Requirements for Plan

By following this template, this Plan complies with the minimum legislative requirements of the *Local Government Act 1993* (LG Act) and *Crown Land Management Act 2016* (CLM Act). Section 36(3) of the LG Act sets out the minimum requirements for all PoMs, which must include the:

- a) Category of the land;
- b) Objectives and performance targets of the plan with respect to the land;
- c) Means by which the council proposes to achieve the plan's objectives and performance targets; and
- d) Manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets and may require the prior approval of the council to the carrying out of any specified activity on the land.

For plans specific to one area of land (such as this PoM), section 36(3A) of the LG Act specifies that the plan must also:

- a) Describe the condition of the land as at the adoption of the plan;
- b) Describe the buildings on the land as at adoption;
- c) Describe the use of the buildings and the land as at adoption;
- d) State the purposes for which the land will be allowed to be used, and the scale and intensity of that use.

The LG Act requires that where the council controls but does not own land (as is the case with all council-managed Crown reserves), a PoM must:

- a) Identify the owner of the land;
- b) State whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant;
- c) State whether the use or management of the land is subject to any condition or restriction imposed by the owner;
- d) Not contain any provisions inconsistent with anything required to be stated by paragraph (a), (b) or (c).

### 3.3 Consultant Preparation

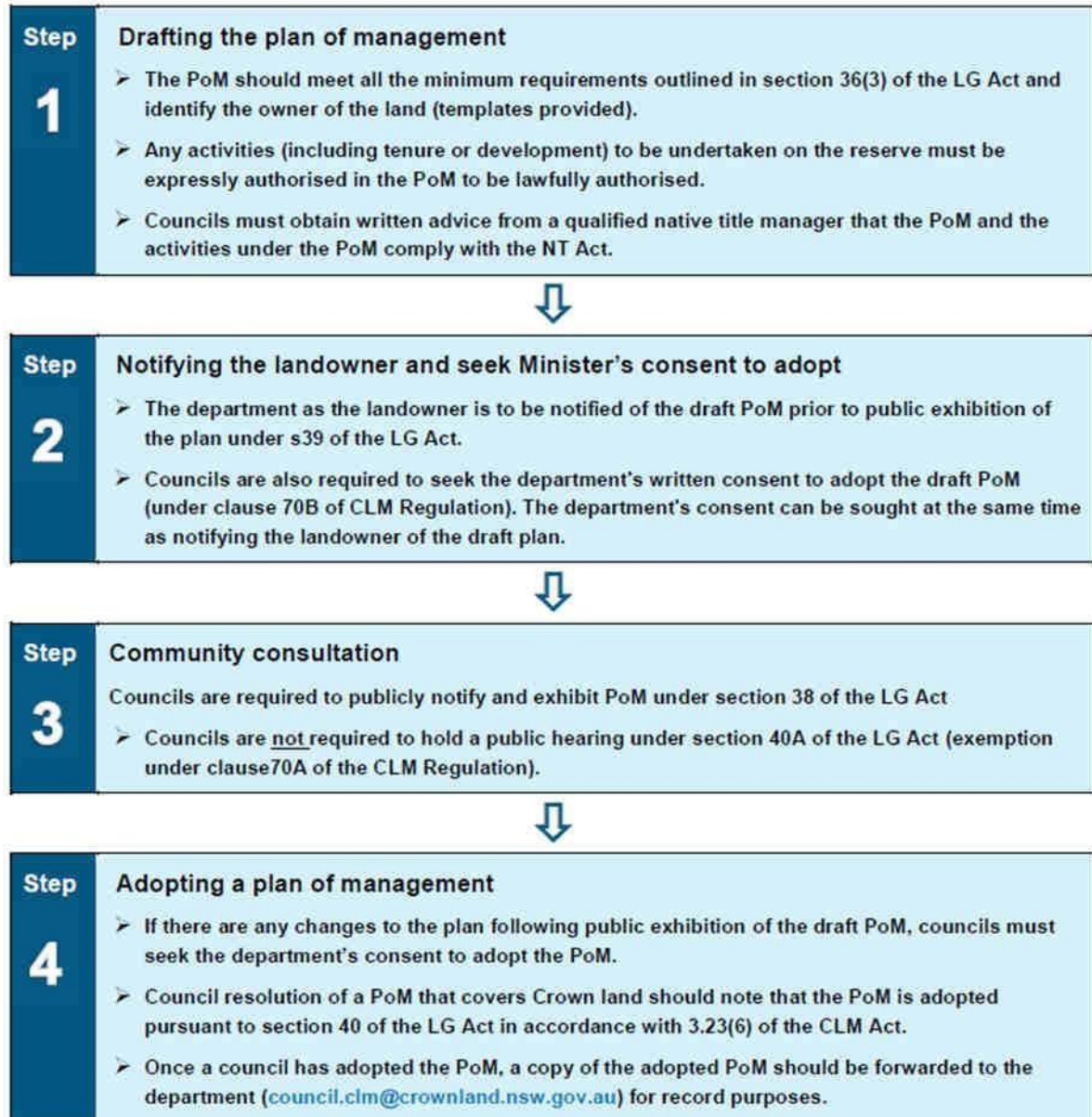
**iPLAN PROJECTS** has prepared this Plan of Management ('Plan' or 'PoM') on behalf of Warren Shire Council ('Council') along with the associated conceptual plans and diagrams for future uses and layout. This Plan has been prepared using information made available by Council and does not include specific site knowledge or constraints unless it has been provided by Council or is available through standard desktop studies as part of our brief.

### 3.4 Reclassification

All of the Subject Land identified in this Plan is believed to be (treated as) 'community land', not 'operational land' – so there is no need for reclassification of land to align with this Plan.

### 3.5 Process of Preparing a Plan of Management

The 2021 Guidelines set out the four (4) key steps when preparing and adopting the first PoM for Crown Reserves. This Plan has been prepared to satisfy Step One (1) below (Source: Template – August 2021):



### 3.6 Review of this Plan

This Plan will require regular review in order to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review this Plan **within five (5) years** of its adoption.

This Plan will be updated to reflect changing community and Council priorities and issues, to take into account changes in grants and funding, legislation or government directions, and to recognise completed actions. Review of this Plan will also take into account the outcomes of periodic reviews of Council's strategic and operational plans and ideally aligned to Integrated Planning and Reporting (IP&R) review cycles to ensure that the Reserve is being managed in accordance with this Plan, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space. This Plan may be updated from time to time to reflect significant changes to the condition of the community land or new acquisitions or dedications of land. The community will have an opportunity to participate in reviews of this Plan.

### **3.7 Engagement with NSW Government (Crown Lands)**

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the NSW Department of Planning and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Crown Lands.

This Plan takes into account advice on appropriate land categorisation from Crown Lands including the letter(s) dated 19/02/2021 and 3/08/2021.

### **3.8 Community Consultation**

This Plan was placed on public exhibition from 22/09/2021 to 28/10/2021, in accordance with the requirements of section 38 of the LG Act.

A total of 0 submissions were received.

## 4 BASIS OF MANAGEMENT

### A CATEGORISATION OF THE LAND

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five (5) categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area’s ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.  
It also enables land that is categorised as a **natural area** to be further categorised as bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations under the LG Act (or a combination of these).

Multiple categories may be assigned to Crown land where Crown land is subject to multiple reservation or dedication purposes. In the case of the Subject Land, it was previously reserved for 'Public Recreation' purposes at the date of gazettal.

Clause 113 of the *Local Government (General) Regulation 2021* requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories.

**Please see Appendix D – Map of Categorisation of Land for where the specific categories below apply.**

As stated above, the PROPOSED Categorisation for the Subject Land is as follows (Please see *Appendix D – Map of Categorisation of Land* for the defined boundary of each land category):

- a) **Part – Sportsground** – for the main sporting facilities & sportsgrounds;
- b) **Part – Park** – for Oxley Park & the riverfront land below the levee for Victoria Park; and
- c) **Part – Natural Area (Bushland)** – for the bushland in the bend of the Macquarie River.

We suggest both 'Park' and 'Sportsground' are compatible with the reserve purpose of 'Public Recreation' acknowledging that 'Park' areas are more passive with limited active recreational uses, whilst 'Sportsground' areas have more formalised recreation facilities.

Under Section 3.23(5) of the CLM Act, the Minister is able to alter the categorisation of reserves on the following basis:

- a) *The assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or*
- b) *The management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.*

The draft version of the Categorisation for the land in this Plan showed the part of the land in the bend of the Macquarie River to be categorised as 'Park' – consistent with the original purpose of 'public recreation'. Crown Lands Division letter of 3/08/2021 states that should be re-categorised to 'Natural Areas (Bushland)' on the basis that the original purpose of 'public recreation' may cause, or be likely to cause, material harm to this bushland area.

In this way we believe this Plan has sought approval for the categorisation of the reserve from the NSW Government so no additional ministerial consent may be required.

## B REQUIREMENTS APPLYING TO ALL RELEVANT CATEGORIES

### 4B.1 Permitted and Prohibited Activities

*Section 36(3A)(b) requires that a site-specific PoM must:*

- i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*
- ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise*
- iii) describe the scale and intensity of any such permitted use or development.*

*Any statements about these elements do not need to be long, but will be binding on council once included. So, any statement should be well thought out. A statement will apply to the activities of council on the land as well as any other person (e.g. under a lease).*

*A statement of permissible purposes and intensity of use will be closely related to any authorisation of leasing, etc. that council includes in a plan. An authorisation of leasing applies specifically to the use of community land by others apart from council. The statement under this heading and any authorisation should be consistent with each other.*

Prior to the commencement of any development or use – the necessity to obtain a consent must be considered. Should this Plan of Management not provide sufficient guidance – please do not hesitate to contact Council staff for assistance.

Activities expressly authorised by this Plan and activities outlined in the *Crown Lands Management Regulation 2018* may be permissible without consent. However, some of these activities may require an approval from Council under *Warren Shire Local Environmental Plan 2011* and *Warren Shire Development Control Plan*.

#### 4B.1.1 Facilities that MAY be Approved on Community Land

*'YES' means it is permitted in that Category with Council Approval. 'NO' means it is prohibited in that Category.*

Facilities That May Be Approved on Community Land	Sports-ground	Park	Natural Area
Amenity buildings (toilets, kiosks, change, referees, meeting, & store rooms, shelters, grandstands)	Yes	Yes	Yes
Bowling clubs & greens	Yes	No	No
BMX and mountain bike tracks or circuits	Yes	Yes	No
Car parking areas and access roads (associated with the use of the site)	Yes	Yes	Yes
Community facilities	Yes	Yes	No
Community gardens	Yes	Yes	No
Cycle paths	Yes	Yes	Yes
Drainage structures (e.g., water quality and stormwater management devices)	Yes	Yes	Yes
Events	Yes	Yes	No
Facilities as defined in the adopted Warren Shire Local Environmental Plan.	Yes	Yes	Yes
Fencing, bollards, gates	Yes	Yes	Yes
Emergency Services buildings	Yes	Yes	No
Grassed open area for informal ball games	Yes	Yes	Yes
Interpretation features	Yes	Yes	Yes
Pontoons, boat launching ramps,	Yes	Yes	No
Information/refreshment Kiosks, restaurants, outdoor dining	Yes	No	No
Landscaping, pergolas, raised garden beds, tool shed, green/glass house	Yes	Yes	No
Men's/Women's Shed	Yes	No	No
Multi-court facilities (half or full-sized courts)	Yes	No	No
Pathways, trails, boardwalks, bridges, steps & handrails, viewing platforms, lookouts	Yes	Yes	Yes
Seats, tables, garbage & recycling bins	Yes	Yes	Yes

Facilities That May Be Approved on Community Land	Sports-ground	Park	Natural Area
Picnic & barbecue facilities, shade structures, lighting, drinking fountains, playgrounds, exercise stations,	Yes	Yes	No
Public art, murals, memorials	Yes	Yes	Yes
Public Toilet	Yes	Yes	No
Road widening which may impact on the boundaries of the land	Yes	Yes	Yes
Signage	Yes	Yes	Yes
Skateboard/roller blade facilities	Yes	Yes	No
Recreation Facilities (outdoor or indoor) (e.g., cricket, soccer, rugby, softball, baseball, archery, tennis, netball)	Yes	No	No
Stormwater pipelines (if licenced)	Yes	Yes	Yes
Temporary sheds, or shipping containers, for community organisations undertaking works on site. Site to be restored upon removal	Yes	Yes	Yes
Temporary sheds and compounds for the storage of Council or public utility services equipment and plant relating to the construction of infrastructure or maintenance on or near the site to be restored on removal	Yes	Yes	Yes
Utility mains, plant and other ancillary activities, including easements	Yes	Yes	Yes
Water quality control ponds, silt traps and drainage structures	Yes	Yes	Yes

#### 4B.1.2 Activities Prohibited on Community Land

Prohibited Activities
Amateur Fireworks
Any activity that may be considered by an Authorised Officer of the Council to be dangerous to other users or that would compromise the core objectives for the land category
Any activity undertaken contrary to a notice on the land
Asset protection zone created for any proposed development on adjoining land
Fires unless specifically approved by Council unless contained in a fire bucket with appropriate mitigation measures in place
Sale of Motor Vehicles
Removing bush rock or endemic plant or animal species (unless with consent)
Trail, trike, quadbike or unregistered vehicle use on the land

#### 4B.1.3 Activities that DO NOT Require Council Approval on Community Land

Activities that Do Not require Approval
Activities arranged under the auspices of groups or Council to manage community facilities
BBQs within constructed BBQ facilities
Bushwalking, research
Casual games by small groups – provided the activity is not contrary to a sign
Children's play activities
Cycling on designated paths
Dog walking on leash unless otherwise prohibited by signage
Dogs exercising off leash in a designated off leash area
Fire hazard reduction by an authorised body or by Council
Emergency services – helicopter landing
Kite flying
Removal of vegetation at boundaries with adjoining land to satisfy APZ requirements

Activities that Do Not require Approval
Picnics by small groups
Public utility undertakings by Council
Registered Vehicles under the supervision of officials in association with a sporting event or special event

#### 4B.1.4 Activities that Require Council Approval on Community Land

'YES' means it is permitted in that Category with Council Approval. 'NO' means it is prohibited in that Category.

Activities that require Approval	Sports-ground	Park	Natural Area
Abseiling, rock climbing	Yes	No	No
Camping relating to a special event	Yes	No	No
Camping by an approved community group (guides, scouts etc.)	Yes	No	No
Ceremonies (weddings, naming's, funerals)	Yes	Yes	No
Commercial filming & photography	Yes	Yes	Yes
Concerts, movies and cultural events	Yes	Yes	No
Exhibitions & demonstrations	Yes	Yes	No
Festivals, carnivals, fetes, circuses	Yes	Yes	No
Fireworks - Professional (subject to RFS approval and Dangerous Goods Permits)	Yes	Yes	No
Gatherings – Large Scale	Yes	Yes	No
Golf and Practice Golf	Yes	No	No
Hang-gliding	Yes	Yes	No
Helicopter landings for commercial, promotional private or non – emergency official use	Yes	No	No
Landcare activities (bridges, boardwalks, viewing platforms, tracks, steps, seatings, plantings)	Yes	Yes	Yes
Markets and Car boot sales	Yes	Yes	No
Motorhomes & Caravans – overnight stays on constructed carparks	Yes	Yes	No
Private group activities on booked site (family reunion, parties)	Yes	Yes	Yes
Special Events (concerts, rodeos, markets, car boot sales)	Yes	Yes	No

#### 4B.2 Maintenance Overview

Part of Council's role is to prioritise the maintenance of different resources within resourcing and budgetary constraints, identify revenue options, and link the strategy to the council's resourcing strategy. All maintenance activities are expressly permitted for all Categories.

As of mid-2022, the Carter Oval Precinct has undergone significant recent upgrades with the new splash park, BBQ areas, and covered swimming pool and skate park areas – with many new facilities on the way. New areas are likely to reduce maintenance requirements (compared to older facilities).

Council will continue to maintain grounds and facilities as required/on an as-needs basis. Any area or facility that is leased exclusively to a group or organisation may be required to be maintained by the lessee.

#### 4B.3 Volunteer Management & Maintenance

Operating Committees or an incorporated body may be appointed to manage facilities in larger Reserves. These entities will be authorised to manage areas in accordance with Section 355 and Section 377 of the LG Act.

Volunteers of user groups that have a casual relationship with Council (as opposed to a relationship confirmed through formal committee structures outlined above) may assist in the care, control and management of Council facilities where expressly or implicitly authorised.

Council supervisors and authorised users of the land will be made aware of the terms of this Plan of Management.

#### **4B.4 Ownership of Improvements**

All improvement works carried out by Clubs, Associations or individuals will be for use by the General Community, in accordance with Lease, Licence or other Estate. Unless express permission is granted by Council within a Lease or Licence - the Club/Association does not retain any right or ownership over the improvements. The improvements will be for use by all users of the facility.

#### **4B.5 Special Events**

Council may receive applications for events such as weddings, commercial uses and fitness activities on all Categories (except Natural Areas) in this Plan. Council will consider applications for use and if approved, operating conditions will be placed on any approval issued. An application fee, in accordance with Warren Shire Councils *Fees & Charges Policy* will be applied. In addition, a bond may also be charged.

#### **4B.6 Designated Areas**

Council may in some circumstances consider designating specific uses for particular recreational activities.

#### **4B.7 Alcohol Free Areas**

Council may resolve that the consumption of alcohol is prohibited within certain areas, either completely, or between certain hours. Under Section 632 of the LG Act, Council is authorised to erect signs prohibiting certain activities including the restriction of alcohol.

#### **4B.8 Signage**

##### **4B.8.1 Permanent Signs**

Permissible signage includes signs that are erected by Council to regulate various activities outlined in Section 632 of the LG Act, signs advising the reserve name and/or facilities contained within it, directional signs and traffic signs. Any other signage may require prior Council approval.

##### **4B.8.2 Temporary Signs**

Temporary signs include items such as banners used by sporting clubs and community groups. This plan authorises the use of temporary signs directly relating to the recreational use of a reserve. The signs are to be in place for no more than one week prior to an event and the signs must be removed immediately following the event. The temporary signs are to be erected wholly within the reserve. Temporary signs must not restrict pedestrian access and must not restrict vehicle sight distance around corners or along streets. Some large temporary signs may still require Council approval. Reserve users are advised to check with Council staff who will assist with clarification in relation to the need for consent for signage.

#### **4B.9 Parking**

Generally, car-parking areas should not occupy valuable ecological or recreational space(s) and should be positioned to minimise the impact on the area they serve. Parking on any Council reserve, apart from in designated parking areas is not permitted. Emergency and maintenance vehicles are permitted.

#### **4B.10 All Ability Access**

By providing access for people with ambulatory challenges, Council also aims to provide access for people pushing strollers, prams and wheelchairs. The combination of these user groups comprises a significant percentage of the total users of Councils reserves. Accessible access in certain categorisations of land (e.g., Natural Areas) may not be possible unless it is consistent with the ecological objectives for the land and there is sufficient justification and funding for these works.

#### **4B.11 Companion Animals**

Dogs are not permitted to be walked off-leash unless they are within a Council designated off leash area. Enforcement of this regulation is important, as all community land must remain free of dog excrement and there must be safety for other users. Council is responsible for the enforcing the *Companion Animals Act 1998*. This Act in particular states that the owner of a dog that is on a prohibited place is guilty of an offence. Generally, a 'prohibited place' is:

- within 10 metres of a children’s playing apparatus,
- any area set aside for the playing of organised games.

#### 4B.12 Management Action Plan

This is addressed in the following table for all categories of land (where relevant):

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
<b>Regulatory Compliance</b>	Ensure Regulatory Compliance for all activities undertaken on the land.	Ensure site facilities comply with regulations Ensure activities and events are complying with approval conditions.	Section 68 Approvals. Development Approval Conditions. Event applications & enforcement (as required).
<b>Land Use Zoning</b>	Confirm that the land use zoning in <i>Local Environmental Plan</i> appropriately aligns with appropriate boundaries and appropriate uses as set out in this Plan of Management.	Review LEP zoning and submit Planning Proposal to amend LEP (if required)	Proposed uses in this Plan are permitted in the relevant land use zone.
<b>Issuing of Leases, Licences and Other Estates</b>	Provide transparent and equitable use of facilities.	Leases and Licences to be prepared for authorised purposes, in accordance with the Plan of Management.	Leases and licences executed for all user groups and temporary users of the reserve.
<b>Native Title Assessment &amp; Aboriginal Land Claims</b>	All activities and uses have considered Native Title and Aboriginal Land Claims.	Appropriate assessment by Council’s Native Title Manager	Legislation has been complied with and reflected in assessment of proposals.
<b>Efficient Delivery of Services</b>	Provide recreational, water, utilities, Building and facility services to and agreed standard	Level of service is agreed. Event Management procedure is followed by Event holders.	Level of service is provided. Timely booking of facilities will enable the efficient provision of the service.
<b>Recreational Access</b>	To encourage, promote and facilitate recreational pursuits in the community involving organised and informal recreation activities.	Maximise the range of sporting & recreational uses consistent with the primary function(s) of that land.	Council receives input from relevant Sporting Committee & groups/users on facilities need to meet objectives.
<b>Internal Roads &amp; Parking</b>	Allow safe vehicle access to parking areas and as required for maintenance. Parking areas should be formalised where possible and overflow parking identified for major events.	Main vehicle entrances should be sealed and internal roads sealed (where possible).	Appropriate vehicle access and parking (as required).
<b>Accessibility &amp; Equity</b>	Promote accessibility (where required) for all members of the community to use and benefit from the facilities.	Provide accessibility to new buildings & upgrade accessibility to existing buildings (as funding allows).	Council receives no complaints in relation to access to grounds. Disability Access incorporated into design and construction plans for new buildings. Accessible toilet facilities are provided.

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
<b>Pathways &amp; connections</b>	Roads & pathways should be upgraded to improve connectivity and access for a broad-range of society including links between major bicycle paths.	Upgrades as per <i>Connections Study 2016</i> and Council's infrastructure strategies/ funding. Solar lighting turns on when someone comes in sensor range for energy efficiency.	Consistency with <i>Connections Study 2016</i> and public feedback. See 'Community Safety' below.
<b>Signage &amp; Advertising</b>	Provide reasonable navigation & interpretative signage to assist users. Limit commercial signage to that associated with key events, sponsored facilities etc. and ensure it does not dominate enjoyment of the reserve.	All signage to be approved by Council. Navigation signage to be maintained/ upgrade as required.	Review signage applications & ensure consistent with objectives for land.
<b>Maintain Community Safety</b>	Provide a safe environment in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.	Undertake facilities audits. Provide lighting and CCTV along major paths. Provide safety signage (if required).	Audits undertaken every 5 years or as required. Maintenance undertaken as required.
<b>Event &amp; alcohol management</b>	Multi-functional use of the facilities for community and private events should be facilitated where not inconsistent with the primary purpose(s). Alcohol only to be sold at licenced venues. Maintain alcohol exclusion areas in Oxley Park.	Event applications to be lodged with Council. Applications to NSW Police for sale of alcohol. Police & Council enforcement of Alcohol exclusion areas.	Council, any relevant Committees, and NSW Police to regularly review any conflicts and/or identify if any particular alcohol related issues.
<b>General Maintenance &amp; Management</b>	Maintain existing and proposed facilities to a suitable standard for safety, useability & visually as an entrance to the town.	Ensure regular reviews & maintenance	Repair or replace damaged or unsafe equipment within a reasonable time (where funds) and ongoing grass maintenance.
<b>Weed Control &amp; Management</b>	To minimise invasive weed growth in the native vegetation areas and riverbanks.	Regular weed review & control.	No significant loss of native flora/fauna and weeds limited in spread.
<b>Animals/Pets</b>	The area can be used by animals on leash. Dog-off leash areas are not currently recommended due to conflict with ecological areas, sporting facilities and children.	Provision of dog off-leash areas has been identified elsewhere by Council.	Council enforcement (as required).
<b>Biodiversity &amp; Ecology</b>	Protect & enhance existing significant vegetation, biodiversity & ecology.	Minimise impacts on existing significant vegetation. Continue to identify sensitive biodiversity & species & provide appropriate protection.	Look to increase biodiversity in reserves.

<b>Management Issues</b>	<b>s.36(3)(b) Objectives and Performance Targets</b>	<b>s.36(3)(c) Means of achievement of objectives</b>	<b>s.36(3)(d) Manner of assessment of performance</b>
<b>River &amp; Vegetation Management</b>	Any development should seek to conserve and enhance environmental outcomes along the river by preserving significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity).	Council continues to consolidate most major sporting/recreational facilities away from the river in existing cleared areas. Trees/vegetation regularly managed to prevent accidents.	Consistency with this Plan. Inspection of dangerous trees by Council (as required).
<b>Flood Management</b>	Future development below the levee bank should be limited to structures that can withstand flood impacts with minimal damage and that don't exacerbate flooding downstream or to adjacent properties. Limited development of these areas is recommended to minimise economic impacts from flooding.	All significant assets should be inside and protected by the levy. Only minor infrastructure below the levy that is flood resistant/compatible.	No significant infrastructure likely to be impacted by flooding.
<b>Bushfire Management</b>	Minimise bushfire impacts on people, infrastructure, and the natural environment.	Reduce fuel load & providing adequate asset protection zones that minimise damage to the natural environment.	Seek RFS advice regularly to comply with bushfire requirements.
<b>Funding Opportunities</b>	Pursue funding opportunities for development.	Grant Applications opportunities reviewed. Requests made in the annual budget process.	Additional Funding obtained and applied. Number of Grants acquitted. Number of Projects completed.

## C LEASES, LICENCES & OTHER ESTATES

### 4C.1 Existing Leases, Licences or other Dealings

There is only one lease of this land to the Far Western Academy of Sport that should be maintained (unless this subsequently relocates to Carter Oval) – this sits over land categorised as ‘Sportsground’. There are no leases over land categorised as ‘Park’ or ‘Bushland’.

### 4C.2 Fees & Charges/Conditions of Hire

The Warren Sporting & Cultural Centre (see floor plan below) and associated sportsgrounds are available for hire for sporting and community events in accordance with the Conditions of Hire on the relevant application form and Council's standard Fees & Charges (updated each year).

Temporary events are required to notify and seek approval from Council using Council's standard forms.

### 4C.1 Express Authorisation

*If council is considering granting leases, licences and other estates on a reserve, it must expressly authorise these in the PoM. This is referred to as ‘express authorisation’ in the LG Act.*

*Further relevant information about express authorisation can be found in Practice Note No 1—Public Land Management, available on the Crown Land Manager website.*

*As a general rule, express authorisation of leases, licences or other estates should cover:*

- *the type of arrangement authorised—i.e., council may authorise leases and/or licences and/or other estates*
- *the land or facilities to be covered—i.e., council may allow leasing, etc. of all or some of the land and facilities*
- *the purpose for which leasing, etc. will be granted—Council may choose to allow leasing for community purposes, business purposes, or more limited purposes such as sports or childcare facilities.*

*Any authorisation should be consistent with a statement required in specific PoMs about the permissible future development of the land.*

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land.

A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan and the capacity of the community land itself and the local area to support the activity. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

### 4C.2 Consistency with Requirements

This Plan **expressly authorises** the issue of leases, licences and other estates over the land set out in this Plan, provided that:

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

### 4C.3 Tendering for Leases, Licences & Other Estates

*Section 46A requires a council to tender for leases, etc. of community land of more than five years, unless the lease, etc. is to be granted to a non-profit organisation. In addition, council may choose to nominate other leases, etc. that will only be entered into after a tender process (s.46A). This is optional for councils.*

This Section is left blank.

### 4C.4 Leases

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

Use a Lease:

- When the lessee needs exclusive use of the whole or part of the reserve or a building because of the type of business or activity they will be conducting
- If the lessee has invested or proposes to invest, substantial sums of money installing or improving facilities on the reserve, for example, a major sporting club.

A leaseholder has effective control of the leased area in the same way someone renting a house has sole rights to use the house. The requirements of the Community Engagement Strategy must be followed prior to issuing a lease (once again, unless nullified by the *Local Government Act 1993*).

Once the lease or licence is signed off, the lessees and licencees are to abide by the terms of the lease or licence and Council is to inspect the site to ensure compliance at regular intervals. Maintenance of various elements at the site is usually undertaken through a process of open communication and negotiation between the lessee/licencee and Council as land manager.

### 4C.5 Authorised Purposes for Leases

LEASE - a lease grants the user an exclusive use of a defined area for a specific period of time.

'YES' means it is permitted in that Category with Council Approval. 'NO' means it is prohibited in that Category.

LEASES – Permitted/Prohibited Uses	Sports-ground	Park	Natural Area
Aquatic sports facility and could include ramps, pontoons	Yes	No	No
BMX track, mountain bike facility, mountain bike track	Yes	No	Yes
Community facility (such as scouts, guides, radio, remote control craft, model builders, Lions, Rotary, St Johns Ambulance)	Yes	Yes	No
Memorial, Heritage Item	Yes	Yes	Yes
Community gardens	Yes	No	No
Information & refreshment kiosks	Yes	No	No
Licensed sports club facility (such as a bowling, golf) - may include a public restaurant.	Yes	No	No
Men's Shed/Women's Shed	Yes	No	No
Restaurant, cafe,	Yes	No	No
Skate Park	Yes	Yes	No
Recreation facility (such as tennis, netball, basketball, croquet, archery, shooting range, sports field, equestrian ground)	Yes	Yes	No
Swimming, leisure, athletics centre	Yes	No	No

### 4C.6 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 Reserve is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

Council may consider the granting of a licence to a commercial or community operator providing a recreation, cultural, educational, or tourism activity or program that compliments the objectives of this land category. As well as any requirements specific to the approval reflected in conditions, all licences will be appropriately conditioned to ensure that the land is not compromised, and that any damage to the land was minimal and fully reinstated. A licence fee and a bond may also be required as a condition of any licence. The fees will be as adopted by Council in its annual Fees & Charges. The LG Act provides a formula for calculating minimum rent for holdings granted under Act and introduces a framework for rent determinations and re-determination.

Use a Licence:

- When the proposed user does not need exclusive use of any part of the reserve.
- If it is for occasional or short-term use, for example, the use of a showground by a show society on specific days of the year.

Licences provide greater flexibility of use by different users who may operate at the same time. For example, a sporting club can use a playing field under licence, while food and other goods are sold on the site by a vendor under a separate licence. If issuing a licence for a term greater than 12 months, the requirements of the Community Engagement Strategy must be followed (unless nullified by the LG Act).

Council may grant a lease or licence or other estate over community land to community organisations, individuals, sports clubs, associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

#### 4C.7 Authorised Purposes for Licences

LICENCE - a licence entails a formal legal agreement but does not permit the exclusive, sole use or occupation of the land. Council may only grant a lease or a structure/building or a lease to build a structure for the purposes listed in Section 47B of the LG Act.

*'YES' means it is permitted in that Category with Council Approval. 'NO' means it is prohibited in that Category.*

LICENCES – Permitted/Prohibited Uses	Sports-ground	Park	Natural Area
Events	Yes	Yes	No
Stock agistment	Yes	No	No
Social Purposes	Yes	Yes	Yes
Educational Purposes	Yes	Yes	Yes
Recreational Purposes	Yes	Yes	Yes
Childcare & Preschool uses	Yes	No	No
Community Clubs	Yes	No	No
Community Garden Maintenance	Yes	No	No
Leisure Uses	Yes	Yes	Yes
Café or Kiosk	Yes	No	No
Equipment Hire (e.g., bicycles or similar)	Yes	No	No
Weddings	Yes	Yes	No
Commercial fitness / equipment operation	Yes	No	No

#### 4C.8 Short Term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use. Short-term licences are authorised on land categorised as either Sportsground or Park for the purpose of:

- The playing of a musical instrument, or singing, for fee or reward
- Engaging in a trade or business
- The playing of a lawful game or sport
- The delivery of a public address

- e) Commercial photographic sessions
- f) Picnics and private celebrations such as weddings and family gatherings
- g) Filming sessions
- h) The agistment of stock.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

#### **4C.9 Leases Licences and Other Estates for Public Utilities**

This Plan authorises Council to grant "an estate" over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.

To avoid any doubt, leases, licences and other estates granted for the provision of public utilities and ancillary works do not need to be expressly authorised by a Plan of Management, or consistent with the core objectives, or be for a purpose listed above. Council is authorised to grant such estates (e.g., easements as well as providing pipes, conduits and other underground connections) without complying with the provisions applying to other purposes (refer to section 46(1)(a) and (b) of the LG Act).

#### **4C.10 Easements**

This Plan expressly authorises the granting of easements over land at the Reserve to provide pipes, conduits or other connections under the ground surface. This is limited to easements which connect premises adjoining community land to an existing water, sewer, drainage or electricity facility of Council or another public utility provider that is situated on the land. Such easements must minimise impacts on the condition and use of the Reserve.

Granting of easements above or on the surface of community land is not within the authority of this Plan of Management and are subject to separate approval. These easements include, but are not limited to, piping to a natural watercourse, piping from a facility on community land to a facility on private land, and private vehicular or pedestrian access. The provisions of the LG Act and the CLM Act must be complied with. In addition, the land must not be subject of a claim under the *Aboriginal Land Rights Act 1983* and a Native Title assessment carried out by Council's Native Title Manager.

#### **4C.11 Existing Leases and Licences**

All existing leases and licences remain valid upon the adoption of this Plan. Following adoption of this Plan and endorsement by Crown Lands, any leases which do not comply with the new terms of the CLM Act will require updating (such as references to older legislation and any references to reserve trust entities receiving payments for leasing/licencing of the land).

#### **4C.12 Additional Limitations for Natural Areas**

Council may consider the granting of leases or licences over Community Land categorised as a Natural Area in accordance with S.46, 46A, 47, 47A & 47B of the LG Act. In a Natural Area, Council may only grant a lease of a structure/building or a lease to build a structure for the purposes listed in S.47B of the LG Act. The following buildings and structures are prescribed for the purposes of this subsection:

- a) walkways,
- b) pathways,
- c) bridges,
- d) causeways,
- e) observation platforms,
- f) signs,
- g) information kiosks,
- h) refreshment kiosks (but not restaurants),
- i) work sheds or storage sheds required in connection with the maintenance of the land,
- j) toilets or rest rooms.

A lease, licence or other estate may be granted, in respect of community land categorised as a natural area, to authorise the erection or use of any building or structure necessary to enable a filming project to be carried out, subject to the conditions outlined in the Act and Regulations:

- (a) that any building or structure so erected must be temporary in nature, and
- (b) that as soon as practicable after the termination of the lease, licence or other estate--
  - (i) any building or structure erected must be removed, and
  - (ii) any damage to the land caused by the erection or use of a building or structure must be made good, and
  - (iii) the land must be restored as nearly as possible to the condition that it was in at the time the lease, licence or other estate was granted,at the expense of the person to whom the lease, licence or other estate was granted.

#### **4C.13 Native Title & Aboriginal Land Rights - Leases, Licences & Other Estates**

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Section 6 for more information).

The issue of a lease or licence may affect native title and as such may be a "future act". Assuming the issuing of the lease or licence is consistent with the reserve purpose, then the good faith requirement under Section 24JA(1)(e)(i) of the NT Act is satisfied. If the issue of the lease or licence is in the area covered by the reservation, so long as the act's impact on native title is no greater than the impact that any act that could have been done under or in accordance with the reservation would have had, then the good faith requirement under Section 24JA(1)(e)(ii) is met.

If Subdivision J applies to the act, then the act will be valid and the non-extinguishment principle will apply unless the act is the construction or establishment of a public work, in which case native title will be extinguished.

#### **4C.14 Flexibility**

It is not always possible to forecast every activity, development or structure that may occur at some time in the future. New activities, developments and structures may be proposed in response to an application for use of the site, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan. The Plan should be read flexibly when a proposed use/activity outside of this Plan is consistent with the objectives of this Plan but not necessarily expressly authorised.

## D CATEGORY – 'SPORTSGROUND'

### 4D.1 Location & Categorisation

**Sportsground Categorisation:** The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

As shown on *Appendix D – Map of Categorisation of Land* – the area categorised as 'Sportsground' includes:

- a) Victoria Park Reserve - All Lot 176 DP820779 (including part of the stadium/cultural building);
- b) Victoria Park Reserve - Part Lot 179 DP820779 (excluding the riverfront area below the levee bank categorised as 'Park' and the bushland area in the 'Natural Area (bushland)' discussed the section below); and
- c) Oxley Park Reserve - Part Lot 3 DP261996 (northern section containing part of the secondary oval).

### 4D.2 Background & Issues

*Use this section to address issues such as threats to reserves categorised as Sportsgrounds or other factors impacting affected sportsground reserves. This may include factors such as:*

- *type and distribution of sportsgrounds and facilities*
- *development of sportsgrounds*
- *equity of access*
- *impact on local residents*
- *use of land categorised as Sportsground for community facilities.*

The Town of Warren has a good supply of and range of different public sportsgrounds to meet the recreational needs of the community and its visitors, including but not limited to: Victoria Oval; Carter Oval; and the Racecourse/ Showground. Please see the *Warren Village Plan (2018)* for more details.

Warren provides the primary sporting facilities for the Shire – acknowledging that there are lower-level facilities also at Nevertire and Collie that are critical to local and shire-wide sporting participation. Warren also seeks to service and attract sports for the entire western region of NSW (particularly at Victoria Oval and the Racecourse).

Broad challenges include, but are not limited to:

- a) Aligning sporting facilities with community expectations and council budgets;
- b) Ensuring efficient and appropriate usage of sporting facilities to maximise public benefits;
- c) Adapting to changing sporting needs over time including demands for new facilities (e.g., skate parks);
- d) Upgrading accessibility and useability for a wide section of the community;
- e) Addressing the broader health and well-being of the community.

#### 4D.2.1 Victoria Park

Victoria Park is the primary sporting facility for Warren and the Warren Shire – particularly for football. In summary, Victoria Park has the following facilities (the type and distribution of facilities is set out below):

- a) A primary oval (Victoria Oval) as well as a secondary oval (currently used for Mod League);
- b) A third smaller oval below the levee bank (recently used for junior cricket);
- c) Sporting & Cultural Centre including stadium seating, gymnasium, function centre, kiosk and amenities (home of Far West Academy of Sport);
- d) Six (6) tennis courts and tennis club building;
- e) Gym storage shed;
- f) Two (2) sealed netball courts, three (3) grass netball courts, and a sealed half court/basketball court;
- g) Cricket nets;
- h) Athletics facilities including discus, shot put and long jump;

- i) Outdoor health & gym equipment;
- j) Former BMX track;
- k) Walking paths.

The Victoria Park area is relatively well-located for access to most of the community – located north of the town centre and with good shared path access through Oxley Park (Matthew Collins Memorial Walk) from the bridge. However, it is recognised that more direct connections across the Macquarie River would be advantageous.

It is also relatively buffered from nearby residential areas to avoid impacts, though it is adjacent to the Multi-Purpose Health Service & Aged Care Facility (these are generally compatible).

There have been recent upgrades to drainage, fencing and oval levels and irrigation.

Key issues include, but are not limited to:

- a) Connectivity and signage both to/from and around the facility (including improved shared paths and accessible facilities) (See the WHSCP *Connections Study 2016*);
- b) Potential conflicts in different sporting uses for the limited field areas and better co-ordination with other sporting grounds (e.g., Carter Oval);
- c) Maintenance, irrigation and avoiding over-use of playing fields to maintain playing field surfaces;
- d) Managing flood impacts below the levee bank and appropriate sporting facilities in this area;
- e) Security, lighting, safety, and avoiding damage to facilities;
- f) Upgrading and maintaining sporting facilities and buildings in accordance with community expectations, needs and budgets;
- g) Potential for improved shade tree and amenity plantings.

The current aim is to relocate and consolidate most of the cricket facilities, athletics, and soccer grounds across to Carter Oval to minimise conflicts in sporting uses and upgrade facilities and to improve Victoria Oval for Football/Rugby and associated sporting events.

#### 4D.2.2 Oxley Park

The area of 'Sportsground' in Oxley Park Reserve is only the northern part of Lot 3 DP261996 that includes part of the secondary oval (Mod League). Key issues are the same as for Victoria Park above (where relevant).

#### 4D.3 Objectives & Purpose

*Use this section to provide:*

- *an overview of the core objectives and purpose of the Sportsground category (as outlined in the LG Act and Regulation)*
- *an overview of any statutory guidelines may apply to reserves categorised as Sportsground (e.g., state environmental planning policies)*
- *an overview of the status of reserves in the Sportsground category in the LGA*
- *an overview of any values the council wishes to articulate associated with sportsground reserves*

These category objectives are in addition to the objectives noted in Section 3(A)(2) above.

In accordance with Section 36F of the LG Act, 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.*

Additional objectives are:

- a) To be part of the premier sporting facilities for Warren Shire and attract local, regional and higher-level events;

- b) To cater for a range of special events and permit short-term leasing of the Sports & Cultural Centre for community and private events;
- c) To co-ordinate and rationalise uses across the Shire's sporting facilities to reduce sporting use conflicts, consolidate compatible use(s), and avoid duplication or resources where they are not required;
- d) To provide both passive and active recreational opportunities that support the health and well-being of the community;
- e) To integrate with adjacent 'Park' and river-front areas to provide improved connectivity and useability of sporting and recreational facilities;
- f) To integrate with adjacent 'Park' and river-front areas to protect and enhance the environmental values of land including significant native vegetation, ecology, and water quality, particularly along the Macquarie River;
- g) To enable access (and other supporting infrastructure that enables access) to the waterfront of Macquarie River (where it minimises impacts on environmental qualities and systems);
- h) To promote accessibility to facilities and sports through appropriate shared path connections, accessibility of buildings and amenities, social equity, and lighting and safety mechanisms;
- i) To enable other supporting infrastructure that is demonstrated to minimise impact on environmental, visual, and operational values;
- j) To reduce the risk of bushfire and flooding and its impacts on sports facilities and adjacent urban areas;
- k) To maximise safety of users and protection of facilities through appropriate design & maintenance;
- l) To minimise impacts on adjacent areas and land use(s);
- m) To be designed and operated to minimise maintenance and management (where possible).

#### 4D.4 Existing Use/Condition of Structures

This section sets out the specific use(s) of the land and structure(s) as at the date of adoption of the plan (Section 36(3A)(a) of the LG Act - only a brief note of the current usage is required). Please see *Appendix B – Map/Photos of Existing Facilities / Land Use(s)*.

Structure/Facility/Area	Location	Existing Use	Condition
Victoria Oval (Primary Oval)	Lot 179 DP820779 central	Sportsground – cricket, football etc. including goal posts, cricket pitch, score board, fencing, lighting & irrigation	Irrigated grass pitch in good condition. Lighting needs upgrade. Fencing surrounding main oval in poor condition.
Sporting & Cultural Centre (Oval Grandstand)	Lot 179 & Part Lot 179 DP820779 west of oval	Kitchen/ canteen, gym, function room & toilets/dressing rooms (see Floor Plan Figure below)	Very good.
Secondary Oval (Mod League) with irrigation	Lot 179 DP820779north	Sportsground – football etc.	Irrigated grass pitch in good condition
Tennis Courts	Lot 179 DP820779 east	Six (6) tennis courts with fencing and lighting.	Very good.
Tennis Club Building	Lot 179 DP820779 east	Storage & toilets	Very good.
Gym Shed	Lot 179 DP820779 (north of tennis)	Storage	Sufficient for purpose.
Long Jump Pit	Lot 179 DP820779 (west of tennis)	Athletics	Informal/poorly located. To be relocated to Carter Oval & re-use considered.
Cricket Nets	Lot 179 DP820779 (west of tennis)	Cricket	Sufficient for practice. Good condition.

Structure/Facility/Area	Location	Existing Use	Condition
Grass Netball Courts	Lot 176 & 179 DP820779 (west of Mod League oval)	Netball	Good condition (new in 2019).
Concrete Netball Courts + ½ Basketball Court	Lot 176 & 179 DP820779 (west of Mod League oval)	Netball	Very good (New in September 2019).
Discus/Hammer Throw Circle & Fence	Lot 179 DP820779(west of Mod League oval)	Athletics	To be relocated to Carter Oval & re-use considered.
Former BMX Track	Lot 179 DP820779 (near river)	No longer used	No longer used. New uses to be considered. Make safe.
Junior Cricket Oval	Lot 179 DP820779 (near river)	Overflow oval	Junior cricket to be relocated to Carter Oval. Use for overflow.
Entrance from Udora Rd	Eastern end of Lot 179 DP820779 & part Lot 3 DP26196	Entrance feature to driveway	Moderate condition. Needs some patching.
Driveway around Oval	Lot 179 DP820779	Vehicle driveway	Northern side of field seal in average condition; Southern side of field seal in below average condition.
Driveway to Tennis Club	Eastern end of Lot 179 DP820779 & part Lot 3 DP26196	Vehicle driveway	Seal in average condition. Needs formalisation of edge & parking.
Pedestrian Walkways/ Footpaths & Lighting	Throughout	Footpath, solar lighting & CCTV cameras	Very good (New key sections in September 2019). Upgrades as per <i>Connections Study 2016</i> .
Outdoor Seating	Throughout	Furniture	Two x steel bench seats along walkways in good condition Seating / fencing surrounding the main oval and mod oval (telegraph poles) in poor condition
Outdoor Fitness Equipment		General fitness	Very Good
Rubbish Bins	Throughout	Furniture	Good.

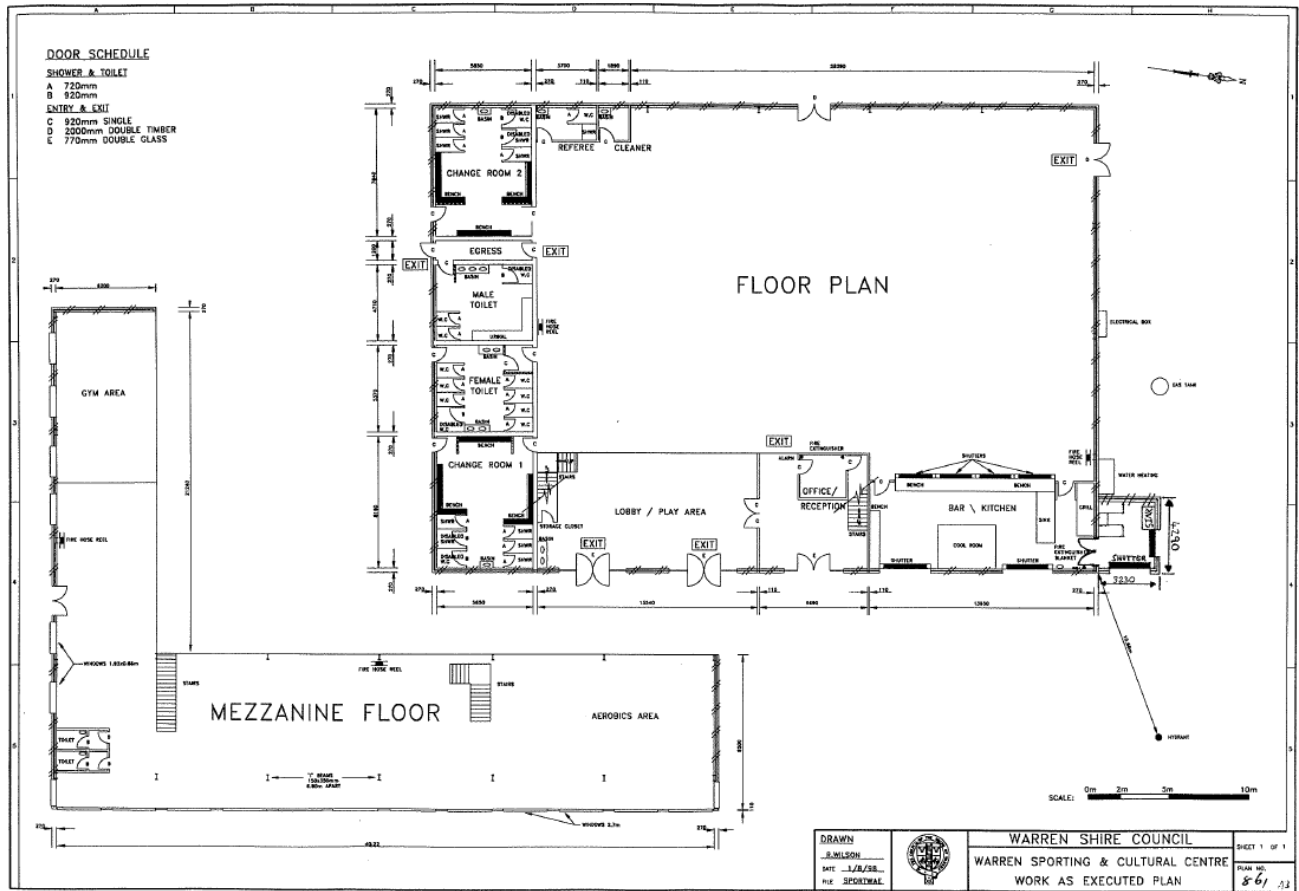


Figure 7: Warren Sporting & Cultural Centre Floor Plan (1998).

#### 4D.5 Objectives for Permitted and Prohibited Activities

Use this section to outline the permitted development and uses of affected areas categorised as Sportsground. This may include factors such as: infrastructure and facilities; permitted and prohibited activities; special events; sale of alcohol; alcohol-free areas; signage; animals (e.g., dogs); parking; buildings; multiple uses; temporary storage.

The following guidelines will affect the future use and any proposed development of the Sportsground Area – consistent with the tables of permissible/prohibited uses in Section B of this Plan:

- a) **Use(s):** The Area should be able to support the widest range of sporting, active/passive recreation, and ancillary activities aligned to existing/proposed facilities whilst recognising that other recreation area in and around Warren may seek to cater for specific sports. The focus for the Victoria Oval area is for league, tennis, and broader sporting uses consistent with, but not limited to *Appendix C - Proposed Facilities / Land Uses*.
- b) **Signage:** Signage should promote way-finding and sporting uses and not have any substantial commercial signage (except for appropriate recognition of sponsorship of facilities etc.).
- c) **Roads & Parking:** Internal roads should be upgraded (as required) to improve connectivity, navigation and safety and reduce interference with sporting or recreational facilities. Parking areas should be formalised where possible and overflow parking identified for major events.
- d) **Pedestrian Connections:** Pathways should continue to be upgraded in accordance with the *Connections Study* (key links have already been achieved) to improve connectivity/access for a broad-range of society including links between major bicycle paths.
- e) **Lighting/Security:** Pathway and street lighting should continue to be maintained/upgraded for safety and security and light-spill to adjacent properties and the river is minimised (solar lighting & CCTV has already been installed). Security of users should be regularly reviewed.
- f) **Vegetation:** Any development should seek to conserve and enhance environmental outcomes along the Macquarie River by preserving significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity) and also minimising bushfire risks to infrastructure and facilities.

- g) **Flooding:** Future development below the levee bank should be limited to structures that can withstand flood impacts with minimal damage and that don't exacerbate flooding downstream or to adjacent properties. Limited development of these areas is recommended to minimise economic impacts from flooding.
- h) **Alcohol:** Alcohol can be sold through the kitchen/canteen by appropriately licenced bodies. Alcohol free areas are located in Oxley Park. Care should be taken with glass bottles and alcohol around sporting and children's play areas.
- i) **Animals:** The area can be used by animals on leash. Dog-off leash areas are not currently recommended due to conflict with sporting facilities and children (O.F. Ebert Park is a preferred nearby location at this time).
- j) **Temporary Events:** Any leasing or licensing of this area for temporary events should be for a limited period that is not inconsistent with the objectives for the land and does not prevent the general public (or specific sporting/recreational) use(s) of the area for the majority of time.

#### 4D.6 Management Action Plan

In addition to *Section 4B.12 - Management Action Plan*, the following are added for this Category:

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
Management of dealings	Any leasing or licensing of this area for temporary events should be for a limited period that does not impact significantly on sporting or general use of the area by the greater public for the majority of the time.	Events subject to Council approval and consistency with this Plan.	Review of dealings/ events (as required).
Sporting facility management & upgrades	The Area should be able to support the widest range of sports and ancillary activities as possible whilst recognising that other recreation areas in and around Warren may seek to cater for specific sports.	As funding allows, sporting facilities are upgraded to meet current requirements consistent with this Plan.	Review compatibilities of facilities with demand every 4-5 years or as required by significant community feedback.

## E CATEGORY – 'PARK'

### 4E.1 Location & Categorisation

**Park Categorisation:** The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

As shown on *Appendix D – Map of Categorisation of Land* – the area categorised as 'Park' includes:

- a) **Oxley Park** –
  - i. All of Lots 7015, 7016, & 7017 DP1021004 & Lot 4 DP261996 (land fronting Coonamble Road/Oxley Highway, the Macquarie River & Udora Road – outside Victoria Park but including the gates to Victoria Park); and
  - ii. Part of Lot 3 DP261996 (including the Rest Area and parkland along the Macquarie River, but excluding the northern section that is within Victoria Park and includes part of the secondary oval),
- b) **Victoria Park** – Part of Lot 179 adjacent to the Macquarie River south of the levee bank (i.e., below the Flood Planning Level).

### 4E.2 Background & Issues

*Use this section to address issues such as threats to reserves categorised as Parks, and other factors impacting affected park reserves. This may include factors such as:*

- *park distribution*
- *park development*
- *equity of access*
- *linkages to other land (e.g., natural areas, sportsgrounds and other community land)*
- *type and distribution of facilities*
- *impact on local residents.*

The Town of Warren has a reasonable supply of and range of different parks to meet the recreational needs of the community and its visitors. Please see the *Warren Village Plan (2018)* for more details.

#### 4E.2.1 Oxley Park

The area of 'Park' in Oxley Park Reserve is the majority of this reserve (except that categorised as 'sportsground' above). Oxley Park is part of a system of parks/Crown lands along both sides of the Macquarie River that act as:

- An environmental buffer / ecological corridor;
- An important pedestrian and bicycle linkage system and a key link from the town centre to Victoria Park and the northern suburbs of Warren;
- A key recreational space for the community;
- An important 'gateway' park to the town that is part of the 'river' character of the town;
- Provision of visitor information/facilities including an RV dump point, toilets and BBQ area(s);
- Support for adjacent water infrastructure (water pump and reservoir/tank) with water lines through the reserve.

It is mostly above the levee bank and therefore has a reasonable level of flood protection. It is also outside the bushfire prone land mapping (though bushfire risk is likely to still occur along the river bank tree plantings).

Generally, most 'Park' areas only support passive and informal active uses as there are no formal playing fields but there are reasonably large grassed areas (though these tend to be narrow and restricted-in-use close to the highway). Oxley Park has good access with mostly level pathways designed for bicycles and walking.

Key issues for Oxley Park include, but are not limited to:

- a) Enhancing the quality of this key northern (highway) 'gateway' to Warren;
- b) Meeting visitor and community recreational needs and promoting useability and amenity;
- c) Protecting the town against flooding;
- d) Creating an ecological corridor along the Macquarie River;

- e) Providing suitable access/views to the Macquarie River;
- f) Maintaining and enhancing pedestrian and cycle linkages around Warren;
- g) Protecting and enhancing the operations of the adjacent Oxley Highway;
- h) Protecting and maintaining adjacent water supply infrastructure to meet Warren's needs;
- i) Protecting and maintaining other infrastructure and utilities located in or through the park (as required).

The type and distribution of facilities is set out below.

#### 4E.2.2 Victoria Park (Riverfront)

The area of 'Park' in Victoria Park Reserve consists of the areas along the Macquarie River south of the levee bank (i.e., below the Flood Planning Level). It contains some sports overflow areas but no formal sports facilities.

All land is below the levee bank/flood protection so it is not desirable to have significant facilities or infrastructure. Whilst it is not mapped as bushfire prone land, there is bushfire prone land nearby and the thicker vegetation is likely to have some risk (even if buffered by the Macquarie River). Bushfire impacts can be managed with suitable buffers on adjacent lands.

Key issues for this land include, but are not limited to:

- a) Enhancing the ecological corridor and protection of the Macquarie River ecological functions;
- b) Providing limited recreational areas below the Flood Planning Level;
- c) Managing and reducing bushfire risk to the sportsground facilities;
- d) Providing passive recreational facilities and walking tracks to access the Macquarie River.

The type and distribution of facilities is set out below.

#### 4E.3 Objectives & Purpose

*Use this section to provide:*

- *an overview of the core objectives and purpose of areas categorised as Park (as outlined in the LG Act and Regulation)*
- *an overview of any statutory guidelines may apply to reserves categorised as Park (e.g., state environmental planning policies)*
- *an overview of the status of reserves in the Park category in the LGA*
- *an overview of any values the council wishes to articulate associated with park reserves*

These category objectives are in addition to the objectives noted in Section 3(A)(2) of this Plan above.

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;*
- 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.*

Additional local objectives are:

- d) To provide a landscaped gateway to Warren with neat visual appearance and character;
- e) To provide visitor and traveller rest-area facilities;
- f) To support adjacent water supply infrastructure to meet Warren's needs;
- g) To integrate with adjacent 'Sportsground' and 'Natural Area (Bushland)' areas to protect and enhance the environmental values of land including significant native vegetation, ecology, and water quality, particularly along the Macquarie River;
- h) To enable access (and other supporting infrastructure that enables access) to the waterfront of Macquarie River (where it minimises impacts on environmental qualities and systems);
- i) To reduce the risk of bushfire and flooding and its impacts on sports facilities and adjacent urban areas;
- j) To be designed and operated to minimise maintenance and management (where possible).

#### 4E.4 Existing Use/Condition of Structures

This section sets out the specific use(s) of the land and structure(s) as at the date of adoption of the plan (Section 36(3A)(a) of the LG Act - only a brief note of the current usage is required). Please see *Appendix B – Map of Existing Facilities / Land Use(s)*.

Structure/Facility/Area	Location	Existing Use	Condition
Pedestrian & Bicycle Shared Paths/ Walkways	Along River from Bridge to Victoria Park (multiple lots)	Pathways	Good condition.
Parkland/Recreation Areas	All Oxley Park (all lots) Part Victoria Park Lot 179	Passive recreation. Grass areas	Good condition. Grass cover generally good. Well mown & maintained.
Rest Area internal driveway	Connecting Coonamble Rd to Udora Rd (Lot 3 DP261996 + road reserve)	Internal driveway to access RV waste dump & river wharf	Reasonable to good condition (Reviewed June 2019).
RV waste dump point	Adjacent to Water Tank (Lot 7015 DP1021004)	Sewage waste dump	Good condition.
Rest Area toilets/amenities block	Adjacent to Coonamble Rd (Lot 3 DP261996 + road reserve)	Toilets	Good condition.
Covered BBQ Area	Adjacent to Water Tank (Lot 7015 DP1021004 & Lot 1 DP1012134)	BBQ, shade structure & seating	Good condition.
Seating	Throughout Park (Lot 3 DP261996 & road reserve)	Standard outdoor seating	Good condition.
Entrance from Udora Rd & Gates to Victoria Park	Lot 7015 DP1021004 & Lot 3 DP261996	Two-way driveway; Brick Entrance & Gates	Sealed. Reasonable condition.
Part of 2 <sup>nd</sup> oval	Lot 3 DP261996	Connections to sporting oval	Good.
River Vegetation & Trees	Throughout	Vegetation	Good condition.

#### 4E.5 Objectives for Permitted and Prohibited Activities

*Use this section to outline the permitted development and uses of affected areas categorised as Park. This may include factors such as: infrastructure and facilities; permitted and prohibited activities (including planting and community gardens); specific-use areas; special events or uses; sale of alcohol; alcohol-free areas; signage; animals (e.g., dogs); Parking; buildings; multiple uses; temporary storage.*

The following guidelines will affect the future use and any proposed development of the Park Areas – consistent with the tables of permissible/prohibited uses in Section B of this Plan:

- Objective(s):** The park will be used in future for general community recreation (active/passive) and ancillary activities, with public access to all outdoor areas. It may also provide support facilities (such as paths, storage sheds, seating & BBQ areas for the Park or for the adjacent 'Sportsground' Category area(s)). These facilities can be used for 'public recreation' purposes consistent with the reserve purpose and consistent with the categorisation as a 'Park'.
- Existing Use(s):** Council will continue to provide and maintain/enhance the visitor rest area facilities, walking and cycling path connections, signage, active and passive recreation spaces, and environmental qualities of this important gateway area to Warren at an appropriate level for its usage.
- Signage:** Signage should promote way-finding, interpretation, and visitor and local amenity and not have any substantial commercial signage (except where sponsorship of facilities etc.).
- Roads & Parking:** Internal roads should be upgraded (as required) to improve connectivity, navigation and safety and reduce interference with sporting or recreational facilities. Parking areas should be formalised where possible and overflow parking identified for major events.

- e) **Pedestrian Connections:** Pathways should continue to be upgraded in accordance with the *Connections Study* (key links have already been achieved) to improve connectivity/access for a broad-range of society including links between major attractions and bicycle paths.
- f) **Lighting/Security:** Pathway and street lighting should continue to be maintained/upgraded for safety and security and light-spill to adjacent properties and the river is minimised (solar lighting & CCTV has already been installed).
- g) **Landscape:** All forms of landscaping and vegetation planting are permitted after consideration of suitable species and maintenance. Community gardens or formalised planting areas may be permitted where they do not conflict with existing or proposed future sporting activities and with consent from Council.
- h) **Vegetation:** Any development should seek to conserve and enhance environmental outcomes along the Macquarie River by preserving and enhancing significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity).
- i) **Alcohol:** Alcohol free areas should be maintained in Oxley Park.
- j) **Animals:** The area can be used by animals on leash. Dog-off leash areas are not currently incorporated into the Area – but could be if required (O.F. Ebert Park is a preferred location at this time).
- k) **Temporary Events:** Any leasing or licensing of this area for temporary events should be for a limited period that does not prevent the general use of the area by the greater public.
- l) **Infrastructure:** Infrastructure that supports these activities should be encouraged consistent with the hierarchy of parks and demand in this location. It should avoid, minimise or mitigate impacts on the river and its vegetated banks. Vehicle and pedestrian access to adjacent water infrastructure. Water and other utility supply infrastructure is permitted.
- m) **Memorials/Plantings/Gardens:** It may include memorials, plantings and community gardens (where approved or constructed by Council) where it is demonstrated they are compatible with (do not conflict with) and integrate with other uses of the park and protect and enhance the natural environment along the Macquarie River.
- n) **Regular Events:** It is not the primary event area or community meeting area (e.g., for commemoration) but could support this role if required and if it is more suitable than other open spaces. However, permanent structures should be minimised in any Flood Planning Area and consistent with the hierarchy of parks.
- o) **Parking:** It can continue to incorporate parking associated with the rest area but in general this should be minimised and focus on RV access to the dump point – and utilise the pull-over bay on the Oxley Highway as a first preference.
- p) **Scale & Intensity:** Future development for any structures should be low-scale (~1-storey), minimise visual impact, and minimise impacts on access and sight-lines to the river. Structures below the Flood Planning Level/levee are discouraged and must be flood resistant/compatible. Generally, commercial uses are prohibited in these areas (unless ancillary to another permitted purpose) and they are for public purposes. No long-term leasing is permitted, though easements may be required for infrastructure.

#### 4E.6 Management Action Plan

This is addressed in *Section 4B.12 - Management Action Plan*.

## F CATEGORY – 'NATURAL AREA (BUSHLAND)'

### 4F.1 Location & Categorisation

**Natural Area Categorisation:** The land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.

**Bushland Categorisation:**

The land contains primarily native vegetation and that vegetation:

- a) is the natural vegetation or a remainder of the natural vegetation of the land, or
- b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.

Such land includes:

- a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or
- b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or
- c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.

As shown on *Appendix D – Map of Categorisation of Land* – the area categorised as 'Natural Area (Bushland)' is generally located in the bend of the Macquarie River as the western end of the Subject Land where there are significant areas of natural vegetation that is moderately to mostly undisturbed. Without close inspection it seems there is a good mix of tree ages, some natural regeneration, and some native understorey. This Area is adjacent to but does not include the banks of or actual watercourse of the Macquarie River.

### 4F.2 Background & Issues

Bushland supports a variety of habitats, assists in maintaining biodiversity, water, and air quality, provides aesthetic relief from urban areas, and forms some recreation opportunities within the community. In doing so, it is an important component of community wellbeing, as well as adding value to other land in the area.

Key generic issues for all natural areas – bushland include, but are not limited to:

- 1) Lack of knowledge of the environmental and biodiversity significance of natural areas that could be used to better protect and enhance areas and threatened species/ecological communities.
- 2) Loss of habitat including:
  - a) Urban development and edge effects
  - b) Invasion by exotic vegetation, feral animals and domestic pets
- 3) Wildlife corridors including:
  - a) Habitat management
  - b) Visual quality
  - c) Linking of open space
- 4) Water quality including nutrient loading and sedimentation associated with run-off
- 5) User management including:
  - a) Human impacts, misuse, and vandalism
  - b) Community involvement in regeneration and revegetation
- 6) Planning issues including necessity and application of relevant LEP zones

- 7) Risk management including impacts of Asset Protection Zones (APZs) and safety of visitors
- 8) Financial Issues including cost of maintenance and visitor facilities

Specific issues for this land include, but are not limited to:

- a) Enhancing the ecological corridor, biodiversity, and protection of the Macquarie River ecological functions;
- b) Addressing invasive weed species and rehabilitating the land for ecological purposes;
- c) Managing and reducing bushfire risk to adjacent properties;
- d) Limiting access due to safety, flooding, protection of the environment and other reasons.

The land is likely to have some significant ecological functions and acts in part as a riparian buffer to the Macquarie River but it is not significant enough to be declared by Council to be:

- a) Habitat of endangered species or threatened species,
- b) Land containing significant natural features, or
- c) Culturally significant land.

However, all activities should still comply with any relevant legislation and policy including (where relevant), but not limited to the *Biodiversity Conservation Act 2016* (BC Act), and any relevant State Environmental Policies, including those that apply to native vegetation. Areas of high biodiversity or suitable for threatened species or endangered ecological communities should be avoided or impacts minimised.

All land is below the levee bank/flood protection so it is not desirable to have significant facilities or infrastructure. The bush fire prone land map (see Section 4 of this Plan) shows bush fire prone land on the opposite side of the river and the 'buffer' extending across the river to just touch this land. Therefore, the thicker vegetation is likely to have some risk (even if buffered by the Macquarie River).

This land is not intended to have significant public access as it has higher environmental qualities and potential for rehabilitation. Access is likely to be limited to those responsible for maintenance, weed removal, and cultural activities.

#### 4F.3 Objectives & Purpose

*Use this section to provide:*

- *an overview of the core objectives and purpose of areas categorised as Park (as outlined in the LG Act and Regulation)*
- *an overview of any statutory guidelines may apply to reserves categorised as Park (e.g., state environmental planning policies)*
- *an overview of the status of reserves in the Park category in the LGA*
- *an overview of any values the council wishes to articulate associated with park reserves*

In accordance with Section 36E of the LG Act, 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 [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#). (Note: TSC Act has been superseded by BC Act).*

In addition, in accordance with Section 36J of the LG Act, the core objectives for management of community land categorised as a natural area – 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.*

Additional local objectives are:

- a) To integrate with adjacent land categorisations (including 'Sportsground' and 'Park') and river-front areas to protect and enhance the environmental values of land including significant native vegetation, ecology, and water quality, particularly along the Macquarie River;
- b) To enable access (and other supporting infrastructure that enables access) to the waterfront of Macquarie River (where it minimises impacts on environmental qualities and systems);
- c) To reduce the risk of bushfire and flooding and its impacts on sports facilities and adjacent urban areas;
- d) To be designed and operated to minimise maintenance and management (where possible).

#### 4F.4 Existing Use/Condition of Structures

This section sets out the specific use(s) of the land and structure(s) as at the date of adoption of the plan (Section 36(3A)(a) of the LG Act - only a brief note of the current usage is required).

There are no known human structures of any significance in the bushland area.

We suggest a qualified ecologist/arborist conducts a review of the vegetation and potential for threatened species and endangered ecological communities to better understand the environmental qualities of the bushland and how best to protect and enhance the desired qualities.

#### 4F.5 Permitted and Prohibited Activities

There is no master plan or proposal for significant works for the Bushland Area. There is limited public access or existing facilities. The primary aim will be to remove invasive weeds, revegetate with native species, and allow limited access and appreciation of the environmental qualities of this area. Maintenance may require access trails for vehicles and machinery and storage sheds associated with the maintenance of the land.

If public access is increased in the future, permitted works may include low-impact walking trails, drainage, bridges, observation platforms, interpretative signage and signs, picnic tables and visitor facilities. It is not expected that it would have major buildings or services. Generally, commercial uses are prohibited in these areas and they are for public purposes so no long-term leasing is permitted, though easements may be required for infrastructure.

#### 4F.6 Management Action Plan

In addition to the actions in *Section 4B.12 - Management Action Plan*, the following are added for this area:

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
Lack of information to guide future management	Determine the ecological qualities of the bushland area and presence or likelihood of supporting threatened species and endangered ecological communities.	Subject to funding, seek advice from a qualified ecologist / arborist.	Improved awareness of areas of higher ecological significance and appropriate protection and enhancement mechanisms.
Restoration and rehabilitation	Restore and regenerate degraded bushland with appropriate species and suitable maintenance/management regimes. Limit access to restored areas.	Prepare a rehabilitation plan after advice from a qualified ecologist/ arborist.	

## 5 Key Development & Environmental Controls

### 5A.1 Land Use Zoning

Under *Warren Local Environmental Plan 2012* ("LEP") the Subject Land is within Zone RE1 Public Recreation (with adjacent Zone SP2 Infrastructure for water infrastructure and the hospital). See Appendix A and Figure below for details.



Figure 8: Land use zoning under Warren Local Environmental Plan (Source: NSW Planning Portal).

#### Zone RE1 Public Recreation

- a) The Objectives for Zone RE1 are:
  - To enable land to be used for public open space or recreational purposes.
  - To provide a range of recreational settings and activities and compatible land uses.
  - To protect and enhance the natural environment for recreational purposes.
  - To facilitate the improvement of the land for active or passive recreational purposes (or both), according to its neighbourhood, district or regional recreational use.
  - To recognise the dual use of public utility corridors as links between active recreation areas.
  - To protect and enhance areas of native vegetation.
- b) Uses permitted without consent are (Item 2): *Environmental protection works; Roads; Water reticulation systems.*
- c) Uses permitted with consent are (Item 3):
 

*Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; **Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor);** Water recreation structures; Water recycling facilities; **Water supply systems.***
- d) Uses prohibited are (Item 4): *Any development not specified in item 2 or 3.*

**Zone SP2 Infrastructure**

- a) The Objectives for Zone RE1 are:
  - To provide for infrastructure and related uses.
  - To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- b) Uses permitted without consent are (Item 2): Roads.
- c) Uses permitted with consent are (Item 3): Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose.
- d) Uses prohibited are (Item 4): Any development not specified in item 2 or 3.

**5A.2 Non-Aboriginal Heritage**

The Subject Land is not a listed heritage item or in a heritage conservation area, but as there are no items or listings in WLEP2012 this is not conclusive and there may be items or areas of historic significance (none have been specifically identified to us by Council). See below for brief discussion on Aboriginal significance.

**5A.3 Culturally Significant Land**



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

Purchase Order/Reference: Warren PoM  
Client Service ID: 416221

---

iPLAN PROJECTS  
91 Heifer Station Ln  
Borenore New South Wales 2800  
Attention: Andrew Napier  
Email: [andrew@iplanprojects.com.au](mailto:andrew@iplanprojects.com.au)

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 179, DP:DP820779 with a Buffer of 50 meters, conducted by Andrew Napier on 02 May 2019.

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

Date: 02 May 2019



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

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

Figure 9: AHIMS Basic Search for part Subject Land (Source; [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)).

Under Section 36D(1), this section applies to community land that is the subject of a resolution by the council that declares that, because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance, the land is an area of cultural significance for the purposes of this Part.

At this time, we are unaware of any land in the reserve declared by council to be of cultural significance (bearing in mind the specific requirements of under section 36D(3) of the LG Act). Most of the land has been significantly altered by non-Aboriginal development including the identification of the reserve in 1892 and levelling and construction of sports fields and facilities. In addition, Figure. 12 above shows an AHIMS search that does not identify any known Aboriginal sites or places in or near the Subject Land.

However, it is important to recognise that there are areas of land that have been less altered (particularly close to the Macquarie River and in the 'Natural Area (Bushland')') that have been less altered and more likely to have supported Aboriginal occupation, potential archaeology, and may have higher potential for cultural significance.

#### 5A.4 Native Title Application(s)

As the department's Native Title Manager Workbook makes clear, unless the council-managed Crown land in question is 'excluded land' (as defined by the CLM Act), a council must assume that native title exists (2021 Guidelines p.13). This Plan is subject to the advice of Council's Native Title Manager and any Native Title determination.

We note that there is an active Native Title Application No. NC2012/001 (Federal Court File No.NSD38/2019)(Entered on Register 12/04/2012) for the Ngemba, Ngiyampaa, Wangaaypuwan and Wayilwan peoples. This native title application is across multiple LGAs and, as the figure below shows, it includes part of the Town of Warren (including Victoria Park, Carter Oval and the Showground).

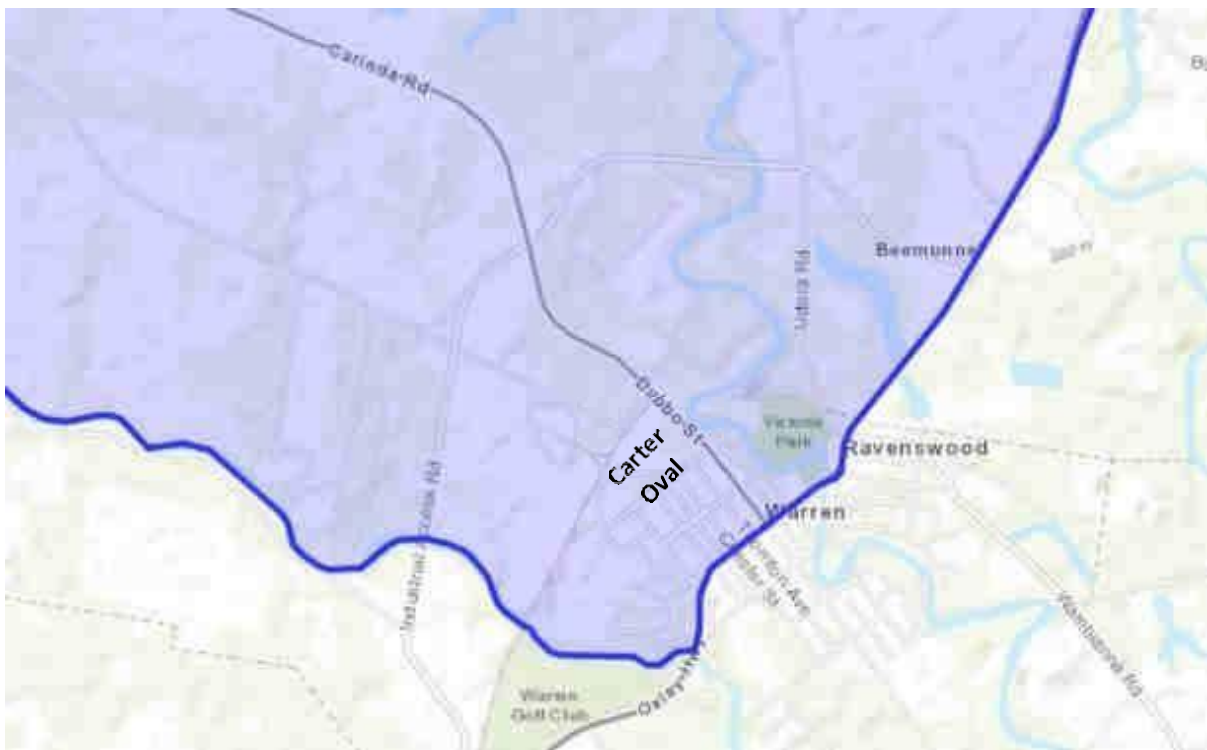


Figure 10: Extract Native Title Application Map (blue area) covering part Town of Warren (Source: [www.nntt.gov.au](http://www.nntt.gov.au)).

#### 5A.5 Riparian Land

All land that is within 40m of the highest bank of the Macquarie River is likely to be considered riparian land for the purposes of Clause 6.3 of WLEP2012 and development in this area should seek to maintain water quality, bank stability, and ecology/riparian habitat. There are no other visible watercourses across the Site.

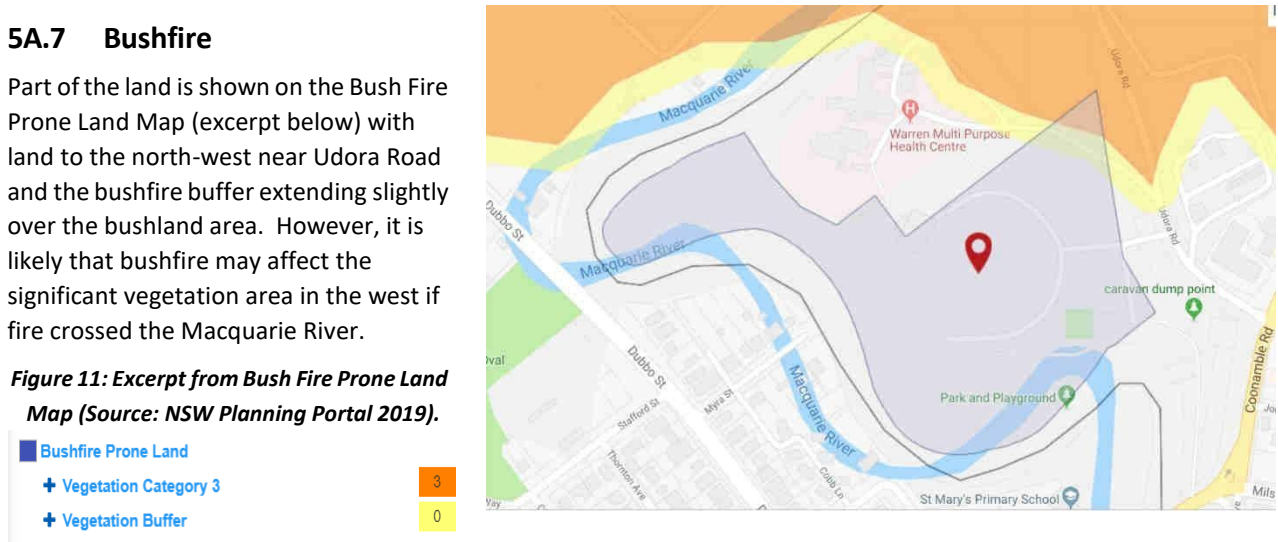
### 5A.6 Flooding

The Subject Land is adjacent to the Macquarie River and parts of the land are subject to flooding so Clause 6.2 of WLEP2012 is likely to apply. A flood levee bank has been constructed through the lower portion of the Subject Area that is believed to provide protection to the majority of the sporting and recreational facilities/parkland in a 1:100 Annual Recurrence Interval (ARI) flood event. No major infrastructure (excluding water infrastructure) is located below the flood levee bank (though the Junior Cricket Oval and former BMX track were located in this area).

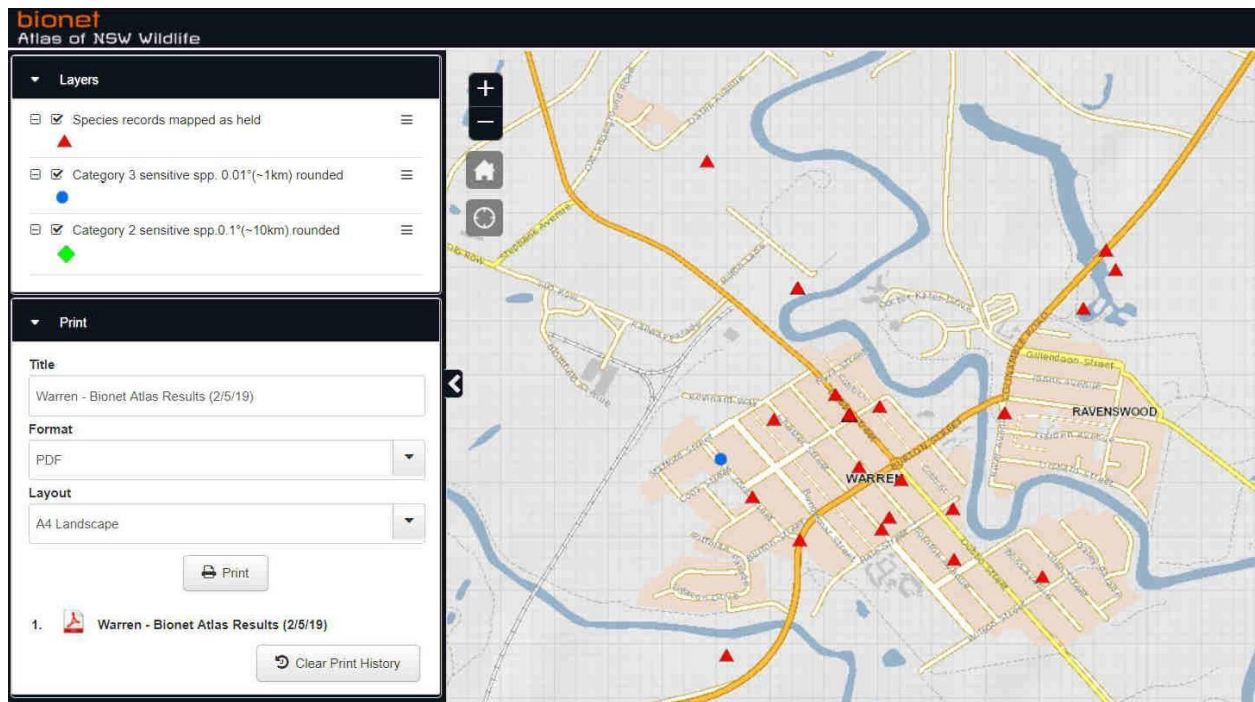
### 5A.7 Bushfire

Part of the land is shown on the Bush Fire Prone Land Map (excerpt below) with land to the north-west near Udora Road and the bushfire buffer extending slightly over the bushland area. However, it is likely that bushfire may affect the significant vegetation area in the west if fire crossed the Macquarie River.

**Figure 11: Excerpt from Bush Fire Prone Land Map (Source: NSW Planning Portal 2019).**



### 5A.8 Land Comprising the Habitat of Endangered Species or Threatened Species



**Figure 12: Excerpt from Atlas of NSW Wildlife (Bionet) for Town of Warren (Source: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)).**

The Subject Land is adjacent to but largely does not include the banks of or actual watercourse of the Macquarie River (except for the pump station area). It does include an area of significant trees/vegetation to the west of Victoria Oval and partly along or near the banks of the Macquarie River. The legislative requirements are as follows:

- Section 36A(2) of the LG Act requires that a specific PoM be prepared for an area of community land, all or part of which consists of critical habitat.
- Section 36B(3) requires that a specific PoM be prepared for community land, all or part of which is directly affected by a recovery plan or threat abatement plan.

A search of the Atlas of NSW Wildlife (Bionet) on 2/05/19 (see Figure below) shows a number of species recorded in and around Warren but none in the Subject Land area, and no sensitive species or endangered populations. Therefore, it is suggested there is no known critical or endangered or threatened species or habitat likely on the Subject Lands.

Threats include alteration to the natural flow regimes of rivers and streams, anthropogenic climate change, clearing of vegetation, and a range of standard threats. The existing and proposed facilities are unlikely to further exacerbate these threats.

There is no known recovery plan or threat abatement plan applicable to the Subject Lands. We suggest this land is unlikely to comprise the habitat of endangered species or threatened species (as known) at this time.

### 5A.9 Land Containing Significant Natural Features

As stated above, the Subject Land is adjacent to but mostly does not include the banks of or actual watercourse of the Macquarie River, however, it does include an area of significant trees/vegetation to the west of Victoria Oval and partly along or near the banks of the Macquarie River. The land is likely to have some significant ecological functions and acts in part as a riparian buffer to the Macquarie River.

However, it is not a significantly large area and has limited direct ecological connectivity due to the river (though it is part of the riparian system along the river).

**Figure 13: Aerial photo of area of significant vegetation in bend of Macquarie River (Source: NSW Government SIX Maps).**

There is also no known resolution of Council that declares the land as a known natural, geological, geomorphological, scenic or other feature that is considered by Council to warrant protection or special management considerations in addition to categorising this land as sportsground or park and minimising inconsistent development in accordance with the objectives in this Plan.

However, the NSW Government has required this area is categorised 'Natural Area (Bushland)' to avoid incompatible uses that could impact on the ecology of the area and the river.



### 5A.10 Previous Management Plan(s)

The existing Management Plan for the Subject Land is the Warren Shire Council (July 2005) *Parks, Gardens and Sporting Ground Management Plan*. This plan was prepared as a 'supporting document' to future Council Management Plans and may not be a valid Plan of Management.

It identified and classified ALL parks, gardens and sporting grounds within Warren Shire and provided aims, levels of maintenance, resourcing/costing, specification, a survey of deficiencies, and an assessment of life-span of facilities for major upgrades.

Victoria Park was classified as an Outdoor Sporting Area/Sportsground including Victoria Park (Inner) and Victoria Park (Outer). This classification generally has the highest level of facilities/amenities/sporting areas out of all the classifications.

Oxley Park is a Regional & District Park with passive recreational opportunities.

The following pages provide a summary of facilities (as at 2005) for these areas.

### 4.3 Outdoor Sporting Areas/Sportsgrounds

#### 4.3.1 Victoria Park Inner

Facility Name:	Victoria Park Inner
Classification:	Outdoor Sporting Areas/Sportsgrounds
Location:	Udora Road, Warren
Area:	1.65ha

General Description – Main Sports Oval for Warren

Uses		
Summer	Active Recreation	<input checked="" type="checkbox"/> Cricket <input checked="" type="checkbox"/> Track & Field Athletics
Winter	Active Recreation	<input checked="" type="checkbox"/> Rugby Union <input checked="" type="checkbox"/> Rugby League <input type="checkbox"/> Soccer

Facility Specification (based on classification)		
Item	Y/N	Comment
Amenities	N	
Announcers Box	N	
Bar	N	
Basket ball courts	N	
Benches	N	
Bubbler	N	
Canteen	Y	
Cricket Pitch	Y	
Cricket Practice Nets	N	Victoria Park Outer
Dressing Rooms	Y	
Goal Posts	Y	
Grandstand	N	Victoria Park Outer
Maintained grass areas	Y	
Irrigation	Y	
Lighting	Y	
Long jump pit	N	
Rubbish bins	N	Victoria Park Outer
Score Board	Y	
Sealed Roads	N	
Seating	N	
Sight Boards	N	
Tables and seats	N	
Toilet Block	N	Victoria Park Outer

Capital Works Programme			
Year	Item	Cost (Est)	Comment
2005/2006			
2006/2007			
2007/2008			
2008/2009			
2009/2010			
2010/2011			
2011/2012			
2012/2013			
2013/2014			
2014/2015			
After 2015			

### 4.3.2 Victoria Park Outer

Facility Name:	Victoria Park Outer
Classification:	Outdoor Sporting Area/Sportsgrounds
Location:	Udora Road, Warren
Area:	5.6ha

General Description – Large grassed area with many trees, tennis courts, netball courts, etc.

Uses		
Summer	Active Recreation	Tennis Field Athletics
Winter	Active Recreation	Netball Junior League

Facility Specification (based on classification)		
Item	Y/N	Comment
Amenities	N	
Announcers Box	N	
Bar	N	
Basket ball courts	N	
Benches	N	
Bubbler	N	
Canteen	N	Victoria Park inner
Cricket Pitch	N	Victoria Park inner
Cricket Practice Nets	Y	
Dressing Rooms	N	
Goal Posts	N	Victoria Park Inner
Grandstand	Y	
Maintained grass areas	Y	
Irrigation	Y	
Lighting	Y	
Long jump pit	N	
Rubbish bins	Y	
Score Board	N	Victoria Park Inner
Sealed Roads	N	
Seating	N	
Sight Boards	N	
Tables and seats	N	
Toilet Block	Y	
Tennis Courts	Y	Not in specification
Net Ball Courts	Y	Not in specification
Hammer Throw Circle & Fence	Y	Not in specification

Capital Works Programme			
Year	Item	Cost (Est)	Comment
2005/2006			
2006/2007			
2007/2008	Provide gazebo	6000	
2008/2009			
2009/2010	Provide tables and seats	6000	
2010/2011			
2011/2012			
2012/2013			
2013/2014			
2014/2015			
After 2015	Provide barbeque	6000	

### 4.1.2 Oxley Park

Facility Name:	Oxley Park
Classification:	Regional & District Parks
Location:	Coonamble Road (Oxley H'way), Warren
Area:	1.6ha

General Description – Large grassed area conveniently located for tourist rest stop

Uses:	
Summer	Passive recreation
Winter	Passive recreation

Facility Specification (based on classification)		
Item	Y/N	Comment
Barbecue	Y	
Benches	Y	
Gazebo	N	
Maintained grass area	Y	
Irrigation	Y	
Parking area	Y	
Rubbish bins	Y	
Table and seats	Y	
Toilet block	Y	

Capital Works Programme			
Year	Item	Cost (Est)	Comment
2005/2006			
2006/2007			
2007/2008			
2008/2009			
2009/2010			
2010/2011	Provide gazebo	6000	
2011/2012			
2012/2013			
2013/2014			
2014/2015			
After 2015			

5A.11 Title Search (Lots 176 & 179 DP820779 only)



LAND REGISTRY SERVICES **Title Search**



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 176/820779

SEARCH DATE	TIME	EDITION NO	DATE
2/5/2019	10:13 AM	1	26/10/1992

LAND

LOT 176 IN DEPOSITED PLAN 820779  
 AT WARREN  
 LOCAL GOVERNMENT AREA WARREN  
 PARISH OF UMANGLA COUNTY OF EWENMAR  
 TITLE DIAGRAM DP820779

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (AP E941147)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- \* 2 RESERVE NO. 16121 FOR PUBLIC RECREATION, NOTIFIED 20-11-1992
- \* 3 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

Victoria Park

PRINTED ON 2/5/2019

\* Any entries preceded by an asterisk do not appear in the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 95B(2) of the Real Property Act 1900.



LAND  
REGISTRY  
SERVICES

# Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 179/820779

SEARCH DATE	TIME	EDITION NO	DATE
2/5/2019	10:15 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 179 IN DEPOSITED PLAN 820779  
AT WARREN  
LOCAL GOVERNMENT AREA WARREN  
PARISH OF UMANGLA COUNTY OF EWENMAR  
TITLE DIAGRAM DP820779

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (3 NOTIFICATIONS)

- \* 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- \* 2 RESERVE NO. 16121 FOR PUBLIC RECREATION, NOTIFIED 13.8.1892
- \* 3 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

Victoria Park

PRINTED ON 2/5/2019

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 60B(2) of the Real Property Act 1900.

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Received: 02/05/2019 10:15:13

## 6 RELEVANT LEGISLATION & STATE PLANNING POLICIES

### 6A.1 Legislation Overview

The following legislation may be accessed at <https://legislation.nsw.gov.au/> or <http://www8.austlii.edu.au/au/nsw/#>

For ease of understanding the hierarchy and relationship of legislation:

- *Crown Land Management Act 2016* (CLM Act) establishes the Reserve, the Reserve purpose and sets the rules for Reserve management,
- *Local Government Act 1993* (LG Act) sets out the land management framework,
- The *Environmental Planning & Assessment Act 1979* (EP&A Act) may impose restrictions on the way land is used.
- State Environmental Planning Policies (SEPPs) and the *Warren Local Environmental Plan 2012* (LEP) are Environmental Planning Instruments that sit beneath the legislation.

### 6A.2 Crown Land Management Act 2016 (CLM Act) & CLM Regulation 2018

The *Crown Land Management Act 2016* (CLM Act) commenced on 1 July 2018 and repealed a number of pieces of legislation including, but not limited to the *Crown Lands Act 1989*. One of the effects of this new legislation is that Local councils will manage Crown land under the public land provisions of the *Local Government Act 1993* (LG Act).

The Objects of the CLM Act under Clause 1.3 are:

- a) To provide for the ownership, use and management of the Crown land of New South Wales, and
- b) To provide clarity concerning the law applicable to Crown land, and
- c) To require environmental, social, cultural heritage and economic considerations to be taken into account in decision-making about Crown land, and
- d) To provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales, and
- e) To facilitate the use of Crown land by the Aboriginal people of New South Wales because of the spiritual, social, cultural and economic importance of land to Aboriginal people and, where appropriate, to enable the co-management of dedicated or reserved Crown land, and
- f) To provide for the management of Crown land having regard to the principles of Crown land management.

Under Clause 1.4, the principles of Crown land management are:

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

The new legislative framework places an emphasis on community engagement and transparency in relation to dealings affecting community land. Council must exhibit the draft Plan of Management for at least 28 days and give at least a further 14 days for the making of submissions. Any amendments to a draft Plan must be publicly exhibited in the same way, until the Council can adopt the draft Plan without further amendment.

The LG Act Section 40A stipulates that a Public Hearing must be held if a proposed Plan of Management proposes categorising or altering the categorisation of community land. The exception to this is if a land parcel initially categorised as Natural Area is further categorised in accordance with Section 36(5) of the LG Act.

As there are no changes proposed by this specific Plan of Management to the initial categories and as no additional categories are being proposed – there is no requirement for a public hearing to be held by Council as a part of the community engagement process.

### 6A.3 Local Government Act 1993 (LG Act) & LG (General) Regulation 2021

As stated above, the *Crown Land Management Act 2016* (CLM Act) requires Council to manage their Crown reserves in accordance with the provisions of the *Local Government Act 1993* (LG Act). Section 36(1) of the LG Act requires Councils to prepare Plans of Management for all land classified as “community land”. All public land is required to be classified as either *community land* or *operational land*. Community land includes council owned land classified as community land and also some Crown Reserves where Council is the Manager.

PoMs must be prepared and adopted in accordance with the provisions of Division 2, Part 2 of Chapter 6 of the LG Act. A detailed review of the requirements is set out in Section 3 of the 2021 Guidelines so the following is a brief summary.

- Section 35: Community land is to be used and managed in accordance with the PoM for the land, any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and Division 2 of Part of the LG Act.
- Section 36(1): A PoM must be prepared for all community land.
- Section 36(3): A PoM for community land must identify the following:
  - a) the category of the land,
  - b) the objectives and performance targets of the plan with respect to the land,
  - c) the means by which the council proposes to achieve the plan’s objectives and performance targets,
  - d) the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets,  
and may require the prior approval of the council to the carrying out of any specified activity on the land.
- Section 36(3A): A PoM that applies to just one area of community land should:
  - describe the condition of the land as at the adoption of the plan;
  - describe the buildings on the land as at adoption;
  - describe the use of the buildings and the land as at adoption; and
  - state the purposes for which the land will be allowed to be used, and the scale and intensity of that use.
- Section 36(4)/(5): For the purposes of this section, land is to be categorised as one or more of the following (with Sections 36E-36N setting out the core objectives for each category):
  - a) a natural area (further categorised as bushland, wetland, escarpment, watercourse, foreshore, or a category prescribed by the regulations),
  - b) a sportsground,
  - c) a park,
  - d) an area of cultural significance,
  - e) general community use.
- Section 36C: Requirements for land containing significant natural features.
- Section 36D: Requirements for land containing area(s) of cultural significance.
- Section 37: A plan of management for community land that is not owned by the council:
  - a) must identify the owner of the land, and
  - b) must state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant, and
  - c) must state whether the use or management of the land is subject to any condition or restriction imposed by the owner, and
  - d) must not contain any provisions inconsistent with anything required to be stated by paragraph (a), (b) or (c).

In the initial POM, councils must only identify the owner of the land, and are not required to state if the land is under a trust, estate, interest, dedication, condition, restriction or covenant, or whether the use or management of the land is subject to any condition or restriction imposed by the owner.

- Sections 38-43 deal with procedures for notification, consultation and adoption of POMs.
- Section 44-47F deal with use of, development of, or granting leases/licences/other estates over community land.

Clause 101(2) of the *Local Government (General) Regulation 2021* requires councils to have regard to the guidelines for the categorisation of community land set out in clauses 102-111 of that regulation, when preparing a draft PoM. Clauses 112-115 deal with the preparation and adoption of draft POMs for community land.

Section 68 Part D of the LG Act stipulates activities that require the approval of Council on Community Land (unless permitted without approval by the Regulations or a Local Approvals Policy).

These activities are as follows:

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

In addition, Section 68 Part F of the LG Act stipulates that approval is required for the installation of and operation of amusement devices and, also for the use of a standing vehicle or any article for the purpose of selling any article in a public place.

#### **6A.4 Community Consultation**

Section 39 of the LG Act requires that any draft PoM for a Crown reserve, including the first plan of management prepared, is required to be referred to NSW Government as the owner of the land, in draft form prior to council placing the PoM on public exhibition (including forms A & B).

The LG Act sets out a range of public exhibition requirements for PoMs, including the need for public hearings where the PoM amends the initial categorisation of any reserve included in the PoM.

The LG Act requires councils undertake community engagement activities in the preparation of PoMs, including public exhibition of the plan and opportunities for the community to comment. This allows the community to be involved and represented in the PoM contents.

Specifically, section 38 sets out that:

- a council must give public notice of a draft PoM for a period of not less than 28 days
- the public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council
- the council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter that it considers appropriate or necessary to better enable the draft plan and its implications to be understood. All documents referred to in a PoM should be displayed at the same time as the draft PoM.

Additionally, in the case of community land comprising the habitat of endangered species, or which is affected by a threatened species recovery plan or threat abatement plan, the following requirements also apply:

- when public notice is given of the draft plan under section 38, the draft PoM must be sent (or a copy must be sent) by the council to the relevant director
- the PoM must incorporate any matter specified by the relevant director in relation to the land, or the relevant part.

In addition to the usual community engagement activities prescribed by the LG Act in preparation of a PoM, section 40A of the act requires that a council must hold a public hearing in respect of a proposed PoM (including for one that amends another POM) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4).

Note that the preliminary ideas for Victoria Park/Oxley Park have already been provided to and consulted on with the community as part of the *Warren Village (Enhancement) Plans* in 2018. Please see Council's *Community Participation Plan* for more details.

## 6A.5 Environmental Planning & Assessment Act 1979

This legislation governs development of all lands. It also gives effect to *Warren Local Environmental Plan 2012* (LEP) and *Development Control Plan* (DCP) that provide further guidance on permissible and prohibited land uses. See Section 5 for more details on some of the relevant controls in the LEP.

## 6A.6 Native Title Act 1994

The *Crown Land Management Act 2016* introduced new requirements for Crown Land Managers to consider the *Native Title Act 1994* when managing the Crown land in particular, Crown reserves and dedications.

Section 8.7 of the CLM Act and the Native Title Manager Workbook ([www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title](http://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title)) clearly set out that written native title manager advice is required before a council Crown land manager can submit for approval a PoM that authorises any of the dealings referred to in that Section.

There is a requirement for council crown land managers to obtain written advice from a qualified native title manager before any PoM covers Crown land that is not 'excluded land' (i.e., land where native title has been extinguished, surrendered or acquired etc.).

Under Part 8 of the CLM Act, a council Crown land manager cannot approve (adopt) a PoM or deal with Crown land until they have obtained written advice from a native title manager that the approval (or submission for approval) of the PoM complies with any applicable provision of Commonwealth native title legislation (specifically in regards to subdivision J of the *Native Title Act 1993* (Cwlth)).

Council, as Crown Land Manager, is required to undertake an assessment when any new acts or leases/licences are proposed on Crown Reserves. Council staff have been appointed and appropriately trained as the relevant Native Title Manager.

As NSW Government's Native Title Manager Workbook makes clear, unless the council managed Crown land in question is 'excluded land' (as defined by the CLM Act), council must assume that native title exists. There is an active Native Title claim over the Subject lands and this is addressed in the '*Background Information*' Section below.

## 6A.7 Other Legislation

Other legislation and policies that are considered in the both the management process and any subsequent use of the land include, but are not limited to

### Federal Legislation:

- *Disability Discrimination Act 1992*
- *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*
- *Biosecurity Act 2015*

### NSW Legislation:

- *Public Works & Procurement Act 1912*
- *Land Management (Native Vegetation) Code 2018*
- *Biodiversity Conservation Act 2016*
- *Water Management Act 2000*
- *Clean Waters Act 1970*
- *Companion Animals Act 1998*
- *Rural Fires Act 1997*
- *Noxious Weeds Act 1993*
- *Pesticides Act 1999*
- *State Emergency Service Act 1989*
- *Roads Act 1993*
- *Road Rules Act 2014 and Road Transport (Road Rules) Regulations 2017*
- *Heritage Act 1977*
- *Holiday Parks (Long Term Casual Occupation) Act 2002*
- *Fisheries Management Act*
- *Aboriginal Land Claims Act 1983*

## 6A.8 State Environmental Planning Policies (SEPPs)

The objectives in other relevant *State Environmental Planning Policies* ('SEPPs') may also be relevant and include, but are not limited to (as amended):

- *SEPP (Biodiversity and Conservation) 2021;*
- *SEPP (Resilience and Hazards) 2021;*
- *SEPP (Transport & Infrastructure) 2021;*
- *SEPP (Planning Systems) 2021;*
- *SEPP (Exempt and Complying Development Codes) 2008.*

## 6A.9 Council Plans & Policies

There are a number of Council Plans and Policies that may impact on activity on this Reserve. These are listed as follows:

- *Warren Shire Local Environmental Plan 2012* (gazetted on the 21st December 2012)
- *Warren Shire Development Control Plan 2013* (adopted 24 January 2013 Minute No. 29.1.13)
- *Warren Shire Local Approvals Policy* (adopted 6 December 2018 Minute No. 274.12.18)
- *Warren Shire 2027 Community Strategic Plan* (adopted 27 April 2017 Minute No. 104.4.17)
- *Warren Shire Operational Plan 2020/2021*
- *Warren Shire Delivery Program 2017 - 2021*
- *Warren Shire Long Term Financial Plan 2018/19 - 2027/28*
- *Warren Shire Land Use Strategy 2013* – Western Council's Sub Regional Land Use Strategy (Bogan, Coonamble, Gilgandra, Narromine, Warren & Dept of Planning) – February 2009.
- *Pedestrian Access Mobility Plan 2015* (adopted 23 July 2015 Minute No. 168.7.15)
- *Asset Management Plan - Roads - 2019/20 to 2048/49,*
- *Asset Management Plan - Other Assets - 2019/20 to 2048/49,*
- *Asset Management Plan - Buildings - 2019/20 to 2048/49,*
- *Asset Management Plan - Water Supply Network - 2019/20 to 2048/49,*
- *Asset Management Plan - Sewerage Network - 2019/20 to 2048/49,*
- *Asset Management Plan - Stormwater Drainage - 2019/20 to 2048/49, and*
- *Asset Management Plan - Open Space and Recreational Areas - 2019/20 to 2048/49.*
- *Warren Shire Community - Based Heritage Study 2009-2011*
- *Disability Inclusion Action Plan 2017/2018 to 2022/2023* (adopted 27 July 2017)
- *Village Enhancement Plans* (Warren, Collie and Nevertire)
- *Floodplain Risk Management Study and Plan - Macquarie River (Narromine to Oxley Station) Floodplain Management Plan 2008 & Macquarie River (Narromine to Oxley Station) Floodplain Risk Management Study* December 2008

Many of these Plans can be accessed through links on the Warren Shire web site

<https://www.warren.nsw.gov.au/council/council-documents>. Please contact Council Customer Service staff for access to the other documents if required.

## 6A.10 Guidelines

Some relevant guidelines include:

- a) NSW Government (September 2021) *Developing plans of management for community land Crown reserves – Guidelines for Council Crown Land Managers* ('2021 Guidelines');
- b) NSW Government (Dec 2018) *Developing plans of management for community land Crown reserves – Guidelines for Council Crown Land Managers* ('2018 Guidelines');
  - i) Annexure B – Classification of Crown land managed by council Crown land managers
  - ii) Annexure C – Crown reserve POMs – Sample outlines
- a) NSW Department of Industry – Lands & Water (June 2018) *Guideline –classification of Crown land managed by council Crown land managers;*
- b) NSW Government (2007) *Trust Handbook* (currently being reviewed and updated);
- c) Associated 'Frequently asked Question' (FAQ) Sheets.

## **7 APPENDICES**

### **A Map of Plan Area**

Plan A100 – Plan Area / Title / Ownership

### **B Map/Photos of Existing Facilities / Land Use(s)**

Plan A101 – Site Photos – Oxley Park

Plan A102 – Site Photos – Victoria Park

Plan A103 – Plan Area / Existing Facilities

### **C Map of Proposed Facilities / Land Use(s)**

Plan A201 – Proposed Upgrades

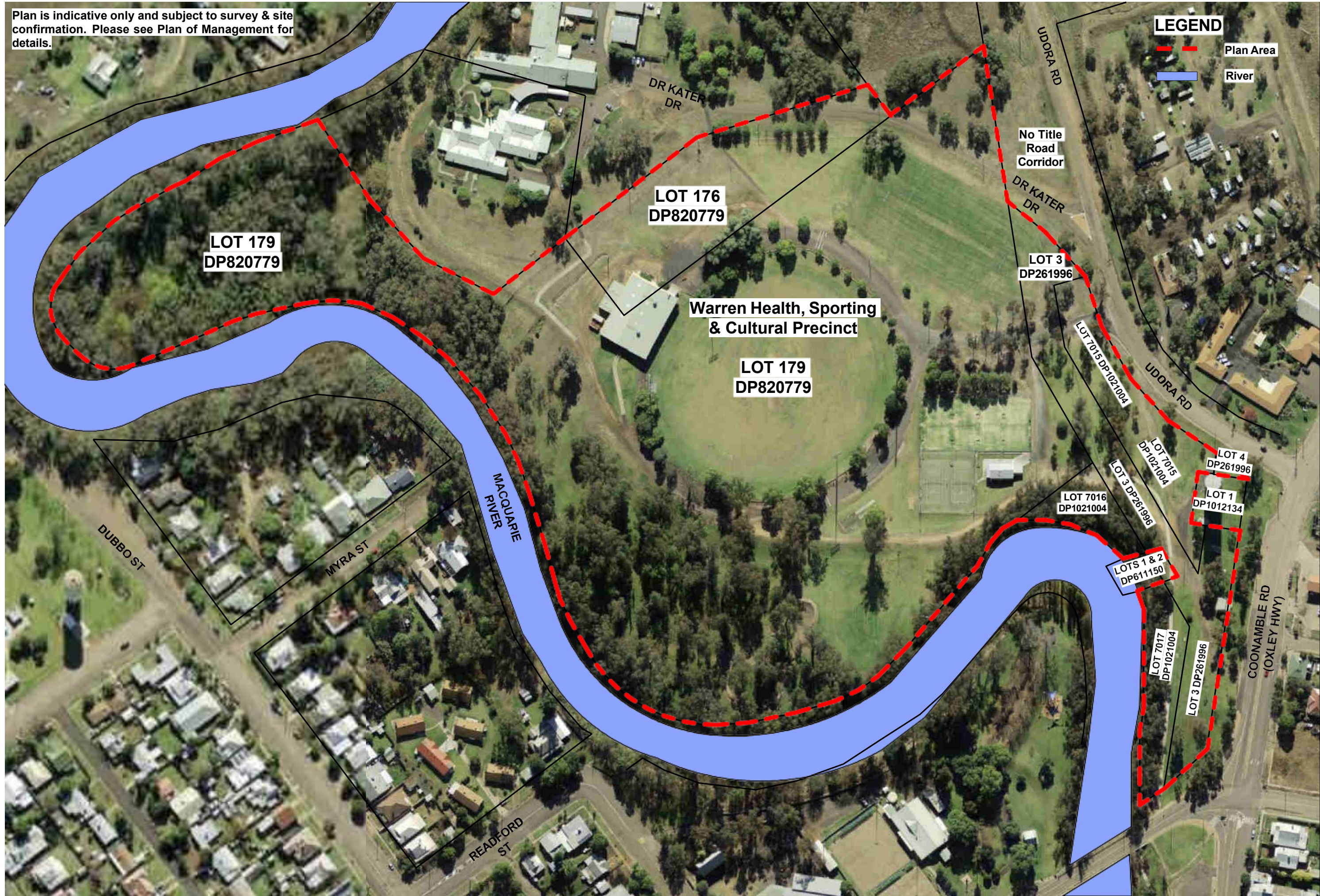
Plan A202 – Proposed Upgrades (Details/Dimensions)

Plan A203 – Proposed Upgrades (Oxley Park)

### **D Map of Categorisation of Land**

Plan A301 – Categorisation of Land

Plan is indicative only and subject to survey & site confirmation. Please see Plan of Management for details.



**LEGEND**

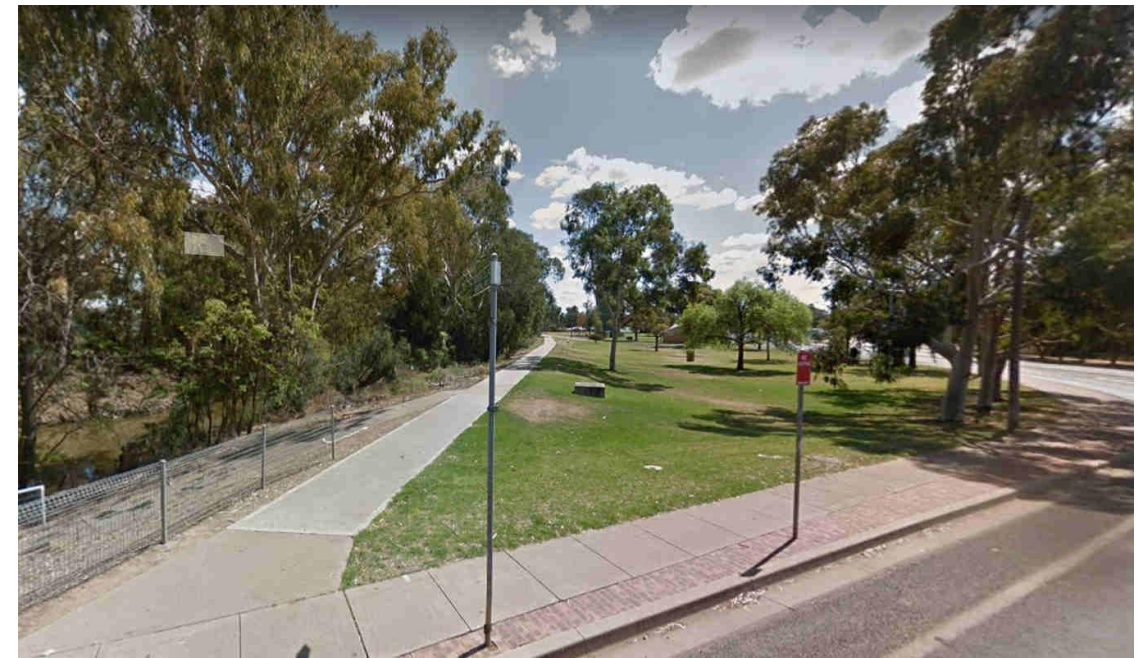
- - - Plan Area
- River

A100  
Plan Area / Title / Ownership  
Victoria & Oxley Parks (2023)





View from corner Oxley Hwy / Udora Road to Oxley Park & Water Tank



View from Oxley Hwy / Bridge - path along river to Victoria Park



RV Dump Point near Water Tank (Council website)



View from Oxley Hwy - Entrance to Rest Area



View from Oxley Hwy - Rest Area (toilets)



Front gates from Udora Road to Victoria Park



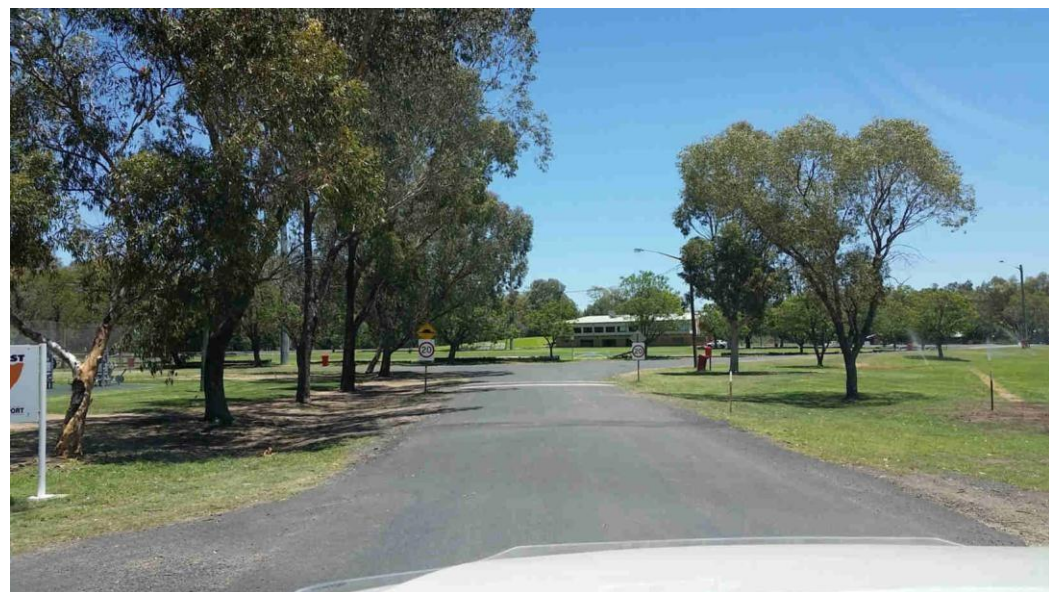
Victoria (main) Oval looking west



Tennis courts viewed from main driveway



View across grass netball area towards sports centre



Main driveway looking west towards Victoria (main) Oval



Former junior cricket oval adjacent to river (below levee bank)

Plan is indicative only and subject to survey & site confirmation. Please see Plan of Management for details.

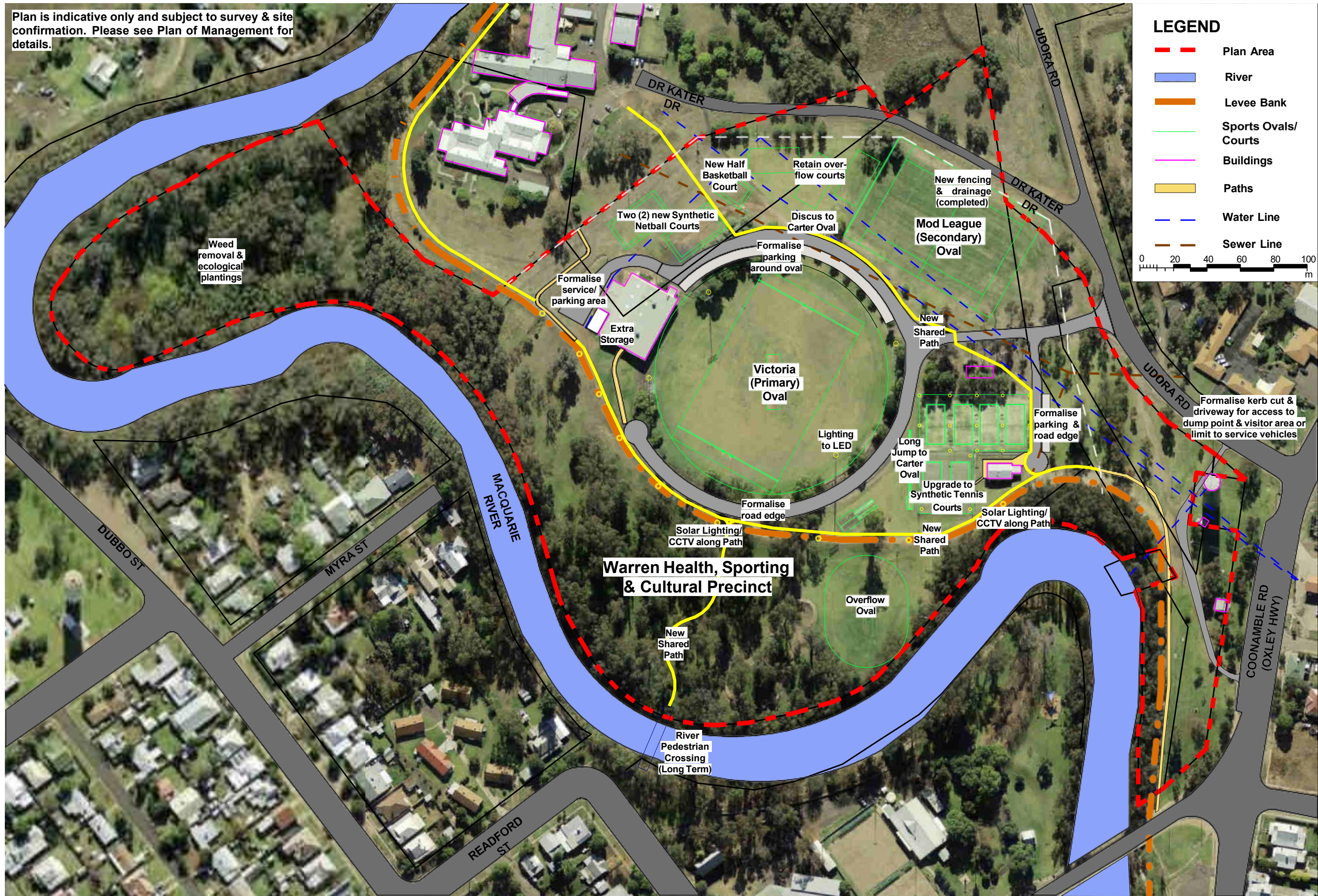


**LEGEND**

- - - Plan Area
- River
- Levee Bank
- Sports Ovals/Courts
- Buildings
- Paths
- - - Water Line
- - - Sewer Line

0 20 40 60 80 100 m

Plan is indicative only and subject to survey & site confirmation. Please see Plan of Management for details.

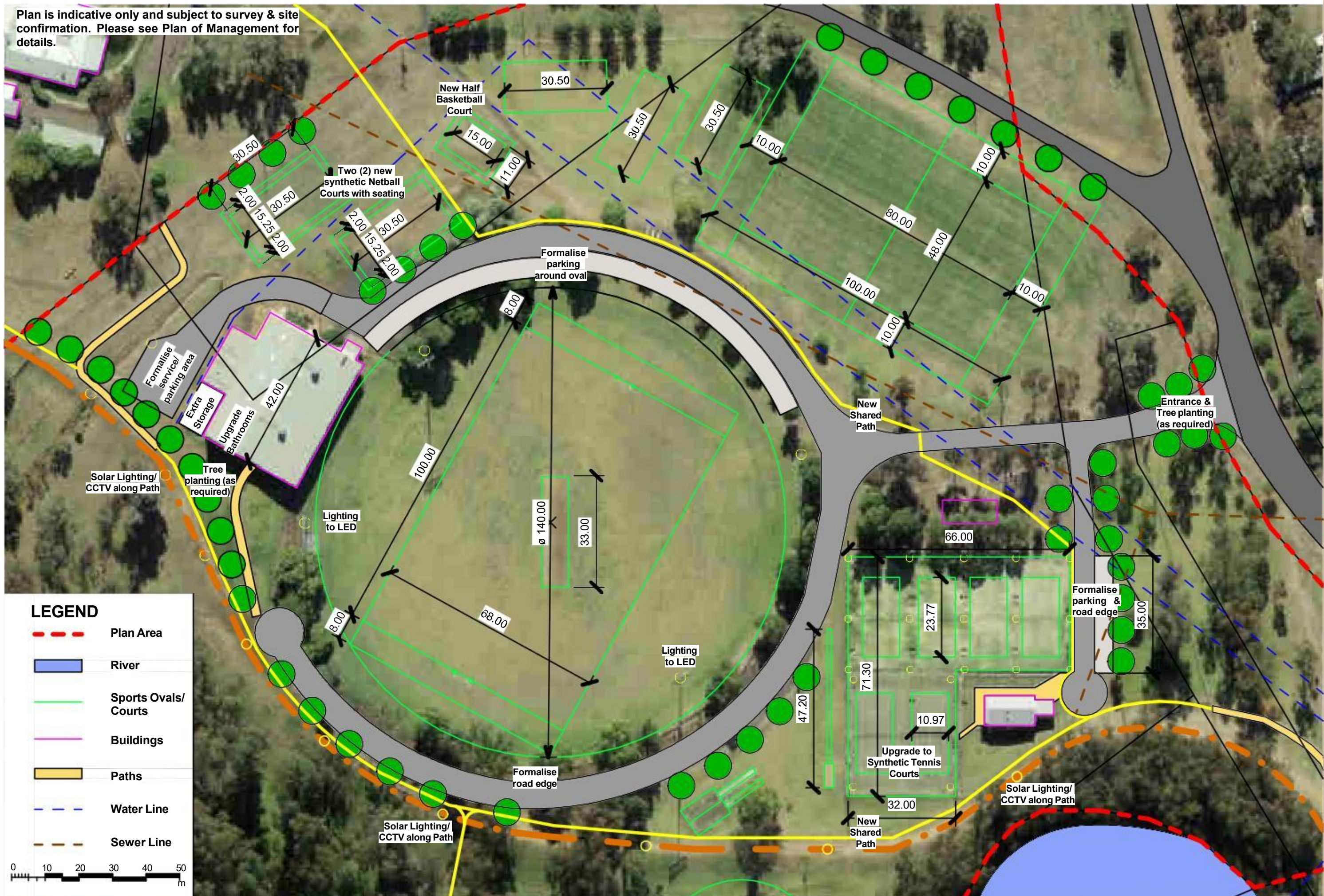


**LEGEND**

- - - Plan Area
- River
- Levee Bank
- Sports Ovals/Courts
- Buildings
- Paths
- - - Water Line
- - - Sewer Line

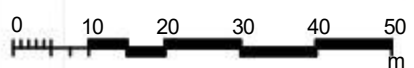
0 20 40 60 80 100 m

Plan is indicative only and subject to survey & site confirmation. Please see Plan of Management for details.

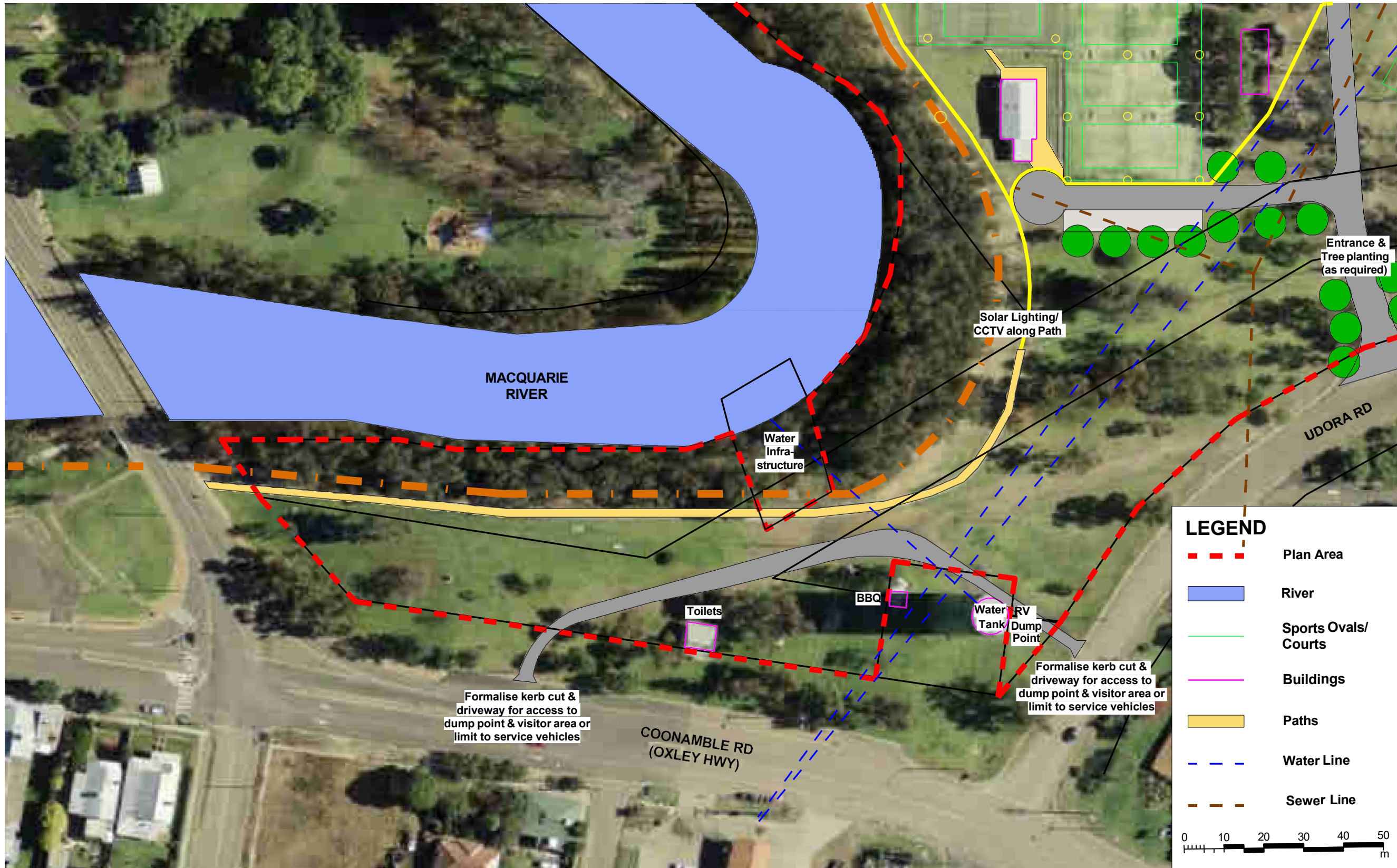


**LEGEND**

- - - Plan Area
- River
- Sports Ovals/Courts
- Buildings
- Paths
- - - Water Line
- - - Sewer Line



Plan is indicative only and subject to survey & site confirmation. Please see Plan of Management for details.



Plan is indicative only and subject to survey & site confirmation. Please see Plan of Management for details.



- LEGEND**
- - - Plan Area
  - River
  - Levee Bank
  - Fence
  - Category - Sportsground
  - Category - Park
  - Category - Natural Area (Bushland)

A301  
Categorisation of Land  
Victoria & Oxley Parks (2023)

