



# **BOGAN SHIRE COUNCIL**

## **Ordinary Business Paper**

**I hereby give notice that an Ordinary Council Meeting will be held on:**

**Date: Thursday, 25 September 2025**

**Time: 7.00pm**

**Location: Bogan Shire Council  
Council Chambers  
81 Cobar Street  
Nyngan**

**Stephanie Waterhouse  
Acting General Manager**





### **Published Recording of Council Meeting**

This Council Meeting is being recorded for publishing on Council's website as a public record. By speaking at the Council Meeting, you agree to being recorded and for this recording to be published. Please ensure that if and when you speak at this Council Meeting that you are respectful to others and use appropriate language at all times. Bogan Shire Council accepts no liability for any defamatory or offensive remarks made during the course of this Council Meeting.



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- 1 OPENING PRAYER**
- 2 REMEMBERANCES**
- 3 APOLOGIES**
- 4 DISCLOSURE OF INTERESTS**

**5 CONFIDENTIAL MATTERS**

CONFIDENTIAL

**6 CONFIRMATION OF ORDINARY MINUTES****6.1 MINUTES OF ORDINARY MEETING - 28 AUGUST 2025**

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 August 2025 have been circulated to Council.

**Recommendation**

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 28 August 2025, be received and noted.

**7 NOTICE OF MOTION**

Nil

**8 MAYORAL MINUTES**

Nil

**9 COMMITTEE MEETING MINUTES**

Nil

**10 GENERAL MANAGER’S REPORTS**

**10.1 GENERAL MANAGERS CHECKLIST**

**10.1 GENERAL MANAGERS CHECKLIST**

Item	Date	Minute No	Matter	Action Required	Officer	Status
1	21/12/2017	392/17	Increase of train speed through Nyngan	Strong letter of concern and a request to address Council be sent to the relevant rail authorities and a copy to the local member.	GM	Refer below.
	23/11/2023	282/23		That Council respond to Minister Aitchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights.		This matter was drawn to the attention of Minister Aitchison on 12/01/2024 during her visit to Nyngan.  Further letters sent to Minister Aitchison and Roy Butler MP. Discussed with Minister Aitchison on 15/07/2024 during her visit to Nyngan.  Letter received from Minister Aitchison. TNSW has requested a review of train speeds from UGL.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
2	27/02/2025	012/25	Nyngan Emergency Bore	<p>That Council seek tenders for the Nyngan Emergency Bore project as now proposed by NSW Public Works with the following scope of works:</p> <ul style="list-style-type: none"> <li>i. Installation of a new bore, with power supply, in the vicinity of the current bore that meets the boundary proximity requirements of the Water Sharing Plan.</li> <li>ii. Installation of pipeline from the new bore site to Nyngan</li> <li>iii. Project design, project management and other associated costs.</li> </ul>	DIS	<p>A tender for the construction of the pipeline from the bore, along Old Warren Road has been published by Public Works.</p> <p>Investigation of a preferred route through Nyngan is in progress.</p>
3	27/05/2021	126/21	Addressing Local Job Vacancies	Council delays the launch of the marketing campaign until progress is made with	DPCS	Refer below.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				establishing more housing accommodation in Nyngan.		
	28/09/2023	207/23		Council provides a budget of \$25,000 for production of videos for the relocation campaign.		Production of Employment video in progress. Production of Health and Education video in progress.
4	25/07/2024	144/24	New Water Treatment Plant Site	That Council does not proceed with building the new Water Treatment Plant on the site adjacent to the substation at the end of Dandaloo Street.  That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir.	DIS	In Progress
5	24/10/2024	245/24	Reclassification of Land – 8 Tabratong Street	That Council resolve to:  1. Lodge the Planning Proposal to Reclassify Public Land at 8 Tabratong Street Nyngan with the Department of Planning,	DDES	Public Exhibition completed. No submissions received.  <b>Update:</b> Community Consultation completed.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				Housing and Infrastructure for a Gateway Determination; and  2. Undertake community consultation in accordance with the Gateway Determination.		Report to Council refers.
6	27/07/2023  25/07/2024	160/23  146/24	School Exchange Program	The General Manager commence discussions around the future of the Tongling Exchange Program, with a report to Council.  That Council consider locations that may have economic/industry ties for the School Exchange Program, to enhance the student experience.	GM	Discussions held with Acting Principal, Nyngan High School.
7	26/10/2023	247/23	Before and After School Care, Nyngan	That the Before and After School Care matter be further pursued with the Department of Education, and if necessary, the Minister.	GM	Refer below.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
	22/02/2024	009/24		Issue of lack of Before and After School Care in Nyngan be referred to Local Member.		Correspondence sent to Local Member.
	25/07/2024	147/24		That Council request the Local Member to make further contact with the Minister for Education about the lack of Before and After School Care in Nyngan.		Email sent to Local Member in August 2024. Contact, with reminder, made with Local Members Office October 2024. GM and DPCS met with officials of Department of Education to discuss community concerns. Local Member has written to Minister for Education and Early Learning and issued a press release.
8	23/11/2023	278/23	Nyngan Year-Round Fishery	That Council provide in principle support for the development of a Memorandum of Understanding with DPI Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding.	DIS	Department of Primary Industries and Regional Development have advised that preparation of a risk assessment and draft Memorandum of Understanding is in progress.

Item	Date	Minute No	Matter	Action Required	Officer	Status
9	27/06/2024	134/24	Nyngan Community Homes	That Council request that Nyngan Community Homes Association presents a satisfactory Business Plan and shows it has the capacity to build planned homes on the land, Council will consider an appropriate arrangement to facilitate the provision of the land which was formerly the Palais Theatre, on the basis of that plan.	GM	Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further information is required.  Business Plan received from Nyngan Community Homes, 01/12/2024 with a request to address Council at a future meeting. Date to be determined in consultation with Mayor.
10	24/07/2025	166/25	Vermont Hill Road	That Council:  1. Install signage on Vermont Hill Road at the boundary, and at Fords Road advising that 'Road not regularly maintained by Bogan Shire Council, May be impassable to conventional vehicles, Use is at drivers risk'.  2. Undertake basic works to the value of \$10,000 on the worst of the scours on Vermont Hill Road.	DIS	<b>Update:</b> Work completed.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
11	22/05/2025	120/25	Control of Pest Bird Species	<ul style="list-style-type: none"> <li>That Council publish information about the Indian Myna and control measures on social media and Council's website, to raise community awareness.</li> <li>That Council apply for grant funding to promote community participation in managing Indian Myna populations within the Bogan LGA.</li> <li>That Council survey local businesses to determine if there is interest in contributing funds and/or supporting practical efforts to assist in the management of Indian Myna birds.</li> </ul>	DDES	<p><b>Updates:</b></p> <p>Completed</p> <p>In progress</p> <p>Completed</p>
12	27/03/2025	045/25	Cobar Water Board Water Supply Agreement	That the General Manager enter into a lease agreement with the Cobar Water Board for Lot 1 DP803368 for a period of 10 years, at an agreed market	GM	In progress

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
				related rental, with annual rent renew for the purposes of the installation of solar panels and a water pump station. This agreement is subject to a successful negotiation of a Water Supply Agreement with Cobar Water Board.		
13	26/06/2025	139/25	Bogan Shire Youth and Community Centre R4R9 Grant	That the General Manager makes application to vary the approved Resources for Regions 9 Grant project for the Bogan Shire Youth and Community Centre to make provision for: <ul style="list-style-type: none"> <li>a. Building works – wall protection, internal door installation</li> <li>b. Outdoor sports facilities – pickleball court and table tennis</li> <li>c. Deletion of a fire pit and addition of a BBQ.</li> </ul>	GM	Variation request submitted.  <b>Update:</b> Verbal update at meeting.

Item 10.1

Item	Date	Minute No	Matter	Action Required	Officer	Status
14	26/06/2025	148/25	Nyngan Cemetery Unidentified Plots	That the General Manager provide a report to Council on the matter of unidentified cemetery plots at the Nyngan Cemetery.	DIS	Report to future Council Meeting.
15	24/07/2025	168/25	Pangee Street Trees	That Council replace seven Pangee Street trees with Platanus Acerifolia (London Plane trees) this financial year and replace the other seven Pangee Street trees with Platanus Acerifolia (London Plane trees) next financial year.	DIS	<b>Update:</b> In progress.

**1. Attachments**

Nil

**2. Recommendation**

That the report relating to the Monthly Checklist be received and those items marked as “Completed” be removed from the Checklist.

## 11 PEOPLE AND COMMUNITY SERVICES REPORTS

### 11.1 BOGAN SHIRE MEDICAL CENTRE OPERATIONAL REPORT

#### 1. Introduction

The purpose of this report is to provide information to Council on the operations and statistics of the Bogan Shire Medical Centre.

#### 2. Discussion

Below are the activities and statistics of the Bogan Shire Medical Centre for the June to August 2025 period.

##### Statistics

Total active patients as of 1 September 2025:	3,210
Total CDM (Chronic Disease Management) patients:	340
Total RAC (Residential Aged Care) patients:	28
Total 75+ Health Assessments completed for period March-June:	89
Total ATSI (Aboriginal/Torres Strait Islander) Health Assessments completed:	9

Current waiting periods to see a GP is approximately 1-2 days, with appointments available for acute complaints (On the Day appointments) daily.

##### New Patients

Between 1 June and 1 September there have been a total of 197 new patients registered at the Practice. Of these, 35 new patients have registered and booked online.

##### Locum Doctor Coverage

Locum GP placements have been booked for the remainder of 2025 to ensure full GP coverage at all times. Staff have also opened up the 2026 vacancies with agencies for Locum GP placements.

Locum GP placements for any 2026 bookings have been set at a minimum of 3 weeks per placement to ensure more consistency and reduce operational costs, particularly around travel. Many of our regular GPs are returning to us in 2026, ensuring continuity for patients.

##### Childhood Vaccinations

The Medical Centre's Registered Nurse and Authorised Immunisation Provider is now providing routine Childhood Immunisations and Blue Book Developmental Checks as per the National Immunisation Program. As part of this service, children are also to be reviewed by a General Practitioner during this appointment.

Since beginning this program in June, 35 childhood immunisations have been conducted.

### Influenza Vaccinations

The influenza vaccine clinic for 2025 is coming to an end. Both private (fee paying) and Federally funded free vaccines available under the National Immunisation Program (NIP) were utilised.

Free influenza vaccines under the NIP were available and given for:

- Children aged 6 months to less than 5 years,
- Pregnant women at any stage of pregnancy,
- First Nations people aged 6 months and over,
- People aged 65 years and over, and
- People aged 6 months and over with certain medical conditions that increase their risk of severe influenza and its complications.

Total number of patients vaccinated this flu season was 390.

The proportion of patients aged 65 and over who were immunised against influenza was 42%.

### Technology

#### ***AutoMed***

The Medical Centre's online booking system continues to be a successful addition to the Practice, with many online bookings being made every week.

#### ***Healthlink***

Healthlink is a secure message delivery network, allowing secure communication of health information from one healthcare provider organisation to another. In August, 212 referrals were sent via Healthlink.

#### ***Heidi***

Heidi is an AI medical dictation feature that allows users to dictate their medical notes word for word, streamlining the process of creating clinical documentation. This allows our doctors to be more present during the consultation process and ensures no important details are missed or forgotten.

#### ***Cubiko***

Cubiko integrates with our Best Practice medical software to access the practice data in a quick and simple manner. It provides easy-to-understand analytics, clinic metrics, item optimisation, performs service eligibility checks, checks for patients with upcoming appointments, provides patient cohort analysis, and is able to provide real-time, quick and simple reports.

### Residential Aged Care (RAC) Patients

The Medical Centre Locum GPs have been providing prescriptions to the 28 Residential Aged Care (RAC) patients currently residing at the Nyngan Multipurpose Service.

The Practice's administrative staff work closely with the Nyngan MPS staff to manage the visits, ensuring the best coordinated ongoing care for the RAC patients.

### Pre-Employment Medicals/Council Audiometry

The BSMC continues to conduct pre-employment medicals (PEMs) for several businesses both in and around the Nyngan region and as far away as Bourke. Council has all of its pre-employment medicals conducted through the Medical Centre.

### Physiotherapy Services

Physiotherapy services are currently being provided by Infinity Physiotherapy from Dubbo. This service operates one day per week (Thursday).

The physiotherapist specialises in complex pain management, sports injury management, post-surgery rehabilitation, vertigo management, falls prevention, cranio-sacral therapy, headache management, pre-employment assessment, WorkCover, NDIS and DVA clients, and dry needling.

### Ultrasound Services

The Ultrasound service continues to operate four days per week (Monday, Tuesday, Wednesday, and Thursday), with on call services provided on Fridays for acute or emergency care cases.

### ***Medical Diagnostic Services***

For the period June 2025 to August 2025, the following number of medical diagnostic services were provided.

June: 95

July: 91

August: 94

### Allied Health/ Outreach Services and Programs

- The Bourke-based Dietician has resumed face to face clinics after a period of telehealth. The Dietician is employed by Outback Division of General Practice (ODGP).
- The Measure Up Bone Density Bus visited Nyngan from 1-3 September with successful full clinics. A total of 62 patients were seen.
- An Optometrist Clinic is being conducted monthly over the course of two days.
- A 4<sup>th</sup> Year Medical Student recently spent 3 weeks in the clinic for their placement under the University of Sydney Rural Health Medical Student program.

Allied Health Services

Allied Health services as of September 2025 are listed below:

Type of Service	Days	Times	Frequency	Service Accessed by
Sonography	Monday, Tuesday, Wednesday & Thursday	8:30am-4:30pm	Weekly	Private bill with Medicare rebate
Family Planning NSW	Monday/ Tuesday	11am-5pm	Monthly	BSMC or Self-Referral
Mental Health Clinician	Tuesday, Wednesday	9am-4pm	Fortnightly	BSMC Referral
Mental Health Nurse	Tuesday/Wednesday & Thursday	9am-5pm	Monthly	BSMC Referral
Psychiatrist	Wednesday	9am-3pm	Bi-Monthly	BSMC Referral
Drug and Alcohol councillor	Tuesday, Wednesday	9am-5pm	Fortnightly	BSMC Referral
Dietician	Tuesday	9am-4pm	Fortnightly	Referral/ EPC
Pathology	Monday to Friday	8.30am - 11.30am	Weekly	Anyone holding a pathology request form – not required to be a patient of BSMC
Physiotherapy	Thursdays	8.30am – 4.30pm	Weekly	Referral or Private appt.
Podiatrist	Wednesdays & Fridays	9.00am - 2.30pm	Weekly	Referral or Private appt.
Telehealth Services with a variety of specialists (pain specialist, endocrinology, psychology)	Offered 5 days a week	8:45am-5pm	Offered 5 days a week	Referral (Medicare or private bill)
Alcohol and other Drug worker	Tuesday	9.30am-3pm	Fortnightly	BSMC or Self-Referral
Aboriginal Health Worker	Offered 5 days a week	8:30am-4:30pm	5 days a week	BSMC or Self-Referral

**3. Attachments**

Nil

**4. Recommendation**

That the Operational Report for the Bogan Shire Medical Centre be received and noted.

## 11.2 VISITOR INFORMATION CENTRE OPERATIONAL REPORT

### 1. Introduction

The purpose of this report is to provide information to Council on the operations of the Visitor Information Centre (VIC).

### 2. Discussion

#### General

The VIC is currently operated by Council staff seven days a week, Monday to Friday from 8.30am until 4.00pm, and on weekends from 10am until 2pm in line with the NSW Accredited Visitor Information Centre (AVIC) Network's accreditation requirements.

The VIC continues to welcome strong numbers of travellers through the doors. Many visitors have been calling in to Nyngan either on their way to or from major Outback events such as Music in the Mulga (Eulo, QLD), Coober Pedy Opal Festival (Coober Pedy, SA), Big Red Bash (Birdsville, QLD), Mundi Mundi Bash (Broken Hill, NSW), Birdsville Races (Birdsville, QLD), and the Broken Hill Festival (Broken Hill, NSW), as well as other surrounding outback locations.

There continues to be a strong demand for free camping, as many of these travellers are towing caravans or camper trailers or are in motorhomes that are fully self-contained. The Flood Memorial free camping area has at times reached full capacity, though numbers have recently declined due to fewer travellers on the road at this time of year. The Upper Weir free camping area continues to be well-utilised with several travellers visiting the VIC to check on directions to their preferred camping spots. Nyngan continues to be a popular resting point, particularly for Victorian travellers heading to Outback Queensland or returning home.

#### Tourism Booklet

Council has recently completed amendments to the tourism booklet, *Visitors Guide to the Bogan Shire*. This second print run follows the original release, ensuring the guide remains current and accurate. In collaboration with an external design company, the guide has been carefully updated to provide clear guidance and an inviting layout, showcasing the attractions and scenic highlights in and around Bogan Shire.

In September 2024, Council ordered 2,500 copies of the first edition, which were fully distributed and utilised in under 10 months, reflecting the strong demand for the resource. For this new print run, the quantity has been increased to 3,000 copies to better meet demand. In addition, a digital flip book option has been introduced, allowing visitors to scan a QR code and access the guide electronically - providing an environmentally conscious, paperless alternative for those who prefer a digital format.

This updated edition incorporates changes since the original booklet was designed, printed, and released. Updates include the addition of the completed Nyngan Water Tower mural to local tourism highlights, the removal or adjustment of businesses that have closed or changed, and the inclusion of other new or updated information from the past year.

The updated guide has once again received significant positive feedback and continues to be in high demand from information centres, other councils, visitors, and locals, who value its accurate and engaging representation of the region.

### **Brochure & Information Updates**

Tourism brochures have recently undergone a full redesign and revamp, featuring new photos and updated content. The new A5 folded brochure highlights '*20 Things to See and Do in the Bogan Shire*' and includes both a map and a QR code linking to the full Visitor Guide booklet. This refreshed format provides visitors with a convenient snapshot of local attractions while encouraging deeper exploration through the digital option. An example of previous and updated versions of village brochures are provided as attachments.

### **Accreditation**

Since 2015, the Nyngan VIC has been a fully accredited visitor information centre. Accreditation requires staff and management to complete an annual self-assessment checklist against 56 accreditation criteria covering 20 areas. The self-assessment form is then submitted for review and an on-site visitation is carried out by the accreditation body.

On Monday 28 July 2025, the Tourism Group, the appointed consultancy company contracted as the Program Manager for Destination NSW's Accredited Visitor Information Centres network, conducted a Desktop Accreditation Review of the Nyngan VIC. Following this process, the Nyngan VIC was once again granted accreditation for a further 12 months.

The reviewers expressed their appreciation for the progress, presentation, and operations of the Nyngan VIC, acknowledging the positive developments made in this space.

### **Visit Bogan Shire – Launch of Official Tourism Facebook Page**

*'Explore. Connect. Visit Bogan Shire'*

Council has recently established the '*Visit Bogan Shire*' Facebook page as the official tourism social media platform for the region. This page will be used to promote and share timely information with visitors, including road closures affecting travellers, links to the Visitor Guide, upcoming events, and access to local and regional event calendars.

The page will also feature monthly tourism themes during quieter periods, such as History Month, Sports and Recreation Month, or spotlighting individual attractions. These campaigns will be supported by ad hoc tourism promotions and event updates. In addition, the page will provide a channel to promote Bogan Shire merchandise and highlight new stock items.

The '*Visit Bogan Shire*' Facebook page is designed to build an ongoing connection with visitors, offering both timely updates and engaging content to encourage exploration of the Shire. Alongside this initiative, Council has also developed a VIC customer survey for visitors to complete, which connects directly to Google Reviews to further support feedback, engagement, and promotion.

### Merchandise

Management and VIC staff are currently reviewing merchandise, clearing older stock, and assessing sales patterns to identify the most popular items. Recent updates include the introduction of children's items to better cater for family travellers, and the trial of new products such as branded water bottles (photo provided) to gauge popularity and visitor feedback.

The VIC's range of merchandise continues to perform strongly, with the Big Bogan stubby holders remaining the top-selling item for several years. Other consistent favourites include Big Bogan magnets, Bogan Country stickers, and flannelette shirts during the cooler months.

### Merchandise Statistics

Most popular items sold (January 2025 to August 2025):

Postcards:	251
Stubby Holders:	208
Magnets:	139
Bogan singlets:	53
Flannelette Shirts:	132
Big Bogan Hat Badges:	57

### Statistics

The total number of visitors through the centre (Jan 2025 to Aug 2025) and / or enquiries was as follows:

Visitors:	4,725
Phone:	180
Email:	25

### **3. Attachments**

1. Nyngan VIC - Certificate of Accreditation 2025
2. Updated Visitor Information Guide 2025
3. A5 Brochure - 20 Things to See and Do in the Bogan Shire
4. Original Girilambone Brochure
5. Updated Girilambone Brochure
6. New VIC merchandise - branded water bottles

### **4. Recommendation**

That the Operational Report for the Visitor Information Centre be received and noted.



# Certificate of Accreditation

## Nyngan Visitor Information Centre

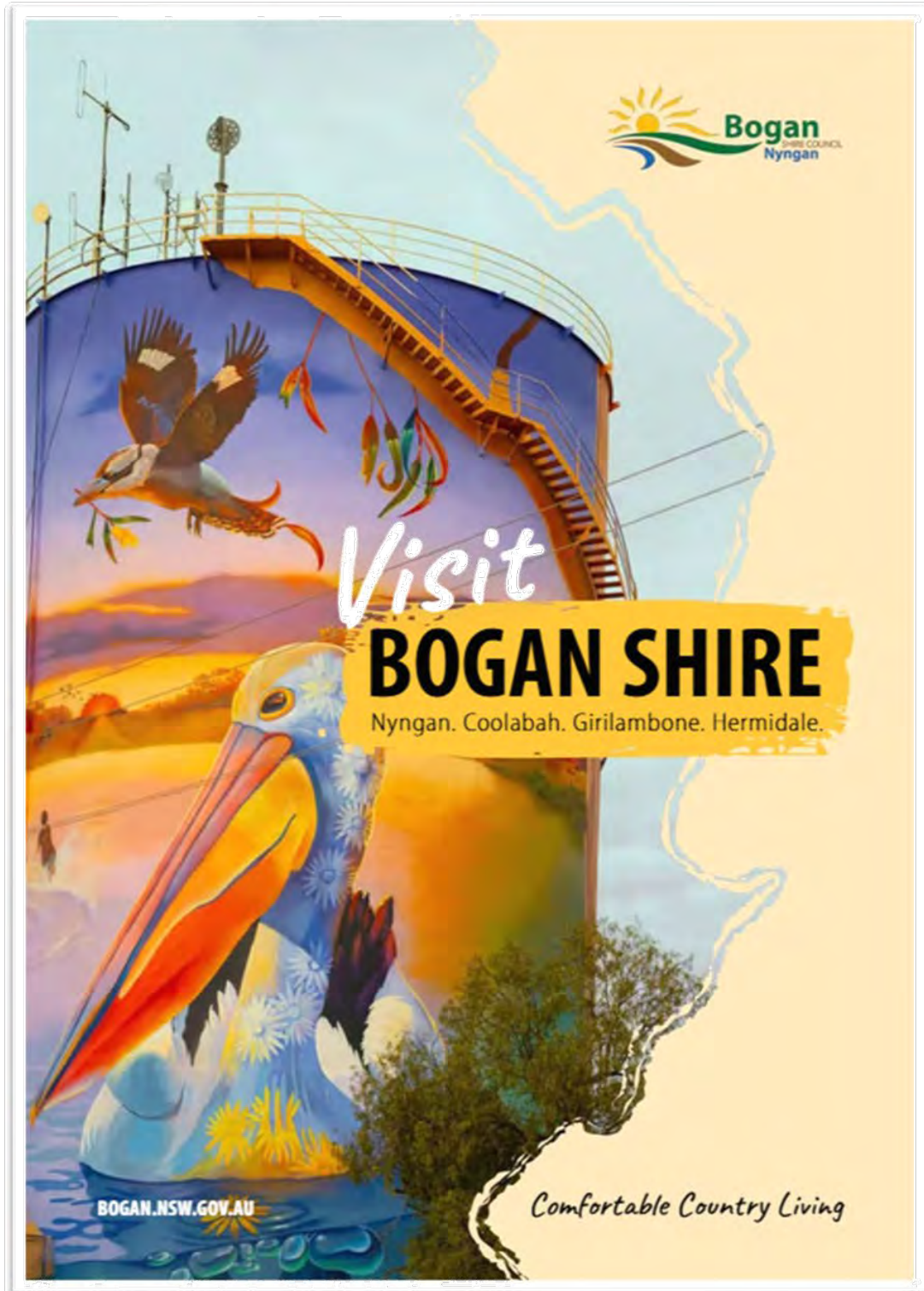
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Is an officially Accredited Visitor Information Centre  
NSW Accreditation Number: #151  
Valid 1 July 2025 to 30 June 2026

**The NSW Visitor Information Centre Accreditation program is proudly managed by The Tourism Group on behalf of Destination NSW**

**E:** [admin@thetourismgroup.com.au](mailto:admin@thetourismgroup.com.au) | **ABN:** 18 097 447 302





*Updated Visitor Information Guide 2025 – cover page*

# Your Experience Checklist

Ready to explore Nyngan? This quick guide highlights all of the must-see sights, local legends, and outdoor adventures you won't want to miss. Dive in and start planning a visit to remember!

- Stop in at the Nyngan Visitor Information Centre.
- Learn about the local sheep-shearing industry at the Mid-State Shearing Shed Museum.
- Reminisce and be amazed at the displays of our past in the Nyngan Museum.
- Look up and discover the striking new water tower artwork, a bold new landmark in the heart of O'Reilly Park precinct.
- Check out the Bell Iroquois Helicopter.
- Get a selfie with the Big Bogan and his best mate, Rusty.
- Take a leisurely bike ride around the town and to the river.
- Visit the historic Chinese Graves and Burner at the cemetery.
- Check out Nyngan Coach House in Teamsters Rest Area.
- Picnic in O'Reilly Park – there's a children's playground and skate park.
- Pack a picnic lunch, head on out to Jack Hargreaves or Rotary Park.
- Visit the Bogan River, a great spot for bird watching.
- Take a leisurely canoe or kayak ride down the Bogan River.
- Check out the new Bogan River Nature Trail with its metal sculptures.
- Keen golfer? Play a round of golf on Nyngan's par 68 sand green course.
- Go fishing on the Bogan River (you may catch the big one!)
- Bring your boat and waterski on the mighty Bogan River.
- Take a drive to the geographical centre of NSW - 72km south.
- Marvel at the sunset's colours, then gaze in awe at the stars above.
- Dine out and meet the locals at a restaurant, pub or bistro.
- Visit the Nyngan Solar Plant viewing platform - 10km along Cobar Road

# Welcome to Bogan Shire

*Tick of the Town!*

*Inside Map and Adventure checklist.*


*Scan here for full visitor guide!*




# Maps

## OurRegion

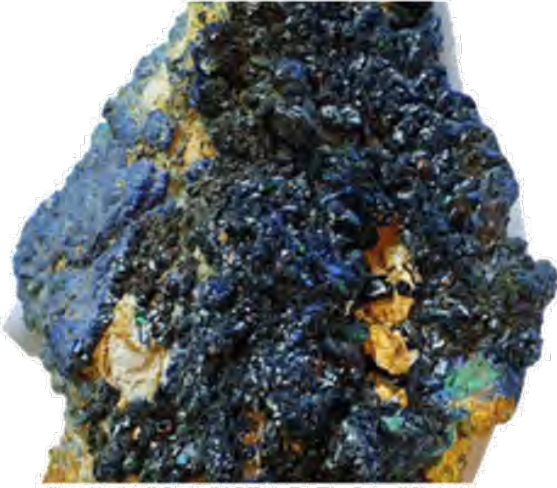





**The railway station, Girilambone's prime reason for existence, opened in 1884. Together with Nyngan it is one of only two brick railway stations built between Dubbo and Bourke. The station closed in 1986. Photo taken circa 1980. Restoration works have been completed and the building is looking fabulous!**



**Girilambone is located on the Mitchell Highway in Bogan Shire, 45 km from Nyngan, and 604 km from Sydney.**






**BUSHCRAFT CAFE**

**Food and Fuel**

**Bushcraft Cafe**  
 10 Sydney St.  
 Girilambone NSW 2831  
 Tel: 0438 331 280  
[www.bushcraftcafe.com.au](http://www.bushcraftcafe.com.au)

Leather, canvas & pvc goods, coffee, hot food, remedial massage, fuel.

**Hog & Billy Hotel (formerly Girilambone RSL)**  
 Cnr Murrumbidgee & Acturus St  
 Girilambone NSW 2831  
 Tel: 0492 983 824  
 Email: [reception@hogandbillyhotel.com.au](mailto:reception@hogandbillyhotel.com.au)  
 Facebook: search Hog & Billy Hotel



**DID YOU KNOW?**

In the cemetery lies the body of Helena Kerz. Helena is part of a story immortalised by Thomas Keneally and Fred Schepisi: the story of Jimmy Governor - *The Chant of Jimmy Blacksmith*. Helena was a local schoolteacher who boarded with the Mawbey Family.

**DID YOU KNOW?**

Girilambone proudly boasted being the smallest town in Australia with a ridgy-didge RSL Club. The Club was established in the early 1950's but closed down in 2011.

The building has since been completely renovated and is now the Hog & Billy Hotel.

**Girilambone**  
*"Place of Falling Stars"*  
**NSW 2831**

Original Girilambone Brochure (Page 1)

### Copper Mining

In 1879 Messrs. Hartman, Campbell and Hunter discovered traces of copper whilst journeying to Cobar. They took ore samples to Cobar to be tested and returned to commence mining in 1880.

In 1896 the Girilambone Copper Mining Company Ltd was formed and 200 men were employed.

There were at least 7 hotels and wine saloons at the old Mine Town, about 5km from the present site of Girilambone, until the closure of the mine caused most businesses to shift to the new town close to the railway line.

Mining ceased in 1918 mainly due to unprofitability and it was not until the late 1960's that exploration recommenced for about the next 20 years. Girilambone Copper Company (GCC) was formed in August 1992 and copper production commenced, pioneering the introduction of new technology in Australia. The hydrometallurgical process of bulk heap leaching was a new two-stage process. This process continued until early 2000's.

Today, Aeris Resources Tritton operates two underground mines. Copper is now extracted via conventional crushing and flotation circuits which produce a copper concentrate. Copper concentrate produced at the operation is railed to the Port of Newcastle for export.



### The History of Girilambone

Girilambone is located on the Mitchell Highway 45 km north of Nyngan.

The area of land now known as Girilambone lies within the traditional lands of the Wangaypuwan dialect speakers of the Ngiyampaa people. The name Girilambone is derived from the local language name for 'place of many stars' or 'place of falling stars'.

Copper mining originally drew workers to the area but it was the railway creeping north in 1883 that fixed its identity. When the mines were discovered there was no town of Girilambone. With the arrival of the railway line in 1883 the new Girilambone village began.



#### Where the Stars Fell - A Dreamtime Story

This is a children's version of the Dreamtime story.

Back in the Nurrumpa, as the people moved around the land, they saw many stars falling from the sky onto where Girilambone is today.

When the people found where the stars had fallen, they discovered that there were beautiful and precious stones lying everywhere, so they all started to gather them.

The surrounding tribes had also seen the stars falling and they too had come to investigate. Being mesmerized by the beauty of the stones, they started collecting them as well.

Fights started breaking out amongst all the people as they became greedier and greedier for the beautiful stones.

Biam' watched on as the people fighting over these precious stones were breaking the law that all people should not be greedy. He covered the stones over and created the hills that we see today at Girilambone as a reminder to everyone to share and not become greedy.



Girilambone Copper Smelting Works 1899.

### Girilambone Public School



About 500 people lived in the Old Mine Town and a school was built there to educate the children. The first teacher, a Mr. F Phillips, was appointed on 4 April 1882 with a top attendance of 91 pupils.


Today, Girilambone Public School, located in Vega St., is a vibrant village school providing high academic and sporting standards through quality education. In 2022, 18 students were enrolled at the school.

**DID YOU KNOW?**

In the cemetery lies the body of Helena Kerz. Helena is part of a story immortalised by Thomas Keneally and Fred Schepisi- the story of Jimmy Governor - The Chant of Jimmy Blacksmith. Helena was a local schoolteacher who boarded with the Mawbey Family

Girilambone proudly boasted of being the smallest town in Australia with a ridgy-didge RSL Club. The Club was established in the early 1950's but closed down in 2011. The building has since been completely renovated and is now the Hog & Billy Hotel.


**Girilambone is located on the Mitchell Highway in Bogan Shire, 45 km from Nyngan, and 604 km from Sydney.**




**FOOD & FUEL**

**BUSHCRAFT CAFE**  
 10 Sydney St Girilambone NSW 2831  
 Tel: 0438 331 280  
[www.bushcraftcafe.com.au](http://www.bushcraftcafe.com.au)  
 Leather , canvas & pvc goods, coffee, hot food , remedial massage, fuel.

**HOG & BILLY HOTEL**  
 (formerly Girilambone RSL)  
 Cnr Murrumbidgee & Acturus St Girilambone NSW 2831  
 Tel: 0492 983 824  
 Email: [reception@hogandbillyhotel.com.au](mailto:reception@hogandbillyhotel.com.au)  
 Facebook: search Hog & Billy Hotel





Updated Girilambone Brochure (Page 1)

### THE HISTORY OF GIRILAMBONE

Girilambone, located 45 km north of Nyngan on the Mitchell Highway, lies within the traditional lands of the Wanggaaypuwan-speaking Ngilyampaa people. Its name, meaning 'place of many stars' or 'place of falling stars', reflects its cultural significance. The village was established in 1883 with the arrival of the railway.

The railway station, Girilambone's prime reason for existence, opened in 1884. Together with Nyngan it is one of only two brick railway stations built between Dubbo and Bourke. The station closed in 1986. Photo taken circa 1980. Restoration works have been completed and the building is looking fabulous!

### WHERE THE STARS FELL - A DREAMTIME STORY

"This children's Dreamtime story tells of a time when many stars fell from the sky, landing in what is now Girilambone. The people discovered precious stones where the stars had fallen and began gathering them.

Other tribes, having seen the stars fall, came to investigate and soon joined in, mesmerized by the beauty of the stones. As greed took hold, fights broke out among the people

Biami, observing this, saw that they were breaking the sacred law against greed. To teach a lesson, he covered the stones and created the hills at Girilambone as a reminder for all to share and avoid greed.

### COPPER MINING

In 1879, Hartman, Campbell, and Hunter discovered copper traces near Cobbar, testing the ore in town before returning to mine in 1880. The Girilambone Copper Mining Company Ltd was formed in 1896, employing 200 men.

The old Mine Town, located 5 km from the current Girilambone, had at least 7 hotels and saloons until the mine's closure, after which businesses moved closer to the railway. Mining ceased in 1918 due to unprofitability, with exploration restarting in the 1960s.

The Girilambone Copper Company was established in 1992, introducing new technology, including a two-stage hydrometallurgical heap leaching process, which ran until the early 2000s. Today, Aeris Resources Triton operates two underground mines, extracting copper via conventional crushing and flotation, with concentrate shipped to the Port of Newcastle for export.

Girilambone Copper Smelting Works 1899.

### GIRILAMBONE PUBLIC SCHOOL

About 500 people lived in the Old Mine Town and a school was built there to educate the children. The first teacher, a Mr. F Phillips, was appointed on 4 April 1882 with a top attendance of 91 pupils.

Today, Girilambone Public School, located in Vega St, is a vibrant village school providing high academic and sporting standards through quality education. In 2022, 18 students were enrolled at the school.

Updated Girilambone Brochure (Page 2)



***Examples of new merchandise - branded water bottles that will soon be available for purchase at the Nyngan VIC.***

## **11.3 AUSTRALIA DAY 2026 NOMINATIONS AND AWARDS**

### **1. Introduction**

The purpose of this report is for Council to approve the Australia Day Award categories, nomination form, guidelines and voting system for the 2026 awards.

### **2. Background**

In recent years Council has asked for nominations from the community for the following Australia Day categories:

- Citizen of the Year
- Young Citizen of the Year (aged 25 or under)
- Sportsperson of the Year
- Young Sportsperson of the Year (aged 25 or under)
- Sports Team of the Year
- Community Event of the Year

In 2018, Council resolved to present certificates to all nominees and award one overall winner (300/2018) and that all Councillors be circularised with the nominations shortly after the closing date, to allow Councillors to vote for the nominees (301/2018).

All nominees considered worthy are invited to attend the Bogan Shire Australia Day Ceremony in Davidson Park on January 26. Nominees are presented with certificates, and the winner of each category is presented with a medal or plaque.

In November 2022 Council resolved to hold the Australia Day Ceremonies including Citizenship at Davidson Park, with a contingency plan of the Town Hall as an adverse / wet weather back up (283/2022).

### **3. Discussion**

Council will shortly begin the process of emailing and sending out nomination forms to various clubs, community organisations, NGOs and Nyngan High School. The nominations will also be promoted on Council's Facebook page over the coming months.

Online forms will also be made available to increase accessibility for those wanting to put forth a nomination.

The closing date for nominations this year will be Friday 12 December 2025. This allows staff adequate time to collate nominations and prepare copies to go out to Councillors. This will then allow for Councillor assessment of nominations and Councillor votes to be received by Friday 19 December 2025.

These timeframes will assist staff in effective coordination of the event, ordering and printing of certificates and awards and preparation of the January event and presentation.

**4. Attachments**

1. Australia Day 2026 Individual Nomination Form
2. Australia Day 2026 Community Event Nomination Form
3. Guidelines and Criteria 2026

**5. Recommendation**

That Council approves the categories, nominations forms and guidelines with the date of Friday 12 December 2025 being the closing date for all nominations and Councillor votes to be received by Friday 19 December 2025.



**Bogan Shire Council Australia Day Awards 2026  
Nomination Form**

**Nomination for:**

- Citizen of the Year (26 years or older on 26 January 2026)
- Young Citizen of the Year (under 26 years of age on 26 January 2026)
- Sportsperson of the Year
- Junior Sportsperson of the Year (18 years and under on 26 January 2026)
- Sports Team of the Year

**DETAILS OF PERSON BEING NOMINATED:**

<i>Title:</i>	<i>Name:</i>	<i>Surname:</i>
<i>Address:</i>		
		<i>Postcode:</i>
<i>Telephone:</i>		
<i>Email:</i>		
<i>Date of birth:</i>		<i>Age:</i>

- Does the nominee currently live and/or work in Bogan Shire YES / NO
- Is the nominee an Australian citizen? YES / NO
- Will nominee be aged 26 years or over on 26 January 2026? YES / NO

**I, the nominee, agree to be nominated for this award.**

<i>Signature:</i>	<i>Date:</i>
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**CONTRIBUTION TO THE COMMUNITY FOR WHICH THE PERSON IS NOMINATED**

Please attach additional sheets/material if required.





**OTHER PERSONS TO CONTACT FOR FURTHER INFORMATION ABOUT NOMINEE**

<i>Name:</i>	<i>Name:</i>
<i>Relationship to Nominee:</i> Not stated	<i>Relationship to Nominee:</i>
<i>Telephone:</i>	<i>Telephone:</i>
<i>Email:</i>	<i>Email:</i>
<i>Address:</i>	<i>Address:</i>

**TO BE COMPLETED BY PERSON SUBMITTING NOMINATION**

<i>Title:</i>	<i>Name:</i>	<i>Surname:</i>
<i>Address:</i>		
		<i>Postcode:</i>
<i>Telephone:</i>		
<i>Email:</i>		
<i>Organisation (if any):</i>		
<i>Signature:</i>		<i>Date:</i>

**PLEASE USE THIS CHECKLIST TO ENSURE THAT YOUR NOMINATION IS COMPLETE**

- I have read the Nomination Guidelines and Criteria.
- The information provided in this nomination is accurate.
- Supporting material, including references and media (newspaper clippings) are attached.
- The nominee has signed the Nomination Form.

**Nominations close on Friday 12 December 2025**

Please send completed form to:

The General Manager  
PO Box 221  
Nyngan NSW 2825

The awards will be announced on Australia Day Monday 26 January 2026.





**Bogan Shire Council Australia Day Awards 2026  
Community Event Nomination Form**

**DETAILS OF EVENT AND ORGANISER OR ORGANISATION BEING NOMINATED:**

<i>Event Name:</i>	
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**Organiser and / or Organisation details.**

<i>Title:</i>	<i>Name:</i>	<i>Surname:</i>
<i>Organisation Name:</i>		
<i>Address:</i>		
		<i>Postcode:</i>
<i>Telephone:</i>		
<i>Email:</i>		

Was the Community event held in Bogan Shire? YES/NO

**I, on behalf of the nominated event, agree to be nominated for this award.**

<i>Signature:</i>	<i>Date:</i>
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**REASON FOR NOMINATING – HOW HAS THE ORGANISATION / EVENT CONTRIBUTED TO THE COMMUNITY?**

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Please attach additional sheets/material if required.

Bogan Shire Council  
PO Box 224, Nungah NSW 2825





**OTHER PERSONS TO CONTACT FOR FURTHER INFORMATION ABOUT EVENT**

<i>Name:</i>	<i>Name:</i>
<i>Telephone:</i>	<i>Telephone:</i>
<i>Email:</i>	<i>Email:</i>
<i>Address:</i>	<i>Address:</i>

**TO BE COMPLETED BY PERSON SUBMITTING NOMINATION**

<i>Title:</i>	<i>Name:</i>	<i>Surname:</i>
<i>Address:</i>		
		<i>Postcode:</i>
<i>Telephone:</i>		
<i>Email:</i>		
<i>Organisation (if any):</i>		
<i>Signature:</i>		<i>Date:</i>

**PLEASE USE THIS CHECKLIST TO ENSURE THAT YOUR NOMINATION IS COMPLETE**

- I have read the Nomination Guidelines and Criteria.
- The information provided in this nomination is accurate.
- Supporting material, including references and media (newspaper clippings) are attached.
- The event representative has signed the Nomination Form.

**Nominations close on Friday 12 December 2025**

Please send completed form to:

The General Manager  
 PO Box 221  
 Nyngan NSW 2825

The awards will be announced on Australia Day Monday 26 January 2026.





### NSW Local Citizen of the Year Awards Guidelines and Criteria

Each year the people of **Bogan Shire** are invited to nominate fellow citizens for the NSW Local Citizen of the Year Awards. The awards aim to recognise outstanding achievement during the past year and/or contribution to the local community over a number of years.

#### Award Categories

- **Citizen of the Year:** open to persons 26 years or older on 26 January 2026.
- **Young Citizen of the Year:** open to persons under 26 years of age on 26 January 2026.
- **Community Event of the Year:** open to the person or group who has staged the most outstanding community event during the past year.
- **Australia Day Awards:**
  - **Sportsperson of the Year:** Presented for contribution to Sport in the local area. The nominee's efforts to advance their chosen sporting activity and their performance over the past year are considered.
  - **Junior Sportsperson of the Year:** Presented for contribution to Sport in the local area. (18 years & under)
  - **Sports Team of the Year:** Presented for contribution to Sport in the local area.

#### Criteria and Eligibility

- Nominees must be Australian citizens and reside in Bogan Shire at the time of nomination.
- Unsuccessful nominees may be re-nominated in subsequent years.
- Self nominations will not be accepted.
- Awards will not be granted posthumously.
- The minimum age for the NSW Local Citizen of the Year Awards is 16 years on 26 January 2026
- A person cannot receive a second award in the same Award category but can be considered for recognition in a separate category in following years e.g., Young Citizen of the Year and then Citizen of the Year.
- All nominees will be considered for the Citizen of the Year Award, in addition to their original nomination category.
- Nominees aged 60 years and over on 26 January 2026 will also be considered for the Senior Citizen of the Year Award, in addition to their original nomination category.
- Nominees aged 16 to 25 years on 26 January 2026 will also be considered for the Young Citizen of the Year Award, in addition to their original nomination category.

#### Nomination Process

- To nominate, please complete the nomination form. The nomination should detail the nature, duration, and impact of the nominee's contribution to Bogan Shire.
- Nominations must be received by **Friday 12 December 2025**.
- Any supporting documentation should be attached to the nomination form.
- Nominations must be submitted to General Manager, P O Box 221, Nyngan NSW 2825
- The awards will be presented on Australia Day 2026.
- The selection of recipients will reflect the nominations received and information available to the Judging Panel at the time. Bogan Shire Council reserves the right to withdraw an award if further information or the recipient's conduct draws the NSW Local Citizen of the Year Awards into disrepute.

Bogan Shire Council, P O Box 221, Nyngan NSW 2825. Ph: 02 6835 9000.



## 12 FINANCE AND CORPORATE SERVICES REPORTS

### 12.1 INVESTMENTS AUGUST 2025

#### 1. Introduction

The purpose of this report is to outline the performance of Council's investment portfolio for the month of August 2025.

#### 2. Background

In accordance with Clause 212 of the Local Government (General) Regulation 2005 a report must be presented to the Council setting out details of all the money that the Council has invested under section 625 of the Act.

#### 3. Discussion

The Investment Report for August 2025 is shown below. At the 31 August 2025 Council had \$32.1 million invested. There has been an increase \$631,000 due to Council receiving payment of the first quarter Financial Assistance Grant, first Block Grant Instalment, first R2R instalment and income from ratepayers for the first rates instalment.

Consideration of this report means that Council is complying with the Local Government (General) Regulation 2005.

#### Investment Movements for August 2025

It is hereby certified that these investments have been made in accordance with the Local Government Act 1993 and the Regulations thereto.

REF	Source	Maturity	Days	% rate	Bal July 25	Bal Aug 25
42-150-6894	NAB - Professional Funds	4/05/2016	At Call	4.350%	13,348,222.29	13,979,509.94
11271016	Westpac	17/12/2024	17/12/2025	5.010%	6,000,000.00	6,000,000.00
88-392-4994	NAB	29/05/2025	29/05/2026	4.200%	2,000,000.00	2,000,000.00
32-556-4779	NAB	5/11/2024	5/11/2025	5.050%	2,000,000.00	2,000,000.00
98-544-4756	NAB	30/01/2025	30/01/2026	4.850%	2,000,000.00	2,000,000.00
98-568-5779	NAB	30/01/2025	30/01/2026	4.850%	2,000,000.00	2,000,000.00
	Westpac	17/04/2025	17/04/2026	4.200%	2,000,000.00	2,000,000.00
	Westpac	09/05/2025	11/05/2026	4.250%	2,800,000.00	2,800,000.00
	Balance securities held				<b>32,148,222.29</b>	<b>32,779,509.94</b>
	Balance Ledger 19010.8200.8200				<b>32,148,222.29</b>	<b>32,779,509.94</b>
	<b>Summary by institution</b>					
	Commonwealth				0.00	0.00
	NAB				21,348,222.29	21,979,509.94
	Westpac				10,800,000.00	10,800,000.00
					<b>32,148,222.29</b>	<b>32,779,509.94</b>

**4. Attachments**

Nil

**5. Recommendation**

That Council receive and note the Investments Report for August 2025.

**12.2 SUMMARY RATE AND ANNUAL CHARGES COLLECTION**

**1. Introduction**

The purpose of this report is to provide a comparison of rate collections as at 31st August, 2025, with the same period last year.

**2. Background**

This report is provided for the information of Councillors.

**3. Discussion**

<b>Rate Collections</b>	<b>2025-2026</b>	<b>2024-2025</b>
Arrears Prior to 01/01/2025	334,792	539,241
First Instalment outstanding as at 31/8/2025	357,105	560,981
Second Instalment outstanding as at 31/8/2025	1,161,458	1,115,185
Third Instalment outstanding as at 31/8/2025	1,202,199	1,147,773
Fourth Instalment outstanding as at 31/8/2025	1,217,409	1,162,884
<b>Total Arrears</b>	<b>334,792</b>	<b>539,241</b>
<b>Total Outstanding</b>	<b>4,272,963</b>	<b>4,526,064</b>
<b>Monthly Transactions</b>		
Amount Levied & B/Fwd	6,192,744	6,254,196.99
Add: Adjustments	4,995	18,894
Less: Payments to end of August	-1,857,550	-1,674,789
Less: Rebates	-67,226	-72,237
Add: Postponed	0	0
<b>Gross Total Balance</b>	<b>4,272,963</b>	<b>4,526,064</b>
<b>Arrears of total amount levied %</b>	<b>11%</b>	<b>17.5%</b>

Total arrears have decreased from \$539,241 at the 31st August 2024 to \$334,792 as at 31st August this year.

Each instalment amounts to approximately \$1,549,000 (Total Rates, Waste, Water & Sewer Access Charges)

As at the 31<sup>st</sup> August, Council had collected \$182,761 more than at the same time last year. At the time of writing this report, Council has collected an additional \$283,471.

**4. Attachments**

Nil

**5. Recommendation**

That Council receive and note the Rate & Annual Charges Collection report for August 2025.

## 12.3 DRAFT ANNUAL FINANCIAL STATEMENTS 2024/2025

### 1. Introduction

The purpose of this report is for Council to adopt the 2024/2025 Draft Annual Financial Statements and for Council to delegate Authority to the General Manager to authorise the Year End Accounts for issue.

### 2. Background

The Annual Financial Statements have been completed in draft and are in the final stages of audit, however Council is still awaiting their finalisation by the NSW Audit Office. There may be slight changes to the Statements because of the audit process, any material changes are likely to be due to changes arising from the asset revaluation that Council undertook this year. If there are any material changes to the Financial Statements they will be brought back to Council via a further report.

An excerpt of the financial statements sent for Audit is attached. Council's Contract Auditor, Nexia undertook the audit on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> August and are still working on them off-site. Once completed the accounts will be sent to the Audit Office for signing off.

Once finalised by the Audit Office the Financial Statements for 2024/2025 will then be forwarded to the Office of Local Government, advertised and presented to the public at the next meeting of Council.

Section 418 – "*Public notice to be given of presentation of financial reports*"- of the Local Government Act, 1993 states:

- (1) *As soon as practicable after a council receives a copy of the auditor's report:*
  - a) *It must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor's report, to the public, and*
  - b) *It must give public notice of the date so fixed.*
- (2) *The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the council.*

With the strict timeframe from the date of receipt of the Auditor's Report to when the public meeting must be held, it is recommended that Council delegate to the General Manager the authority to "authorise the Year End Accounts for issue", subject to there being no material audit changes or audit issues, in accordance with AASB 110.

### 3. Discussion

The figures within the financial accounts indicate how Council has performed financially over 2024/2025 financial year.

There are some areas to highlight from the Financial Statements and they are as follows:

- Positive consolidated result.
- Reasonable cash position in all Funds.
- TfNSW Contract Maintenance claim increased by \$677,000 for 2024/2025 compared to 2023/2024.
- TfNSW Flood Damage Claim for roads in 2024/2025 of \$1.75 million.
- Investment returns increased by \$477,000, compared to what was budgeted as a result of interest rates remaining steady and not decreasing as expected.
- An increase to unrestricted cash to \$8.76 million.
- \$2.5 million overall increase to depreciation expenses. This increase is attributable to a full revaluation having been undertaken in June 2025 and new unit rates applied to road infrastructure due to the costs of materials and construction having increased as well as the Water Fund depreciation increase due to the Water Storages and Belaringar Syphon.

The consolidated accounts are made up of three funds. General, Water and Sewer. Unless otherwise stated, this report refers to the consolidated accounts.

The summarised performance of the three funds is shown in the table below:

Item	Water \$000's	Sewer \$000's	General \$000's	Consolidated \$000's
Income	4,379	670	28,018	33,067
Expenditure	2,215	592	21,463	24,270
<b>Operating Result from Continuing Operations excluding depreciation</b>	<b>2,164</b>	<b>78</b>	<b>6,555</b>	<b>8,797</b>
Less Depreciation	888	283	6,133	7,304
<b>Net Operating Result</b>	<b>1,276</b>	<b>(205)</b>	<b>422</b>	<b>1,493</b>
Current Assets	5,107	2,224	33,365	40,696
Non-Current Assets	52,640	14,650	264,629	331,919
<b>Total Assets</b>	<b>57,747</b>	<b>16,874</b>	<b>297,994</b>	<b>372,615</b>
Liabilities	2,438	0	8,101	10,539
<b>Equity</b>	<b>55,309</b>	<b>16,874</b>	<b>289,893</b>	<b>362,076</b>

The overall unrestricted cash balance has increased from \$6,074,000 to \$8,760,000 an increase of \$2,686,000.

A full set of draft financial statements will be tabled at this meeting and will be available upon request. The Income Statement, Balance Sheet and Statement of Cash flows is shown below.

## Bogan Shire Council

### Income Statement

for the year ended 30 June 2025

<i>Original unaudited budget 2025 \$ '000</i>		Notes	<i>Actual 2025 \$ '000</i>	<i>Actual 2024 \$ '000</i>
	<b>Income from continuing operations</b>			
5,608	Rates and annual charges	B2-1	5,686	5,492
4,624	User charges and fees	B2-2	7,458	9,879
219	Other revenues	B2-3	365	307
11,140	Grants and contributions provided for operating purposes	B2-4	10,462	16,731
1,842	Grants and contributions provided for capital purposes	B2-4	6,984	8,057
1,054	Interest and investment income	B2-5	1,531	1,378
–	Other income	B2-6	293	314
476	Net gain from the disposal of assets	B4-1	288	–
24,963	<b>Total income from continuing operations</b>		<b>33,067</b>	<b>42,158</b>
	<b>Expenses from continuing operations</b>			
10,851	Employee benefits and on-costs	B3-1	9,436	8,256
8,322	Materials and services	B3-2	14,473	16,645
61	Borrowing costs	B3-3	59	64
2,098	Other expenses	B3-5	302	260
–	Net loss from the disposal of assets	B4-1	–	215
21,332	<b>Total expenses from continuing operations excluding depreciation, amortisation and impairment of non-financial assets</b>		<b>24,270</b>	<b>25,440</b>
3,631	<b>Operating result from continuing operations excluding depreciation, amortisation and impairment of non-financial assets</b>		<b>8,797</b>	<b>16,718</b>
4,602	Depreciation, amortisation and impairment of non-financial assets	B3-4	7,304	4,806
(971)	<b>Operating result from continuing operations</b>		<b>1,493</b>	<b>11,912</b>
(971)	<b>Net operating result for the year attributable to Council</b>		<b>1,493</b>	<b>11,912</b>
(2,813)	<b>Net operating result for the year before grants and contributions provided for capital purposes</b>		<b>(5,491)</b>	<b>3,855</b>

**Bogan Shire Council**

**Statement of Financial Position**

as at 30 June 2025

	Notes	<i>Actual</i> <b>2025</b> \$ '000	<i>Actual</i> <b>2024</b> \$ '000
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	C1-1	13,816	16,755
Investments	C1-2	18,800	16,800
Receivables	C1-4	6,803	7,079
Inventories	C1-5	1,208	1,391
Other		69	110
<b>Total current assets</b>		<b>40,696</b>	<b>42,135</b>
<b>Non-current assets</b>			
Receivables	C1-4	521	558
Infrastructure, property, plant and equipment (IPPE)	C1-6	331,289	307,625
Investments accounted for using the equity method	D2-1	109	124
<b>Total non-current assets</b>		<b>331,919</b>	<b>308,307</b>
<b>Total assets</b>		<b>372,615</b>	<b>350,442</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	C3-1	1,708	1,743
Contract liabilities	C3-2	4,869	5,221
Borrowings	C3-3	130	128
Employee benefit provisions	C3-4	2,157	2,028
<b>Total current liabilities</b>		<b>8,864</b>	<b>9,120</b>
<b>Non-current liabilities</b>			
Borrowings	C3-3	1,675	1,807
<b>Total non-current liabilities</b>		<b>1,675</b>	<b>1,807</b>
<b>Total liabilities</b>		<b>10,539</b>	<b>10,927</b>
<b>Net assets</b>		<b>362,076</b>	<b>339,515</b>
<b>EQUITY</b>			
Accumulated surplus	C4-1	209,344	207,873
IPPE revaluation surplus	C4-1	152,732	131,642
<b>Council equity interest</b>		<b>362,076</b>	<b>339,515</b>
<b>Total equity</b>		<b>362,076</b>	<b>339,515</b>

**Bogan Shire Council**

**Statement of Cash Flows**

for the year ended 30 June 2025

<i>Original unaudited budget 2025 \$ '000</i>		<i>Actual 2025 \$ '000</i>	<i>Actual 2024 \$ '000</i>
	Notes		
<b>Cash flows from operating activities</b>			
<i>Receipts:</i>			
5,853	Rates and annual charges	5,975	5,681
7,937	User charges and fees	8,442	14,142
1,556	Interest received	1,490	1,308
9,510	Grants and contributions	16,904	29,239
-	Bonds, deposits and retentions received	24	378
1,714	Other	2,208	1,950
<i>Payments:</i>			
(11,585)	Payments to employees	(9,276)	(8,312)
(15,457)	Payments for materials and services	(16,663)	(22,779)
(84)	Borrowing costs	(60)	(66)
(19)	Bonds, deposits and retentions refunded	(12)	(379)
(203)	Other	(251)	(280)
(778)	<b>Net cash flows from operating activities</b>	8,781	20,882
	G1-1		
<b>Cash flows from investing activities</b>			
<i>Receipts:</i>			
-	Redemption of term deposits	8,800	10,800
476	Proceeds from sale of IPPE	788	576
<i>Payments:</i>			
16,800	Acquisition of term deposits	(10,800)	(14,800)
-	Payments for IPPE	(10,378)	(11,135)
17,276	<b>Net cash flows from investing activities</b>	(11,590)	(14,559)
<b>Cash flows from financing activities</b>			
<i>Payments:</i>			
(1,935)	Repayment of borrowings	(130)	(127)
(1,935)	<b>Net cash flows from financing activities</b>	(130)	(127)
14,563	<b>Net change in cash and cash equivalents</b>	(2,939)	6,196
-	Cash and cash equivalents at beginning of year	16,755	10,559
14,563	<b>Cash and cash equivalents at end of year</b>	13,816	16,755
	C1-1		
16,800	plus: Investments on hand at end of year	18,800	16,800
31,363	<b>Total cash, cash equivalents and investments</b>	32,616	33,555
	C1-2		

**4. Attachments**

Nil

**5. Recommendation**

1. That Council adopts the 2024/2025 Draft Annual Statements.
2. Council delegates authority to the General Manager to authorise the Year End Accounts for issue.

## **12.4 CROWN LAND - PLANS OF MANAGEMENT**

### **1. Introduction**

The purpose of this report is to present to Council the completed Crown Land Management Plans for Parks (Established), Parks (Not-Established) and Natural Areas – Bushland.

Under the Crown Land Management Act 2016 (CLM Act) in New South Wales, Councils are now required to manage Crown Land as if it were council-owned public land under the Local Government Act 1993 (LG Act). This means that Councils must prepare and adopt Plans of Management (PoMs) for Crown Land they manage.

### **2. Background**

In 2012 the NSW Government began the first major review of Crown Land in 25 years, prompting a comprehensive consultation process with community and other interested parties about the future management of Crown Land. This extensive review process culminated in the NSW Parliament passing the new CLM Act in November 2016 and the Crown Land Legislation Amendment (CLLA Act) Act in May 2017.

### **3. Discussion**

As a result of the new legislation Council was required to classify, categorise, and produce PoM's for 44 Reserves handed to Council including the School of Arts Buildings in Coolabah and Girilambone this list also included 9 Reserves which have since been devolved to Council and no longer require Council to provide PoM's.

Council resolved to classify and categorise each Reserve at its meeting held 28th March 2019, Council classified all reserves as either Community or Operational Land under section 25 of the LG Act. Council is also required to Categorise each reserve as a natural area, a sportsground, a park, an area of cultural significance or for general community use.

Council has addressed a large portion of its Reserves in the three PoM's up for adoption, a number are still with the Crown Lands Office and staff still have a small number of Plans to complete.

Crown Lands have approved the PoM's and they have been placed on public display for the required time for community feedback, with no submissions received.

Native Title consideration have also been addressed and a trained Native Title Manager has been consulted as required by the CLM Act.

The PoM outlines permissible uses, including the granting of leases and licenses. Any proposed leases or licenses must comply with the core objectives for the land's category and the requirements of the LG Act.

The final step in the process is to formally adopt the PoM's before Council in this report. This satisfies the statutory requirements under the LG Act and CLM Act allowing Council to legally manage and carry out activities on the land. The PoM's also provide a framework for the future use, maintenance, and development of the land and sets a clear direction for the use of the land.

**4. Attachments**

1. Plan of Management - Parks Established (Generic)
2. Plan of Management - Parks Not established (Generic)
3. Plan of Management - Natural areas Bushland (Generic)

**5. Recommendation**

1. That Council adopt the Management Plans listed in attachments.
2. That the Crown Land Plans of Management Report be received and noted.



## BOGAN SHIRE COUNCIL

### Plan of Management for Public Recreation, Memorial – Park, (Established)





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## Plan of Management for Public Recreation or Memorial – Parks (Established)

Bogan Shire Council – Appointed Crown Land Manager

This Plan of Management yet to be adopted by Council.

This Plan of Management (PoM) has been prepared by Bogan Shire Council and provides direction as to the use and management of Council Managed Crown Reserves classified as 'community land' in the Bogan Shire Council area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM 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.

This PoM is a generic document covering most of the community land and open space within the Bogan Shire Council Local Government Area (LGA) purposed for Public Recreation or Memorial. Reserves in this plan are Categorised Parks, (Established).





## INTRODUCTION

Bogan Shire, situated in Western New South Wales, has an area of 14,610 square kilometres, equivalent to about 1.8% of the State's land surface. The geographical centre of the State lies within the Shire boundaries. The Shire has an estimated population of 2644 (according to the 2016 ABS figures for population growth). Nyngan, the Shire's Administrative Centre, is located on the Bogan River at the junction of the Mitchell and Barrier Highways - an ideal rest point for the weary traveller.

There is an abundance of productive agricultural land for sheep and cattle production and large-scale cropping enterprises. Nyngan's farmers are highly competitive on local and international markets and the large quantity of agricultural produce is conducive to the development of value adding industries and marketing ventures.

Nyngan offers warm hospitality and all the facilities of a modern rural township. Three Motels, two Caravan Parks and Hotels provide a choice of accommodation options. Three licensed Clubs cater for entertainment and relaxation. The town also boasts a selection of restaurants and take-away food outlets for dining. The Bogan Shire has a high school, four primary schools, a pre-school, a mobile pre-school, and a TAFE Campus. Nyngan's medical needs are catered for by the new Nyngan Health Service (Multi-purpose Health Centre which incorporates a nursing home complex) and a network of health professionals.

The recreational and sporting facilities in Nyngan are excellent and include facilities for bowls, golf, tennis, dancing, swimming, rugby union, rugby league, touch football, cricket, netball, fishing, boating, canoeing, water-skiing, soccer, little athletics and pony club. Whether you are looking for an outback experience or a place to escape the hectic pace of the city life, we hope that a visit to the Bogan Shire will show you what real **"Comfortable Country Living"** is all about.





## PURPOSE OF THE PLAN OF MANAGEMENT

Council is required by Section 7 of the Local Government Act 1999 to 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area'. The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, is vacant and undeveloped, or has been, specifically modified or adapted, for benefit or enjoyment of the community.

Council Corporate Objectives are outlined in Council's Delivery Program 2023-2026 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2024(1.2).

The Local Government Act 1993 (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act 2016 (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the Local Government Act 1993 (LG Act). A PoM is required for all council-managed Crown reserves on community land.

This PoM is a document covering most of the community land and open space within the Bogan Shire Council local government area (LGA) categorised as Park, Established.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in Bogan Shire Council 2027 Community Strategic Plan,
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*,
- provide clarity in the future development, use and management of the community land,
- ensure consistent management that supports a unified approach to meeting the varied needs of the community,
- provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area,
- The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors has been specifically modified or adapted for benefit or enjoyment of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix [A3] of this document.



## PROCESS OF PREPARING THIS PLAN OF MANAGEMENT

Figure 1 illustrates the process undertaken by Council in preparing this PoM.

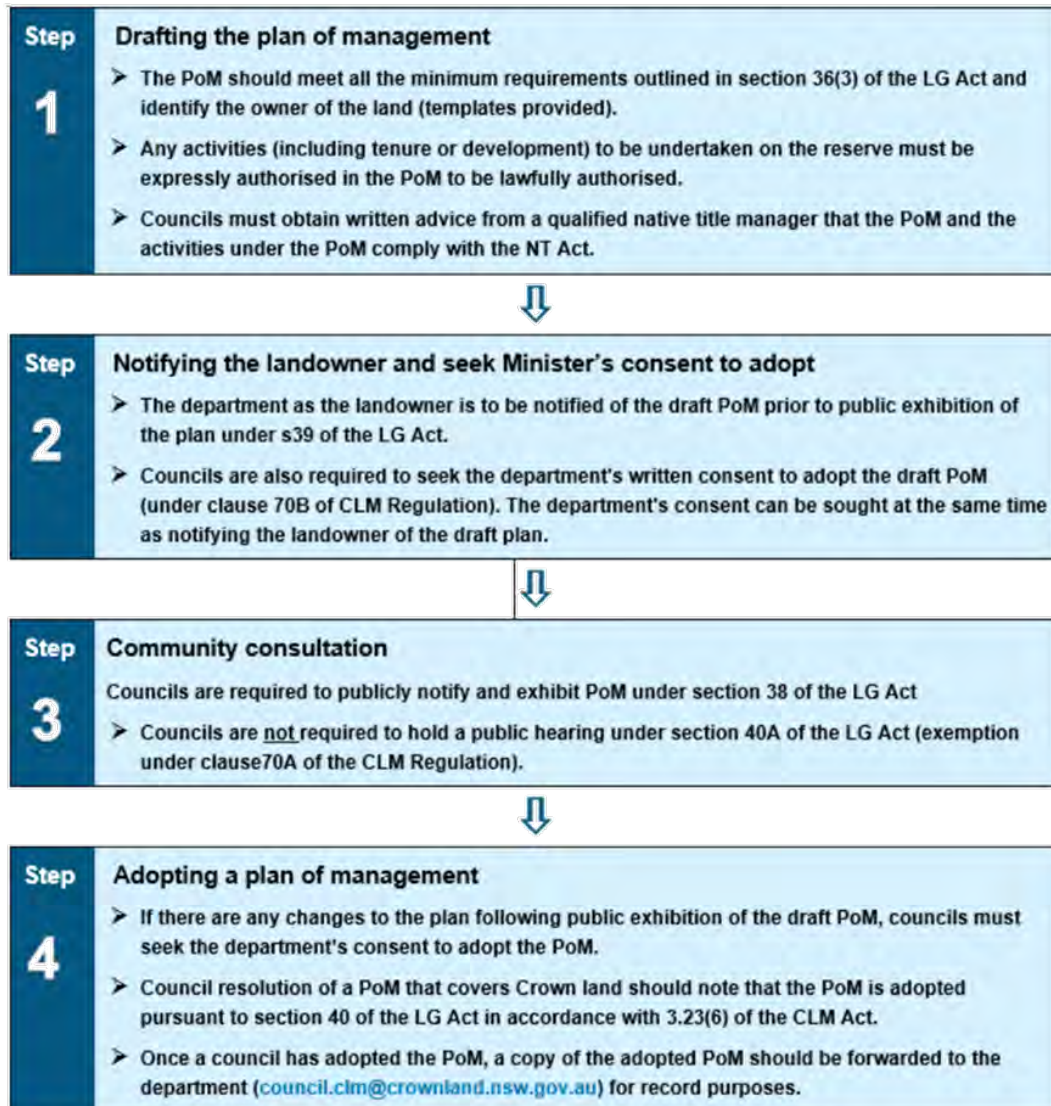


Figure 1: process for preparing a Plan of Management for council managed Crown Reserves.



## Change and review of Plan of Management

This PoM 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 the PoM within one year of its adoption. The performance of this PoM will be reviewed on an annual basis to ensure that the Reserve is being managed in accordance with the PoM, 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.

The community will have an opportunity to participate in reviews of this PoM.

## Community Consultation

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing & Infrastructure – 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 Department of Planning, Housing & Infrastructure – Crown Lands.



## Land Description

Location	Legal Description	Parish / County	Zoning	Area	Reserve No.	Reserve Description
59B Bogan St NYNGAN NSW 2825	Pt Lot 7040 DP 1020916	Nyngan / Oxley	RE1	Approx. 1.082Ha	Pt. R520022	PT. O'Reilly Park
2-6 Ford St NYNGAN NSW 2825	Lot 7029 DP 1020919	Nyngan Oxley	RE1	453m2	R120052	Pioneer Memorial Park
88B Wambiana St NYNGAN NSW 2825	Lot 7023 DP 1124753	Nyngan / Oxley	RE1	4106m2	R1756	Lion Park
19 Moonagee St NYNGAN NSW 2825	Lot 7030 DP 1020917	Nyngan / Oxley	RE1	5477m2	R1768	Moonagee St Park
30-36 Nyngan St HERMIDALE NSW 2831	Lot 20 DP 752861	Boree / Flinders	RU1	3364m2	R75454	CWA War Memorial Park
12 Arcturus St GIRILAMBONE NSW 2831	Lot 7300 DP 1154055	Gidilambone / Canbelego	RU1	2.145Ha	R1995	CWA Park

The community land covered by this document is listed in Appendix A1. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown Land only).

Some open spaces are not covered by this Plan of Management, generally because they need site-specific plans of management to be prepared or have a different category. Contact the council or refer to the council's website for information about other public land not listed in Appendix A1.

### Owner of the Land

The land is Categorised as Community Land

The Land is owned by the State of New South Wales and with Bogan Shire Council as the appointed Crown Land Manager. Council's Management of these lands is subject to the strict adherence to the New South Wales Local Government Act, 1993 and the Crown Lands Management Act, 2016.



## Basis of Management

Bogan Shire Council intends to manage its community land to meet:

- Assigned categorisation of community land
- the LG Act guidelines and core objectives for community land set out in Table X1
- The Council's strategic objectives and priorities
- Development and use of the land outlined in Section 6 of the LG Act.
- The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

## 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 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.



## Classification and Category of the Land

Council is required to categorise the land according to its use type and to manage it in a way that achieves the core objectives for the land categories.

The Act provides guidelines for choosing the category or categories to be applied. A parcel may be categorised as one or more separate categories according to its use and the characteristics of 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 Park category is set out in Table X1 below.

Council has resolved to classify all parcels of land in this Plan as Community Land. Further all parcels of land contained in this plan are for the purpose of Memorial – Park or Public Recreation – Park as per **Council Resolution 081/2019**.

The categorisation of the land is identified in Appendix A1, as well as shown by maps in Appendix A2.

## 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 [Categorisation of the land](#)). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

Council's approach is to maximise the development of parks in the shire to promote a well-maintained park that families can frequent and reflects favourably with families that may wish to move to the shire or are passing though on holidays.

Council's management strategy reflects the key objectives for community land management including parks are to promote, encourage and provide for the use of land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public.



The Core Objectives for Park are:

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

Council's management of the parks will be guided by input and feedback from users of the parks and Council staff inspections.

**Table X1: Guidelines and Core Objectives for Parks.**

Guidelines – from the Local Government (General) Regulation 2021	Core objectives – from the <i>Local Government Act 1993</i>
<p><b>Clause 104 – Parks:</b> Land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.</p>	<p><b>Category Park (Section 36G):</b></p> <ul style="list-style-type: none"> <li>• to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities</li> <li>• to provide for passive recreational activities or pastimes and for the casual playing of games</li> <li>• to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>

**Restrictions on Management of Crown Land**

Council is the Crown Land Manager of the Crown reserves described in this Plan of Management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management 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 *Crown Land Management Act 2016*,
- consider any interests held on title.



## Council's Strategic Objectives and Priorities

Bogan Shire Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

The land is managed according to the objectives and methods set out below according to Division 2 (Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

Council's approach is to maximise the development of parks in the shire to promote a well-maintained park that families can frequent and that reflects favourably with families that may wish to move to the Bogan Shire or are passing through on holidays.

Council's management strategy, reflecting the key objectives for community land management including parks, are to promote, encourage and provide for the use of land, and to provide facilities on the land, to meet the current and future needs of the local community and the wider public.

At the date of the adoption of this Plan the parks included in this Plan are in a well-kept state with modern play equipment, public art, and sporting structures including the Hermidale CWA Park which has new play equipment, toilet block and an upgrade of the war memorial and entrance gate. Further Landscaping will be done when funds become available.

Council's main park and playground is O'Reilly Park which hosts many types of play equipment including the Liberty Swing for disabled children, a set of skateboard ramps and jumps and play equipment for all aged children.

**Annexure A2** has several photos that show the current condition of the parks and play equipment.

Council manages the parks on a needs-based agenda as all parks have sufficient equipment to cater for ordinary daily use. The equipment is maintained and upgraded on a needs basis with all parks having current play equipment

At present there are no current Leases or Licences held over the parks stated in this Plan. There is very little likelihood that a lease or licence would be granted over these parcels due to their size and location and the equipment installed. Permits may be authorised for community and family gatherings



## DEVELOPMENT AND USE

### Permissible use / future use

The parcels of land listed in this plan are considered to be a major requirement in future years to service the needs of future generations of children and their families. Council's ongoing commitment to these areas will ensure the future needs of its community will be met. Council's ongoing works commitment will ensure that the equipment will be maintained in good order and remain relevant to children's play activities. Council's ongoing tree planting program will also make sure there is sufficient natural flora to provide shade and attract wildlife.

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

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

Bogan Shire 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, recreational and sporting facilities in particular, Bogan Shire Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of use which may occur on community land categorised as Park and the forms of development generally associated with use, are set out in Table X2 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated use and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to 'football' includes any variations of that game.

It is anticipated that new sports may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of 'active recreation' enjoyed by the community. References such as 'field', or 'court', are not intended to exclude other sporting surfaces.



**Table X2 Permissible use and development of community land categorised as Park by Council.**

<b>Park</b>	
<p><b>Purpose/Use such as...</b></p> <ul style="list-style-type: none"> <li>• Active and passive recreation including children’s play and cycling</li> <li>• Group recreational use, such as picnics and private celebrations</li> <li>• Eating and drinking in a relaxed setting</li> <li>• Publicly accessible ancillary areas, such as toilets</li> <li>• Festivals, parades, markets, fairs, exhibitions and similar events and gatherings</li> <li>• Low intensity commercial activities (e.g. recreational equipment hire)</li> <li>• Filming and photographic projects</li> <li>• Busking</li> <li>• Public address (speeches)</li> <li>• Community gardening</li> </ul> <p>NB: Some of the uses listed above require a permit from the council.</p>	<p><b>Development to facilitate uses, such as...</b></p> <ul style="list-style-type: none"> <li>• Development for the purposes of improving access, amenity and the visual character of the park, such as paths, public art, pergolas</li> <li>• Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts</li> <li>• Amenities to facilitate the safe use and enjoyment of the park e.g. picnic tables, BBQs, sheltered seating areas</li> <li>• Café or refreshment areas (kiosks) including external seating</li> <li>• Lighting, seating, toilet facilities, courts, paved areas</li> <li>• Hard and soft landscaped areas</li> <li>• Storage sheds</li> <li>• Car parking and loading areas</li> <li>• Commercial development which is sympathetic to and supports use in the area, e.g. hire of recreation equipment</li> <li>• Community gardens</li> <li>• Heritage and cultural interpretation, e.g. signs</li> <li>• Advertising structures and signage (such as A-frames and banners) that:                             <ul style="list-style-type: none"> <li>- relate to approved uses/activities</li> <li>- are discreet and temporary</li> <li>- are approved by the council</li> </ul> </li> <li>• Bio-banking and carbon sequestration initiatives</li> <li>• Water saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>• Energy saving initiatives such as solar lights and solar panels</li> <li>• Locational, directional and regulatory signage</li> </ul>



#### **Future use of the land**

Council in line with its long-term Vision and Community Strategic Plan as listed in Council's Delivery Plan 2027 intends to develop the parks to achieve the maximum benefit to the residents and visitors of Bogan Shire Council according to available finance. The Parks listed in this plan will be maintained to provide a safe and enjoyable experience for those that visit the sites.

Council has an ongoing tree planting program that will involve planting in all Council established and non-established Parks.

Council has no current Leases or Licences held over the parcels stated in this Plan. There is very little likelihood that a lease or licence would be granted over these parcels.

Council intends to maintain these areas ensuring where possible all reserves are kept in a neat and tidy state and the possible impact of bushfires are minimalized. Notwithstanding future possible plans there is an inherent value to the community by way of an environmental nature that preserves open spaces with a good tree canopy.

#### **Express Authorisation of Leases and Licences and Other Estates**

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.

The lease or licence must be for use consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM 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.



**Leases and Licences Authorised by the Plan of Management**

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) of the LG Act, provided that:

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

Table X3 further identifies the purposes for which leases and licences may be issued over the reserves identified in this plan of management and the maximum duration of leases, licences, and other estates.

**Table X3. Express authorisation for leases, licences and other estates on reserves listed in this plan of management.**

Community land covered	Maximum term	Purpose for which tenure may be granted
<b>Leases</b>		
Park	3 Years	<ul style="list-style-type: none"> <li>- café/kiosk areas, including seating and tables</li> <li>- management of court facilities</li> <li>- hire or sale of recreational equipment</li> </ul>
<b>Licences</b>		
Park	3 Years	<ul style="list-style-type: none"> <li>- outdoor café/kiosk seating and tables</li> <li>- management of court or similar facilities</li> <li>- hire or sale of recreational equipment</li> </ul>
<b>Short-term licence</b>		
Parks	12 months	<ul style="list-style-type: none"> <li>• community events and festivals</li> <li>• playing a musical instrument, or singing for fee or reward</li> <li>• picnics and private celebrations such as weddings and family gatherings</li> <li>• filming, including for cinema/television</li> <li>• conducting a commercial photography session</li> <li>• public performances</li> </ul>



Community land covered	Maximum term	Purpose for which tenure may be granted
		<ul style="list-style-type: none"> <li>• engaging in an appropriate trade or business</li> <li>• delivering a public address</li> <li>• community events (fairs, markets, auctions and similar activities).</li> <li>•</li> </ul>
<b>Other estates</b>		
All community land and buildings	12 months	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

**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 for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions

Express Authorisation may be given under Sec. 2.20 of the Crown Lands Management Act 2016, for purposes prescribed in Clause 31 of the Crown Lands Management Regulation 2021.

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



### **Native title and Aboriginal land rights considerations in relation to leases, licences, and 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* (ALR Act).

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 Appendix A4 for more information).

As this plan does not include the authorisation or permits that allow the issuing of permits, leases or licences, forestry rights, easements, rights of way or changes to covenants outside of what is permissible under the Act or Regulations, Native Title is not likely to be effected by this Plan of Management. Should any changes to the POM by Council or the Government An advice statement will be issued prior to any works being undertaken.

Further, should the outcome of the Native Title Claims affect the above then this plan will need to be modified to reflect the outcomes of the claims.



### Action plan

Section 36 of the LG Act requires that a plan of management for community land details:

- the objectives and performance targets of the plan with respect to the land
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.

**Table X4. Objectives and performance targets, means of achieving them and assessing achievement.**

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
Use and recreation	<p>To enhance opportunities for a balanced organised and unstructured recreational use of parks.</p> <p>To optimise public access to all areas of parks.</p> <p>Provide opportunities for all kinds of activity in open space for people of all ages, abilities and cultural backgrounds.</p> <p>To increase community participation in natural area conservation and restoration.</p>	<p>Maintain and increment the range of organised and informal/unstructured activities in parks.</p> <p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual parks.</p> <p>Provide amenities to increase use and enjoyment of parks including toilets facilities.</p> <p>Undertake accessibility audit of facilities to identify compliance.</p>	<p>Increased local use of parks measured by survey and observation.</p> <p>Increased appreciation of natural areas measured by survey.</p> <p>Number of visitors to the environmental education centres.</p> <p>Number of people attending workshops and environmental events organised by the council.</p>
Litter Control	Provide a safe and clean area for residents and visitors to enjoy	<p>Signage</p> <p>Council collections twice weekly</p> <p>Ad hoc inspections</p>	<p>Community feedback</p> <p>Asset Manager Inspections and follow ups.</p>
Reserve Infrastructure	To provide reserve infrastructure which may include but is not limited to bins, benches, signage, lighting, monuments etc for the benefit of members of the public.	To ensure existing infrastructure is in reasonable condition, can be utilised adequately by patrons and does not pose a safety hazard.	Regular inspection and maintenance of infrastructure in conjunction with an ongoing inspection process.



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
Permits	To allow council to provide permits so that the land or portion of the land may be used by specified permit holders.	To monitor the issue of permits to members of the community so that fair use of the facilities is achieved.	Keep Council records of permits issued and monitor use.
Priority Weeds	Control all Priority Weeds and vegetation not native to the area.	Education Programs, Permits to Transport Noxious Goods through Council and Weed Spraying,	Inspections and Monitoring of Council areas by weeds Officer. Advice from the Public.
Tree Planting Program	To allow and encourage native tree and shrub planting to develop a full natural shady area to enjoy the park activities	Maintain and update Councils Tree Planting Schedule	Planting Schedules have been kept up to date. Monitor worker and community feedback.



## Appendices

### Appendix A1 – Community Land covered by this Plan of Management

Location	Legal Description & Zoning	Owner	Purpose	Category	Gazettal Date	Reserve Name & Number
59B Bogan St NYNGAN NSW 2825	Pt Lot 7040 DP 1020916 Zoned RE1	State of New South Wales	Public Recreation	Park	Dedicated 10/06/1887	O'Reilly Park PT. R520022
2-6 Ford St NYNGAN NSW 2825	Lot 7029 DP 1020919 Zoned RE1	State of New South Wales	Memorial	Park	18/12/1987	Pioneer Park R120052
88B Wambiana St NYNGAN NSW 2825	Lots 7023 DP 1124753 Zoned RE1	State of New South Wales	Public Recreation	Park	18/12/1882	Lion Park R1756
19 Moonagee St NYNGAN NSW 2825	Lots 7030 DP 1020917 Zoned RE1	State of New South Wales	Public Recreation	Park	18/12/1882	Moonagee St Park R1768
30-36 Nyngan St HERMIDALE NSW 2831	Lot 20 DP 752861 Zoned RE1	State of New South Wales	Public Recreation	Park	14/11/1952	CWA War Memorial Park R75454
12 Arcturus St GIRILAMBONE NSW 2831	Lot 7300 DP 1154055 Zoned RE1	State of New South Wales	Public Recreation	Park	18/02/1884	CWA Park R1995



**Appendix A2 – Maps**

**O'Reilly Park – Reserve D520022**

**59B Bogan St NYNGAN NSW 2825**

**Pt Lot 7040 DP1020916 Psh: NYNGAN Cnty: OXLEY**

**Public Recreation – Park**

O'Reilly Park is Nyngan's and the Bogan Shire's largest and most used park. Council has spent substantial amounts of money over the years to provide the residents and visitors to Bogan Shire a real first-class facility for fun and exercise with no exclusions for disabled thrill seekers. With regular maintenance, tree planting program, and upgrades to the facilities O'Reilly Park will be a much visited place for everyone time and time again.

**Zoned: RE1 – PUBLIC RECREATION**, see Annexure 5 attached for detail

**O'Reilly Park**





**Highlighted Area of Pt. O'Reilly Park Reserve Categorised as Park**





Town & Parish Map of O'Reilly Park as the total area.



Photos of facilities and playground equipment.







**Skate Park**





**Flying Fox**



**Liberty Swing for disabled acces**



**R120052 Pioneer Park****2-6 Ford St NYNGAN NSW 2825****Lot 7029 DP 1020919****Memorial – Park**

A small park on the main road through Nyngan where visitors can stop for a rest and admire the sculptures and read the history of Nyngan's Pioneer past.

**R1 – General Residential**

Under the Bogan LEP 2011 the parcel is Zoned: R1 General Residential (full details can be sought in Annexure 5 attached).

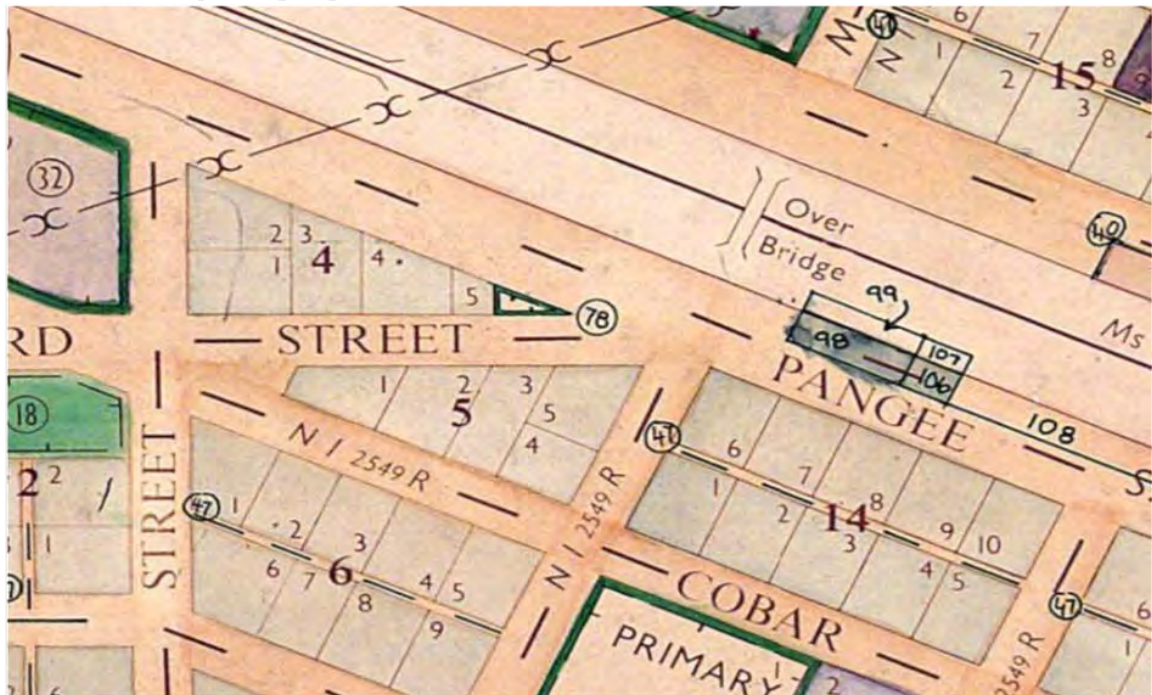




Aerial View – Pioneer Park - 120052



Parish Map – Highlighted Lot marked 78





Extract Parish Map Notations - 78

73	F4	Closed Road Gaz. 15.5.87 (fol. 2354)
74	F4	520m <sup>2</sup> Added Gaz. 15.5.87 (fol. 2353) to R.120027 Notd. 27.3.87 for Homes for the Aged
75	F4	Pt. Closed Roads Gaz. 13.11.87 (fol. 6340)
76	F4	R.120044 for Homes for the Aged Notd. 13.11.87 (fol. 6340)
77	F4	Easement for Electricity Purposes Gaz. 13.11.87 (fol. 6340)
78	D4	Closed Road Gaz. 18.12.87 (fol. 7069). R.120052 for Memorial Notd. 18.12.87 (fol. 7068)
79	E3	R.120061 for Water Supply. Notd. 30.9.88 (fol. 5166)
80	E4	Allot 8 Sec. 20 - Acquired for Housing Purposes Gaz. 2.9.88 (F.4616)
81	A5, B5	TSR. 120064 Notd. 28.10.88 (fol. 5657). Under P.P. Board Control Gaz. 28.10.88 (fol. 5658).
82		Allots. 1-4 Sec. 10 & for. 94 John Bexon P.E.C.P. 89-44
83	C5	1920m <sup>2</sup> Added Gaz. 30.3.90 (fol. 2745) to R.89235 for Public Recreation Notd. 12.7.74.
84	C4	Easement to drain water Gaz. 30.3.90 (fol. 2745) D.P. 728780
85	E4	Closed Road Gaz. 11.5.90 (fol. 3780) Lot 1 D.P. 728792

D. M. Hopwood







### **R 75454 CWA War Memorial Park**

**30-36 Nyngan St HERMIDALE NSW 2831  
Lot 20 DP 752861**

Council has spent significant funds to upgrade this park to a usable state. New play equipment, a toilet block and a refurbishment of the CWA gates and the War Memorial has lifted this park to a place where residents can bring their children to play in safety and comfort. However, there is still a lot of landscaping to be done as funds permit.

### **RU5 Village**

Under the Bogan LEP 2011 the parcel is Zoned: RU1 Primary Production (full details can be sought in Annexure 5 Attached).

### **Hermidale Memorial Park**

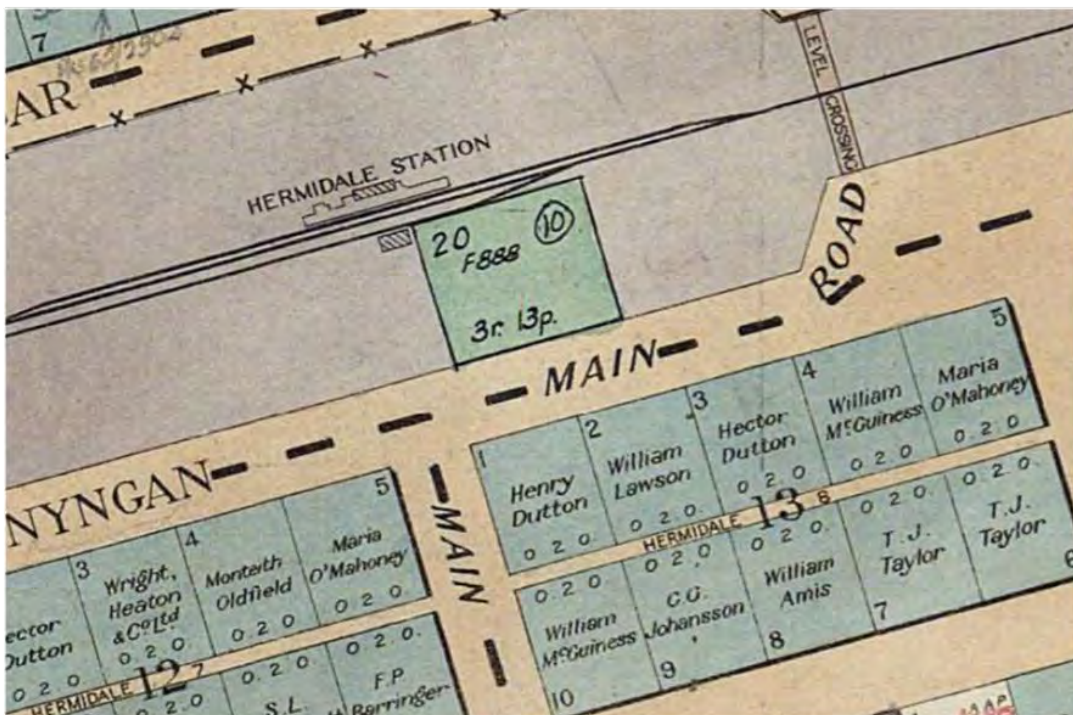




**Aerial View – Hermidale Memorial Park**



**Extract Parish Map – Highlighted Light Blue marked (10)**





**Extract Parish Map Note 10**

~~(4) Pt. R. 33677 for Sale for Ext. to Temporary Common Notd 21.12.01~~  
~~(5) Sale at Nyngan on Nov. 27<sup>th</sup> Gaz. 19.10.34~~  
 (6) T.S. & C.R. 64963 Sale (64964 Lease generally) Notified 7.12.34  
~~(7) R. 74330 from sale for Hospital Site Notd 18.7.96 Revoked Gaz. 9.11.51~~  
 (8) Par. 23. R. 71031 fm. Sle. (71032 fm. Lse. genly) for Rubbish Depot Notd. 5.11.43  
~~(9) Road closed Gaz. 25.5.51 Folio 1503. Now Pt. C.P. 74.14 DW Grimmond~~  
 (10) Par. 20 Measured for War Memorial Park.  
 do R. 75454 from sale (75455 from Lse genly) for Public Recreation Notd 14.11.52  
 (11) Ir. 2p. acquired for Service Reservoir Site by Bogan Shire Co. Gaz. 2.8.57 Ms. 1894 Do.R.  
 (12) Closed Rd. Gaz 7-12-73 Rds 73-878  
~~(13) Closed Rd Gaz 22-8-75 Rds 75-768 Now Pt. C.P. 74.14 DW Grimmond~~  
 GNI (14) Sp. L. 75-2 B.H. MacDougal }  
 (15) Sp. L. 75-2 B.H. MacDougal } Pors. 34 & 35. E. J. Batters. A.P. 794. Gt. No. 50407  
 V. 13922 F. 18  
 (16) Closed Road Gaz 2-6-78 DP. 256246. D.W. Grimmond Vol. 13652 Fol. 116.  
 (17) D.M. Currans A.P. 82-1 Vol. 14867 Fol. 88 (Allots 1 & 2 Sec 6)  
 (18) Robert & Sharon Hall A.P. 82-3 Vol. 14867 Fol. 59. (Allots 1 & 2 Sec 11)  
 (19) W.B. McDonald A.P. 82-4 Vol. 14867 Fol. 57. (Allots 8, 9 & 10 Sec 11)  
 (20) J.A. & G.J. Tilburg A.P. 82-5 Vol. 14867 Fol. 89 (Allots 11, 12 & 13 Sec 11)









**R1995 – Girilambone CWA Memorial Park**

**12 Arcturus St GIRILAMBONE NSW 2831  
Pt. Lot 7300 DP 1154055**

The park is located in the small village of Girilambone and provides a valuable service to the community and travellers alike. The park provides a complete playground solution, a new sheltered Bar Be Que new toilet block, a shower facility, covered picnic table and chairs, disused tennis courts, sporting field and a Cenotaph. Council is keen to up grade the facilities to cater for a growing need for caravan park facilities.

**RU1 – Primary Production**

Under the Bogan LEP 2011 the parcel is Zoned: RU1 PRIMARY PRODUCTION (full details can be sought in Annexure 5 attached).

**CWA Park Play Ground enclosure.**







**Extract Parish Map Notifications - 27**

	6	1 R	1409	42	2023	W.H. Brotherton		
	7	1 R	1409	42	2023	W.H. Brotherton		
	8	1 R	10328	218	2023	J.T. Crampton & others		
	9	1 R	10328	218	2023	J.T. Crampton & others		
	10	1 R	10328	218	2023	J.T. Crampton & others		
						R.1995 for Public Recreation.		
27						Notified 18th February, 1884.		
(D3)						<del>Australian Selection Public Trust</del>		
28	1	G 5 R	3729	210	4047	<del>2, 2410 for 2 Lockup Police Purps. No. 4. 20th May, 1894.</del>	Rev'd 19-3-76	
(E3)	2	6 R	c/f		8094	Dedd. for Public Sch. Site. Gaz. 8th October, 1898.		

Allot 1 Sec 28 offered for Sale 19-5-78 Gaz 17-3-78.







### **R1756 Lion Park**

**88B Wambiana St NYNGAN NSW 2825  
Lot 7023 DP1124753**

Lions Park is the only park with playground facilities on the eastern side of town, Council has erected playground equipment, Basketball Court, Cricket Nets and covered Picnic Table and seats. Council has tried to maximise the amount of equipment to suit as many children as possible and in doing so has created a wonderful little park for all to enjoy.

### **RE1 Public Recreation**

Under the Bogan LEP 2011 the parcel is Zoned: RE1 PUBLIC RECREATION (full details can be sought in Annexure 5 attached).

### **Photo of Lion Park**







**Extract Parish Map – Notes - 13**

8	C1	Closed road. G.A. Priest. 7893 m <sup>2</sup> Vol. 768 Fol. 32
9	G2	Exempt from Mining Lease and R. 1066 from Occn. under any M.R. or B.L. Notd. 17th March, 1909.
10	E2	<del>R. 1754 for Public Recreation. Notd. 18th December, 1882. R. 1754 Gaz. 4-3-83</del>
11	E3	Acquired for Postal Purposes. Comm. Gaz. 27th October, 1949. 1189 m <sup>2</sup>
12	F3	Appropriated for Electricity Substation. Gaz. 18th April, 1958. 7790 m <sup>2</sup> Ms. 1859 Do.
13	F4	R. 1756 for Public Recreation. Notd. 18th December, 1882. N. 40 R.
(31) (65) 14	D5	R. 1761 for Water Supply. Notd. 18th December, 1882. Under P.P. Board Control. Gaz. 29th May, 1936. Exempt from Quarry License. Gaz. 16th August, 1889.
15	F3	Resumed by Dept. Main Roads. Gaz. 10th June, 1960. 300 m <sup>2</sup>
16	D4	Acquired for Bogan River Weir. Gaz. 21st September, 1956. 1 124 ha. Ms. 1856 Do. R.
17	G3	R. 32782 for Roads Work Depot. Notd. 6th April, 1962. Ms. 2226 Do.
18	D4	R. 1767 for Public Recreation Notd. 18th December, 1882. N 2282 R
19		
(35) 20	E & F4	T.S.R. 81104 Notd. 3rd October, 1958. Ms. 1808 Do. R. Pt. w/in Lot 110, road Gaz. 10-1-86 (fol. 163).
21	B4	C.R. 1752 Notd. 18th December, 1882. N. 40 R. Under P.P. Board Control Gaz. 9-9-32
22	F3	Dedicated for Highway. Gaz. 5th December, 1952. N. 40
23	C4	R. 89235 for Public Recreation. Notd. 12th July, 1974. Pt. within LOT 43, D.P. 728 780 (Abt. 3.5 ha) Re







**Reserve – R1768****19 Moonagee St NYNGAN NSW 2825  
Lots 7030 DP 1020917**

Moonagee Park is a small park at the northwestern end of town that caters for small children and those that like to kick a ball around it also has a covered picnic table and chairs. The site is in relatively good condition but play equipment and picnic table and chairs need some maintenance and an upgrade will be required in the near future.

**RE1**

Under the Bogan LEP 2011 the parcel is Zoned: RE1 PUBLIC RECREATION (full details can be sought in Annexure 5 attached).

**Photo – Moonagee Park, 19 Moonagee St NYNGAN NSW 2825**



Aerial Photo of Lot 7030 DP1020917



Extract Parish Map – Lot 7030 shown as highlighted





**Extract Parish Map Notes – 34 D3**

30	G3	Appropriated for Grain Elevators Board. Gaz. 30th June, 1972. 1.132 ha. Ms.2560 Do. R.
31	D5	R.1760 for Water Supply. Notd. 18th December, 1882. Under P.P. Board Control. Gaz. 31st October, 1930.
32	D4	R.1766 for Water Supply. Notd. 18th December, 1882. Under P.P. Board Control. Gaz. 31st October, 1930. N 252 R.
33	B3	R.74784 for Future Pub. Reqs. Notd. 14th March, 1952.
34	D3	R.1768 for Public Recreation. Notd. 18th December, 1882. N 252 R.
35	E4	Acquired for Housing Purposes. Gaz. 7th January, 1966.
36	D5	Dedicated for Highway. Gaz. 4th November, 1966. D.P. 229749
37	E3	Survey plan for Police premises M <sup>s</sup> 2561 Do R.
38	D3	Resumed for Housing Purposes Gaz 25-10-68
39	D3	Acquired for Housing Purposes Gaz 22-11-63 (Allot 2 Sec 64)

**Moonagee St Park Infrastructure**





### Appendix A3 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

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

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management 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.

A plan of management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.



Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- 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)).

#### ***Classification of public land***

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.

#### ***Crown Land Management Act 2016***

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.



Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for

example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

#### ***Principles of Crown Land Management***

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.
- 

#### ***Crown Land Management Compliance***

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

#### ***Native Title Act 1993***

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title.
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings.
- establish a mechanism for determining claims to native title.



- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

***Council plans and policies relating to this Plan of Management***

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

Bogan Shire Council Delivery Plan 2023 – 2026

Bogan Shire Council Community Strategic Plan 2027

Bogan Shire Council Operational Plans – Annually

Bogan Shire Council Plan of Management of Public Recreation – Parks 2024

Bogan Shire Council Tree Preservation Policy

Council Bush Care Program.



## Other State and Commonwealth Legislation

### *NSW State Legislation*

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

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

#### ***Aboriginal Land Rights Act 1983***

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

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

**Note:** This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.



For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared a priority weed under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared a priority weed in part or all of the state.

#### ***Fisheries Management Act 1994***

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

#### ***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

#### ***Water Management Act 2000***

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

***Heritage Act 1977***

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

***Commonwealth legislation******Environmental Protection and Biodiversity Conservation Management Act 1999***

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

***Telecommunications Act 1997***

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

***State Environmental Planning Policies******State Environmental Planning Policy (Transport and Infrastructure) 2021***

This planning policy lists development allowed with consent or without consent on community land.

***Other relevant legislation, policies and plans***

*Aboriginal Land Rights Act 1983*

*Biodiversity Conservation Act 2016*

*Biosecurity Act 2015*

*Companion Animals Act 1998*

*Disability Discrimination Act 1992*

*Environmental Planning and Assessment Act 1979*

*Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*

*Operations Act 1997*

*Pesticides Act 1999*

*Protection of the Environment Operations Act 1997*

*Retail Leases Act 1994*

*Rural Fires Act 1997*

*Soil Conservation Act 1938*

*Water Management Act 2000*

*NSW Invasive Species Plan 2008-2015*

*National Local Government Biodiversity Strategy*

*NSW Biodiversity Strategy*

*Australian Natural Heritage Charter*



## Appendix A4 – Aboriginal interests in Crown land

Crown land has significant spiritual, social, cultural, and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests, and involvement in Crown land.

The management of Crown land can be impacted by the *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW).

### ***Native Title***

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth *Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder but recognises the right to land and water by providing access to the land and, if applicable, compensation for any loss, diminution, impairment, or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the [Crown lands website](#).

### ***Aboriginal Land Rights***

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation, and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are Forty-Three (43) reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



**Appendix 5 – Bogan LEP 2011 Zoning Information**

**PLANNING CERTIFICATE**

**PURSUANT TO SECTION 10.7**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

<b>Applicant Name:</b>	Bogan Shire Council	<b>Certificate No.:</b>	MP2020
<b>Postal Address:</b>	PO Box 4029	<b>Fees:</b>	
	Nyngan NSW 2825	<b>Receipt No.:</b>	
<b>Reference:</b>		<b>Date Received:</b>	

**DESCRIPTION OF LAND**

<b>ADDRESS:</b>	Bogan Shire Parks
<b>PROPERTY DESCRIPTION:</b>	Various
<b>COUNCIL ASSESSMENT NO.:</b>	Various

<b>OWNER:</b>	Bogan Shire Council
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**PART A: INFORMATION PROVIDED UNDER SECTION 10.7(2) OF THE ACT**

<b>1</b>	<b>Names of relevant planning instruments and DCPs</b>	
(a)	The name of each environmental planning instrument that applies to the carrying out of development on the land.	<ul style="list-style-type: none"> <li>Bogan Local Environmental Plan 2011</li> <li>SEPPs – refer Attachment "A"</li> </ul>
(b)	The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).	<ul style="list-style-type: none"> <li>N/A</li> </ul>
(c)	The name of each development control plan that applies to the carrying out of development on the land.	<ul style="list-style-type: none"> <li>Bogan Shire Council Development Control Plan 2012</li> </ul>



<b>2</b>	<b>Zoning and land use under relevant LEPs</b>	
	For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):	
(a)	the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone R1")	<u>Bogan LEP 2011:</u> The land is zoned <b>RE1 Public Recreation Zone</b>
(b)	the purposes for which the instrument provides that development may be carried out within the zone <b>without the need for development consent</b>	<u>Bogan LEP 2011:</u> Refer Attachment "B".
(c)	the purposes for which the instrument provides that development may not be carried out within the zone except <b>with development consent</b>	<u>Bogan LEP 2011:</u> Refer Attachment "B".
(d)	the purposes for which the instrument provides that development is <b>prohibited</b> within the zone	<u>Bogan LEP 2011:</u> Refer Attachment "B".
(e)	whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed	Bogan LEP 2011
(f)	whether the land includes or comprises critical habitat	No
(g)	whether the land is in a conservation area (however described)	No
(h)	whether an item of environmental heritage (however described) is situated on the land	No
<b>2A</b>	<b>Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>	
	To the extent that the land is within any zone (however described) under: (a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP)</i> , or (b) a Precinct Plan (within the meaning of the 2006 SEPP), or (c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act, the particulars referred to in clause 2 (a)–(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	N/A
<b>3</b>	<b>Complying development</b>	
	(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental	Complying development may not be carried out because of the provisions of Clause 1.19. Land is reserved for public purpose.



	<p>Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	
<b>4</b>	<b>Coast Protection</b>	
	Whether or not the land is affected by the operation of section 38 or 39 of the <i>Coastal Protection Act 1979</i> , but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.	N/A
<b>4A</b>	<b>Certain information relating to beaches and coasts</b>	
	(1) In relation to a coastal council—whether an order has been made under Part 4D of the <i>Coastal Protection Act 1979</i> in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.	N/A
	(2) In relation to a coastal council:	N/A
	(a) whether the council has been notified under section 55X of the <i>Coastal Protection Act 1979</i> that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and	
	(b) if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.	N/A
	(3) In relation to a coastal council—such information (if any) as is required by the regulations under section 56B of the <i>Coastal Protection Act 1979</i> to be included in the planning certificate and of which the council has been notified pursuant to those regulations.	N/A
<b>4B</b>	<b>Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works</b>	
	In relation to a coastal council—whether the owner (or any previous owner) of the land has	N/A



	consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).	
<b>5</b>	<b>Mine subsidence</b>	
	Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the <i>Mine Subsidence Compensation Act 1961</i> .	No
<b>6</b>	<b>Road widening and road realignment</b>	
	Whether or not the land is affected by any road widening or road realignment under: (a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	No
<b>7</b>	<b>Council and other public authority policies on hazard risk restrictions</b>	
	Whether or not the land is affected by a policy: (a) adopted by the council, or (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,  that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).	No
<b>7A</b>	<b>Flood related development controls information</b>	
	(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.	No
	(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.	No
<b>8</b>	<b>Land reserved for acquisition</b>	
	Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.	No
<b>9</b>	<b>Contributions plans</b>	
	The name of each contributions plan applying to the land.	Nil
<b>9A</b>	<b>Biodiversity certified land</b>	
	If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.	The land is not land that is biodiversity certified land under Part 8 of the Biodiversity



		Conservation Act 2016, a statement to that effect.
<b>10</b>	<b>Biodiversity stewardship sites</b>	
	If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).	The land is not subject to a biodiversity stewardship under under Part 5 of the Biodiversity Conservation Act 2016, and the council has not been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.
<b>10A</b>	<b>Native vegetation clearing set asides</b>	
	If the land contains a set aside area under section 60ZC of the Local Land Services Act 2013, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).	The land does not contain a set aside area under section 60ZC of the Local Land Services Act 2013, and council has not been notified of the existence of the set aside area by Local Land Services or that it is registered in the public register under that section).
<b>11</b>	<b>Bush fire prone land</b>	
	If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.	The land is not bushfire prone.
<b>12</b>	<b>Property vegetation plans</b>	
	If the land is land to which a property vegetation plan under the <i>Native Vegetation Act 2003</i> applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).	The land is not subject to a Property Vegetation Plan under the <i>Native Vegetation Act 2003</i> applies, and the council has not been notified of the existence of the plan by the person or body that approved the plan under that Act
<b>13</b>	<b>Orders under <i>Trees (Disputes Between Neighbours) Act 2006</i></b>	
	Whether an order has been made under the <i>Trees (Disputes Between Neighbours) Act 2006</i> to carry out work in relation to a tree on the land (but only if the council has been notified of the order).	No
<b>14</b>	<b>Directions under Division 3.1</b>	
	If there is a direction by the Minister in force under section 3.1 of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.	N/A
<b>15</b>	<b>Site compatibility certificates and conditions for seniors housing</b>	
	If the land is land to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies: (a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in	The land is land to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies.



	<p>respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <ul style="list-style-type: none"> <li>(i) the period for which the certificate is current, and</li> <li>(ii) that a copy may be obtained from the head office of the Department of Planning, and</li> </ul> <p>(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	<p>There is not a current site compatibility certificate (seniors housing) of which the council is aware.</p>
<p><b>16 Site compatibility certificates for infrastructure, schools or TAFE establishments</b></p>		
	<p>A statement of whether there is a valid site compatibility certificate (infrastructure), or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <ul style="list-style-type: none"> <li>(a) the period for which the certificate is valid, and</li> <li>(b) that a copy may be obtained from the head office of the Department.</li> </ul>	<p>There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which Council is aware.</p>
<p><b>17 Site compatibility certificates and conditions for affordable rental housing</b></p>		
	<ul style="list-style-type: none"> <li>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:                             <ul style="list-style-type: none"> <li>(a) the period for which the certificate is current, and</li> <li>(b) that a copy may be obtained from the head office of the Department of Planning.</li> </ul> </li> <li>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</li> </ul>	<p>There is not a valid site compatibility certificate (affordable rental housing) of which Council is aware.</p>
<p><b>18 Paper subdivision information</b></p>		
	<ul style="list-style-type: none"> <li>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</li> <li>(2) The date of any subdivision order that applies to the land.</li> <li>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</li> </ul>	<p>N/A</p>



<b>19</b>	<b>Site verification certificates</b>	
	A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include: a) the matter certified by the certificate, and b) on which the certificate ceases to be current (if any), and that a copy may be obtained from the head office of the Department.	There is not a current site verification certificate, of which the council is aware, in respect of the land
<b>20</b>	<b>Loose-fill asbestos insulation</b>	
	If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i> ) that are listed on the register that is required to be maintained under that Division, a statement to that effect.	N/A
<b>21</b>	<b>Affected building notices and building product rectification orders</b>	
	(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.  (2) A statement of:  (a) whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and  (b) whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.  (3) In this clause:  affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.  building product rectification order has the same meaning as in the Building Products (Safety) Act 2017	There is not a building notice or building product rectification order of which the Council is aware, in respect of the land
<b>22</b>	<b>Contamination</b>	
	The following matters are prescribed by section 59(2) of the <i>Contaminated Land Management Act 1997</i> as additional matters to be specified in a planning certificate	
	(a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued.	No
	(b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued.	No
	(c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an	No



	approved proposal at the date when the certificate is issued.	
	(d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued.	No
	(e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.	No

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Bogan Shire Council

**Date of Issue: 2020**

**ATTACHMENT "A"**



**Table 1 - State Environmental Planning Policies applicable within the Shire of Bogan**

SEPP No.	Name	Description
21	Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.
33	Hazardous and Offensive Development	The policy aims to provide clear and uniform definitions of offensive and hazardous industry and to ensure rigorous and comprehensive assessment.
36	Manufactured Home Estates	Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.
50	Canal Estate Development	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments
55	Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.
64	Advertising and Signage	Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responds to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. Also to permit advertisements on road and railway corridors, and to provide appropriate design and safety controls for advertisements on road and railway corridors
65	Design Quality of Residential Flat Development	Aims to improve the design quality of flats of three or more storeys with four or dwellings. The policy sets out a series of design principles for local councils or other consent authorities to consider when assessing development proposals for flats. It also creates a role for special design review panels and registered architects in the design and approval process.
	SEPP (Affordable Rental Housing) 2009	Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.
	SEPP (Building Sustainability Index: BASIX) 2004	Aims to encourage sustainable residential development. SEPP relates to certain kinds of residential development which must be accompanied by a list of commitments by the applicant as to the manner in which development must be carried out and the resultant consent will be subject to a condition requiring such commitments to be fulfilled.
	SEPP (Concurrences and Consents) 2018	Refer to information available from NSW Planning - Legislation



SEPP (Educational Establishments and Child Care Facilities) 2017	The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.
SEPP (Exempt and Complying Development Codes) 2008	Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the <i>Environmental Planning and Assessment Act 1979</i> .
SEPP (Housing for Seniors or People with a Disability) 2004	Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07
SEPP (Infrastructure) 2007	Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.
SEPP (State and Regional Development) 2011	Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.
SEPP (Miscellaneous Consent Provisions) 2007	Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note the name of this policy was changed from SEPP (Temporary Structures) 2007 to SEPP (Miscellaneous Consent Provisions) 2007 effective 22.2.2014.
SEPP (Vegetation in Non-Rural Areas) 2017	The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.



## ATTACHMENT "B"

### BOGAN LOCAL ENVIRONMENTAL PLAN 2011

#### Zone RE1 Public Recreation

##### 1 Objectives of zone

- *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.*

##### 2 Permitted without consent

*Environmental protection works; Roads*

##### 3 Permitted with consent

*Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Heliports; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Waste or resource transfer stations; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities*

##### 4 Prohibited

*Any development not specified in item 2 or 3*



**BOGAN SHIRE COUNCIL**

**Plan of Management for Crown Land Reserves used for the purpose of Public Recreation, Categorical Park (Not Established)**





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## Plan of Management for Public Recreation – Park (Not Established)

### Bogan Shire Council – Appointed Crown Land Managers

This Plan of Management adopted by Council on the 22<sup>nd</sup> July 2024.

This Plan of Management (PoM) has been prepared by Bogan Shire Council and provides direction as to the use and management of Council-managed Crown Reserves classified as 'community land' in the Bogan Shire area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM 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.

This PoM is a generic document covering most of the community land within the Bogan Shire Council Local Government Area (LGA) with a purpose of Public Recreation and categorised as Park (Not Established).





## INTRODUCTION

### Bogan Shire Council

Bogan Shire, situated in Western New South Wales, has an area of 14,610 square kilometres, equivalent to about 1.8% of the State's land surface. The geographical centre of the State lies within the Shire boundaries. The Shire has an estimated population of 2,644. Nyngan, the Shire's Administrative Centre, is located on the Bogan River at the junction of the Mitchell and Barrier Highways - an ideal rest point for the weary traveler.

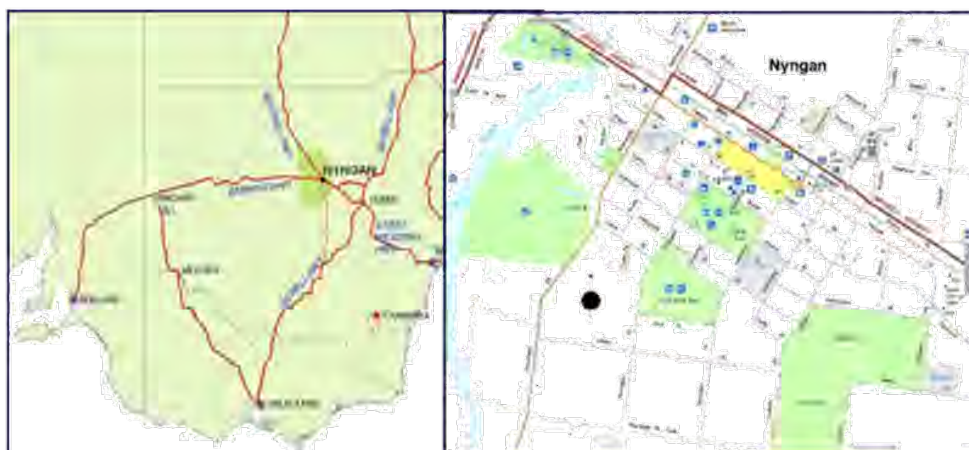
There is an abundance of productive agricultural land for sheep and cattle production and largescale cropping enterprises. Nyngan's farmers are highly competitive on local and international markets and the large quantity of agricultural produce is conducive to the development of value adding industries and marketing ventures.

Nyngan offers warm hospitality and all the facilities of a modern rural township. Three Motels, two Caravan Parks and Hotels provide a choice of accommodation options. Three licensed Clubs cater for entertainment and relaxation. The town also boasts a selection of cafes, restaurants and take-away food outlets for dining.

The Bogan Shire has one high school, four primary schools, an Early Learning Centre for long day care, a pre-school, a mobile pre-school, and a TAFE Campus. Council's medical centre services Nyngan's medical needs through the provision of doctors, nurses, a podiatrist, pathology services and a network of other health professionals. Nyngan also has a hospital, an aged hostel and a dentist.

The recreational and sporting facilities in Nyngan are excellent and include facilities for bowls, golf, tennis, dancing, swimming, rugby union, rugby league, touch football, cricket, netball, fishing, boating, canoeing, water-skiing, soccer, little athletics and pony club. Whether you are looking for an outback experience or a place to escape the hectic pace of the city life, we hope that a visit to the Bogan Shire will show you what real

*"Comfortable Country Living"* is all about.





## Purpose of the Plan of Management

Council is required by Section 7 of the Local Government Act 1999 to 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area'.

The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, is vacant and undeveloped, or has been specifically modified or adapted for benefit or enjoyment of the community.

Council Corporate Objectives are outlined in Council's Delivery Program 2022-2026 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2021(1.2).

The Local Government Act 1993 (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The Crown Land Management Act 2016 (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the Local Government Act 1993 (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this generic PoM is to:

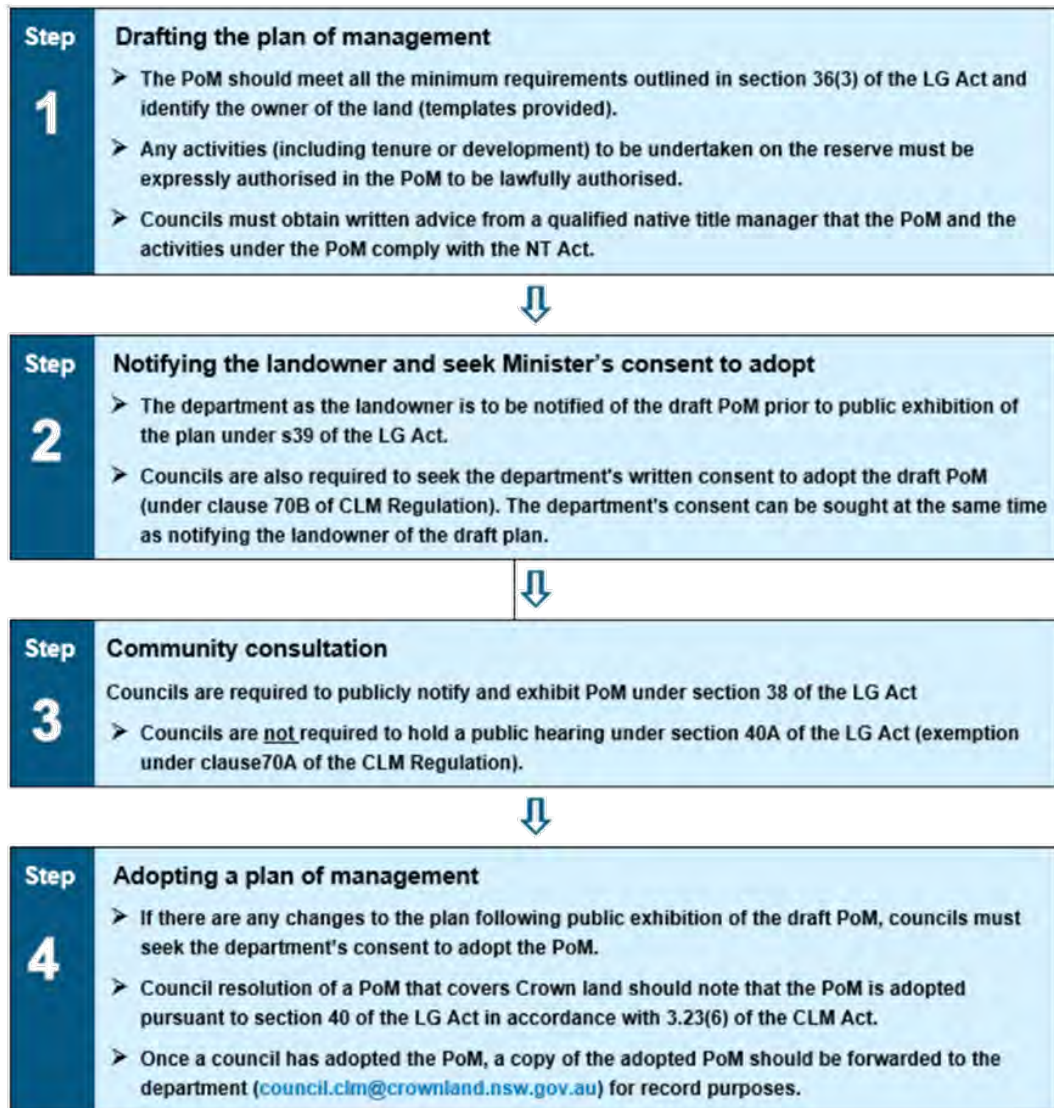
- Contribute to the council's broader strategic goals and vision as set out in Council's Delivery Program 2022-2026 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2023/24 (1.2).
- Ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*
- Provide clarity in the future development, use and management of the community land.
- Ensure consistent management that supports a unified approach to meeting the varied needs of the community.
- To 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area'.
- The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, is vacant and undeveloped, or has been,
- specifically modified or adapted for benefit or enjoyment of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix A3 of this document.



## Process of preparing this Plan of Management

Figure 1 illustrates the process undertaken by Council in preparing this PoM.





## Change and review of Plan of Management

This PoM 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 the PoM within 1 year of its adoption. However, the performance of this PoM will be reviewed on a 6 monthly basis to ensure that the Reserve is being managed in accordance with the PoM, 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.

The community will have an opportunity to participate in reviews of this PoM.

## Community Consultation

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993*. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the *Local Government Act 1993*, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure – 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 the Department of Planning, Housing and Infrastructure – Crown Lands.



## Land Description

The community land that is covered by this document is listed in Appendix A1. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only).

Some open spaces are not covered by this plan of management, generally because they need site-specific Plans of Management to be prepared. Contact the council or refer to the council's website for information about other public land not listed in Appendix A1.

Location Address	Lot & DP	Parish	County	Area	Reserve Number	Reserve Name
1 Barrier Hway NYNGAN NSW 2825	Lot 7006 DP 1020142	Lynch	Canbelego	2.303H	R120003	Barrier Highway Parklands Reserve
60 Mitchell Hway NYNGAN NSW 2825	Pt Lot 701 DP 1023541	Nyngan	Oxley	3.342H	Pt. 91085	Pt. Mitchell Highway Parklands Reserve
2-44 Oval Place NYNGAN NSW 2825	Pt. Lot 105 DP 46087, Lot 113 DP 721745	Nyngan	Oxley	13.71Ha	Pt. R96631	Pt. Frank Smith Reserve
2 Walwa St HERMIDALE NSW 2831	Lot 21 DP 752861	Boree	Flinders	3.312H	R62172	Old Hermidale Cricket Ground Reserve

*Photos of the above parcels can be seen in Appendix A2- Maps.*

## Owners of the Land

The land includes Community categorised land owned by the Crown which is managed by the Council as appointed Crown Land Managers under the *Crown Land Management Act 2016*.

The Land is owned by the State of New South Wales and with Bogon Shire Council as the appointed Crown Lands Manager. Council's Management of these lands is subject to the strict adherence to the New South Wales Local Government Act, 1993 and the Crown Lands Management Act, 2016.



## Basis of Management

Bogan Shire Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.
- The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

## 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 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.



## Classification and Category of the Land

Council is required to categorise the land according to its use type and to manage it in a way that achieves the core objectives for the land categories.

The Act provides guidelines for choosing the category or categories to be applied. A parcel may be categorised as one or more separate categories according to its use and the characteristics of the land.

Council has resolved to classify all parcels of land in this Plan as Community Land. Further all parcels of land contained in this plan are for the purposes of Public Recreation and Categorised as **Park** as per **Council Resolution 081/2019**.

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 Park category is set out in Table X1 below.

The categorisation of the land is identified in Appendix A1, as well as shown by maps in Appendix [A2].



## 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 [Categorisation of the land](#)). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

Council's approach is to maximise the development of parks in the shire to promote a well maintained park that families can frequent and reflects favourably with families that may wish to move to the shire or are passing through on holidays.

Council's management strategy reflects the key objectives for community land management including parks are to promote, encourage and provide for the use of land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public.

The core objectives for Park are:

to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and

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

Council's other objectives:

- Develop and maintain a Public Safety and Risk Management System, and
- Create an ongoing Bushfire Hazard Management Plan.

Council's management of the parks will be guided by input and feedback from users of the parks and Council staff inspections.

Table X1: Guidelines and Core Objectives for Community Land – Park

Guidelines – from the Local Government (General) Regulation 2021	Core objectives – from the <i>Local Government Act 1993</i>
<p><b>Clause 104 – Parks:</b> Land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.</p>	<p><b>Category Park (Section 36G):</b></p> <ul style="list-style-type: none"> <li>• to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities</li> <li>• to provide for passive recreational activities or pastimes and for the casual playing of games</li> <li>• to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>



## Restrictions on Management of Crown Land

Council is the Crown Land Manager of the Crown Reserves described in this Plan of Management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this Plan of Management 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 *Crown Land Management Act 2016*
- consider any interests held on title.

## Council's Strategic Objectives and Priorities

Bogan Shire Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Council's approach is to maximise the development of parks in the shire to promote a well maintained park that families can frequent and reflects favourably with families that may wish to move to the shire or are passing through on holidays.

Council's management strategy reflects the key objectives for community land management including parks are to promote, encourage and provide for the use of land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public.

Council Corporate Objectives are outlined in Council's Delivery Program 2022-2026 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2024(1.2).



### Development & Use

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

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

Bogan Shire 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, Bogan Shire Council intends to permit and encourage a broad range of appropriate activities based on need and available funds.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in Table X2 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to 'football' includes any variations of that game.

**Table X2 Permissible use and development of community land categorised as Park by Council**

<b>Parks</b>	
<b>Purpose/Use,</b>	<b>Development to facilitate uses,</b>
<ul style="list-style-type: none"> <li>• Active and passive recreation including children's play and cycling</li> <li>• Group recreational use, such as picnics and private celebrations</li> <li>• Eating and drinking in a relaxed setting</li> <li>• Publicly accessible ancillary areas, such as toilets</li> <li>• Festivals, parades, markets, fairs, exhibitions and similar events and gatherings</li> <li>• Filming and photographic projects</li> <li>• Busking</li> <li>• Public address (speeches)</li> <li>• Community gardening</li> </ul> <p>Note: Some of the uses listed above require a permit from the council.</p>	<ul style="list-style-type: none"> <li>• Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas</li> <li>• Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts</li> <li>• Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas</li> <li>• Lighting, seating, toilet facilities, courts, paved areas</li> <li>• Hard and soft landscaped areas</li> <li>• Storage sheds</li> <li>• Car parking and loading areas</li> <li>• Community gardens</li> <li>• Heritage and cultural interpretation, for example signs</li> <li>• Advertising structures and signage (such as A-frames and banners) that:                             <ul style="list-style-type: none"> <li>○ relate to approved uses/activities</li> <li>○ are discreet and temporary</li> <li>○ are approved by the council</li> </ul> </li> <li>• Bio-banking and carbon sequestration initiatives</li> </ul>



<b>Parks</b>	
<b>Purpose/Use,</b>	<b>Development to facilitate uses,</b>
	<ul style="list-style-type: none"> <li>• Water-saving initiatives such as stormwater harvesting, rain gardens and swales</li> <li>• Energy-saving initiatives such as solar lights and solar panels</li> <li>• Locational, directional and regulatory signage</li> </ul>

### Permissible Uses / Future Use

#### Future use of the land.

The parcels of land listed in this plan are at present undeveloped sites, Council is currently looking at future development initiatives to optimise Council's Park Lands in line with Community needs. Due to a lack of population surrounding the areas. It is considered that there are sufficient Parks/Playgrounds in Nyngan and surrounding villages to cater for current users. Council's possible option is to develop several lots as stop over points for passing travellers and tourists.

At the date of the adoption of this Plan Natural Trees Shrubs and grasses populate the designated Park areas. Council where possible has connected the water to the land and planted a number of trees as per Council's Tree Planting Program. The native vegetation and grasses where possible have been allowed to flourish following many years of drought conditions.

Council has no current Leases or Licences held over the parcels stated in this Plan. There is very little likelihood that a lease or licence would be granted over these parcels however several blocks are large and predominantly clear which may lend itself to some form of temporary use. This will be dealt with on an individual basis as need arises.

Council intends to maintain these areas ensuring where possible all reserves are kept in a neat and tidy state and the possible impact of bushfires are minimized. As the majority of parcels are located at the entrances to the Town of Nyngan and the Outlying Villages there may be an opportunity for Council to develop recreational structures, amenities and Flora planting as a welcoming entrance to Town. Notwithstanding future possible plans there is an inherent value to the community by way of an environmental nature by maintenance and improvement of the land to maintain its natural state.



## **Express Authorisation of Leases, licences, and Other Estates**

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.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM 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.

## **Leases and Licences Authorised by the Plan of Management**

As at the date of adoption of this Plan there are no current Leases or Licences held over the parcels stated in this Plan.

This Plan of Management does not encourage the issue of leases, licences and other estates over the land covered by the plan of management, however Council will give due consideration in accordance with section 46(1)(b) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved,
- the purpose is consistent with the core objectives for the category of the land,
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- 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,
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021



- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

**Table X3PK. Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park.**

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Short-term licence	12 months	<ul style="list-style-type: none"> <li>• community events and festivals</li> <li>• playing a musical instrument, or singing for fee or reward</li> <li>• picnics and private celebrations such as weddings and family gatherings</li> <li>• filming, including for cinema/television</li> <li>• conducting a commercial photography session</li> <li>• public performances</li> <li>• engaging in an appropriate trade or business</li> <li>• delivering a public address</li> <li>• community events</li> <li>• fairs, markets, auctions and similar activities</li> </ul>
Other estates		<p>This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.</p>

### 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 for the purpose of:

- (a) commercial photographic sessions
- (b) picnics and private celebrations such as weddings and family gatherings
- (c) filming sessions

Council may issue short term licences under Sec2.20 of the Crown Lands Management Act 2016 for prescribed purposes list in Clause 31 of the Crown Land Management Regulation 2018.

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



## Native Title and Aboriginal Land Rights Considerations in relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, Council will 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* (ALR Act).

Council's Native Title Manager will provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A4 for more information).

As the properties in this plan do not have or are not likely to have any future leases, licences permits, forestry rights, easements, rights of way or changes to covenants outside of what is permissible under the Act or Regulations, Native Title is not likely to be effected by this Plan of Management. Should any changes to the POM by Council or the Government An advice statement will be issued prior to any works being undertaken.

Further should the outcome of the Native Title Claims affect the above then this plan will need to be modified to reflect the outcomes of the claims.



### Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

**Table X4PK. Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Park.**

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
Equity of access	Ensure access to and within parks to people with disabilities	Design wheelchair friendly paths.	Assess useability of park by wheelchair users through surveys and observation.
Use and recreation	<p>To enhance opportunities for a balanced organised and unstructured recreational use of parks, sportsgrounds and general community use land.</p> <p>To optimise public access to all areas of parks, sportsgrounds, and general community use land.</p> <p>Provide opportunities for all kinds of activity in open space for people of all ages, abilities and cultural backgrounds.</p> <p>To increase community participation in</p>	<p>Maintain and increment the range of organised and informal/unstructured activities in parks and sportsgrounds.</p> <p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual parks and sportsgrounds.</p> <p>Undertake accessibility audit of facilities to identify compliance.</p> <p>Provide well-managed off-leash areas for social use with signage and fencing if appropriate.</p>	<p>Increased local use of parks and sportsgrounds measured by survey and observation.</p> <p>Increased appreciation of natural areas measured by survey.</p> <p>Number of visitors to the environmental education centres.</p> <p>Number of people attending workshops and environmental events organised by the council.</p>



Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	natural area conservation and restoration.	Undertake effective community education campaigns and workshops with respect to natural areas.	
Reserve Infrastructure	To provide reserve infrastructure which may include but is not limited to bins, benches, signage, lighting, monuments etc for the benefit of members of the public.	To ensure existing infrastructure is in reasonable condition, can be utilised adequately by patrons and does not pose a safety hazard.	Regular inspection and maintenance of infrastructure in conjunction with an ongoing inspection process.
Leases/Licences	To allow the Lease /licence of the whole of or any part of the land and improvements to lessees/licensees as deemed appropriate by Council. To ensure any lessees/licences meet the terms and conditions of the agreement.	To negotiate adequate Lease /licence agreements to appropriate organisations/members of the public for the use of the facilities.	Maintenance and regular update of a Lease /licence register.  Periodical reviews of Lease/licence arrangements to ensure terms and conditions are being met.
Permits	To allow council to provide permits so that the land or portion of the land may be used by specified permit holders.	To monitor the issue of permits to members of the community so that fair use of the facilities is achieved.	Keep Council records of permits issued and monitor use.
Bushfires	Restrict fuel buildup to prevent bushfire outbreaks	Mowing, rubbish and leaf litter removal. Trim and remove overhanging branches. Bushfire Hazard Reduction Burns.	No fire outbreaks Reported or attended and a small number of easily contained outbreaks attended or Reported.



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
Priority Weeds	Control all Priority Weeds and vegetation not native to the area.	Education Programs, Permits to Transport Noxious Goods through Council and Weed Spraying,	Inspections and Monitoring of Council areas by weeds Officer. Advice from the Public.



**APPENDICES**

**Appendix A1 – Community Land Covered by this Plan of Management.**

<b>Location</b>	<b>Property Description</b>	<b>Owner</b>	<b>Category</b>	<b>Purpose</b>	<b>Reserve</b>
1 Barrier H'way NYNGAN NSW 2825 Gazetted 06/06/1986	Lot 7006 / 1020142 Psh: Lynch Cnty: Canbelego 2.303Ha RU1 – Primary Production	The State of New South Wales	Park	Public Recreation	R120003 Barrier Highway Parklands Reserve
60 Mitchell H'way NYNGAN NSW 2825 Gazetted 31/03/1978	Pt Lot 701 / 1023541 Psh: Nyngan Cnty: Oxley 3.342Ha RE1 – Public Recreation	The State of New South Wales	Park	Public Recreation	Pt. R91085 Mitchell Highway Parklands Reserve
2-44 Oval Place NYNGAN NSW 2825 Gazetted 4/03/1983	Pt. Lot 105 DP 46087, Lot 113 DP 721745 Psh: Nyngan Cnty: Oxley 13.71Ha RE1 – Public Recreation	The State of New South Wales	Park	Public Recreation	Pt. R96631 Frank Smith Reserve
2 Walwa St HERMIDALE NSW 2831 Gazetted 10/10/1930	Lot 21 / 752861 Psh: Boree Cnty: Canbelego 3.312Ha RU5 - Village	The State of New South Wales	Park	Public Recreation	R62172 Old Hermidale Cricket Ground Reserve



## Appendix A2 – Maps

### R120003 Barrier Highway Parklands Reserve

Lot 7006 DP 1020142

1 Barrier Highway Nyngan NSW 2825

This property is located at the junction of the Barrier and Mitchell Highways, it provides access to several freehold properties. It is a clean site with a number of established trees and has a good grass coverage.

### RU1 Primary Production

Under the Bogan LEP 2011 the parcel is Zoned: RU1 Primary Production (full details can be sought in Annexure 5 attached).

### Aerial View of Highlighted Lot

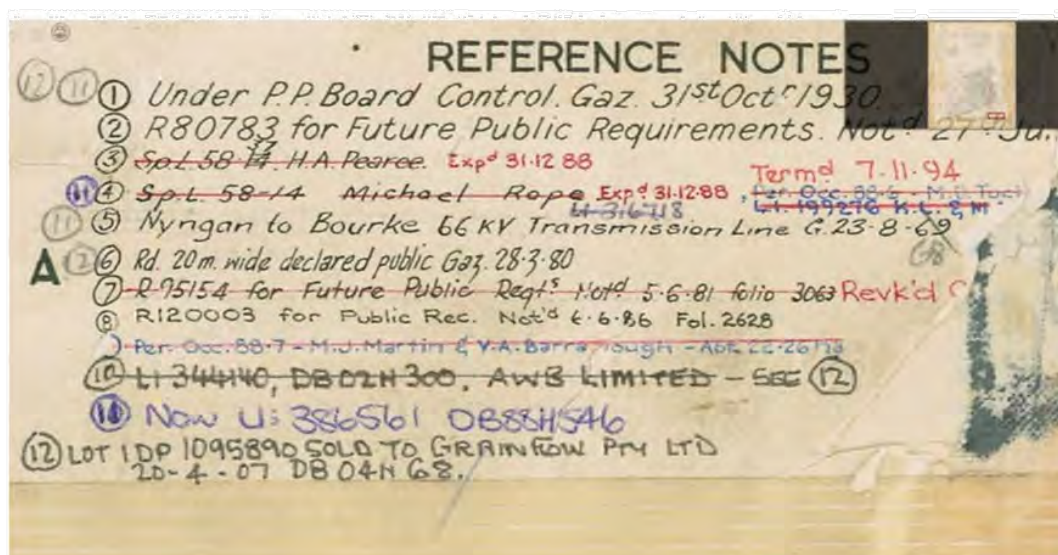




Extract from Parish Map showing highlighted lot.



Extract from parish Map Notes – Note 8 – For Public Recreation





**R91085 Bogan Shire Council Crown Reserve**

Pt Lot 701 Dp1023541

60 Mitchell highway Nyngan NSW 2825

This property is situated at the entrance to Nyngan, it is a clean and well maintained lot, it has a number of established trees and has a good grass coverage Council has connected water to the lot and regularly mows the area to reduce a possible fire hazard.

**RE1 Public Recreation**

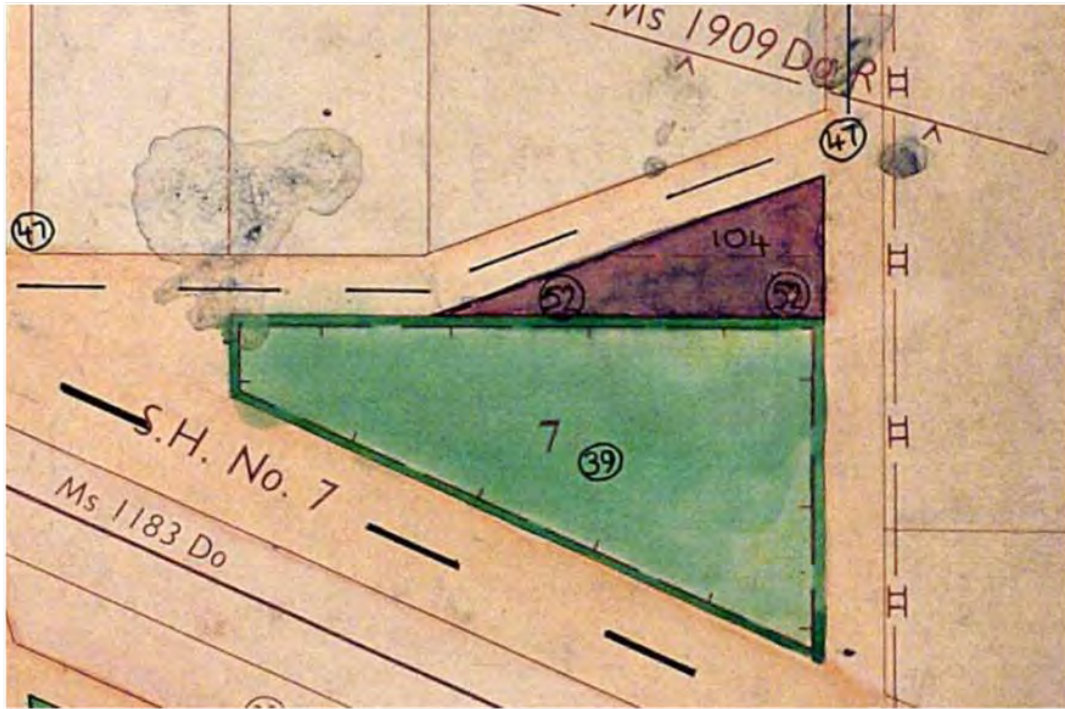
Under the Bogan LEP 2011 the parcel is Zoned: RE1 Public Recreation (full details can be sought in Annexure 5 attached).

**Aerial Map of Highlighted Lot**

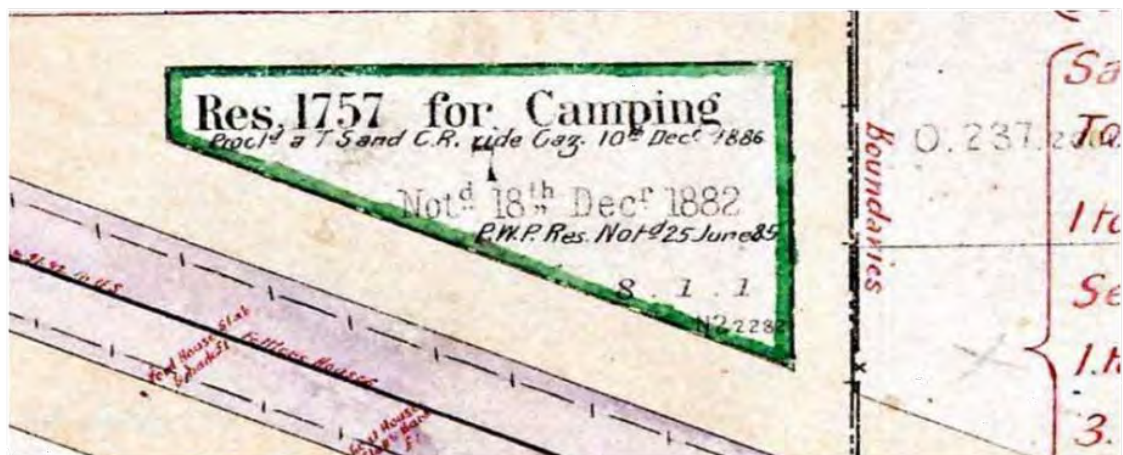




Excerpt from Parish Map



Excerpt from Parish Map





**Extract from Parish Map Notes – No 39**

35	E4	Acquired for Housing Purposes. Gaz. 7th January, 1966.	Asnd. Gaz. 26.6.87 (fol. 3665)
36	D5	Dedicated for Highway. Gaz. 4th November, 1966. D.P. 229749	
37	E3	Survey plan for Police premises M <sup>s</sup> 2561 Do R.	
38		R.90698 for Road Works Depot Notd 4.2.77	
39	B4	R91085 for Public Recreation Gaz 31.3.78. (3.341ha)	
40	E4	Approp <sup>d</sup> for Railway Purposes Gaz 9.6.78 (4750m <sup>2</sup> )	
41	F3	PROPOSED AUCTION. NOW LOT. 27 D.P. 257020 4036m <sup>2</sup>	
42	D3	Allot 6. Sec 64. P.J. & M. Simpson - <del>A.T.P. 78+</del> (1012m <sup>2</sup> ).	
43	F2	Allot 13 Sec 61. Appropriated for Teacher Housing Auth. Gaz 13.10.78.	
44		Strip 20m Wide Declared Public Road Gaz 29.2.80	
45		Declared Public Road Gaz 29.2.80 (full Width)	



**Pt. R96631 Frank Smith Oval Sporting Complex.**

Pt Lot 105 DP 46087 and Lot 113 DP 721745  
 2-44 Oval Place Nyngan NSW 2825

Pt R96631 Frank Smith Oval Reserve

This highlighted area shown below is part of the Frank Smith Reserve and is heavily wooded with a concrete path running through to Dandaloo Street. It has a new park bench seat to provide a rest stop for walkers. Additional walkways and vehicle entrances will be required in the future.

**RE1 Public Recreation**

Under the Bogan LEP 2011 the parcel is Zoned: RE1 Public Recreation (full details can be sought in Annexure 5 attached).

**Frank Smith Oval – Park Highlighted.**







**Extract – Parish Map Notes – Frank Smith Oval (Notes 58, 64)**

54	F2	Reserved - Teacher Housing Authority. - DB804563 (Allot 10 Sec 61).
55	D3	Allot 4 Sec. 64, M.L. & S.G. Peterson.
56	F2	Reserved for Teacher Housing (Gaz. 11.8.80 (fol. 370)) 773 sqm
57		Allot 1 Sec. 61 D.J. & K.M. Hewitt ATR 85.1 Vol. 15072 Fol. 156
58	E2	R. 96631 for Public Recreation. Not'd 4.3.83 (fol. 1044) & see 64
59	D2/E2	Dedicated as Public Road Gaz. 15.4.87 (fol. 1191)
60	B3	R. 96776 for Public Recreation. Not'd 27.5.83 (fol. 2425) Erratum Gaz. 15.8.83 (fol. 3879)
61	F2	Allot 8 Sec. 61. Garand Galic. A.T.P. 85-1
62	E3	Reserved & Dedicated as Public Road. Gaz. 15.3.85 (fol. 1246) Lot 1 DP 704152
63	E3	Closed Road. Gaz. 15.5.85 (fol. 1246) Lot 2 D.P. 704152
64	E2	102.4a Added Gaz. 18.10.86 (fol. 5466) to R. 96631 for Pub. Rec. Not'd 4.3.83
65	D3, D4	Rt. 8.5ha added Gaz. 6.6.86 (fol. 2634) to R. 87095 for Public Recreation Not'd 30.11.73.
66	F4	R. 120002 for Public Recreation Not'd 6.6.86 (fol. 2635) <i>Not'd. Rev'd. Gaz. 13.10.84 (fol. 4280)</i>
67	B4	R. 120003 for Public Recreation Not'd 6.6.86 (fol. 2635).
68	H2	Pt. R. 120008 for Rubbish Depot Not'd 20.6.86 (fol. 2879) <i>Pt. Lot 1 &amp; 2. 10.11.86 (fol. 4028)</i>
69		Closed road. Gaz. 8.8.86 (fol. 3856) Lot 108 D.P. 721277 <i>Not'd. Rev'd. Gaz. 13.10.84 (fol. 4280)</i>
70	AS, BS	R. 120009 for Public Recreation Not'd 10.10.86 (fol. 4185)
71	G3	Easement for Nyngan-Dourke Transmission Line. Gaz. 24.10.86 (fol. 5208). D.P. 638310
72		For 16 (1/4 Nyngan) Nyngan Golf Club Limited. C.F. 86.52.
73	F4	Closed Road. Gaz. 15.5.87 (fol. 2354)
74	F4	520m <sup>2</sup> Added Gaz. 15.5.87 (fol. 2353) to R. 120027 Not'd 27.3.87 for Homes for the Aged.
75	F4	Pt. Closed Roads Gaz. 13.11.87 (fol. 6340)

**Government Gazette Notice – Frank Smith Oval**

by the Minister or her successors in office in respect of the claim of any such person or body.

(6408) Sydney, 18th October, 1985.

**ADDITION TO RESERVE FROM SALE**

IN pursuance of the provisions of section 28, Crown lands Consolidation Act, 1913, I declare that the Crown land described hereunder shall be added to the land within the reserve specified in parenthesis hereunder and such land is added accordingly.

JANICE CROSIO, Minister for Natural Resources.

**FOR PUBLIC RECREATION**

*Land District—Nyngan; Shire—Bogan*

Parish Nyngan, County Oxley, 1.012 hectares being the area bounded by Tabratong Street, Cathundril Street, Dandaloo Street and lot 105, D.P. 46087 at Nyngan (R. 96631, notified 4th March, 1983). DB81 R 238.

(6608) Western Lands Commission, Sydney, 18th October, 1985.

**RESERVE FROM SALE**

IN pursuance of the provisions of section 28, Crown Lands Consolidation Act, 1913, I declare that the Crown lands described hereunder shall be reserved from sale for the public purpose

Office, Dubbo. Objections must be lodged with th (P.O. Box 865, Dubbo 2830) by 4 p.m. on November, 1985. DB85 H 289.

E. P. MCANE  
Regional Manager, Lands Offi

*Land District—Nyngan; Shire—Walga  
Parishes—Geera, Wyabray and Willoi; Coun*

Surrender land: About 200 hectares being strips 6 metres wide and variable width along the frontage to Marra Creek within portion (Parish Willoi) and portions 11 and 12 (Wyabra metres wide and variable width along the frontage to River within portion 8 (Wyabray); strips 60 metres frontage to the Barwon River within portions 3 and a strip 5 metres wide along the frontage to the 1 within portion 2 (Wyabray); and the greater part of northeastern corner of lot 25, D.P. 43540, between wide part of lot 24, D.P. 43540 and the easternmost within lot 25 (Wyabray); and being land contained of Title, volume 11095, folios 92, 93, 91, 89 and 9 14900, folio 152, held by Barwon Cotton Limited

Exchange land: About 245 hectares being the metres wide; separating lot 20, D.P. 43538, and p portions 17 and 18, lot 27, D.P. 43541, end of road 15 and 10 (all Wyabray); separating lot 27, D.P. 435 from portion 11 (Willoi), end of road and portio (Wyabray); separating portion 14 (Wyabray) from g and 15 (Willoi); separating portions 5, lot 25, D.P. 4



**Old Hermidale Cricket Ground**

R62172 – Old Hermidale Cricket Ground Reserve.

2 Walwa St HERMIDALE NSW 2831  
 Lot 21 / 752861 Psh: Boree Cnty: Canbelego 3.312Ha

This lot was once the Hermidale Cricket Ground but was relocated to the Sportsgrounds. The lot has no structures remaining except for some small remnants of fencing and a small embankment to signify the oval boundary. The property is sparkly covered by trees and an ad-hoc covering of grass.

**RU5 Village**

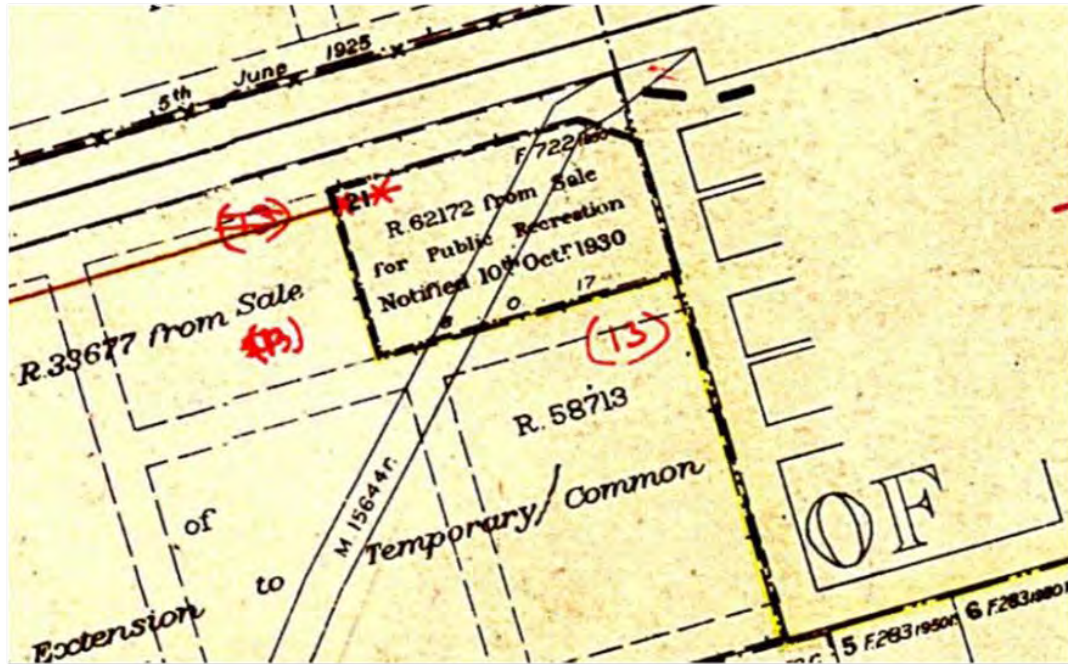
Under the Bogan LEP 2011 the parcel is Zoned: RU5 Village (full details can be sought in Annexure 5 attached).

**Aerial View – Old Hermidale Cricket Ground highlighted**





Extract from Parish Map Por 21





## Appendix A3 – Plan of Management Legislative Framework

### Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the Plan of Management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a Plan of Management 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.

A Plan of Management that applies to just one area of community land:

- a) must include a description of:
  - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
  - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
  - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
  - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
  - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations



Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- 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)).

### *Classification of public land*

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the Minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the Minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the Minister administering the CLM Act.



## Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

### Principles of Crown Land Management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

### Crown Land Management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.



## Native Title Act 1993

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title.
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings.
- establish a mechanism for determining claims to native title.
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

## Council plans and policies relating to this Plan of Management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

Bogan Shire Council Delivery Plan 2022 – 2026

Bogan Shire Council Community Strategic Plan 2027

Bogan Shire Council Operational Plans – Annually

Bogan Shire Council Plan of Management of Public Recreation – Parks 2024

Bogan Shire Council Tree Preservation Policy

Council Bush Care Program



## Other State and Commonwealth legislation

### NSW State Legislation

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

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

#### ***Aboriginal Land Rights Act 1983***

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

#### ***National Parks and Wildlife Act 1974***

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

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

**Note:** This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Climate Change, Energy, the Environment, and Water Environment and Science division advises that recovery plans and threat abatement



plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the *Biodiversity Conservation Act* or *LG Act*, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the *LG Act* are now redundant. Councils will be advised if future amendments are made to the *LG Act* to enable these mechanisms.

Certain weeds are also declared a priority weed under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared a priority weed in part or all of the state.

#### ***Fisheries Management Act 1994***

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

#### ***Rural Fires Act 1997***

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

#### ***Water Management Act 2000***

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.



### **Heritage Act 1977**

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

## Commonwealth legislation

### **Environmental Protection and Biodiversity Conservation Management Act 1999**

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

## State Environmental Planning Policies

### **State Environmental Planning Policy no. 19 – Bushland in urban areas**

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

### **State Environmental Planning Policy (Transport & Infrastructure) 2021**

This planning policy lists development allowed with consent or without consent on community land.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

## Other relevant legislation, policies, and plans

*Catchment Management Authorities Act 2003*

*Companion Animals Act 1998*

*Disability Discrimination Act 1992*

*Local Land Services Act 2013*

*Operations Act 1997*

*Pesticides Act 1999*

*Protection of the Environment Operations Act 1997*

*Rural Fires Act 1997*

*Soil Conservation Act 1938*

NSW Invasive Species Plan 2008-2015

National Local Government Biodiversity Strategy

NSW Biodiversity Strategy

Australian Natural Heritage Charter



## Appendix A4 – Aboriginal interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW).

### Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth *Native Title Act 1993* (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water by providing access to the land and, if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the [Crown lands website](#).

### Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are fortythree Council Managed Reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this Plan of Management.



## Appendix 5 – Bogan LEP 2011 Zoning Information

### PLANNING CERTIFICATE

#### PURSUANT TO SECTION 10.7

#### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

<b>Applicant Name:</b>	Bogan Shire Council	<b>Certificate No.:</b>	MP2020
<b>Postal Address:</b>	PO Box 4029	<b>Fees:</b>	
	Nyngan NSW 2825	<b>Receipt No.:</b>	
<b>Reference:</b>		<b>Date Received:</b>	

#### DESCRIPTION OF LAND

<b>ADDRESS:</b>	Bogan Shire Parks
<b>PROPERTY DESCRIPTION:</b>	Various
<b>COUNCIL ASSESSMENT NO.:</b>	Various

<b>OWNER:</b>	Bogan Shire Council
---------------	---------------------

#### PART A: INFORMATION PROVIDED UNDER SECTION 10.7(2) OF THE ACT

1	Names of relevant planning instruments and DCPs	
(a)	The name of each environmental planning instrument that applies to the carrying out of development on the land.	<ul style="list-style-type: none"> <li>Bogan Local Environmental Plan 2011</li> <li>SEPPs – refer Attachment "A"</li> </ul>
(b)	The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).	<ul style="list-style-type: none"> <li>N/A</li> </ul>
(c)	The name of each development control plan that applies to the carrying out of development on the land.	<ul style="list-style-type: none"> <li>Bogan Shire Council Development Control Plan 2012</li> </ul>



<b>2</b>	<b>Zoning and land use under relevant LEPs</b>	
	For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):	
(a)	the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone R1")	<u>Bogan LEP 2011:</u> The land is zoned <b>RE1 Public Recreation Zone</b>
(b)	the purposes for which the instrument provides that development may be carried out within the zone <b>without the need for development consent</b>	<u>Bogan LEP 2011:</u> Refer Attachment "B".
(c)	the purposes for which the instrument provides that development may not be carried out within the zone except <b>with development consent</b>	<u>Bogan LEP 2011:</u> Refer Attachment "B".
(d)	the purposes for which the instrument provides that development is <b>prohibited</b> within the zone	<u>Bogan LEP 2011:</u> Refer Attachment "B".
(e)	whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed	Bogan LEP 2011
(f)	whether the land includes or comprises critical habitat	No
(g)	whether the land is in a conservation area (however described)	No
(h)	whether an item of environmental heritage (however described) is situated on the land	No
<b>2A</b>	<b>Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>	
	To the extent that the land is within any zone (however described) under: (a) Part 3 of the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the 2006 SEPP)</i> , or (b) a Precinct Plan (within the meaning of the 2006 SEPP), or (c) a proposed Precinct Plan that is or has been the subject of community consultation or on public exhibition under the Act, the particulars referred to in clause 2 (a)–(h) in relation to that land (with a reference to "the instrument" in any of those paragraphs being read as a reference to Part 3 of the 2006 SEPP, or the Precinct Plan or proposed Precinct Plan, as the case requires).	N/A
<b>3</b>	<b>Complying development</b>	
	(1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	Complying development may not be carried out because of the provisions of Clause 1.19. Land is reserved for public purpose.



	<p>(2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.</p> <p>(3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.</p>	
<b>4</b>	<b>Coast Protection</b>	
	Whether or not the land is affected by the operation of section 38 or 39 of the <i>Coastal Protection Act 1979</i> , but only to the extent that the council has been so notified by the Department of Services, Technology and Administration.	N/A
<b>4A</b>	<b>Certain information relating to beaches and coasts</b>	
	(1) In relation to a coastal council—whether an order has been made under Part 4D of the <i>Coastal Protection Act 1979</i> in relation to emergency coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.	N/A
	(2) In relation to a coastal council: (a) whether the council has been notified under section 55X of the <i>Coastal Protection Act 1979</i> that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and	N/A
	(b) if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.	N/A
	(3) In relation to a coastal council—such information (if any) as is required by the regulations under section 56B of the <i>Coastal Protection Act 1979</i> to be included in the planning certificate and of which the council has been notified pursuant to those regulations.	N/A
<b>4B</b>	<b>Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works</b>	
	In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the <i>Local Government Act 1993</i> for coastal protection	N/A



	services that relate to existing coastal protection works (within the meaning of section 553B of that Act).	
<b>5</b>	<b>Mine subsidence</b>	
	Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the <i>Mine Subsidence Compensation Act 1961</i> .	No
<b>6</b>	<b>Road widening and road realignment</b>	
	Whether or not the land is affected by any road widening or road realignment under: (a) Division 2 of Part 3 of the <i>Roads Act 1993</i> , or (b) any environmental planning instrument, or (c) any resolution of the council.	No
<b>7</b>	<b>Council and other public authority policies on hazard risk restrictions</b>	
	Whether or not the land is affected by a policy: (a) adopted by the council, or (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,  that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).	No
<b>7A</b>	<b>Flood related development controls information</b>	
	(1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.	No
	(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.	No
<b>8</b>	<b>Land reserved for acquisition</b>	
	Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.	No
<b>9</b>	<b>Contributions plans</b>	
	The name of each contributions plan applying to the land.	Nil
<b>9A</b>	<b>Biodiversity certified land</b>	
	If the land is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.	The land is not land that is biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016, a statement to that effect.
<b>10</b>	<b>Biodiversity stewardship sites</b>	



	If the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).	The land is not subject to a biodiversity stewardship under under Part 5 of the Biodiversity Conservation Act 2016, and the council has not been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage.
<b>10A</b>	<b>Native vegetation clearing set asides</b>	
	If the land contains a set aside area under section 60ZC of the Local Land Services Act 2013, a statement to that effect (but only if the council has been notified of the existence of the set aside area by Local Land Services or it is registered in the public register under that section).	The land does not contain a set aside area under section 60ZC of the Local Land Services Act 2013, and council has not been notified of the existence of the set aside area by Local Land Services or that it is registered in the public register under that section).
<b>11</b>	<b>Bush fire prone land</b>	
	If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land. If none of the land is bush fire prone land, a statement to that effect.	The land is not bushfire prone.
<b>12</b>	<b>Property vegetation plans</b>	
	If the land is land to which a property vegetation plan under the <i>Native Vegetation Act 2003</i> applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).	The land is not subject to a Property Vegetation Plan under the <i>Native Vegetation Act 2003</i> applies, and the council has not been notified of the existence of the plan by the person or body that approved the plan under that Act
<b>13</b>	<b>Orders under <i>Trees (Disputes Between Neighbours) Act 2006</i></b>	
	Whether an order has been made under the <i>Trees (Disputes Between Neighbours) Act 2006</i> to carry out work in relation to a tree on the land (but only if the council has been notified of the order).	No
<b>14</b>	<b>Directions under Division 3.1</b>	
	If there is a direction by the Minister in force under section 3.1 of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.	N/A
<b>15</b>	<b>Site compatibility certificates and conditions for seniors housing</b>	
	If the land is land to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies: (a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:	The land is land to which <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies.  There is not a current site compatibility certificate (seniors housing) of which the council is aware.



	<ul style="list-style-type: none"> <li>(i) the period for which the certificate is current, and</li> <li>(ii) that a copy may be obtained from the head office of the Department of Planning, and</li> </ul> <p>(b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.</p>	
<b>16</b>	<b>Site compatibility certificates for infrastructure, schools or TAFE establishments</b>	
	<p>A statement of whether there is a valid site compatibility certificate (infrastructure), or site compatibility certificate (schools or TAFE establishments), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:</p> <ul style="list-style-type: none"> <li>(a) the period for which the certificate is valid, and</li> <li>(b) that a copy may be obtained from the head office of the Department.</li> </ul>	<p>There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which Council is aware.</p>
<b>17</b>	<b>Site compatibility certificates and conditions for affordable rental housing</b>	
	<ul style="list-style-type: none"> <li>(1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:                             <ul style="list-style-type: none"> <li>(a) the period for which the certificate is current, and</li> <li>(b) that a copy may be obtained from the head office of the Department of Planning.</li> </ul> </li> <li>(2) A statement setting out any terms of a kind referred to in clause 17(1) or 38(1) of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> that have been imposed as a condition of consent to a development application in respect of the land.</li> </ul>	<p>There is not a valid site compatibility certificate (affordable rental housing) of which Council is aware.</p>
<b>18</b>	<b>Paper subdivision information</b>	
	<ul style="list-style-type: none"> <li>(1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.</li> <li>(2) The date of any subdivision order that applies to the land.</li> <li>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</li> </ul>	N/A
<b>19</b>	<b>Site verification certificates</b>	



	<p>A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:</p> <p>a) the matter certified by the certificate, and</p> <p>b) on which the certificate ceases to be current (if any), and</p> <p>that a copy may be obtained from the head office of the Department.</p>	<p>There is not a current site verification certificate, of which the council is aware, in respect of the land</p>
<b>20</b>	<b>Loose-fill asbestos insulation</b>	
	<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the <a href="#">Home Building Act 1989</a>) that are listed on the register that is required to be maintained under that Division, a statement to that effect.</p>	<b>N/A</b>
<b>21</b>	<b>Affected building notices and building product rectification orders</b>	
	<p>(1) A statement of whether there is any affected building notice of which the council is aware that is in force in respect of the land.</p> <p>(2) A statement of:</p> <p>(a) whether there is any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with, and</p> <p>(b) whether any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding.</p> <p>(3) In this clause:</p> <p>affected building notice has the same meaning as in Part 4 of the Building Products (Safety) Act 2017.</p> <p>building product rectification order has the same meaning as in the Building Products (Safety) Act 2017</p>	<p>There is not a building notice or building product rectification order of which the Council is aware, in respect of the land</p>
<b>22</b>	<b>Contamination</b>	
	<p>The following matters are prescribed by section 59(2) of the <i>Contaminated Land Management Act 1997</i> as additional matters to be specified in a planning certificate</p>	
	<p>(a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued.</p>	No
	<p>(b) that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued.</p>	No
	<p>(c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an</p>	No



	approved proposal at the date when the certificate is issued.	
	(d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued.	No
	(e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.	No

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Bogan Shire Council

**Date of Issue: 2020**



**ATTACHMENT "A"**

**Table 1 - State Environmental Planning Policies applicable within the Shire of Bogan**

SEP No.	Name	Description
21	Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.
33	Hazardous and Offensive Development	The policy aims to provide clear and uniform definitions of offensive and hazardous industry and to ensure rigorous and comprehensive assessment.
36	Manufactured Home Estates	Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.
50	Canal Estate Development	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments
55	Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.
64	Advertising and Signage	Aims to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responds to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective. Also to permit advertisements on road and railway corridors, and to provide appropriate design and safety controls for advertisements on road and railway corridors
65	Design Quality of Residential Flat Development	Aims to improve the design quality of flats of three or more storeys with four or dwellings. The policy sets out a series of design principles for local councils or other consent authorities to consider when assessing development proposals for flats. It also creates a role for special design review panels and registered architects in the design and approval process.
	SEPP (Affordable Rental Housing) 2009	Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.
	SEPP (Building Sustainability Index: BASIX) 2004	Aims to encourage sustainable residential development. SEPP relates to certain kinds of residential development which must be accompanied by a list of commitments by the applicant as to the manner in which development must be carried out and the resultant consent will be subject to a condition requiring such commitments to be fulfilled.
	SEPP (Concurrences and Consents) 2018	Refer to information available from NSW Planning - Legislation



SEPP (Educational Establishments and Child Care Facilities) 2017		The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.
SEPP (Exempt and Complying Development Codes) 2008		Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the <i>Environmental Planning and Assessment Act 1979</i> .
SEPP (Housing for Seniors or People with a Disability) 2004		Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07
SEPP (Infrastructure) 2007		Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.
SEPP (State and Regional Development) 2011		Defines certain developments that are major projects to be assessed under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007		Aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.
SEPP (Miscellaneous Consent Provisions) 2007		Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note the name of this policy was changed from SEPP (Temporary Structures) 2007 to SEPP (Miscellaneous Consent Provisions) 2007 effective 22.2.2014.
SEPP (Vegetation in Non-Rural Areas) 2017		The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.



## **ATTACHMENT "B"**

### **BOGAN LOCAL ENVIRONMENTAL PLAN 2011**

#### **Zone RE1 Public Recreation**

##### **1 Objectives of zone**

- *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.*

##### **2 Permitted without consent**

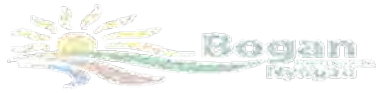
*Environmental protection works; Roads*

##### **3 Permitted with consent**

*Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Heliports; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Waste or resource transfer stations; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities*

##### **4 Prohibited**

*Any development not specified in item 2 or 3*





## BOGAN SHIRE COUNCIL

### Plan of Management for Crown Land Reserves (generic) Public Recreation – Natural Area - Bushland





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## Plan of Management for Public Recreation – Natural Area - Bushland

Bogan Shire Council – Appointed Crown Land Manager

This Plan of Management yet to be adopted by Council.

This Plan of Management (PoM) has been prepared by Bogan Shire Council and provides direction as to the use and management of Council-Managed Crown reserves classified as 'community land' in the Bogan Shire Council area. The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM 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.

This PoM is a generic document covering most of the community land and open space within the Bogan Shire Council Local Government Area (LGA) categorised as natural area. 'Natural area' community land is further categorised into bushland.





## INTRODUCTION

### Bogan shire Council

Bogan Shire, situated in Western New South Wales, has an area of 14,610 square kilometres, equivalent to about 1.8% of the State's land surface. The geographical centre of the State lies within the Shire boundaries. The Shire has an estimated population of 2,644. Nyngan, the Shire's Administrative Centre, is located on the Bogan River at the junction of the Mitchell and Barrier Highways - an ideal rest point for the weary traveler.

There is an abundance of productive agricultural land for sheep and cattle production and large-scale cropping enterprises. Nyngan's farmers are highly competitive on local and international markets and the large quantity of agricultural produce is conducive to the development of value adding industries and marketing ventures.

Nyngan offers warm hospitality and all the facilities of a modern rural township. Three Motels, two Caravan Parks and Hotels provide a choice of accommodation options. Three licensed Clubs cater for entertainment and relaxation. The town also boasts a selection of cafes, restaurants and take-away food outlets for dining.

The Bogan Shire has one high school, four primary schools, an Early Learning Centre for long day care, a pre-school, a mobile pre-school, and a TAFE Campus. Council's medical centre services Nyngan's medical needs through the provision of doctors, nurses, a podiatrist, pathology services and a network of other health professionals. Nyngan also has a hospital, an aged hostel and a dentist.

The recreational and sporting facilities in Nyngan are excellent and include facilities for bowls, golf, tennis, dancing, swimming, rugby union, rugby league, touch football, cricket, netball, fishing, boating, canoeing, water-skiing, soccer, little athletics and pony club. Whether you are looking for an outback experience or a place to escape the hectic pace of the city life, we hope that a visit to the Bogan Shire will show you what real *"Comfortable Country Living"* is all about.





## PURPOSE OF THE PLAN OF MANAGEMENT

Council is required by Section 7 of the Local Government Act 1999 to 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area'.

The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors. The land is vacant and undeveloped or has been specifically modified or adapted for benefit and/or enjoyment of the community.

Council's Corporate Objectives are outlined in Council's Delivery Program 2022-2026 Natural Environment (3.3), Community Strategic Plan 2027, Themes and Goals and Operational Plan 2023 (1.2).

The *Local Government Act 1993* (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under the Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this generic PoM is to:

- contribute to the council's broader strategic goals and vision as set out in Council's Delivery Program 2022 – 2026
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*,
- provide clarity in the future development, use and management of the community land,
- ensure consistent management that supports a unified approach to meeting the varied needs of the community,
- to 'provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area',
- The land listed in Schedule 1 is retained by Council to provide passive and active recreational and social facilities for the community and other visitors, is vacant and undeveloped, or has been,
- specifically modified or adapted for benefit and/or enjoyment of the community,

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix A3 of this document.



## PROCESS OF PREPARING THIS PLAN OF MANAGEMENT

Figure 1 illustrates the process undertaken by Council in preparing this PoM.

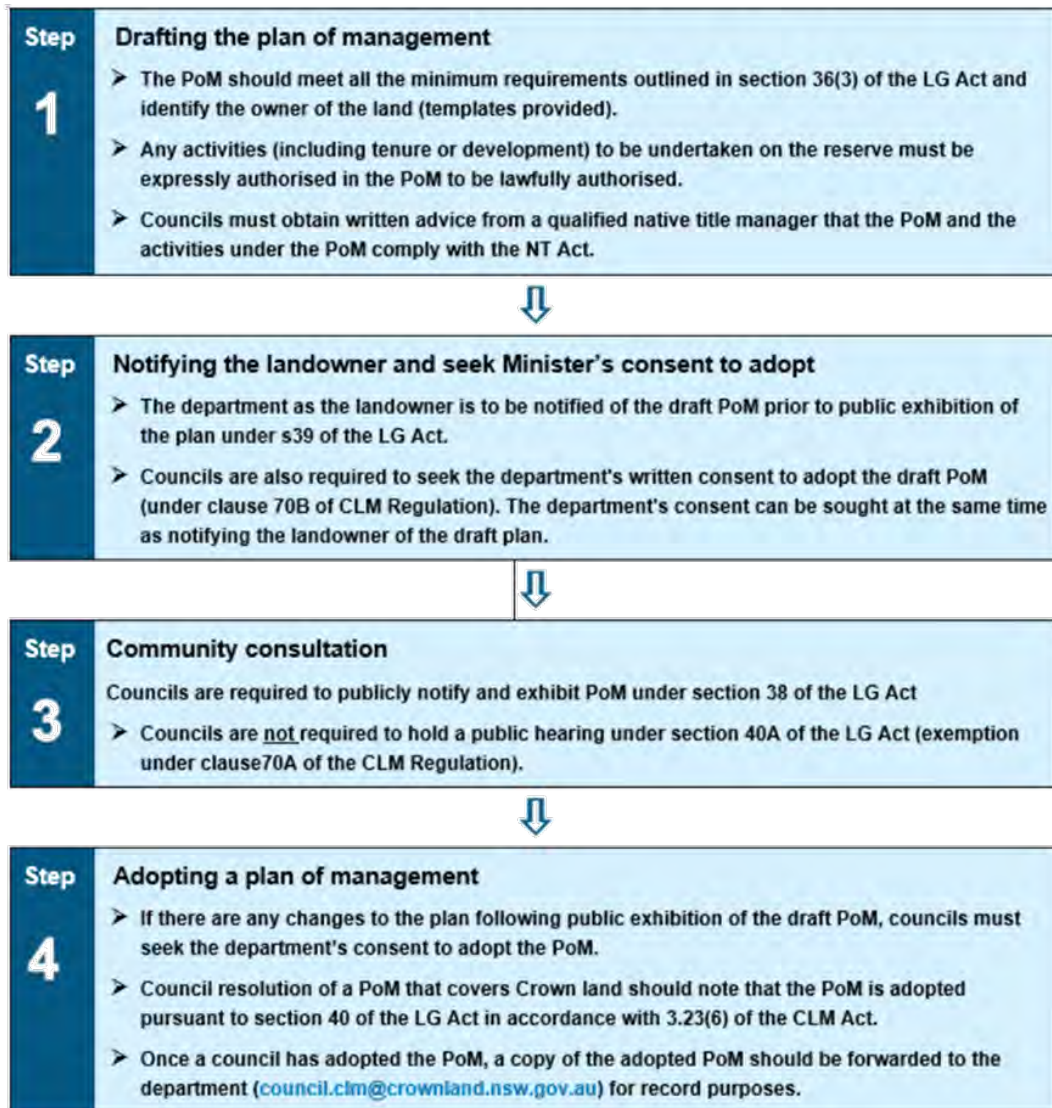


Figure 1: process for preparing a Plan of Management for council managed Crown Reserves.



### **Change and review of Plan of Management**

This PoM will require regular reviews to align with community values and changing community needs, and to reflect changes in Council priorities. Council has determined that it will review the PoM within one year of its adoption. However, the performance of this PoM will be reviewed annually to ensure that the Reserve is being managed in accordance with the PoM, 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.

The community will have an opportunity to participate in reviews of this PoM.

### **Community Consultation**

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of zero submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure – 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 Department of Planning, Housing and Infrastructure – Crown Lands.



## Land Description

The community land that is covered by this document is listed in Appendix A1. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only).

Some open spaces are not covered by this Plan of Management, generally because they need site-specific plans of management to be prepared. Contact the council or refer to the Council's website for information about other public land not listed in Appendix A1.

Location Address	Lot & DP	Parish	County	Area	Reserve No.	Reserve Name
4144 Canonba Rd CANONBA NSW 2825	Lot 7005 DP 1020526	Canonba North	Gregory	4.538 Ha	89370	Buttabone Park Rd Reserve
5520 Pangee Rd PANGEE NSW 2825	15,16 DP 752902, 7007 DP 1115906	Panjee	Flinders	13.76 Ha	83945	Panjee Public Hall Public Recreation
3068 Peisley Rd PANGEE NSW 2825	Lots 9,12 DP 752882	Hermitage	Flinders	4.899 Ha	66078	Peisley Rd Reserve Public Recreation
3068 Peisley Rd PANGEE NSW 2825	Lot 11 DP 752882	Hermitage	Flinders	6.572 Ha	73293	Peisley Rd Reserve Public Recreation
Barrier Highway HERMIDALE NSW 2831	Lot 10 DP 751322	Hermitage	Canbelego	7.5084 Ha	41634	Crown Reserve Public Recreation
Bourke Street GIRILAMBONE NSW 2831	Lot 49 DP 751336	Neiley	Canbelego	1.4850 Ha	78483	Crown Reserve Public Recreation
Arcturus St GIRILAMBONE NSW 2831	5,10/2,1-10/8 DP758441, 701-702 DP1025665, 7002 DP1126311	Girilambone	Canbelego	20.2369 Ha	77128	Girilambone Park Reserve
9792 Henry Parks Way BOBADAH NSW 2877	Lot 7010 DP 1032821	Cameron	Flinders	4.9029 Ha	26783	Crown Reserve Public Recreation

## Owner of the Land

The land is categorised Community land.

The Land is owned by the State of New South Wales and Bogan Shire Council is the appointed Crown Land Manager. Council's Management of these lands is subject to the strict adherence to the New South Wales Local Government Act, 1993 and the Crown Lands Management Act, 2016.



## Basis of Management

Bogan Shire Council intends to manage its community land to meet:

- the LG Act guidelines and core objectives for community land set out in Table X1
- restrictions on management of Crown land community land
- the Council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.
- The land is managed according to the objectives and methods set out below according to Division 2(Use and Management of Community Land), of the Local Government Act 1993 and Part 3 Divisions 3.1,3.2,3.3,3.4 of the Crown Lands Management Act, 2016.

## 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 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.



### Classification and Category of the Land

Council is required to categorise the land according to its use type and to manage it in away that achieves the core objectives for the land categories. The Act provides guidelines for choosing the category or categories to be applied. A parcel may be categorised as one or more separate categories according to its use and the characteristics of the land.

Council has resolved to classify all parcels of land in this Plan as **Community Land**. Further to this all parcels of land contained in this plan with a Gazetted Purpose of Public Recreation and Public Recreation, Public Hall are categorised as **Natural Areas – Bushland**.

The categorisation of the land is identified in Appendix A1, as well as shown by maps in Appendix A2.

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 Natural Area – Bushland category is set out in Table X1.



## 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 [Categorisation of the land](#)). Council may then apply more specific management objectives to community land. These must be compatible with the core objectives for the land.

- The core objectives for Natural Areas - Bushland are
- Ensure the ongoing ecological viability of the land by protecting and Conserving 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 - Bushland, and
- Maintain the land, or that feature or habitat, in its natural state and setting, and
- Protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- Provide for Community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.
- Provide for the restoration and regeneration of the land, and Restore degraded Bushland, and
- Protect Bushland as a natural stabiliser of the soil surface, and
- 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
- Protect existing landforms such as natural drainage lines, watercourses and foreshores, and Retain bushland in parcel size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- Assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994, and
- Develop and maintain a Public Safety and Risk Management System, and
- Create an ongoing Bushfire Hazard Management Plan.



**Table X1: Guidelines and Core Objectives for Community Land – Natural Areas - Bushland**

Guidelines – from the Local Government (General) Regulation 2021	Core objectives – from the <i>Local Government Act 1993</i>
<p><b>Clause 102 – Natural Areas:</b> Land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.</p>	<p><b>Category Natural Area (Section 36E):</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• to maintain the land, or that feature or habitat, in its natural state and setting</li> <li>• to provide for the restoration and regeneration of the land</li> <li>• 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</li> <li>• to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the <i>Biodiversity Conservation Act 2016</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>
<p><b>Clause 107 – Bushland:</b></p> <ul style="list-style-type: none"> <li>• land containing primarily native vegetation that is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation, is still representative of the structure or floristics of the natural vegetation in the locality.</li> </ul>	<p><b>Category Bushland (Section 36J):</b></p> <ul style="list-style-type: none"> <li>• Ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna of the land and other ecological values</li> <li>• to protect the aesthetic, heritage, recreational, educational and scientific values of the land</li> <li>• to manage 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 to minimise or mitigate disturbance caused by human intrusion</li> <li>• to restore degraded bushland</li> <li>• to protect existing landforms such as natural drainage lines, watercourses and foreshores</li> <li>• 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</li> <li>• to protect bushland as a natural stabiliser of the soil surface.</li> </ul>



### Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserves described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this Plan of Management 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 *Crown Land Management Act 2016*
- consider any interests held on title.

### Council's Strategic Objectives and Priorities

Bogan Shire Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

- Protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- Provide for the restoration and regeneration of the land, and Restore degraded Bushland, and
- Protect Bushland as a natural stabiliser of the soil surface, and
- 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
- Protect existing landforms such as natural drainage lines, watercourses and foreshores, and
  
- Retain bushland in parcel size and configuration that will enable the existing plant and animal communities to survive in the long term, and
  
- Assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994, and
- Develop and maintain a Public Safety and Risk Management System and create an ongoing Bushfire Hazard Management Plan.



**Development and Use**

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

**Permissible Uses / Future Use**

Bogan Shire 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, recreational and sporting facilities in particular, Bogan Shire Council intends to permit and encourage a broad range of appropriate activities within individual Categories, However in this Category of Natural Areas – Bushland, Council has decided that the land should return to its natural state to preserve Council’s natural heritage and preservation of biological diversity and habitat. Notwithstanding the facilities on community land may change over time, reflecting the needs of the community requiring a new PoM to be developed.

**Table X2 - Permissible use and development of community land categorised Natural Area – Bushland by Council**

<b>Natural Area</b>	
<p><b>Purpose/Use</b></p> <ul style="list-style-type: none"> <li>• Preservation of the council’s natural heritage including the identified endangered ecological communities</li> <li>• Preservation of biological diversity and habitat</li> <li>• Providing a location for relaxation and passive informal recreation</li> <li>• Walking and cycling</li> <li>• Guided bushwalks</li> <li>• Environmental and scientific study</li> <li>• Bush regeneration works</li> <li>• Carbon sequestration</li> <li>• Bio-banking</li> </ul>	<p><b>Development to facilitate uses.</b></p> <ul style="list-style-type: none"> <li>• Low impact walking trails</li> <li>• Interpretive signage</li> <li>• Water saving initiatives such as rain gardens, swales and sediment traps</li> <li>• Observation platforms, signs</li> <li>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out</li> <li>• Locational, directional and regulatory signage</li> </ul>

**Express authorisation of leases and licences and other estates**

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.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, must be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.



Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM 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.

As at the date of adoption of this Plan there are no current Leases or Licences held over the parcels stated in this Plan. There is very little likelihood that a lease or licence would be granted over these parcels due to their size and location of the parcels of land.

### **Leases and Licences authorised by the Plan of Management**

Council currently has no leases issued over the Reserves contained in this Plan of Management. This plan of management does not encourage the issue of leases, licences and other estates over the land covered by the plan of management, however Council will give due consideration in accordance with section 46(1)(b) of the LG Act, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved,
- the purpose is consistent with the core objectives for the category of the land,
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- 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,
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- Sec 47B of the LG Act would apply to any leases or licences issued over any Natural Areas contained in this plan of management.

### **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 for the purpose of:

- (a) commercial photographic sessions
- (b) picnics and private celebrations such as weddings and family gatherings
- (c) filming sessions



Council may issue short term licences under Sec2.20 of the Crown Lands Management Act 2016 for prescribed purposes list in Clause 31 of the Crown Land Management Regulation 2018.

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

**Table X3 - Express authorisation for leases, licences and other estates on reserves listed in this Plan of Management**

<b>Community land covered</b>	<b>Maximum term</b>	<b>Purpose for which tenure may be granted</b>
<b>Leases</b>		
Natural Area	5 Years	<ul style="list-style-type: none"> <li>- Causeways, observation platforms, signs</li> <li>- temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
<b>Licences</b>		
Natural Area	5 Years	<ul style="list-style-type: none"> <li>- observation platforms, signs</li> <li>- temporary erection or use of any building or structure necessary to enable a filming project to be carried out.</li> </ul>
<b>Other Estates</b>		
All community land and buildings	5 Years	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.



### **Native title and Aboriginal land rights considerations in relation to leases, licences, and other estates**

When planning to grant a lease or licence on Crown reserves, Council will 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* (ALR Act).

Council's Native Title Manager will provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix A4 for more information).

As the properties in this plan do not have or are not likely to have any future leases, licences permits, forestry rights, easements, rights of way or changes to covenants outside of what is permissible under the Act or Regulations, Native Title advice is not required for this Plan of Management. Should any changes to the POM be required by Council or the Government An advice statement will be issued prior to any works being undertaken.

Further should the outcome of the Native Title Claims affect the above then this plan will need to be modified to reflect the outcomes of the claims.