

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 22nd 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.

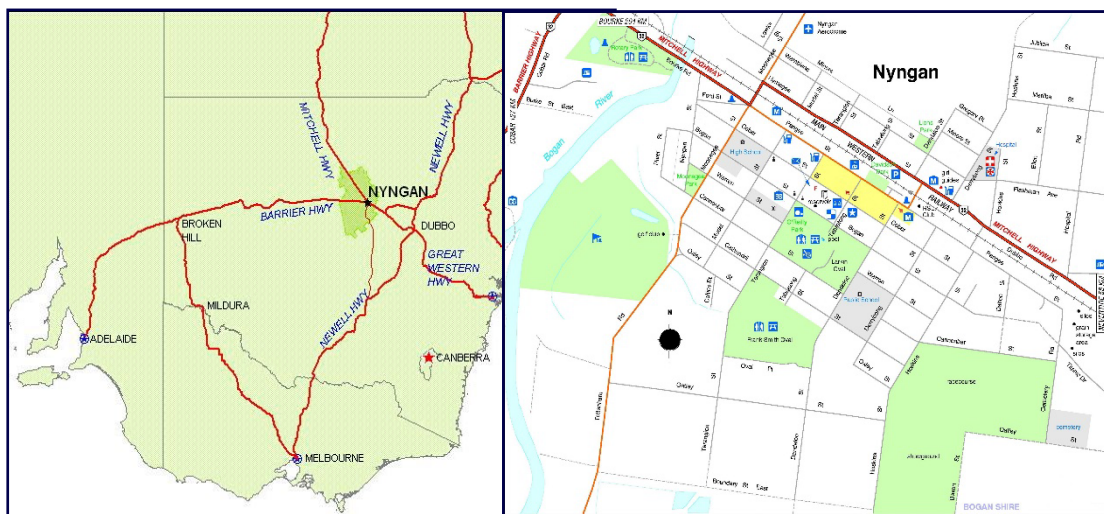
There is an abundance of productive agricultural land for sheep and cattle production and largescale cropping enterprises. Nyngan's farmers are highly competitive on local and international markets and the large quantity of agricultural produce is conducive to the development of value adding industries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

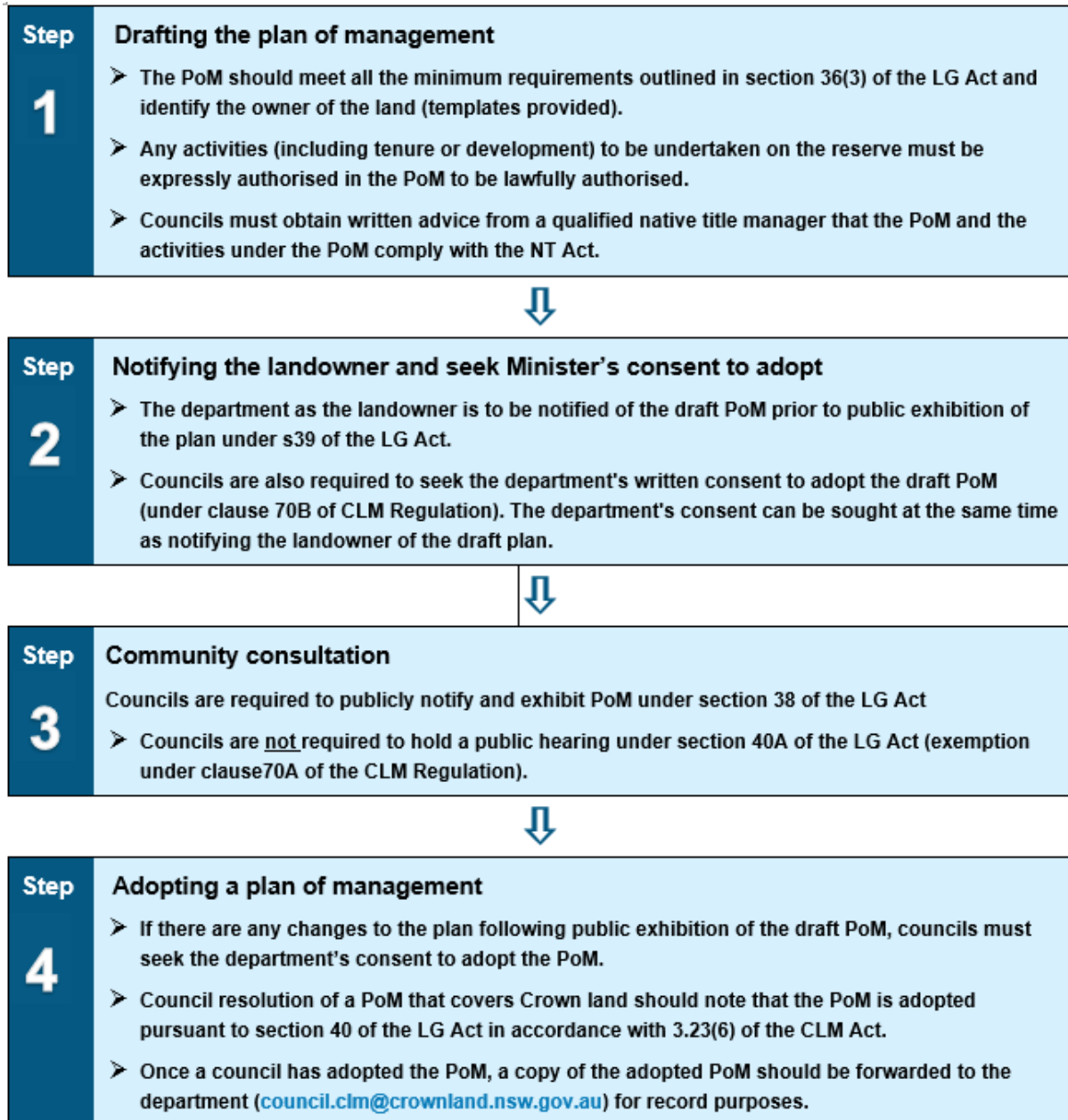
The purpose of this generic PoM is to:

- 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 Bogan 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 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 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>Clause 104 – Parks: 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>Category Park (Section 36G):</p> <ul style="list-style-type: none"> • to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities • to provide for passive recreational activities or pastimes and for the casual playing of games • to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

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

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

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

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 minimalized. 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"> • community events and festivals • playing a musical instrument, or singing for fee or reward • picnics and private celebrations such as weddings and family gatherings • filming, including for cinema/television • conducting a commercial photography session • public performances • engaging in an appropriate trade or business • delivering a public address • community events • fairs, markets, auctions and similar activities
Other estates		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:

- commercial photographic sessions
- picnics and private celebrations such as weddings and family gatherings
- 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.

Location	Property Description	Owner	Category	Purpose	Reserve
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.

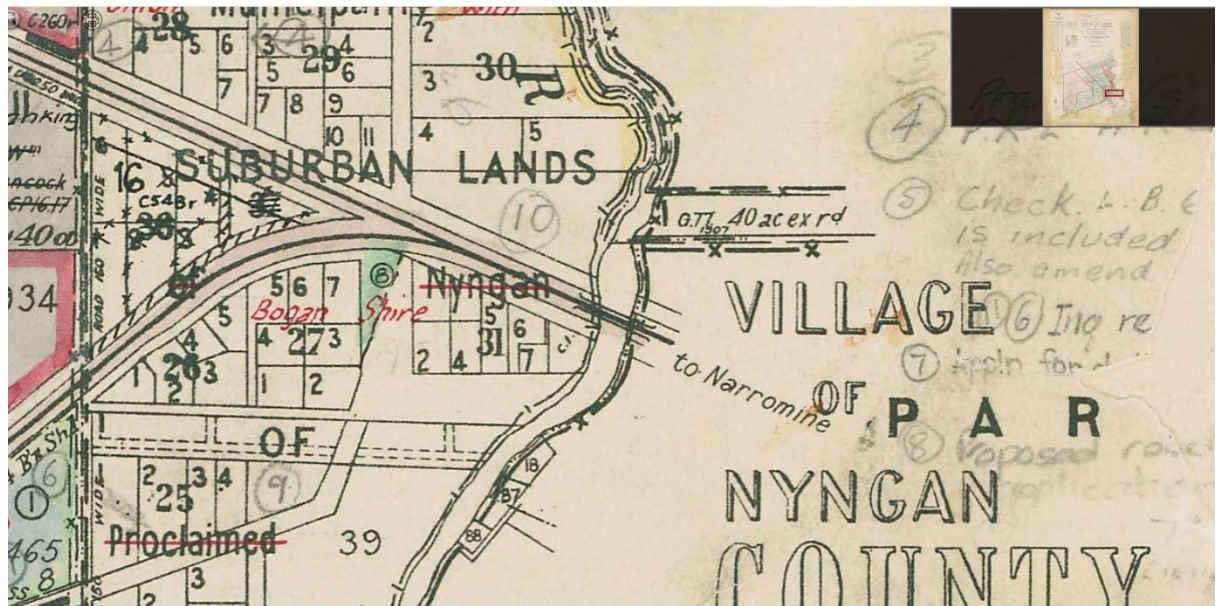
RU1 Primary Production

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

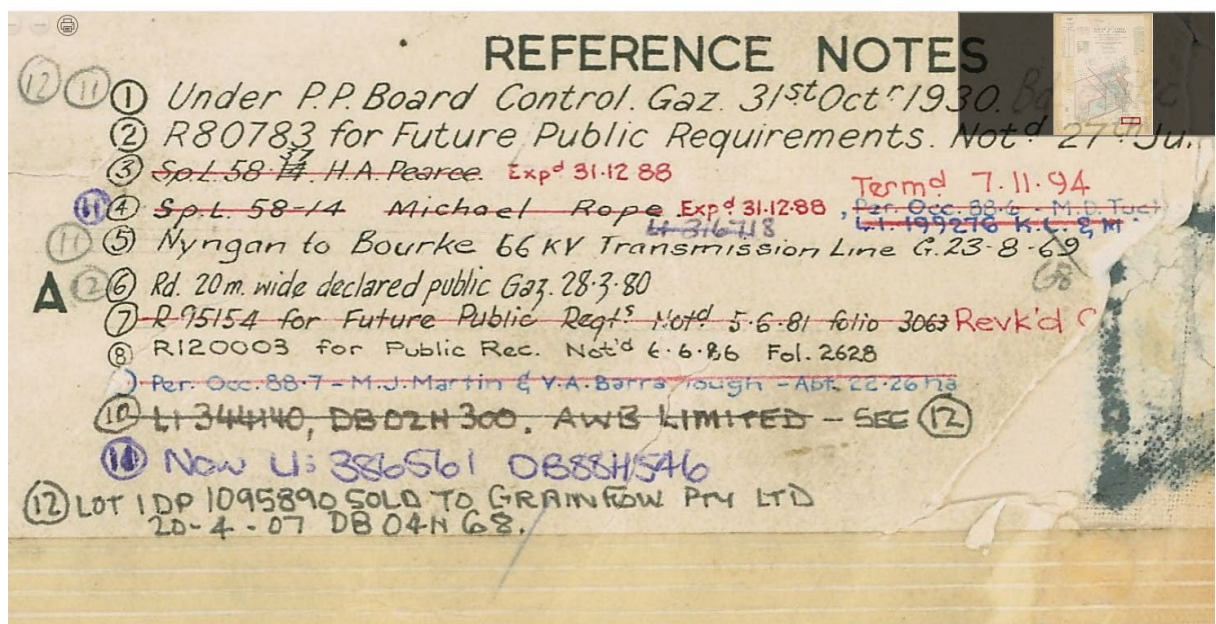
Aerial View of Highlighted Lot



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.

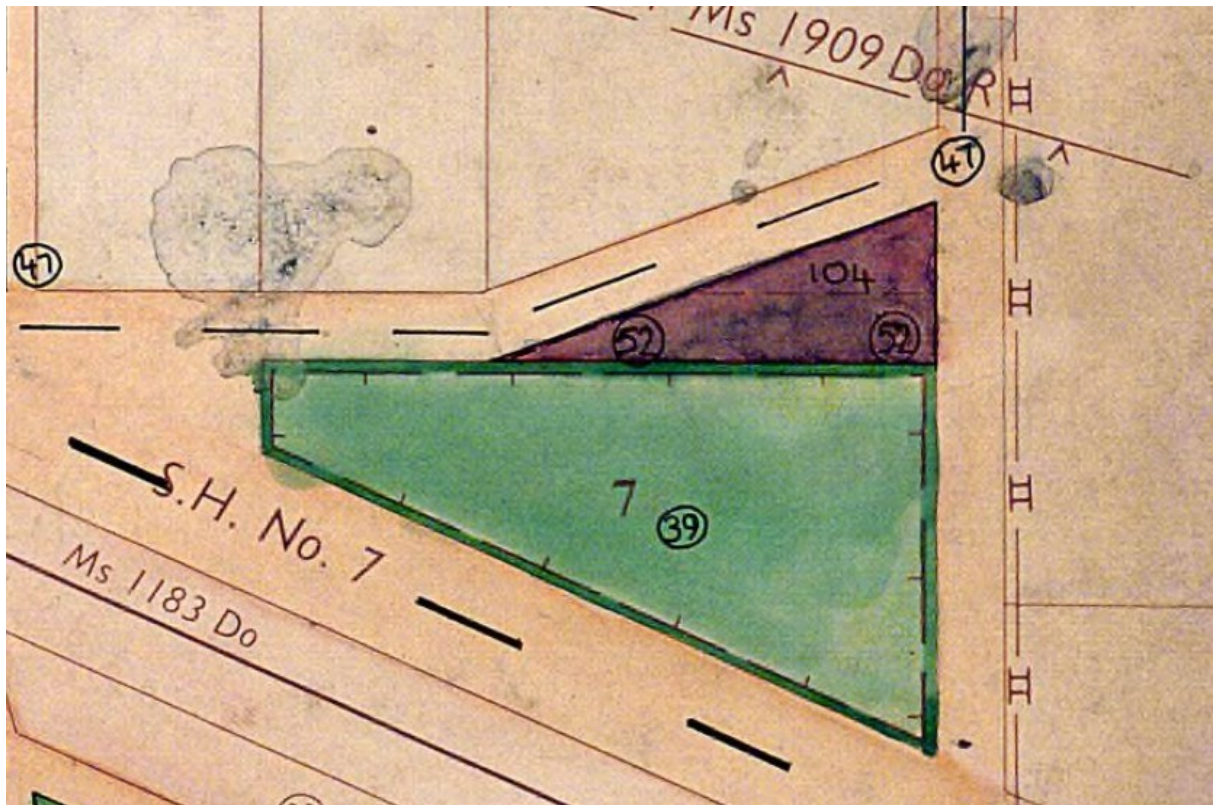
RE1 Public Recreation

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

			Assnd. Gaz. 26/6/87 (fol. 3665)
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 ^o 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 ^d for Railway Purposes Gaz 9.6.78 (4750m ²)	
41	F3	PROPOSED AUCTION. NOW LOT. 27 D.P. 257020 4036m ²	
42.	D3.	Allot 6. Sec 64 P.J. & M. Simpson - A.T.P. 78 . (1012m ²).	
43	FZ	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.

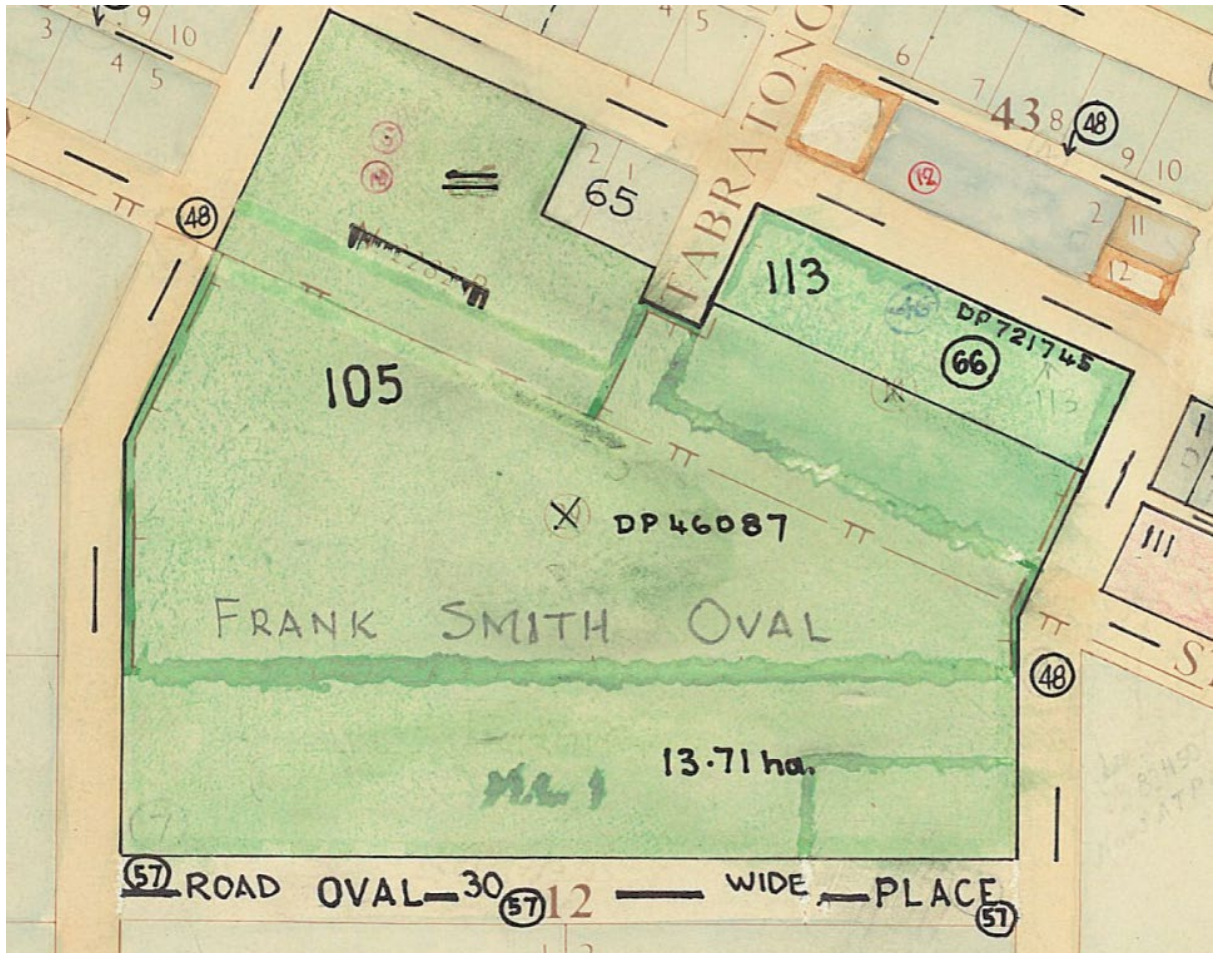
RE1 Public Recreation

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.



Parish Map Extract – Frank Smith Oval



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 sparsely covered by trees and an ad-hoc covering of grass.

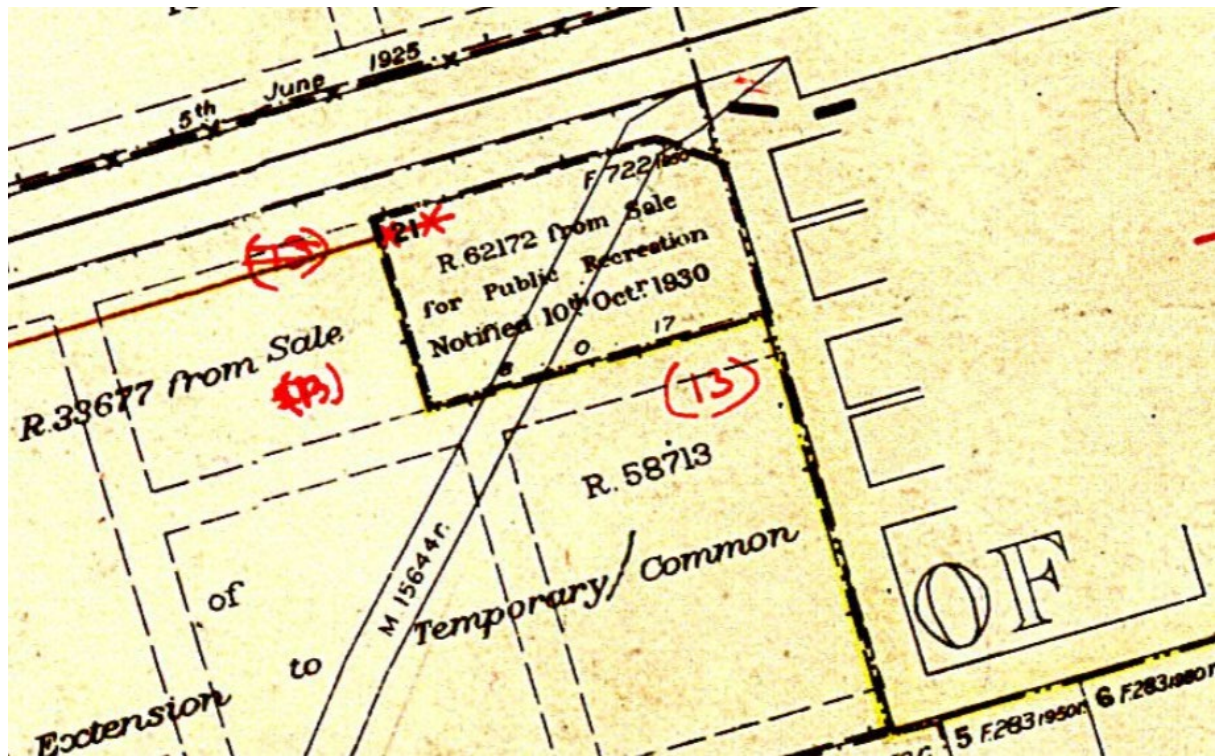
RU5 Village

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

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

DESCRIPTION OF LAND

ADDRESS: Bogan Shire Parks

PROPERTY DESCRIPTION: Various

COUNCIL ASSESSMENT NO.: Various

OWNER: 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"> Bogan Local Environmental Plan 2011 SEPPs – refer Attachment “A”
(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"> N/A
(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"> Bogan Shire Council Development Control Plan 2012

2	Zoning and land use under relevant LEPs	
	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 RE1 Public Recreation Zone
(b)	the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent	<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 with development consent	<u>Bogan LEP 2011:</u> Refer Attachment “B”.
(d)	the purposes for which the instrument provides that development is prohibited 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
2A	Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006	
	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
3	Complying development	
	(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>	
4	Coast Protection	
	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
4A	Certain information relating to beaches and coasts	
	(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
4B	Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works	
	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).	
5	Mine subsidence	
	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
6	Road widening and road realignment	
	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
7	Council and other public authority policies on hazard risk restrictions	
	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
7A	Flood related development controls information	
	(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
8	Land reserved for acquisition	
	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
9	Contributions plans	
	The name of each contributions plan applying to the land.	Nil
9A	Biodiversity certified land	
	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.
10	Biodiversity stewardship sites	

	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.
10A	Native vegetation clearing set asides	
	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).
11	Bush fire prone land	
	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.
12	Property vegetation plans	
	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
13	Orders under <i>Trees (Disputes Between Neighbours) Act 2006</i>	
	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
14	Directions under Division 3.1	
	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
15	Site compatibility certificates and conditions for seniors housing	
	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.

	<p>(i) the period for which the certificate is current, and</p> <p>(ii) that a copy may be obtained from the head office of the Department of Planning, and</p> <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>	
16	Site compatibility certificates for infrastructure, schools or TAFE establishments	
	<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> <p>(a) the period for which the certificate is valid, and</p> <p>(b) that a copy may be obtained from the head office of the Department.</p>	<p>There is not a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), of which Council is aware.</p>
17	Site compatibility certificates and conditions for affordable rental housing	
	<p>(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:</p> <p>(a) the period for which the certificate is current, and</p> <p>(b) that a copy may be obtained from the head office of the Department of Planning.</p> <p>(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.</p>	<p>There is not a valid site compatibility certificate (affordable rental housing) of which Council is aware.</p>
18	Paper subdivision information	
	<p>(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.</p> <p>(2) The date of any subdivision order that applies to the land.</p> <p>(3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.</p>	N/A
19	Site verification certificates	

	<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>
20	Loose-fill asbestos insulation	
	<p>If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the Home Building Act 1989) that are listed on the register that is required to be maintained under that Division, a statement to that effect.</p>	N/A
21	Affected building notices and building product rectification orders	
	<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>
22	Contamination	
	<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

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 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

