

**PLAN OF MANAGEMENT**

**SEWERAGE TREATMENT PLANT**

**RESERVE No. 69802**



## PLAN OF MANAGEMENT DOCUMENT CONTROL

<b>Responsible Officer</b>		<b>Strategic Assets</b>		
<b>Reviewed By</b>		<b>Director of Infrastructure</b>		
<b>Date Adopted</b>		<b>20 June 2023</b>		
<b>Council Resolution</b>		<b>2023/0620/12.8</b>		
<b>Review Due Date</b>		<b>30 June 2028</b>		
<b>Current Version</b>		<b>First Edition</b>		
<b>Version</b>	<b>Description of Amendments</b>	<b>Author</b>	<b>Review</b>	<b>Council Minute No. (If Relevant)</b>
<b>1</b>	<b>First Edition</b>	<b>Strategic Assets</b>	<b>Director of Infrastructure</b>	



## Contents

1

1	KEY INFORMATION .....	1
2	INTRODUCTION .....	2
2.1	Background .....	2
2.2	Strategic and Corporate Objectives .....	3
2.3	Land to Which this Plan Applies .....	3
2.4	Land Ownership .....	4
2.5	Categorisation of the Reserve .....	4
3	RELEVANT LEGISLATION, POLICIES AND PROCEDURES .....	7
3.1	Local Government Act 1993 and Local Government (General) Regulations 2005 .....	7
3.2	Crown Land Management Act 2016 .....	7
3.3	Native Title Act 1993 (Federal) .....	7
3.4	Aboriginal Land Rights Act 1983 .....	8
3.5	Biodiversity Conservation Act 2016 .....	8
3.6	Environmental Planning and Assessment Act 1979 .....	8
3.7	Council Plans, Strategies, Policies and Procedures .....	11
3.8	Legislation and Statutory Control .....	11
3.9	Reclassification of Reserves .....	11
3.9	Review of this Plan .....	11
3.10	Community Consultation .....	12
4	CULTURALLY SIGNIFICANT LAND .....	14
4.1	Aboriginal Significance .....	14
4.2	Non-indigenous Significance .....	14
5	DEVELOPMENT AND USE .....	15
5.1	Overview .....	15
5.2	Community Strategic Plan .....	15
5.3	Outcome 4 – A region with quality and sustainable infrastructure .....	16
5.4	Condition of the Land and Structures on Adoption of the Plan of Management .....	17
5.5	Use of the Land and Structures at the Date of Adoption of the Plan of Management .....	18
5.6	Permitted Use Strategic Objectives .....	18
5.7	Further Development .....	18
5.8	Leases, Licences and other Estates .....	18



5.9	Native Title Assessment.....	19
6	PLAN OF MANAGEMENT - OBJECTIVES AND ACTIONS .....	20
6.1	Plan of Management Objectives .....	20
6.2	Action Plan.....	20
7	PLAN OF MANAGEMENT – MANAGEMENT AND ADMINISTRATION OF THE LAND.....	23
7.1	Management Authority .....	23
7.2	Management Issues.....	23
7.3	Staff Resources .....	23
7.4	Environmental Assessment of Activities .....	23
7.5	Role of Other Activities.....	23
7.6	Activities Carried Out by Other Authorities.....	23
7.7	Principles for the Development of Adjoining Land.....	23
7.8	Community Involvement in Management .....	23
7.9	Contract and Volunteer Labour .....	24
7.10	Existing Assets .....	24
7.11	Public Liability Insurance .....	24
7.12	Commercial Activities .....	24
7.13	Emergencies .....	24
7.14	Land Proposed for Future Development.....	24
7.15	Undeveloped Land.....	24
7.16	Information Monitoring and Research .....	24
7.17	Alcohol .....	25
7.18	Companion Animals.....	25
7.19	Parking.....	25
7.20	Buildings and Amenities .....	25
7.21	Infrastructure.....	25
7.22	General Maintenance .....	26
7.23	Development Activities .....	26
7.24	Pollution Control.....	26
7.25	Public Safety .....	26
7.26	Neighbours .....	26
7.27	Trees, Vegetation and Landscape.....	26
7.28	Weed Control .....	26



## Appendices

### **Appendix A** Native Title Assessment

#### Figures

<b>Figure 1</b>	Edward River Council Local Government Area .....	2
<b>Figure 2</b>	Edward River Council's Strategic Objectives from the Community Strategic Plan .....	3
<b>Figure 3</b>	Aerial Photograph of Sewerage Treatment Plant (Reserve No. 69802) .....	4
<b>Figure 4</b>	Categories of Community Land referred to in Section 36 of the Local Government Act 1993 .....	5
<b>Figure 5</b>	Land Use Zones for Reserve No. 69802 .....	9
<b>Figure 6</b>	Flowchart for Consultation and Approval of an Initial Plan of Management .....	12
<b>Figure 7</b>	Integrated Planning and Reporting Framework.....	15
<b>Figure 8</b>	Photographs of Sewerage Treatment Plant.....	17

#### Tables

<b>Table 1</b>	Objectives of Land Use Zones for Reserve No. 69802 .....	9
<b>Table 2</b>	Condition of Council Assets Located in Sewerage Treatment Plant .....	16
<b>Table 3</b>	Plan of Management Objectives .....	20
<b>Table 4</b>	Indicators and Targets for Plan of Management Objectives .....	21



## **1 KEY INFORMATION**

The Sewerage Treatment Plant Plan of Management (Plan of Management) has been prepared by Edward River Council (Council) to provide direction regarding the use and management of the Sewerage Treatment Plant– Crown Reserve 69802. 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, Booroorban, 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**:

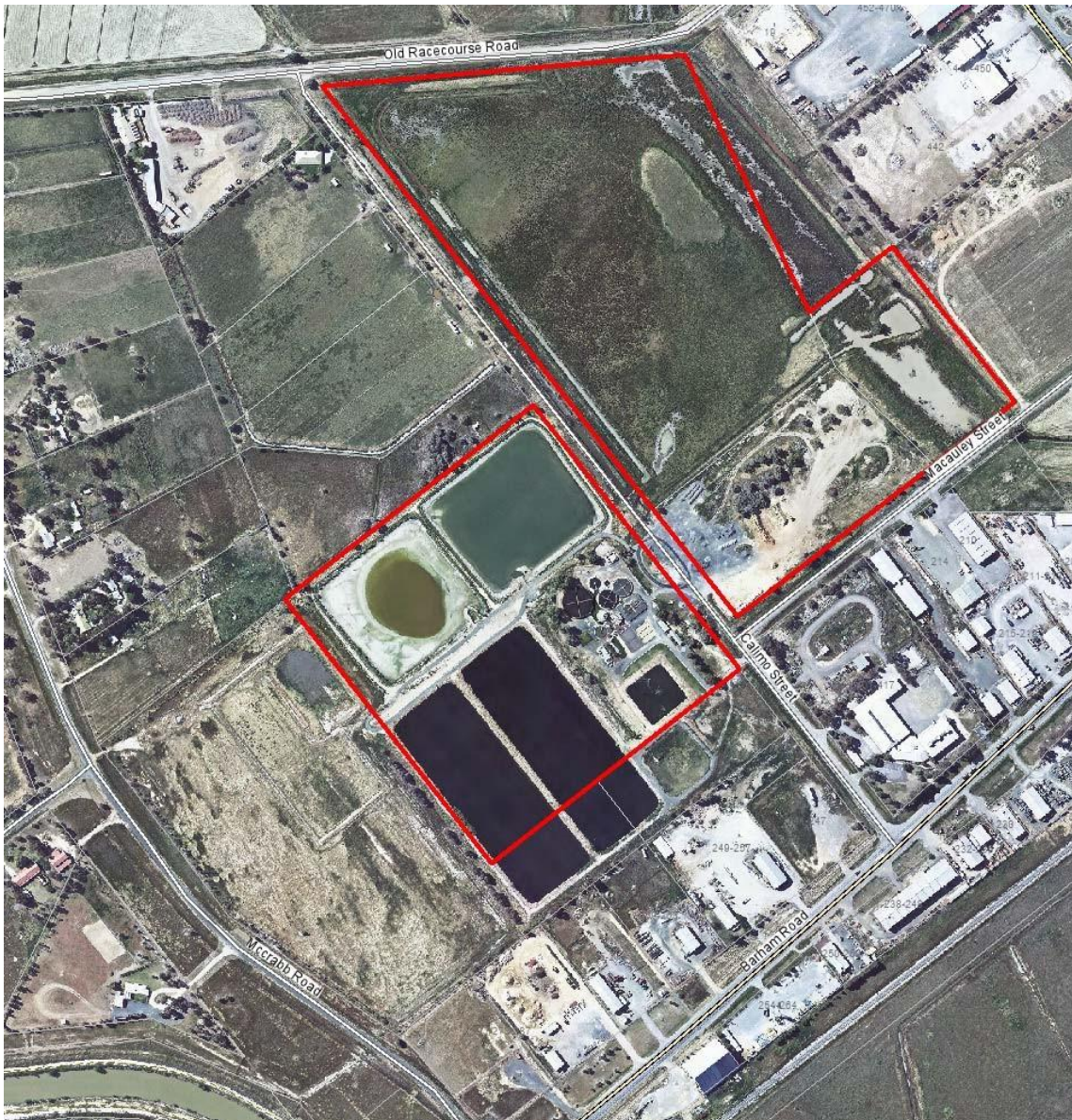
<b>1</b> A great place to live	<b>1.1</b> Our community has access to essential services <b>1.2</b> Our community is safe, happy and healthy, both physically and mentally <b>1.3</b> Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture
<b>2</b> A prosperous and vibrant economy	<b>2.1</b> Our economy is strong and diverse <b>2.2</b> We develop our key assets to enhance agriculture, boost tourism and support existing business <b>2.3</b> Our region provides strong education, employment and training opportunities
<b>3</b> A valued and enhanced natural environment	<b>3.1</b> We are committed to resource recovery and waste management <b>3.2</b> Our natural environment is protected and enhanced <b>3.3</b> We plan for the future to accommodate and facilitate sustainable growth and development
<b>4</b> A region with quality and sustainable infrastructure	<b>4.1</b> Our built environment is managed, maintained and improved <b>4.2</b> Our road network is a source of pride <b>4.3</b> Our water and sewer infrastructure is efficient and fit for purpose
<b>5</b> A community working together to achieve its potential	<b>5.1</b> Our community is informed and engaged <b>5.2</b> We collaborate and pursue partnerships that achieve great outcomes for our community <b>5.3</b> Our local government is efficient, innovative and financially sustainable

**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 69802 and is contained in Lot 489 DP 721980, Lot 498 DP 722049, and Lots 347-348 DP 756325, Parish South Deniliquin County Townsend. The reserve is located on the northern side of Davidson St on the North side of the Edward River. The land contains a total of 277,846.67m<sup>2</sup>. The reserve for Sewerage Treatment Plant was gazette on 10/1/1941 and was set aside for the purpose of Sewerage. An aerial photograph, outlining the extents of the reserve, is shown below in **Figure 3**.





**Figure 3 – Aerial Photograph of Sewerage Treatment Plant (Reserve No. 69802)**

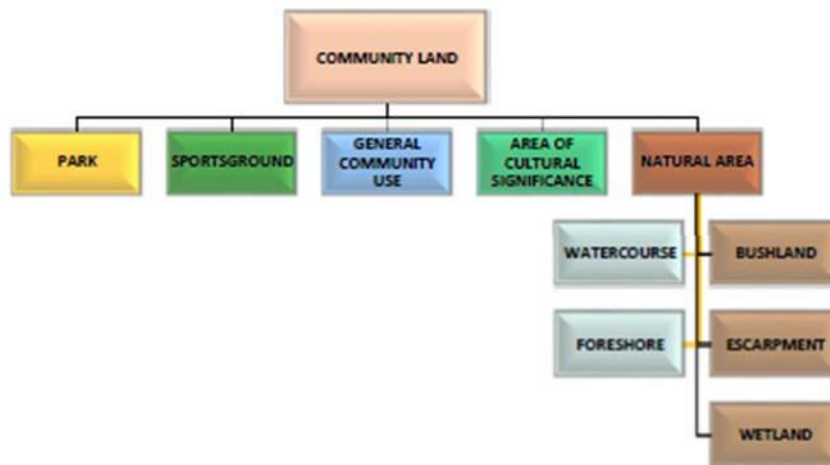
The Reserve serves several purposes, with the main purpose of sewerage treatment for the residents of Deniliquin. Part of the Sewerage Treatment Plan is zoned industrial under the Deniliquin LEP 2013 and gravel and other materials are stored in the separate lots.

## **2.4 Land Ownership**

Sewerage Treatment Plant 69802 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 Sewerage Treatment Plant, Council has requested and obtained initial categorisation of:

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

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 purposed of the 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



- (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***

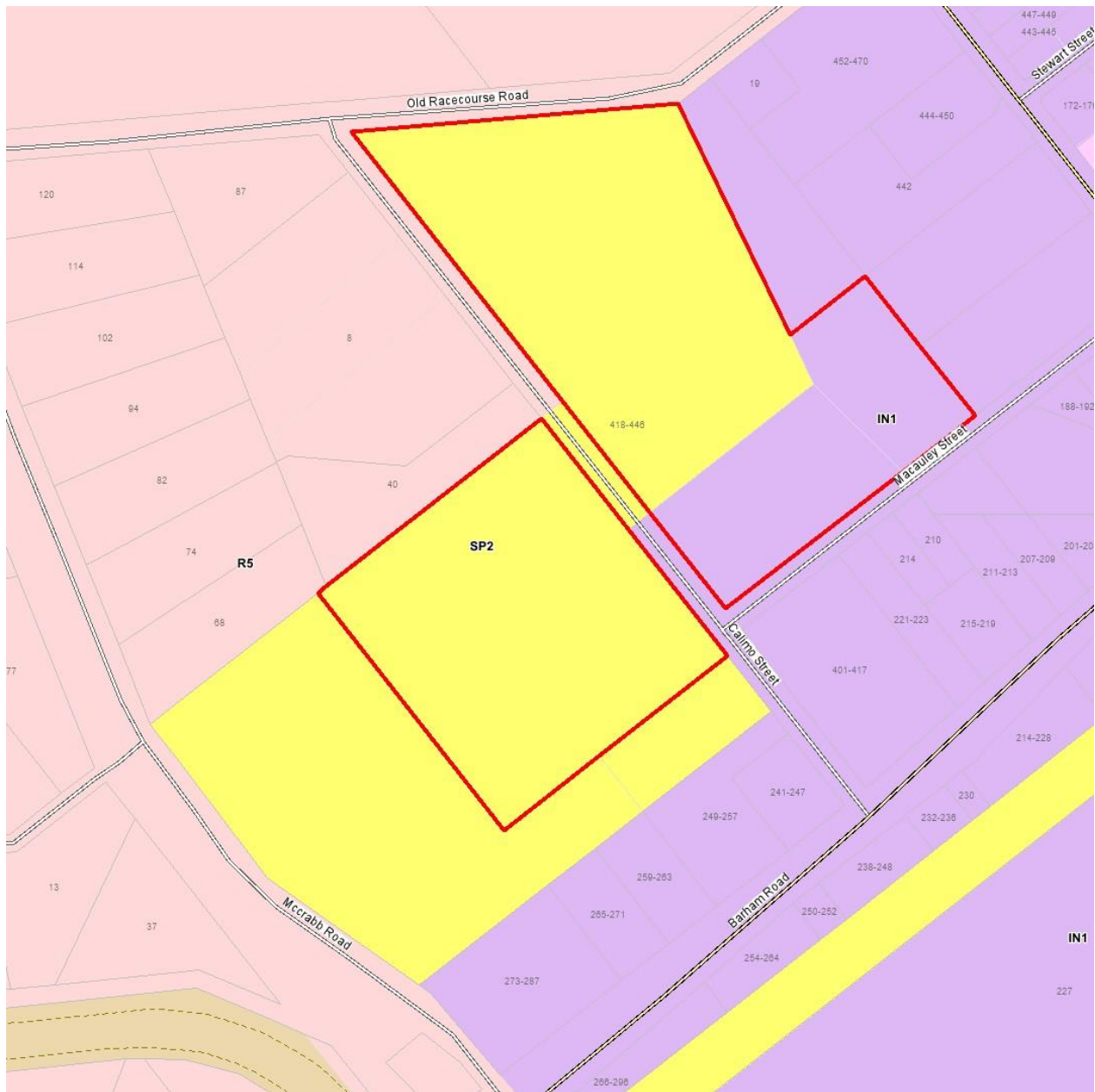
Council has legislative responsibility under this Act to appropriately manage Threatened Species Populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

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):

- ✓ IN1 General Industrial; and
- ✓ SP2 Infrastructure



**Figure 5** – Land Use Zones for Reserve No. 69802

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



**Table 1 – Objectives of Land Use Zones for Reserve No. 69802**

Land Use Zone	Objectives
IN1 – General Industrial	<ul style="list-style-type: none"><li>• To provide a wide range of industrial and warehouse land uses.</li><li>• To encourage employment opportunities.</li><li>• To minimise any adverse effect of industry on other land uses.</li><li>• To support and protect industrial land for industrial uses.</li></ul>
SP2 - Infrastructure	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.

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 Sewerage Treatment Plant 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.

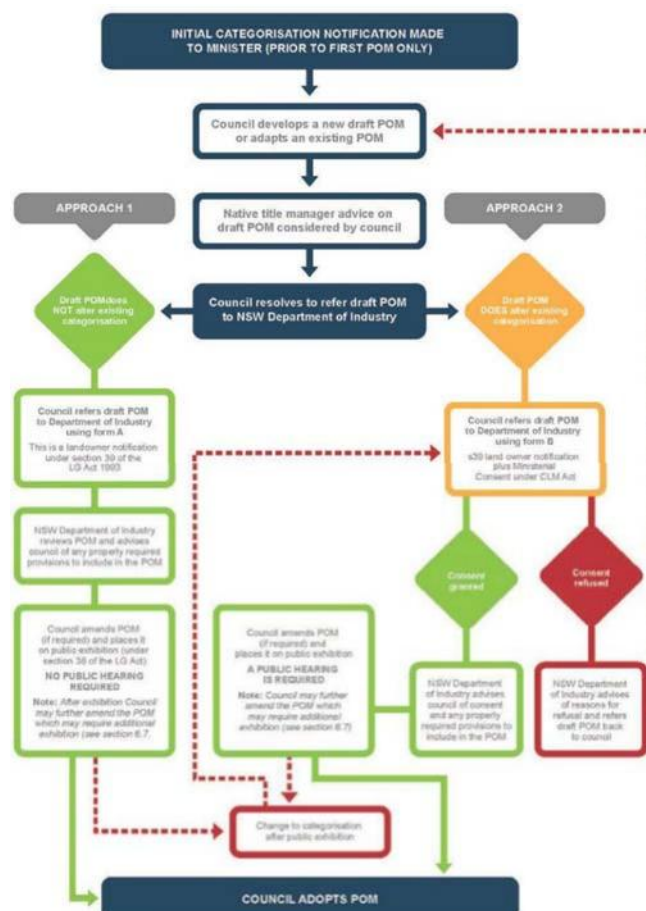


### 3.10 Community Consultation

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.

Sewerage Treatment Plant 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 Sewerage Treatment Plant was gazette on 10 January 1941 and was set aside for industrial use as a sewerage treatment plant. The Sewerage Treatment Plant is not specifically listed under the Deniliquin Local Environment Plan 2013 but is represented in the plan under the zonings IN1 General Industrial and SP2 Infrastructure.



## **5 DEVELOPMENT AND USE**

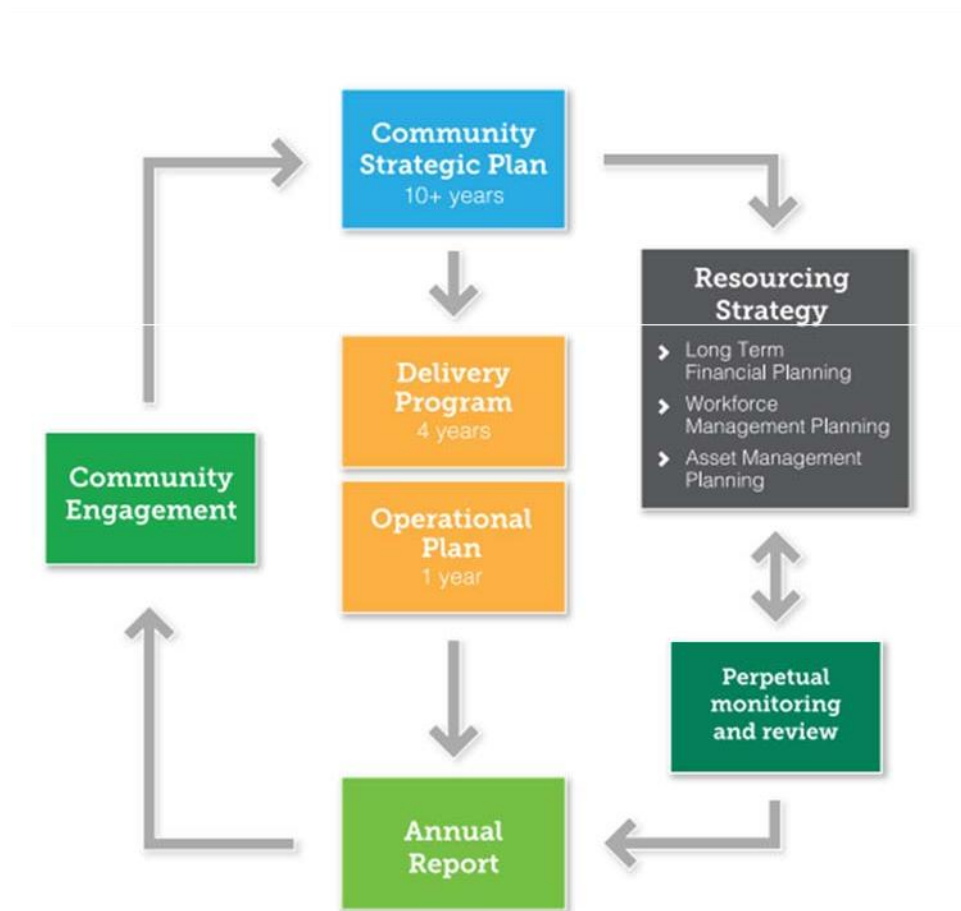
### **5.1 Overview**

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 2035 Community Strategic Plan](#)
- [Edward River Council Combined Delivery Program 2024-25 and Operational Plan 2024-25](#)
- [Edward River Council Resource Strategy](#)
- [Edward River Open Space Strategy](#)
- [Deniliquin Public Space Strategy](#)
- [Deniliquin Masterplan](#)

### **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 Sewerage Treatment Plant 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 Sewerage Treatment Plant fits directly under Target 4.1 – Our built environment is managed, maintained and improved and Target 4.3 – Our water and sewer infrastructure is efficient and fit for

purpose. The council's role will be to effectively maintain the regions water and sewer infrastructure, and where appropriate upgrade existing or provide new infrastructure.

#### **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 Sewerage Treatment Plant upon recent inspection is shown below in **Table 2**.

**Table 2** – Condition of Council Assets Located on at Sewerage Treatment Plant

ASSET DESCRIPTION	CATEGORY	CONDITION RATING
		1 – Good  5 – Unserviceable
Sewerage Treatment Plant Buildings	Building	3
Sewerage Treatment Plant Process Facility	Sewerage	3
Effluent Pump Station	Sewerage	2

The Sewerage Treatment Plant is functioning appropriately for the purposes of the area.

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



**Figure 8** – Photographs of Sewerage Treatment Plant.



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

Existing use of the reserve includes:

- ✓ Sewerage treatment;
- ✓ Stockpile for road base materials; and
- ✓ Vehicle parking for heavy plant and vehicles.

There is also the potential to establish a truck parking bay within the reserve so that trucks needing to park for a short-term can do so and allow drivers to have access to town facilities. This aligns with the existing parking for heavy plant and vehicles use for the area of the site zoned IN1 – General Industrial. Council is willing to work with existing and potential users to expand the usage of Sewerage Treatment Plant 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 Sewerage Treatment Plant is General Community Use with the intended purpose(s) of Sewerage. Under the Deniliquin LEP 2013, the different lots are zoned IN1 – General Industrial and 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 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 Sewerage Treatment Plant, 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

	<b>Plan of Management Objectives</b>
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**

<b>OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND</b>	<b>MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>	<b>MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>
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.

<b>OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN IN RESPECT TO THE LAND</b>	<b>MEANS BY WHICH THE COUNCIL PROPOSES TO ACHIEVE THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>	<b>MANNER IN WHICH COUNCIL PROPOSES TO ASSESS ITS PERFORMANCE WITH RESPECT TO THE PLAN'S OBJECTIVES AND PERFORMANCE TARGETS</b>
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.



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 Sewerage Treatment Plant.

#### **7.18 Companion Animals**

Domestic pets are not permitted within the Sewerage Treatment Plant.

#### **7.19 Parking**

Parking is not available within the Sewerage Treatment process facility part of the reserve and is only available in the IN1 – General industrial part of the reserve with the approval of Council. present. Parking is available along the Calimo and Macauley Streets adjacent to the reserve.

#### **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 69802 and is contained in Lot 7310 DP 1143278 Parish North Deniliquin County Townsend. The land is known as the Sewerage Treatment Plant. The Crown is the owner of the land.

Reserve 69802 was reserved from sale for the public purpose of Sewerage in the Government Gazette on 10 January 1941.

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 Sewerage Treatment Plant Plan of Management has been prepared by Council and provides direction as to the use and management of Sewerage Treatment Plant 69802.

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 to be 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 69802 was reserved from sale or lease for purpose of Sewerage and notified in the Government Gazette of 10 January 1941.

**s.24JA(1)(b)** is satisfied as the Reserve was notified in the Government Gazette of 10 January 1941.

**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 Sewerage.

**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.

---