



**Edward
River**
COUNCIL

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

Date: Thursday, 16 April 2020
Time: 9.00am
Location: Council Chamber 180 Cressy Street
Deniliquin and Via Teams

BUSINESS PAPER

Ordinary Council Meeting

16 April 2020

John Rayner
Interim General Manager

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1 OPENING MEETING**2 LIVE STREAMING STATEMENT**

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website www.edwardriver.nsw.gov.au.

All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

3 ACKNOWLEDGEMENT OF COUNTRY**4 STATEMENT OF PURPOSE****5 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS****6 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 19 March 2020



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

19 March 2020

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN
ON THURSDAY, 19 MARCH 2020 AT 10.00AM**

PRESENT: Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, Cr Marg Bull, Cr Ashley Hall, Cr Norm McAllister, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

IN ATTENDANCE: Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure), Julie Rogers (Manager Environmental Services), Marie Sutton (Planning & Continuous Improvement Coordinator), Belinda Perrett (Executive Assistant)

GALLERY: 9

OPENING MEETING

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All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.

STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

CONFIRMATION OF MINUTES

RESOLUTION 2020/32

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That the minutes of the Ordinary Council Meeting held on 20 February 2020 and the Extraordinary Council Meeting held on 5 March 2020 be confirmed.

CARRIED

DISCLOSURES OF INTERESTS - RESOLUTION 2020/33

Item 10.4 – Cr Margaret Bull declared a Non-Pecuniary – Less than Significant interest.

REPORTS OF COMMITTEES

MINUTES OF THE EDWARD RIVER CONCERT BAND COMMITTEE MEETING HELD ON 19 FEBRUARY 2020

RESOLUTION 2020/33

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council:

Receive and note the Minutes of the Edward River Concert Band Committee Meeting held on 19 February 2020, contained at Attachment A.

CARRIED

REPORTS TO COUNCIL

MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS

RESOLUTION 2020/34

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council note the Mayor, Councillor and General Manager meetings for February 2020.

CARRIED

RESOLUTIONS OF COUNCIL

RESOLUTION 2020/35

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council note the information in the Resolutions of Council as at 6 March 2020.

CARRIED

INVESTMENT REPORT FEBRUARY 2020**RESOLUTION 2020/36**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council:

1. Note and receive the Report on Investments totalling \$45,378,410 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of February 2020 was \$52,674;
3. Note that accrued interest earned to 29 February 2020 but not yet received was \$316,505;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

MODIFICATION OF 16/15/DA**RESOLUTION 2020/37**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council:

1. **APPROVE** the modification of development application 16/15/DA A for an intensive livestock facility/feedlot, on Lot 5 DP720227, Lots 8,22,30,31,33 ,34,35 ,36,61,72 DP756268 "Peppinella", Conargo Road and Lots 23 and 84 DP756247 "Boonoke" Conargo Road dated 13 July 2018 as detailed in the documentation listed in attachment 18 of this report, in accordance with section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and subject to the following reasons:
 - (a) *The modification complies with the relevant environmental planning instruments;*
 - (b) *The modification demonstrates capacity on site for the proposed variations in livestock numbers; and*
 - (c) *The modification identifies a suitable location for the proposed composting pad.*

And modify the development consent as detailed in attachment 19 of this report.

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Ashley Hall, Norm McAllister, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Cr Marg Bull

CARRIED 8/1

Two members of the Gallery left the Council Chambers at 10.21am

ENVIRONMENTAL SERVICES REPORT (FEBRUARY 2020)**RESOLUTION 2020/38**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That Council note the Environmental Services report for February 2020.

CARRIED

Six members of the Gallery left the Council Chambers at 10.23am

Cr Norm McAllister left the Council Chambers at 10.24am

REQUEST FOR WATER TRANSFERS**RESOLUTION 2020/39**

Moved: Cr Nick Metcalfe

Seconded: Cr Marg Bull

That Council

- 1) Approve providing a water transfer to the Racecourse Reserve of 15 megalitres.
- 2) Provide the water to the Racecourse free of charge and only pass on administrative charges as incurred in establishing the water transfer
- 3) Note that this approval is a once off approval and that Council may not be able to provide this support in future years if increased water restrictions are applied.

CARRIED

Cr Norm McAllister re-entered the Council Chambers at 10.28am

MAYORAL MINUTE(S)**MAYORAL MINUTE - GENERAL MANAGER RECRUITMENT****RESOLUTION 2020/40**

Moved: Cr Norm Brennan

Seconded: Cr Peter McCrabb

1. That the proposal received from Stephen Blackadder & Associates to manage the recruitment of a General Manager be approved.
2. That a selection panel of three Councillors and one member of the Audit Risk and Improvement Committee (if available) be formed to work with Stephen Blackadder & Associates and provide recommendations back to Council on the preferred candidate/s for the role of General Manager.
 - (a) That the selection panel include the Mayor, Deputy Mayor, Cr Ashley Hall plus one member of the Audit Risk and Improvement Committee if available.
3. That the Mayor source an interim external General Manager for a period of up to six (6) months while the recruitment for an ongoing General Manager be finalised

CARRIED

CUSTOMER SERVICE CHARTER

RESOLUTION 2020/41

Moved: Cr Mac Wallace
Seconded: Cr Norm McAllister

That Council adopt the Customer Service Charter, Attachment 1.

CARRIED

EQUAL OPPORTUNITY AND DIVERSITY POLICY

RESOLUTION 2020/42

Moved: Cr Norm McAllister
Seconded: Cr Marg Bull

That Council adopt the Equal Opportunity and Diversity Policy, Attachment 1, and note the Equal Employment Opportunity and Diversity Plan, Attachment 2.

CARRIED

DRAFT PRIVACY MANAGEMENT PLAN

RESOLUTION 2020/43

Moved: Cr Pat Fogarty
Seconded: Cr Norm McAllister

That Council:

- 1) Place the draft Privacy Management Plan, Attachment 1, on public exhibition for a period of 28 days; and
- 2) Adopt the Privacy Management Plan subject should no public submissions being received.

CARRIED

DA 4/20 NORTH DEPOT STAGES 2 & 3**RESOLUTION 2020/44**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council resolves to: -

1. **APPROVE** the development application DA 4/20 dated 30 January 2020 for Stages 2 and 3 of the redevelopment of a depot, on Lots 11, 12 and 13 DP1123768 and Lot 2 Section 36 DP758782, 334-342 Augustus Street, 219 Wanderer Street and 221 Wanderer Street, North Deniliquin, Deniliquin as shown on plan numbered 02 C3, 03 C3, 12 C3 and 13 C3 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:

- (a) *The application complies with key planning provisions contained within the Deniliquin Local Environmental Plan 2013 and the Deniliquin Development Control Plan 2016; and*
- (b) *The proposal is consistent with the zone objectives and the existing character of the area.*

And impose the conditions as detailed in Attachment 2 of this report.

CARRIED

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Ashley Hall, Norm McAllister, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Nil

CARRIED 9/0

Mark Dalzell (Manager Engineering Assets) entered the Council Chambers at 10.32am

MAJOR PROJECTS PROGRAM - MARCH 2020 PROGRESS REPORT**RESOLUTION 2020/45**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council note the Major Projects Program from various funding sources - Progress Report for March 2020.

CARRIED

Julie Rogers (Manager Environmental Services) and Marie Sutton (Planning & Continuous Improvement Coordinator) left the Council Chambers at 10.34am.

DRAFT ASSET CAPITALISATION POLICY**RESOLUTION 2020/46**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Council:

1. Place the draft Asset Capitalisation Policy, contained in Attachment 1, on public display for a period not less than 28 days;
2. Subject to receiving no submissions during the public exhibition period, adopt the draft Asset Capitalisation Policy contained in Attachment 1.

CARRIED

CROWN LAND PLANS OF MANAGEMENT**RESOLUTION 2020/47**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council:

1. Adopt the Plans of Management for the following Crown Land reserves:
 - (a) Former Scout Hall reserve, contained as Attachment 1 to this report;
 - (b) Old Landfill Site reserve, contained as Attachment 2 to this report;
 - (c) Sewerage Treatment Plant reserve, contained as Attachment 3 to this report;
 - (d) North Tennis Courts reserve, contained as Attachment 4 to this report; and
2. Submit the adopted Plans of Management to Crown Lands for endorsement

CARRIED

ROAD CLOSURES ALONG CRESSY STREET FOR UPCOMING ROADWORKS**RESOLUTION 2020/48**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Council approve the implementation of the traffic control plan for work along Cressy Street starting in May 2020, subject to the endorsement of the traffic control plan by all members of the Edward River Council Local Area Traffic Committee.

CARRIED

RATES HARMONISATION - DRAFT COMMUNITY ENGAGEMENT PLAN**RESOLUTION 2020/49**

Moved: Cr Peta Betts
Seconded: Cr Pat Fogarty

That Council adopt the updated Community Engagement Plan for the Rates Harmonisation project, Attachment 1.

CARRIED

Councillor Hall left the Council Chambers at 10.56am and re-entered at 10.57am.

POLICY REVIEW - PUBLIC INTEREST DISCLOSURE POLICY**RESOLUTION 2020/50**

Moved: Cr Pat Fogarty
Seconded: Cr Mac Wallace

That Council adopts the reviewed and updated Public Interest Disclosures Policy, Attachment 1

CARRIED

SUPPLEMENTARY REPORTS**RESOLUTION 2020/51**

Moved: Cr Mac Wallace
Seconded: Cr Nick Metcalfe

That Council accepts the inclusion of the Supplementary Reports.

CARRIED

CEMETERY OPERATIONS**RESOLUTION 2020/52**

Moved: Cr Mac Wallace
Seconded: Cr Nick Metcalfe

That Council note the

- (a) Place the draft Cemetery Policy on public display for a period of 28 days
- (b) Subject to receiving no submissions during the public exhibition period, adopt the draft Cemetery Policy
- (c) Adopt the Terms of Reference for the Cemetery Advisory Committee
- (d) Note the draft cemetery operations plan

CARRIED

CONFIDENTIAL MATTERS**RESOLUTION 2020/53**

Moved: Cr Pat Fogarty
Seconded: Cr Peta Betts

That Council considers the confidential report(s) listed below in a meeting closed to the public at 10.59am in accordance with Section 10A(2) of the Local Government Act 1993:

13.1 Contract C2020/19 Supply, Installation and Maintenance of Solar Panel Systems

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

13.2 Contract C2020/20 - Peppin Heritage Centre & Crossing Cafe Refurbishments

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

13.4 Contract C2020/17 - Cressy Street Revitalisation and Contract C2020/18 - Waring Garden Upgrade

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

13.2 Sale 143-147 Hardinge Street Deniliquin

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

Manager Tourism & Economic Development entered the Council Chambers at 11.10am

CONTRACT C2020/19 SUPPLY, INSTALLATION AND MAINTENANCE OF SOLAR PANEL SYSTEMS**RESOLUTION 2020/54**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council

1. Accepts the tender submitted by The Green Guys Group Pty Ltd and award The Green Guys Group Pty Ltd Contract C2020/19 Supply, Installation and Maintenance of Solar Power Systems for the lump sum tendered price of \$474,311.82 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for C2020/19 Supply, Installation and Maintenance of Solar Power Systems;
3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site;

CARRIED

Cr Nick Metcalfe left the Council Chambers at 11.12am and did not return.

Contractor Paul Arthurson entered the Council Chambers at 11.20am.

Cr Ashley Hall declared a conflict and left the Council Chambers at 11.29am

SALE 143-147 HARDINGE STREET DENILQUIN**RESOLUTION 2020/55**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council

1. Rescind its decision to sell 143-147 Hardinge Street Deniliquin to Jason O'Connor Fabrications
2. Undertake a further expression of interest process to find a suitable buyer

CARRIED

Councillor Norm McAllister left the Council Chambers at 11.31am after declaring a conflict.

CONTRACT C2020/20 - PEPPIN HERITAGE CENTRE & CROSSING CAFE REFURBISHMENTS**RESOLUTION 2020/56**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council

1. Approve the reallocation of funding from the following projects to Contract C2020/20 – Peppin Heritage Centre and Crossing Café refurbishments
 - (a) \$110,000 from the library refurbishment project carried forward from 2018/19
 - (b) \$13,000 from the Council Depot allocation of the Renewal Energy project
2. Note that the works proposed at the library and the Depot will be reconsidered through future budget process,
3. Exclude the front decking are from George Street and the new double new entrance from the contract at an estimated value of \$16,000
4. Accepts the tender from Denbrok Constructions PTY LTD for Contract C2020-20 - PEPPIN HERITAGE CENTRE & CROSSING CAFÉ REFURBISHMENTS for the total lump sum of \$525,172.73 excluding GST;
5. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020-20 - PEPPIN HERITAGE CENTRE & CROSSING CAFÉ REFURBISHMENTS; and
6. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount,
7. Note that works to construct the new cool room and works to upgrade the power supply to the building will be completed by alternate contractors outside this contract,
8. Approve the suspension of the monthly lease amount for a period of six months as from 31 October 2019, being Council's consideration. No further consideration will be given.

CARRIED

Councillor Norm McAllister returned to the Council Chambers at 11.42am.

CONTRACT C2020/17 - CRESSY STREET REVITALISATION AND CONTRACT C2020/18 - WARING GARDEN UPGRADE**RESOLUTION 2020/57**

Moved: Cr Peta Betts
Seconded: Cr Ashley Hall

That Council

1. Accept the Tender from Quarrell Constructions for Contract C2020/17 – Cressy Street Revitalisation for a total lump sum of \$1,301,220 Ex.GST).
2. Accept the tender from Quarrell Construction for Contract C2020/18 – Waring Gardens Upgrade for a total lump sum of \$1214567 (Ex.GST).
3. Approve \$400,000 to be funded from Councils General Reserve for the installation of underground power on Cressy Street between Napier and Edwardes Street, with any balance to be returned to Councils General Reserve.
4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/17 – Cressy Street Revitalisation and C2020/18 – Waring Gardens Upgrade
5. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount

CARRIED

RESOLUTION 2020/58

Moved: Cr Peta Betts
Seconded: Cr Marg Bull

That Council moves out of Closed Council into Open Council.

CARRIED

Mayor Norm Brennan read the Resolutions of Council.

CLOSE OF MEETING

The Meeting closed at 12.10pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 April 2020.

.....
CHAIRPERSON

7 DISCLOSURES OF INTERESTS

8 MAYORAL MINUTE(S)

Nil

9 REPORTS OF COMMITTEES

Nil

10 REPORTS TO COUNCIL**10.1 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**

File Number:

Author: Belinda Perrett, Executive Assistant

Authoriser: John Rayner, Interim General Manager

RECOMMENDATION

That Council note the Mayor, Councillor and General Manager meetings for March 2020.

ACKGROUND

The report details meetings undertaken by the Mayor, Councillors and General Manager on behalf of Council during March 2020.

Mayor, Councillor and General Manager meetings February 2020			
Date	Participants	Topic	Council Reps
March 2	Grace WIN News	Edward River Council News	Mayor
March 4	Citizenship Ceremony	Citizenship	Mayor, Cr Betts, Cr Wallace, General Manager, Director Corporate Services, Director Infrastructure
March 5 + 6	Country Mayors	General Meeting	Mayor, General Manager
March 11	Senator Perin Davey	General Meeting	Mayor
March 11	Mario Cavallaro	General Meeting	Mayor
March 11	Edward River Users Group	Committee Meeting	Mayor
March 12	Health Meeting	Committee Meeting	Mayor
March 13	Conargo Feedlot	Site Visit	Mayor, Cr McCrabb, Cr Betts, General Manager, Manager Environmental Services
March 18	Deniliquin High School	“The Hub” Wellbeing Opening Breakfast	Mayor, Community & Economic Development Project Officer

March 18	RAMJO	MLHD Discussion	Mayor, General Manager
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ISSUE/DISCUSSION

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY STRATEGIC PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Nil

10.2 RESOLUTIONS OF COUNCIL

Author: Belinda Perrett, Executive Assistant

Authoriser: John Rayner, Interim General Manager

RECOMMENDATION

That Council note the information in the Resolutions of Council as at 19 March 2020.

BACKGROUND

The attached report details the status of open Resolutions of Council.

ISSUE/DISCUSSION

Monthly report to update Councillors and community members on the progress of Council Resolutions.

STRATEGIC IMPLICATIONS

As outlined in the status updates.

COMMUNITY STRATEGIC PLAN

This report aligns with Outcome 5 – A community working together to achieve its potential. Particularly it supports outcome 5.3, our local government is efficient, innovative and financially sustainable.

FINANCIAL IMPLICATIONS

Not applicable

LEGISLATIVE IMPLICATIONS

Not applicable

ATTACHMENTS

1. Council Resolutions as at 7 April 2020

19 March 2020	Resolution	Responsibility	Status	Expected Date of Completion
2020/37	<p>Modification of 16/15/DA That Council:</p> <p>1. APPROVE the modification of development application 16/15/DA A for an intensive livestock facility/feedlot, on Lot 5 DP720227, Lots 8,22,30,31,33 ,34,35 ,36,61,72 DP756268 “Peppinella”, Conargo Road and Lots 23 and 84 DP756247 “Boonoke” Conargo Road dated 13 July 2018 as detailed in the documentation listed in attachment 17 of this report, in accordance with section 4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i> and subject to the following reasons:</p> <p>(a) <i>The modification complies with the relevant environmental planning instruments;</i></p> <p>(b) <i>The modification demonstrates capacity on site for the proposed variations in livestock numbers; and</i></p> <p>(c) <i>The modification identifies a suitable location for the proposed composting pad.</i></p> <p>And modify the development consent as detailed in attachment 19 of this report.</p>	Manager Environmental Services	Completed	Closed
2020/39	<p>Request for Water Transfers That Council</p> <p>1) Approve providing a water transfer to the Racecourse Reserve of 15 megalitres.</p> <p>2) Provide the water to the Racecourse free of charge and only pass on administrative charges as incurred in establishing the water transfer</p> <p>3) Note that this approval is a once off approval and that Council may not be able to provide this support in future years if increased water restrictions are applied.</p>	General Manager	Commenced Transferral Process	16 April 2020

2020/40	<p>Mayoral Minute – General Manager Recruitment</p> <p>1. That the proposal received from Stephen Blackadder & Associates to manage the recruitment of a General Manager be approved.</p> <p>2. That a selection panel of three Councillors and one member of the Audit Risk and Improvement Committee (if available) be formed to work with Stephen Blackadder & Associates and provide recommendations back to Council on the preferred candidate/s for the role of General Manager.</p> <p>(a) That the selection panel include the Mayor, Deputy Mayor, Cr Ashley Hall plus one member of the Audit Risk and Improvement Committee if available.</p> <p>3. That the Mayor source an interim external General Manager for a period of up to six (6) months while the recruitment for an ongoing General Manager be finalised</p>	Mayor	Interim external General Manager has been appointed	October 2020
2020/43	<p>That Council:</p> <p>1) Place the draft Privacy Management Plan, Attachment 1, on public exhibition for a period of 28 days; and</p> <p>2) Adopt the Privacy Management Plan subject should no public submissions being received.</p>	Corporate Services	Draft Policy on exhibition	29 April 2020
2020/44	<p>DA4/20 North Depot Stages 2 & 3</p> <p>That Council resolves to: -</p> <p>1. APPROVE the development application DA 4/20 dated 30 January 2020 for Stages 2 and 3 of the redevelopment of a depot, on Lots 11, 12 and 13 DP1123768 and Lot 2 Section 36 DP758782, 334-342 Augustus Street, 219 Wanderer Street and 221 Wanderer Street, North Deniliquin, Deniliquin as shown on plan numbered 02 C3, 03 C3, 12 C3 and 13 C3 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:</p> <p>(a) <i>The application complies with key planning provisions contained within the Deniliquin Local Environmental Plan 2013 and the Deniliquin Development Control Plan 2016;</i></p>	Manager Environmental Services	Closed	Closed

	<p><i>and</i></p> <p><i>(b) The proposal is consistent with the zone objectives and the existing character of the area.</i></p> <p>And impose the conditions as detailed in Attachment 2 of this report.</p>			
2020/46	<p>Draft Asset Capitalisation Policy</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Place the draft Asset Capitalisation Policy, contained in Attachment 1, on public display for a period not less than 28 days; 2. Subject to receiving no submissions during the public exhibition period, adopt the draft Asset Capitalisation Policy contained in Attachment 1. 	Manager Engineering Assets	Draft Policy on public exhibition	29 April 2020
2020/47	<p>Crown Land Plans of Management</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the Plans of Management for the following Crown Land reserves: <ol style="list-style-type: none"> (a) Former Scout Hall reserve, contained as Attachment 1 to this report; (b) Old Landfill Site reserve, contained as Attachment 2 to this report; (c) Sewerage Treatment Plant reserve, contained as Attachment 3 to this report; (d) North Tennis Courts reserve, contained as Attachment 4 to this report; and 2. Submit the adopted Plans of Management to Crown Lands for endorsement 	Manager Engineering Assets	Plans submitted	Closed
2020/48	<p>Road Closures along Cressy Street for Upcoming Roadworks</p> <p>That Council approve the implementation of the traffic control plan for work along Cressy Street starting in May 2020, subject to the endorsement of the traffic control plan by all members of the Edward River Council Local Area Traffic Committee.</p>	Manager Engineering Assets	Waiting on traffic committee	24 April 2020
2020/52	<p>Cemetery Operations</p> <p>That Council note the</p>	Director Infrastructure	Draft Policy on Public Display	29 April 2020

	<ul style="list-style-type: none"> (a) Place the draft Cemetery Policy on public display for a period of 28 days (b) Subject to receiving no submissions during the public exhibition period, adopt the draft Cemetery Policy (c) Adopt the Terms of Reference for the Cemetery Advisory Committee (d) Note the draft cemetery operations plan 			
2020/54	<p>Contract C2020/19 Supply, Installation and Maintenance of Solar Panel Systems That Council</p> <ol style="list-style-type: none"> 1. Accepts the tender submitted by The Green Guys Group Pty Ltd and award The Green Guys Group Pty Ltd Contract C2020/19 Supply, Installation and Maintenance of Solar Power Systems for the lump sum tendered price of \$474,311.82 + GST; 2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for C2020/19 Supply, Installation and Maintenance of Solar Power Systems; 3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site. 	Manager Engineering Assets	Contracts being drawn up.	May 2020
2020/55	<p>Sale of 143-147 Hardinge Street, Deniliquin That Council</p> <ol style="list-style-type: none"> 1. Rescind its decision to sell 143-147 Hardinge Street Deniliquin to Jason O'Connor Fabrications 2. Undertake a further expression of interest process to find a suitable buyer 	Manager Economic Development	EOI being updated	May 2020
2020/56	<p>Contract C2020/20 – Peppin Heritage Centre & Crossing Café Refurbishments That Council</p> <ol style="list-style-type: none"> 1. Approve the reallocation of funding from the following projects to Contract C2020/20 – Peppin Heritage Centre and Crossing Café refurbishments 	Director Infrastructure	Work has commenced	May 2020

	<p>(a) \$110,000 from the library refurbishment project carried forward from 2018/19</p> <p>(b) \$13,000 from the Council Depot allocation of the Renewal Energy project</p> <p>2. Note that the works proposed at the library and the Depot will be reconsidered through future budget process,</p> <p>3. Exclude the front decking are from George Street and the new double new entrance from the contract at an estimated value of \$16,000</p> <p>4. Accepts the tender from Denbrok Constructions PTY LTD for Contract C2020-20 - PEPPIN HERITAGE CENTRE & CROSSING CAFÉ REFURBISHMENTS for the total lump sum of \$525,172.73 excluding GST;</p> <p>5. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020-20 - PEPPIN HERITAGE CENTRE & CROSSING CAFÉ REFURBISHMENTS; and</p> <p>6. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount,</p> <p>7. Note that works to construct the new cool room and works to upgrade the power supply to the building will be completed by alternate contractors outside this contract,</p> <p>8. Approve the suspension of the monthly lease amount for a period of six months as from 31 October 2019, being Council's consideration. No further consideration will be given.</p>			
<p>2020/57</p>	<p>Contract C2020/17 – Cressy Street Revitalisation and Contract C2020/18-Waring Garden Upgrade That Council</p> <p>1. Accept the Tender from Quarrell Constructions for Contract C2020/17 – Cressy Street Revitalisation for a total lump sum of</p>	<p>Director Infrastructure</p>	<p>Contract signed</p>	<p>Closed</p>

	<p>\$1,301,220 Ex.GST).</p> <ol style="list-style-type: none"> 2. Accept the tender from Quarrell Construction for Contract C2020/18 – Waring Gardens Upgrade for a total lump sum of \$1214567 (Ex.GST). 3. Approve \$400,000 to be funded from Councils General Reserve for the installation of underground power on Cressy Street between Napier and Edwardes Street, with any balance to be returned to Councils General Reserve. 4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/17 – Cressy Street Revitalisation and C2020/18 – Waring Gardens Upgrade 5. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount 			
20 February 2020	Resolution	Responsibility	Status	Expected Date of Completion
2020/18	<p>Draft Edward River Council Tourism Development Plan 2020-2022 That Council</p> <ol style="list-style-type: none"> 1. Adopt the draft Edward River Council Tourism Development Plan 2020-2022, Attachment 1 2. Discontinue and cease the operation of the Section 355 Deniliquin Promotions Advisory Committee 3. Note that consultation with the tourism industry will now take place through an informal Edward River Tourism Industry Network as per the Tourism Development Plan 2020-2022 recommendation 4. Note that the implementation of the Plan will be reliant on Council receiving external grant funding and that projects over and above those achievable through existing recurrent budget funding have not been factored into Council’s Long-Term Financial Plan 5. Council to review in twelve months-time. 	<p>Manager Tourism and Economic Development</p>	<p>Uploaded to Website. Letters sent to Committee Members</p>	<p>April 2020</p>

2020/25	Estates Building Revitalisation and Civic Precinct Accommodation Project – Contract, Timeframe and Governance. That Council: 1.Endorse the process outlined in this report for the Tender and delivery of the Estates Building, Town Hall and Civic Precinct Development. 2.Endorse the project governance structure, Attachment 2 3.Note that the project scope and project timeframes will be impacted by the outcome of the NSW Government Stronger Country Communities Fund assessment process. Approximately \$1 million in funding for the Town Hall element of this project is reliant on a successful funding application through this grant program. If this funding application isn't successful, then a further report with a modified project scope will be brought to Council for consideration	Project Manager	Awaiting on Funding Announcement Tenders extended to 17 April 2020 at 2pm	May 2020
2020/26	Sewer Construction – Harfleur Street That Council; 1. Note that emergency works were carried out to repair the sewer on Harfleur Street between Hardinge Street and Macauley Street 2. Note that the cost of the works to construct a new sewer line was \$112,000 3. Ratify the reallocation of \$112,000 from the sewer telemetry project 2019/20 to offset the costs to construct this sewer.	Manager Finance	Noted on the QBR and will then be processed.	30 May 2020
2020/27	Draft Private Works Policy That Council: 1. Place the draft Private Works Policy on Public Display for a period of 28 days 2. Subject to receiving no submissions during the public exhibition period, adopt the Draft Works Policy	Director Infrastructure	Policy on Display. No submissions received.	Closed
2020/29	Rates Harmonisation That 1. The resolution 2019/08/179 titled Rates and Revenue Harmonisation Project that was passed on 15 August 2019 be rescinded. 2. The resolution 2019/12/305 titled Rates Harmonisation Project	General Manager	Currently progressing.	July 2021

	<p>– Preferred Rate Structure that was passed on 19 December 2019 be rescinded.</p> <p>3. That Council</p> <p>(a) Make an application to the Minister to vary its Rates Path Harmonisation to 1 July 2021; and</p> <p>(b) Receive an updated Community Engagement Plan at the March 2020 Ordinary Council Meeting</p>			
6 February 2020	Resolution	Responsibility	Status	Expected Date of Completion
2020/2	<p>Contract C2020/14 – Construction of two new sheds, services, sewer line and removal of toilet back – Edward River Council North Depot.</p> <p>That Council</p> <p>1. Accepts the tender submitted by Tony Campbell Fabrications Ltd for Contract C2020/14 for the construction of two new sheds, services, sewer line and removal of old toilet block for the lump sum tender price of \$331,905.00 + GST;</p> <p>2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for C2020/14 – construction of two new sheds, services, sewer line and removal of old toilet block.</p> <p>3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.</p>	Director Infrastructure	Contracts being compiled.	March 2020
2020/3	<p>Contract C2020/13 – Deniliquin Rams Clubrooms and Kitchen Refurbishment.</p> <p>That Council</p> <p>1. Authorise the transfer of \$130,000 from the Stronger Communities Program Round 1 Road Infrastructure project to increase the project total budget amount to \$688,490 subject to approval from the Office of Local Government</p> <p>2. Accepts the tender from Denbrok Construction Pty Ltd for Contract C202013 – DENILIQUN RAMS CLUBROOMS AND KITCHEN REFURBISHMENT for the total lump sum price of</p>	Director Infrastructure	<p>OLG approval being sought.</p> <p>Contracts being compiled.</p> <p>Contract signed.</p>	<p>March 2020</p> <p>March 2020</p>

	<p>\$519,341.84 excluding GST;</p> <p>3. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C202013 – DENILIQUN RAMS CLUBROOMS AND KITCHEN REFURBISHMENT; and</p> <p>4. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 10% of the contract amount.</p> <p>5. Note that any cost over runs, over and above the project budget of \$688,490 will be at the expense of the Deniliquin Rams Club.</p>			
19 December 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/12/306	<p>Strategic Review of Committee Framework and Community Facility Management Model Report.</p> <p>That Council</p> <ol style="list-style-type: none"> 1. Adopt the Strategic Review of Committee Framework and Community Facility Management Model Report contained at Attachment 1. 2. Request Officers commence implementation via the following priority actions: <ol style="list-style-type: none"> a. Meet with each committee and advise them of the review outcomes and the next steps to implement the recommendations, including the winding-up of Committees as outlined in the report b. Develop and implement terms of reference, delegations, and trust documentation to implement the Conargo Hall Committee arrangements, including those relating to the bequest from Mr Bob White c. Develop a detailed action plan, with resources and costings, required to achieve the remainder of the implementation plan contained in the report. 	General Manager	Underway	May 2020
2019/12/315	<p>Edward River Council Agribusiness Masterplan</p> <p>That Council</p>	Manager Community &	Underway. Currently	April-2020 July 2020

	<ol style="list-style-type: none"> 1. Adopt the Agribusiness Masterplan 2019-2024, attachment 1 2. Resource the agribusiness development capability within Council by applying for funding to appoint an Agribusiness Development Officer for a 12-month period through the second round of the Drought Communities Programme 3. Continue to work with neighbouring Councils of Murrumbidgee, Murray River and Berrigan to implement a governance model such as a board or committee to oversee the implementation of the Agribusiness Masterplan. 	Economic Development	holding.	
2019/12/318	<p>Riverview Water Supply System That Council:</p> <ol style="list-style-type: none"> 1. Provide an offer of support to the Riverview Estate Association for the supply and installation of water meters in the River Estate Water Supply system as part of the Riverview Estate Water Meter Project; 2. Approve financial support to an amount of 50% of the project costs up to a maximum value of \$50,000; 3. Reallocate \$50,000 from the Watermain Rehabilitation program to the Riverview Estate Water Meter Project; 4. Authorise the General Manager to enter into an agreement with the Riverview Estate Association for the Riverview Estate Water Meter Project. 	Manager Engineering & Assets	Association has been informed and water meters are currently being installed. Waiting on final invoice.	<p>January 2020 March 2020 April 2020</p>
2019/12/321	<p>North Deniliquin Levee Upgrade That Council:</p> <ol style="list-style-type: none"> 1. Adopt the draft North Deniliquin Levee Upgrade Feasibility Report for the purposes of public exhibition and community consultation, attachment 1; 2. Place the draft North Deniliquin Levee Upgrade Feasibility Report on public exhibition for a five week period from 13 January 2020 to 14 February 2020; and 3. Receive a further report following the completion of the public exhibition period. 	Manager Engineering and Assets	Draft Feasibility Report is on public exhibition. A report will be tabled at the March April Council meeting. Further report and information will be presented at the May workshop.	<p>March 2020 April 2020 May 2020</p>

2019/12/330	Contract C2020/11 – Reconstruction of Deniliquin Car Parks That Council 1. Accept the tender submitted by Excell Gray Bruni for Contract C2020/11 – Reconstruction of Deniliquin Car Parks for the lump sum tender price of \$692,809.09 + GST; 2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/11 – Reconstruction of Deniliquin Car Parks; 3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.	Manager Engineering & Assets	Waiting on Contracts Contracts Signed. Work to commence on site 20 April 2020.	February 2020 20 April 2020
5 December 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/12/297	Pedestrian Bridge Island Sanctuary That Council; 1. Approve the removal of the existing pedestrian footbridge to the Island Sanctuary accessed from Cressy Street, 2. Approve the change of scope in this project to provide a new footpath link along Memorial Drive and a new feature entrance to the Island Sanctuary from Memorial Park 3. Note that sign-off from the Office of Local Government will be required to finalise approval for this modified scope of works 4. Note that if Council's current application for funding through the NSW Regional Growth Environment and Tourism Fund is successful the bridge will be replaced	Manager Engineering & Assets	Underway	30 April 2020
21 November 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/11/276	Draft Recreation Strategy That the report be deferred until Councillors receive a briefing on the Conargo Camp Draft Proposal.	Manager Environmental Services	Meetings underway	February 2020
2019/11/284	Edward River Council Library Strategy That Council	Manager Community &	Underway	September 2020

	<ol style="list-style-type: none"> 1. Adopt the draft Edward River Council Library Strategy (Attachment 1); and 2. Notify the submission authors of Council's decision. 3. Commence the process to establish Edward River Council Library. 	Economic Development		
19 September 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/09/222	Edward River Council – Draft Waste Strategy That Council <ol style="list-style-type: none"> 1. Adopt the Edward River Council Waste Strategy 2019-2049, Attachment 2 2. Note that recommendation 1.1, 'Expansion of Kerbside Services' (contained in Appendix A), will require the development of a business case prior to implementation. 	Director Infrastructure	Business Case Draft commenced. Will be presented to Council February 2020 March 2020 Project Team to be developed and further information to be presented at a workshop.	February 2020 March 2020 30 June 2020
27 June 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/06/148	Transfer or sale of land for unpaid rates That Council: <ol style="list-style-type: none"> 30. In accordance with section 570 of the Local Government Act, accept the transfer of the following land for unpaid rates: Lot 29 and 30 DP 815329, Ballantyne Crescent, Deniliquin Lot 19 DP 815329, Burton Street, Deniliquin Lot 12 DP 815329, Harfleur Street, Deniliquin LOT 13 DP 815329, Harfleur Street, Deniliquin LOT 37 DP 749636, Henry Street, Deniliquin 	Director Corporate Services	Notification has been sent. Still progressing. Received. Adjusting bad debts and asset registers. Underway with Operational	18 July 2019 30 September 2019 30 October 2019 November

	<p>2. In accordance with section 31(2) of the Local Government Act, classify the following land as Operational Land, upon acquisition: Lot 29 and 30 DP 815329, Ballantyne Crescent, Deniliquin Lot 19 DP 815329, Burton Street, Deniliquin Lot 12 DP 815329, Harfleur Street, Deniliquin LOT 13 DP 815329, Harfleur Street, Deniliquin LOT 37 DP 749636, Henry Street, Deniliquin</p> <p>3. Authorise the General Manager, via MCW Lawyers Pty Ltd, to provide written advice to the Trustee that Council will formally approve the agreement with the Trustee to accept transfer of the properties.</p> <p>4. Authorises the General Manager to take all necessary steps and execute all necessary documentation to implement part 1 of this resolution of Council.</p> <p>5. Affix the Council seal in accordance with Clause 400 of the Local Government (General) Regulations 2005 as required to implement part 1 of this resolution of Council.</p> <p>6. Authorise the write-off of the bad debt, being the net of monies owing in unpaid rates and sundry debtors and the 'fair asset value' of the land transferred.</p>		<p>Land Values Rates outstanding calculated; Land valuation arranged and completed; report due 10 February 2020; Debt will be written off based on the net monies owed in unpaid rates and sundry debtors; fair asset value of the land will then be transferred.</p>	<p>2019 January 2020 February 2020 May 2020</p>
<p>21 March 2019</p>	<p>Resolution</p>	<p>Responsibility</p>	<p>Status</p>	<p>Expected Date of Completion</p>
<p>2019/03/45</p>	<p>Town Planning Policy 5.10 Bonds and Developer Contributions The motion was deferred, and the matter will be taken to the June workshop for further discussion.</p>	<p>Manager Environmental Services</p>	<p>Will be taken to November 2019 Workshop Will be taken to a further workshop.</p>	<p>June 27 2019 July 18 2019 31 October 2019 December 2019 March 2020 June 2020</p>

10.3 INVESTMENT REPORT MARCH 2020**Author: Bruce Maunganidze, Financial Accountant****Authoriser: Suni Campbell, Director Corporate Services****RECOMMENDATION**

That Council:

1. Note and receive the Report on Investments totalling \$43,343,179 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of March 2020 was \$71,870;
3. Note that accrued interest earned to 31 March 2020 but not yet received was \$306,152;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report

BACKGROUND

The purpose of this report is to update Council on the investment of surplus funds and performance of Council's investment portfolio for the month to 31 March 2020 as required by Regulation No 264 (Part 19) of the Local Government Act 1993.

As at 31 March 2020, Council had a total of \$43,343,179 in invested funds. Interest received from investments during the month of March 2020 was \$71,870 bringing the total received year to date to \$766,744.

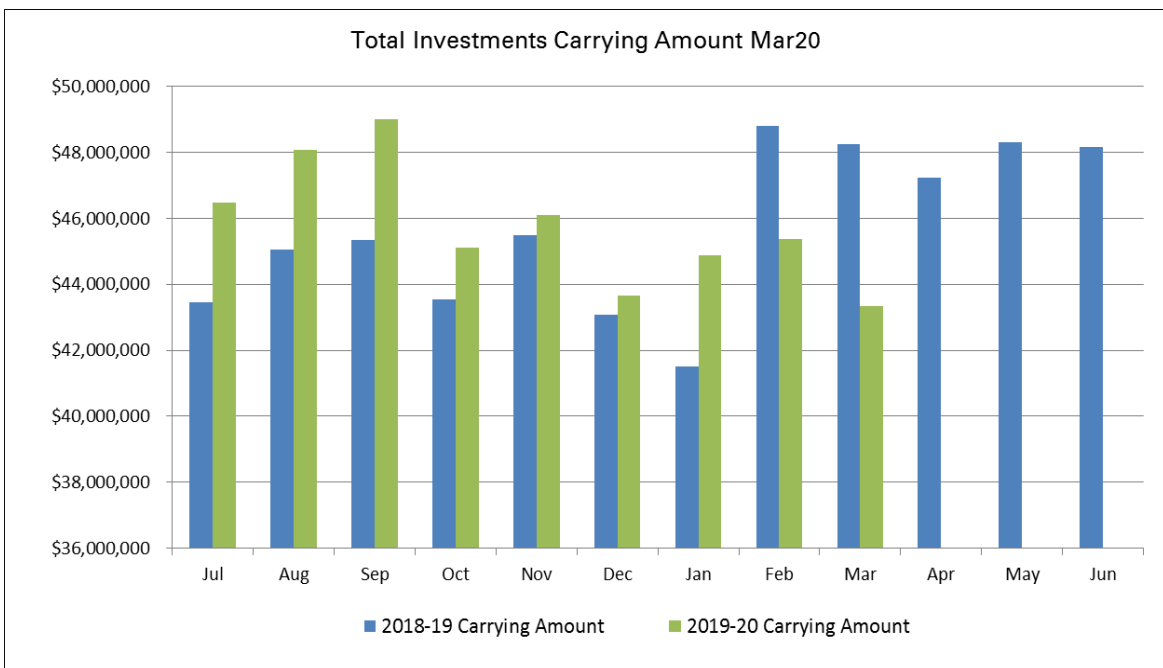
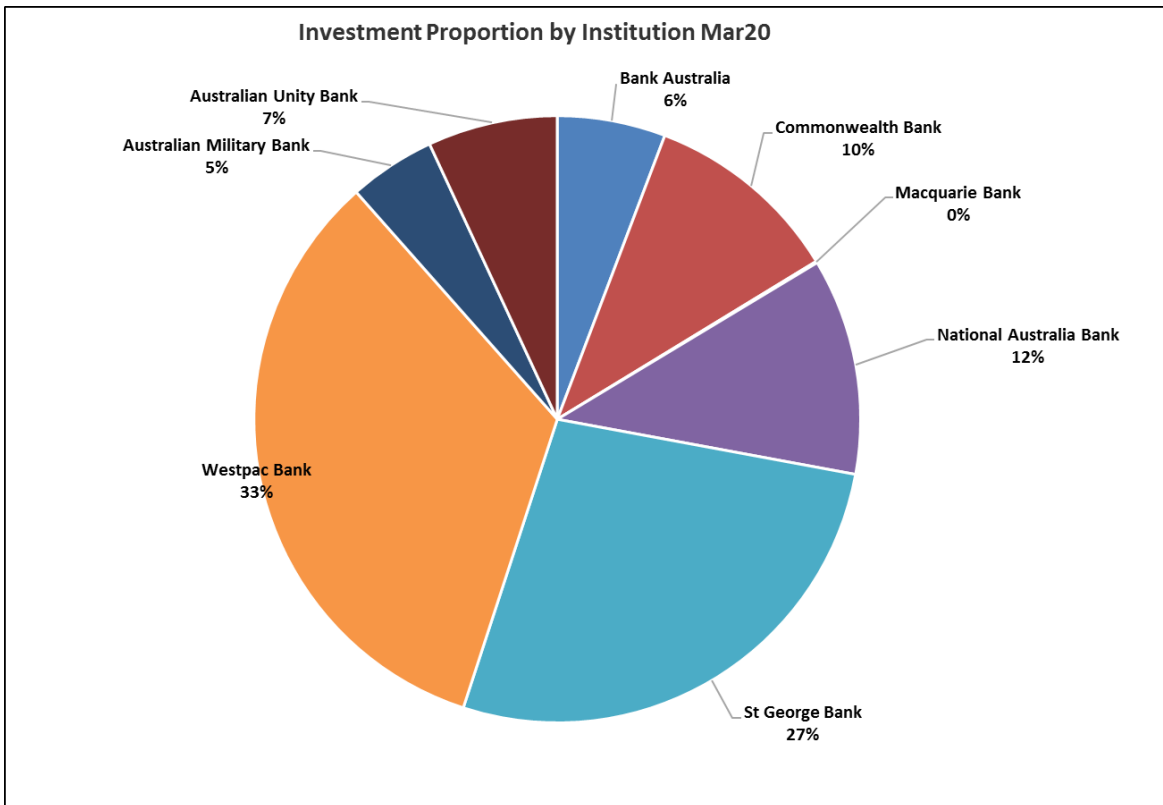
Included in this report are the following items:

- Council's Investments as at 31 March 2020
- Restrictions Applying to Investment Funds
- Investment Portfolio Performance
- Investment Commentary
- Certification by the Responsible Accounting Officer

ISSUE/DISCUSSION**Council's Investments as at 31 March 2020**

As at 31 March 2020, Council had a total of \$43,343,179 in term deposits and cash at bank exclusive of unrepresented receipts or cheques. The details of the investments are included in **Attachment 1**.

Council's funds were invested with A1+, A1 and A2 rated Authorised Deposit Institutions (ADI's) as follows:



The following term deposits matured during the month:

Financial Institution	Date Invested	Maturity Date	Interest Rate	Amount	Interest Received	Comments
AMP	19/03/2019	18/03/2020	2.65%	2,000,000	52,855	Redeemed and invested with Australian Unity for 12 months @ 1.70%
Westpac	26/11/2019	29/03/2020	1.61%	1,000,000	5,470	Redeemed and held for Cash Flow
St George	25/11/2019	29/03/2020	1.58%	1,000,000	5,396	Redeemed and Invested with Macquarie Bank for 12months @ 1.70%
St George	25/11/2019	29/03/2020	1.58%	500,000	2,698	Redeemed and Invested with Macquarie Bank for 12months @ 1.70%
Total				4,500,000	66,419	

Total funds decreased by \$1,524,582 during the month mainly due to capital and operational expenditure.

Summary of cash at bank for day to day operations:

Cash Summary

Opening cash book balance	\$ 2,786,094	
Plus receipts	\$ 5,033,697	(Redeemed term deposits & rates and charges debtors receipts)
Less payments	\$ 5,393,376	(Term deposit investments, capital and operational expenditure payments)

Cash book balance as at 31 March 2020

\$ 2,426,415

Statement Summary

Opening statement balance	\$ 2,063,557	
Plus receipts	\$ 5,056,395	(Redeemed term deposits & rates and charges debtors receipts)
Less payments	\$ 4,470,784	(Cash book payments less unrepresented payments below)
Bank statement balance as at 31 March 2020	\$ 2,649,168	
plus Unpresented receipts	\$ 8,117	
less Unpresented payments	\$ 813,877	(Creditors payment run recorded on the 31st March but processed at the bank in April)
less Unmatched receipts on the Bank Statement	\$ -	

Reconciliation balance as at 31 March 2020

\$ 1,843,408

Restrictions Applying to Investment Funds

The following restrictions applied to the cash and investments balance:

Internal Restrictions

Infrastructure replacement	\$	3,012,631
Plant replacement reserve	\$	1,798,670
Recreation reserves/villages	\$	1,113,000
Other internal reserves	\$	743,398
Employee entitlements	\$	692,727
Land Development Fund	\$	385,000
Airport Development	\$	237,447
Deposits, retentions and bonds	\$	238,430

Total Internal Restrictions \$ 8,221,303

External Restrictions

Water supplies fund	\$	9,363,693
Sewerage services fund	\$	6,308,105
Tip remediation	\$	1,300,000
Unexpended Merger funds	\$	7,549,507
Other unexpended grant funds	\$	1,056,084
Library fund	\$	180,714
Other external reserves	\$	159,186

Total External Restrictions \$ 25,917,289

Unrestricted Funds \$ 9,204,587

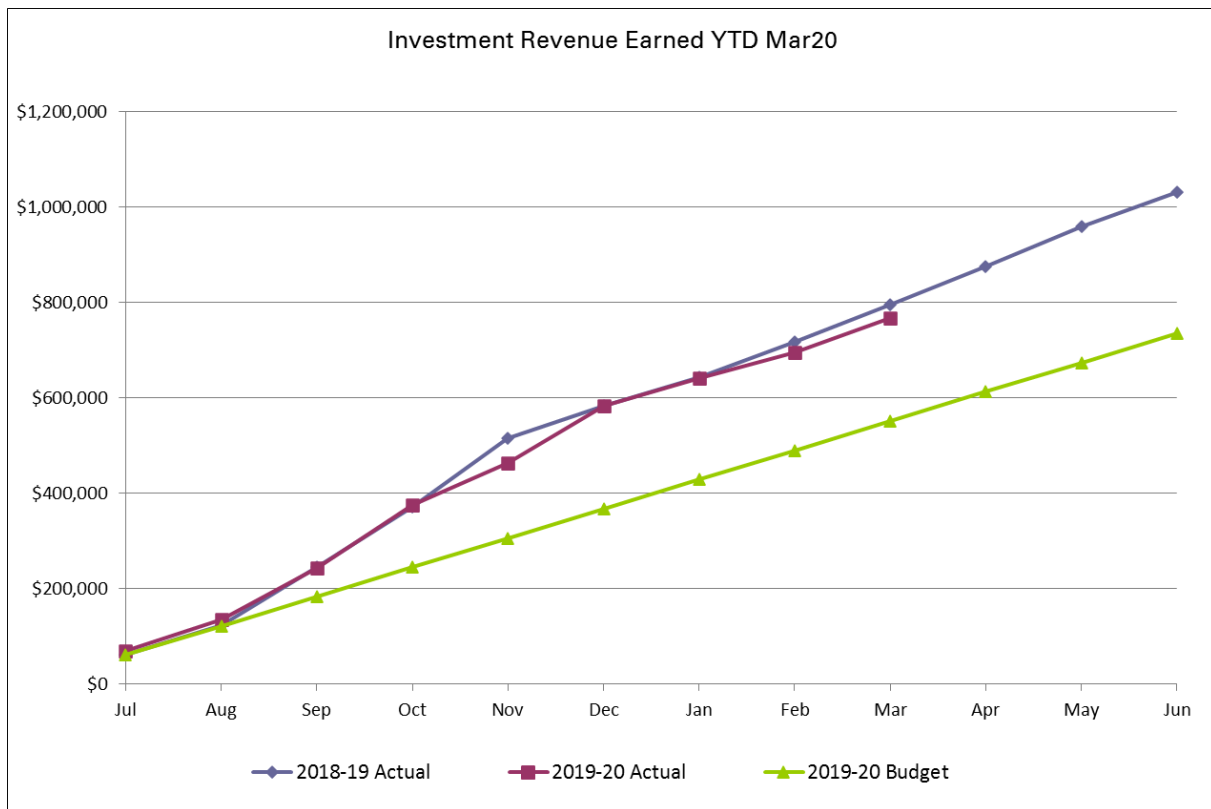
Total Funds \$ 43,343,179

The Total Funds above were held between General, Water and Sewer as follows:

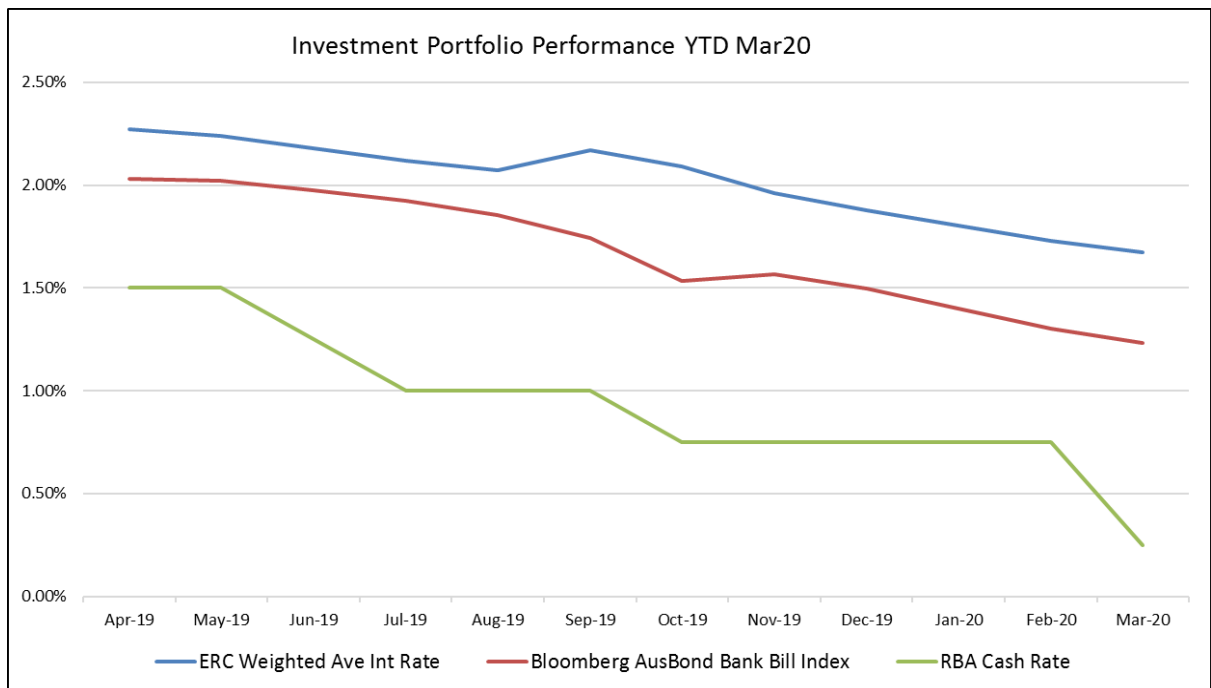
Fund Name	Bank and Investments Percentage	
General	\$ 27,671,381	63.84%
Water	\$ 9,363,693	21.60%
Sewer	\$ 6,308,105	14.55%
Total Funds	\$ 43,343,179	100.00%

A detailed breakdown of the restrictions is provided in **Attachment 2**.

Investment Portfolio Performance



Interest received from investments during the month of March 2020 was \$71,870 consisting of \$5,451 from on-call/bank accounts and \$66,419 from term deposits. Year to date interest received to 31 March 2020 was \$766,744 which is 39% above the budget and 4% lower than the previous year.



Council's weighted average interest rate was 1.68%, which was 0.44% above the Bloomberg AusBond Bank Bill Index implied one-year return of 1.23%. Accrued interest of \$306,152 had been earned to 31 March 2020 but was yet to be received as these investments mature in later months.

Investment Commentary

As at 31 March 2020, all investments were within the defined Investment Policy limits. Council's investment portfolio consisted of term deposits (82%) and cash at bank/ on call (18%), all with less than one year to maturity.

The term deposit market continues to see worsening returns, with the Reserve Bank of Australia (RBA) cutting the official cash rate in March to a record low of 0.25% 2020 to mitigate the economic fallout from the coronavirus pandemic. The current low interest climate is therefore set to continue in the medium to long term, which means that as Council's current investments mature, the interest rate obtainable in the market will be progressively lower. This will have the effect of reducing Council's weighted average interest rate on investments which means less income from investments. It would be worthwhile for council to consider investing in longer term deposits which are offering relatively higher rates in order to mitigate against reinvestment risk.

Following AMP's investment rating downgrades early in the financial year, Council decided to disinvest its funds from the financial institution to reduce its risk exposure. During the month, Council redeemed the balance of \$2,000,000 in Term Deposits with AMP and reinvested the amount with a different ADI. Council no longer holds any investments with AMP.

To optimise returns and to reduce exposure to risk, Council is investing surplus funds prudently in authorised financial institutions under current legislation in accordance with the Council's Investment Policy.

STRATEGIC IMPLICATIONS

Investments have been made in accordance with Council's investment policy which was adopted on 20 December 2018.

COMMUNITY STRATEGIC PLAN

This report aligns with Outcome 5 – A community working together to achieve its potential and will assist to achieve the objective 'Our local government is efficient, innovative and financially sustainable'.

FINANCIAL IMPLICATIONS

Under Council's Investment policy, investments are made with a range of ADI's, with Council funds invested with a single institution not going above a percentage of the total portfolio as follows:

40%	A1+ rated institutions
20%	A1 rated institutions
10%	A2 rated institutions
\$250,000	Unrated authorized deposit taking institutions

The overall portfolio credit framework limits applicable to any credit rating category are as follows:

100%	TCorp/M Funds
100%	A1+ rated institutions
40%	A1 rated institutions
30%	A2 rated institutions
5%	A3 Unrated authorized deposit taking institutions

LEGISLATIVE IMPLICATIONS**Certification – Responsible Accounting Officer**

I hereby certify that the investments listed in the Investment Report Attachment have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investments Policy.

Amanda Barber

Responsible Accounting Officer

ATTACHMENTS

1. Investment Report Attachment March 2020
2. Detailed Reserve Balances as at March 2020

Schedule of Investments													
This Report is at date 31-March-2020													
Description	Financial Institution	Council	Type	Account No.	Rating at EOM (\$S&P)	Date Invested	Maturity Date	Days	Rate	Face Value Amount	% of Portfolio	Estimated Interest	
Westpac Business Cheque Plus Account	Westpac Bank	Deniliquin	Oncall/ CMT	032-870 16-6545	A1+	N/a	N/a	365	0.01%	108,956	0.25%	Monthly	
Westpac 31 Day Notice Account	Westpac Bank	Deniliquin	Oncall/ CMT	032-870 23-2696	A1+	N/a	N/a	365	1.75%	2,887,250	6.66%	Monthly	
Commonwealth Bank General Fund	Commonwealth Bank	Conargo	Oncall/ CMT	062-533 000 000 10	A1+	N/a	N/a	365	0.55%	2,540,211	5.86%	Monthly	
Commonwealth Bank Business On Line Saver	Commonwealth Bank	Conargo	Oncall/ CMT	062-533 101 511 17	A1+	N/a	N/a	365	1.20%	2,019,984	4.66%	Monthly	
Macquarie Bank - Rates	Macquarie Bank	Deniliquin	Oncall/ CMT	3005-79778	A1	N/a	N/a	365	0.00%	33,357	0.08%	Monthly	
Macquarie Bank - Water	Macquarie Bank	Deniliquin	Oncall/ CMT	2643-18940	A1	N/a	N/a	365	0.00%	3,422	0.01%	Monthly	
Total Oncall/ CMT Accounts										7,593,179	17.52%		
Term Deposits													
St George	St George Bank	Deniliquin	TD	354775348	A1+	03-Sep-19	02-Sep-20	365	1.73%	1,500,000	3.46%	25,950.00	
St George	St George Bank	Edward River	TD	357022641	A1+	29-Oct-19	29-Apr-20	183	1.70%	1,000,000	2.31%	8,523.29	
St George	St George Bank	Edward River	TD	357022624	A1+	29-Oct-19	29-Apr-20	183	1.70%	1,000,000	2.31%	8,523.29	
St George	St George Bank	Edward River	TD	357136904	A1+	29-May-19	28-May-20	365	2.42%	1,000,000	2.31%	24,200.00	
St George	St George Bank	Edward River	TD	357257896	A1+	20-Aug-19	26-May-20	280	1.85%	500,000	1.15%	7,095.89	
St George	St George Bank	Edward River	TD	357257917	A1+	20-Aug-19	18-Aug-20	364	1.85%	1,500,000	3.46%	27,673.97	
St George	St George Bank	Edward River	TD	357261297	A1+	22-Aug-19	22-Aug-20	366	1.85%	1,000,000	2.31%	18,550.68	
St George	St George Bank	Edward River	TD	354032747	A1+	04-Nov-19	03-Nov-20	365	1.57%	1,250,000	2.88%	19,625.00	
St George	St George Bank	Edward River	0	357097115	A1+	09-Jan-20	29-Apr-20	111	1.70%	1,000,000	2.31%	5,169.86	
St George	St George Bank	Edward River	0	357097124	A1+	12-Feb-20	22-Aug-20	192	1.58%	1,000,000	2.31%	8,311.23	
St George	St George Bank	Edward River	0	357226820	A1+	25-Feb-20	03-Nov-20	252	1.50%	1,000,000	2.31%	10,356.16	
Westpac	Westpac Bank	Deniliquin	TD	033-621 357900	A1+	27-Aug-19	26-May-20	273	1.82%	1,000,000	2.31%	13,612.60	
Westpac	Westpac Bank	Deniliquin	TD	032-870 243053	A1+	24-Sep-19	23-Sep-20	365	1.86%	1,000,000	2.31%	18,600.00	
Westpac	Westpac Bank	Deniliquin	TD	032-870 24-3061	A1+	31-Oct-19	31-Jul-20	274	1.80%	1,500,000	3.46%	20,268.49	
Westpac	Westpac Bank	Conargo	TD	032-870 22-8830	A1+	18-Jun-19	17-Jun-20	365	1.95%	1,000,000	2.31%	19,500.00	
Westpac	Westpac Bank	Edward River	TD	032-870 23-4616	A1+	30-Jul-19	29-Jul-20	365	1.75%	1,000,000	2.31%	17,500.00	
Westpac	Westpac Bank	Edward River	TD	032-870-24-5462	A1+	26-Sep-19	25-Sep-20	365	1.87%	2,000,000	4.61%	37,400.00	
Westpac	Westpac Bank	Edward River	TD	032-870-24-5489	A1+	01-Oct-19	26-May-20	238	1.91%	1,000,000	2.31%	12,454.25	
Westpac	Westpac Bank	Edward River	TD	032-870-24-5534	A1+	10-Oct-19	10-Sep-20	336	1.53%	1,000,000	2.31%	14,084.38	
Westpac	Westpac Bank	Edward River	TD	032-870 234616	A1+	08-Nov-19	30-Jul-20	265	1.80%	1,000,000	2.31%	13,068.49	
Westpac	Westpac Bank	Edward River	TD	032-697-15-5374	A1+	16-Dec-19	29-Apr-20	135	1.80%	1,000,000	2.31%	6,657.53	
National Australia Bank	National Australia Bank	Edward River	TD	33-075-6257	A1+	26-Jun-19	25-Jun-20	365	1.89%	1,000,000	2.31%	18,900.00	
National Australia Bank	National Australia Bank	Edward River	TD	35-504-8759	A1+	27-Jun-19	28-Apr-20	306	1.90%	1,000,000	2.31%	15,928.77	
National Australia Bank	National Australia Bank	Edward River	TD	35-429-1220	A1+	27-Jun-19	18-Jun-20	357	1.90%	1,000,000	2.31%	18,583.56	
National Australia Bank	National Australia Bank	Edward River	TD	36-336-1446	A1+	24-Jul-19	29-Apr-20	280	1.85%	1,000,000	2.31%	14,191.78	
National Australia Bank	National Australia Bank	Edward River	0	083-375 9999 99947	A1+	07-Jan-20	29-Apr-20	113	1.55%	1,000,000	2.31%	4,798.63	
Total A1+ Deposits			TD							28,250,000	65.18%		
Bank Australia	Bank Australia	Edward River	TD	138363486	A2	18-Jun-19	17-Jun-20	365	2.40%	1,000,000	2.31%	24,000.00	
Bank Australia	Bank Australia	Edward River	0	138375947	A2	20-Dec-19	19-Sep-20	274	1.45%	500,000	1.15%	5,442.47	
Bank Australia	Bank Australia	Edward River	0	138375949	A2	20-Dec-19	19-Sep-20	274	1.45%	1,000,000	2.31%	10,884.93	
Australian Military Bank	Australian Military Bank	Edward River	TD	082-172 509224795	A2	18-Dec-19	17-Jun-20	182	1.70%	2,000,000	4.61%	16,953.42	
Australian Unity Bank	Australian Unity Bank	Edward River	0	083-01854-5526	A2	19-Mar-20	19-Mar-21	365	1.70%	2,000,000	4.61%	34,000.00	
Australian Unity Bank	Australian Unity Bank	Edward River	0	083-01854-5527	A2	19-Dec-19	21-Sep-20	277	1.70%	1,000,000	2.31%	12,901.37	
Total A2 Deposits										7,500,000	17.30%		
									<i>Weighted Average Interest Rate</i>	1.68%	43,343,179	100.00%	513,710.07

Detailed Reserves Balances**Mar-20****EXTERNAL RESERVES****Balance**

Specific Purpose Unexpended Grants	1,056,084
Merger Stronger Communities	7,549,507
Water Supplies	9,363,693
Sewerage Services	6,308,105
Domestic Waste Management	1,300,000
EPA Waste	35,915
Milestones/Interpretative	37,287
Regional Arts	2,580
Cornago Oval M&R	20,000
Library Reserve	180,714
Deniliquin Community Gardens	2,967
Deniliquin Band Committee	20,953
Developer Contributions - General	39,485
	<u>25,917,289</u>

INTERNAL RESERVES

Plant Replacement	1,798,670
Infrastructure Replacement	3,012,631
Employees Leave	692,727
Deposits, retentions and bonds	238,430
Airport Industrial Land	50,000
Risk Management	5,000
Gravel Pits	14,000
Asset Management	14,000
Waste Facilities	150,000
Water Supply Network	57,000
Election Reserve	12,312
Wanganella Community	5,000
Website Development	1,750
Tourism/Industry Promotion	13,000
Internal Audit	6,000
Recreation Reserves/Villages (Landscaping Plans)	1,113,000
Shire Entrance Signs	5,000
Dog Trial	3,000
Cemetery Upgrade	9,000
Blighty Power Upgrade	70,000
Building Maintenance	50,000
Conargo Landscaping	70,000
Depot office & gates upgrade	41,000
Fencing Conargo	7,000
Landscaping plan	90,000
Airport Runway Development	187,447
Land Development	385,000
Town Planning Plan, Surveys & Studies	102,662
Human Resources	17,674
	<u>8,221,303</u>

10.4 DROUGHT COMMUNITIES PROGRAMME - EXTENSION - ROUND TWO**Author:** Michelle Cobb, Manager Tourism & Economic Development**Authoriser:** John Rayner, Interim General Manager**RECOMMENDATION**

1. That Council approve the application seeking \$1 million in funding from the Drought Communities Programme – Extension to support the implementation of seven identified projects.
2. Note that the Deniliquin Town Hall tenders will be received on 17 April 2020 and submit the application after it is ascertained if there is a funding gap to be closed.

BACKGROUND

The extension of the Drought Communities Programme provides funding to eligible councils to support local infrastructure projects and other drought relief projects for communities affected by drought. Edward River Council is eligible to receive \$1 million.

A high-level summary of the guidelines is below:

- The Council can receive funding for projects up to \$1 million.
- The grant amount will be up to 100% of eligible project costs.
- The minimum grant amount per application is \$25,000.

Drought-relief projects must be *in addition* to the normal planned activities of the Council. Funding will target infrastructure and other projects that:

- Provide employment for people whose work opportunities have been impacted by drought
- Stimulate local community spending
- Use local resources, businesses and suppliers
- Provide a long-lasting benefit to communities and the agricultural industries on which they depend

Project activities must be undertaken in the region of the Council and must be completed by 31 December 2020.

ISSUE/DISCUSSION

The following projects were recommended for funding at the Council Workshop held on Thursday 2 April 2020.

Project	Budget
Visit Deni Tourism Campaign	\$50,000
Rural Village Business Painting	\$100,000
Waring Gardens Upgrade (toilets and rotunda)	\$200,000
Signage Strategy Implementation	\$140,000
Rotary Park (clubrooms and pitches)	\$200,000
Deniliquin Town Hall	\$210,000
North Tennis Court Redevelopment	\$100,000
Total	\$1,000,000

Visit Deni Tourism Marketing Program

The tourism marketing program will promote Deniliquin and the Edward River region as a tourism destination, with the aim to increase domestic day and domestic overnight visitation

The \$50,000 of funds will be used in the wider Visit Deni annual marketing campaign. The 2020/2021 program will promote Deniliquin to domestic visitors, purchase promotional material and increase the awareness of the Visit Deni brand.

Villages Painting Program

This project will provide a revitalisation program in the Rural Villages. It will provide five rural businesses with \$20,000 each to enhance the appearance of their shop fronts, hotels and signage.

The five businesses are:

- Blighty Hotel
- Booroorban Hotel
- Conargo General Store
- Pretty Pine Hotel
- Wanganella General Store

Waring Gardens Upgrade

This project will address compliance issues and provide all abilities access to the two toilet blocks in Waring Gardens as identified in the recent Asset Management Plan for Buildings prepared for Edward River Council by CT Management.

Signage Strategy Implementation

This project will complete Stage 1 of the Edward River Signage Strategy implementation which will provide a range of community facility, wayfinding and interpretive signage throughout the Deniliquin township.

Rotary Park

This project will address structural and renewal issues for the soccer and rugby clubrooms as identified in the recent Asset Management Plan for Buildings prepared for Edward River Council by CT Management. It will also enable completion of drainage works and top dress and reshape the rugby and soccer pitches.

Deniliquin Town Hall

The Deniliquin Town Hall Redevelopment stages one, two and three have been mostly funded thus far by NSW Stronger Country Communities Funding rounds. However, QS costings show that the project will require approximately \$200,000 to complete these stages. The construction tenders are due for this project on 17 April 2020 and it is therefore recommended that the Drought Communities Programme grant submission be submitted when it is ascertained what the actual funding gap (if any) will be.

North Tennis Court Redevelopment (North Deni Rest Stop)

This project will provide revitalisation works at the former North Tennis Court site to develop a visitor rest stop aligned with the proposed concept designs which will finalised by Council at the May 2020 Council meeting.

STRATEGIC IMPLICATIONS

Council has endorsed a number of Strategic Plans and Masterplans including:

- Edward River Economic Development Strategy
- Edward River Open Space Masterplan
- Deniliquin Public Space Masterplan
- Edward River Tourism Development Plan

- Edward River Council Signage Strategy and Manual
- Edward River Council Asset Management Plan for Buildings

All proposed projects relate to these plans.

The focus on renewal of existing assets will provide long term benefit to both Council and the community.

COMMUNITY STRATEGIC PLAN

The proposed projects align with Outcome 1 – A great place to live and Outcome 2 – A prosperous and vibrant economy.

FINANCIAL IMPLICATIONS

\$1 million in funding is available for this program. All project management and design costs need to be costed within this \$1 million in projects.

LEGISLATIVE IMPLICATIONS

The project has funding guidelines which need to be adhered to.

ATTACHMENTS

Nil

10.5 EDWARD RIVER OVAL CONCEPT DESIGNS

Author: Julie Rogers, Manager Environmental Services

Authoriser: John Rayner, Interim General Manager

RECOMMENDATION

That Council:

1. Adopt the final concept designs for Edward River Oval as detailed in attachment 4; and
2. Advise the submission authors of Council's decision.

BACKGROUND

At its meeting on 21 November 2019, Council resolved to exhibit the Edward River Oval concept design for a period of 28 days and receive a report on the outcome of the exhibition [Min. No. 2019/11/279].

The exhibition of the designs has now been completed and this report details its outcome. Attachment 1 is the design that were exhibited.

ISSUE/DISCUSSION

Figure 1 below shows the location of the Edward River Oval.



Figure 1 Edward River Oval

During the exhibition period, Council received a petition and six submissions. Attachment 2 is the petition received and attachment 3 is the submissions. The petition supports the establishment of the off-leash dog park at Edward River Oval and was initiated by the Edward River Paws at Play group who meet at the oval with their dogs.

All of the submissions received supported the concept designs and below is a summary of the issues raised.

Item	Comments	Response
Moorings	There will be a need to relocate moorings should the development proceed.	Noted
Pathway	The pathway under the bridge which appears to lead into the Riverside Caravan Park. Are you able to amend the design so that it shows that it will actually run parallel to the bridge joining up with the existing path?	Design amended to show that the path running parallel to the Edward River bridge joining up with the existing path (between the bridge and the Edward River Hotel).
Shelter	Move one of the shelters away from in front of the houseboat that is moored at Edward River Oval.	Final locations for shelters will depend upon the final location of moorings.
Dog "wash off" station	Include a dog "wash off" station.	Included.
Seating	Additional seating for people fishing in this area.	Additional seating provided.
Vehicle access off Davidson Street	No submission received from Transport for NSW however, Council will need to discuss with them whether access at Davidson Street needs to be upgraded.	Discussion at pre-construction stage.
Cultural heritage signage	-	To be determined.
Creation of additional assets	Council should consider maintaining its existing boat ramp assets at the same time as considering constructing a new one.	Noted.
Off leash dog park	Support for construction of an off-leash dog park.	Noted.

The final designs recommended for adoption by Council are in attachment 4.

STRATEGIC IMPLICATIONS

These concept designs respond to a recommendation of the Deniliquin Masterplan for the future use of Edward River Oval.

COMMUNITY STRATEGIC PLAN

This project satisfies target 3.2 'our natural environment is protected and enhanced'.

FINANCIAL IMPLICATIONS

The budget for preparation of the designs is \$40 000. This includes concept designs, detailed designs (inclusive of a site survey) and costings.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

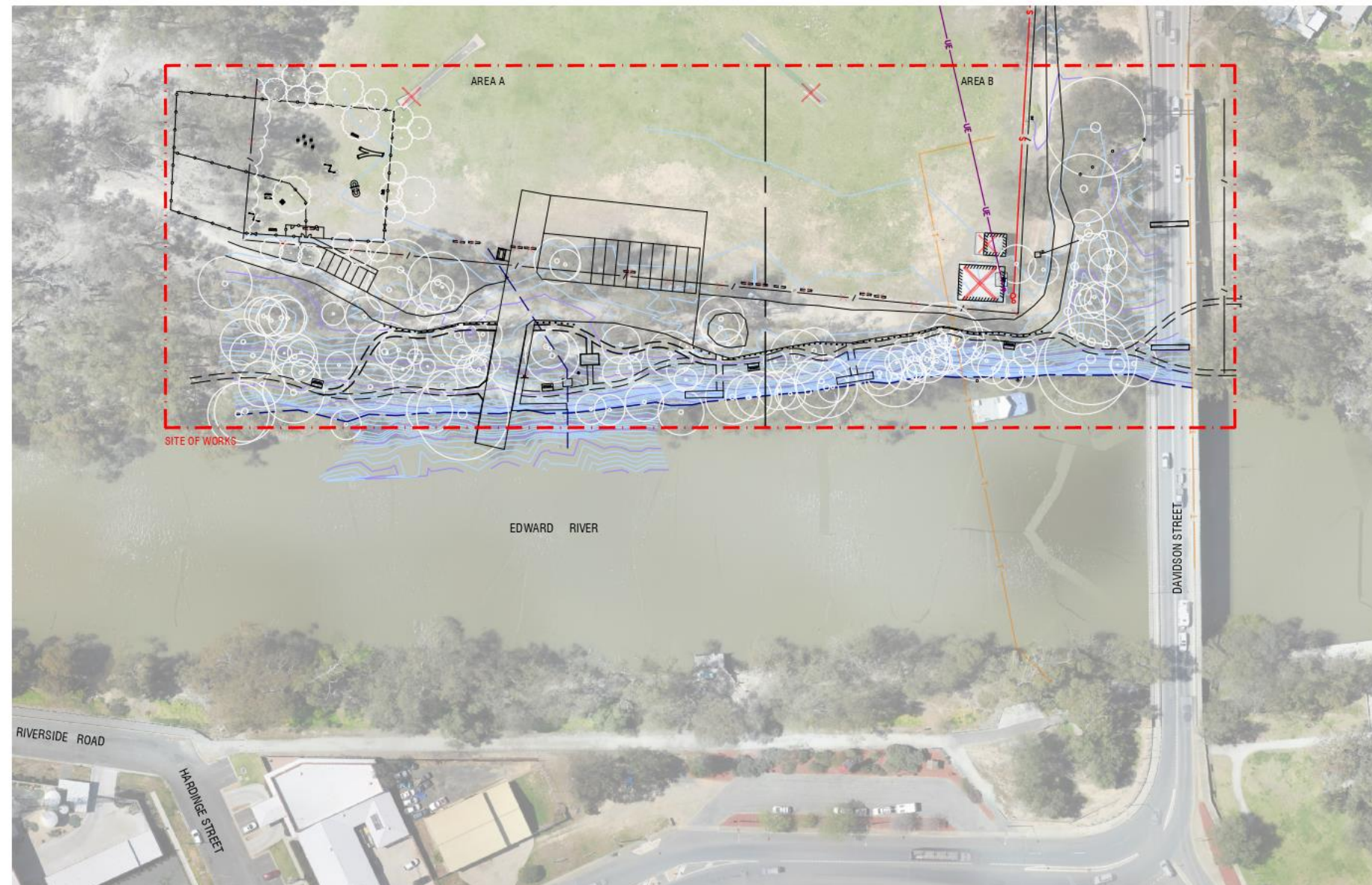
1. Edward River Oval Concept Designs - exhibition version
2. Submissions
3. Edward River Oval Concept Designs - final

EDWARD RIVER OVAL REDEVELOPMENT PROJECT

DAVIDSON STREET, DENILIQUN, NSW

EDWARD RIVER COUNCIL

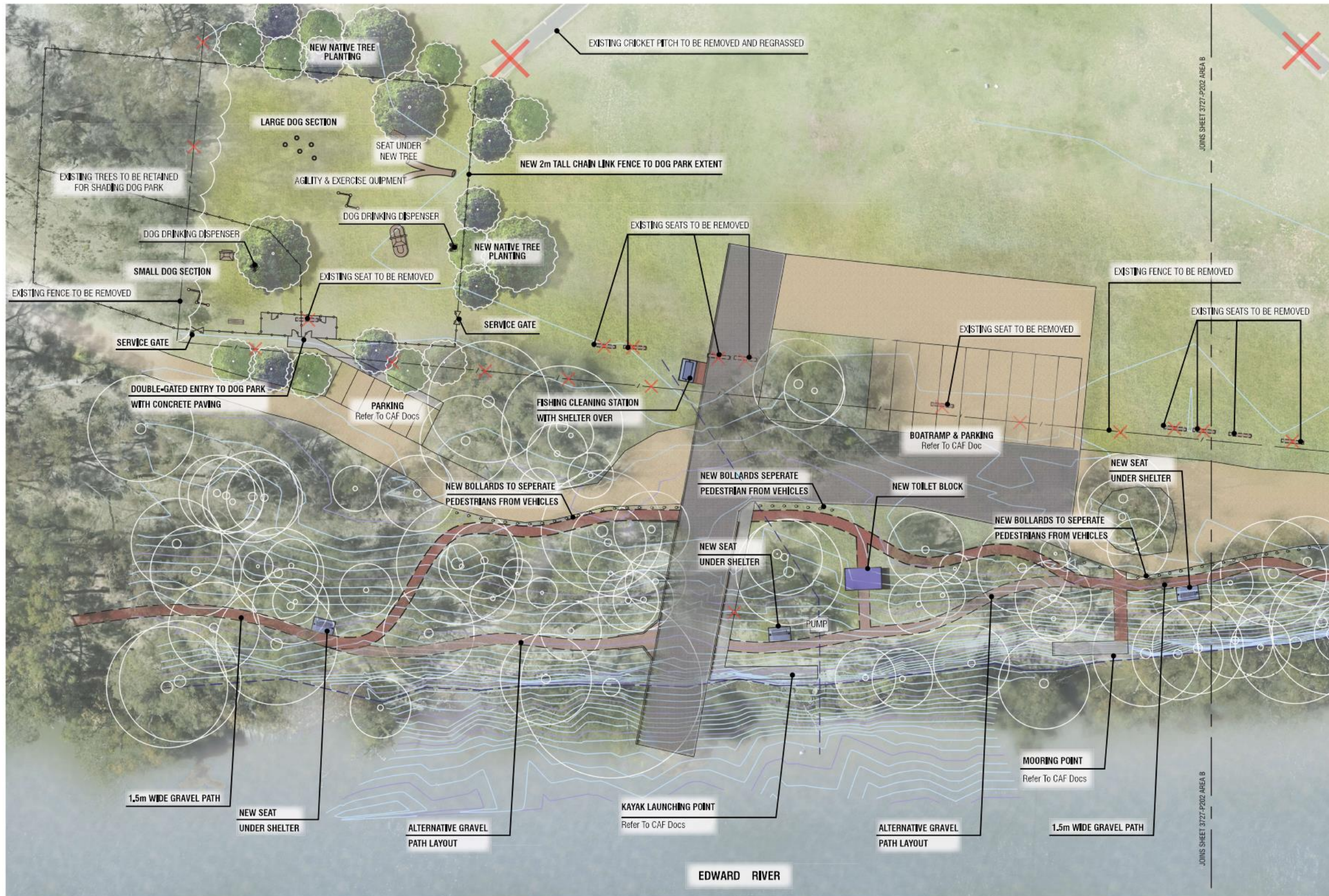
PRELIMINARY CONCEPT DESIGN

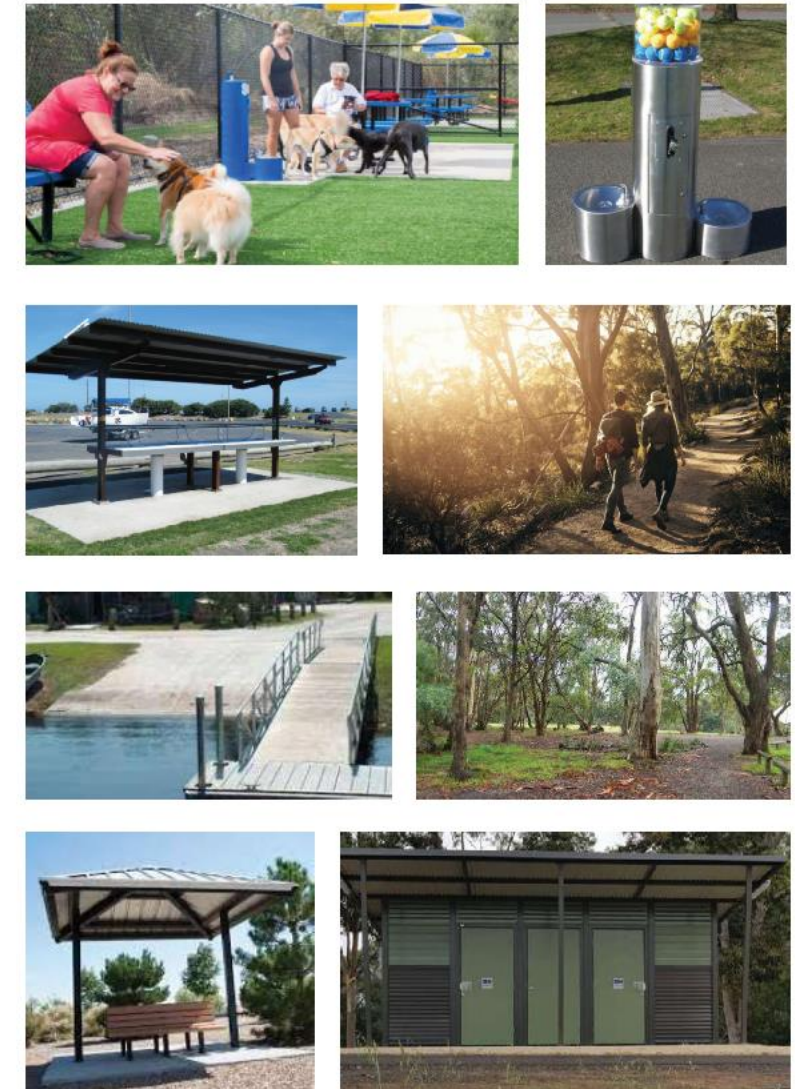


DRAWING LIST

- 3727-P101 COVER & KEY PLAN
- 3727-P201 CONCEPT PLAN - AREA A
- 3727-P202 CONCEPT PLAN - AREA B







Dear Sir

In reference to the proposed revamp of the Edward River Oval, while happy with the concept it raises some thoughts

While looking at building new assets such as Boat ramps etc, should we be considering maintaining our current assets

We have 2 public ramps on Sloane and Harfleur St, (Sloane Street is an overflow for Big 4) which in most instances you cannot unload a boat unless you have 2 people due to the fact that there is not where to tie up a boat without it crashing into the concrete retaining wall

It you would like a demo I'm happy to show you the issues

Also off point with this project is while we are trying to create a mecca for bots the turn around area for them at the end of Harfleur St is only 1200mm deep in sections it is only a matter of time before a serious accident involving skier is going to take place, I'm not sure if this needs to be addressed in the Master plans for the Riverfront or via some other mechanism

Regards

[Redacted signature block]

Hello Julie

We have been looking at your draft plans for the Edward River Oval and you show pathways going under the bridge to existing pathways. There are no existing pathways that we know of and for security reasons and we would not like to see pathways added that would direct the general public to enter our Caravan Park.

Please give us a call if you wish to discuss this further.

Regards

[Redacted signature block]



Deniliquin, 2710

Dear Sir,

Edward River Oval development plans

I would like to write in support of the creation of a leash free dog park in Deniliquin and specifically on the Edward River Oval.

AS you know, this oval is subject to flooding and any major infrastructure may be compromised by flooding in the future. A leash free dog park of whatever stature would not require very much to make it safe and user friendly for dogs of all sizes and their owners.

I have only recently become aware of the Edward River Paws at Play group who meet at the Oval and have only attended a couple of times but I would like to add my voice to support it's wonderful impact on both the dogs and their owners of all ages and sizes.

On my visits to the Oval, I have met a number of people whom I know, from my professional work, to be clients of the Deniliquin Mental Health services with varying degrees of anxiety and social isolation. I was totally surprised by their complete involvement with all of the people who attended the play session with their dogs, seemingly with their mental health problems far from mind. This type of therapeutic result can not be underestimated and is a wonderful thing to see.

At the same time, in a leash free area, dogs of all sizes and shape are interacting freely and are playing with each other in a carefree way that most would be unable to do in the confines of their own gardens. They are getting good exercise in safe way and are stimulated by each other as well, resulting ultimately in better behaved animals at home I am sure.

The positive nature of the social interactions for both the dogs and their owners is to be applauded and I would be delighted to see a permanent, fenced leash free area for dogs in Deniliquin as proposed.

Thanks for your time,





Transport
for NSW

18 December 2019

Julie Rogers
Edward River Council
PO Box 270
Deniliquin NSW 2710
Emailed to: julie.rogers@edwardriver.nsw.gov.au

Dear Ms Rogers,

Subject: Edward River Oval Development Project – Edward River Council

In response to your email correspondence dated 28 November 2019, I wish to confirm that the NSW Maritime Branch of Transport for NSW (Maritime) has no objections to this proposal assessed on the grounds of impact to navigation.

Maritime assessed this proposal based on the purpose of the proposed structure is to provide for enhanced access to the waterway detailed, and the related 'temporary' occupation of vessels and other watercraft, rather than for the permanent occupation of any vessel or apparatus.

Maritime notes the proposal as presented may require the relocation of a number of existing mooring licenses which Maritime administer. Given the requirements under planning regulation for the mooring of vessels to be subject to a planning decision, Maritime suggests any relocation/s are identified and considered under the planning approval and funding processes for this development.

I can advise you the Transport for NSW 'Boating Now' infrastructure program is currently in the first stage which is a call for Registrations of Interest (ROI), where applicants are invited to submit initial proposals for project(s) by Friday 6 December 2019 via: <https://www.rms.nsw.gov.au/maritime/projects/boating-now/index.html>.

During this first stage, the Maritime Infrastructure Delivery Office will review ROI forms and provide feedback to help applicants develop and refine their proposals. In February 2020, applicants will be invited to submit formal funding applications as part of the second stage. Opening and closing dates for this stage will be confirmed in early 2020.

It is important to note that the proponent, or any entity or contractor acting on their behalf, are not exempt from the provisions of the *Marine Safety Act 1998*, or any other relevant legislation, and all parties must comply with any direction given by NSW Maritime Authorised officers with regard to safe navigation or the prevention of pollution.

Should you have any queries in relation to this matter, please contact Boating Safety Officer, Luke Newson on 0408 852 876.

Yours sincerely,

Deon Voyer
Manager Operations South
Maritime Operations & Compliance

Transport for NSW

On Thu, 28 Nov 2019, 10:34 AM [REDACTED] wrote:

Dear Julie,

Edward River Oval.

great opportunity to develop the area for greater use and another reason/place in town to stop.

I think it makes a great area for visitors and locals to enjoy. Campervans and maybe caravans (provide turn at end?) should be able to pull up and have a relaxing day walking/running dog (on/off leash), so more shelters should be available to them. Potable water and barbecue available. The connection to the forest through an obvious forest path and ability to loop around would be good for walking/running dogs.

The entrance is a key issue and I assume will be upgraded to accommodate vehicle access, other than dry road conditions. Signage so people know to stop will be key.

I would move shelter in front of Micks houseboat as it is permanently moored there, so shift it closer to bridge.

Dog park itself looks great, and leave it up to others that would have their dogs at such a facility. Will there still be premise to run dogs in the open grassed area as they do now with the club?

I did have one question about a hose station where you hose your dog off after its run off, jumped in the river, rolled in 3 dead carp, 4 mounds of rabbit poop, some more mud and whatever else it has found. I saw one on the coast which was like a freshwater shower for people but for mutts.

I had a chat with the Edward-Wakool Angling Association and they weren't overly happy with the fish kill and clean station, and would rather see this as maybe an open stainless steel type kitchen area, or at least called that.

Other comments.

More seating for fishos along the pathways and fishing access to kayak launch area. put in alternative path as well as it runs close to river.

Access and tracks into forest so partners can walk and look at birds, snakes etc, while other half fishes.

Good signage showing rules and regulations and what species exist in the river, and expand to other species, platypus, water rats

Cultural heritage signage for visitors.

Cheers

[REDACTED]

I will support John comments. This area is well used and offering clear walking directions to the river is necessary as well as a space to walk dogs.

On Thu, 28 Nov 2019, 10:34 AM [REDACTED] wrote:

Dear Julie,

Edward River Oval.

great opportunity to develop the area for greater use and another reason/place in town to stop.

I think it makes a great area for visitors and locals to enjoy. Campervans and maybe caravans (provide turn at end?) should be able to pull up and have a relaxing day walking/running dog (on/off leash), so more shelters should be available to them. Potable water and barbecue available. The connection to the forest through an obvious forest path and ability to loop around would be good for walking/running dogs.

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More seating for fishos along the pathways and fishing access to kayak launch area. put in alternative path as well as it runs close to river.

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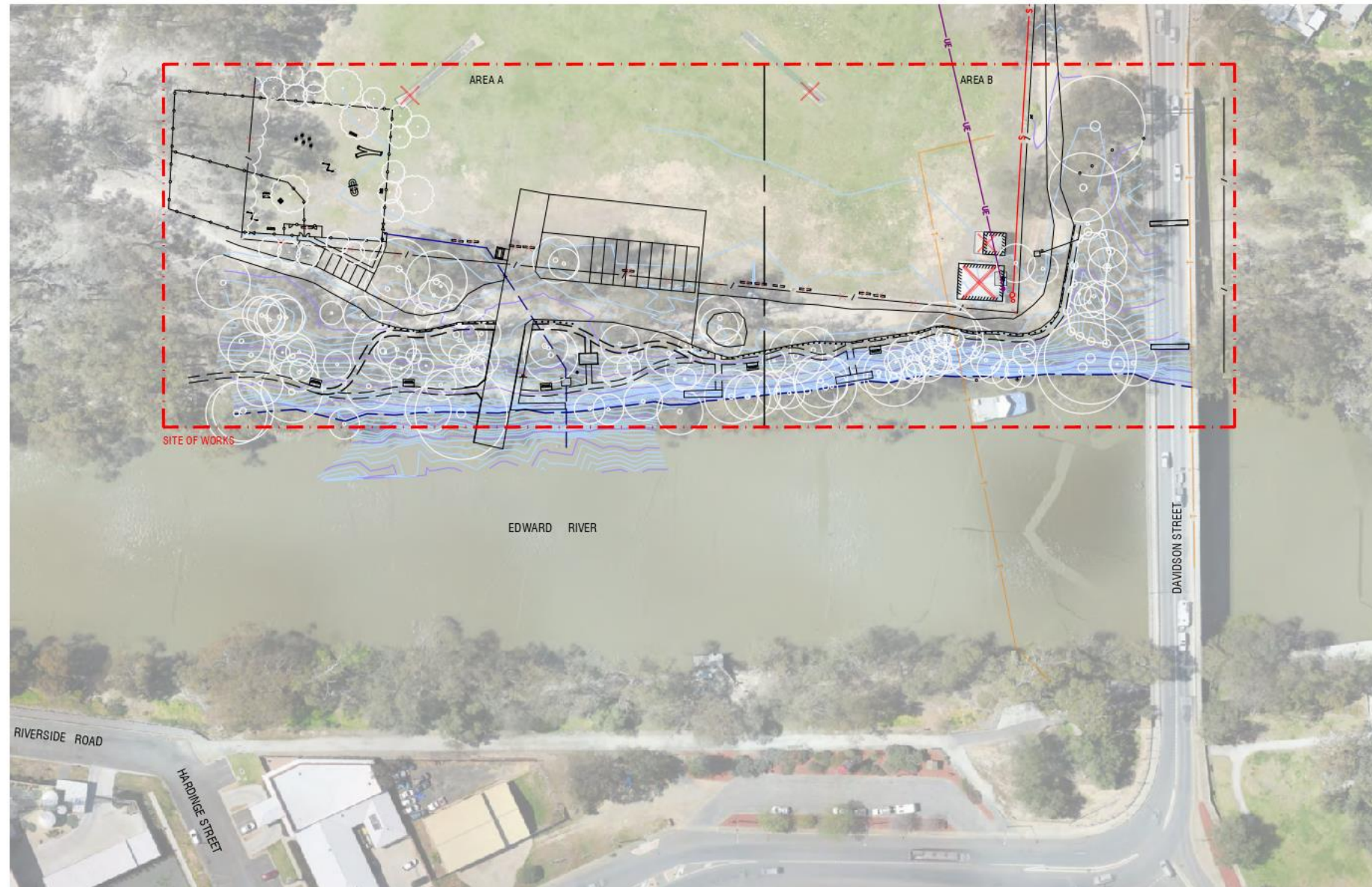
Cheers



EDWARD RIVER OVAL REDEVELOPMENT PROJECT

DAVIDSON STREET, DENILIQUN, NSW

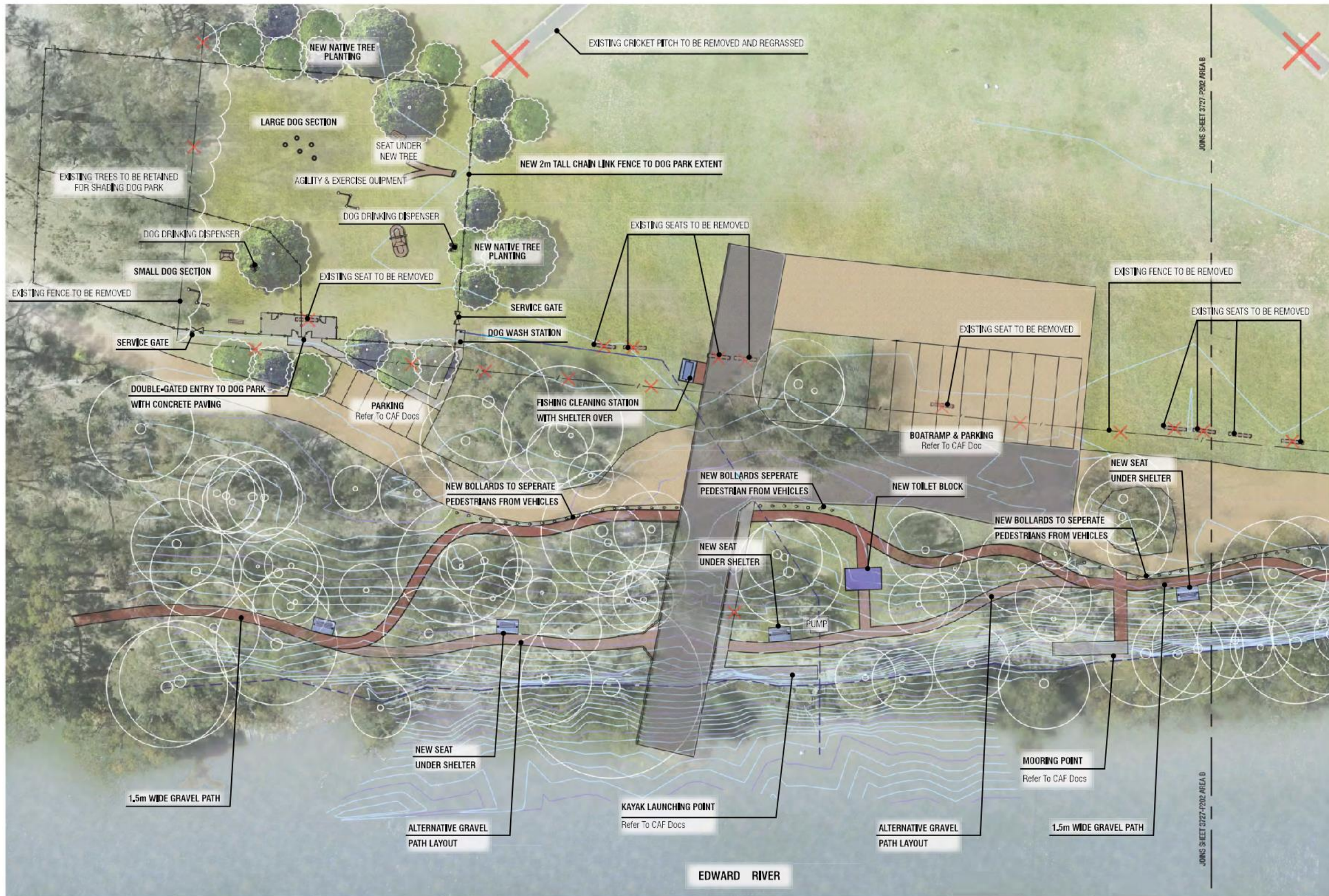
EDWARD RIVER COUNCIL
FINAL CONCEPT DESIGN



DRAWING LIST

- 3727-F101 COVER & KEY PLAN
- 3727-F201 CONCEPT PLAN - AREA A
- 3727-F202 CONCEPT PLAN - AREA B





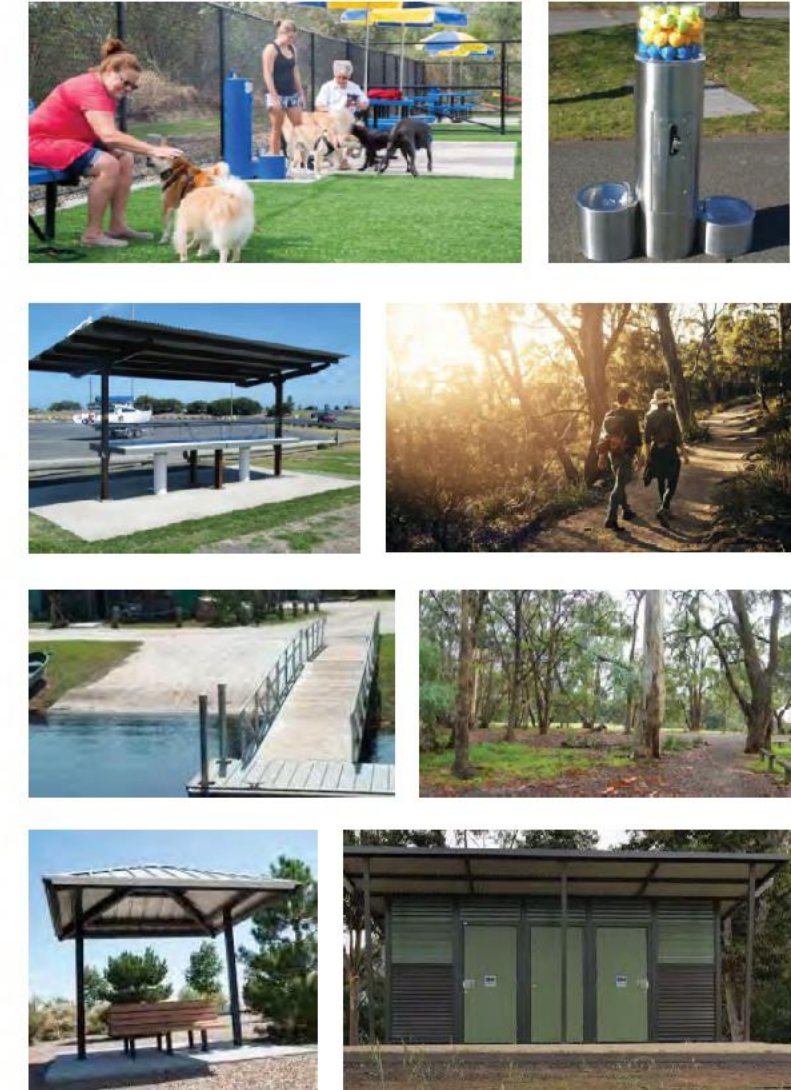
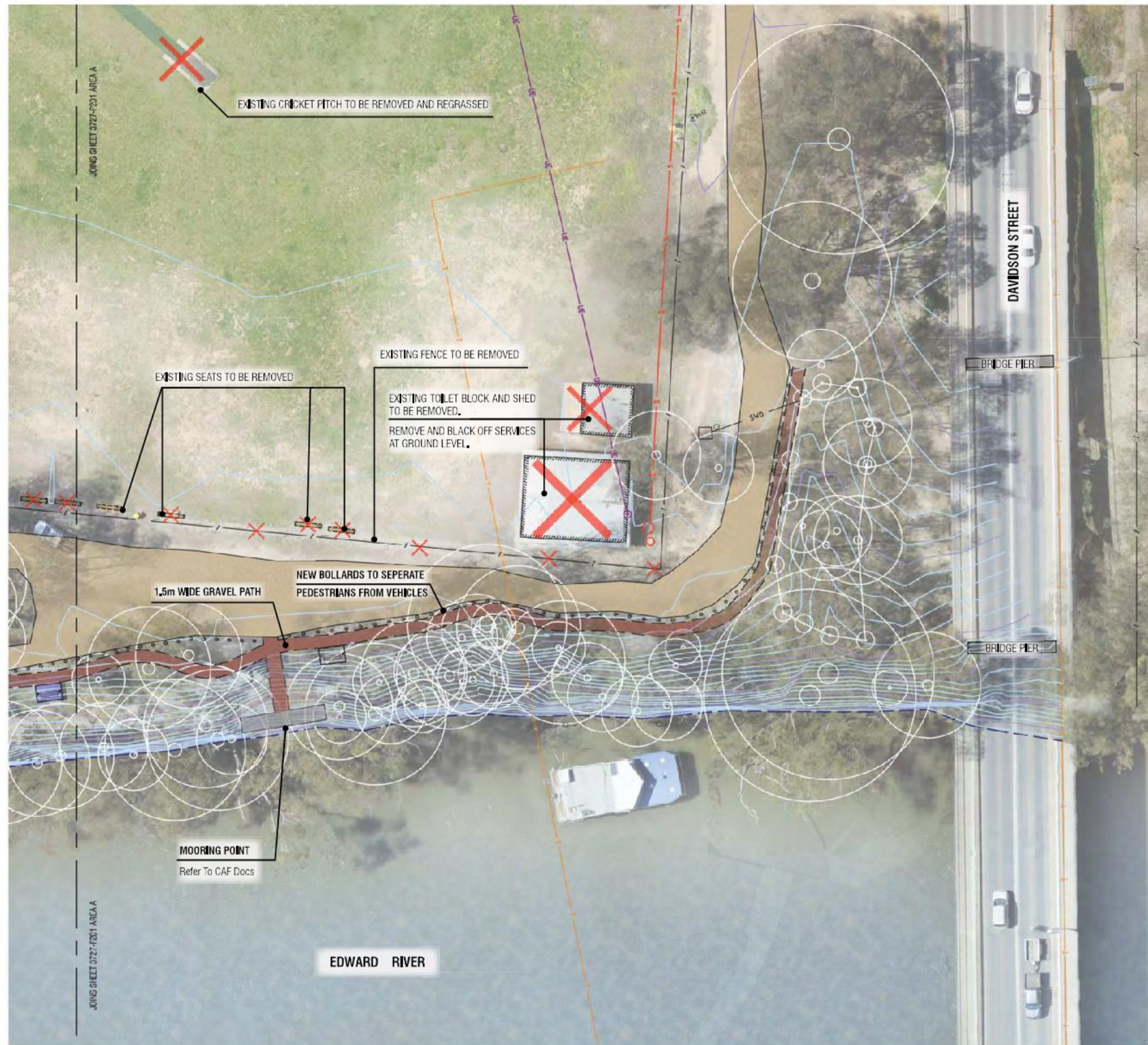
PROJECT Edward River Oval
Deniliquin NSW
DRAWING NO. 2327-F201
REVISION A
CLIENT Coward River Council
DATE 02 April 2020



Deniliquin Edward River
Oval Redevelopment



CONCEPT PLAN-AREA A



PROJECT Edward River Oval
Deniliquin NSW
DRAWING NO. 3727-F202
REVISION A
CLIENT Edward River Council
DATE 03 April 2020



Deniliquin Edward River
Oval Redevelopment



CONCEPT PLAN - AREA B

10.6 PLANNING PROPOSAL 10**Author: Julie Rogers, Manager Environmental Services****Authoriser: Adam McSwain, General Manager****RECOMMENDATION**

Division

In accordance with the requirements of the Local Government Act, it is necessary for Council to call a division when voting on any resolution that involves making a planning decision.

That Council:

1. Prepare a planning proposal to amend the Deniliquin Local Environmental Plan 2013 in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 to rezone Lot 2 DP1220715 Harfleur Street, Deniliquin, from SP2 Infrastructure to B2 Local Centre;
2. Forward the planning proposal to the Minister for Planning and Public Spaces in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979.
3. Request that the local plan making functions in relation to this planning proposal be delegated to Council

BACKGROUND

A planning proposal has been prepared to amend the Deniliquin Local Environmental Plan 2013 (DLEP 2013) to rezone Lot 2 DP1220715 from SP2 Infrastructure to B2 Local Centre to allow for the development of the land for seniors housing in accordance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP).

Attachment 1 is the planning proposal.

ISSUE/DISCUSSIONSubject Site

The subject site is located on the block bounded by Harfleur, Hardinge, Poictiers and Napier Streets, Deniliquin and was formerly railway land. Figure 1 shows the location of the subject site.

The land is classified as operational land under the Local Government Act (Council minute 78/16) and was acquired from Victorian Rail Track for the purposes of residential accommodation. It has an area of approximately 1.2ha and has frontage to Harfleur and Poictiers Streets, Deniliquin. Whilst figure 1 shows rail infrastructure on the land, this was demolished in 2018 (DA 86/17). The site is currently vacant and there is no significant vegetation on the site. Water and sewer are available to the site and accesses to the site have been constructed on each street frontage.



Figure 1 Location of subject site

The site adjoins land zoned B2 Local Centre and part of Poictiers Street which is zoned R1 General Residential. The site is adjoined by vacant land (Lot 1 DP732067) to the north which is owned by Council and zoned B2 Local Centre and grain sheds to the south (also zoned B2 Local Centre). Across Poictiers Street (to the north east) is a nursing home, the band hall and a veterinary clinic. To the south west of the site and across Harfleur Street there is existing railway infrastructure, grain storage and commercial premises. Figure 2 shows the zoning of the subject site and the surrounding land.



Figure 2 Zoning of subject site and surrounding land

Permissibility

Whilst Council intends to develop the land for seniors living, it is currently prohibited under the Seniors Living SEPP. Clause 4(1) of the SEPP states that it applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes but only if development is permitted on the land for the purposes of dwelling houses, residential flat buildings, hospitals, development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries or the land is being used for the purposes of an existing registered club (clause 4(1)(a)). Whilst the subject site adjoins land that is zoned primarily for urban purposes (being the B2 Local Centre zone), the current zoning of the land (being SP2 Infrastructure) prohibits the land uses listed in clause 4(1)(a) of the SEPP and therefore it is considered that the development of the subject site for the purposes of seniors living is prohibited under the Seniors Living SEPP. The rezoning of the site to B2 Local Centre will mean that seniors' accommodation will be permissible with consent on the subject site.

Planning Proposal

A planning proposal has been prepared (attachment 1) to progress the amendment to the DLEP 2013. This has been prepared in accordance with 'A Guide for Preparing Planning Proposal' (Department of Planning and Environment).

The planning proposal is considered to be consistent with Council's Local Strategic Planning Statement (LSPS). Planning priority 5 (Housing) of the LSPS states that the majority of our population resides in Deniliquin and housing in the Edward River LGA is dominated by single dwellings (89% of all housing) with 76% of housing containing 3 or more bedrooms. This trend conflicts with the needs of an ageing population. Therefore the LSPS identifies that it is increasingly important for Council to provide a larger variety of housing choices to cater for the changing demographic including an ageing population and the development of a retirement living facility to support our aging population is being facilitated by Council. This planning proposal supports the development of the subject site for seniors living.

COMMUNITY STRATEGIC PLAN

The planning proposal meets the following targets of the draft community strategic plan:

- Our economy is strong and diverse; and
- Our built environment is managed, maintained and improved.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

To amend LEP a planning proposal must be prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act (the Act). This planning proposal is then forwarded to the Department of Planning in accordance with section 3.34(1) of the Act and a gateway determination is then issued in accordance with section 3.34(2).

Council will request that the plan making delegation functions be delegated to Council due to the minor nature of the planning proposal.

ATTACHMENTS

1. Planning	proposal	10
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Edward
River
COUNCIL

Planning Proposal 10

This planning proposal has been prepared to rezone Lot 2 DP1220715 Harfleur Street, Deniliquin from SP2 Infrastructure to B2 Local Centre under the Deniliquin Local Environmental Plan 2013.

1. INTRODUCTION

Council owns two parcels of land being Lot 1 DP732067, 82-86 Hardinge Street and Lot 2 DP1220715 Harfleur Street where it is proposed to undertake a seniors housing development. Figure 1 shows the location of the land.



Figure 1 Location of Council owned land

Lot 1 DP732067, 82-86 Hardinge Street is zoned B2 Local Centre under the Deniliquin Local Environmental Plan 2013 (DLEP 2013) and Lot 2 DP1220715 is zoned SP2 Infrastructure. It is proposed that Lot 2 DP1220715 be rezoned from SP2 Infrastructure to B2 Local Centre to allow for the development of this land for seniors housing under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP). Figure 2 shows the zoning of the subject site (Lot 2 DP1220715) and the surrounding land.



Figure 2 Zoning of subject site and surrounding land

The land is classified as operational land under the Local Government Act (Council minute 78/16) and was acquired from Victorian Rail Track for the purposes of residential accommodation. It has an area of approximately 1.2ha and has frontage to Harpleur and Poitiers Streets, Deniliquin. Whilst figure 1 shows rail infrastructure on the land, this was demolished in 2018 (DA 86/17). The site is currently vacant and there is no significant vegetation on the site. Water and sewer are available to the site and accesses to the site have been constructed on each street frontage. Photos of the subject site are in Appendix 1.

The site adjoins land zoned B2 Local Centre and part of Poitiers Street which is zoned R1 General Residential. The site is adjoined by vacant land (Lot 1 DP732067) to the north which is owned by Council and zoned B2 Local Centre and grain sheds to the south (also zoned B2 Local Centre). Across Poitiers Street (to the north east) is a nursing home, the band hall and a veterinary clinic. To the south west of the site and across Harpleur Street there is existing railway infrastructure, grain storage and commercial premises.



Figure 3 Land uses surrounding the subject site

Whilst Council intends to develop the land for seniors living, it is currently prohibited under the Seniors Living SEPP. Clause 4(1) of the SEPP states that it applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes but only if development is permitted on the land for the purposes of dwelling houses, residential flat buildings, hospitals, development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries or the land is being used for the purposes of an existing registered club (clause 4(1)(a)). Whilst the land adjoins land that is zoned primarily for urban purposes (being the B2 Local Centre zone), the current zoning of the land (being SP2 Infrastructure) prohibits the land uses listed in clause 4(1)(a) and therefore it is considered that the development of the subject site for the purposes of seniors living is prohibited under the Seniors Living SEPP.

Part 1 Objective or Intended Outcome

The intended outcome of this planning proposal is to amend the DLEP 2013 to enable the development of the subject site for seniors housing.

Part 2 Explanation of Provisions

The intended outcome will be achieved by amending the DLEP 2013 Land Zoning Map – Sheet LZN_005 by changing the zoning of Lot 2 DP1220715 from SP2 Infrastructure to B2 Local Centre.

Part 3 Justification

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Edward River Local Strategic Planning Statement (February 2020) (LSPS) identifies that 22.3% of our population is aged 65 years and over, with a median age of 45 years and 32.2% of households are occupied by a lone person. By comparison, the median age in NSW is 38, with 16.2% of the population aged 65 years and over and 23.8% of households are occupied by a lone person. The LSPS recognises that our population is ageing and that it is necessary for Council to accommodate the changes in population by ensuring that suitable services, open space, community facilities and housing options are provided to maintain the high level of liveability valued by our community. Our vision for the Edward River local government area includes providing a variety of housing choice to retain our ageing population and one of the identified priorities is to *'improve the council area liveability and lifestyle opportunities'*.

Planning Priority 5 – Housing states that the majority of our population resides in Deniliquin and housing in the Edward River LGA is dominated by single dwellings (89% of all housing) with 76% of housing containing 3 or more bedrooms. This trend conflicts with the needs of an ageing population. Therefore the LSPS identifies that it is increasingly important for Council to provide a larger variety of housing choices to cater for the changing demographic including an ageing population and the development of a retirement living facility to support our aging population is being facilitated by Council. This planning proposal supports the development of the subject site for seniors living.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council has acquired the land as it is no longer required for railway infrastructure and as such, the SP2 Infrastructure zone is no longer appropriate. Secondly it is Council's intention to develop the land for seniors living and under the current zoning, this type of development is prohibited and therefore a planning proposal is the best way to achieve the intended outcomes.

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the Riverina Murray Regional Plan 2036. Refer to Appendix 2 for consideration of the regional plan.

Will the planning proposal give effect to a council's endorsed LSPS, or another endorsed local strategy or strategic plan?

Refer to comments above regarding the LSPS. There is no other strategic plan that gives effect to this planning proposal.

Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The planning proposal is consistent with the SEPPs. Refer to Appendix 3 for consideration of the SEPPs.

Is the planning proposal consistent with applicable Ministerial Directions (s9.1) directions?

The directions are considered in Appendix 4.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is minimal vegetation on site and as such it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other likely environmental impacts or natural hazards have been identified for this site.

Has the planning proposal adequately addressed any social and economic effects?

An AHIMS search as been completed (appendix 5) and no Aboriginal sites have been identified. The site is not a heritage item or located within a heritage conservation area.

In terms of social and economic impacts, the community has identified over a number of years the need for seniors' accommodation that, in particular, allows for independent living. Whilst Deniliquin has an adequate supply of residential accommodation, land close to the CBD is in short supply. This land has been purchased by Council with the intent of constructing a form of seniors' accommodation.

Is there adequate public infrastructure for the planning proposal?

There is existing infrastructure within the vicinity of the site.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Council has not undertaken any consultation with State and/or Commonwealth authorities. It is proposed that Council will consult with the Civil Aviation Safety Authority and Transport for NSW (Roads and Maritime) (due to the vicinity of the site to a main road being Hardinge Street).

Part 4 Mapping

DLEP 2013 Land Zoning Map – Sheet LZN_005 will be required to be amended by changing the zoning of Lot 2 DP1220715 from SP2 Infrastructure to B2 Local Centre. Figure 2 shows the location of the subject site.

No other mapping is required to be amended.

Part 5 Community Consultation

Community consultation will be undertaken in accordance with Council's Community Participation Plan (2019) and for a period of 28 days.

Part 6 Project Timeline

The project timeline is as follows:

Action	Time
Planning proposal – decision by Council to proceed	16 April 2020
Request Gateway determination	Week ending 26 April 2020
Receive Gateway determination	Week ending 24 May 2020

Commence community consultation	Week ending 7 June 2020
Community consultation completed	Week ending 12 July 2020
Preparation of mapping	Week ending 9 August 2020
Request opinion from Parliamentary Counsel's Office	Week ending 16 August 2020
Council decision to finalise	17 September 2020
Request instrument be made	Week ending 27 September 2020

APPENDIX 1
Photos of Subject Site



Photo 1 – Looking at the subject site from the south west (Harfleur Street)



Photo 2 – Looking at the subject site from the north (Poitiers Street)

Appendix 2 – Section 117 Direction 5.10 Implementation of Regional Plans Checklist

Direction 1: Protect the regions diverse and productive agricultural land

No	Action	Consistent			Comments
		Yes	No	N/A	
1.1	Develop a regional agricultural development strategy that: <ul style="list-style-type: none"> • Maps important agricultural land; • Identifies emerging opportunities for agriculture; and • Sets direction for local planning of agricultural development. 			N/A	
1.2	Protect important agricultural land identified in the regional agricultural development strategy from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses			N/A	
1.3	Minimise biosecurity risks by undertaking risk assessments, taking into account biosecurity plans and applying appropriate buffer areas.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- How the proposal responds to the Agricultural Development Strategy, once completed; and
- How the proposal has considered land use conflict and management of the interface between land uses to support agriculture.

Note:

- If the proposal seeks to alter a provision that relates to Important Agricultural Land please consult with Department of Primary Industries – Agriculture in the preparation of your planning proposal.

- To establish whether the proposal is affected by a control order in force under the Biosecurity Act 2015 visit: <http://www.dpi.nsw.gov.au/biosecurity>

Direction 2: Promote and grow the agribusiness sector

No	Action	Consistent			Comments
		Yes	No	N/A	
2.1	Encourage agribusiness diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions.			N/A	
2.2	Provide opportunities to improve support to agriculture through better guidance on protecting agricultural land and managing the interface with other land uses.			N/A	
2.3	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflict arising from the encroachment of incompatible land uses.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- nearby freight and logistics facilities and freight routes;
- any nearby or adjoining buffers which relate to freight and logistics facilities;
- how the proposal impacts on nearby or adjoining agricultural land uses and how the interface between the uses is managed; and
- any potential land use conflict arising from the encroachment of incompatible land uses.

Direction 3: Expand advanced and value-added manufacturing

No	Action	Consistent			Comments
		Yes	No	N/A	
3.1	Promote investment in advanced and value-added manufacturing by removing restrictive land use zonings and outdated land use definitions in local plans			N/A	
3.2	Protect advanced value-added manufacturing industries and associated infrastructure from land use conflict arising from the encroachment of inappropriate and incompatible land uses.			N/A	
3.3	Encourage co-location of related advanced and value-added manufacturing industries to maximise efficiency and infrastructure use, decrease supply chain costs, increase economies of scale and attract further investment.			N/A	

Additional Supporting Notes
 Relevant planning proposals are encouraged to detail:

- any potential land use conflict arising from the encroachment of incompatible land uses; and
- identify any existing manufacturing industries and consider the potential for co-location of related industries.

Direction 4: Promote business activities in industrial and commercial areas

No	Action	Consistent			Comments
		Yes	No	N/A	
4.1	Encourage the sustainable development of industrial land to maximise the use of infrastructure and connectivity to the existing freight network.			N/A	
4.2	Promote specialised employment clusters and co-location of related employment generators in local plans.			N/A	
4.3	Protect industrial land, including in the regional cities (Bomen, Nexus and Tharbogang) from potential land use conflicts arising from inappropriate and incompatible surrounding land uses.			N/A	
4.4	Encourage the consolidation of isolated, unused or underused pockets of industrial zoned land to create new development opportunities over the long-term.			N/A	
4.5	Monitor the supply and demand of employment and industrial land in regional cities to inform the planning and coordination of utility infrastructure to support new development.			N/A	
4.6	Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits for the community.	Yes			It is proposed to rezone the land to B2 Local Centre which is consistent with the adjoining land use zones.
4.7	Require proposals for new retail development to demonstrate how they: <ul style="list-style-type: none"> • Respond to retail supply and demand needs; • Respond to innovations in the retail sector; • Maximise the use of existing infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and • Enhance the value of the public realm. 			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- the capacity of existing industrial zoned land and whether the subject land is identified in an endorsed local strategy;
- consideration of the infrastructure needs associated with the proposal;
- the potential for the proposal to take advantage of existing industry clusters and co-location; and
- potential land use conflict arising from the encroachment of incompatible land uses.

Where the proposal seeks to zone land for commercial and retail purposes, the proposal should be supported by a study that:

- considers the capacity of existing commercial centres;
- demand for additional zoned land;
- the impact of additional zoned land on existing centres; and
- provide evidence of positive social and economic benefits for the community.

Direction 5: Support the growth of the health and aged care sectors

No	Action	Consistent			Comments
		Yes	No	N/A	
5.1	Establish health precincts around hospital in the regional cities of Albury, Wagga Wagga and Griffith.			N/A	
5.2	Promote development of mixed-use facilities and precincts for research and accommodation, to meet the needs of the health and aged care service sectors.	Yes			The rezoning of the subject site is for the purposes of establishing a seniors' living development.
5.3	Facilitate multipurpose, flexible and adaptable health and education infrastructure that responds to community needs.			N/A	
5.4	Protect health facilities from the encroachment of inappropriate and incompatible land uses.			N/A	
5.5	Improve transport connections in cross-border communities to enhance access to health facilities.			N/A	

Direction 6: Promote the expansion of education and training opportunities

No	Action	Consistent			Comments
		Yes	No	N/A	
6.1	Work with stakeholders to identify opportunities to address skill shortages in the region through the development of tailored regional training programs with the regions education providers.			N/A	
6.2	Promote development of education precincts around universities and education facilities to facilitate specialisation in rural studies and cater for increasing interest from international students.			N/A	
6.3	Facilitate joint venture opportunities for the development shared community/school facilities on school sites, including sporting fields, amenities, parking, community halls, child care, arts and library facilities.			N/A	

Direction 7: Promote tourism opportunities

No	Action	Consistent			Comments
		Yes	No	N/A	
7.1	Align local land use strategies and tourism strategies with the Destination Management Plan for the Riverina Murray Destination Network.			N/A	
7.2	Enable opportunities for tourism development and associated land uses in local plans.			N/A	
7.3	Target experiential tourism opportunities and tourism management frameworks to promote a variety of accommodation options.			N/A	
7.4	Continue to implement actions and invest in boating infrastructure priorities identified in the Murray-Riverina Regional Boating Plan to improve boating safety, boat storage and waterway access.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- how the proposal impacts on the suitability of land zoned for tourism and associated land uses, through potential land use conflict or encroachment of incompatible land uses.

Direction 8: Enhance the economic self-determination of Aboriginal communities

No	Action	Consistent			Comments
		Yes	No	N/A	
8.1	Work with Local Aboriginal Land Councils to conduct a strategic assessment of their landholdings to identify priority sites with economic development potential for further investigation.			N/A	
8.2	Identify priority sites that can create a pipeline of potential projects that the Local Aboriginal Land Councils may wish to consider.			N/A	

Direction 9: Support the forestry industry

No	Action	Consistent			Comments
		Yes	No	N/A	
9.1	Facilitate long-term forestry processing requirements for plantation forest land and opportunities for industry hubs and transport network improvements.			N/A	
9.2	Encourage forestry processing operations in appropriate locations that are protected from the encroachment of other sensitive land uses.			N/A	
9.3	Protect native and plantation forests and processing industries predominantly in the Snowy Valleys and Greater Hume area from the encroachment of inappropriate and incompatible land uses.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- any existing nearby forestry processing operations or key forestry areas; and
- any impacts on opportunities for the long-term establishment and management of plantations in key forestry areas, or hubs, productivity or processing efficiency.

Note: Refer to the NSW Forestry Industry Roadmap (2016).

Direction 10: Sustainably manage water resources for economic opportunities

No	Action	Consistent			Comments
		Yes	No	N/A	
10.1	Implement the Murray-Darling Basin Plan to ensure a balance of social, economic and environmental outcomes.			N/A	
10.2	Finalise water resource plans for rivers and groundwater systems as part of the Murray-Darling Basin Plan and implement water sharing plans.			N/A	
10.3	Plan for high-water use industries in locations where water access and security is available.			N/A	
10.4	Protect land in the Murray, Murrumbidgee, Coleambally and Lowbridge irrigation areas from the encroachment of inappropriate and incompatible land uses that limit the economic potential of these areas.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- consistency with the Murray-Darling Basin Plan, when finalised;
- where a proposal relates to a high-water use industry, consideration of the infrastructure demands of the proposal and the availability of a secure water resource; and
- where a proposal has the potential to impact the Murray, Murrumbidgee, Coleambally and Lowbridge irrigation areas, consideration of potential environmental, social and economic impacts that could limit production of irrigated produce.

Direction 11: Promote the diversification of energy supplies through renewable energy generation

No	Action	Consistent			Comments
		Yes	No	N/A	
11.1	Encourage renewable energy projects by identifying locations with renewable energy potential and ready access to connect with the electricity network.			N/A	
11.2	Promote best practice community engagement and maximise community benefits from all utility-scale renewable energy projects.			N/A	
11.3	Promote appropriate smaller-scale renewable energy projects using bio-energy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- locations identified for renewable energy projects; and
- consideration of land uses in proximity to existing energy projects to maximise efficiencies and address potential land use conflict.

Direction 12: Sustainably manage mineral resources

No	Action	Consistent			Comments
		Yes	No	N/A	
12.1	Consult with the NSW Department of Industry (Division of Resources and Energy) when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new development or expansions.			N/A	
12.2	Protect areas of mineral and energy resources potential in the region through local land use strategies and local plans.			N/A	
12.3	Protect infrastructure that facilitates mining industries from development that could affect current or future extraction.			N/A	
12.4	Support communities that are transitioning out of mining operations to manage changes in population and demand for service delivery and explore new economic opportunities.			N/A	

Additional Supporting Notes
 Relevant planning proposals are encouraged to detail any exploration licenses held over the land to which the proposal applies.
Note: Consultation with the NSW Department of Industry (Division of Resources and Energy) may be required.

Direction 13: Manage and conserve water resources for the environment

No	Action	Consistent			Comments
		Yes	No	N/A	
13.1	Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream and groundwater sources.			N/A	Would be assessed with any development application
13.2	Minimise the impacts of development on fish habitat, aquaculture and waterways (including watercourses, wetlands and riparian lands) and meet the Water Quality and River Flow Objectives.			N/A	
13.3	Adopt an integrated approach to water cycle management across the region, taking into account climate change, water security, sustainable demand and growth, and the natural environment.			N/A	

Additional Supporting Notes
 Relevant planning proposals are encouraged to detail any impacts on land identified as groundwater vulnerable.
Note: Consultation with NSW Water may be required.

Direction 14: Manage land uses along key river corridors

No	Action	Consistent			Comments
		Yes	No	N/A	
14.1	Prepare and implement a waterfront management strategy for the Murray River.			N/A	
14.2	Retain riverfront setback provisions in local plans and limit ribbon development along the Murray River.			N/A	
14.3	Consider and assess the potential impacts of new development on biodiversity along river corridors, including the Murray and Murrumbidgee Rivers, and manage offsets.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- the consideration and consistency with the Waterfront Management Strategy, when finalised; and
- the consideration of the existing riverfront setback provisions of the applicable Local Environmental Plan.

Direction 15: Protect and manage the region's many environmental assets

No	Action	Consistent			Comments
		Yes	No	N/A	
15.1	Protect high environmental value assets through local plans			N/A	
15.2	Minimise potential impacts arising from development in areas of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts.			N/A	
15.3	Improve the quality of, and access to, information relating to high environmental values.			N/A	
15.4	Protect Travelling Stock Reserves in local land use strategies.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail consideration of the potential impacts of the proposal on land identified as being of high environmental value.

Direction 16: Increase resilience to natural hazards and climate change

No	Action	Consistent			Comments
		Yes	No	N/A	
16.1	Locate developments, including new urban release areas, away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards.	Yes			Refer to consideration land contamination in appendix 3 of this planning proposal The subject site is located within the South Deniliquin flood levee and is not located within a bushfire prone area.
16.2	Incorporate the findings of the Riverina Murray Enabling Regional Adaptation Project to inform future land use planning decisions.			N/A	
16.3	Adopt a whole-of-government approach to information exchange on climate change adaptation and preparedness.			N/A	
16.4	Respond to climate-related risks by applying and communicating fine-scale climate information to support decision-making.			N/A	
16.5	Implement the requirements of the NSW Floodplain Development Manual by updating flood studies and floodplain risk management plans.			N/A	
16.6	Incorporate the best available hazard information in local plans, consistent with, current flood studies, flood planning levels, modelling and floodplain risk management plans.			N/A	
16.7	Update and share current information on environmental assets and natural hazards with councils to inform planning decisions.			N/A	
16.8	Manage the risks of disturbance in areas affected by natural occurring asbestos.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail:

- where a proposal relates to Flood Prone Land, consistency with a current flood study endorsed by the Office of Environment and Heritage;

Notes:

- Referral to NSW RFS may be required to comply with Section 117 Direction 4.4 Planning for Bushfire Protection
- Refer to the EPA website for more information on identification, management and regulation of contaminated land: <http://www.epa.nsw.gov.au/clm/>
- A planning proposal must address SEPP 55 – Remediation of Land, Part 6 Contamination and remediation to be considered in zoning or rezoning proposal.

Direction 17: Transform the region into the eastern seaboard’s freight and logistics hub

No	Action	Consistent			Comments
		Yes	No	N/A	
17.1	Strategically locate freight and logistics hubs to support further industry development.			N/A	
17.2	Support the ongoing performance of existing freight and logistics facilities, particularly those in the regional cities of Albury, Wagga Wagga and Griffith.			N/A	
17.3	Protect freight and logistics facilities from the encroachment of inappropriate land uses.			N/A	
17.4	Target opportunities for new freight and logistics facilities in areas that maximise the use of available industrial land, access to transport and specific labour market requirements.			N/A	

Direction 18: Enhance road and rail freight links

No	Action	Consistent			Comments
		Yes	No	N/A	
18.1	Identify the regional freight network (including key nation, State, regional and local roads and the rail network).			N/A	
18.2	Prioritise projects that address impediments to the regional freight network to improve capacity and opportunities in the network.			N/A	
18.3	Assess the viability of local bypasses and identify and protect future bypass corridors in strategies.			N/A	
18.4	Identify, coordinate and prioritise the delivery of local and regional road projects that help support the regional freight network.			N/A	

18.5	Protect freight and transport corridors from the encroachment of incompatible land uses.			N/A
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Direction 19: Support and protect ongoing access to air travel

No	Action	Consistent			Comments
		Yes	No	N/A	
19.1	Protect airports from the encroachment of incompatible development, including airports in Wagga Wagga, Albury, Griffith and Narrandera.			N/A	
19.2	Support the continued allocation of 20 percent of flight slots at Sydney airport to regional NSW services and seek a greater allocation in peak periods.			N/A	

Direction 20: Identify and protect future transport corridors

No	Action	Consistent			Comments
		Yes	No	N/A	
20.1	Work with the Australian Government to finalise planning, engineering design and assessment of the Melbourne-Brisbane Inland Rail Corridor.			N/A	
20.2	Work with the Australian Government to plan for future high-speed rail corridors in the region.			N/A	

Direction 21: Align and protect utility infrastructure investment

No	Action	Consistent			Comments
		Yes	No	N/A	
21.1	Monitor development and ensure that infrastructure is responsive to investment opportunities.			N/A	
21.2	Investigate opportunities for new funding models for utility infrastructure.			N/A	
21.3	Protect the function of the defence communication facilities in Wagga Wagga, Lockhart, Federation and Narrandera.			N/A	

21.4	Provide sufficient space for cemeteries and cremation by identifying appropriate site sin local land use strategies.	N/A
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Additional Supporting Notes	
Relevant planning proposals are encouraged to detail: <ul style="list-style-type: none"> consideration of the infrastructure needs associated with the proposal; and compliance with any relevant defence communication facility buffer distances. 	

Direction 22: Promote the growth of regional cities and local centres

No	Action	Consistent			Comments
		Yes	No	N/A	
22.1	Coordinate infrastructure delivery across residential and industrial land in the regional cities.			N/A	
22.2	Consider the role, function and relationship between regional cities and centres in local land use strategies.			N/A	
22.3	Protect strategic defence establishments in Albury and Wagga Wagga and encourage compatible adjoining land uses.			N/A	
22.4	Improve transport in regional cities and their connections with regional communities.			N/A	
22.5	Work with local Councils local transport operators and community transport providers to identify opportunities and plan for a range of flexible transport options/models to meet specific local needs.			N/A	
22.6	Improve access to regional cities and connections out of the region.			N/A	

Additional Supporting Notes	
Relevant planning proposals are encouraged to detail: <ul style="list-style-type: none"> adequate justification for out-of-centre development using supply and demand analysis; consistency with an endorsed local strategy; how the proposed location for a new centre: <ul style="list-style-type: none"> Integrates with existing or planned residential development; 	

- Promotes quality urban design; and
- Considers transport and accessibility requirements.

Direction 23: Build resilience in towns and villages

No	Action	Consistent			Comments
		Yes	No	N/A	
23.1	Update the Strengthening Rural Communities: Resource Kit.			N/A	
23.2	Work with councils to better understand the drivers of population change and implications for local communities.			N/A	
22.3	Conduct a pilot State agency and local government area roundtable meeting with Councils in the REROC area.			N/A	
22.4	Build drought resilience in rural communities by providing targeted support to primary producers and communities to improve preparedness and improve decision-making.			N/A	

Direction 24: Create a connected and competitive environment for cross-border communities

No	Action	Consistent			Comments
		Yes	No	N/A	
24.1	Work with the Victorian Government and cross-border councils to examine: <ul style="list-style-type: none"> • Barriers to and enablers of economic, housing and jobs growth; • Service delivery models; and • Infrastructure delivery, including transport infrastructure. 			N/A	
24.2	Work with the Victorian Government and adjoining Victorian Councils to develop a cross-border land and housing monitor.			N/A	
24.3	Examine opportunities to better standardise development provisions in NSW and Victorian particularly for seniors and affordable housing developments.			N/A	
24.4	Make travel across the NSW-Victorian border easier and more convenient for cross-border communities.			N/A	

Direction 25: Build housing capacity to meet demand

No	Action	Consistent			Comments
		Yes	No	N/A	
25.1	Prepare local housing strategies that provide housing choice and affordable housing.			N/A	
25.2	Facilitate increased housing choice, including townhouses, villas and apartments in regional cities and locations close to existing services and jobs.	Yes			The proposed development of the subject site will provide senior living housing in a centralised location in Deniliquin.
25.3	Align infrastructure planning with land release areas to provide adequate infrastructure.			N/A	
25.4	Locate higher-density development close to town centres to capitalise on existing infrastructure and to provide increased housing choice.	Yes			It is expected that the proposed development will be at a higher density than is currently provided for in Deniliquin.

Additional Supporting Notes
 Relevant planning proposals are encouraged to detail any relationship with a release area identified in an endorsed local strategy.

Direction 26: Provide greater housing choice

No	Action	Consistent			Comments
		Yes	No	N/A	
26.1	Remove planning barriers to provide a range of low-care and independent seniors accommodation options across the region.	Yes			The rezoning of this land will allow for the development of the site for seniors' accommodation.
26.2	Promote opportunities for seniors and disability housing by reviewing the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to identify opportunities to make it more applicable for private developers in regional areas.	Yes			The rezoning of this land will allow for the development of the site for seniors' accommodation in accordance with the Seniors Living SEPP.

26.3	Promote opportunities for retirement villages, nursing homes and similar housing needs of seniors in local land use strategies.	Yes	Whilst Council does not have a land use strategy, this planning proposal supports the opportunity for the development of a retirement village on the subject site.
26.4	Locate new housing for seniors in close proximity to existing services and facilities, and on land free from hazards.	Yes	Refer to previous comments regarding hazards. The subject site is located within the vicinity of CBD and as such has access to existing services and facilities such as shops, medical centre and community facilities.
26.5	Promote aging-in-place by adopting elements of Liveable Housing Australia's Liveable Housing Design Guidelines in development controls for housing, where possible.	Yes	The development is for seniors housing.
26.6	Release guidelines to help councils plan and manage seasonal and itinerant worker accommodation.		N/A
26.7	Promote incentives to encourage greater housing affordability, including a greater mix of housing in new release areas.		N/A

Direction 27: Manage rural and residential development

No	Action	Consistent			Comments
		Yes	No	N/A	
27.1	Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.			N/A	
27.2	Locate new residential areas: <ul style="list-style-type: none"> In close proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services and social and community infrastructure. 			N/A	

	<ul style="list-style-type: none"> To avoid or minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and To avoid areas of high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards. 	
27.3	Manage land use conflict that can result from cumulative impacts of successive development decisions.	N/A

Additional Supporting Notes
 Relevant planning proposals are encouraged to detail:

- How the proposal is supported by any endorsed local strategic land use plan, and
- How the proposal is consistent with any endorsed local strategic land use plan.

Direction 28: Deliver healthy built environments and improved urban design

No	Action	Consistent			Comments
		Yes	No	N/A	
28.1	Release regional urban design guidelines to create healthy built environments and guide local decision-making.			N/A	
28.2	Promote high-quality open spaces that support physical activity, including walking and cycling networks in the design of new communities.	Yes			The subject site is within the vicinity of open space in Deniliquin such as Waring Gardens and the lagoons walk.
28.3	Reflect local built form, heritage and character in new housing developments.			N/A	To be determined at DA stage.
28.4	Incorporate water sensitive design in new development.			N/A	To be determined at DA stage.

Additional Supporting Notes
 Relevant planning proposals are encouraged to detail:

- How the proposal is supported by any endorsed local strategic land use plan, and
- How the proposal is consistent with any endorsed local strategic land use plan.

Direction 29: Protect the region’s Aboriginal and historic heritage

No	Action	Consistent			Comments
		Yes	No	N/A	
29.1	Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local land use strategies.			N/A	
29.2	Consult with Aboriginal people and the broader community to identify heritage values at the strategic planning stage.			N/A	An AHIMS search has been completed and no Aboriginal sites were identified (see Appendix 5).
29.3	Increase heritage protection and revitalise main streets and town centres, through community education and development incentives in local plans.			N/A	
29.4	Recognise and conserve heritage assets that have community significance in local plans.			N/A	
29.5	Provide resources for heritage advice to inform planning processes.			N/A	

Additional Supporting Notes

Relevant planning proposals are encouraged to detail the results of any AHIMS search for the site.

APPENDIX 3

State Environmental Planning Policies

SEPP	Applicable	Comments
SEPP 21 Caravan Parks	N/A	Caravan parks are permissible in the B2 Local Centre zone.
SEPP 33 Hazardous and Offensive Development	N/A	-
SEPP 36 Manufactured Home Estates	N/A	The rezoning would result in a manufactured home estate being permissible on the subject site (clause 6 of the SEPP).
SEPP 50 Canal Estate Development	N/A	-
SEPP 55 Remediation of Land	Yes	<p>A preliminary site investigation (PSI) was completed as part of the consideration of DA86/17 due to the former railway activities on the site, demolition/removal of structures on site and fill material. The PSI was completed for Lot 2 DP1220715 and Lot 1 DP732067 however, DA86/17 related to Lot 2 DP1220715. DA86/17 was for the demolition of two railway platforms and turntable pit infrastructure and filling of the disused turntable, site remediation works and the installation of water and sewer connections.</p> <p>The PSI was reviewed in relation to Lot 2 DP1220715 and this particular DA. The PSI indicates the observations and test results for Lot 2 DP1220715, it does not appear that the subject site has contaminated soils on the site but the soil test results on the adjacent land (also owned by Council) indicate a level of heavy metal contamination is present. It should be noted that no groundwater investigations were completed for the PSI.</p>

		<p>The assessment concluded that the subject site appears to be suitable for the demolition of existing structures without further investigation.</p> <p>Further assessment of contamination issues will be required upon lodgement of DA for the development of the subject site and adjoining lot.</p>
SEPP 64 Advertising and Signage	N/A	The rezoning will result in a range of signs and advertising being permissible on the subject site.
SEPP 65 Design Quality of Residential Apartment Development	N/A	This SEPP will apply to the subject site where it is proposed that any building is at least 3 or more storeys and the building contains at least 4 or more dwellings.
SEPP 70 Affordable Housing (Revised Schemes)	N/A	-
SEPP (Affordable Rental Housing) 2009	N/A	This SEPP would not apply to the proposed development of this site for seniors' accommodation.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	Future development of the site will be required to comply with BASIX.
SEPP (Concurrences and Consents) 2018	N/A	-
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	This SEPP would not apply to the proposed development of this site for seniors' accommodation.
SEPP (Exempt and Complying Development Codes) 2008	N/A	-
SEPP (Housing for Seniors of People with a Disability) 2004	Yes	A rezoning is required so that seniors housing under this SEPP will be permissible.

SEPP (Infrastructure) 2007	N/A	-
SEPP (Koala Habitat Protection) 2019	N/A	There are no trees on the site.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Primary Production and Rural Development) 2019	N/A	-
SEPP (State and Regional Development) 2011	N/A	-
SEPP (Vegetation in Non Rural Areas) 2017	N/A	-

Murray Regional Environmental Plan 2 (REP)

Clause 8 of the REP states that the planning principles must be considered when preparing a planning proposal being the aims, objectives and planning principles of this plan, any relevant River Management Plan, any likely effect of the proposed plan or development on adjacent and downstream local government areas and the cumulative impact of the proposed development on the River Murray (clause 9).

Planning Principles	Applicable	Comments
Aim of Plan		
To conserve and enhance the riverine environment of the River Murray for the benefit of all users.	N/A	The subject does not have river frontage and is located approximately 600m from the Edward River.
Objectives of the Plan		
To ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray.	N/A	Refer to comments above.

To establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray.	N/A	-
To conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.	N/A	Refer to comments above.
Planning Principles - Access		
The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.	N/A	Refer to comments above.
Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.	N/A	Refer to comments above.
Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.	N/A	Refer to comments above.
Planning Principles – Bank Disturbance		
Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.	N/A	Refer to comments above.
Planning Principles - Flooding		
Where land is subject to inundation by floodwater— (a) the benefits to riverine ecosystems of periodic flooding, (b) the hazard risks involved in developing that land, (c) the redistributive effect of the proposed development on floodwater,	N/A	The subject site is located within the South Deniliquin Flood Levee and is not within a flood planning area.

(d) the availability of other suitable land in the locality not liable to flooding, (e) the availability of flood free access for essential facilities and services, (f) the pollution threat represented by any development in the event of a flood, (g) the cumulative effect of the proposed development on the behaviour of floodwater, and (h) the cost of providing emergency services and replacing infrastructure in the event of a flood.		
Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources.	N/A	-
Planning Principles – Land Degradation		
Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.	N/A	There is no significant vegetation on the site. Issues related to land degradation such as soil erosion etc can be assessed at the DA stage.
Planning Principles - Landscape		
Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.	N/A	The subject site is not located within the riverine landscape.
Planning Principles – River Related Uses		

Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray.	N/A	The subject does not have river frontage and is located approximately 600m from the Edward River.
Development which would intensify the use of riverside land should provide public access to the foreshore.	N/A	Refer to comments above.
Planning Principles - Settlement		
New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located— (a) on flood free land, (b) close to existing services and facilities, and (c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.	N/A	-
Planning Principles – Water Quality		
All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.	N/A	Any future development of the subject site would be required to be connected to Council’s stormwater system.
Planning Principles - Wetlands		
Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.	N/A	-
Land use and management decisions affecting wetlands should—	N/A	

(a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland, (b) consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects, (c) control human and animal access, and (d) conserve native plants and animals.		
River Management Plan		
Any relevant River Management Plan	N/A	-
Adjacent/Downstream Local Government Areas		
Any likely effect of the proposed plan or development on adjacent and downstream local government areas.	N/A	The subject does not have river frontage and is located approximately 600m from the Edward River.
Cumulative Impact		
The cumulative impact of the proposed development on the River Murray.	N/	Negligible impact on the River Murray on the basis of its distance from the Edward River.

APPENDIX 4
LOCAL PLANNING DIRECTIONS

Direction	Applicable	Comments
Employment and Resources		
1.1 Business and Industrial Zones	Yes	The planning proposal will increase land zoned for business by 1.2ha and is located is within an existing B2 zoned area.
1.2 Rural Zones	N/A	-
1.3 Mining Petroleum Production and Extractive Industries	N/A	Permissibility of mining is determined by the SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
1.4 Oyster Aquaculture	N/A	-
1.5 Rural Lands	N/A	-
Environment and Heritage		
2.1 Environment Protection Zones	N/A	-
2.2 Coastal Management	N/A	-
2.3 Heritage Conservation	N/A	-
2.4 Recreation Vehicle Areas	N/A	-
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	-

Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>This direction applies as the proposed rezoning of the land to B2 will permit residential development and in particular, seniors' accommodation.</p> <p>The planning proposal will broaden the choice of housing options available for the subject site (within the existing provisions of the B2 zone under the DLEP 2013 and the Seniors Living SEPP), is located in a central location and is within an existing serviced area.</p> <p>Clause 6.7 of the DLEP requires arrangements to be made for the provision of infrastructure to land and the planning proposal does not contain any provisions which will reduce the permissible residential density on land.</p>
3.2 Caravan Parks and Manufactured Home Estates	Yes	<p>The planning proposal will result in caravan parks being permissible on the subject site. A manufactured home estate will also be permissible in accordance with SEPP36.</p>
3.3 Home Occupations	Yes	<p>Home occupations are permissible in the B2 Local Centre zone.</p>
3.4 Integrating Land Use and Transport	No	<p>Any inconsistency with this direction is considered to be of minor significance given that the subject site is located within an established urban area where linkages between transport and land use are well established.</p>
3.5 Development Near Regulated Airports and Defence Airfields	No	<p>The subject site is located approximately 2.4km of the Deniliquin airport (owned and operated by Council) and is within the OLS. Clause 6.6 of DLEP 2013 addresses development within OLS but it</p>

		<p>does not include provisions around noise to the size and nature of the airport.</p> <p>Given the distance of the subject site from the airport, the nature of the operation of the airport and the dominance of single storey residential development in Deniliquin, any inconsistency with this direction is considered to be of minor significance.</p>
3.6 Shooting Rangers	N/A	-
3.7 Reduction in Non-Hosted Short Term Rental Accommodation Period	N/A	-
Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	-
4.2 Mine Subsidence and Unstable Land	N/A	-
4.3 Flood Prone Land	Yes	<p>The planning proposal will rezone land from special uses to business.</p> <p>The subject site is located inside the South Deniliquin flood levee and is not located within a flood planning area.</p> <p>The planning proposal does not propose any changes to the flood planning controls.</p>
4.4 Planning for Bushfire Protection	N/A	-
Regional Planning		
5.1 Implementation of Regional Strategies	N/A	-

5.2 Sydney Drinking Water Catchment	N/A	-
5.3 Farmland of State and Regional Significance on the NSW Far Coast	N/A	-
5.4 Commercial and Retain Development along the Pacific Highway, North Coast	N/A	-
5.9 North West Rail Link Corridor Strategy	N/A	-
5.10 Implementation of Regional Plans	Yes	Refer to Appendix 2.
5.11 Development of Aboriginal Land Council land	N/A	-
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The planning proposal does include any of the provisions listed in clause 4 of this direction.
6.2 Reserving Land for Public Purposes	Yes	The planning proposal does not include any reservation or proposals for reserving, public land.
6.3 Site Specific Provisions	N/A	The planning proposal allows for the rezoning of the subject site.
Metropolitan Planning		
7.1 Implementation of a Plan for Growing Sydney	N/A	-
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	-

7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	-
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	-
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	-
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	-
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	-
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	-

APPENDIX 5
AHIMS SEARCH



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

Purchase Order/Reference : Julie Rogers

Client Service ID : 495428

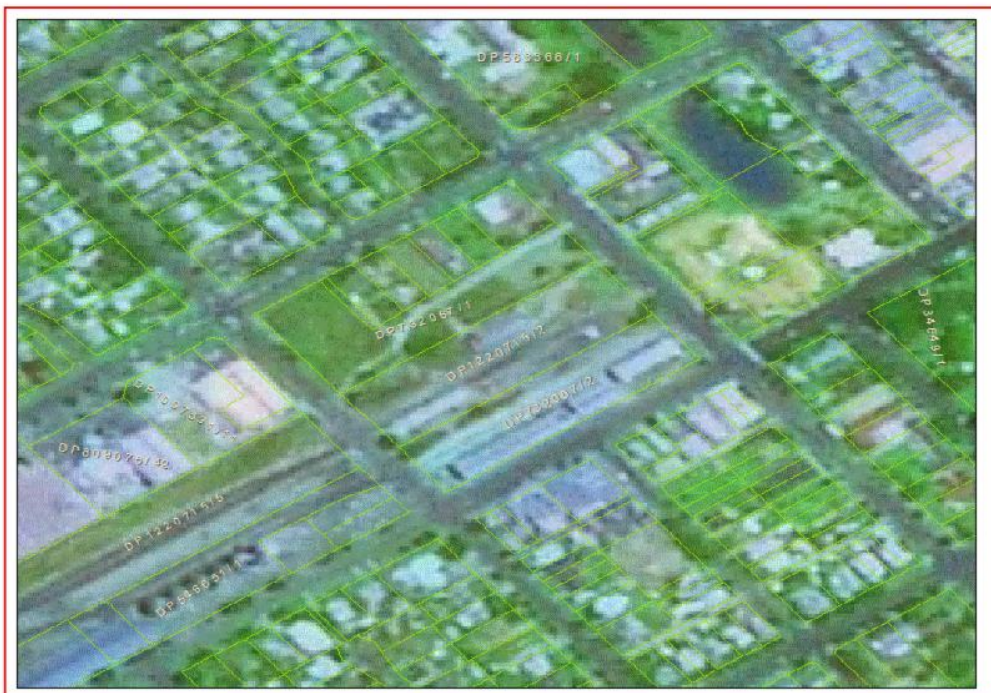
Edward River Council
Edward River Council 180 Cressy Street
Deniliquin New South Wales 2710
Attention: Julie Rogers
Email: julie.rogers@edwardriver.nsw.gov.au

Date: 03 April 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP1220715 with a Buffer of 200 meters, conducted by Julie Rogers on 03 April 2020.

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



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

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

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

10.7 ENVIRONMENTAL SERVICES REPORT (MARCH 2020)**Author:** Julie Rogers, Manager Environmental Services**Authoriser:** John Rayner, Interim General Manager**RECOMMENDATION**

That Council note the Environmental Services report for March 2020.

BACKGROUND

Attachment 1 is the Environmental Services report for March 2020.

ISSUE/DISCUSSION

N/A

STRATEGIC IMPLICATIONS

N/A

COMMUNITY STRATEGIC PLAN

N/A

FINANCIAL IMPLICATIONS

N/A

LEGISLATIVE IMPLICATIONS

N/A

ATTACHMENTS

1.	Environmental	Services	report	(March	2020)
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Current Applications at 31 March 2020					
Application	Property Description	Applicant	Proposal	Date Rec'd	Status
Development Applications/Construction Certificates					
CC 55/14	Lot 272 DP756325, 234 Barham Road, Deniliquin 10/11/14	Jamie Park/JNP Architecture & Associates Pty Ltd	Erection of a shed for use as 'rural industry' (maintenance and construction shed for the proposed ethanol plant)	10/11/14	Awaiting advice from the applicant
DA 2/17	Lots 11 & 12 DP1018080, 475-477 George Street, Deniliquin 11/01/17	Murray Constructions	Replacement of existing concrete retaining walls including an extension of jetty	11/01/17	Awaiting advice from applicant
DA 28/18	Lot 174 & 210, DP756305, 218 Campbells Road, "Wyoming" Mayrunga	CAF Consulting Services Pty Ltd	3,500 head dairy cattle feedlot	07/06/2018	Odour report has been received and referred to EPA. Application to be renotified
DA 64/18	Lot 153, DP756325, 154 Pakenham Street, Deniliquin	Andrew and Kim Barry	7 lot subdivision	16/10/2018	Awaiting advice from applicant
DA 77/18	Lot 1, & 3 DP1235420 & Lot 5 DP1220715, 227 Cemetery Road & 179-183 Cemetery Road, Deniliquin	Deni Industrial Park Pty Ltd	Staged development Stage 1: Railway freight terminal Stage 2: 13 lot subdivision	4/12/2018	Awaiting advice from applicant/ VicTrack
CC 44/18	Lot 1, Section 208, DP758913, 46-58 Edwardes Street, Deniliquin	Tim Nolan	Multi Arts Centre Kitchen Extension	23/11/2018	Awaiting advice from applicant
DA 33/19	Lot 3 DP537791, 812 Old Morago Road, Morago	Ecotech Energy	Install 99kw ground mount solar PV system	14/06/2019	Awaiting advice from applicant



DA 47/19	Lot 6 DP264379, 176-178 River Street, Deniliquin	Tony Campbell	Erection of shed for use for residential storage and a home industry	4/09/2019	Awaiting advice from applicant
S96 686 A	Lot 5 DP285128, 138 Riverview Drive, Deniliquin	Andrew Willis	Modification to DA 686 – Erection of a retaining wall and site regrading.	15/11/2019	Awaiting advice from applicant
DA 71/19 CC 50/19	Lot 100 DP1061446, Ochtertyre Street, (Big 4) Deniliquin	Brunker Fabrications	Camp kitchen and bbq shelter	26/11/2019	Under assessment
DA 72/19	Lot 3 Sec 1 DP 758913, Lot 4 Sec 18 DP758913 & Lot 11 DP544836, 72-96 End Street, Deniliquin RSL Club)	Julie Tran	Remove existing car shade structure and trees and erect solar car shade structures	11/12/2019	Under assessment
DA 6/20	Lot 1 DP1147530, Hardinge Street, Deniliquin	Yarkuwa	Community Outdoor Learning Centre	5/2/2020	Under assessment
DA 11/20 CC 7/20	Lot 6 DP631808, 25-29 Napier Street, Deniliquin	Gail Thomson, Amanda Smith and Janine Smith	Verandah replacement	6/3/2020	Under assessment
CC 8/20	Lot 1 DP724430, Lot 7304 DP1143172, Lot 262 DP634603, 149-173 Hardinge Street, Deniliquin	Denbrok Constructions	Deniliquin Rams clubrooms refurbishment	9/3/2020	Under assessment
DA 12/20	Lot 55 DP235441, 255 Hetherington Street, Deniliquin	Rit Mehra	Operate a home business – Indian vegetarian take away	9/3/2020	Under assessment
DA 13/20 CC 9/20	Lot 1 DP1132408, 1 Butler Street, Deniliquin	Luke and Kelly Arnett	Extension of carport and front awning	9/3/2020	Under assessment



DA 15/20	Lot 1 DP323712, 400 Wood Street, Deniliquin	Scott Randall	Demolish existing dwelling	13/3/2020	Under assessment
DA 16/20	Lot 448 DP40595, 221-223 Barham Road, Deniliquin	Mike Costin	2 lot subdivision	24/3/2020	Under assessment
Complying Development Certificates					
-	-	-	-	-	-
S68 Applications					
S68 2/19	Lot 1 DP1132408, 1 Butler Street, Deniliquin	Adam Rose	Extension to existing	15/2/2019	Awaiting further advice from the applicant
S68 1/20	Lot 13 DP756511, 7599 Pretty Pine Road, Moulamein	Down to Earth (Vic) Cooperative Society	Operate a camping ground	22/1/2020	Awaiting further information from the applicant

Applications Determined March 2020				
Application	Property Description	Applicant	Development	Amount
DA 16/15/ A	Lot 5, DP720227 & Lots 8, 22, 30, 31, 33, 34, 35, 36, 61, 72, DP756268, Conargo Road, Deniliquin	FS Falkiner & Sons Pty Ltd	Modification to the existing feedlot approval of 5,000 head of cattle and 15,000 head of sheep to 5,000 head of cattle and 15,000 head of sheep, or up to 8,000 head of cattle with no sheep not exceeding 7458 standard cattle units at any one time or, a varying number of	-



			cattle and sheep, not exceeding 15 000 head of sheep at any one time to a maximum of 7483 standard cattle units at any one time.	
DA 39/19	Lot 8 & 12, 13-15 Butler Street, Deniliquin	Frank and Dianne Rinaldi	7 lot community title subdivision	-
DA 74/19	Lot 31 DP124224, 29-35 Burton Street, Deniliquin	Neale & Caroline Shand	2 lot subdivision	-
DA 1/20	Lot 2 DP733786 & Lot 3 DP706004, 8710 Pretty Pine Road, Moulamein	Progressive Rural Solutions Pty Ltd	Use of existing 2 x 100 ML single cell approved storage dams as 550 ML single cell storage dam	20,500.00
DA 4/20	Lot 11 DP1123768 219 Wanderer Street, Lot 12 DP1123768 221 Wanderer Street, Lot 13 DP 1123768 & Lot 2 Sec 36 DP758782 334-342 Augustus Street, Deniliquin	Brandrick Architects	Stage 2 & 3 development of existing Edward River Council Deniliquin North Depot. Stage 2 - laying & levelling of new gravel surface & associated drainage works. Stage 3 – relocation of demountable administration building & associated works.	-
DA 7/20 CC 4/20	Lot 18 Sec 5 DP758913, 447 George Street, Deniliquin	Rod Priest	Storage shed	5,000.00
DA 10/20	Lot 3A DP30555, 238 Henry Street, Deniliquin	Darren & Cheryl Thommers	Install a demountable building	11,000.00
DA 14/20 CC 10/20	Lot 3 Sec 9 DP758913, 426 George Street, Deniliquin	LF & JA Barry	Carport	9,500.00
CC 6/20	Lot 15 DP38670, 521 St Michael Street, Deniliquin	Justin Zanatta	Replacement retaining wall and jetty	-
CC 11/20	Lot 13 DP1123768, 334-342 August Street, Deniliquin	Tony Campbell	Construct warehouse shedding – North Depot	-



S68 3/20	Lot 3A DP30555, 238 Henry Street, Deniliquin	Darren & Cheryl Thommers	Install a demountable building	-
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Processing Times for February 2020		
Application Type	Mean Gross Days	Mean Net Days
DA	69	44
Mod (S96) of DA & DA/CC	615	186
CDC	-	-
CC	19	19
S68 Applications	23	23

Value and Number of Applications Determined 2019 and 2020								
Month	DAs 2019	DAs 2020	CDCs 2019	CDCs 2020	S68 2019	S68 2020	Value 2019	Value 2020
January	5	3	1	2	0	-	\$608,750	\$737,500
February	3	3	1	1	0	-	\$397,819	\$89,175
March	4	7	0	-	2	1	\$287,580	\$46,000
April	9		2		1		\$181,439	
May	13		2		0		\$864,100	
June	6		0		3		\$895,990	
July	7		2		1		\$1,287,030	
August	6		1		1		\$731,323	
September	5		1		2		\$504,965	
October	6		0		0		\$1,198,000	
November	7		0		1		\$630,900	
December	9		0		1		\$12,415,000	
TOTALS	80	13	10	3	12	1	\$20,002,896.00	\$872,675



Note: numbers of application determined does not include construction certificates, modifications and applications determined by private certifiers. Value of application determined does not include the value of work for s68 applications.

Section 149 Certificates/Sewerage Drainage Diagrams	
Planning certificates	22
Sewerage drainage diagrams	14

Swimming Pool Inspection Program			
Month	1 st Inspection	2 nd Inspection	3 rd Inspection
March	4	-	-

Ranger’s Report – March 2020			
Companion Animals			
	Cats	Dogs	Other
Animals still impounded	0	0	
Animals seized/surrendered	0	10	-
Animals released to owner	1	9	
Animals euthanised	0	1	
Animals rehomed	0	0	
Dogs declared dangerous / menacing	0	0	
Animals microchipped by Council	0	1	
Animals microchipped by Council (Desexing program 3rd round)	4	0	
Animals microchipped by Council (quarterly free chipping week)	2	1	
Animals registered	28	14	
Animal registration notices sent	1	12	
Animal fines	0	3	
Clean Up Notices			



Property clean up notices	1
Illegal dumping	1 letter and 1 fine
Parking	
Parking fines	0
Parking patrols completed	2 – Napier Street
Impoundment (Impounding Act 1993)	
Vehicles	0
Livestock	0
Euthanised Wildlife	0

Dog Attacks

Date	Details	Victims	Outcome
25.3.20	1 dog attacked livestock	1 cow	Police were called, no injuries to cow, dog was shot sustained a minor wound. Police investigating.
22.3.20	1 dog attacked adult female	1 person bitten	Fines issued to dog owner, minor injuries to victim but no medical treatment required.



Dog Attacks 2019 and 2020

Month	No. of Incidents		No. of Attacking Dogs		No. of Victims	
	2019	2020	2019	2020	2019	2020
January	4	1	4	1	11	1
February	1	2	2	4	1	29
March	1	2	1	2	4	2
April	1		1		1	
May	2		3		7	
June	2		2		9	
July	4		6		4	
August	0		0		0	
September	2		4		6	
October	3		3		4	
November	1		1		1	
December	0		0		0	
TOTAL	21	5	27	7	48	32

10.8 WATER TRANSPORT ASSETS - MIL

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council;

1. Approve the request from Murray Irrigation Limited (MIL) to apply for funding under the Fixing Country Roads Program to complete load and condition assessments of the structures located within the Edward River Council Boundary,
2. Inform MIL that Council will seek advice in relation to updating the existing CAAT agreements about the ownership and management of water transport structures

BACKGROUND

Murray Irrigation Ltd (MIL) has approached each of the NSW Councils that it operates within seeking support for an application under Fixing Country Roads to have the bridge and structures network load assessed.

The impacted Councils are;

- Federation Shire Council
- Berrigan Shire Council
- Edward River Council
- Murray River Council
- Murrumbidgee Shire Council

MIL met with Infrastructure directors from each of the Councils and informed them that there are over 1450 bridges across their service area. 450 of these bridges are located within the boundaries of Edward River Council and MIL are concerned that 149 of these are in poor condition.

It is estimated that each bridge assessment will cost approximately \$8,000 to complete a full load assessment. This assessment will allow for concrete sampling and strength testing. It was discussed that a detailed assessment would be completed on a sample of approximately 10-20% of the bridges impacted, and that this will cost in the region of \$4,000,000.

Fixing Country Roads (FCR) is a \$543,000,000 NSW Government program providing targeted infrastructure from Restart NSW for projects benefiting regional freight.

Under the rules of FCR, MIL is unable to apply for funding directly as it is not a Council. MIL have been in correspondence with FCR in relation to options for governance of a funding application. They were advised that they could apply for funding for the project within each of the individual Council areas subject to obtaining delegation from each of the individual Councils. Berrigan Shire Council and Murray River Council have provided support to MIL to enable them to progress.

ISSUE/DISCUSSION

FCR is only open to applications from Councils. MIL have had advice from the fundraising body that they would be best to apply for funding for each of the Council areas separately. As part of this application MIL have requested ERC to sign a letter authorising *"Murray Irrigation to act on Council's behalf in the Bridge and Route Load Assessment Stream of the NSW Government Fixing Country Roads Program (Tranche 1, 2020) to apply for funding for load assessment of Council owned bridges and culverts leased to Murray Irrigation to apply for funding for load assessment of Council owned bridges and culverts leased to MIL (copy of letter attached)*

Ownership of Infrastructure

Council officers have been in discussions with MIL officers for a number of years across the region in relation to the local status of these bridges and structures. In 1995 Conargo Shire Council, Windouran Shire Council and Deniliquin Council signed agreements with MIL which outlines that the bridges and structures are Council assets, but that MIL are responsible for the management and maintenance. These are known as CAAT agreements. A copy of the former Conargo Shire agreement is attached as Attachment 1.

Council do not hold any of these bridges or structures on their asset register. Officers have been advised by MIL that the value of these structures within Edward River Council is approximately \$200,000,000. These assets are recognised by MIL on their accounts.

Some of the key items outlined within the CAAT agreement are:

Introduction

- D: The Structures are vested in Council*
- E: Work is necessary to bring the Water Management Works and Structures into a satisfactory state of repair*
- G: By clauses 1 and 4 of the heads of agreement Murray Irrigation is to carry out a Council agreed works program of refurbishment and upgrading of Structures and be responsible for the maintenance of the Structures*
- I: Although a lease does not vest ownership, Council is prepared, while ever the Leased Land remains in existence or for a term of 99 years, whichever is shorter, subject to the approval of the Director of Planning, and in consideration of the rent reserved by this Lease and of the covenants and obligations on the part of Murray Irrigation contained or implied in this Lease, to grant a lease of the air space above and the land below the surface of Public Roads to the extent that such air space above and land below comprises;
 - (a) The Structures; and*
 - (b) Any other structures listed in Schedule 1**

Definition

- (7) “maintain”, “maintained” and “maintenance” means conduct, or the subject of the conduct of, or the conduct of, regular or periodic works necessary to keep in good condition, having regard to fair wear and tear, the functional standard and state of condition and repair of the thing to be maintained.*
- (10) “refurbished” and “refurbishment” means renovated and restored, or the renovation and restoration of the functional standard and state of condition and repair of the thing to be refurbished, to good condition to the standards referred to in Schedule 2(b) (or standards applicable to a State highway if in a State highway). In the particular case this may include but is not limited to work which involves construction, erection, installation, repair, removal or replacement.*
- (20) “Works Program” means the program of works to be carried out in each year as agreed between Council and Murray Irrigation prior to the commencement of works in each year having regard to without being limited to:
 - (a) the reasonableness of the amount of works proposed and any dollars per road classification proposed to be expended on refurbishment;*
 - (b) the order of priority for works arising from clause 5.4(1)(a); and*
 - (c) the standards required by Council in the particular case having regard to the Standards**

4. Use of the Leased Land

- 4.1 (3) *The consent referred to in clause 4.1(2) is not limited in time by or to the term of the Lease, but it may be revoked by Council generally if Murray Irrigation fails or omits to carry out its obligations under this Lease, or fails or omits to comply with any legislation regulation statutory instrument direction order or conditions of a licence or consent, or for a particular case if Murray Irrigation is in default or is acting in a manner contrary to clause 4. Council must before revoke consent give Murray Irrigation a reasonable opportunity to rectify the failure or omission.*

5. Murray Irrigation's Obligations

Section 5 of the CAAT agreement outlines MIL obligations under the agreement. This has not been transcribed into the report and can be viewed directly within the attached agreements.

In Summary section 5 outlines that Murray Irrigation is responsible for the management, maintenance and renewal of all the assets that they required for the delivery of their service.

6. Council's Obligations

- 6.1 *Except as otherwise provided in this Lease Council agrees to continue to be responsible for monitoring the condition of the Public Roads*

- 6.2 *Subject to clause 5 and except as otherwise provided in this Lease:-*

- (1) *Council agrees to pay all costs associated with any road repair, road work or road alignment done or required by Council to be done as a result of increased roadway requirements, including any consequential upgrading of Structures considered by Council to be necessary.*
- (2) *Council agrees to construct, upgrade and maintain all Road Approaches and road pavements (if any) which are laid over structures except, in the case of a concrete decking which is an integral part of the road, any unpaved surface of that concrete decking.*

7. Works of Mutual Benefit

- 7.1 *The cost of any road repair, road work or road alignment done or required by Council to be done to Public Roads for the mutual benefit of Murray Irrigation and Council having regard to the carrying on by or on behalf of Murray Irrigation of its business (including but not limited to increased channel requirements), and the exercise of Council's powers as a roads authority (including but not limited to increased roadway requirements) will be borne by Council and Murray Irrigation in shares proportionate to the benefits each will take and having regard to clauses 5 and 6 of this Lease.*

- 7.2 *Murray Irrigation is obliged to carry out its obligations under clause 7.1 whether the term of the Lease has expired or not or has otherwise come to an end for any reason.*

In summary

The question of ownership, asset recognition and the management of these bridges and structures has been ongoing since the original agreements were signed in 1995.

From the extracts from the CAAT agreement provided above it appears that the assets were vested to Council due to their locations within the road reserve. This would have provided a means to manage and maintain these assets within the Road Act.

Council have no obligation that officers can see within the agreement to maintain, renew or upgrade the water transport structures. Councils obligations are to manage the road and ensure the roads are safe adjacent to the water transport structures.

The current model of ownership and leasing is outdated and there are mechanisms for MIL to own the assets subject to a similar agreement to the CAAT agreement.

It is, however, acknowledged that MIL and the service they deliver is critical for the local and regional economy. This project is required as the alternative is that some of the structures will require substantial weight restrictions. In some cases, they may need to be closed completely.

ORDINARY COUNCIL MEETING AGENDA

This will impact Councils road network and result in Council placing weight restrictions on a substantial proportion of our local roads. Directors from each of the impacted Councils and from MIL all concur that this would be a poor outcome and consider the best approach is to get external funding to carry out these assessments. MIL need this information and if external funding is not received, they will need to pass these costs onto their customers.

STRATEGIC IMPLICATIONS

This project will provide MIL with the information they require to manage and update the water transport structures across the Edward River Council area. Without this information there is a risk that load restrictions will be required on structures and roads which will limit the accessibility of some areas. By completing this project MIL will be able to work with Council to identify key transport routes and ensure that their works programs enable continued access to these areas.

COMMUNITY STRATEGIC PLAN

Outcome 1 – A great place to live

Outcome 4 – A region with quality and sustainable infrastructure.

FINANCIAL IMPLICATIONS

NIL

ATTACHMENTS

1. **Bridges & Culverts lease - Conargo Shire**
2. **ERC authority to MIL request**
3. **Bridges** **within** **Edward** **River** **LGA**



PLEASE ALL CORRESPONDENCE TO:
SHIRE CLERK
PO BOX 56, DENILIQUIN, N.S.W. 2710

COUNCIL CHAMBERS,

122 END STREET,
DENILIQUIN, N.S.W. 2710
TELEPHONE: (058) 81 204
FAX: (058) 81 256

28th June, 1995


The Directors
Murray Irrigation Limited
PO Box 528
DENILIQUIN NSW 2710

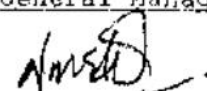
Dear Sirs

LEASE BETWEEN COUNCIL AND MURRAY IRRIGATION LIMITED

The attached lease between Council and Murray Irrigation Limited executed today, is expressed to be subject to the approval of the Director of Planning and will become effective according to its terms and conditions immediately such approval is given.

Yours faithfully


Peter Jorgensen
General Manager


Norm McAllister
Mayor

DEED

Dated *25th June* 1995

Parties

CONARGO SHIRE COUNCIL

MURRAY IRRIGATION LIMITED ACN 067 197 933

Sly & Weigall Sydney
Our ref: 11PI

DEED made 26th June 1995

PARTIES **CONARGO SHIRE COUNCIL**
a body corporate constituted under the *Local Government Act 1993*
of 122 End Street, Deniliquin New South Wales
("Council")

AND **MURRAY IRRIGATION LIMITED** ACN 067 197 933
incorporated in New South Wales, having its registered office
at 443 Charlotte Street, Deniliquin, New South Wales
("Murray Irrigation")

INTRODUCTION

- A. By proclamation published on 24 February 1995 a provision of the *Irrigation Corporations Act 1994* having the effect of establishing Murray Irrigation as a class 1 irrigation corporation, commenced. By proclamation published on 3 March 1995 Murray Irrigation was designated a class 2 irrigation corporation under the *Irrigation Corporations Act 1994*. Murray Irrigation is entitled to carry on the business and perform the functions prescribed by and referred to in the *Irrigation Corporations Act 1994* relating to class 2 irrigation corporations.
- B. On 13 February 1995 Heads of Agreement were agreed and signed on behalf of Murray Irrigation and the Murray Regional Group of CAAT.
- C. Clause 10 of the Heads of Agreement states that:-
'Councils agree in principle to provide financial support for the implementation of Land and Water Management Plans. Actual contributions will be by separate individual Council agreement'.
- D. As at the date of this Deed, no Land and Water Management Plan which relates to the Existing Area of Operations within the Local Government Area ("LWMP") has been negotiated or endorsed by the community. Accordingly, Council is presently unable to enter into a Separate Agreement between Council and Murray Irrigation, or Council and the Implementing Authority.
- E. Notwithstanding this, Murray Irrigation has requested and Council is prepared to enter into this Deed to acknowledge and reaffirm clause 10 of the Heads of Agreement insofar as Council acknowledges that in respect of a LWMP:-
- (1) Council agrees, in principle, to provide Financial Support for the implementation of such LWMP within the Local Government Area;
 - (2) Council's Financial Support in the particular case will be the subject of a Separate Agreement and will be subject to -
 - (a) the LWMP having been negotiated and endorsed by the community; and
 - (b) Council having considered the Financial Support appropriate to the particular circumstances having regard to Council's powers under the

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Local Government Act 1993, Council's available resources at the time, and Council's prior or existing commitments to LWMP within the Local Government Area.

- F. It is presently understood that Murray Irrigation has been appointed Implementing Authority to implement LWMP in its Existing Area of Operations.

IT IS AGREED

1. Definitions and Interpretations

1.1 Definitions

The following definitions apply in this Deed, including the Introduction, unless the context requires otherwise:-

- (1) "CAAT" means an alliance of fifteen councils known as Councils Against Asset Transfers.
- (2) "class 2 irrigation corporation" has the meaning given to it in the *Irrigation Corporations Act 1994*.
- (3) "Existing Area of Operations" has the meaning given to it in the *Irrigation Corporations Act 1994*.
- (4) "Financial Support" means the provision of cash to pay for the whole or part of a particular aspect of a LWMP, or the provision of other services in kind as appropriate to enable the implementation of a LWMP.
- (5) "Heads of Agreement" means Heads of Agreement agreed and signed on behalf of Murray Irrigation and the Murray Regional Group of CAAT on 13 February 1995.
- (6) "LWMP" means Land and Water Management Plan which relates to the Existing Area of Operations within the Local Government Area.
- (7) "Local Government Area" means local government area of Conargo Shire Council.
- (8) "Murray Regional Group" means the group of CAAT comprising eight councils in the Murray Region namely, the Shire of Wakool, Corowa Shire, Conargo Shire, Murray Shire, Jerilderie Shire, Windouran Shire, Berrigan Shire and Deniliquin.
- (9) "Separate Agreement" means separate agreement between Council and Murray Irrigation, or Council and the Implementing Authority, detailing the Financial Support to be provided by Council for a LWMP.
- (10) "Implementing Authority" means the implementing authority appointed to implement a LWMP.

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1.2 Interpretation

Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply unless the context requires otherwise:-

- (1) the singular includes the plural and conversely;
- (2) a gender includes all genders;
- (3) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (4) a reference to a person includes a body corporate, an unincorporated body or other entity and conversely;
- (5) a reference to a clause or schedule is to a clause of or schedule to this Deed;
- (6) a reference to any party to this Deed or any other agreement or document includes the party's successors and permitted assigns;
- (7) a reference to any agreement or document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time, except to the extent prohibited by this Deed;
- (8) a reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it and all regulations and statutory instruments issued under it;
- (9) a reference to "dollars" or "\$" is to Australian currency;
- (10) a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally;
- (11) a reference to conduct includes, without limitation, any omission, statement or undertaking, whether or not in writing.

2. Acknowledgment and Affirmation

2.1 Council acknowledges and affirms that in respect of a LWMP:-

- (1) Council agrees, in principle, to provide Financial Support for the implementation of such LWMP within the Local Government Area;
- (2) Council's Financial Support in the particular case will be the subject of a Separate Agreement and will be subject to
 - (a) the LWMP having been negotiated and endorsed by the community; and
 - (b) Council having considered the Financial Support appropriate to the particular circumstances having regard to Council's powers under the *Local Government Act 1993*, Council's available resources at the time, and Council's prior or existing commitments to LWMP within the Local Government Area.

EXECUTED as a deed at Deniliquin in the State of New South Wales

THE COMMON SEAL of
CONARGO SHIRE COUNCIL
was affixed pursuant to a resolution
of the Council authorising the
Seal to be affixed
dated
in the presence of:-

[Handwritten signature]

[Handwritten signature]

THE COMMON SEAL of MURRAY
IRRIGATION LIMITED
was affixed by authority of the
Board of Directors
in the presence of:-



[Handwritten signature]
Secretary

[Handwritten signature]
Director

LEASE

Dated *28th June* 1995

Parties

CONARCO SHIRE COUNCIL

MURRAY IRRIGATION LIMITED ACN 067 197 933

Sly & Weigall Sydney
Our ref: HPI:MBR

LEASE made 24th June 1995

PARTIES **CONARGO SHIRE COUNCIL**
a body corporate constituted under the *Local Government Act 1993*
of 122 End Street, Deniliquin New South Wales
("Council")

AND **MURRAY IRRIGATION LIMITED** ACN 067 197 933
incorporated in New South Wales, having its registered office
at 443 Charlotte Street, Deniliquin, New South Wales
("Murray Irrigation")

INTRODUCTION

- A. Pursuant to sections 7(4) and 145(3) of the *Roads Act 1993* Council is the roads authority for, and has vested in it in fee simple, the public roads within the local government area of Conargo Shire Council ("Public Roads") other than freeways or Crown roads or any public road for which some other public authority is declared by the regulations to the *Roads Act 1993* to be the roads authority.
- B. Forming part of some Public Roads are Water Management Works which may in some cases exist in conjunction with Structures.
- C. Pursuant to section 86 of the Act and a subsequent order under section 78 of the Act dated 23 February 1995 and commencing on 24 February 1995, some but not all of the Water Management Works are vested in Murray Irrigation.
- D. The Structures are vested in Council.
- E. Work is necessary to bring the Water Management Works and Structures into a satisfactory state of repair.
- F. On 13 February 1995 the Murray Regional Group of an alliance of fifteen councils known as Councils Against Asset Transfers ("CAAT") and Murray Irrigation agreed and signed heads of agreement ("Heads of Agreement"). The Murray Regional Group of CAAT comprises eight councils namely, the Shire of Wakool, Corowa Shire, Conargo Shire, Murray Shire, Jerilderie Shire, Windouran Shire, Berrigan Shire and Deniliquin.
- G. By clauses 1 and 4 of the Heads of Agreement Murray Irrigation is to carry out a Council agreed works program of refurbishment and upgrading of Structures and be responsible for the maintenance of the Structures.
- H. By clause 3 of the Heads of Agreement it was intended that ownership of the Structures be vested in Murray Irrigation. This has not occurred.
- I. Although a lease does not vest ownership, Council is prepared, while ever the Leased Land remains in existence or for a term of 99 years whichever is the shorter, subject to the approval of the Director of Planning, and in consideration of the rent reserved by this Lease and of the covenants and obligations on the part of Murray Irrigation contained or implied in this Lease, to grant a lease of the air space above and the land below the surface of Public Roads to the extent that such air space above and land below comprises:-

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- (a) the Structures; and
- (b) any other structures listed in Schedule 1,

to Murray Irrigation and Murray Irrigation has agreed to enter into this Lease upon the terms and conditions set out in this Lease.

- J.** By proclamation published on 24 February 1995 a provision of the Act having the effect of establishing Murray Irrigation as a class 1 irrigation corporation, commenced. By proclamation published on 3 March 1995 Murray Irrigation was designated a class 2 irrigation corporation under the Act. Murray Irrigation is entitled to carry on the business and perform the functions prescribed by and referred to in the Act relating to class 2 irrigation corporations.
- K.** Pursuant to section 138 of the *Roads Act 1993*, a person must not (among other things):-
- (a) erect a structure or carry out a work in, on or over a public road; or
 - (b) dig up or disturb the surface of a public road; or
 - (c) remove or interfere with a structure, work or tree on a public road; or
 - (d) pump water into a public road, from any land adjoining the road,
- otherwise than with the consent of the appropriate roads authority.
- A consent may not be given with respect to a classified road except with the concurrence of the RTA.
- L.** For the purposes of the *Noxious Weeds Act 1993* Murray Irrigation is an occupier of the land comprising Water Management Works which are vested in Murray Irrigation and, upon execution of this Lease, will be an occupier of the Leased Land.

IT IS AGREED

1. Definitions and Interpretations

1.1 Definitions

The following definitions apply in this Lease, including the Introduction, unless the context requires otherwise:-

- (1) "Act" means the *Irrigation Corporations Act 1994*.
- (2) "class 2 irrigation corporation" has the meaning given to it in the Act.
- (3) "classified road" has the meaning given to it in the *Roads Act 1993*.
- (4) "Leased Land" means the air space above and the land below the surface of Public Roads to the extent only that such air space above and land below comprise:-
 - (a) Structures; and

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- (b) any other structures listed in Schedule 1.

The parties have attempted to list the Leased Land in Schedule 1 to this Lease. The respective locations are identified by the Map Reference Numbers in Schedule 1 which relate to the grid on the plan which is annexed to this Lease as Annexure "A".

- (5) "Lease" means this deed of lease.
- (6) "Ministerial Corporation" has the meaning given to it in the Act.
- (7) "maintain", "maintained" and "maintenance" means conduct, or the subject of the conduct of, or the conduct of, regular or periodic works necessary to keep in good condition, having regard to fair wear and tear, the functional standard and state of condition and repair of the thing to be maintained.
- (a) Where the thing to be maintained has not been upgraded or refurbished, keeping in good condition the functional standard and state of condition and repair shall mean keeping in good condition its functional standard and state of condition and repair as at the date of execution of this Lease.
- (b) Where the thing to be maintained has been upgraded or replaced, keeping in good condition the functional standard and state of condition and repair shall mean keeping in good condition its functional standard and state of condition and repair as at the completion of the upgrading to the standards referred to in Schedule 2(a) (or standards applicable to a State highway if in a State highway).
- (c) Where the thing to be maintained has been refurbished, keeping in good condition the functional standard and state of condition and repair shall mean keeping in good condition its functional standard and state of condition and repair as at the completion of the refurbishment to the standards referred to in Schedule 2(b) (or standards applicable to a State highway if in a State highway).

In the particular case maintenance may include but is not limited to work which involves construction, erection, installation, repair, removal or replacement.

- (8) "Pollution Control Approval" and "Licence" have the meanings given in the *Pollution Control Act 1970*.
- (9) "Public Roads" means the public roads within the local government area of Conargo Shire Council other than freeways or Crown roads or any public road for which some other public authority is declared by the regulations to the *Roads Act 1993* to be the roads authority.
- (10) "refurbished" and "refurbishment" means renovated and restored, or the renovation and restoration of the functional standard and state of condition and repair of the thing to be refurbished, to good condition to the standards referred to in Schedule 2(b) (or standards applicable to a State highway if in a State highway). In the particular case this may include but is not limited to work which involves construction, erection, installation, repair, removal or replacement.
- (11) "road" has the meaning given to it in the *Roads Act 1993*.

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- (12) "Road Approaches" means all that part of Public Roads surrounding but not including Structures which would not exist but for the Structures including but not limited to all means of access to Structures, including footpaths and safety equipment, as may be agreed by the parties and, in the absence of agreement, as may be determined by expert determination.
- (13) "roads authority" has the meaning given to it in the *Roads Act 1993*.
- (14) "road work" has the meaning given to it in the *Roads Act 1993*.
- (15) "RTA" means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.
- (16) "Standards" means -
- (a) in relation to the upgrading of -
 - (i) Structures;
 - (ii) Water Management Works contained in Public Roads;
 - (iii) signs and guard rails associated with Structures including signs and guard rails on Road Approaches;
 - (iv) any paved surface on Structures,and the carrying out of any agreed consequential work considered by Council to be necessary, the standards referred to in Schedule 2(a) (or standards applicable to a State highway if in a State highway);
 - (b) in relation to the refurbishment of -
 - (i) Structures;
 - (ii) Water Management Works contained in Public Roads;
 - (iii) signs and guard rails associated with Structures including signs and guard rails on Road Approaches;
 - (iv) any paved surface on Structures,and the carrying out of any agreed consequential work considered by Council to be necessary, the standards referred to in Schedule 2(b) (or standards applicable to a State highway if in a State highway);
 - (c) in relation to the maintenance of -
 - (i) Structures;
 - (ii) Water Management Works contained in Public Roads;
 - (iii) signs and guard rails associated with Structures including signs and guard rails on Road Approaches,

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and the carrying out of any agreed consequential work considered by Council to be necessary, the standards required by Council in the particular case having regard to clause 1.1(7)(a),(b) and (c),

which standards are derived from -

- (A) Rural Road Design Austroads 1993;
- (B) Bridge Design Code Austroads 1992;
- (C) Bridge Management Practice Austroads 1991;
- (D) Interim Guide Signs and Markings - RTA 1978;
- (E) Control of Traffic at Worksites RTA 1995;
- (F) RTA Design Guide,

or such successor or modification of such standards as may be required by Council in a particular case as may be agreed between Murray Irrigation and Council from time to time.

- (17) "Structures" includes those bridges, culverts, and all fixtures and improvements ancillary thereto (including but not limited to diversion structures, guard rails, signs, guide posts, fences, gates, notices, lights, lighting equipment, kerbing and guttering) which -
- (a) exist in conjunction with Water Management Works (whether or not such Water Management Works are vested in Murray Irrigation); and
 - (b) are situated in the air space above and the land below the surface of Public Roads.

In the case of bridges with no paved surface, Structures includes the decking of the bridge (whether timber or concrete) excluding the top 1mm of such decking as it exists from time to time. In the case of bridges with a paved surface, Structures includes the decking of the bridge (whether timber or concrete) but does not include the paved surface on the decking.

- (18) "upgraded" and "upgrading" means improved, or improving, the functional standard and state of condition and repair of the thing to be upgraded for but not limited to the following reasons -
- (a) in order to improve its functional performance for road carriage purposes; or
 - (b) in order to improve its functional performance for water carriage purposes;
 - (c) in order to improve its functional performance for both road carriage and water carriage purposes,

to the standards referred to in Schedule 2(a) (or standards applicable to a State highway if in a State highway). In the particular case this may include but is not limited to work which involves construction, erection, installation, repair, removal or replacement.

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- (19) "Water Management Work" and "Work" have the meanings given in Division 3 of Part 4 of the Act, which Murray Irrigation own, or have a right to the control, use or benefit of;
- (20) "Works Program" means the program of works to be carried out in each year as agreed between Council and Murray Irrigation prior to the commencement of works in each year having regard to without being limited to -
- (a) the reasonableness of the amount of works proposed and any dollars per road classification proposed to be expended on refurbishment;
 - (b) the order of priority for works arising from clause 5.4(1)(a); and
 - (c) the standards required by Council in the particular case having regard to the Standards.

Where a Works Program has been agreed the parties may if they subsequently agree vary that Works Program.

1.2 Interpretation

Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply unless the context requires otherwise:-

- (1) the singular includes the plural and conversely;
- (2) a gender includes all genders;
- (3) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (4) a reference to a person includes a body corporate, an unincorporated body or other entity and conversely;
- (5) a reference to a clause or schedule is to a clause of or schedule to this Lease;
- (6) a reference to any party to this Lease or any other agreement or document includes the party's successors and permitted assigns;
- (7) a reference to any agreement or document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time, except to the extent prohibited by this Lease;
- (8) a reference to any legislation or to any provision of any legislation includes any modification nor re-enactment of it, any legislative provision substituted for it and all regulations and statutory instruments issued under it;
- (9) a reference to "dollars" or "\$" is to Australian currency;
- (10) a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally;
- (11) a reference to conduct includes, without limitation, any omission, statement nor undertaking, whether or not in writing.

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2. Grant of Lease

- 2.1 (1) Subject to the approval of the Director of Planning and in consideration of the rent reserved by this Lease and of the covenants and obligations on the part of Murray Irrigation contained or implied in this Lease, Council leases the Leased Land to Murray Irrigation while ever the Leased Land remains in existence or for a term of 99 years, whichever is the shorter.
- (2) This Lease commences on 1 July 1995.

3. Payment of Rent

- 3.1 Murray Irrigation will pay rent of \$1.00 for each year of the term, the first payment to be made on 1 July 1995 and thereafter on 1 July of each year during the term of this Lease.
- 3.2 Regardless of clause 3.1, Murray Irrigation may, at any time during the period 1 July 1995 to 30 June 1996, discharge its entire obligation for rent for the balance of the term by a single payment to Council of \$98.00.

4. Use of the Leased Land

- 4.1 (1) (a) Subject to clause 4.1(1)(b), Murray Irrigation shall use the Leased Land only for the purpose of carrying on the business and performing the functions of a class 2 irrigation corporation which includes using the Leased Land for the purpose of pumping or passing water into the Public Roads listed in Schedule 1 from land adjoining the Public Roads.
- (b) Murray must comply with the conditions of any Pollution Control Approval or Licence it may hold from time to time and keep such Pollution Control Approval or Licence effected or else pump or pass into the Public Roads only clean water.
- (2) Subject to -
- (a) clause 4.1(1)(b); and
- (b) the concurrence of the RTA in respect of Public Roads which are classified roads,

in consideration of the covenants and obligations on the part of Murray Irrigation contained or implied in this Lease, Council grants its consent as the appropriate roads authority to Murray Irrigation to pump water through Water Management Works into the Public Roads listed in Schedule 1 from land adjoining the Public Roads.

- (3) The consent referred to in clause 4.1(2) is not limited in time by or to the term of the Lease, but it may be revoked by Council generally if Murray Irrigation fails or omits to carry out its obligations under this Lease, or fails or omits to comply with any legislation regulation statutory instrument direction order or conditions of a licence or consent, or for a particular case if Murray Irrigation is in default or is acting in a manner contrary to clause 4. Council must before revoking consent give Murray Irrigation a reasonable opportunity to rectify the failure or omission.

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- 4.2 Murray Irrigation will not at any time use exercise or carry on or permit or suffer to be used or exercised or carried on upon the Leased Land or any part of the Leased Land any noxious noisome or offensive art trade business occupation or calling, and no act matter or thing may at any time be done in or upon the Leased Land or any part of the Leased Land which is or may be or grow to the annoyance nuisance grievance damage or disturbance of the occupiers or owners of adjoining lands.
- 4.3 Murray Irrigation will use its best endeavours to keep the Structures and Water Management Works above in or below Public Roads free of pests and rabbits at all times and will promptly eradicate pests and rabbits from the Structures and Water Management Works above in or below Public Roads. In complying with this clause 4.3 Murray Irrigation will not be relieved of its obligations under clause 5.10 of this Lease.

5. Murray Irrigation's Obligations

- 5.1 (1) To the extent that Murray Irrigation receives funding for refurbishment of road bridges and culverts under an agreement between the Minister Administering the Act, the Ministerial Corporation and Murray Irrigation ("the Funding Agreement"), Murray Irrigation must carry out the refurbishment of:-
- (a) Structures;
 - (b) Water Management Works contained in Public Roads;
 - (c) signs and guard rails associated with Structures including signs and guard rails on Road Approaches;
 - (d) any paved surface on Structures,
- in accordance with the Works Program and Murray Irrigation's Expenditure Schedule for refurbishment pursuant to this clause 5.1 which is in Schedule 3 to this Lease (based on dollars per road classification)("the Expenditure Schedule"), and carry out any agreed consequential work considered by Council to be necessary. The approval of Council will be required in respect of each refurbishment work prior to the commencement of each work.
- (2) The standards for the carrying out of the works in the Expenditure Schedule shall be the Schedule 2(b) Standards except insofar as the works in Schedule 3 are -
- (a) in a State highway (in which case the standards shall be the standards applicable to a State highway); or
 - (b) involve upgrading and replacement (in which case the standards shall be the Schedule 2(a) Standards).
- (3) No appeal pursuant to section 99(3) of the *Roads Act 1993* shall lie in respect of the obligation under this clause 5.1.
- 5.2 (1) If as a result of Murray Irrigation's requirements, the upgrade of a Structure is required, Murray Irrigation must at its expense carry out the upgrading of:-
- (a) Structures;
 - (b) Water Management Works contained in Public Roads;
 - (c) signs and guard rails associated with Structures including signs and guard rails on Road Approaches;
 - (d) any paved surface on Structures,

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in accordance with the Works Program and carry out any agreed consequential work considered by Council to be necessary to the standards referred to in Schedule 2(a). The approval of Council will be required in respect of each upgrading work prior to the commencement of each work.

- (2) No appeal pursuant to section 99(3) of the *Roads Act 1993* shall lie in respect of the obligation under this clause 5.2.

5.3 Murray Irrigation must at its expense at all times maintain:-

- (1) all Structures;
- (2) all Water Management Works contained in Public Roads;
- (3) all signs and guard rails associated with Structures including all signs and guard rails on Road Approaches,

in accordance with the Works Program and carry out any agreed consequential work considered by Council to be necessary, to the standards required by Council in the particular case having regard to the Standards.

- 5.4 (1) (a) Council acknowledges that prior to 31 March of each year Murray Irrigation will appoint an expert (with prior written approval of Council which will not be unreasonably withheld or delayed), to undertake a single risk analysis, in the combined local government areas of Shire of Wakool, Corowa Shire, Conargo Shire, Murray Shire, Jerilderie Shire, Windoutan Shire, Berrigan Shire and Deniliquin, of the effect on the Public Roads of the Structures, in order to determine the order of priority in which refurbishment pursuant to clause 5.1 will be undertaken in all those local government areas.
- (b) On completion of that risk analysis, a draft program of the works intended by Murray Irrigation to be carried out in each year is to be provided by Murray Irrigation to Council on or before 31 March of each year for Council's approval as the Works Program to be carried out by Murray Irrigation in the year commencing 1 July next following the submission of the draft Works Program.
- (c) The parties agree that the order of priorities for works for the year commencing 1 July following the submission of the draft Works Program referred to in clause 5.4(1)(b) as determined by Murray Irrigation under that clause will be accepted by Council as conclusive except -
- (i) where Council and Murray Irrigation agree in writing that a different order of priority will apply; or
 - (ii) in the case of manifest error, which will only be evidenced by the report of an appropriately qualified independent expert which determines that a specific Structure requires immediate work in order to be rendered safe.
- (2) A draft program of the works intended by Murray Irrigation to be carried out in the year commencing 1 July 1995 is to be provided by Murray Irrigation to Council on or before 30 September 1995 for Council's approval as the Works Program to be carried out by Murray Irrigation in the year commencing 1 July 1995.

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- 5.5 Any work which involves construction, erection, installation, removal or replacement will be subject to the prior approval of Council under Council's local approvals policy which may require lodging a development application and may result in the imposition of conditions.
- 5.6 (1) Any act or work which requires Council's consent as the appropriate roads authority pursuant to section 138 of the *Roads Act 1993* will be subject to Council granting its consent before the commencement of such act or work.
- (2) Any consent sought pursuant to section 138 of the *Roads Act 1993* will be subject to the concurrence of the RTA in respect of Public Roads which are classified roads and, subject thereto -
- (a) may not be unreasonably withheld by Council;
 - (b) may be granted on such conditions as Council thinks fit;
 - (c) need not be limited in time by or to the term of the Lease;
 - (d) may be revoked by Council generally or for a particular case in the event that Murray Irrigation fails or omits to carry out its obligations under this Lease, or fails or omits to comply with any legislation, regulation, statutory instrument, direction, order, or conditions of a licence or consent (including but not limited to conditions of a consent granted under section 138), and Council may, before or after revoking a consent, direct Murray Irrigation to take specified action to remedy at Murray Irrigation's expense any damage arising from its failure or omission.
- 5.7 (1) Subject to clauses 5.7(2) and 5.7(3), Murray Irrigation must pay all costs associated with any road repair, road work or road alignment required by Council to be done to Public Roads where Council gives written notice to Murray Irrigation that such road repair, road work or road alignment is required as a result (directly or indirectly) of the failure of Structures or Water Management Works above in or below Public Roads, or the carrying on by or on behalf of Murray Irrigation of its business (including but not limited to increased channel requirements, or any ingress of water onto Public Roads), or the carrying out of or failure or omission by or on behalf of Murray Irrigation to carry out any of its obligations under this Lease, or failure to comply with any legislation regulation statutory instrument direction order or conditions of a licence or consent.
- (2) Except where there is a clear danger to public safety and immediate action is needed to minimise or avoid that danger and there is insufficient or no time to notify Murray Irrigation so as to give Murray Irrigation the opportunity to carry out the work, the notice referred to in clause 5.7(1) must specify the work required to be done (including the manner in which or the standard to which it is required to be done) and the period (being at least 28 days) within which it is required to be done.
- (3) To the extent practicable the costs referred to in clause 5.7(1) shall be incurred on a responsible and commercial basis and an estimate of the costs should Council complete or carry out what is required to be done may be provided by Council, but this will not relieve Murray Irrigation or derogate from its obligation to pay the full cost.
- (4) In carrying out any work under this clause 5.7 Council shall -

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- (a) have all the powers of a roads authority under the *Roads Act 1993*;
 - (b) have the right to temporarily close any Water Management Work or Structure and divert water from any Work,
- and use its best endeavours to -
- (c) ensure that as little damage as possible is caused to the Leased Land; and
 - (d) minimise disruption to the business of Murray Irrigation.
- 5.8 (1) Murray Irrigation may invite tenders for the carrying out of any of the works which Murray Irrigation is obliged under clauses 5.1, 5.2, 5.3 and 5.7 of this Lease or directed by Council to carry out or pay for and may accept a tender with the prior approval of Council, which approval will not be unreasonably withheld. Council may tender for the carrying out of any such works.
- (2) If Council directs Murray Irrigation to alter any Work or Structure pursuant to section 98 of the *Roads Act 1993*, or otherwise than pursuant to this Lease, then the cost of the alteration will be borne by Council provided that Murray Irrigation agrees to invite tenders for carrying out of the works directed by Council to be carried out and Murray Irrigation may accept a tender with the prior approval of Council, which approval will not be unreasonably withheld. Council may tender for the carrying out of any such works.
- 5.9 (1) If there is a clear danger to public safety resulting (directly or indirectly) from Murray Irrigation's failure or omission to carry out to Council's satisfaction any of its obligations under clause 5.3 then Council may upon giving written notice to Murray Irrigation enter upon the Leased Land and at Murray Irrigation's cost complete or carry out any or all of Murray Irrigation's obligations under clause 5.3 and make any consequential alterations to the Structures or Water Management Works and all costs incurred shall be a debt recoverable from Murray Irrigation.
- (2) Except where immediate action is needed to minimise or avoid the danger to public safety and there is insufficient or no time to notify Murray Irrigation so as to give Murray Irrigation the opportunity to carry out the work, the notice referred to in clause 5.9(1) must specify the work required to be done (including the manner in which or the standard to which it is required to be done) and the period (being at least 28 days) within which it is required to be done.
- (3) To the extent practicable the costs referred to in clause 5.9(1) shall be incurred on a responsible and commercial basis and an estimate of the costs should Council complete or carry out what is required to be done may be provided by Council, but this will not relieve Murray Irrigation or derogate from its obligation to pay the full cost.
- (4) In carrying out any work under this clause 5.9 Council shall -
- (a) have all the powers of a roads authority under the *Roads Act 1993*;
 - (b) have the right to temporarily close any Water Management Work or Structure and divert water from any Work,
- and use its best endeavours to -

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- (c) ensure that as little damage as possible is caused to the Leased Land; and
- (d) minimise disruption to the business of Murray Irrigation.

5.10 In carrying out its business and its obligations under this Lease and any legislation, regulation, statutory instrument, direction, order, or conditions of a licence or consent, Murray Irrigation must at all times:-

- (1) observe the rights of passage of members of the public and owners of adjoining land along, to and from all public roads;
- (2) provide support for the Public Roads;
- (3) subject to clause 4.1(1)(b), not pollute or permit to be polluted any air, water or property,

and use its best endeavours to -

- (4) ensure that no damage is caused to Council's property;
- (5) not disrupt the business of Council,

and nothing in this Lease relieves Murray Irrigation or derogates from its obligations to comply at all times with all legislation (including but not limited to the *Roads Act 1993*) regulations, statutory instruments, directions, orders, or conditions of a licence or consent.

5.11 Murray Irrigation agrees to indemnify Council in respect of all claims for which Council might otherwise be liable for death bodily injury or damage to property arising directly or indirectly within or outside the term of this Lease by reason of the existence of Structures or Water Management Works above in or below Public Roads including the failure of such Structures or Water Management Works, or the carrying on by or on behalf of Murray Irrigation of its business (including but not limited to use of the Leased Land, whether permitted or otherwise), or the carrying out of or failure or omission by or on behalf of Murray Irrigation to carry out any of its obligations under this Lease, or failure to comply with any legislation regulation statutory instrument direction order or conditions of a licence or consent, excepting only claims arising out of the negligence or deliberate act or omission of Council, its servants or agents.

5.12 Murray Irrigation must at its expense effect and keep effected at all times adequate public risk insurance cover to a sum not less than \$10,000,000 (or such greater sum as may be reasonably nominated by Council from time to time) in respect of death bodily injury or damage to property arising directly or indirectly within or outside the term of this Lease by reason of the existence of Structures and Water Management Works above in or below Public Roads including the failure of such Structures or Water Management Works, or the carrying on by or on behalf of Murray Irrigation of its business (including but not limited to use of the Leased Land, whether permitted or otherwise), or the carrying out of or failure or omission by or on behalf of Murray Irrigation to carry out any of its obligations under this Lease, or failure to comply with any legislation regulation statutory instrument direction order or conditions of a licence or consent, excepting only claims arising out of the negligence or deliberate act or omission of Council, its servants or agents.

5.13 Murray Irrigation must at its expense effect and keep effected at all times adequate insurance cover for all Structures or Water Management Works above in or below Public Roads in respect of damage by fire, fusion, theft, explosion, storm, tempest, lightning, subsidence or collapse, riot, strikes, impact of vehicles or aircraft, water damage and malicious damage and any other perils reasonably required to be insured against by

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Council with an insurer approved by Council to a value not less than the replacement value of the Structures and Water Management Works.

- 5.14 In exercising its rights and carrying out its covenants and obligations contained or implied in this Lease, Murray Irrigation will at all times observe its obligations and comply with any notices given under the *Nuisious Weeds Act 1993*.
- 5.15 The covenants and powers implied in every lease by virtue of sections 84 and 85 of the *Conveyancing Act 1919* (as amended), will not apply or be implied in this Lease except to the extent that they are specifically included in the Lease.
- 5.16 Murray Irrigation must not assign transfer demise sublet mortgage part with possession of the Leased Land or any part of the Leased Land.
- 5.17 Murray Irrigation will pay all costs, fees, stamp duty (including fines and penalties) and expenses (including legal costs calculated on a solicitor/client basis) of and incidental to this Lease and any instruments executed under this Lease and of any default by Murray Irrigation in observing and performing the covenants and obligations contained or implied in this Lease.
- 5.18 Murray Irrigation is obliged to carry out its obligations under this clause 5 whether the term of the Lease has expired or not or has otherwise come to an end for any reason.

6. Council's Obligations

- 6.1 Except as otherwise provided in this Lease Council agrees to continue to be responsible for monitoring the condition of the Public Roads.
- 6.2 Subject to clause 5 and except as otherwise provided in this Lease:-
- (1) Council agrees to pay all costs associated with any road repair, road work or road alignment done or required by Council to be done as a result of increased roadway requirements, including any consequential upgrading of Structures considered by Council to be necessary.
 - (2) Council agrees to construct, upgrade and maintain all Road Approaches and road pavements (if any) which are laid over Structures except, in the case of a concrete decking which is an integral part of the road, any unpaved surfaces of that concrete decking.

7. Works for Mutual Benefit

- 7.1 The cost of any road repair, road work or road alignment done or required by Council to be done to Public Roads for the mutual benefit of Murray Irrigation and Council having regard to the carrying on by or on behalf of Murray Irrigation of its business (including but not limited to increased channel requirements), and the exercise of Council's powers as a roads authority (including but not limited to increased roadway requirements) will be borne by Council and Murray Irrigation in shares proportionate to the benefit each will take and having regard to clauses 5 and 6 of this Lease.
- 7.2 Murray Irrigation is obliged to carry out its obligations under clause 7.1 whether the term of the Lease has expired or not or has otherwise come to an end for any reason.

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8. Quiet Enjoyment

- 8.1 Subject to clause 5.10 and except as otherwise provided in this Lease, Council agrees with Murray Irrigation that upon Murray Irrigation paying the rent reserved by this Lease and performing and observing its covenants and obligations contained or implied in this Lease Murray Irrigation may peaceably and quietly possess and enjoy the Leased Land during the term of this Lease.

9. Transfer to another roads authority

- 9.1 If the Leased Lands are transferred or vested in another roads authority at any time, Council will ensure that the new roads authority has notice of this Lease and will use its best endeavours to encourage the new roads authority to enter into a covenant with Murray Irrigation acknowledging the rights and obligations of Murray Irrigation (including this clause).

10. Further Assurances

- 10.1 The parties shall take all steps, execute all documents and do everything reasonably required to give effect to the transactions contemplated by this Lease including but not limited to -
- (1) the doing of all things necessary to identify the items the subject of the Indicative Expenditure Schedule referred to in clause 5.1(2), their priority, and (if necessary) the standard required by Council in the particular case, which items priorities and standards are intended by the parties to form part of Schedule 3 as at the date of execution of this Lease but may not be included in Schedule 3 at that time and the parties will ensure that such items priorities and standards are from time to time incorporated in and treated as if they had been part of Schedule 3 as at the date of execution of this Lease;
 - (2) the doing of all things necessary to prepare a Lease in registrable form (which shall include the identification and production of title and the Leased Land being described in writing or by plan to the satisfaction of the Land Titles Office) on the terms and conditions identical to the terms and conditions of this Lease and register the same;
 - (3) the doing of all things necessary to identify all Structures meeting the description in clause 1.1(17), and all Water Management Works contained in Public Roads the ownership of which is not vested in the Ministerial Corporation or Murray Irrigation ("unvested Water Management Works"), which Structures and unvested Water Management Works are intended by the parties to form part of the Leased Land as at the date of execution of this Lease but were omitted from Schedule 1 in error and the parties will -
 - (a) ensure that Schedule 1 is corrected from time to time to incorporate such Structures and unvested Water Management Works (including a description in writing or by plan satisfactory for the purposes of clause 10.1(2)), and that such Structures and unvested Water Management Works are treated as if they had been part of Schedule 1 as at the date of execution of this Lease; or
 - (b) take all steps, execute all documents and do everything reasonably required to enter into a lease on terms and conditions similar if not

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identical to the terms and conditions of this Lease in relation to such Structures and unvested Water Management Works and shall do all things necessary to prepare such lease in registrable form (which shall include the identification and production of title and the leased land being described in writing or by plan to the satisfaction of the Land Titles Office) and register the same.

10.2 In the event that any new Structures or new Water Management Works come into existence which form part of a Public Road, then provided Council is prepared to grant and the Director of Planning approves a lease of the air space above and the land below the surface of Public Roads to the extent that such air space above and land below comprises:-

- (1) new Structures;
- (2) new Water Management Works the ownership of which is not vested in the Ministerial Corporation or Murray Irrigation,

the parties shall take all steps, execute all documents and do everything reasonably required to enter into a lease on terms and conditions similar if not identical to the terms and conditions of this Lease in relation to such new Structures or Water Management Works and shall do all things necessary to prepare such lease in registrable form (which shall include the identification and production of title and the leased land being described in writing or by plan to the satisfaction of the Land Titles Office) and register the same.

10.3 In the event that any Crown road becomes a public road vested in Council, of which any Structures or Water Management Works form part, then provided Council is prepared to grant and the Director of Planning approves a lease of the air space above and the land below the surface of such road to the extent that such air space above and land below comprises:-

- (1) Structures; and
- (2) Water Management Works the ownership of which is not vested in the Ministerial Corporation or Murray Irrigation,

the parties shall take all steps, execute all documents and do everything reasonably required to enter into a lease on terms and conditions similar if not identical to the terms and conditions of this Lease in relation to such Structures and Water Management Works and shall do all things necessary to prepare such lease in registrable form (which shall include the identification and production of title and the leased land being described in writing or by plan to the satisfaction of the Land Titles Office) and register the same.

10.4 In the event that any:

- (1) bridges, culverts, and all fixtures and improvements ancillary thereto (including but not limited to diversion structures, guard rails, signs, guide posts, fences, gates, notices, lights, lighting equipment, kerbing and guttering exist or come into existence in conjunction with Water Management Works (whether or not such Water Management Works are vested in Murray Irrigation); or
- (2) Water Management Works exist or come into existence the ownership of which is not vested in the Ministerial Corporation or Murray Irrigation,

above in or below property vested in Council not being a Public Road, then provided Council is prepared to grant a lease of such:-

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- (3) Structures; and
- (4) Water Management Works the ownership of which is not vested in the Ministerial Corporation or Murray Irrigation,

the parties shall take all steps, execute all documents and do everything reasonably required to enter into a lease on terms and conditions similar if not identical to the terms and conditions of this Lease in relation to such Structures and Water Management Works and shall do all things necessary to prepare such lease in registrable form (which shall include the identification and production of title and the leased land being described in writing or by plan to the satisfaction of the Land Titles Office) and register the same.

- 10.5 Murray Irrigation is obliged to carry out its obligations under clauses 10.1(3), 10.2, 10.3 and 10.4 whether the term of the Lease has expired or not or has otherwise come to an end for any reason.

11. Entire Agreement

- 11.1 This Lease contains the entire agreement of the parties with respect to its subject matter. It sets out the only conduct relied on by the parties and supersedes all earlier conduct by the parties with respect to its subject matter.

12. Amendment

- 12.1 The provisions of this Lease may at any time be varied, amended, or brought to an end only by another deed executed by the parties.

13. No Waiver

- 13.1 No failure to exercise and no delay in exercising any right, power or remedy under this Lease will operate as a waiver, nor will any single or partial exercise of any right, power or remedy preclude any other or further exercise of that or any other right, power or remedy.

14. No Merger

- 14.1 The rights and obligations of the parties will not merge on completion of any transaction under this Lease. They will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing any transaction.

15. Inurement

- 15.1 This Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.

16. Governing Law

- 16.1 This Lease is governed by the laws of New South Wales. The parties submit to the exclusive jurisdiction of courts exercising jurisdiction there.

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17. Default and Termination**17.1 Default**

Murray Irrigation defaults if:

- (1) any money payable by Murray Irrigation is unpaid for 28 days or for any other period specified in any notice;
- (2) repairs required by any notice are not carried out by Murray Irrigation within the time specified in the notice;
- (3) Murray Irrigation fails to perform or observe any of its covenants or obligations under this Lease;
- (4) Murray Irrigation proposes to become, or holds a meeting of its creditors to consider any proposal that Murray Irrigation become:
 - (a) an 'insolvent under administration'; or
 - (b) an externally administered body corporate,as those terms are defined under the *Corporations Law*.

17.2 Forfeiture of Lease

Subject to giving any prior demand or notice required by any Law or under the provisions of this Lease and without prejudice to any other claim which Council has or may have against Murray Irrigation or any other person in respect of default, if Murray Irrigation defaults as specified in clause 17.1 then Council may, if it considers such default to be an extreme and irredeemable circumstance which in Council's opinion cannot be satisfactorily addressed by damages or specific performance:

- (1) re-enter and take possession of the Leased Land (by force if necessary) and eject Murray Irrigation and all other persons and this Lease will terminate;
- (2) by notice to Murray Irrigation, terminate this Lease from the date of giving the notice; or
- (3) by notice to Murray Irrigation, terminate this Lease immediately and convert the unexpired portion of the term into a tenancy from month to month and, after the notice and until the tenancy is terminated, Murray Irrigation will occupy the Leased Land as tenant from month to month.

17.3 Council May Rectify

Without notice to Murray Irrigation, any costs incurred by Council in remedying a default may be treated by Council as a liquidated debt payable by Murray Irrigation.

17.4 Waiver

- (1) **Waiver Must Be in Writing**

No waiver by Council will be effective unless it is in writing.

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(2) No Waiver

- (a) Council's failure to take advantage of any default by Murray Irrigation will not be construed as waiving the default.
- (b) No custom or practice which evolves between the parties will constitute a waiver or lessen Council's right to insist upon Murray Irrigation's strict performance or observance of any provision of this Lease or to exercise any of Council's other rights.

(3) Acceptance or Demand for Rent Not Waiver

Regardless of Council's knowledge at the time, a demand by it for money payable under this Lease or the subsequent acceptance of money will not constitute a waiver of any earlier default by Murray Irrigation.

17.5 Tender After Termination

In the absence of any election by Council, any money tendered by Murray Irrigation after termination and accepted by Council will be applied:

- (1) first, on account of any unpaid money due under this Lease at the date of termination; and
- (2) second, on account of Council's costs of re-entry.

17.6 Interest on Overdue Money**(1) Interest**

Murray Irrigation will pay interest to Council at the rate of 10% per annum calculated on daily rests on any money or costs due to Council and unpaid for 28 days.

(2) Conditions

Interest will:

- (a) accrue from day to day;
- (b) be capitalised on the last day of each month;
- (c) be payable on the first day of each month where an amount arose in the preceding month or months; and
- (d) be computed from the date for payment of the money or costs until payment.

18. Notices

- 18.1 Any notice, approval, consent or other communication (in this Clause collectively called a "notice") required to be given or served in connection with this Agreement must be in writing and must be given:-

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- (1) by facsimile to the facsimile reception number most recently advised in writing by the recipient party to the party giving the notice; or
- (2) by registered post or hand delivery to the address of the recipient party set out in this Agreement or such other address as may later be notified in writing by the recipient party to the party giving the notice.

18.2 A notice given in accordance with this clause 18 is deemed to be received:-

- (1) in the case of a facsimile transmission, upon completion of the relevant transmission without any error or malfunction;
- (2) in the case of delivery by registered mail, 2 business days after the registration of the notice for posting; and
- (3) in the case of hand delivery, upon delivery to the recipient party.

19. Disputes

19.1 Notice of Dispute

If a dispute arises out of or in connection with any provision or obligation under this Lease at any time then either party may give the other a written notice identifying the particulars of the dispute and the dispute must then be dealt with in the manner provided in this clause 19.

19.2 Compulsory Negotiation

- (1) The party who gives a notice under clause 19.1 must designate in its notice as its representative in negotiations relating to the dispute a person with authority to settle the dispute and the other party must promptly give notice in writing to the first party designating as its representative in negotiations relating to the dispute a person with like authority.
- (2) The designated persons must, within 28 days after the last designation required by clause 19.2(1), following whatever investigation each deems appropriate, seek to resolve the dispute.
- (3) If the dispute is not resolved within the 28 days (or within such further period as the representatives may agree is appropriate) the parties must within a further 10 days (or within such further period as the representatives may agree is appropriate) seek to agree on a process for resolving the dispute through further negotiations, mediation or conciliation; including:
 - (a) the procedure, timetable and any exchange of documents and other information relating to the dispute;
 - (b) procedural rules and a timetable for the conduct of the selected mode of processing the dispute;
 - (c) a procedure for selection and compensation of any neutral person who may be employed by the parties in dispute; and
 - (d) whether the parties should seek the assistance of a dispute resolution organisation.

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- (4) The parties acknowledge that the purpose of any exchange of information or documents or the making of any offer of settlement pursuant to this clause is to attempt to settle the dispute between the parties. Neither party may use any information or documents obtained through the dispute resolution process established by this clause for any purpose other than in an attempt to settle a dispute between the parties to this Lease.

19.3 Expert Determination

- (1) If the parties are unable to agree on a dispute resolution process within the time established or agreed under clause 19.2(3) then either party may after the expiration of the time referred to in clause 19.2(3) refer the dispute to the RTA for determination by the RTA as an expert.
- (2) If the RTA declines to accept the appointment as the expert under Clause 19.3(1) within 28 days of the dispute being referred to the RTA under Clause 19.3(1) then either party may thereafter refer the dispute to an expert to be appointed by the chairman or the chairman's nominee of the New South Wales Chapter of the Institute of Arbitrators, Australia ("Institute") (or such other body as carries on the functions of the Institute).
- (3) The expert appointed under clause 19.3(1) or 19.3(2) must:
- (a) inform the parties of the procedures the expert intends to follow in order to resolve the dispute;
 - (b) decide the dispute within the shortest practicable time; and
 - (c) deliver a written report stating the expert's opinion with respect to the matters in dispute, setting out the reasons for the expert's decision,
- and the parties must provide the expert with all information and assistance the expert reasonably requests for the purpose of resolving the dispute.
- (4) The expert must act as an independent expert, not as an arbitrator. The expert's decision is conclusive and final and binding on the parties (except in the case of manifest error).
- (5) The parties must bear their own costs in connection with the resolution of any dispute under this clause. The costs of the expert and of third parties or separate organisations (not being advisors, consultants or lawyers engaged by individual parties) incurred in the conduct of negotiations, discussions, mediation or conciliation under this clause are to be paid by the parties in dispute in equal shares. If one party pays more than their proportion of the costs of the expert and any third parties, the proportion due from the other party may be recovered as a debt.

19.4 Alternative Expert Procedure

Where the RTA declines to accept the appointment as the expert under 19.3(1) or the Institute or its successor is no longer in existence when the provisions of clause 19.3(2) are invoked then the following provisions will apply:

- (1) The parties agree they will use their best endeavours to agree on the appointment of another expert to act as the expert for the purposes of clause 19.3.

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- (2) If the parties have not agreed under clause 19.4(1) within the time established or agreed under clauses 19.2(3) and 19.3 as to the appointment of another expert to resolve the dispute then either party is authorised by the other to thereafter apply to the Supreme Court of New South Wales for appropriate orders seeking directions for the appointment of an expert to resolve the dispute in accordance with the provisions of this Lease and for these purposes the Supreme Court is authorised by the parties to appoint the expert. The costs of any application to the Supreme Court will be paid by the parties in equal shares.

19.5 Expert

For the purposes of clause 19 an expert must be a person who is an engineer of at least five years' experience practising in the relevant area the subject matter of the dispute referred to under clause 19.1 of this Lease.

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SCHEDULE 1
("The Leased Land, the Public Roads and locations")

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MURRAY IRRIGATION LIMITEDRoad Crossings Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	O R
387	DEI1615	Road culvert	DC WOODBURY SOUTH	Lakers Rd	
396	DEI0131	Road culvert	DC NO 1 BOX CREEK	- Pyles Rd	
460	DEI0328	Road culvert	DC NO 6 BOX CREEK	James Rd	
562	DEI0106	Road culvert	DC NO 1 BOX CREEK	Cowans Rd	
1034	DEI0260	Road culvert	DC NO 5 BOX CREEK	James Road	
572	DRI0511	Road bridge	DC BOX CREEK ESCAPE	James Rd	
964	DEI1183	Road Culvert	DC MYRTLE PARK	Larkins Rd	C
969	DEI0022	Road culvert	DC BLIGHTY RETREAT	Blighty School Road	
970	DEI0036	Road culvert	DC BLIGHTY RETREAT	Blighty Hall Rd	
971	DEI0067	Road culvert	DC BLIGHTY RETREAT	Hamilton Rd.	
972	DEI0079	Road culvert	DC BLIGHTY RETREAT	L-Martins Rd	
973	DEI0096	Road culvert	DC BLIGHTY RETREAT	Coree Rd.	
981	DEI0273	Road culvert	DC NO 5 BOX CREEK	Fullers Lane	
982	DEI0266	Road culvert	DC NO 5 BOX CREEK	Fullers Lane	
983	DEI0285	Road culvert	DC NO 5 BOX CREEK	Tuppall Road	
986	DEI0323	Road culvert	DC NO 6 BOX CREEK	Brookmans Rd	
987	DEI0307	Road culvert	DC NO 6 BOX CREEK	Brookmans Rd	
991	DQI1090	Road culvert	DC MOONEY SWAMP	Mooney Swp Rd	
993	DEI1409	Road culvert	DC No 1 WOODBURY CE	Bouchiers Rd	
994	DEI1411	Road culvert	DC WOODBURY CENTRE	Coree Rd	
995	DEI1437	Road culvert	DC WOODBURY CENTRE	Mooney Swp Rd	
996	DEI1442	Road culvert	DC WOODBURY CENTRE	Hartwood Rd	
997	DEI1426	Road culvert	DC WOODBURY CENTRE	Cowies Rd	
998	DEI1444	Road culvert	DC WOODBURY CENTRE	HR520 MOONEY SWMP RD	
999	DEI1450	Road culvert	DC WOODBURY CENTRE	Blighty Hall Rd.	
1000	DEI1454	Road culvert	DC WOODBURY CENTRE	Mooney Swp Rd.	
1001	DEI1466	Road culvert	DC WOODBURY CENTRE	Lakers Rd.- Minor	
1002	DEI1478	Road culvert	DC WOODBURY CENTRE	Woodbury Rd	

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MURRAY IRRIGATION LIMITEDRoad Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road
1003	DQI1059	Road culvert	DC MOONEY SWAMP	Hindley's Road
1004	DQI1061	Road culvert	DC MOONEY SWAMP	Hindley's Road
1005	DQI1073	Road culvert	DC MOONEY SWAMP	CASSIDY TRACK
1006	DQI1078	Road culvert	DC MOONEY SWAMP	Hindley's Road
1007	DEI1491	Road culvert	DC WOODBURY NORTH	HR 509 - Moonee Swam
1008	DEI1504	Road culvert	DC WOODBURY NORTH	Lyndhurst Rd
1009	DEI1522	Road culvert	DC WOODBURY NORTH	Hartwood Rd
1010	DEI1528	Road culvert	DC WOODBURY NORTH	Mayrung Chl&Blg HL F
1011	DEI1561	Road culvert	DC WOODBURY NORTH	Woodbury Rd.
1012	DEI1574	Road culvert	DC WOODBURY NORTH B	Russells Rd
1013	DEI1581	Road culvert	DC WOODBURY SOUTH	Blighty School Road
1014	DEI1585	Road culvert	DC WOODBURY SOUTH	Bouchiers Rd
1015	DEI1594	Road culvert	DC WOODBURY SOUTH	Bouchiers Rd
1016	DEI1595	Road culvert	DC WOODBURY SOUTH	Blighty Hall Rd
1017	DEI1601	Road culvert	DC WOODBURY SOUTH	Bouchiers Rd
1018	DEI1618	Road culvert	DC WOODBURY SOUTH	HR583 GRIFFITHS TRA
1019	DEI1219	Road culvert	DC MYRTLE PARK WEST	Larkins Rd
1024	DEI1597	Road culvert	DC WOODBURY SOUTH	Bouchiers Rd
<u>No. of Road Crossings</u>			<u>46</u>	<u>Conargo Shire</u>

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO	Channel	Road
2	QI02364	BLIGHTY MAIN	CONARGO ROAD
4	QI02840	BLIGHTY 6A	CONARGO ROAD
5	QI02917	Road bridge and regulat BLIGHTY 6 WB	THOLOBIN ROAD
6	QI02363	Road culvert BLIGHTY MAIN	THOLOBIN ROAD
7	QI02918	Road culvert BLIGHTY 6 WB	CONARGO ROAD
8	QI02915	Road bridge BLIGHTY 6 WB	CONARGO ROAD
10	QI02919	Road culvert BLIGHTY 6 WB	CONARGO ROAD
11	QI02916	Road bridge BLIGHTY 6 WB	CONARGO ROAD
12	QI02920	Road culvert BLIGHTY 6 WB	BOONUKE ROAD
18	QI01598	Spur pipeline BIRGANBIGIL MAIN	ODDYS ROAD
19	QI01592	Road culvert BIRGANBIGIL MAIN	CONARGO ROAD
20	RI02143	Road bridge BOX CK ESCAPE WB	CONARGO ROAD

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO	Channel	Road	
21	Q101763	Road culvert	BIRGANBICIL 8	CONARGO ROAD CON
22	Q101762	Road bridge and regulat	BIRGANBICIL 8	ARATULA ROAD CON
23	Q101587	Road bridge	BIRGANBICIL MAIN	MAWS ROAD CON
24	Q101597	Spur pipeline	BIRGANBICIL MAIN	ARATULA ROAD CON
25	Q101750	Road bridge	BIRGANBICIL 7	ARATULA ROAD CON
26	Q100994	Road bridge and regulat	MUNDIWA 3	ARATULA ROAD CON
27	Q108876	Road bridge	MUNDIWA MAIN	LAWSONS ROAD CON
28	Q108877	Road bridge	MUNDIWA MAIN	TODDS ROAD CON
29	Q108878	Road bridge	MUNDIWA MAIN	CONARGO RD CON
30	Q108880	Road culvert	MUNDIWA MAIN	CONARGO ROAD CON
31	Q109061	Road bridge and regulat	MUNDIWA 8	WANDCOK ROAD CON
34	Q109040	Road culvert	MUNDIWA 7	WANDCOK ROAD CON
37	Q102358	Road bridge	BLIGHTY MAIN	THOLOBIN ROAD CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO	Channel	Road	
41	QI01717	RIRGANBIGIL 6	LINDIFFERON ROAD	CON
42	RI02141	BOX CK ESCAPE WB	LINDIFFERON ROAD	CON
43	QI01728	BIRGANBIGIL 6A	LEHMANS ROAD	CON
44	QI01586	BIRGANBIGIL MAIN	COSGROVES ROAD	CON
45	QI01596	BIRGANBIGIL MAIN	COSGROVES ROAD	CON
46	QI01695	BIRGANBIGIL 5	SMITHS ROAD	CON
47	QI01595	BIRGANBIGIL MAIN	COSGROVES ROAD	CON
48	QI01637	BIRGANBIGIL 10	COSGROVES ROAD	CON
51	QI01584	BIRGANBIGIL MAIN	MILLS ROAD	CON
52	QI02619	BLIGHTY 2	LINDIFFERON ROAD	CON
53	QI02618	BLIGHTY 2	LINDIFFERON ROAD	CON
54	QI02357	BLIGHTY MAIN	HOSKINGS ROAD	CON
56	QI02369	BLIGHTY MAIN	LANDALE ROAD	CON
57	QI02355	BLIGHTY MAIN	FOREST CREEK ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
58	Q102479	Road culvert and regula	BLIGHTY 12	LANDALE ROAD	CON
59	Q102366	Spur Pipeline	BLIGHTY MAIN	FOREST CREEK ROAD	CON
61	Q102950	Road culvert	BLIGHTY 8	MARONG ROAD	CON
62	Q102949	Road culvert	BLIGHTY 8	LANDALE ROAD	CON
63	Q102686	Road culvert	BLIGHTY 2E	LINDIFFERON ROAD	CON
64	Q102614	Road bridge	BLIGHTY 2	MAYRUNG ROAD	CON
65	Q102712	Road culvert and regula	BLIGHTY 2H	MAYRUNG ROAD	CON
66	Q102615	Road bridge	BLIGHTY 2	FOREST CREEK ROAD	CON
67	R102140	Road bridge	BOX CK ESCAPE WB	MAYRUNG ROAD	CON
69	Q101583	Road bridge	BIRGANBIGIL MAIN	MAYRUNG ROAD	CON
71	Q101582	Road bridge	BIRGANBIGIL MAIN	HOADS ROAD	CON
76	E103647	Road culvert	CORRE No. 11 EXTENSION	HARWOOD	CON

Road Crossings Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO	Channel	Road	
77	EI03574	ROAD CULVERT	COREE No. 11B	HARTWOOD CON
81	QI02502	Road culvert	BLIGHTY 14	RUSSELLS ROAD CON
82	QI02617	Spur Pipeline	BLIGHTY 2	RUSSELLS ROAD CON
83	QI02613	Road bridge	BLIGHTY 2	RUSSELLS ROAD CON
84	RI02139	Road bridge	BOX CK ESCAPE WB	RUSSELLS ROAD CON
85	EI11566	Road bridge	WOLLAMAI ESCAPE	(EXT LANDALE) CON
87	EI02362	Road culvert	BLIGHTY MAIN	MAYRUNG ROAD CON
88	EI02360	Road bridge and regulat	BLIGHTY MAIN	MAYRUNG ROAD CON
89	EI02499	Road culvert	BLIGHTY No. 3	MAYRUNG ROAD CON
90	EI11565	Road bridge	WOLLAMAI ESCAPE	WOODVALE CON
91	EI02821	Road culvert	BLIGHTY No. 3D	WOODVALE ROAD CON
92	EI02352	Road bridge	BLIGHTY MAIN	WOODVALE ROAD CON
93	EI12139	Road bridge	BLIGHTY NO. 2	WOODBURY ROAD CON
94	EI01050	Road bridge	MAYRUNG	MALONES CON
95	EI12156	Road bridge	BLIGHTY NO. 2	LAKERS ROAD CON
96	EI02820	Road culvert	BLIGHTY No. 3D	(EXT LANDALE) CON
97	RI11564	Road bridge	WOLLAMAI ESCAPE	HARTWOOD RD CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
98	EI02800	Road culvert	BLIGHTY NO. 3B	HARTWOOD ROAD	CON
99	EI02780	Road culvert	BLIGHTY NO. 3	MAYRUNG ROAD	CON
100	EI02777	Road bridge	BLIGHTY NO. 3	HARTWOOD ROAD	CON
101	EI02351	Road bridge	BLIGHTY MAIN	JARRETT'S ROAD	CON
102	EI02835	Road culvert	BLIGHTY NO. 4	MALONES ROAD	CON
103	EI02836	Spur Pipeline	BLIGHTY NO. 4	BLIGHTY HALL ROAD	CON
104	EIC2350	Road bridge	BLIGHTY MAIN	HARTWOOD ROAD	CON
106	EI05599	Road culvert	BLIGHTY NO. 2A	HARTWOOD STH	CON
107	EI03598	Road culvert	COREE NO. 11E	COREE	CON
109	EI03646	Road culvert	COREE NO. 11 EXTENSION	COREE	CON
110	EI03555	Road bridge	COREE NO. 11	HOLZIGALS	CON
111	EI05766	Road culvert	FINLEY NO. 8	GLEN ALVIE ROAD	CON
112	EI03554	Road bridge	COREE NO. 11	GLENALVIE ROAD	CON
116	EI03553	Road bridge	COREE NO. 11	LOGIE BRAE	CON
122	EI02799	Road culvert	BLIGHTY NO. 3B	MAYRUNG ROAD	CON
123	EI11563	Road bridge	WOLLAMAT ESCAPE	MAYRUNG	CON
124	EI05249	Road culvert	FINLEY CHANNEL	MAYRUNG ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02 1995

Map Ref	ASSEY NO		Channel	Road	
125	EI02776	Road bridge and regulat	BLIGHTY No. 3	LYDHURST ROAD	CON
126	EI02349	Road bridge	BLIGHTY MAIN	MALONES ROAD	CON
127	EI02348	Road bridge	BLIGHTY MAIN	COWIES ROAD	CON
128	EI02781	Road culvert	BLIGHTY No. 3	MCALLISTERS ROAD	CON
129	EI02776	Road bridge	BLIGHTY No. 3	MALONES ROAD	CON
130	EI05248	Road culvert	FINLEY CHANNEL	CORES ROAD	CON
131	EI11562	Road bridge	WOLLAMAI ESCAPE	COREE	CON
132	EI05601	Road bridge	FINLEY No. 5	BOUNDARY ROAD	CON
135	EI05232	Road bridge	FINLEY CHANNEL	MAYRUNG ROAD	CON
137	EI05603	Road bridge	FINLEY No. 5	MCALLISTERS ROAD	CON
138	EI05602	Road bridge	FINLEY No. 5	CASSIDYS ROAD	CON
139	EI11561	Road bridge	WOLLAMAI ESCAPE	CASSIDY ROAD	CON
140	EI05278	Road culvert	FINLEY No. 10	PALAZZIS ROAD	CON
141	EI05246	Road culvert	FINLEY CHANNEL	MAYRUNG ROAD	CON
142	EI05277	Road culvert	FINLEY No. 10	MAYRUNG ROAD	CON
143	EI05245	Road culvert	FINLEY CHANNEL	MAYRUNG ROAD	CON
144	EI05243	Road culvert	FINLEY CHANNEL	MAYRUNG ROAD	CON
145	EI05244	Road culvert	FINLEY CHANNEL	MAYRUNG ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
146	EI05242	Road culvert	FINLEY CHANNEL	LOGIE BRAE RD	CON
149	EI05651	Road culvert	FINLEY NO. 5A	LOGIE BRAE RD	CON
150	EI01888	Road culvert	FINLEY NO. 5A	BOUNDARY RD	CON
298	EI02359	Road bridge and regulat	BLIGHTY MAIN	RIVERINA HIGHWAY	RTA
329	QI08879	Road culvert	MUNDIWA MAIN	MOONEE SWAMP ROAD	CON
330	QI08875	Road bridge	MUNDIWA MAIN	ARATULA ROAD	CON
331	QI08995	Road culvert	MUNDIWA 3	MOONEE SWAMP ROAD	CON
332	QI08945	Road bridge	MUNDIWA 1	PLANAGANS ROAD	CON
333	QI08944	Road bridge	MUNDIWA 1	ARATULA ROAD	CON
335	RI08777	Road bridge	MULWALA CANAL WB	ARATULA ROAD	CON
337	QI11216	Road culvert	TUPPAL 8	MIDDLETONS ROAD	CON
338	QI11120	Road culvert	TUPPAL MAIN	ARATULA ROAD	CON
339	QI11450	Road culvert	TUPPAL ESCAPE	ARATULA ROAD	CON
340	QI08971	Road culvert	MUNDIWA 2	MOONEE SWAMP ROAD	CON
341	QI08874	Road bridge	MUNDIWA MAIN	HETHERINGTON ROAD	CON
342	QI08959	Road culvert	MUNDIWA 1A	PLANAGANS ROAD	CON
343	QI08873	Road bridge	MUNDIWA MAIN	BIRGANBIGIL ROAD	CON
344	QI08881	Spur pipeline	MUNDIWA MAIN	BIRGANBIGIL ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
345	QI08943	Road bridge	MUNDIWA 1	BIRGAMBIGIL ROAD	CON
346	RI08780	Road bridge and regulat	MULWALA CANAL W3	BIRGAMBIGIL ROAD	CON
347	RI08781	Road bridge and regulat	MULWALA CANAL W3	MCCALLUMS ROAD	CON
348	RI08783	Road culvert	MULWALA CANAL W3	RIVERINA HIGHWAY	PTA
349	QI08786	Spur Pipeline	MULWALA CANAL W3	LOWER TOCUMWAL ROAD	CON
350	RI08776	Road bridge	MULWALA CANAL W3	HANNA LANE	CON
351	QI11205	Road culvert	TUPPAL 7	CARRIGAN ROAD	CON
352	QI08366	Road culvert	MULWALA 20 EXT	AVALON ROAD	CON
353	QI08367	Road culvert	MULWALA 20 EXT	AVALON ROAD	CON
354	QI08351	Road bridge	MULWALA 20	HINDLEYS ROAD	CON
355	RI08775	Road bridge	MULWALA CANAL W3	RIVERINA HIGHWAY	RTA
356	QI11186	Road culvert	TUPPAL 6 EXT	MCLAURNS ROAD	CON
357	QI11187	Spur Pipeline	TUPPAL 6 EXT	MCLAURNS RD.	CON
359	QI11174	Road culvert	TUPPAL 6	CHAPMANS ROAD	CON
362	QI11123	Spur Pipeline	TUPPAL MAIN	MIDDLETONS RD	CON
363	QI11121	Road culvert and regula	TUPPAL MAIN	TOCUMWAL ROAD	CON
364	QI11118	Road bridge	TUPPAL MAIN	CARRIGAN ROAD	CON
365	QI11122	Spur Pipeline	TUPPAL MAIN	TOCUMWAL RD.	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
366	Q111117	Road bridge	TUPPAL MAIN	MOKANGER ROAD	CON
367	Q101594	Spur pipeline	BIRGANBIGIL MAIN	RUSSELLS ROAD	CON
368	Q101581	Road bridge	BIRGANBIGIL MAIN	MOONEE SWAMP ROAD	CON
369	Q101593	Spur pipeline	BIRGANBIGIL MAIN	MARSHALLS ROAD	CON
370	Q101530	Road bridge	BIRGANBIGIL MAIN	MARSHALLS ROAD	CON
371	R108779	Road bridge and regulat	MULWALA CANAL WB	WARRAGOON ROAD	CON
372	Q108352	Road bridge and regulat	MULWALA 20	RIVERINA HIGHWAY	RTA
373	Q101589	Road bridge and regulat	BIRGANBIGIL MAIN	RIVERINA HIGHWAY	RTA
374	Q101591	Road culvert	BIRGANBIGIL MAIN	WOODBURY ROAD	CON
375	R102137	Road bridge	BOX CK ESCAPE WB	WOODBURY ROAD	CON
380	E102705	Road culvert	BLIGHTY No. 2G	MOONEY SWAMP ROAD	CON
381	R102138	Road bridge	BOX CK ESCAPE WB	MOONEE SWAMP ROAD	CON
385	E102664	Road bridge	BLIGHTY No. 2C	LAKERS ROAD	CON
388	E102461	Road bridge	BLIGHTY No. 1	LAKERS ROAD	CON
389	R112268	Road bridge	BOX CREEK ESCAPE	LAKERS ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
390	RI08778	Road bridge and regulat	MULWALA CANAL WB	HENDERSONS ROAD	CON
391	QI08538	Road bridge and regulat	MULWALA 30	HENDERSONS ROAD	CON
392	RI12267	Road bridge	BOX CREEK ESCAPE	RIVERINA HIGHWAY	RTA
393	EI11436	Road culvert	TUPPAL No. 5	LOWER FINLEY ROAD	CON
394	RI01943	Road bridge	BOX CREEK ESCAPE	LOWER FINLEY ROAD	CON
395	EI11368	Road culvert	TUPPAL No. 1	PYLES ROAD	CON
396	RI01942	Road bridge	BOX CREEK ESCAPE	PYLES ROAD	CON
397	RI07547	Road bridge	MULWALA CANAL	PYLES	CON
398	EI02458	Road bridge	BLIGHTY NO. 1	BLIGHTY HALL ROAD	CON
400	EI02459	Road bridge	BLIGHTY No. 1	BLIGHTY SCHOOL ROAD	CON
401	EI06318	Road bridge and regulat	MAYRONG	BOURCHIERS ROAD	CON
402	EI02665	Road bridge	BLIGHTY No. 2C	BLIGHTY HALL ROAD	CON
403	EI06319	Road bridge and regulat	MAYRONG	MOONEE SWAMP ROAD	CON
404	EI06316	Road bridge	MAYRONG	BLIGHTY HALL ROAD	CON
405	RI08773	Road bridge	MULWALA CANAL WB	TUBBS ROAD	CON
406	QI08785	Spur Pipeline	MULWALA CANAL WB	RIVERINA HIGHWAY	RTA
407	RI08774	Road bridge	MULWALA CANAL WB	PARFREYS ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
408	EI11367	Road culvert	TUPPAL No. 1	LOWER FINLEY ROAD	CON
409	EI11366	Road culvert	TUPPAL No. 1	LOWER FINLEY ROAD	CON
411	QI11172	Road bridge	TUPPAL 6	WARRAGOON ROAD	CON
414	QI11175	Spur Pipeline	TUPPAL 6	PARFREYS RD.	CON
415	QI11116	Road bridge	TUPPAL MAIN	WARRAGOON ROAD	CON
416	QI11171	Road bridge	TUPPAL 6	PARFREYS ROAD	CON
417	QI11225	Spur Pipeline	TUPPAL 9	TOCUMWAL RD.	CON
418	QI08946	Road culvert	TUPPAL 9	TOCUMWAL RD	CON
422	EI11301	Road bridge and regulat	TUPPAL CHANNEL	HENDERSON	CON
423	EI11374	Road culvert	TUPPAL No. 10	PYLES RD	CON
424	EI11299	Road bridge	TUPPAL CHANNEL	PYLES	CON
426	EI11426	Road bridge	TUPPAL No. 4	BACK TOC-DENT ROAD	CON
427	EI02361	Road bridge	BLIGHTY No. 2A	COWLES RD	CON
428	EI02628	Road culvert	BLIGHTY No. 2A	MOONER SWAMP RD	CON
429	EI02370	Spur Pipeline	BLIGHTY No. 2A	COWLES ROAD	CON
430	EI02616	Road culvert	BLIGHTY No. 2A	COWLES ROAD	CON

Road Crossings - Comargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
431	EI02546	Road culvert	BLIGHTY NO. 1A	COMIES ROAD	CON
432	EI02545	Road bridge	BLIGHTY NO. 1A	BOUCHIERS ROAD	CON
433	EI06317	Road bridge	MAYRUNG	RIVERINA HWY	RTA
433	RI07563	Road bridge and regulat	MULWALA CANAL	COWANS	CON
434	EI07465	Spur Pipeline	MULWALA CANAL	COWANS RD	CON
435	EI11363	Road bridge	TUPPAL NO. 1	LOWER FINLEY ROAD	CON
436	EI01045	Road culvert	TUPPAL NO. 1	LOWER FINLEY ROAD	CON
437	EI11365	Road culvert	TUPPAL NO. 1	LOWER FINLEY ROAD	CON
438	RI11364	Road culvert	TUPPAL NO. 1	LOWER FINLEY ROAD	CON
439	EI11362	Road bridge	TUPPAL NO. 1	TUPPAL	CON
440	RI07560	Road bridge and regulat	MULWALA CANAL	TUPPAL	CON
441	EI02345	Road bridge	BLIGHTY MAIN	COREE ROAD	CON
443	EI02346	Road bridge	BLIGHTY MAIN	BOUCHIERS ROAD	CON
444	EI02347	Road bridge	BLIGHTY MAIN	MUNEY SWAMP ROAD	CON
445	EI05487	Road culvert	FINLEY NO. 3B	MYRTLE PARK ROAD	CON
446	EI05486	Road culvert	FINLEY NO. 3B	CASSIDYS ROAD	CON
454	EI05407	Road bridge	FINLEY NO. 3	BARNES ROAD	CON
455	EI05511	Road bridge	FINLEY NO. 3C	BARNES ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

MAP Ref	ASSET NO		Channel	Road	
456	EI05415	Road culvert	FINLEY NO. 3	BARNES ROAD	CON
457	RI07359	Road bridge and regulat	MULWALA CANAL	JAMES ROAD	CON
458	EI11302	Road culvert	TUPPAL CHANNEL	JAMES	CON
459	EI11361	Road bridge	TUPPAL NO. 1	LOWER FINLEY ROAD	CON
460	EI11295	Road bridge	TUPPAL NO. 2	BROCKMANS	CON
466	EI05408	Road bridge	FINLEY NO. 3	MARTINS ROAD	CON
467	EI01046	Road culvert	TUPPAL NO. 1	LOWER FINLEY ROAD	CON
562	RI01941	Road bridge	BOX CREEK ESCAPE	COWANS ROAD	CON
564	EI11304	Road culvert	TUPPAL CHANNEL	UPPER TOC ROAD	CON
565	EI11303	Road culvert	TUPPAL CHANNEL	TOCUMWAL	CON
566	EI11297	Road bridge	TUPPAL CHANNEL	TUPPAL ROAD	CON
567	RI01940	Road bridge	BOX CREEK ESCAPE	TUPPAL ROAD	CON
568	EI07881	Road culvert	MULWALA NO. 11 EXTENSION	TUPPAL ROAD	CON
569	EI07882	Road culvert	MULWALA NO. 11 EXTENSION	LOWER TOC ROAD	CON
570	EI11386	Road culvert	TUPPAL NO. 12	PINE LODGE ROAD	CON
571	EI11296	Road bridge	TUPPAL CHANNEL	FULLERS	CON
573	EI08119	Road culvert	MULWALA No. 17	BRAINS	CON

Road Crossings Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO		Channel	Road	
574	EI08112	Road bridge	MULWALA No. 17	BRAINS	CON
578	EI09156	Road culvert	MULWALA No. 17D	WOODYARD RD	CON
579	EI08111	Road bridge	MULWALA No. 17	FULLERS	CON
587	EI07761	Road bridge	MULWALA No. 11	WOODYARD	CON
588	EI07361	Road culvert	MULWALA No. 11J	WOODYARD	CON
780	EI11298	Road bridge	WUPPAL CHANNEL	COWANS ROAD	CON
785	EI07866	Road culvert	MULWALA No. 11K	NICHOLAS	CON
786	EI07762	Road bridge	MULWALA No. 11	NICHOLAS ROAD	CON
789	EI05781	Road culvert	FINLEY No. 9	MAYRUNG ROAD	CON
792	EI05231	Road bridge	FINLEY CHANNEL	HOLZIGALS ROAD	CON
793	EI05230	Road bridge	FINLEY CHANNEL	GLEN ALVIE	CON
797	EI02673	Road culvert	BLIGHTY No. 2C1	BCURCHIERS ROAD	CON
800	QI08947	Spur Pipeline	MUNDIWA 1	FLANAGANS ROAD	CON
1031	EIC2819	Road culvert	BLIGHTY No. 3	JARRETT ROAD	CON
1032	EIC5279	Road culvert	FINLEY No. 10	PALAZZIS ROAD	CON

Road Crossings - Conargo Shire

as at : 24-02-1995

Map Ref	ASSET NO	Road	Channel	Road	
1033	E102513	Road culvert	BLIGHTY No. 16	MCALLISTERS ROAD	CON
3711	Q108421	Road culvert	MULWALA 27	WARRAGOON ROAD	CON
3901	R108784	Road culvert and regula	MULWALA CANAL WB	HENDERSONS ROAD	CON

No. of Road Crossings 232, Conargo Shire

SCHEDULE 2(a)
("Standards for upgrading and replacement other than in State highways")

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SCHEDULE 2(b)
("Standards for refurbishment other than in State highways")

SCHEDULE 2 (a)**MINIMUM STANDARD UPGRADE & REPLACEMENT OF
STRUCTURES ON ROAD RESERVES IN MURRAY IRRIGATION DISTRICT**

ROAD TYPE	BRIDGES	CULVERTS
MAIN ROADS	<p>Width between kerb $\geq 7.4\text{m}$</p> <p>BARRIERS</p> <p>i) DW $> 1.2\text{m}$ SI ≥ 8 ADT ≥ 500 V = 100 12m MELT + 2m Transition - 4m Nested Thrie Beam + Thrie Beam on bridge</p> <p>ii) DW $> 1.2\text{m}$ SI ≥ 6 ADT ≥ 1000 V = 100 12m MELT + 2m Transition + 4m Nested Thrie Beam + Thrie Beam on bridge</p> <p>iii) DW $< 1.2\text{m}$ SI \geq ADT > 500 v = 100 12m MELT + W Flex Beam* + W Flex Beam on bridge * length subject to site conditions</p> <p>iv) DW $< 1.2\text{m}$ SI ≥ 4 ADT ≤ 500 V = 100 12m MELT + W Flex Beam on bridge</p>	<p>Box Culvert</p> <p>Full Width $\geq 24.4\text{m}$</p> <p>Pipe Culvert</p> <p>Full Width $\geq 24.4\text{m}$</p>

Definitions

DW :	Depth of Water
SI :	Severity Index
ADT :	Average Daily Traffic
V :	Speed
MELT :	Modified Eccentric Loader Terminal
Level 3 Barriers &	
Level 4 Barriers :	As per Austroads Bridge Design Code

ROAD TYPE	BRIDGES	CULVERTS
ARTERIAL ROADS	<p>Width between kerb $\geq 6.8\text{m}$</p> <p>BARRIERS</p> <p>i) $DW > 1.2\text{m}$ $SI \geq 8$ $ADT \geq 500$ $V = 100$ 12m MELT + 2m Transition + 4m Nested Thrie Beam + Thrie Beam on bridge</p> <p>ii) $DW < 1.2\text{m}$ $SI \geq 4$ $ADT \leq 500$ $V = 100$ 12m MELT + W Flex Beam on Bridge</p>	<p>Box Culverts</p> <p>i. Full width ≥ 24.4 for $SI \geq 7$ $ADT \geq 500$ $V = 100$</p> <p>ii. 8.5m between kerbs with Type 4 Kerb barriers and guide posts (12) for $SI \leq 6$ $ADT < 500$ $V = 100$</p> <p>Pipe Culverts</p> <p>Full width $\geq 24.4\text{m}$</p>
FEEDER ROADS	<p>Width between kerbs $\geq 6.1\text{m}$</p> <p>BARRIERS</p> <p>i) $ADT \geq 150$ $SI \geq 8$ $DW > 1.2\text{m}$ $V = 100$ 12m MELT + W Flex Beam on bridge (Level 3 Barrier)</p> <p>ii) $ADT \leq 150$ $SI \leq 7$ $DW < 1.2\text{m}$ $V = 100$ Install kerb to Level 4 Barrier Standard and erect Guide Posts and Reflectors and remove existing fence</p>	<p>Box Culvert</p> <p>Width between kerbs $\geq 6.1\text{m}$</p> <p>i) $ADT \geq 150$ $SI \geq 8$ $DW > 1.2\text{m}$ $V = 100$ 12m MELT + W Flex Beam on bridge (Level 3 Barrier)</p> <p>ii) $ADT \leq 150$ $SI \leq 7$ $DW < 1.2\text{m}$ $V = 100$ Install kerb to Level 4 Barrier Standard and erect Guide Posts and Reflectors and remove existing fence</p> <p>Pipe Culvert</p> <p>Pipes to Full Width where cost benefit justifies but $\leq 8.5\text{m}$</p>
MINOR ROADS	<p>Width $\geq 6.1\text{m}$</p> <p>BARRIERS</p> <p>Remove timber and pipe rails, install kerb to barrier 4 and erect Guide posts and Reflectors</p>	<p>Box Culvert</p> <p>Width between kerb $\geq 6.1\text{m}$</p> <p>Install kerb to level 4 Barrier Standard and erect guides (12) unless stock a problem</p> <p>Pipe Culvert</p> <p>Pipes to Full Width where cost benefit justifies but ≤ 6.1</p>

SCHEDULE 2 (b)**MINIMUM STANDARD FOR REFURBISHMENT OF
STRUCTURES ON ROAD RESERVES IN MURRAY IRRIGATION DISTRICT**

ROAD TYPE	BRIDGES	CULVERTS
<u>MAIN ROADS</u>	<p>Width between kerb $\geq 7.4\text{m}$</p> <p><u>BARRIERS</u></p> <p>i) DW $> 1.2\text{m}$ SI ≥ 8 ADT ≥ 500 V = 100 12m MELT + 2m Transition + 4m Nested Thrie Beam + Thrie Beam on bridge</p> <p>ii) DW $> 1.2\text{m}$ SI ≥ 6 ADT ≥ 1000 V = 100 12m MELT + 2m Transition + 4m Nested Thrie Beam + Thrie Beam on bridge</p> <p>iii) DW $< 1.2\text{m}$ SI ≥ 6 ADT > 500 v = 100 12m MELT + W Flex Beam* + W Flex Beam on bridge * length subject to site conditions</p> <p>iv) DW $< 1.2\text{m}$ SI ≥ 4 ADT ≤ 500 V = 100 12 MELT + W Flex Beam on bridge</p>	<p><u>Box Culverts</u></p> <p>Full Width $\geq 24.4\text{m}$</p> <p><u>Pipe Culvert</u></p> <p>Full Width $\geq 24.4\text{m}$</p>

Definitions

DW :	Depth of Water
SI :	Severity Index
ADT :	Average Daily Traffic
V :	Speed
MELT :	Modified Eccentric Loader Terminal
Level 3 Barriers & Level 4 Barriers :	As per Austroads Bridge Design Code

	ROAD TYPE	BRIDGES
ARTERIAL ROADS	<p>Width between kerb $\geq 6.4\text{m}$</p> <p>i) $DW > 1.2\text{m}$ $SI \geq 8$ $ADT \geq 500$ $V = 100$ 12m MELT + 2m Transition + 4m Nested Thrie Beam + Thrie Beam on bridge</p> <p>ii) $DW < 1.2\text{m}$ $SI \geq 4$ $ADT \leq 500$ $V = 100$ 12m MELT + W Flex Beam on Bridge</p>	<p><u>Box Culverts</u></p> <p>i. 6.4m between kerbs Remove Timber & Pipe rails Level 3 barriers for $SI \geq 7$ Level 4 barriers for $SI \leq 6$</p> <p><u>Pipe Culvert</u></p> <p>Full Width $\geq 24.4\text{m} \geq 7$</p>
FEEDER ROADS	<p>Width between kerb $\geq 6.1\text{m}$</p> <p>(i) $SI \geq 8$ 12m MELT + W Flex Beam on bridge</p> <p>(ii) Remove timber & pipe rails. Install kerb to level 4 Barrier Standard and erect guides (12) unless stock a problem</p>	<p><u>Box Culvert</u></p> <p>Width between kerb $\geq 6.1\text{m}$</p> <p>Remove timber & pipe rails. Install kerb to level 4 Barrier Standard and erect guides (12) unless stock a problem</p> <p><u>Pipe Culvert</u> Full width where cost benefit justifies but $\leq 8.5\text{m}$</p>
MINOR ROADS	<p>Remove timber & pipe rails. Install kerb to level 4 Barrier Standard and erect guides (12) unless stock a problem</p>	<p><u>Box Culvert</u></p> <p>Width between kerb $\geq 6.1\text{m}$</p> <p>Remove timber & pipe rails. Install kerb to level 4 Barrier Standard and erect guides (12) unless stock a problem</p> <p><u>Pipe Culvert</u> Full width where cost benefit justifies</p>

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SCHEDULE 3
("Expenditure Schedule for refurbishment
pursuant to clause 5.1")

SCHEDULE 3

Summary of expenditures associated with refurbishment of bridges/culverts within the road hierarchy as designated by the **Shire of Conargo**

ROADS	NUMBER	DOLLARS
Regional/Main Roads	11	21,514.00
Major - Arterial Roads	85	325,773.00
Feeder Roads	149	680,320.00
Minor Roads	33	223,580.00
TOTAL	278	1,251,187.00

a:RDS-SUM5.XLS - (GREG.D)

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ANNEXURE "A"
("The plan")

EXECUTED as a deed at Deniliquin in the State of New South Wales

THE COMMON SEAL of
CONARGO SHIRE COUNCIL
was affixed pursuant to a resolution
of the Council authorising the
Seal to be affixed
dated
in the presence of:-

)
.....
.....
.....

[Handwritten signature]
[Handwritten signature]

THE COMMON SEAL of MURRAY
IRRIGATION LIMITED
was affixed by authority of the
Board of Directors
in the presence of:-

)
.....
.....
.....



.....
[Handwritten signature]
.....
Secretary

.....
[Handwritten signature]
.....
Director

Fixing Country Roads Application Agreement

Date: 13 January 2020

This Agreement is made between:

Edward River Council (Council)

Address PO Box 270 Deniliquin NSW 2710

Email council@edwardriver.nsw.gov.au

and:

Murray Irrigation Limited (Murray Irrigation)

ABN 23 067 197 933

Address 443 Charlotte Street, Deniliquin NSW 2710

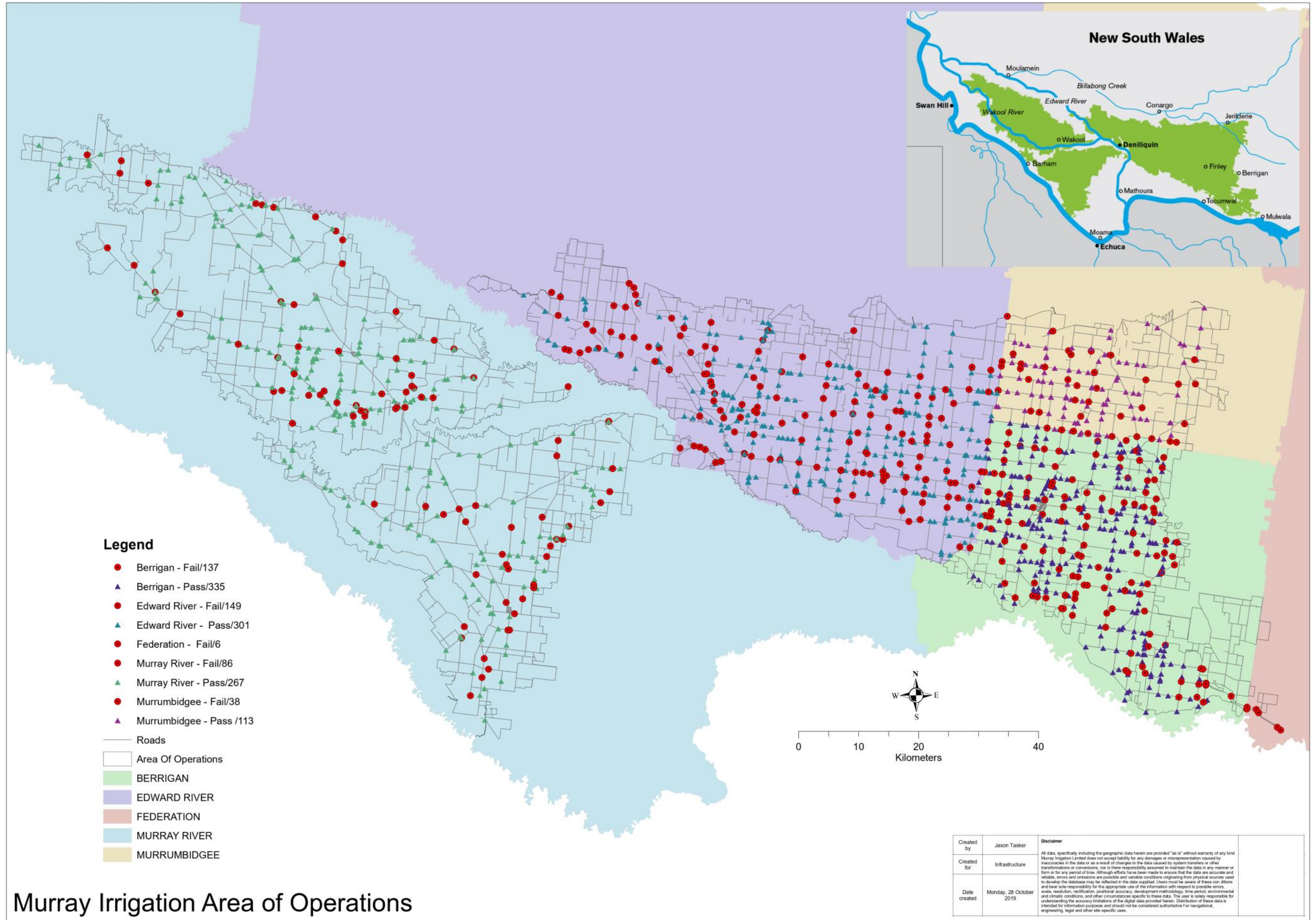
This Agreement authorises Murray Irrigation to act on Council's behalf in the Bridge and Route Load Assessment Stream of the NSW Government *Fixing Country Roads* Program (Tranche 1, 2020) to apply for funding for load assessment of Council owned bridges and culverts leased to Murray Irrigation.

Council agrees to Murray Irrigation submitting an application on its behalf.

.....
Signature of authorised person

.....
Office held

.....
Name of authorised person
(BLOCK LETTERS)



Murray Irrigation Area of Operations

10.9 CROWN LAND PLANS OF MANAGEMENT**Author: Mark Dalzell, Manager Engineering Assets****Authoriser: Oliver McNulty, Director Infrastructure****RECOMMENDATION**

That Council:

1. Adopt the Plans of Management for the following Crown Land reserves:
 - (a) Deniliquin Cemetery reserve, contained as Attachment 1 to this report;
 - (b) Deniliquin Oval reserve, contained as Attachment 2 to this report;
 - (c) Deniliquin Sports Park reserve, contained as Attachment 3 to this report;
 - (d) Deniliquin Swimming Centre, contained as Attachment 4 to this report;
2. Submit the adopted Plans of Management to Crown Lands for endorsement.

BACKGROUND

Council is currently undertaking a project to adopt Plans of Management for all the Crown Land reserves that it manages in accordance with the Crown Lands Management Act.

INITIAL PLANS OF MANAGEMENT

The *Crown Lands Management Act* (CLM Act) contains specific requirements for the initial Plan of Management for reserves and some different requirements for subsequent Plans of Management. The Plans of Management being prepared as part of this project are initial Plans of Management in accordance with the CLM Act.

Under the CLM Act, Council has until 30 June 2021 (being three years after the commencement of the CLM Act in 2018) is adopted, though Crown Lands does encourage Council to adopt Plans of Management as soon as practicable as not having a Plan of Management for a reserve does impact on the ability to manage the land.

SPECIFIC OR GENERIC PLANS OF MANAGEMENT

Advice from Crown Lands notes that Plans of Management may be either specific or generic in nature. This distinction has been based on the following:

Specific Plans of Management	Generic Plans of Management
<p>Required for land declared as:</p> <ul style="list-style-type: none"> • critical habitat for threatened species or included in a recovery plan under Threatened Species legislation; • containing significant natural features; or • being of cultural significance. <p>(These requirements are defined in the CLM Act).</p> <p>Where Council has specific agreements with community groups regarding the use of the reserve.</p>	<p>Not included in the list for Specific Plans of Management</p> <p>Purpose is general recreation or access.</p>

Council staff have reviewed the 56 reserves that Council manages and have determined that 37 reserves shall require specific Plans of Management, with the remaining 19 to be included in a single generic Plan of Management. To date six specific Plans of Management have been adopted by Council with one for the Murray Valley Industry Park reserve being sent to Crown Lands for further advice regarding native title requirements.

PUBLIC CONSULTATION

Crown Lands have advised Councils that public consultation shall not be required for Plans of Management where there is no change of purpose involved. Council staff, upon reviewing the existing purposes for the land under its management, have noted that there are no proposed changes of purpose for the reserves at this stage. Based on this information it is proposed that, where applicable, the Plans of Management be based on the current use and purpose of the existing reserves.

As part of the project Council staff shall engage with the groups and stakeholders who currently use the relevant reserves so that this existing use can be clearly defined in the Plan of Management. Wider public consultation shall not be undertaken at this stage.

This allows Plans of Management for all the reserves to be completed and submitted to Crown Lands for approval quickly. This also does not stop Council reviewing the Plan of Management once it has been adopted and going through the process again but with more community and public consultation.

PLAN OF MANAGEMENT FOR DENILIQUN CEMETERY (RESERVE NO. 1021408)

A copy of the draft Plan of Management for the Deniliquin Cemetery has been included in this report as Attachment 1 for adoption by Council. The Crown Land reserve incorporates the central area of the general and lawn cemeteries as shown in the Plan of Management. The remaining area of the current cemetery is crown land, known as Lot 7022 DP1029242, however, is not currently included in the cemetery reserve. This is an issue that Council staff shall need to discuss with Crown Lands following the adoption of the Plan of Management.

The purpose of the reserve is for a general cemetery, which is consistent with its current use. It is noted that the term general cemetery in relation to the reserve purpose means all activities related to cemeteries, whereas Council calls the old section of the cemetery the general cemetery, as opposed to the lawn cemetery. Council currently has a cemetery committee and is working with stakeholders towards updating the strategic plan for the cemetery.

PLAN OF MANAGEMENT FOR DENILIQUN OVAL (RESERVE NO. 77085)

A copy of the draft Plan of Management for the Deniliquin Oval, also known as Hardinge Street Oval, has been included in this report as Attachment 2 for adoption by Council. The reserve is the home of the Deniliquin Rams Football and Netball Club as well as Little Athletics. The Deniliquin Rams FNC have a long-term agreement with Council regarding the use of the oval with Little Athletics having a separate agreement with Deniliquin Rams FNC. This Plan of Management reflects this current situation, in keeping with the Plans of Management in this first instance stating the existing use of the reserves, however, further discussion with all stakeholders of this reserve shall be required as further iterations of this Plan of Management.

PLAN OF MANAGEMENT FOR DENILIQUN SPORTS PARK (RESERVE NO. 150007)

A copy of the draft Plan of Management for the Deniliquin Sports Park has been attached to this report as Attachment 3 for adoption by Council. The reserve includes:

- The Deniliquin Regional Sports and Entertainment Stadium; and
- Rotary Park sporting fields.

These areas have separate governance structures. The stadium operated by an incorporated community group under an agreement with Council with the initial period of the agreement ending in June this year. There is an option for an extension to this agreement and Council staff are currently discussing this with the stadium operators.

Rotary Park is the home of the Deniliquin Wanderers soccer and junior soccer clubs as well as the Drovers rugby union club. There is no formal governance structure between the groups and Council, however, the groups do meet regularly on an informal basis between themselves and with Council. There is interest from the groups to implement a more formal governance structure like Memorial Park and other reserves and in February there was an initial meeting between Council staff and representatives from the reserve users regarding establishing a user group.

PLAN OF MANAGEMENT FOR DENILIQUN SWIM CENTRE (RESERVE NO. 88772)

A copy of the draft Plan of Management for the Deniliquin Swimming Centre has been attached to this report as Attachment 4 for adoption by Council. The reserve includes:

- The Swim Centre;
- Scotts Park;
- The old water tower; and
- Community Gardens.

These are all considered part of the reserve as they are all located on the same parcel of land. As these land uses are all recreational in nature there is no need to subdivide the existing parcel of land as all existing land uses can be accounted for in the Plan of Management.

The Swim Centre is operated under contract by an incorporated community group and is in the first year of a three-year contract. This contract included operational requirements to ensure the safety of the community when using the pool as well as report requirements.

Scotts Park is one of the main playgrounds in Deniliquin and Council has recently completed a major refurbishment to the area, including installing new equipment, refurbishing existing equipment and upgrade amenities. These works have been well received by the community and usage of the park has increased since it was re-opened.

The Community Gardens have a management community support by Council to assist with the governance and operation of this area. Council staff are currently reviewing the operation of the gardens to ensure that it continues to meet its objectives and is a benefit to the community.

A part of the Stronger Communities Fund program a mural was painted on the side of the decommissioned water tower at the corner of Whitelock Street and Russell Street. This has improved the area and increased visitor numbers to the reserve.

STRATEGIC IMPLICATIONS

It is important that Council strategically manages the crown land for which it is trustee for the betterment of the community. This includes providing access to the crown land area and supporting responsible development of the areas where required,

COMMUNITY STRATEGIC PLAN

This project meets the objectives of *Outcome 1 – A great place to live* in the Community Strategic Plan, including:

- Target 1.3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture.

FINANCIAL IMPLICATIONS

Council has received funding from Crown Lands to assist with the preparation of the Plans of Management.

LEGISLATIVE IMPLICATIONS

In accordance with requirements of the *Crown Lands Management Act*, all Plans of Management need to be adopted by 31 June 2021.

ATTACHMENTS

1. **Plan of Management - Deniliquin Cemetery - Reserve 1021408**
2. **Plan of Management - Deniliquin Oval - Reserve 77085**
3. **Plan of Management - Deniliquin Sports Park - Reserve 150007**
4. **Plan of Management - Deniliquin Swim Centre - Reserve 88772**



PLAN OF MANAGEMENT

DENILIQVIN CEMETERY

RESERVE No. 1021408



Plan of Management
Deniliquin Cemetery Reserve
Reserve No. 1021408

PLAN OF MANAGEMENT DOCUMENT CONTROL

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version				
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)



Plan of Management
Deniliquin Cemetery Reserve
Reserve No. 1021408

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Plan of Management
Deniliquin Cemetery Reserve
Reserve No. 1021408

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Plan of Management
Deniliquin Cemetery Reserve
Reserve No. 1021408

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Appendix A Native Title Assessment

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Plan of Management
Deniliquin Cemetery Reserve
Reserve No. 1021408

1 KEY INFORMATION

The Deniliquin Cemetery Plan of Management (Plan of Management) has been prepared by Edward River Council (Council) to provide direction regarding the use and management of the Deniliquin Cemetery– Crown Reserve 1021408. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The plan may be used to determine the allocation of resources and funds.

2 INTRODUCTION

2.1 Background

Edward River Council was proclaimed on 12 May 2016, following the amalgamation of the former Conargo Shire Council and Deniliquin Council into one strong, cohesive and dynamic organisation. Deniliquin is located approximately 725km south west of Sydney and 285km north east of Melbourne. The Council is situated within the Murray region of New South Wales and close to the Victorian border. It shares borders with Hay Shire to the north, Murrumbidgee Council to the east, Murray River Council to the south-west and Berrigan Council to south-east.

The Council provides services and support to a community of approximately 9,000 permanent residents across a region covering 8,881 square kilometres, including the town of Deniliquin and the six rural villages of Blighty, Boorooban, Conargo, Mayrung, Pretty Pine and Wanganella. A map of the local government area is shown below in **Figure 1**.



Figure 1 - Edward River Council Local Government Area

Edward River Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.

2.2 Strategic and Corporate Objectives

Edward River Council has set out several strategic objectives in the Community Strategic Plan, as shown below in **Figure 2**:



Figure 2 – Edward River Council’s Strategic Objectives from the Community Strategic Plan

2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 1021408 and is contained in Lot 4 DP 668484, Lot 7032 DP 1023823 Parish South Deniliquin County Townsend. The reserve is located on the western side of Deniliquin off Cemetery Road. The land contains a total of 64,358.44m². The reserve for Deniliquin Cemetery was gazette on 2/7/1863 and was set aside for the purpose of General Cemetery. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure 3**.



Figure 3 – Aerial Photograph of Deniliquin Cemetery (Reserve No. 1021408)

The Reserve's main purpose of General Cemetery for the residents of Deniliquin.

2.4 Land Ownership

Deniliquin Cemetery 1021408 is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.

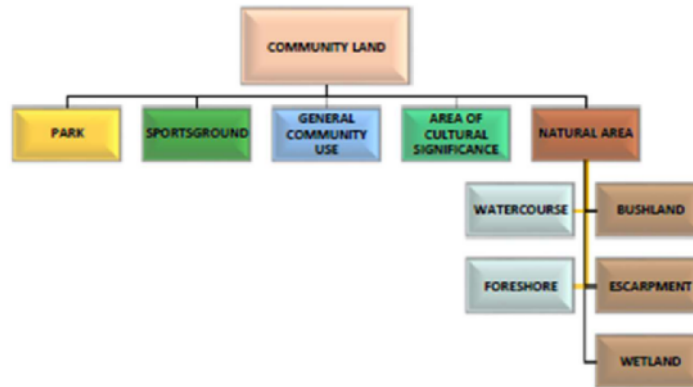


Figure 4 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

In the case of Deniliquin Cemetery, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of General Cemetery.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the land and its usage.

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

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

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- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for the which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.



3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 *Local Government Act 1993 and Local Government (General) Regulations 2005*

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plan's objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
 - the buildings on the land as at adoption, and
 - the use of the buildings and the land as at adoption
- Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 *Crown Land Management Act 2016*

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

Section 3.23(6) of the *Crown Land Management Act 2016* requires Council to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager, and that is classified as community land under the *Local Government Act 1993*.

3.3 *Native Title Act 1993 (Federal)*

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.



3.4 Aboriginal Land Rights Act 1983

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the *Native Title Act* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

Strategies which allow Council to validly carry out a project or activity under the *Native Title Act* may not deal with project risks arising in relation to the *Aboriginal Land Rights Act*.

3.5 Biodiversity Conservation Act 2016

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 Environmental Planning and Assessment Act 1979

The land is zoned as follows under the Deniliquin Local Environmental Plan 2013 (LEP):

- SP2 Infrastructure



Figure 5 – Land Use Zones for Reserve No. 1021408

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

Table 1 – Objectives of Land Use Zones for Reserve No. 1021408

Land Use Zone	Objectives
SP2 - Infrastructure	<ul style="list-style-type: none"> • To provide for infrastructure and related uses. • To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Details regarding permitted developments in these land use zones is included in the Deniliquin LEP 2013.



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In addition to the Deniliquin LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;

- *Water Management Act 2000;*
- *Clean Waters Act 1970;*
- *Companion Animals Act 1998;*
- *Rural Fires Act 1997;*
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002;*
- *Noxious Weeds Act 1993;*
- *Pesticides Act 1999;*
- *State Environmental Planning Policies;*
- *Deniliquin Local Environmental Plan 2013;*
- *Deniliquin Development Control Plans 2016;*
- *Guidelines supporting development control plans; and*
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

3.9 Reclassification of Reserves

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.9 Review of this Plan

The use and management of Deniliquin Cemetery is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.10 Community Consultation

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. As shown below in **Figure 6** - Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would require an addition to the purposes for which the land is dedicated or reserved. The Minister cannot

give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

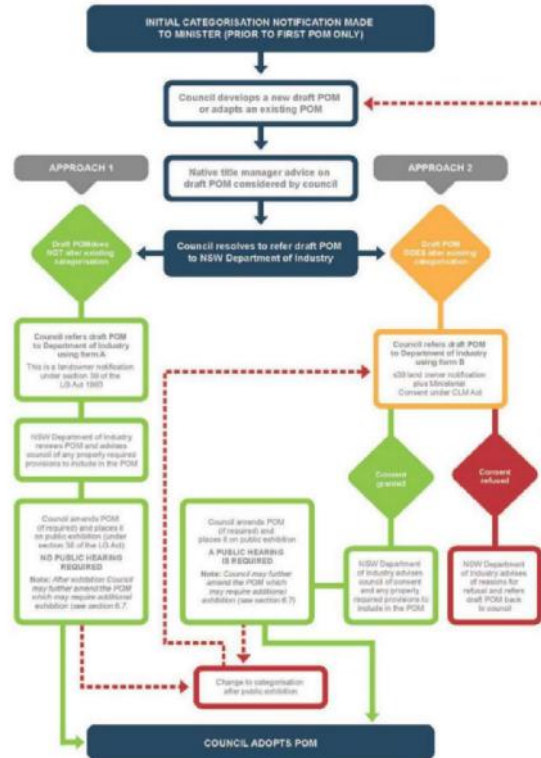


Figure 6 – Flowchart for Consultation and Approval of an Initial Plan of Management

If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, no additional ministerial consent is required, and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

If there is a proposed change to the categorisation of the land following public consultation the Plan of Management must again be referred to the Minister administering the Crown Lands Act 2016 and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed. A change of Categorisation will require a public hearing under Section 40A of the *Local Government Act 1993*.

4 CULTURALLY SIGNIFICANT LAND

4.1 *Aboriginal Significance*

Deniliquin is in the country of the Wamba Wamba Perrepa Perrepa nation and members of the community are closely connected to the town and surrounding lands. The Wamba Wamba and Perrepa Perrepa people of this region developed a way of life over many generations which was within the natural rhythms of the lands and climate. They developed a system based on the indigenous vegetation communities and local food sources which supported large family groups. In Deniliquin a comparatively high number of people identified themselves as Aboriginal and / or Torres Strait Islanders (4.6%) compared to the average for NSW (2.9%).

The Deniliquin Local Environmental Plan 2013 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Deniliquin Cemetery is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 *Non-indigenous Significance*

The reserve for Deniliquin Cemetery was gazette on 02 July 1863 and was set aside for use as a Deniliquin Cemetery. The Deniliquin Cemetery has significant cultural value with generational family burials and shows the diversity of the Deniliquin and district through the different types of burial areas such as the Chinese section of the cemetery. The Deniliquin Cemetery is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zonings SP2 Infrastructure.

5 DEVELOPMENT AND USE

5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Edward River Council's corporate objectives as detailed in the following strategic documents:

- Edward River Council 2030 Community Strategic Plan - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Community-Strategic-Plan>
- Edward River Council Combined Delivery Program 2018-21 and Operational Plan 2019-20 - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Delivery-Program-and-Operational-Plan>
- Edward River Council Resource Strategy - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Resourcing-Strategy>
- Edward River Open Space Strategy - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Public Space Strategy – <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Masterplan - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>

5.2 Community Strategic Plan

The Edward River 2030 Community Strategic Plan is the highest-level plan that Council prepares in accordance with the Integrated Planning and Reporting Framework. The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process considers the issues and pressures that may impact the community and the level of resources that will realistically be available to achieve its aspirations. At an operational level, the Community Strategic Plan is implemented through Council's Four Yearly Delivery Program and annual Operational Plans, which outline the activities and actions that are the responsibility of Council in achieving our shared vision. The relationship between these planning documents is shown below in **Figure 7**.



Figure 7 – Integrated Planning and Reporting Framework

In 2030, our community wants the Edward River region wants to achieve several strategic objectives which each council managed crown reserves will fit within:

1. A great place to live
2. A prosperous and vibrant economy
3. A valued and enhanced natural environment
4. A region with quality and sustainable infrastructure
5. A community working together to achieve its potential

The direction for the Deniliquin Cemetery is captured within Outcome 4 – A region with quality and sustainable infrastructure

5.3 Outcome 4 – A region with quality and sustainable infrastructure

As a community well developed built infrastructure is essential to a prosperous and safe region. We want a sustainable built environment that complements our natural environment, and which supports the continued growth of our region, through both retaining existing residents and attracting new residents. We see opportunity for improvement in our road, footpath and drainage networks and by taking a proactive approach to building maintenance.

The Deniliquin Cemetery fits directly under Target 4.1 – Our built environment is managed, maintained and improved. The council's role is to Where appropriate upgrade existing or provide new infrastructure, and partner with the community to understand service needs and ensure infrastructure is fit for purpose.

5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Deniliquin Cemetery upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Deniliquin Cemetery

ASSET DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 – Unserviceable
Buildings	General Community Use	3
Roads	General Community Use	2
Water Infrastructure	General Community Use	2
Grounds (lawns, gardens)	General Community Use	1
Grave sites	General Community Use	2
Signage	General Community Use	2
Fencing	General Community Use	2

The Deniliquin Cemetery is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure 8**.



a) Deniliquin Cemetery entrance where graves are located, and grave side burials are held



b) Deniliquin War Cemetery entrance located at the Deniliquin Cemetery

Figure 8 – Photographs of Deniliquin Cemetery.



5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- General Cemetery.

Council is willing to work with existing and potential users to expand the usage of Deniliquin Cemetery and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.6 Permitted Use Strategic Objectives

As previously noted, the classification of Deniliquin Cemetery is General Community Use with the intended purpose(s) of General Cemetery. Under the Deniliquin LEP 2013, the different lots are zoned SP2 - Infrastructure. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

5.7 Further Development

The priority for the reserve at present is to scope out ways to improve the reserve in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*.

A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.8 Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the *Local Government Regulations 2005* is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are



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protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Deniliquin Cemetery, provided that:

- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993*;
- the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

5.9 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.8**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 *Plan of Management Objectives*

The general objectives of this Plan of Management are shown below in **Table 3**.

Table 3 – Plan of Management Objectives

Plan of Management Objectives	
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 *Action Plan*

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indictors and Targets for Plan of Management Objectives

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.

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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.



7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND

7.1 Management Authority

For the purposes of this plan, the management authority for the reserve is Edward River Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorized.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

7.4 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

7.5 Role of Other Authorities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

7.7 Principles for the Development of Adjoining Land

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.



7.9 Contract and Volunteer Labour

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Edward River Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

7.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is ancillary to the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to prior Council consent.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

7.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational programme shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.

**Plan of Management**Deniliquin Cemetery Reserve
Reserve No. 1021408

Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

Alcohol is not permitted within the Deniliquin Cemetery.

7.18 Companion Animals

Domestic pets are not permitted within the Deniliquin Cemetery.

7.19 Parking

Parking is available within the Deniliquin Cemetery in designated parking areas. Signage is dedicated to showing where parking is permitted.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.



7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavour to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

APPENDIX A

NATIVE TITLE ASSESSMENT

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 1021408 and is contained in Lot 4 DP 668484, Lot 7032 DP 1023823 South Deniliquin County Townsend. The land is known as the Deniliquin Cemetery. The Crown is the owner of the land.

Reserve 1021408 was reserved from sale for the public purpose of General Cemetery in the Government Gazette on 02 July 1863.

Edward River Council is the Crown Land Manager of the Land. The management and use of the and is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Deniliquin Cemetery Plan of Management has been prepared by Council and provides direction as to the use and management of Deniliquin Cemetery 1021408.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered a future act must consider the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be a future act within the meaning of Section 233 of the Native Title Act 1993.



2b. If it is, why? if it is not, why not?

The activities authorised under the Plan of Management could be a future act within the meaning of Section 233 of the Native Title Act 1993.

3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Deniliquin Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes



Plan of Management
Deniliquin Cemetery Reserve
Reserve No. 1021408

Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore, requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 1021408 was reserved from sale or lease for purpose of General Cemetery and notified in the Government Gazette of 02 July 1863.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 02 July 1863.

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of General Cemetery.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.



PLAN OF MANAGEMENT

DENILIQVIN OVAL

RESERVE No. 77085



Plan of Management
Deniliquin Oval Reserve
Reserve No.77085

PLAN OF MANAGEMENT DOCUMENT CONTROL

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version				
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)



Plan of Management
Deniliquin Oval Reserve
Reserve No.77085

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Plan of Management
Deniliquin Oval Reserve
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1 KEY INFORMATION

The Deniliquin Oval Plan of Management (Plan of Management) has been prepared by Edward River Council (Council) to provide direction regarding the use and management of the Deniliquin Oval– Crown Reserve 77085. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The plan may be used to determine the allocation of resources and funds.

2 INTRODUCTION

2.1 Background

Edward River Council was proclaimed on 12 May 2016, following the amalgamation of the former Conargo Shire Council and Deniliquin Council into one strong, cohesive and dynamic organisation. Deniliquin is located approximately 725km south west of Sydney and 285km north east of Melbourne. The Council is situated within the Murray region of New South Wales and close to the Victorian border. It shares borders with Hay Shire to the north, Murrumbidgee Council to the east, Murray River Council to the south-west and Berrigan Council to south-east.

The Council provides services and support to a community of approximately 9,000 permanent residents across a region covering 8,881 square kilometres, including the town of Deniliquin and the six rural villages of Blighty, Boorooban, Conargo, Mayrung, Pretty Pine and Wanganella. A map of the local government area is shown below in **Figure 1**.



Figure 1 - Edward River Council Local Government Area

Edward River Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.

2.2 Strategic and Corporate Objectives

Edward River Council has set out several strategic objectives in the Community Strategic Plan, as shown below in **Figure 2**:



Figure 2 – Edward River Council’s Strategic Objectives from the Community Strategic Plan

2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 77085 and is contained in Lot 1 DP 724430, Lot 7304 DP 1143172 Parish South Deniliquin County Townsend. The reserve is located on the western side of Deniliquin off Harding St and Ochertyre St. The land contains a total of 52,336.80 m2. The reserve for Deniliquin Oval was gazette on 15/10/1954 and was set aside for the purpose of Public Recreation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure 3**.



Figure 3 – Aerial Photograph of Deniliquin Oval (Reserve No. 77085)

The Reserve's main purpose is for Public Recreation for the residents of Deniliquin.

2.4 Land Ownership

Deniliquin Oval 77085 is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.

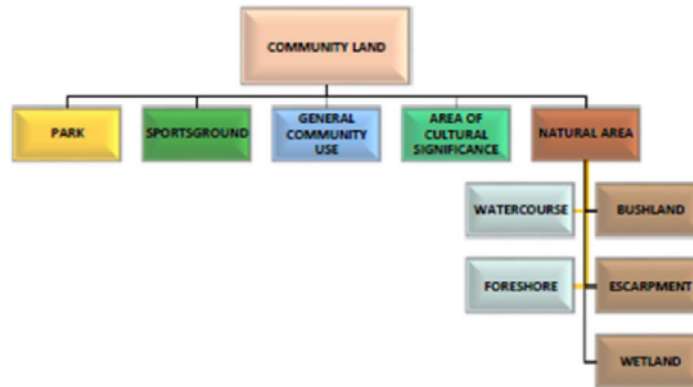


Figure 4 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

In the case of Deniliquin Oval, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Public Recreation.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the land and its usage.

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

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

**Plan of Management**Deniliquin Oval Reserve
Reserve No.77085

- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for the which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.



3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 Local Government Act 1993 and Local Government (General) Regulations 2005

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plan's objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
 - the buildings on the land as at adoption, and
 - the use of the buildings and the land as at adoption
- Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 Crown Land Management Act 2016

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

Section 3.23(6) of the *Crown Land Management Act 2016* requires Council to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager, and that is classified as community land under the *Local Government Act 1993*.

3.3 Native Title Act 1993 (Federal)

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.



3.4 Aboriginal Land Rights Act 1983

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the *Native Title Act* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

Strategies which allow Council to validly carry out a project or activity under the *Native Title Act* may not deal with project risks arising in relation to the *Aboriginal Land Rights Act*.

3.5 Biodiversity Conservation Act 2016

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 Environmental Planning and Assessment Act 1979

The land is zoned as follows under the Deniliquin Local Environmental Plan 2013 (LEP):

- RE 1 Public Recreation



Figure 5 – Land Use Zones for Reserve No. 77085

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

Table 1 – Objectives of Land Use Zones for Reserve No. 77085

Land Use Zone	Objectives
RE 1 – Public Recreation	<ul style="list-style-type: none"> • 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.

Details regarding permitted developments in these land use zones is included in the Deniliquin LEP 2013.



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In addition to the Deniliquin LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;

- *Water Management Act 2000;*
- *Clean Waters Act 1970;*
- *Companion Animals Act 1998;*
- *Rural Fires Act 1997;*
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002;*
- *Noxious Weeds Act 1993;*
- *Pesticides Act 1999;*
- *State Environmental Planning Policies;*
- *Deniliquin Local Environmental Plan 2013;*
- *Deniliquin Development Control Plans 2016;*
- *Guidelines supporting development control plans; and*
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

3.9 Reclassification of Reserves

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.9 Review of this Plan

The use and management of Deniliquin Oval is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.10 Community Consultation

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. As shown below in **Figure 6** - Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would require an addition to the purposes for which the land is dedicated or reserved. The Minister cannot



Plan of Management
Deniliquin Oval Reserve
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give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

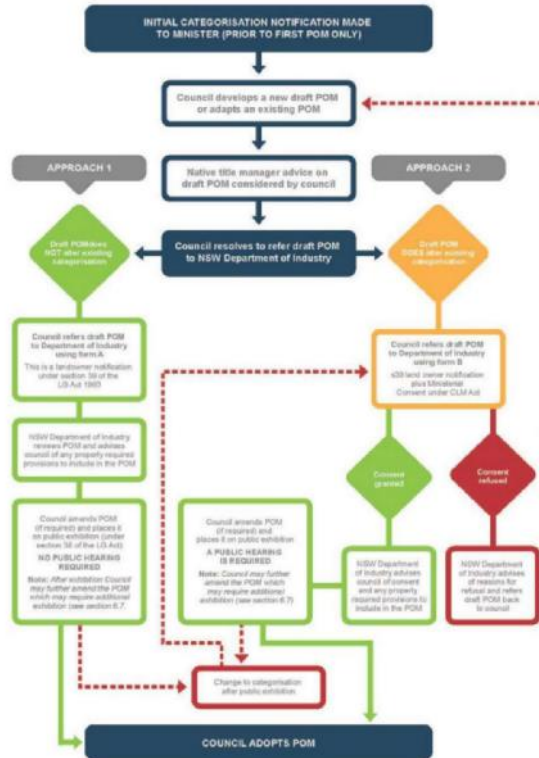


Figure 6 – Flowchart for Consultation and Approval of an Initial Plan of Management

If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, no additional ministerial consent is required, and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

If there is a proposed change to the categorisation of the land following public consultation the Plan of Management must again be referred to the Minister administering the Crown Lands Act 2016 and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed. A change of Categorisation will require a public hearing under Section 40A of the *Local Government Act 1993*.



4 CULTURALLY SIGNIFICANT LAND

4.1 Aboriginal Significance

Deniliquin is in the country of the Wamba Wamba Perrepa Perrepa nation and members of the community are closely connected to the town and surrounding lands. The Wamba Wamba and Perrepa Perrepa people of this region developed a way of life over many generations which was within the natural rhythms of the lands and climate. They developed a system based on the indigenous vegetation communities and local food sources which supported large family groups. In Deniliquin a comparatively high number of people identified themselves as Aboriginal and / or Torres Strait Islanders (4.6%) compared to the average for NSW (2.9%).

The Deniliquin Local Environmental Plan 2013 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Deniliquin Oval is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 Non-indigenous Significance

The reserve for Deniliquin Oval was gazette on 15 October 1954 and was set aside for use as the Deniliquin Oval. The Deniliquin Oval provides a space for a number of sporting activities including the home ground for the Deniliquin Rams Football and Netball Club. Events such as little athletics and AusKick are also held at the oval. The Deniliquin Oval is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zonings RE 1 Public Recreation.

5 DEVELOPMENT AND USE

5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Edward River Council's corporate objectives as detailed in the following strategic documents:

- Edward River Council 2030 Community Strategic Plan - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Community-Strategic-Plan>
- Edward River Council Combined Delivery Program 2018-21 and Operational Plan 2019-20 - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Delivery-Program-and-Operational-Plan>
- Edward River Council Resource Strategy - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Resourcing-Strategy>
- Edward River Open Space Strategy - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Public Space Strategy – <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Masterplan - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>

5.2 Community Strategic Plan

The Edward River 2030 Community Strategic Plan is the highest-level plan that Council prepares in accordance with the Integrated Planning and Reporting Framework. The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process considers the issues and pressures that may impact the community and the level of resources that will realistically be available to achieve its aspirations. At an operational level, the Community Strategic Plan is implemented through Council's Four Yearly Delivery Program and annual Operational Plans, which outline the activities and actions that are the responsibility of Council in achieving our shared vision. The relationship between these planning documents is shown below in **Figure 7**.

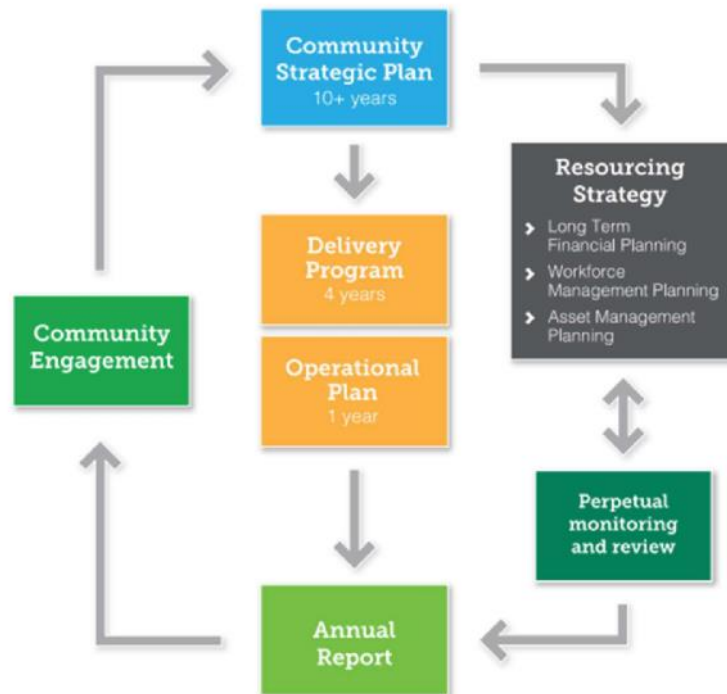


Figure 7 – Integrated Planning and Reporting Framework

In 2030, our community wants the Edward River region wants to achieve several strategic objectives which each council managed crown reserves will fit within:

1. A great place to live
2. A prosperous and vibrant economy
3. A valued and enhanced natural environment
4. A region with quality and sustainable infrastructure
5. A community working together to achieve its potential

The direction for the Deniliquin Oval is captured within Outcome 1 – A great place to live

5.3 Outcome 1 – A great place to live

We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.

The Deniliquin Oval fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to promote healthy

lifestyles and Operate section 355 committees to effectively manage community halls and recreation reserves.

5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Deniliquin Oval upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Deniliquin Oval

ASSET DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 – Unserviceable
Buildings	General Community Use	3
Roads	General Community Use	2
Water Infrastructure	General Community Use	2
Grounds (lawns, gardens)	General Community Use	2
Ovals	General Community Use	2
Signage	General Community Use	2
Fencing	General Community Use	2

The Deniliquin Oval is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure 8**.



Figure 8 – Photographs of Deniliquin Oval.



5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- Public Recreation.

Council is willing to work with existing and potential users to expand the usage of Deniliquin Oval and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.6 Permitted Use Strategic Objectives

As previously noted, the classification of Deniliquin Oval is General Community Use with the intended purpose(s) of Public Recreation. Under the Deniliquin LEP 2013, the different lots are zoned RE 1 – Public Recreation. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

5.7 Further Development

The priority for the reserve at present is to scope out ways to improve the reserve in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*.

A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.8 Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the *Local Government Regulations 2005* is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Deniliquin Oval, provided that:



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- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993*;
- the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

5.9 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.8**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 *Plan of Management Objectives*

The general objectives of this Plan of Management are shown below in **Table 3**.

Table 3 – Plan of Management Objectives

Plan of Management Objectives	
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 *Action Plan*

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indictors and Targets for Plan of Management Objectives

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.

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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.



7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND

7.1 Management Authority

For the purposes of this plan, the management authority for the reserve is Edward River Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorized.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

7.4 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

7.5 Role of Other Activities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

7.7 Principles for the Development of Adjoining Land

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.



7.9 Contract and Volunteer Labour

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Edward River Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

7.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is ancillary to the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to prior Council consent.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

7.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational programme shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.



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Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

Alcohol is permitted within the Deniliquin Oval at selected events if all the correct licencing is in place and an application to Council is submitted and approved.

7.18 Companion Animals

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

7.19 Parking

Parking is available within the Deniliquin Oval in designated parking areas. Signage is dedicated to showing where parking is permitted.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.



7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavour to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.



APPENDIX A

NATIVE TITLE ASSESSMENT

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 77085 and is contained in Lot 4 DP 668484, Lot 7032 DP 1023823 South Deniliquin County Townsend. The land is known as the Deniliquin Oval. The Crown is the owner of the land.

Reserve 77085 was reserved from sale for the public purpose of Public Recreation in the Government Gazette on 15 October 1954.

Edward River Council is the Crown Land Manager of the Land. The management and use of the land is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Deniliquin Oval Plan of Management has been prepared by Council and provides direction as to the use and management of Deniliquin Oval 77085.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered a future act must consider the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be a future act within the meaning of Section 233 of the Native Title Act 1993.



2b. If it is, why? if it is not, why not?

The activities authorised under the Plan of Management could be a future act within the meaning of Section 233 of the Native Title Act 1993.

3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Deniliquin Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes



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Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore, requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 77085 was reserved from sale or lease for purpose of Public Recreation and notified in the Government Gazette of 15 October 1954.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 15 October 1954.

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Public Recreation.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.



PLAN OF MANAGEMENT

DENILIQVIN SPORTS PARK

RESERVE No. 150007



Plan of Management
Deniliquin Sports Park Reserve
Reserve No. 150007

PLAN OF MANAGEMENT DOCUMENT CONTROL

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version				
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)



Plan of Management
Deniliquin Sports Park Reserve
Reserve No. 150007

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1 KEY INFORMATION

The Deniliquin Sports Park Plan of Management (Plan of Management) has been prepared by Edward River Council (Council) to provide direction regarding the use and management of the Deniliquin Sports Park– Crown Reserve 150007. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The plan may be used to determine the allocation of resources and funds.

2 INTRODUCTION

2.1 Background

Edward River Council was proclaimed on 12 May 2016, following the amalgamation of the former Conargo Shire Council and Deniliquin Council into one strong, cohesive and dynamic organisation. Deniliquin is located approximately 725km south west of Sydney and 285km north east of Melbourne. The Council is situated within the Murray region of New South Wales and close to the Victorian border. It shares borders with Hay Shire to the north, Murrumbidgee Council to the east, Murray River Council to the south-west and Berrigan Council to south-east.

The Council provides services and support to a community of approximately 9,000 permanent residents across a region covering 8,881 square kilometres, including the town of Deniliquin and the six rural villages of Blighty, Boorooban, Conargo, Mayrung, Pretty Pine and Wanganella. A map of the local government area is shown below in **Figure 1**.



Figure 1 - Edward River Council Local Government Area

Edward River Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.

2.2 Strategic and Corporate Objectives

Edward River Council has set out several strategic objectives in the Community Strategic Plan, as shown below in **Figure 2**:



Figure 2 – Edward River Council’s Strategic Objectives from the Community Strategic Plan

2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 150007 and is contained in Lot 519 DP 820164, Lots 2-3 DP 1235420 Parish South Deniliquin County Townsend. The reserve is located on the western side of Deniliquin off Cemetery Rd. The land contains a total of 128,153.23 m2. The reserve for Deniliquin Sports Park was gazette on 19/12/1986 and was set aside for the purpose of Public Recreation. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure 3**.



Figure 3 – Aerial Photograph of Deniliquin Sports Park (Reserve No. 150007)

The Reserve's main purpose of Public Recreation for the residents of Deniliquin.

2.4 Land Ownership

Deniliquin Sports Park 150007 is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.

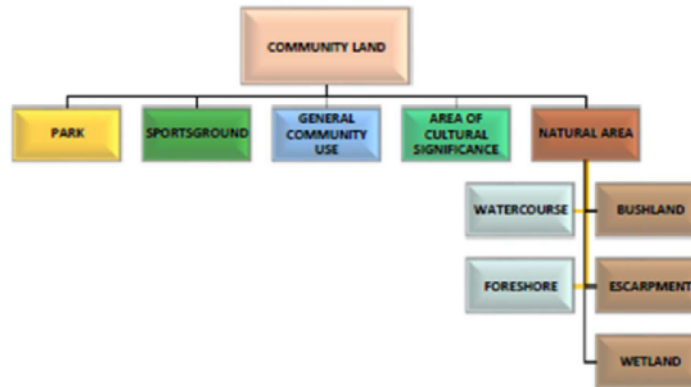


Figure 4 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

In the case of Deniliquin Sports Park, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Public Recreation.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the land and its usage.

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

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and



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- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for the which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.

3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 *Local Government Act 1993 and Local Government (General) Regulations 2005*

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plan's objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
 - the buildings on the land as at adoption, and
 - the use of the buildings and the land as at adoption
- Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 *Crown Land Management Act 2016*

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

Section 3.23(6) of the *Crown Land Management Act 2016* requires Council to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager, and that is classified as community land under the *Local Government Act 1993*.

3.3 *Native Title Act 1993 (Federal)*

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.



3.4 Aboriginal Land Rights Act 1983

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the *Native Title Act* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

Strategies which allow Council to validly carry out a project or activity under the *Native Title Act* may not deal with project risks arising in relation to the *Aboriginal Land Rights Act*.

3.5 Biodiversity Conservation Act 2016

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 Environmental Planning and Assessment Act 1979

The land is zoned as follows under the Deniliquin Local Environmental Plan 2013 (LEP):

- RE 1 Public Recreation

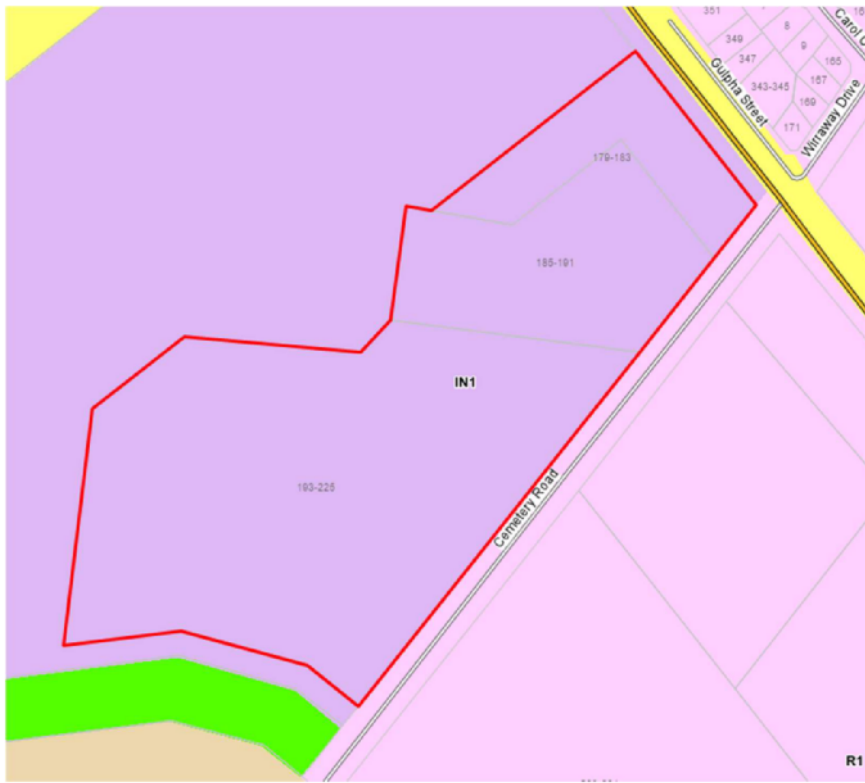


Figure 5 – Land Use Zones for Reserve No. 150007

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

Table 1 – Objectives of Land Use Zones for Reserve No. 150007

Land Use Zone	Objectives
RE 1 – Public Recreation	<ul style="list-style-type: none"> • 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.

Details regarding permitted developments in these land use zones is included in the Deniliquin LEP 2013.

In addition to the Deniliquin LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;
- *Biodiversity Conservation Act 2016*;

- *Water Management Act 2000;*
- *Clean Waters Act 1970;*
- *Companion Animals Act 1998;*
- *Rural Fires Act 1997;*
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002;*
- *Noxious Weeds Act 1993;*
- *Pesticides Act 1999;*
- *State Environmental Planning Policies;*
- *Deniliquin Local Environmental Plan 2013;*
- *Deniliquin Development Control Plans 2016;*
- *Guidelines supporting development control plans; and*
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

3.9 **Reclassification of Reserves**

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.9 **Review of this Plan**

The use and management of Deniliquin Sports Park is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.10 **Community Consultation**

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. As shown below in **Figure 6** - Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would require an addition to the purposes for which the land is dedicated or reserved. The Minister cannot



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give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

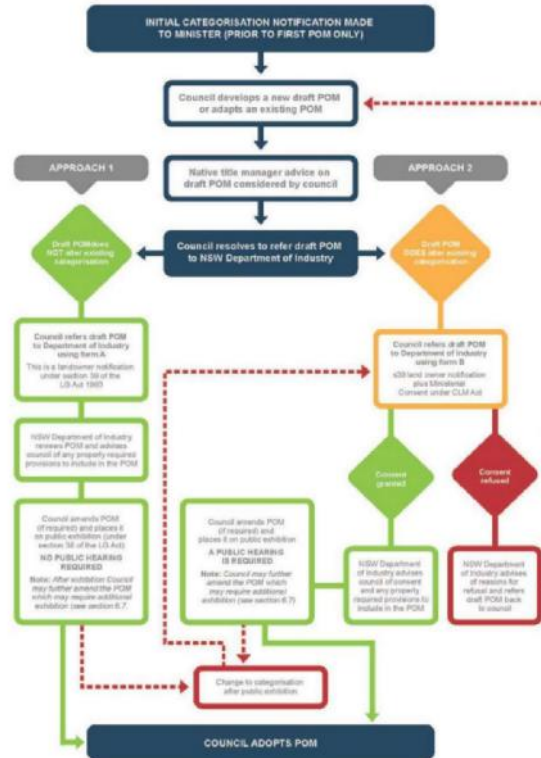


Figure 6 – Flowchart for Consultation and Approval of an Initial Plan of Management

If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, no additional ministerial consent is required, and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

If there is a proposed change to the categorisation of the land following public consultation the Plan of Management must again be referred to the Minister administering the Crown Lands Act 2016 and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed. A change of Categorisation will require a public hearing under Section 40A of the *Local Government Act 1993*.



4 CULTURALLY SIGNIFICANT LAND

4.1 *Aboriginal Significance*

Deniliquin is in the country of the Wamba Wamba Perrepa Perrepa nation and members of the community are closely connected to the town and surrounding lands. The Wamba Wamba and Perrepa Perrepa people of this region developed a way of life over many generations which was within the natural rhythms of the lands and climate. They developed a system based on the indigenous vegetation communities and local food sources which supported large family groups. In Deniliquin a comparatively high number of people identified themselves as Aboriginal and / or Torres Strait Islanders (4.6%) compared to the average for NSW (2.9%).

The Deniliquin Local Environmental Plan 2013 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Deniliquin Sports Park is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 *Non-indigenous Significance*

The reserve for Deniliquin Sports Park was gazette on 19 December 1986 and was set aside for use as Sports Park, including sporting ovals (Rotary Park) and the Deniliquin Regional Sports and Entertainment Stadium (indoor sports). The Deniliquin Sports Park provides a space for several sporting activities including soccer, rugby and indoor sports in the stadium such as basketball and badminton. Events such as cultural days are also held in the sports stadium. The Deniliquin Sports Park is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zonings RE 1 Public Recreation.

5 DEVELOPMENT AND USE

5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Edward River Council's corporate objectives as detailed in the following strategic documents:

- Edward River Council 2030 Community Strategic Plan - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Community-Strategic-Plan>
- Edward River Council Combined Delivery Program 2018-21 and Operational Plan 2019-20 - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Delivery-Program-and-Operational-Plan>
- Edward River Council Resource Strategy - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Resourcing-Strategy>
- Edward River Open Space Strategy - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Public Space Strategy – <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Masterplan - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>

5.2 Community Strategic Plan

The Edward River 2030 Community Strategic Plan is the highest-level plan that Council prepares in accordance with the Integrated Planning and Reporting Framework. The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process considers the issues and pressures that may impact the community and the level of resources that will realistically be available to achieve its aspirations. At an operational level, the Community Strategic Plan is implemented through Council's Four Yearly Delivery Program and annual Operational Plans, which outline the activities and actions that are the responsibility of Council in achieving our shared vision. The relationship between these planning documents is shown below in **Figure 7**.



Figure 7 – Integrated Planning and Reporting Framework

In 2030, our community wants the Edward River region wants to achieve several strategic objectives which each council managed crown reserves will fit within:

1. A great place to live
2. A prosperous and vibrant economy
3. A valued and enhanced natural environment
4. A region with quality and sustainable infrastructure
5. A community working together to achieve its potential

The direction for the Deniliquin Sports Park is captured within Outcome 1 – A great place to live

5.3 Outcome 1 – A great place to live

We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.

The Deniliquin Sports Park fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council’s role is to

promote healthy lifestyles and Operate section 355 committees to effectively manage community halls and recreation reserves.

5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Deniliquin Sports Park upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Deniliquin Sports Park

ASSET DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 – Unserviceable
Buildings	General Community Use	1
Roads	General Community Use	2
Water Infrastructure	General Community Use	2
Grounds (lawns, gardens)	General Community Use	2
Ovals	General Community Use	2
Signage	General Community Use	2
Fencing	General Community Use	2

The Deniliquin Sports Park is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure 8**.



Figure 8 – Photographs of Deniliquin Sports Park.

5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- Public Recreation.

Council is willing to work with existing and potential users to expand the usage of Deniliquin Sports Park and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.6 Permitted Use Strategic Objectives

As previously noted, the classification of Deniliquin Sports Park is General Community Use with the intended purpose(s) of Public Recreation. Under the Deniliquin LEP 2013, the different lots are zoned RE 1 – Public Recreation. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

5.7 Further Development

The priority for the reserve at present is to scope out ways to improve the reserve in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*.

A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.8 Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the *Local Government Regulations 2005* is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.



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This Plan of Management expressly authorises the issue of leases, licences and other estates over Deniliquin Sports Park, provided that:

- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993*;
- the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

5.9 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.8**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 *Plan of Management Objectives*

The general objectives of this Plan of Management are shown below in **Table 3**.

Table 3 – Plan of Management Objectives

Plan of Management Objectives	
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 *Action Plan*

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indicators and Targets for Plan of Management Objectives

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.



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OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.



7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND

7.1 Management Authority

For the purposes of this plan, the management authority for the reserve is Edward River Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorized.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

7.4 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

7.5 Role of Other Authorities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

7.7 Principles for the Development of Adjoining Land

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.



7.9 Contract and Volunteer Labour

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Edward River Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

7.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is ancillary to the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to prior Council consent.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

7.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational programme shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.



Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

Alcohol is permitted within the Deniliquin Sports Park at selected events if all the correct licencing procedures are followed and an application to Council is submitted and approved by whichever group.

7.18 Companion Animals

Domestic pets may use the grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

7.19 Parking

Parking is available within the Deniliquin Sports Park in designated parking areas. Signage is dedicated to showing where parking is permitted.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.



7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavour to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

APPENDIX A

NATIVE TITLE ASSESSMENT

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 150007 and is contained in Lot 4 DP 668484, Lot 7032 DP 1023823 South Deniliquin County Townsend. The land is known as the Deniliquin Sports Park. The Crown is the owner of the land.

Reserve 150007 was reserved from sale for the public purpose of Public Recreation in the Government Gazette on 19 December 1986.

Edward River Council is the Crown Land Manager of the Land. The management and use of the and is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Deniliquin Sports Park Plan of Management has been prepared by Council and provides direction as to the use and management of Deniliquin Sports Park 150007.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered a future act must consider the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be a future act within the meaning of Section 233 of the Native Title Act 1993.



2b. If it is, why? if it is not, why not?

The activities authorised under the Plan of Management could be a future act within the meaning of Section 233 of the Native Title Act 1993.

3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Deniliquin Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes



Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore, requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 150007 was reserved from sale or lease for purpose of Public Recreation and notified in the Government Gazette of 19 December 1986.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 19 December 1986.

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Public Recreation.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.



PLAN OF MANAGEMENT

DENILIQVIN SWIMMING CENTRE

RESERVE No. 88772



Plan of Management
Deniliquin Swim Centre No.88772

PLAN OF MANAGEMENT DOCUMENT CONTROL

Responsible Officer				
Reviewed By				
Date Adopted				
Council Resolution				
Review Due Date				
Current Version				
Version	Description of Amendments	Author	Review	Council Minute No. (If Relevant)



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1 KEY INFORMATION

The Deniliquin Swimming Centre Plan of Management (Plan of Management) has been prepared by Edward River Council (Council) to provide direction regarding the use and management of the Deniliquin Swimming Centre– Crown Reserve 88772. This Plan of Management is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licensing and Permit processes for the land. The plan may be used to determine the allocation of resources and funds.

2 INTRODUCTION

2.1 Background

Edward River Council was proclaimed on 12 May 2016, following the amalgamation of the former Conargo Shire Council and Deniliquin Council into one strong, cohesive and dynamic organisation. Deniliquin is located approximately 725km south west of Sydney and 285km north east of Melbourne. The Council is situated within the Murray region of New South Wales and close to the Victorian border. It shares borders with Hay Shire to the north, Murrumbidgee Council to the east, Murray River Council to the south-west and Berrigan Council to south-east.

The Council provides services and support to a community of approximately 9,000 permanent residents across a region covering 8,881 square kilometres, including the town of Deniliquin and the six rural villages of Blighty, Boorooban, Conargo, Mayrung, Pretty Pine and Wanganella. A map of the local government area is shown below in **Figure 1**.



Figure 1 - Edward River Council Local Government Area

Edward River Council is responsible for care and control of many community land parcels. With the introduction of the Crown Land Management Act 2016, Council has been appointed the Crown Land Manager for all Crown reserves within its jurisdiction under the provisions of the *Local Government Act 1993*.

2.2 Strategic and Corporate Objectives

Edward River Council has set out several strategic objectives in the Community Strategic Plan, as shown below in **Figure 2**:



Figure 2 – Edward River Council’s Strategic Objectives from the Community Strategic Plan

2.3 Land to Which this Plan Applies

The land to which this plan applies is Crown Reserve 88772 and is contained in Lot 7026 DP 1023926 Parish South Deniliquin County Townsend. The reserve is located on the western side of Deniliquin off Harding St and Ochertyre St. The land contains a total of 52,336.80 m2. The reserve for Deniliquin Swimming Centre was gazette on 17/11/1972 and was set aside for the purpose of Public Recreation; Public Baths. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure 3**.



Figure 3 – Aerial Photograph of Deniliquin Swimming Centre (Reserve No. 88772)

The Reserve’s main purpose is for Public Recreation; Public Baths for the residents of Deniliquin.

2.4 Land Ownership

Deniliquin Swimming Centre 88772 is owned by the Crown and is managed by Edward River Council as Crown Land Manager under the Land Management Act 2016.

2.5 Categorisation of the Reserve

Under Section 3.23(2) of the Crown Land management Act 2016, Council Crown Land managers must assign to all Crown Land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.

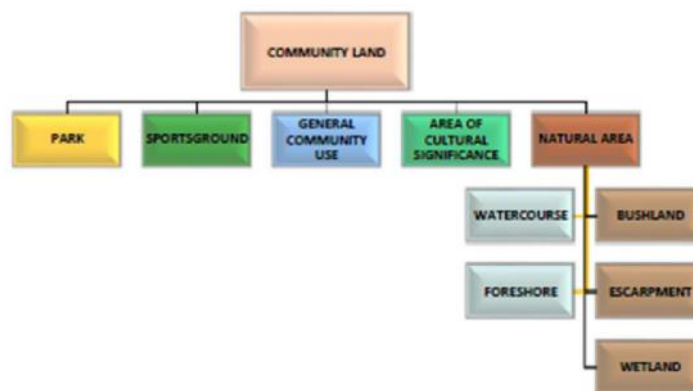


Figure 4 – Categories of Community Land referred to in Section 36 of the *Local Government Act 1993*

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to Crown land where the Crown land is subject to multiple reservations and/or dedications.

The degree to which the reserve purpose relates to the assigned category of the land is important for ongoing management of the land. This is because Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with it.

Both the Aboriginal Land Rights Act and the Native Title Act recognise the intent of the original reserve purpose of the land so that complying activities can be considered lawful or validated, particularly under Section J of the *Native Title Act 1993*.

In the case of Deniliquin Swimming Centre, Council has requested and obtained initial categorisation of:

- **General Community Use** for the purpose of Public Recreation; Public Baths.

The category was approved by the minister administering the *Crown Land Management Act 2016* in relation to the reserve. Council does not propose to alter the initial categories assigned by the Minister by this Plan of Management because the assigned categories most closely align with the reserved purposes of the land and its usage.

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

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

Activities of the land will reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government and Crown Lands legislation. This includes assessment of that activity under the *Native Title Act 1996* and registered claims under the *Aboriginal Land Rights Act 1983*.

Use of the land for any activity is subject to the application and approval. Assessment will consider compliance with the objectives and relationship to that impact on the public purpose for which the land was set aside. Other uses that do not comply with this Plan of Management or zoning of the land under Council's Local Environmental Plan will not be considered.

3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 *Local Government Act 1993 and Local Government (General) Regulations 2005*

Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993* using the land categories approved by the Minister administering the *Crown Land Management Act 2016*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify

- the category of the land
- the objective and performance targets of the plan with respect to the land
- the means by which Council proposes to assess its performance with respect to the plan's objectives and performance targets

These conditions may require the approval of Council for the carrying out of any specified activity on the land.

Section 36 (3A) specifies that for Plans of Management that are specific to one area of land, must also describe

- the condition of the land as at the adoption of the plan
 - the buildings on the land as at adoption, and
 - the use of the buildings and the land as at adoption
- Additionally, the Plan must also state the purposes for which the land will be allowed to be used and the scale and intensity of that use.

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

3.2 *Crown Land Management Act 2016*

Division 3.6 of the *Crown Lands Management Act 2016* deals with the requirements that Council must meet in relation to Plans of Management and other Plans.

Section 3.23(6) of the *Crown Land Management Act 2016* requires Council to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager, and that is classified as community land under the *Local Government Act 1993*.

3.3 *Native Title Act 1993 (Federal)*

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

3.4 *Aboriginal Land Rights Act 1983*

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the *Native Title Act* by Council's Native Title Manager.

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land.

Generally, the *Aboriginal Land Rights Act* is directed at allowing Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council is mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land and that it ensures that Crown land under its control is always lawfully used and occupied.

When planning an activity of the land such as the issue of a lease or licence or any public works, Council is expected to search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered, the activity must be postponed until the claim is resolved.

Strategies which allow Council to validly carry out a project or activity under the *Native Title Act* may not deal with project risks arising in relation to the *Aboriginal Land Rights Act*.

3.5 *Biodiversity Conservation Act 2016*

Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

3.6 *Environmental Planning and Assessment Act 1979*

The land is zoned as follows under the Deniliquin Local Environmental Plan 2013 (LEP):

- RE 1 Public Recreation; Public Baths



Figure 5 – Land Use Zones for Reserve No. 88772

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

Table 1 – Objectives of Land Use Zones for Reserve No. 88772

Land Use Zone	Objectives
RE 1 – Public Recreation; Public Baths	<ul style="list-style-type: none"> • 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.

Details regarding permitted developments in these land use zones is included in the Deniliquin LEP 2013.

In addition to the Deniliquin LEP, the Deniliquin Development Control Plan was developed with the general aims to:

- (a) Promote growth and development to support and enhance the vitality of the Central Business District.
- (b) Encourage development that responds to the needs of the community.
- (c) Encourage residential development of a high standard to improve the quality of the urban environment.
- (d) Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- (e) Encourage new development that will enhance streetscapes and vistas.
- (f) Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.
- (g) Encourage energy efficiency in building design.
- (h) Provide for effective and well-utilised open space with security and access for the community.
- (i) Control and minimise the impact of stormwater run-off.
- (j) Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- (k) Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

3.7 Council Plans, Strategies, Policies and Procedures

This Plan of Management is to be used in conjunction with the appropriate Council plans, policies and procedures that govern the use and management of community land and any facilities located on the land.

Additional Council policies, plans and strategies adopted after the date of this plan that have relevance to the planning, use and management of community land will apply as though they were in force at the date of adoption of the Plan of Management.

3.8 Legislation and Statutory Control

This Plan of Management does not overrule existing legislation that also applies to the management of community land.

Other legislation and policies to be considered in the management process include, but are not limited to:

- *Public Works Act 1912* (as amended);
- *Local Land Services Act 2013*;

- *Biodiversity Conservation Act 2016;*
- *Water Management Act 2000;*
- *Clean Waters Act 1970;*
- *Companion Animals Act 1998;*
- *Rural Fires Act 1997;*
- *Rural Fires and Environmental Assessment Legislation Amendment Act 2002;*
- *Noxious Weeds Act 1993;*
- *Pesticides Act 1999;*
- *State Environmental Planning Policies;*
- *Deniliquin Local Environmental Plan 2013;*
- *Deniliquin Development Control Plans 2016;*
- *Guidelines supporting development control plans; and*
- *Council plans, strategies, policies, procedures and guidelines, generally, as amended.*

3.9 Reclassification of Reserves

From time to time certain parcels of Community land may be identified as surplus to the existing and future needs of the community. Section 3.21 of the *Crown Land Management Act 2016* outlines provisions of Management of dedicated or reserved Crown land within meaning of the *Local Government Act 1993*. Section 3.21 (2) advises that a Council manager is authorised to manage its dedicated or reserved Crown land as if it were community land or operational land but only as permitted or required by Division 3.4 of the *Crown Land Management Act 2016*.

3.9 Review of this Plan

The use and management of Deniliquin Swimming Centre is regulated by this Plan of Management. Whilst the guidelines and principles outlined in the plan may be suitable at present, the Plan should be reviewed from time to time, to confirm its relevance.

The review of this Plan of Management will take place within five (5) years of adoption of this plan.

3.10 Community Consultation

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land, however, as the land is Crown land final approval for the Plan of Management rests with the Minister administering the *Crown Lands Act 2016* as owner of the land.

Council is required to submit the draft Plan of Management to NSW Department of Industry, as representative of the owner of the land under section 39 of the *Local Government Act*. As shown below in **Figure 6** - Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management. Section 3.23(7)(d) of the CLM Act states that, if the draft first Plan of Management alters the initial categories assigned, the council must obtain the Minister's consent if the re- categorisation would

require an addition to the purposes for which the land is dedicated or reserved. The Minister cannot give consent under section 3.23(7)(d) if it is considered that the alteration is likely to materially harm the use of the land for its reserve purpose.

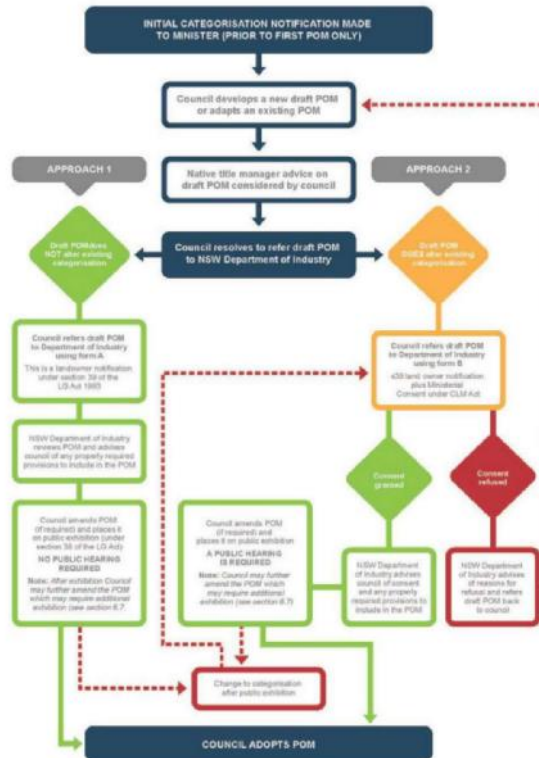


Figure 6 – Flowchart for Consultation and Approval of an Initial Plan of Management

If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, no additional ministerial consent is required, and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

If there is a proposed change to the categorisation of the land following public consultation the Plan of Management must again be referred to the Minister administering the Crown Lands Act 2016 and the process outlined in Approach 2 of the Flowchart for Consultation and Approval of an Initial Plan of Management is followed. A change of Categorisation will require a public hearing under Section 40A of the *Local Government Act 1993*.

4 CULTURALLY SIGNIFICANT LAND

4.1 *Aboriginal Significance*

Deniliquin is in the country of the Wamba Wamba Perrepa Perrepa nation and members of the community are closely connected to the town and surrounding lands. The Wamba Wamba and Perrepa Perrepa people of this region developed a way of life over many generations which was within the natural rhythms of the lands and climate. They developed a system based on the indigenous vegetation communities and local food sources which supported large family groups. In Deniliquin a comparatively high number of people identified themselves as Aboriginal and / or Torres Strait Islanders (4.6%) compared to the average for NSW (2.9%).

The Deniliquin Local Environmental Plan 2013 describes places of Aboriginal Heritage significance as an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

In addition, an Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Deniliquin Swimming Centre is not identified as having Aboriginal significance and is not declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

4.2 *Non-indigenous Significance*

The reserve for Deniliquin Swimming Centre was gazette on 17 November 1972 and was set aside for use as the Deniliquin Swim Centre and Scotts Rocket Park. The Deniliquin Swim Centre provides a safe and clean area for swimming carnivals and swim training as well as rehabilitation activities. Scotts Park provides a space for passive recreation where families can hold barbecues with a range of outdoor play equipment available. In addition, the Deniliquin Community Gardens is also situated on the Reserve and used by the community. The Deniliquin Guide Hall is situated adjacent to the Reserve. Recently Scotts Park was renovated and now also includes a bike park. The Deniliquin Swimming Centre is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zonings RE 1 Public Recreation; Public Baths .

5 DEVELOPMENT AND USE

5.1 Overview

One of the primary responsibilities of Local Government is to provide an acceptable level of service for public assets to its community within budgetary constraints. Council's ongoing commitment to the development and maintenance of these areas depend on financial resources and forward planning. The implementation of actions identified in this Plan of Management are consistent with Edward River Council's corporate objectives as detailed in the following strategic documents:

- Edward River Council 2030 Community Strategic Plan - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Community-Strategic-Plan>
- Edward River Council Combined Delivery Program 2018-21 and Operational Plan 2019-20 - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Delivery-Program-and-Operational-Plan>
- Edward River Council Resource Strategy - <https://www.edwardriver.nsw.gov.au/Council/Integrated-Planning-and-Reporting/Resourcing-Strategy>
- Edward River Open Space Strategy - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Public Space Strategy – <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>
- Deniliquin Masterplan - <https://www.edwardriver.nsw.gov.au/Council/Council-Information/Corporate-Plans-and-Strategies>

5.2 Community Strategic Plan

The Edward River 2030 Community Strategic Plan is the highest-level plan that Council prepares in accordance with the Integrated Planning and Reporting Framework. The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. In doing this, the planning process considers the issues and pressures that may impact the community and the level of resources that will realistically be available to achieve its aspirations. At an operational level, the Community Strategic Plan is implemented through Council's Four Yearly Delivery Program and annual Operational Plans, which outline the activities and actions that are the responsibility of Council in achieving our shared vision. The relationship between these planning documents is shown below in **Figure 7**.



Figure 7 – Integrated Planning and Reporting Framework

In 2030, our community wants the Edward River region wants to achieve several strategic objectives which each council managed crown reserves will fit within:

1. A great place to live
2. A prosperous and vibrant economy
3. A valued and enhanced natural environment
4. A region with quality and sustainable infrastructure
5. A community working together to achieve its potential

The direction for the Deniliquin Swimming Centre is captured within Outcome 1 – A great place to live

5.3 Outcome 1 – A great place to live

We love our strong sense of community, our willingness to help each other out, and the fact that our region provides an ideal environment in which to raise a family. Over the life of Edward River 2030, we want to keep our community safe, active and healthy and make sure that our public and open spaces – such as our sporting grounds, community halls, parks and gardens – provide social value and keep us connected.

The Deniliquin Swimming Centre fits directly under Targets 1.2 – Our community is safe, happy and healthy, both physically and mentally, and Target 3 – Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture. The Council's role is to

promote healthy lifestyles and Operate section 355 committees to effectively manage community halls and recreation reserves.

5.4 Condition of the Land and Structures on Adoption of the Plan of Management

Section 36(3A)(a) of the *Local Government Act* requires the plan to include a description of the condition of the land and structures on adoption of the plan. The condition of the infrastructure on Deniliquin Swimming Centre upon recent inspection is shown below in **Table 2**.

Table 2 – Condition of Council Assets Located on at Deniliquin Swimming Centre

ASSET DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good 5 – Unserviceable
Buildings	General Community Use	3
Pools	General Community Use	2
Water Tower	General Community Use	2
Play Equipment	General Community Use	1
Bike mounds	General Community Use	1
Roads	General Community Use	2
Water Infrastructure	General Community Use	2
Grounds (lawns, gardens)	General Community Use	2
Ovals	General Community Use	2
Signage	General Community Use	2
Fencing	General Community Use	2

The Deniliquin Swimming Centre is functioning appropriately for the purposes of the area.

Photographs of the reserve are shown below in **Figure 8**.



Figure 8 – Photographs of Deniliquin Swimming Centre.

5.5 Use of the Land and Structures at the Date of Adoption of the Plan of Management

Existing use of the reserve includes:

- Public Recreation; Public Baths .

Council is willing to work with existing and potential users to expand the usage of Deniliquin Swimming Centre and this Plan of Management will provide an operational and strategic framework to effectively take advantage of those opportunities.

5.6 Permitted Use Strategic Objectives

As previously noted, the classification of Deniliquin Swimming Centre is General Community Use with the intended purpose(s) of Public Recreation; Public Baths. Under the Deniliquin LEP 2013, the different lots are zoned RE 1 – Public Recreation; Public Baths. These purposes and categories align with the reserve's past and future use and the values identified in this plan.

Projects proposed by community groups and other users of the reserve must be in line with Council strategic plans and must align with the reserve purpose and core objectives for the Reserve.

Depending on the scope of the project Council may request a written proposal outlining the project and proposed location, estimated costs, scaled plans, justification for proposed works and future maintenance requirements.

5.7 Further Development

The priority for the reserve at present is to scope out ways to improve the reserve in line with the purposes for the reserve and relevant legislation such as the *Local Government Act 1993*, *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983* and the *Native Title Act 1993*.

A comprehensive site development plan and a landscape management plan is recommended for larger projects to ensure a strategic approach to development.

5.8 Leases, Licences and other Estates

Leases, licences and other estates formalise the use of community land by groups such as sporting clubs and non-profit organisations, or by commercial organisations and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or licence or other estate or for a permitted purpose listed in the *Local Government Regulations 2005* is prohibited.

The terms of the authorisation for a lease licence or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short term licence or hire agreement will be issued.

This Plan of Management expressly authorises the issue of leases, licences and other estates over Deniliquin Swimming Centre, provided that:

- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993*;
- the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government Regulations 2005*;
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Areas held under lease, licence or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or licence or agreement for use.

5.9 Native Title Assessment

The *Crown Land Management Act 2016* – Section 8.7 (1) (d) requires that Council, as Crown Land Manager, obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in **Section 5.8**.

A copy of the Native Title Assessment for this reserve is included in **Appendix A**.

6 PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS

6.1 *Plan of Management Objectives*

The general objectives of this Plan of Management are shown below in **Table 3**.

Table 3 – Plan of Management Objectives

	Plan of Management Objectives
1.	To ensure that relevant legislation is complied with in relation to the land.
2.	To inform Council staff and the community of the way the land will be managed.
3.	To implement specific policies, guidelines and works identified in the plan of management.
4.	To progressively improve the values of the land and to minimize the long-term cost of maintenance to the Council
5.	To make provisions for appropriate leases, licences and agreements in respect to the land.
6.	To identify and recognise existing uses and improvements on the land.
7.	To set in place and administrative structure to ensure the achievement of land management objectives.
8.	To ensure that the management of the land is not likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

6.2 *Action Plan*

The Plan of Management specifies performance targets and priorities for actions to be taken in relation to the land to which the plan applies.

Assessment of achievement of the objectives of the plan is to be undertaken. A summary of indicators and targets for major objectives is outlined in the **Table 4** below.

Table 4 – Indictors and Targets for Plan of Management Objectives

OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To ensure that relevant legislation is complied with in relation to preparation of Plans of Management.	The Plan is prepared in accordance with the Act. Native Title Manager advice is sought during the preparation of the Plan.	The Plan is reviewed by Council's Native Title Manager and Department of Industry Crown Lands then exhibited and adopted by Council if there are no changes to the approved plan. If changes are made following exhibition the plan must again be approved by Department of Industry Crown Lands.
To inform Council staff and the community of the way the land will be managed.	The Plan is exhibited in accordance with the Local Government Act.	The Plan is exhibited and adopted by Council.
To implement the specific policies, guidelines and works identified in the plan of management.	Ensure that the Plan is referenced to identify specific policies, guidelines and works.	All works are carried out in accordance with the Plan.
To progressively improve the values of the land to minimise the long term cost of maintenance to the Council.	Carry out all works identified in Council's long term plan.	All works are completed and minimal maintenance of the improvements is required.
To make provision for leases, licences and agreements in respect of the land.	The Plan of Management expressly authorises the provision of leases, licences and agreements where appropriate.	Any leases are prepared, exhibited and adopted in accordance with the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016. Native Title Manager advice and a check for a claim under the Aboriginal Land Rights Act is received for all proposed leases and licences.



OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND	MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS	MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS
To identify and recognise existing uses and improvements on the land.	Physical inspection.	The Plan is exhibited and adopted by Council.
To provide a reference and data bank in relation to information relevant to present and future management of the land.	Physical inspection and file research.	The Plan is exhibited and adopted by Council.
To set in place an administrative structure to ensure the achievement of land management objectives.	Ensure that all sections of Council are aware of the contents of the Plan.	All future works are carried out in accordance with the Plan.
To identify the major management issues applying to the land.	Consultation and staff discussions.	The Plan is exhibited and adopted by Council.
To simplify the process of management as far as possible.	Preparation of the Plan in accordance with the Act.	The Plan is exhibited and adopted by Council.

7 PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND

7.1 Management Authority

For the purposes of this plan, the management authority for the reserve is Edward River Council, in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Where Council's responsibilities have been delegated, the provisions of this management plan continue to apply.

7.2 Management Issues

The management of the land must consider the reserve purpose(s) of the land and the purpose for which the land is classified and categorized.

7.3 Staff Resources

Council shall provide adequate staff resources for the management of the land in accordance with this Plan of Management. Staff shall have appropriate qualifications and/or experience.

7.4 Environmental Assessment of Activities

The environmental impact of activities carried out on the land will be assessed having regard to the requirements under the Environmental Planning and Assessment Act.

7.5 Role of Other Authorities

Other government authorities may have responsibilities or involvement in the management of the land or of immediately adjacent land. This will be considered and, where appropriate, consultation will take place with relevant authorities.

7.6 Activities Carried Out by Other Authorities

Where activities are carried out on the land by other authorities, Council will make the authorities aware of the provisions of this Plan of Management and will seek to ensure that any activities are compatible with the objectives and guidelines of this Plan of Management, and in accordance with the provisions of the *Crown Land Management Act 2016* and the *Local Government Act 1993*.

7.7 Principles for the Development of Adjoining Land

Council's development control practices recognise and endeavor to minimize the impacts upon adjoining land parcels. Council will consider the impacts of activities carried out on the reserve on adjoining land.

7.8 Community Involvement in Management

Where appropriate, Council will undertake community consultation subsequent to the making of this Plan of Management and may give community groups a role in management.

7.9 Contract and Volunteer Labour

In managing the land Council may use contract and volunteer labour but shall ensure that supervisors and staff have appropriate qualifications and/or experience and are made aware of the requirements of this plan.

7.10 Existing Assets

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. Council may make arrangement for community groups and users to undertake maintenance for specific facilities on Council's behalf.

7.11 Public Liability Insurance

All users of the land, including lease and licence holders, must have public liability insurance coverage, incorporating the following:

- At least \$20M coverage for any one instance; and
- Edward River Council named in the policy as an interested party; and

A copy of the cover note for the insurance is to be provided to Council prior to use of the reserve. Where the use of the reserve is for longer than one year, as may be the case for leases and licences, up to date copies of the cover note shall be provided.

7.12 Commercial Activities

Commercial activities may be carried out on the land, provided that the activity is ancillary to the purpose of the land or for a purpose authorised under this Plan of Management. Any commercial activity is subject to prior Council consent.

7.13 Emergencies

This Plan of Management authorises necessary activities to be carried out during declared emergencies as may be decided by the General Manager or delegate. Following carrying out of any activities, periodic monitoring will be undertaken, and rehabilitation works undertaken if necessary.

7.14 Land Proposed for Future Development

Land proposed in any of Council's plans for future development for a specific purpose may be utilized for other purposes on an interim basis until required for that purpose.

7.15 Undeveloped Land

Land to which this Plan of Management applies that is undeveloped and unused for the purpose of the land may upon assessment, be used for any activity that does not prevent or inhibit future use for the purpose of the land, including tree planting and mowing.

7.16 Information Monitoring and Research

Monitoring and collection of information relating to the land to which the Plan of Management applies are important to enable good management. Where a demonstrated need has been identified, an educational programme shall be developed to encourage use appropriate to the purpose to all or part of the land to which this Plan of Management applies.

Management arrangements shall be implemented to regularly monitor the use of the land, environmental conditions and facilities. Surveys of visitation and/or satisfaction with the facilities may be undertaken to facilitate the management and use of the land.

7.17 Alcohol

Alcohol is permitted within the Deniliquin Swimming Centre at selected events if all the correct licencing is in place and an application to Council is submitted and approved.

7.18 Companion Animals

Domestic pets may use the park grounds where authorised by signage provided that they are under the control of a responsible person at all times and do not cause loss of amenity to other users of the land. However, domestic pets are not allowed in the Swim Centre grounds.

Dogs are not permitted to be walked off leash unless they are within Council's designated off leash exercise areas. Dog clubs are required to seek Council permission to conduct dog obedience and training activities on all community land.

7.19 Parking

Parking is available along Poictiers, Russel, Whitelock and Macauley streets in designated parking areas. Signage is dedicated to showing where parking is permitted.

7.20 Buildings and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983* and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with. Buildings and amenities are to be maintained in a safe condition for users and the public.

7.21 Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's Native Title Manager, the land is not subject to a claim under the *Aboriginal Land Rights Act 1983*, and the provisions of the *Local Government Act 1993* and the *Crown Land Management Act 2016* have been complied with.



7.22 General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to help. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Existing assets on the land shall be identified and measures taken to maintain them in a satisfactory manner. The Council may decide for community groups to undertake maintenance for specific facilities on Council's behalf.

7.23 Development Activities

Development activities shall be undertaken in a way that minimizes the area, degree and duration of disturbance, and areas are to be restored to the greatest extent practicable.

7.24 Pollution Control

Management should seek to ensure that no pollution is generated on the land, and that adequate measures are taken to prevent adverse impacts from adjoining land.

7.25 Public Safety

Reasonable measures will be taken by Council to ensure and maintain the public safety of persons using the land.

7.26 Neighbours

Council shall endeavour to be a good neighbor and as far as possible shall consult with adjoining owners in respect of management and other activities which may affect them.

7.27 Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land. Trees will be maintained, as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments, in accordance with Council's Tree Management Policy.

7.28 Weed Control

Weed control shall be by both taking preventative measures and active control measures. Prevention of weed infestation shall be by minimising actions that disturb the ground surface and discouraging the conditions that encourage weeds.

Measures shall be taken to prevent the dispersion of weeds by fill or the transport of seeds on machinery. Control measures which are acceptable include physical removal or slashing, accepted biological control techniques, bush regeneration, or chemical spraying where Council is satisfied that there will be no adverse residual effects and no adverse effect on human health.

APPENDIX A

NATIVE TITLE ASSESSMENT

The Crown Land Management Act 2016 – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to its approval or submission for approval of a plan of management for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

1. The Land to which this report applies

The land to which the Plan of Management applies is Crown Reserve 88772 and is contained in Lot 4 DP 668484, Lot 7032 DP 1023823 South Deniliquin County Townsend. The land is known as the Deniliquin Swimming Centre. The Crown is the owner of the land.

Reserve 88772 was reserved from sale for the public purpose of Public Recreation; Public Baths in the Government Gazette on 17 November 1972.

Edward River Council is the Crown Land Manager of the Land. The management and use of the and is subject to the provisions contained in the Crown Land Management Act 2016.

2. Details of activity on Crown Land

The Deniliquin Swimming Centre Plan of Management has been prepared by Council and provides direction as to the use and management of Deniliquin Swimming Centre 88772.

The Plan of Management is required in accordance with Section 3.23 of the Crown Lands Management Act 2016 and Section 36 of the Local Government Act 1993.

The Plan of Management outlines the way the reserve will be used and provides the framework for Council to follow in relation to the Leasing, Licencing and Permit processes for the land.

The Plan of Management also provides for the granting of easements over the land and the further development of the land, buildings and infrastructure on the land.

The Plan of Management provides strict guidelines such that each activity requires a Native Title Assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

The Plan of Management is clear that the management of those activities that could be considered a future act must consider the reserve purpose for the land.

Accordingly, the activities authorised under the Plan of Management could be validated under Subdivision J of the Native Title Act 1993.

2a. Is the activity a future act?

The Plan of Management provides authorisation for granting of leases, licences and other Estates over the land and the granting of easements and further development of the land, buildings and infrastructure on the land. These activities could be a future act within the meaning of Section 233 of the Native Title Act 1993.

2b. If it is, why? if it is not, why not?

The activities authorised under the Plan of Management could be a future act within the meaning of Section 233 of the Native Title Act 1993.

3. If the activity is a future act, which of the following subdivisions of the future act regime under the Native Title Act 1993 validate it?

The authorisation of the activities that could be considered a future act within the Plan of Management provides for the activity to be carried out in accordance with the reserve purpose of the land.

The Plan of Management does not provide authorisation for any activity that is not in accordance with the reserve purpose of the land.

Accordingly, the activities could be validated under Subdivision J of the Native Title Act 1993.

4. Requirements to notify any representative body.

The Plan of Management provides strict guidelines such that each activity requires a Native Title assessment and validation under the Native Title Act 1993 to be carried out by Council's Native Title Manager prior to the commencement or approval of that activity.

Notification will be assessed on a case by case basis and parties will be notified when an activity is assessed.

As the Plan of Management authorises activities that could be future acts within the meaning of Section 233 of the Native Title Act 1993. Council will notify NTSCorp and the Deniliquin Aboriginal Land Council prior to adoption of the plan.

Requirement	Section 24JA	Requirement satisfied
The reservation was created on or before 23 December 1996; and	s.24JA(1)(a)	Yes
The reservation was valid; and	s.24JA(1)(b)	Yes
The creation of the reservation was done by the Crown (the Commonwealth or State); and	s.24JA(1)(c)	Yes
The whole or part of any land or waters under the reservation was to be used for a particular purpose; and	s.24JA(1)(d)	Yes
The issue of the licence is done in good faith under or in accordance with the reservation, or	s.24JA(1)(e) (i)	Yes
In the area covered by the reservation, so long as the act's impact on Native Title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had	s.24JA(1)(e) (ii)	Yes



Summary:

The Plan of Management authorises activities that could be considered as future acts within the meaning of Section 233 of the Native Title Act 1993.

The Plan of Management guidelines provide that those activities are only to be authorised if they are in accordance with the reserve purpose of the land.

Those activities that are consistent with the reserve purpose of the land may be validated under Subdivision J if the land was subject to a reservation created prior to 23 December 1996 and the reservation was done by the Crown.

Therefore, requirements of S24JA(1) (a)-(e) are met.

s.24JA(1)(a) is satisfied as the relevant land was subject to reservation created before 23 December 1996. Reserve 88772 was reserved from sale or lease for purpose of Public Recreation; Public Baths and notified in the Government Gazette of 17 November 1972.

s.24JA(1)(b) is satisfied as the Reserve was notified in the Government Gazette of 17 November 1972.

s.24JA(1)(c) is satisfied as the reservation was carried out by the Crown under the provision of the Crown Lands Consolidation Act, such reservation has been carried out by a statutory power, exercised by the minister on behalf of the Crown.

s.24JA(1)(d) is satisfied as the land was to be used for a specific purpose being a reservation under the Crown Lands Consolidation Act which reserved the land from sale for the purpose of Public Recreation; Public Baths.

s.24JA(1)(e) (ii) is satisfied as the adoption of a Plan of Management that authorises activities to be done in accordance with the reservation purpose in the area covered by the reservation, so long as the act's impact on native title is no longer greater than the impact that any act that could have been done under or in accordance with the reservation would have had.

10.10 ROAD CLOSURES ALONG CRESSY STREET FOR UPCOMING ROAD WORKS

Author: Mark Dalzell, Manager Engineering Assets

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council extend the approval for the implementation of the traffic control plan for works along Cressy Street to commence on 20 April 2020 subject to the endorsement of the traffic control plan by all members of the Edward River Council Local Area Traffic Committee.

BACKGROUND

At its 19 March 2020 meeting, Council resolved the following regarding road closures related to the upcoming roadworks in along Cressy Street, between Edwardes Street and Hardinge Street:

“That Council approve the implementation of the traffic control plan for work along Cressy Street starting in May 2020, subject to the endorsement of the traffic control plan by all members of the Edward River Council Local Area Traffic Committee.”

ISSUE/DISCUSSION

The current COVID-19 situation has had the following impact on the Deniliquin CBD area:

- Cancellation of the Anzac Day March along Cressy Street;
- Lockdown of tourist visits to Deniliquin over the school holiday period; and
- Less activity in the CBD area due to social distancing.

The original May 2020 commencement date for the start of construction was based on these issues, especially the Anzac Day March due to the impact that the works would have on the event. Based on above noted impacts, Council staff are discussing with the Contractor the ability to commence the work earlier than originally agreed to. The impact of this earlier start date shall be minimal as the early works shall only require half road closures. This shall leave one lane of parking and one traffic lane available for people to access businesses along Cressy Street.

As the start date of May 2020 was included in the original Council resolution, Council staff are requesting a further resolution approving the commencement of work on 20 April 2020, including the implementation of the traffic control plan. The endorsement of the members of the Edward River Council Local Area Traffic Committee is required for this and Council staff have contacted the members of this committee for their endorsement.

STRATEGIC IMPLICATIONS

It is important that Council management roadworks and other construction activities so that the impact on the community is minimised as much as possible. This is part of the planning for projects and construction works.

COMMUNITY STRATEGIC PLAN

This project meets the objectives of Outcome 4 – A region with quality and sustainable infrastructure in the Community Strategic Plan, including:

- Target 4.1 – Our built environment is managed, maintained and improved.

FINANCIAL IMPLICATIONS

The implementation of the traffic control plan for Cressy Street is the responsibility of the Contractor and is included in their pricing for the project.

LEGISLATIVE IMPLICATIONS

Council, as the road authority for Cressy Street, is responsible for ensuring that works impacting traffic, both vehicular and pedestrian, within the public road reserve are undertaken safely and with as little impact on the community as possible.

ATTACHMENTS

Nil

10.11 DENILQUIN HOSPITAL AND POLICE PRECINCT PARKING REVIEW**Author:** Mark Dalzell, Manager Engineering Assets**Authoriser:** Oliver McNulty, Director Infrastructure**RECOMMENDATION**

That Council note this report regarding the Denilquin Hospital and Police precinct parking review.

BACKGROUND

At its 19 September 2019 meeting, Council resolved the following regarding parking in the hospital and police precinct area:

“That Council:

- 1. Approve the creation of 12, 2-hour time limited parking spaces along Charlotte Street to encourage parking space turnover near the hospital entrance;*
- 2. Receive a further report regarding the effectiveness of the changes six months after the implementation of the 2-hour time limited parking spaces;*
- 3. Note that Council’s resourcing of staff to undertake enforcement in this area is not increasing and inspections will be undertaken as they fit within existing workload; and*
- 4. Contact the Police regarding the creation of a disabled parking space along Charlotte Street, in accordance with the Development Approval for the Police Station.”*

ISSUE/DISCUSSION

In accordance with the second resolution from 19 September 2019, Council staff have reviewed the effectiveness of the changes to parking and compliance with regulatory requirements. Observations from this review include:

- Availability of parking in the new 2-hour parking area has been high with adequate parking for appointments and short term visits;
- Hospital staff are parking further along Charlotte Street, on the opposite side of Macauley Street, as well as continuing to use the parking areas along Riverside Drive;
- Parking along Macauley Street, north of Charlotte Street, remains congested with no noted change to the percentage of parking spaces available in this area;
- No fines have been issued regarding parking regulations related to the 2-hour parking; and
- No negative comments have been received regarding the changes to the parking.

Based on the above information it has been determined that the changes to parking in this area have been effective and met the objectives of the original project. It is recommended that these parking changes remain in force.

Council staff have also discussed with Police the creation of a disabled parking area in front of the police station. This parking space has now been created in the area adjacent to the pedestrian ramp. It is noted that the parking is rear to kerb, in keeping with the parking in this area.

STRATEGIC IMPLICATIONS

It is important that the availability and management of parking spaces near larger developments such as the hospital is managed in a manner to encourage, maintained and improved.

COMMUNITY STRATEGIC PLAN

This project meets the objectives of *Outcomes 4 – A region with quality and sustainable infrastructure* in the Community Strategic Plan, including:

- Target 4.1 – Our built environment is managed, maintained and improved.

FINANCIAL IMPLICATIONS

The implementation of the parking spaces from Council's existing traffic facilities budget area.

LEGISLATIVE IMPLICATIONS

Council, as the road authority under the *Roads Act 1993*, has the authority to approve and implement traffic control measures such as parking controls. This authority is provided in conjunction with Transport for NSW, through the Local Area Traffic Committee.

ATTACHMENTS

Nil

10.12 CRESSY STREET REVITALISATION PROJECT - BUSINESS SUPPORT PROGRAM**Author:** Paul Arthurson, Project Manager**Authoriser:** Oliver McNulty, Director Infrastructure**RECOMMENDATION**

That Council

1. Approve the Cressy Street Revitalisation Project – Business Support Program as outlined in this report
2. Approve the Program Guidelines as attached
3. Approve a budget of \$60,000 for this program

BACKGROUND

In 2018/19 Council approved a Business Support and Retail Trader Assistance Program for the Napier Street Revitalisation works. This was well received by the traders and demonstrated Councils desire to support businesses through the interruption caused by the streetscape works. In this report it stated that *“Following the completion of the streetscape works in Napier Street, streetscape works will be undertaken on Cressy Street. If Council provide this assistance for Napier Street, it is expected that a similar program would also need to be undertaken in Cressy Street”*.

At the 19 March 2020 Council meeting, Council passed a resolution for the appointment of a Quarrell Construction for the reconstruction of Cressy Street between Hardinge and Edwardes Street. It also approved \$400,000 to be funded from Councils General Reserve for the installation of underground power on Cressy Street between Napier and Edwardes Street, with any balance to be returned to Councils General Reserve

This resolution results in a total project budget of \$2,722,080 (ex GST). \$60,000 of this budget is proposed to be assigned for a Cressy Street ‘Business Support Program’

ISSUE/DISCUSSION

The proposed Cressy Street Business Support Program has been modelled on the successful Napier Street program. It is proposed to only be offered to businesses in the Napier to Edwardes Street section as this is where the majority of works will be undertaken, and impacts will be felt by the traders. It is made up of two key parts:

Business Support

The first part of the program and focus of this report is a series of business support activities to assist the traders in the street and promote that businesses are still operating whilst the works are underway.

Financial Assistance (add finance)

The second part of the program is a financial assistance program for the retail traders. Whilst the revitalisation works will provide long term benefit to this section of Cressy Street, it is acknowledged that when the works are underway there may be some impact on traders. The proposed Retail Trader Assistance Program, where traders are provided a grant of \$2,000 each, will be discussed separately with Council, taking into consideration the current COVID19 trading restrictions and impacts to businesses. A further report will be provided to Council in May in relation to this item

Business Support Details

Details of the proposed Business Support Program are listed below and in the attached:

1. Signage & Branding

- Trading While Upgrading branding and directional signage on site
- Scrim to cover temporary fencing (from Napier Street works)
- Newspaper banner design
 - 1.
- 2. Print Advertising
 - A double page feature in the Pastoral Times highlighting the works and businesses
 - One full page advertisement in the Pastoral Times each month, including individual business advertising (five months total)
 - 2.
- 3. Radio Advertising
 - Weekly live reads including 30 second commercials for individual businesses (25 per month)
 - 3.
- 4. Social Media
 - Facebook and Instagram advertising, including:
 - Business imagery and information posted to the Shop Local Deni Facebook and Instagram accounts
 - Paid promotion on social media to target local residents

All of the above business promotion activities, including the Retail Trader Assistance payments, have been costed and are included in the proposed \$60,000 budget.

STRATEGIC IMPLICATIONS

The Streetscape works in Cressy Street are expected to take up to five months to be completed. Throughout this timeframe it is expected that this section of Cressy Street will have one lane closed to traffic, and footpath works undertaken in multiple stages. As a result, the provision of business support to assist traders is seen to be important to ensure a well-functioning CBD and local economy.

COMMUNITY STRATEGIC PLAN

This program aligns with Outcome2, A prosperous and vibrant economy.

FINANCIAL IMPLICATIONS

As outlined previously in the report, \$60,000 is proposed to be assigned through the Cressy Street Revitalisation project budget for the Business Support Program. All elements of the program have been cost and fit within this budget

ATTACHMENTS

1. **2020 Cressy Street Business Support Activities**
2. **2020 Cressy Street Business Support Program - Opt in Form**



CESSY STREET BUSINESS SUPPORT ACTIVITIES



Signage & Branding

- Business and service directional signage
- Promotional signage
- Scrim to cover temporary fencing



Print Advertising

- A double page feature in the Pastoral Times highlighting the works and businesses
- One full page advertisement in the Pastoral Times each month, including individual business advertising



Radio Advertising

- Weekly live reads
- 30 second commercials for individual businesses (25 per month)
- Outside broadcast at the reopening event



Social Media

- Individual businesses promoted regularly on the Shop Local Deni Facebook and Instagram page
- Paid promotion to target local residents

Retail Trader Assistance

It is acknowledged that there may be some impact to trading during the upgrade process, and Council and the contractor will attempt to complete the construction as quickly as possible. To assist retail traders, Council is providing a Retail Trader Assistance Program for Cressy Street retail traders. The program allows Cressy Street traders to apply for a \$2,000 grant, which will be paid across two installments.

Cressy Street Revitalisation Business Support Program – Opt-in form

Edward River Council has approved the funding and implementation of a series of business support activities to assist Cressy Street traders, between Napier and Edwardes Street, and to promote that the businesses are still operating whilst the works are underway.

Business Promotion Program Activities		
Opt In (Yes/No)	Activity	Details
<input type="checkbox"/> Yes <input type="checkbox"/> No	Print Advertising	<i>Deniliquin Pastoral Times</i> newspaper advertising, including: <ul style="list-style-type: none"> • Inclusion on a double page feature • Inclusion on a monthly full-page advertisement (five months total)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Radio Advertising	2QN & Edge FM Radio advertising, including: <ul style="list-style-type: none"> • 25 x 30 second radio commercials each month (five months total)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Social Media Advertising	Facebook and Instagram advertising, including: <ul style="list-style-type: none"> • Business imagery and information posted to the Shop Local Deni Facebook and Instagram accounts • Paid promotion on social media to target local residents

Release and Indemnity

1. In this document:
 - a. “Damage” means damage or loss;
 - b. “Participant” means the person or company intending to participate in the Program;
 - c. “Representative” means employee, contractor, and voluntary assistant.
- 1.
2. I give the following release and indemnity in return for Edward River Council:
 - a. allowing me to participate in the Cressy Street Revitalisation – Trading While Upgrading Promotional Program ‘the Program’;
 - b. allowing my Representative to participate in the Program; and in return for the representatives;
 - c. assisting me while I participate in the Program; and
 - d. assisting the Participant or Representative at my request (hereby made) while he/she participates in the Program.

3. I release Edward River Council and each of its representatives from responsibility or liability to me for loss and damage, that I sustain, directly or indirectly:
- a. as a consequence of me participating in the Program;
 - b. as a consequence of the Participant or Representative suffering loss or damage as a consequence of participating in the Program, irrespective of how the loss or damage occurs.
- 2.
4. I undertake to indemnify Edward River Council and each of its Representatives against all loss and expense incurred through being held liable to the representative, participant or to me, because of:
- a. loss or damage, that I suffer where the loss or damage, results directly or indirectly from my participation in the Program; or to Participant or Representative participating in the Program.
3.
4.

Agreement	
Business Name	
Full Name	
Signature	
Date	

Privacy Notice
<p>The information you provide in this application form will be recorded by Edward River Council and used for the purposes of assessing your application to participate in the Cressy Street Reconstruction Business Promotion Program. The information is intended for use by Edward River Council. If this information is not provided your application may not be accepted, processed or rejected for lack of information. Please contact Edward River Council if the information you have provided is incorrect or changes subsequent to the date of lodgement.</p>

Returning this Form
<p>Please return your completed form to Edward River Council by:</p> <p>Email: council@edwardriver.nsw.gov.au</p> <p>Post: PO Box 270, Deniliquin NSW 2710</p> <p>In person: Customer Service Centre 180 Cressy Street, Deniliquin</p>

10.13 MAJOR PROJECTS PROGRAM - APRIL 2020 PROGRESS REPORT**Author:** Michelle Siena, Major Projects Coordinator**Authoriser:** Oliver McNulty, Director Infrastructure**RECOMMENDATION**

That Council note the Major Projects Program from various funding sources - Progress Report for April 2020.

BACKGROUND

The Stronger Communities Fund was established by the NSW Government to provide newly merged Councils with funding to spend on priority community initiatives.

Edward River Council received \$10 million in the original funding allocation. An amount of \$1.4 million was allocated to various community groups for projects under the Community Grants Program. The remaining \$8.6 million has been allocated for the Major Project Program. In addition to the original funding allocation a further \$3,390,000 has been received for Round 2. All projects adopted by the Stronger Communities Fund Assessment Panel are as follows:

Project – Stronger Communities Fund (Original)	Grant Amount
Deniliquin Swim Centre Revitalisation	\$880,000
Community Masterplans & Initial Works	\$2,105,000
Deniliquin Regional Sports & Entertainment Stadium Extension	\$540,000
Blighty Community Netball & Tennis Facility	\$550,000
Deniliquin Children's Centre Extension	\$500,000
Deniliquin Netball Facility Improvement Works	\$320,000
Rural Villages Beautification Project	\$300,000
Beach to Beach Walk Connectivity Improvements	\$300,000
Deniliquin Community Facility Refurbishments	\$165,000
Urban Road Infrastructure Program	\$2,390,000
Deniliquin Airport Heritage Centre Development	\$50,000
Unallocated Funding for New Council	\$500,000
Total	\$8,600,000

Project – Stronger Communities Fund (Round 2)	Grant Amount
Cressy Street CBD	\$1,200,000
Riverfront Enhancement	\$700,000
Waring Gardens Upgrade	\$640,000
Lagoon Walk Road Treatments	\$250,000
Truck Stop	\$400,000
Peppin Heritage / Visitor Centre Upgrade	\$200,000
Deniliquin Ute Muster	\$600,000
Total	\$3,990,000

Edward River Council also has been allocated funding from the Stronger Country Communities Program Round One to a total value of \$1,269,841 these are detailed below. In addition to these a further allocation in Round Two of the Stronger Country Communities program of \$3.3 million has also been approved and is also detailed below.

Project – Stronger Country Communities (Round 1)	Grant Amount
Scott's Park – A destination Playground	\$676,620
Deniliquin Swim Centre – All Abilities Facilities	\$295,796
Lagoons to River Walk	\$297,425
Total	\$1,269,841

Project – Stronger Country Communities (Round 2)	Grant Amount
The Deniliquin Town Hall	\$1,315,170
Deni Central Streetscape (Napier Street)	\$401,500
Deniliquin Memorial Park	\$786,000
Deniliquin RAMS Facility Upgrades	\$559,000
Deni Lawn Tennis Club	\$198,910
Deni Golf Club	\$111,170
Total	\$3,371,750

The Federal Government released additional funding under the Murray Darling Basin Regional Economic Diversification Funding programme to Council in February 2019 for the following projects:

Murray Darling Basin Regional Economic Diversification Funding	Grant Amount
Deniliquin Industrial Park Road Works	\$350,000
Crossing Café and Peppin Heritage Centre Revitalisation	\$300,000
Rotary Park Earthworks	\$100,000
Total	\$750,000

The Commonwealth has released additional funding through the Department of Infrastructure, Regional Development and Cities 'Our Region Our River' Regional Growth Fund, Edward River Council has been allocated funding of \$1,673,080 for the following Projects:

Regional Growth Fund	Grant Amount
Riverfront Revitalisation	\$550,000
CBD Revitalisation	\$1,123,080
Total	\$1,673,080

The Commonwealth has approved funding under the Drought Communities Programme (DCP) Extension. Edward River Council has been allocated \$1,000,000 for the following projects:

Drought Communities Program	Grant Amount
Drought Support Officer	\$100,000
Tourism Marketing Program	\$50,000
CBD Painting	\$150,000
Town Entrance - Crispe Street	\$150,000
Town Entrance - Davidson Street	\$200,000
Road Upgrades - Harfleur and Wyatt Street	\$100,000
Booroorban Lay-By	\$200,000
Total	\$1,000,000

A project summary update report for all programs for April 2020 is attached to this report.

COMMUNITY STRATEGIC PLAN

This report aligns with outcome 1 – *A great place to live* and outcome 4 – *A region with quality and sustainable infrastructure* of the Community Strategic plan

FINANCIAL IMPLICATIONS

Projects funded through these programs include costs for the design, documentation, and supervision costs for each project.

LEGISLATIVE IMPLICATIONS

Council must ensure that these projects are completed within the timeframes set out within the funding agreements.

ATTACHMENTS

1. **Major Projects Summary**

Stronger Community Grants - Summary Report – April 2020							No
Time, Cost & Quality		Task/Activity – Completed ✓ or Progressing - on Time, Cost and Quality					41
Time, Cost & Quality		Task/Activity – Progressing - requires monitoring and or action to minimise risk of not meeting performance targets					2
Time, Cost & Quality		Task/Activity – Stalled/Stopped - High Risk or will not meet Performance Target.					0
Time, Cost & Quality		Task/Activity- Pending - is currently on hold or pending approval					1
						Total	44
Project Phase							
Project Description	Initiation and Communication	Design, Documentation and Approvals	Quotes and Tendering	Delivery and Handover	Code	Comments/Milestones	
STRONGER COMMUNITIES GRANT FUNDING (ORIGINAL)							
Blighty Community Netball and Tennis Facility \$550,000	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project complete. 	
Unallocated Funds \$500,000 plus Interest earned on investment approx. \$800,000 (~total \$1,300,000)	Completed	In Progress	Pending	Pending		<ul style="list-style-type: none"> \$310,260 allocated towards Napier Street. \$142,000 allocated to Swim Revitalisation Centre \$110,000 allocated to Swim Centre – All Abilities Centre \$3,500 allocated to the Boat Club (Total \$53,500) \$10,000 allocated to South West Music - complete \$395,000 allocated to Regional Sports & Entertainment (Total \$935,000) ~\$329,000 (remaining amount) allocated to Town Hall 	
Regional Sports & Entertainment Stadium Extension \$540,000 + \$395,000 (Unallocated Funding)	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project complete. 	
Children's Centre Extension \$500,000	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project complete. 	
Netball Facility Improvements							
Deniliquin Netball Assoc \$160,000 + \$30,000 (Crown Lands Grant)	Complete	Complete	In Progress	Pending		<ul style="list-style-type: none"> Specifications are complete for this work Quotations have been requested including timeframes for works Works to commence June 2020 	
Deniliquin RAMS \$160,000	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project complete 	
Swim Centre Revitalisation- \$880,000 + \$142,000 (from unallocated funds)	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project complete 	
Rural Villages Beautification \$300,000 Blighty, Booroorban, Conargo, Mayrung, Pretty Pine, Wanganella	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project complete 	

Community Plans and Initial Works \$2,105,000	Complete	Complete	Complete	In Progress		1) Contracts Awarded, except pontoons 2) Project Complete 3) Project Complete 4) Tender documents currently out for response 5) Project Complete 6) Project Complete
1) Riverfront Masterplans and Initial Works \$750,000 + \$700,000 + (Stronger Communities Round 2) \$550,000 (Regional Growth Fund)	Complete	Complete	Complete	Complete		
2) Napier Street (CBD) \$750,000 + \$400,000 (Stronger Country Communities Round 2) + \$100,000 (Council contribution) + \$310,260 (unallocated funds)	Complete	Complete	Complete	Complete		
3) Water Tower Project \$36,500	Complete	In Progress	In Progress	Pending		
4) Town Hall Revitalisation \$435,000 + \$1,315,170 (Stronger Country Communities Round 2) + ~\$329,000 Unallocated Funding	Complete	Complete	Complete	Complete		
5) Memorial Park Masterplan \$50,000 6) Recreation Strategy \$50,000	Complete	Complete	Complete	In Progress		
Beach to Beach Walk Connectivity Improvements \$300,000						
1) McLean's Beach Pathway	Complete	Complete	Complete	Complete	✓	• Project complete
2) Island Sanctuary Lower Bridge	Complete	Complete	Complete	Complete	✓	• Project complete
3) Improved access and bridge works Island Sanctuary	Complete	Complete	In Progress	Pending		• RFQ sent awaiting response
Community Facilities Refurbishments \$165,000					✓	• Project Complete
1) Scout Hall	Complete	Complete	Complete	Complete		
2) Deni Boat Club	Complete	Complete	Complete	Complete		
Urban Road Infrastructure Program- \$2,390,000	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> • Crispe Street project road works complete, trees planting commenced • Victoria Street requires some minor works and defect repairs. Final seal to be completed • Wood Street project complete. • Harfleur and Hardinge Street project complete, • Harfleur Street and Napier Street project complete
Airport Heritage Program \$50,000	Complete	Complete	Complete	Complete	✓	• Project complete
Stronger Community Grant Funding (Original) - Sub-Total \$8,600,000						
STRONGER COMMUNITIES GRANT FUNDING (ROUND 2)						

Cressy Street CBD Redevelopment- \$1,200,000 + \$1,123,080 (Regional Growth Fund)	Complete	Complete	In Progress	Pending		<ul style="list-style-type: none"> Tender Awarded Works to commence in April
Riverfront Enhancement \$750,000 + \$550,000 (Regional Growth Fund) + \$750,000 (Stronger Communities Original)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> Works are ongoing on site in line with approved program
Waring Gardens Upgrade \$640,000	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> Tender Awarded
Lagoon Walk Road Treatments \$250,000	Complete	Complete	Complete	Complete	✓	<ul style="list-style-type: none"> Project Complete
Truck Stop Strategic Plan \$10,000	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> Discussions ongoing to identify suitable sites. Assessment to be completed to determine if site on Hardinge Street suitable
Estates Building Redevelopment \$390,000	Completed	In Progress	In Progress	Pending		<ul style="list-style-type: none"> Tender documents currently out for response. Date extended until April 17
Crossing Café and Peppin Heritage Centre Revitalisation \$200,000 + \$300,000 (Murray Darling Basin Regional Economic Diversification Program) + \$200,000 (Stronger Communities Round 2) + \$100,000 (Capital Works)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> Contract Awarded, Construction has commenced
Deniliquin Ute Muster – Café Facility \$600,000	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> To be managed fully by the Deni Play on the Plains Works commenced
Stronger Communities Grant Funding (Round 2) – Sub-Total \$3,390,000						

REGIONAL GROWTH FUND						
Riverfront Revitalisation \$550,000 + \$750,000 (Stronger Communities Original), + \$700,000 (Stronger Communities Round 3)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> As noted above.
CBD Revitalisation \$1,123,080 + \$1,200,000 (Stronger Communities Fund)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> As noted above.
Regional Growth Fund – Sub-Total \$1,673,080						

MURRAY DARLING BASIN REGIONAL ECONOMIC DIVERSIFICATION FUNDING						
Deniliquin industrial Park Road Works \$350,000	Complete	Complete	Complete	Complete.	✓	<ul style="list-style-type: none"> Complete
Crossing Café and Peppin Heritage Centre Revitalisation \$300,000 + \$200,000 (Stronger Communities Round 2) + \$100,000 (Capital Works)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> As noted above

Rotary Park Earthworks \$100,000	Complete	Complete	Complete	Complete	✓	• Project complete
Murray Darling Basin Regional Economic Diversification Funding – Sub-Total \$750,000						
STRONGER COUNTRY COMMUNITIES GRANT FUNDING (ROUND 1)						
Scott's Park – A Destination Program \$676,620	Complete	Complete	Complete	Complete	✓	• Project complete.
Swim Centre – All Abilities Centre- \$295,796 + \$110,000 (Unallocated Funding)	Complete	Complete	Complete	In Progress	✓	• Project complete
Lagoons to River Walk \$297,425	Complete	Complete	Complete	Complete	✓	• Project complete.
Stronger Country Communities Grant Funding (Round 1) - Sub-Total \$1,269,841						
STRONGER COUNTRY COMMUNITIES GRANT FUNDING (ROUND 2)						
Deniliquin Town Hall & Arts & Cultural Precinct \$1,315,170 + \$435,000 (Stronger Communities Grant Funding Original) + \$329,000 Unallocated Funding	Complete	In Progress	In Progress	Pending		• Tender documents currently out for response.
Napier Street Redevelopment \$400,000 + \$750,000 (Stronger Country Communities Original) + \$100,000 (Council contribution) + \$310,260 (unallocated funds)	Complete	Complete	Complete	Complete	✓	• Project complete.
Memorial Park \$786,000	Complete	In Progress	Pending	Pending		• Preliminary building designs completed and submitted to the Building surveyor for comments • DA will be submitted in April and Tender information to be completed • Contractor selected for drainage work
RAMS Facility \$559,000 + \$130,000	Complete	Complete	Complete	In Progress		• Demolition works completed • Internal kitchen works completed • Second escape stairs required and have been included in construction documentation
Deniliquin Lawn Tennis \$198,910	Complete	Complete	Pending	Pending		• Contract received from the Lawn Tennis Club. Works to take place after Easter 2020.
Deniliquin Golf Club \$111,170	Complete	Complete	Complete	In Progress		• Works currently underway
Stronger Country Communities Grant Funding (Round 2) – Sub-Total \$3,371,750						
DROUGHT COMMUNITIES PROGRAMME FUNDING						
Drought Support Officer and Drought Event Initiatives \$100,000	Complete	Complete	Complete	Complete	✓	• Project complete

Tourism Marketing Program \$50,000	Complete	Complete	Complete	Complete	✓	• Project complete
CBD Painting Program \$150,000	Complete	Complete	Complete	In Progress		• Works underway
Town Entrance – Crispe Street \$200,000	Complete	Complete	Complete	In Progress		• Street trees are installed
Town Entrance – Davidson Street \$100,000	Complete	Complete	Complete	Complete	✓	• Project complete
Road Upgrades – Harfleur and Wyatt Street \$200,000	Complete	Complete	Complete	Complete	✓	• Project complete
Booroorban Heavy Vehicle Lay-by \$200,000 + \$50,000 (Council)	Complete	Complete	Complete	In Progress		• Works to commence in May
Drought Communities Programme Funding – Sub-Total \$1,000,000						

PROJECT SUMMARY NOTES	
<p>Summary, most projects are progressing well with only a few highlighted in Red that will require stringent management and action to bring them under control.</p> <p>The projects in Yellow will need attention to detail to ensure that they progress to the agreed Time, Quality & Cost outcomes.</p> <p>Other challenges that face council staff and project delivery is access to quality project managers that will be required to complete all Stronger Community grants by the agreed timelines. Staff are currently in discussion with managers to source the required resources. All costs will be recovered as part of the project delivery costs. Existing council staff and contractors are working extremely well in keeping most projects on Time, Cost and Quality.</p>	

10.14 REALLOCATION OF CAPITAL WORKS FUNDING

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council;

1. Approve the reallocation of \$100,000 from the 2019/20 reseal program towards 2019/20 gravel road re-sheeting program to enable Willurah Road be completed,
2. Approve the transfer \$25,000 from the 2019/20 Rice Mill Road Renewal project towards and \$15,000 from Macauley Street Kerb and Gutter Renewal toward a project to provide \$40,000 towards the surveying of the roads proposed for renewal in 2020/21

BACKGROUND

Each year Council allocates funding towards capital works projects through the budget process. These funded projects are identified within the operational plan. Most capital funding provided each year is for the renewal of existing infrastructure. Some of this capital funding is provided for upgrade or the construction of new infrastructure. Through the year as the capital program is delivered new priority projects may be required or some projects may need additional funding to provide the best possible outcomes for the community.

ISSUE/DISCUSSION

Gravel Roads

Through the development of the 2019/20 capital works program Council allocated \$720,000 towards the renewal of Gravel Roads. This Gravel Roads program was developed based on their condition and which roads required gravel to ensure they continue to provide a suitable service for the community. Once the list of priority roads was established a unit rate was applied per km based on historical construction rates.

The gravel road sheeting program is substantially complete, and it has been identified that the average cost of construction for the roads complete has cost more per km than estimated. This was an officer error as some of the historical costs associated with this activity had not been tracked in the correct location. This error has been rectified in the development of the proposed gravel resheeting program for 2019/20.

The gravel road resheeting program for 2019/20 included an allowance to resheet 20km of Willurah Road. Based on current actual rates there is enough budget to resheet 15km only. A further \$100,000 would be required to enable the full 20km of Willurah Road to be completed. This project is currently in construction.

Design 2020/21

Council are currently considering the Capital Works Program for 2020/21. This draft program includes a considerable number of Roads and kerb and Gutter that require renewal.

An element of Council roads renewal works that takes considerable time each year is the time required to survey and design road renewal projects to enable the works to progress to tender. Through this report it is proposed to allocate some funding to some of these projects to enable the surveys to be completed this financial year. This would enable designs to progress to a stage where there are shovel ready projects for 2020/21.

Savings

Through the development of the Capital Works Quarter 3 report, some savings have been identified within Councils Capital Works Program, on projects completed to date.

ORDINARY COUNCIL MEETING AGENDA

There is approximately \$100,000 of savings in Councils resealing program to date and \$25,000 in the reconstruction of Rice Mill Road. It is anticipated there will be further savings of approximately \$20,000 across the remaining roads program. These savings could be reallocated to enable the proposed works proceed.

STRATEGIC IMPLICATIONS

Council provide funding for the renewal of their assets in line with good asset management principles. By renewing their assets, they continue to provide good services for the community.

COMMUNITY STRATEGIC PLAN

Outcome 1 – A great place to live

Outcome 4 – A region with quality and sustainable infrastructure.

FINANCIAL IMPLICATIONS

Council allocate funding towards its Capital Renewal Program each year. It is essential for Council to track their Capital spend as this directly relates to good services for the community.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Nil

10.15 EDWARD RIER COUNCIL'S COVID-19 ECONOMIC AND RESILIENCE RESPONSE**Author:** Amanda Barber, Manager Finance**Authoriser:** Suni Campbell, Director Corporate Services**RECOMMENDATION**

That Council

1. Receive and note the ERC's COVID-19 Economic and Resilience Response.
 2. Postpone 20/21 Rate 2.6 % increase (Rate freeze, this is a zero increase for the Ordinary Rates) which were due to come into effect 1 July 2020 and apply a 'catch up' rate increase in the 2 years following the year for which the shortfall occurred so as to produce the maximum amount so permissible of the general income plus the whole or any part of the shortfall in accordance with *Section 511(1) of the Local Government Act 1993*.
 3. Adopt the interim Debt Collection and Hardship Policy for an initial 3-month period with consideration of extension.
 4. Arrange payment plan and an amendment to Council's Debt Collection and Hardship Policy to pause all current debt collection activity until 30/06/2020 in accordance with *Section 712(1) of the Local Government Act 1993 – Special provisions with respect to the recovery of unpaid rates and charges*.
 5. Arrange payment plan and an amendment to Council's Statement of Revenue to freeze the overdue interest rate of 7.5% which costs Council around \$44,000 for an initial 3-month period in accordance with *Section 567(a) and (b) of the Local Government Act 1993*.
 6. Consider waiver of interest on a case by case basis (with an initial 3-month period) in accordance with *Section 567(a) and 583(1) of the Local Government Act 1993*.
 7. Consider an amendment to Council's Procurement Policy for the following additions:
 - a. A relaxation of Council's procurement process to allow for all purchases below \$5,000 to be purchased directly from local suppliers if available.
- B. A REDUCTION IN PAYMENT TERMS FROM 30 DAYS TO 7 DAYS, TO ENSURE SWIFT PAYMENT TO BUSINESSES.**

BACKGROUNDWhat is COVID-19 and a World Health Organisation (WHO) Pandemic?

Coronavirus (COVID-19) is a respiratory illness caused by a new virus. Symptoms range from a mild cough to pneumonia. Some people recover easily, others may get very sick, very quickly. There is evidence that it spreads from person to person. Good hygiene can help prevent infection. WHO has now officially designated COVID-19 as a pandemic and the Australian and NSW Governments also have enacted their respective action/pandemic plans.

The NSW Government has developed an NSW Human Pandemic Plan, a sub plan of the NSW State Emergency Management Plan. This plan will help support and coordinate efforts during such outbreaks, and minimise, where possible, the short and long term social and economic disruption to the population of NSW.

Edward River Council (ERC) has invoked its Business Continuity Plan as a matter of urgency to ensure appropriate planning is undertaken to address any potential disruption to the operations and the provision of services to the community.

During a pandemic, the ERC priorities will be to:

- Maintain the essential services that Council provides to the community;
- Communicate with the community about Council core business;
- Support other government agencies to manage the impact of a pandemic.

The ERC response to a pandemic will be guided by advice from the NSW Department of Health, Murrumbidgee Local Health District (MLHD) and other emergency service providers.

ISSUE / DISCUSSION

Financial Impacts to Council

COVID-19 has had and will continue to have a devastating impact to the economy and all businesses across the world and Australia. Our Council has not been immune from these devastating impacts and without proper fiscal and sustainable management, it will have an irretrievable impact on our organisation.

The Executive Management Team (EMT) are currently reviewing the impacts to the organisation as well as the Long-Term Financial Plan, however a preliminary assessment has the impact on Council tracking at a further operating deficit exceeding \$10 million for the year ending 30 June 2020.

This has been caused by the loss on asset revaluation in the P&L for 11.70 million. As at December 2019, we predicted 980k surplus, this will change in the coming month with quarterly budget review. Other financial impacts include closure of facilities such as the parks (facility hire fees), Public Halls (facility hire fees), private work done by our outdoor employees, additional cleaning fees, potential of loss interest on overdue Rates and Charges. The leadership team is still investigating other potential impacts.

A summary of potential items is as per the below table.

Financial Impact	Amount (\$)
Fees - Hall/Room/Facility Hire	4,000
Traffic Control (car parking fines)	8,000
Fees - Park/Open Space Facility Hire	6,000
Loss of Private work (employee involved)	40,000
Increase in cleaning & products	5,000
Loss of Interest on Overdue Rates and Charges	44,000
Loss/return of grants funding	TBD

Total Financial impact loss for the year ending 30 June 2020	107,000
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This is by no means an exhaustive list and is based on the current government regulations for reduced services. In an event of full closure, these impacts will be even more devastating. This loss is unsustainable for any organisation and our leadership team are looking at ways of reducing this impact by reviewing the current budget to ensure non-essential expenditure can be reduced as well as looking at alternate methods for service delivery.

Council understands that outstanding rates will increase and ratepayer's ability to pay in full and on time will be impacted and as such this will impact Council's cash flow. To this end all capital projects are currently being reviewed to ascertain what can be postponed or paused to ensure Council can effectively manage its cashflow to ensure all staff and creditors are paid on time.

Further reports will be prepared for Council with recommendations as this situation continues to change as well as an updated Long-Term Financial Plan once a full operating and capital expenditure review has been incorporated into the revenue impacts.

Community Assistance

Whilst there are impacts to ERC, Council needs to do what it can to assist those suffering in the community from job losses, business closures and a decline in economic activity all driven by impact of COVID-19.

Large economic stimulus is required to keep each business community afloat; this is something that needs to be driven at a Federal and State Level, which we have already seen announced by our Prime Minister and State Premier.

As of today, a few residential and business property owners have asked Council for rates assistance in the form of waiving or reducing rates; our Council is not in a financial position to achieve this as Rates and annual charges are playing a big part of our total income (43% 18/19 and 46% 17/18, percentage result before grants and contributions provided for capital purposes). The outcome for even a reduction in the final instalment of rates would have dire economic consequences for our organisation and require immediate changes to service and staffing levels.

Council's total Annual Rates income is subject to Rate Pegging as set and defined by the Office of Local Government via Independent Pricing and Regulatory Tribunal of New South Wales (IPART); the rate peg is the maximum percentage amount by which a council may increase its general income for the Rate year. The rate cap for 2020-21 has been set at 2.6% for all NSW Councils.

For the following scenario, assuming the cap is 2.6% this would be a reduction of \$194,000 (using \$7,473,801.44 as the Ordinary Rate basis), for the total Rates revenue for Edward River Council for the 2020-21 year. By not applying the rate peg in 2020/21 this may have some long-term implications, and this directly impacts the General Fund which Councillors are aware already needs financial improvement. By forgoing the rate cap next financial year, this has a long-term financial impact of approximately \$1 million (only forgoing 1-year cap assumption and applying the cap in the following years) over a five-year period.

Council can, however, utilise Section 511(1) of the Local Government Act 1993 and use the "catch up provision". This means that Council can recoup the rate revenue within two years as per the Office of Local Governments Rating Return and Section 511(1) of the Local Government Act 1993. If Council decides to claim the loss of Rates in 2 years, total financial impact of loss revenue over a five-year period will be in excess of \$300,000.00. If Council decides to claim in a one off "catch up" in the year of 22/23, the loss of revenue will reach \$400,000.00; otherwise in the year of 21/22, the loss of revenue will reach to \$200,000 which may have further financial burden for Rate Payers.

As mentioned earlier, Local Government does not have the resources or the ability for large scale stimulus, however whilst Council is not in a position to provide cash injections as financial assistance to the community or the ability to waiver rates, we can reduce the impact and facilitate spending within the community by other means and measures, there are alternate methods where we can assist.

I recommend the following to be considered/discussed and endorsed until 30 June 2020 and reviewed as part of the 2020/21 Operational Plan at the later stage.

“The COVID - 19 pandemic has financially affected many members and businesses in our community. In response, we have implemented an interim Debt Collection and Hardship Policy with an expanded scope to assist the community during this time. ”

1. Postpone 20/21 Rate 2.6 % increase (Rate freeze, this is a zero increase for the Ordinary Rates) which were due to come into effect 1 July 2020 and apply a ‘catch up’ rate increase in the 2 years following the year for which the shortfall occurred so as to produce the maximum amount so permissible of the general income plus the whole or any part of the shortfall in accordance with *Section 511(1) of the Local Government Act 1993*.

2. Adopt the interim Debt Collection and Hardship Policy for an initial 3-month period with consideration of extension.

3. Arrange payment plan and an amendment to Council’s Debt Collection and Hardship Policy to pause all current debt collection activity until 30/06/2020 in accordance with *Section 712(1) of the Local Government Act 1993 – Special provisions with respect to the recovery of unpaid rates and charges*.

4. Arrange payment plan and an amendment to Council’s Statement of Revenue to freeze the overdue interest rate of 7.5% which cost Council around \$44,000 for an initial 3-month period in accordance with *Section 567(a) and (b) of the Local Government Act 1993*. It will further cause loss of revenue if assistance is to be provided for a longer term after 30 June 2020.

5. Waiver of interest on a case by case basis (with an initial 3-month period) – which will lead Council into further deficit for current financial year and future years in accordance with *Section 567(a) and 583(1) of the Local Government Act 1993*.

6. An amendment to Councils Procurement Policy for the following additions:

- a. A relaxation of Council’s procurement process to allow for all purchases below \$5,000 to be purchased directly from local suppliers if it is available.
- b. A reduction in payment terms from 30 days to 7 days, to ensure swift payment to businesses.

STRATEGIC/COMMUNITY IMPLICATIONS

5 - A community working together to achieve its potential

5.3 - Our local government is efficient, innovative and financially sustainable

5.3.1 - Deliver sustainable financial management

5.3.1.2 - Monitor and accurately report on Council’s financial position in accordance with Local Government Act requirements.

FINANCIAL IMPLICATIONS

The rates, fees and charges are consistent with Council’s Delivery Program 2018-2021 and Operational Plan 2019-20.

There are no financial or resource implications of this report, but it is a report advising the financial outcomes of Council during the 2019-20 financial year.

LEGISLATIVE IMPLICATIONS

Section 511(1) of the Local Government Act 1993 requires catching up of shortfall in general income, If the rates and charges made by a council for a year that produce its general income produce an amount of general income that is less than the maximum amount permissible under section 509 for that year because the council did not apply a full percentage increase applicable to it under section 506 for the year for which the rates and charges were made, the council may make rates and charges for either or both of the next 2 years after the year for which the shortfall occurred so as to produce the maximum amount so permissible of the general income plus the whole or any part of the shortfall.

Section 712(1) of the Local Government Act 1993 and Division 4 of the Legal proceedings for the recovery of rates and charges, requires Proceedings for the recovery of a rate or charge may be commenced at any time within 20 years from the date when the rate or charge became due and payable.

Section 567 of the Local Government Act 1993 requires the council may write off accrued interest on rates or charges under

- a) the person is unable to pay the accrued interest for reasons beyond the person's control; or
- b) payment of the accrued interest would cause the person hardship.

Section 583(1) of the Local Government Act 1993 and the division Writing off of pensioners rates and charges, requires A council is to write off amounts of rates, charges and interest which are reduced or waived under this Division.

ATTACHMENTS

- | | | | | | | |
|----|--|-------------------|----------|--------------|---------------|--------------|
| 1. | DRAFT Interim Debt Recovery and Hardship Policy | | | | | |
| 2. | Community | Assistance | - | Rates | Impact | Model |



DRAFT Interim Debt Recovery and Hardship Policy

Council Policy
Finance Department
Director Corporate Services

POLICY OBJECTIVE

The objectives of this policy are to:

- Ensure debts for outstanding rates, annual charges, service usage charges, interest and sundry debtors owed to Council are recovered in a timely, efficient and effective manner to finance Council's operations and deliver services.
- Provide a formal administrative process to objectively determine and assist those ratepayers who are experiencing genuine financial hardship.
- Ensure Council compliance with the relevant statutory requirements of the Local Government Act 1993 (the Act).

SCOPE

This policy applies to debts owed to Edward River Council through the non-payment of Council rates, annual charges, service usage charges, interest and sundry debtors. It also outlines how Council may help ratepayers who experience exceptional and genuine financial difficulties to pay their rates and charges.

LEGISLATIVE REQUIREMENTS

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Valuation of Land Act 1916 NSW
- Privacy and Personal Information Protection Act 1998

POLICY STATEMENT

Edward River Council aims to ensure effective and efficient financial management over outstanding debts. This includes overdue rates, annual and service usage charges, interest and sundry debtors.

SPECIAL AMENDMENT – COVID19

Edward River Council has taken time to review its Debt Recovery and Hardship policy and with the current COVID-19 pandemic has initiated an Interim Debt Recovery and Hardship policy containing an amendment. COVID-19 has had devastating impact to people's lives, the economy and all businesses across the world and Australia.

Our Council has not been immune from these devastating impacts and without proper fiscal and sustainable management, it will have an irretrievable impact on our organisation. For Council to continue offering its current level of service and maintain its infrastructure, it must encourage payment arrangements to maintain economic viability.

Council appreciated that some ratepayers, have been and will be adversely affected by COVID-19, limiting their capacity to pay existing and the immediate future debt. While



Edward River Council acknowledges current financial difficulties due to COVID-19 it also must consider the adequacy of payments to meet the requirement that the debt will be cleared within an acceptable timeframe.

Council is introducing financial assistance measures to assist ratepayers during the COVID19 Pandemic. Whilst Local Government Legislation restricts the waiving of rates interest and charges Edward River Council has implemented additional assistance measures in general. Due to the impact of the COVID19 virus on Ratepayers in Edward River Council has implemented the following strategies:

- Postpone all Rate increases under the Rate pegging regime. Accordingly, the 2.6% Rate peg cap as allowed will not be applied by Edward River Council, for the 2020-2021 rating year.
- Freeze all interest charges on overdue rates until 30th June 2020, when a payment plan is entered into and adhered to with Council.
- Pause all current debt collection activity until 30th June 2020, when a payment plan is entered into and adhered to with Council.

Applications to make a payment arrangement by set regular repayments are to be made and forwarded to Council on the **approved form** (*Agreement to pay rates and charges*) available from Council's website. These arrangements will be reviewed after a three-month period.

The special Amendment clause relating COVID-19 is only a temporary amendment and will be reviewed by Management and Council on or after 30 June 2020 (for an initial 3-month period with consideration of extension.)

RECOVERY OF RATES AND CHARGES

Council issues rates and charges notices in accordance with section 562 of the Local Government Act 1993 in July each year. An annual rate notice is issued on or before 31 July. They can be paid in full by 31 August or via four instalments due 31 August, 30 November, 28 February, and 31 May each year. Rate instalment reminder notices are issued on or before 31 October, 31 January and 30 April.

Arrangements to Repay Rates and Charges

In accordance with section 564 of the Act, a ratepayer may at any time arrange with Council officers to enter into a weekly, fortnightly, or monthly payment arrangement to repay the rates and charges with Council.



DRAFT Interim Debt Recovery and Hardship Policy

Council Policy
Finance Department
Director Corporate Services

Failure to make payments as per the agreement voids the agreement and may result in Council referring the account for debt management. All ratepayers who enter into an arrangement will continue to have interest charged on the outstanding amount in accordance with Section 566 of the Act. Rates are required to be paid in full prior to the end of the rating year

Applications to repay rates by set regular repayments are to be made and forwarded to Council on the approved form available from Council's Customer Service Centre or on Council's website.

Interest Charges

Council charges overdue rates and water accounts with the maximum allowable interest rate in accordance with Section 566 of the Act and may write off interest charges on overdue rates in accordance with the Act, by resolution or by delegation of authority of the General Manager.

Recovery Action Referral to an External Agency

Where rates, annual charges and water charges continue to remain unpaid without a formal repayment arrangement in place Council may refer outstanding debts to an external agency for collection. Council will utilise the services of a debt recovery agent appointed by the Council where required for this purpose.

FINANCIAL HARDSHIP IN EXCEPTIONAL CIRCUMSTANCES

Council recognises that there are some cases of genuine and exceptional financial hardship experienced by individual ratepayers due to unforeseen circumstances such as a declared event /disaster i.e. drought and flood, which may require compassion and consideration by Council in these special circumstances.

While Council will not reduce rates or annual charges, it will consider alternative available approaches to assist with cases of financial hardship. This policy establishes guidelines for assessment of residential rates and charges financial hardship applications.

Principles in Determining Hardship

Council considers the principles of fairness, integrity, confidentiality and its obligations under the Act and other related legislation when determining hardship applications. Financial assistance may take the form of:

- Arrangement of a payment agreement or schedules;
- Extending the period in which the outstanding rates may be repaid;
- Reducing or writing off accrued interest.



Each individual case will be considered on its merits. The criteria for assessment will be, but is not limited to, the following:

1. the ratepayer must own and occupy the property as their principal place of residence;
2. the property for which the ratepayer/s is requesting assistance is the ratepayer/s principal place of residence and the property must be land categorised as either residential or farmland for rating purposes;
3. the residential component of mixed developments will only be considered for the hardship provision assistance;
4. the ratepayer is required to provide Council with details of all income and expenses from all sources, with supporting evidence;
5. the ratepayer is to provide reasons and reasonable proof of financial hardship

Applications for Hardship Assistance

Applications must be made on the Hardship Assistance Application Form available from Council's Customer Service Centre and on Council's website.

In accordance with the Act, Council has several options available to it when considering a Hardship Application. These include:

a) Entering a Payment Plan

Under Section 564 of the Act, Council may:

- o Negotiate with the applicant a suitable repayment plan.

b) Transfer of Land in lieu of Payment of Rates and Charges

Under Section 570 of the Act, Council may:

- o Accept a transfer of the land in respect of which rates or charges or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest.

c) Sale of Property for Overdue Rates

Under Section 713 of the Act, Council may:

- o Sell any land (including vacant land) on which any rate or charge has remained unpaid for more than five (5) years from the date on which it became payable;
- o Sell any vacant land on which any rate or charge has remained unpaid for more than one (1) year, provided that the amount of such rates and charges are more than the land valuation it received from the NSW Valuer-General;
- o Any sale will be carried out by public auction in accordance with the process outlined in the Local Government Act 1993.



d) Write off Rates and Charges

In accordance with regulation 131 of the Local Government (General) Regulation 2005 Council may write off rates and charges:

- To correct a clerical error; or
- If the amount is not legally recoverable; or
- If a court orders the amount to be written off; or
- the General Manager believes it would not be cost effective to attempt to recover the amount outstanding

RECOVERY OF UNPAID SUNDRY DEBTS

Sundry debtor accounts and invoices will be created when information becomes available and printed and posted weekly. The payment due date will be 30 days after the invoice issue. A statement will be issued within seven days of month's end.

Overdue Sundry Debtors

The following process applies to recovery of overdue sundry debtor accounts:

- A reminder notice will be issued 14 days after due date;
- A statement will be issued at the end of the month and serve as the 2^o reminder;
- If full payment is not received after issue of the 2^o reminder, then an overdue sundry debtor account letter requesting payment or the making of a satisfactory arrangement to pay will be sent to the debtor;
- The overdue sundry debtor account letter will advise that the recovery of the overdue account will be referred to Council's debt collection agency if the account is not paid within 14 days.

PRIVACY

Council is committed to ensuring that privacy will be maintained in accordance with the principles established under the *Privacy and Personal Information Protection Act 1998*.



POLICY VERSION CONTROL

Title				
ECM Doc Set ID				
Date Adopted				
Council Minute No.				
Responsible Officer				
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number

DRAFT

Confidential

8/04/2020

Edward River Council

NO change to rate cap

	19/20	20/21	21/22	22/23	23/24	24/25	A
	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,668,120.28	\$ 7,867,491.40	\$ 8,072,046.18	\$ 8,281,919.38	
2.60%		\$ 194,318.84					
2.60%			\$ 199,371.13				
2.60%				\$ 204,554.78			
2.60%					\$ 209,873.20		
2.60%						\$ 215,329.90	
2.60%		\$ 7,668,120.28	\$ 7,867,491.40	\$ 8,072,046.18	\$ 8,281,919.38	\$ 8,497,249.29	\$ 40,386,826.53

NOT claiming Carried Forward

	19/20	20/21	21/22	22/23	23/24	24/25	B
	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,668,120.28	\$ 7,867,491.40	\$ 8,072,046.18	
2.60%		N/A					
2.60%			\$ 194,318.84				
2.60%				\$ 199,371.13			
2.60%					\$ 204,554.78		
2.60%						\$ 209,873.20	
2.60%							
2.60%		\$ 7,473,801.44	\$ 7,668,120.28	\$ 7,867,491.40	\$ 8,072,046.18	\$ 8,281,919.38	\$ 39,363,378.69
						Net Loss (A-B)	\$ 1,023,447.85

CLAIMING Carried Forward (Claim in one year - one off- first year)

	19/20	20/21	21/22	22/23	23/24	24/25	C
	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,862,120.28	\$ 8,066,535.40	\$ 8,276,265.33	
2.60%		N/A	\$ 194,000.00				claim c/fwd
2.60%			\$ 194,318.84				
2.60%				\$ 204,415.13			
2.60%					\$ 209,729.92		
2.60%						\$ 215,182.90	
2.60%							
2.60%		\$ 7,473,801.44	\$ 7,862,120.28	\$ 8,066,535.40	\$ 8,276,265.33	\$ 8,491,448.22	\$ 40,170,170.67
						Net Loss (A-C)	\$ 216,655.86

CLAIMING Carried Forward (Claim in one year - one off- second year)

	19/20	20/21	21/22	22/23	23/24	24/25	D
	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,668,120.28	\$ 8,061,491.40	\$ 8,271,090.18	
2.60%		N/A	N/A	\$ 194,000.00			claim c/fwd
2.60%			\$ 194,318.84				
2.60%				\$ 199,371.13			
2.60%					\$ 209,598.78		
2.60%						\$ 215,048.34	
2.60%							
2.60%		\$ 7,473,801.44	\$ 7,668,120.28	\$ 8,061,491.40	\$ 8,271,090.18	\$ 8,486,138.53	\$ 39,960,641.83
						Net Loss (A-D)	\$ 426,184.70

CLAIMING Carried Forward (Claim in 2 years)

	19/20	20/21	21/22	22/23	23/24	24/25	E
	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,473,801.44	\$ 7,765,120.28	\$ 8,064,013.40	\$ 8,273,677.75	
2.60%			\$ 97,000.00	\$ 97,000.00			claim c/fwd
2.60%			\$ 194,318.84				
2.60%				\$ 201,893.13			
2.60%					\$ 209,664.35		
2.60%						\$ 215,115.62	
2.60%							
2.60%		\$ 7,473,801.44	\$ 7,765,120.28	\$ 8,064,013.40	\$ 8,273,677.75	\$ 8,488,793.37	\$ 40,065,406.25
						Net Loss (A-E)	\$ 321,420.28

Confidential

8/04/2020

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11 NOTICES OF MOTIONS

Nil

12 QUESTIONS WITH NOTICE

Nil

13 CONFIDENTIAL MATTERS

Nil

14 CLOSE OF MEETING