

Overview



Plan of Management

Community Land

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1 Introduction

1.1 Overview

Parkes Shire Council is required to prepare plans of management for all Community Land in accordance with the Local Government Act 1993. For Crown Land managed by Council, Section 3.23 of the Crown Land Management Act 2016 requires the preparation of plans of management, as if they were Community Land under the Local Government Act 1993.

Council has prepared a generic suite of management plans to guide the management of all Council-owned and Crown land parcels that are classified as Community Land in the Parkes Shire.

This Overview Statement to the Parkes Shire Plan of Management for Community Land outlines the broad framework used by Council to manage all of its Community Land under a generic Plan of Management, which is comprised of six (6) Volumes as follows:

- Overview Statement (this document)
- Volume 1 - Parks
- Volume 2- Sportsgrounds
- Volume 3 - Natural Areas
- Volume 4 - General Community Use
- Volume 5 - Native Title Manager Reports for Crown Land Reserves

The Parkes Shire Plan of Management for Community Land has been prepared in accordance with Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993 to provide clear direction as to the use, improvement and management of Council managed land and facilities and framework for Council to follow in relation to the on-going administration and management of Community Land, including the issuing of any leases, licenses, permits or approvals over the land.

The Parkes Shire Plan of Management for Community Land is intended to be placed on public exhibition for community comment and consideration of issues prior to the finalisation of the Plan for adoption by Council.

Once adopted, the Parkes Shire Plan of Management for Community Land will be reviewed as part of Council's Integrated Planning and Reporting Framework, including the preparation of works programs and budgets.

1.2 Guiding Principles for Plans of Management

Although this Plan of Management is for both Council owned and Crown land, this Plan of Management has been prepared in accordance with the Principles of Crown Land Management pursuant to Section 1.4 of the Crown Land Management Act.

Namely:

- That environmental protection principles be observed in relation to the management and administration of the land,
- That the natural resources of the land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible,
- That public use and enjoyment of appropriate community land be encouraged,
- That, where appropriate, community land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- That the land be occupied, used, leased or otherwise dealt with in the best interests of the State and Parkes Shire Council.

1.3 Aim of Plan

The aim of the Parkes Shire Plan of Management for Community Land is to provide a Plan of Management that complies with relevant legislation, standards and policies applying to various categories of Community Land, including the Local Government Act 1993 and the Crown Land Management Act 2016.

The objectives of the Plans of Management are:

- To ensure there are opportunities for the community to contribute to the development and implementation of this plan.
- To form a component of Council's strategic land management plan and to be consistent with other Council plans of management.

1.4 Plan of Management Structure

The Local Government Act defines five categories of community land:

- Park – for areas primarily used for passive recreation.
- Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- General community use – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- Natural area – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The Community Land covered by this Plan of Management is detailed in Volumes 1 to 5 of this document, as follows:

- Volume 1 - Parks
- Volume 2- Sportsgrounds
- Volume 3 - Natural Areas
- Volume 4 - General Community Use
- Volume 5 - Native Title Manager Reports for Crown Land Reserves

This document is intended to be used as a guide for Council's decision making in relation to Community Land owned by Council and Crown Land managed by Council.

1.5 What is a Plan of Management

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

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the Local Government Act 1993. The guidelines and core objectives for the Park, Sportsground, Area of Cultural Significance, General Community Use and Natural Area categories are set out in the relevant category sections of this plan of management.

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

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

Parkes Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and

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

A Plan of Management outlines how Community Land is to be used, improved and managed. It consolidates information about the land and its users and clearly states what, why, how and by whom the values of the land will be managed. A plan of management considers the purpose for the reserve as well as other guidelines, policies and legal requirements that may apply.

1.6 How is a Plan of Management Made?

Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993 sets out the process for making a Plan of Management. The main steps that a Council must follow before it adopts a Plan of Management are shown in Figure 1:

Figure 1 - Process for preparing a Plan of Management for council-managed Crown Reserves

Step 1	Key Tasks
Step 1 Drafting the POM	<ul style="list-style-type: none"> The POM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the POM to be lawfully authorised. Council must obtain written advice from a qualified native title manager that the POM and the activities under the POM comply with the NT Act.
Step 2 Notifying the landowner and seeking Minister's consent to adopt	<ul style="list-style-type: none"> The department as the landowner is to be notified of the draft POM prior to public exhibition of the POM under s.39 of the LG Act. Council is also required to seek the Minister's written consent to adopt the draft POM (Under clause 70B of the CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft POM. Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft POM for a final review where Minister's consent to adopt the draft POM will be provided.
Step 3 Community Consultation	<ul style="list-style-type: none"> Councils are required to publicly notify and exhibit POM under section 38 of the LG Act. Councils are not required to hold a public hearing from Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation)
Step 4 Adopting a POM	<ul style="list-style-type: none"> If there are any significant changes to the draft POM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the POM. A council resolution of a POM that covers Crown land should note that the POM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes.

2 Community Land Network

At present, Parkes Council owns / manages a total of 965 hectares (ha) of Community Land (including cemeteries) within the Parkes Shire. Community Land consists of 294 land parcels. A more detailed description of Community Land by category is provided in this section.

2.1 Core Objectives of Management - Parks

Parks within the Parkes Shire have a total area of 12.57 hectares that is contained in 24 land parcels. They have an average size of 0.52 hectares.

Parks are defined in clause 104 of the LG (General) Regulation 2021 as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

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

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

2.2 Core Objectives of Management - Sportsgrounds

Sportsgrounds have a total area of 94 hectares within the Parkes Shire. The Pioneer, Spicer Park and Northparkes Oval complex in Parkes contributes the largest area, 32.85 hectares. Pola Park, at Tullamore, located in the Parish of Stanley, is the second largest at 32.37 hectares. The rest of the outdoor sporting facilities, represented in a further 5 land parcels, have an average size of 3.46 hectares.

Sportsgrounds are defined in clause 103 of the LG (General) Regulation 2021 as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for sportsgrounds, as outlined in Section 36F of the LG Act, are to:

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

Purpose / Use (such as)	Development to facilitate uses (such as)
<ul style="list-style-type: none"> • Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities • Organised and unstructured recreation activities • Community events and gatherings • Commercial uses associated with sports facilities 	<ul style="list-style-type: none"> • Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> • Sports field (cricket, football, track and field athletics, baseball, softball) • Marked court (basketball, volleyball, tennis, hockey, netball etc.) • Aquatic facility (learn to swim classes, squad training, aqua aerobics, recreational and competitive swimming, organised water sports) • Professional rooms for hire • Change room/locker areas • Shower/toilet facilities • Kiosk/café uses • Car parking and loading areas • Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) • Shade structures • Storage ancillary to recreational uses, community events or gatherings, and public meetings • Facilities for sports training, e.g. cricket nets, tennis walls • Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas • Café/kiosk facilities • Heritage and cultural interpretation, e.g. signs • Equipment sales/hire areas • Meeting rooms/staff areas • Compatible, small scale commercial uses, e.g. sports tuition

2.3 Core Objectives of Management - Culturally significant areas

Memorial Hill is an example of land identified as having an area of cultural significance. Reserve 79131 contains Lot 2 Section 44 DP 758827 which is categorised as an Area of Cultural Significance for the Shrine of Remembrance Precinct. The section of this Reserve has a separate site specific Plan of Management document.

Purpose / Use (such as)	Development to facilitate uses (such as)
<ul style="list-style-type: none"> • Recreational use, such as walking, picnics and private celebrations • Eating and drinking in a relaxed setting • Filming and photographic projects • Public address (eg ANZAC Services) 	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity and the visual character of the area • Development for the purposes of recreation such as walking tracks. • Hard and soft landscaped areas • Car parking • Heritage and cultural interpretation, for example signs • Water-saving initiatives such as stormwater harvesting, rain gardens and swales • Energy-saving initiatives such as solar lights and solar panels • Locational, directional and regulatory signage
<p>Note: Some of the uses listed above require a permit from the council.</p>	

2.4 Core Objectives of Management - Natural areas

Lake Endeavour, a water supply for Parkes and Peak Hill, has an area of 82.8 hectares which is categorised as a natural area. It is the only land in the Parkes Shire that Council owns which is in this category. As a natural area, it also contains two (2) sub-categories; that of bushland and watercourse.

Natural areas are defined in clause 102 of the LG (General) Regulation 2021 as land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.

The core objectives for natural areas, as outlined in Section 36E of the LG Act, are to:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area
- maintain the land, or that feature or habitat, in its natural state and setting
- provide for the restoration and regeneration of the land
- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

Purpose / Use (such as)	Development to facilitate uses (such as)
<ul style="list-style-type: none"> • Preservation of the council's natural heritage including the identified endangered ecological communities • Preservation of biological diversity and habitat • Providing a location for relaxation and passive informal recreation • Providing a location for relaxation and passive, informal, water-based recreation, unless prohibited • Walking/hiking • Guided bushwalks • Environmental and scientific study • Bush regeneration works • Carbon sequestration • Bio-banking • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction. 	<ul style="list-style-type: none"> • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low impact carparks, refreshment kiosks (but not restaurants) • Low-impact walking trails • Interpretive signage, information kiosks • Water-saving initiatives such as rain gardens, swales and sediment traps • Bridges, observation platforms, signs • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage

2.5 General community use

General Community Use areas comprise of 12 land parcels totaling 2.51 hectares. The average size of these areas is 0.209 hectares. These areas are usually reserved for drainage, but also include the Girl Guides Hall land and the Cookamidgera Cemetery.

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 361 of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - 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).

Purpose / Use (such as)	Development to facilitate uses (such as)
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Land management practices such as plantation and grazing</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • fairs and parades • workshops • leisure or training classes • child care (for example, before and after school care, vacation care) • designated group use (e.g. scout and girl guide use) • educational centres, including libraries, museums, information and resource centres • entertainment facilities • active cemeteries • caravan parks and camping grounds. 	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, theatres, museum, childcare centres, youth services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> • relate to approved uses/activities • are discreet and temporary • are approved by the council • locational, directional and regulatory signage.

2.6 Land with Multiple Categories

There are 10 sites with multiple categories which include: Pola Park, Berryman Oval, Parkes Swimming Pool, Keast Park, Bogan Weir Reserve, Harrison Park, Armstrong Park, Memorial Hill, Billabong Creek Reserve and Eugowra Road Reserve.

2.7 Restrictions on Management of the Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the Crown Land Management Act 2016. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016
- consider any interests held on title.

3 Policy Context

NSW legislation and various standards and policies provide guidance on the management of Community Land owned or managed by Local Government Authorities.

The governing legislation for the management of Community Land is the Local Government Act 1993, which provides Councils with a specific approach and framework to the classification and management of Community Land held in their control. Crown Land held in the care and control of a Council is also required to be managed under a Plan of Management, as if it were public land under the Local Government Act 1993.

Consideration of other legislation is a factor when creating Plans of Management for Community Land, including the Native Title Act 1993, Aboriginal Land Rights Act 1983 and the National Parks and Wildlife Act 1974 in relation to protection of Indigenous artefacts and land-use. Plans of Management must also not override other legislation and environmental planning instruments, such as the Parkes Local Environmental Plan 2012.

A more detailed description of the key legislation and policy framework is provided in this section.

3.1 Local Government Act 1993

Section 35 of the Local Government Act 1993 (LG Act) requires all Community Land in the Parkes Shire to be used and managed in accordance with a plan of management as well as any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

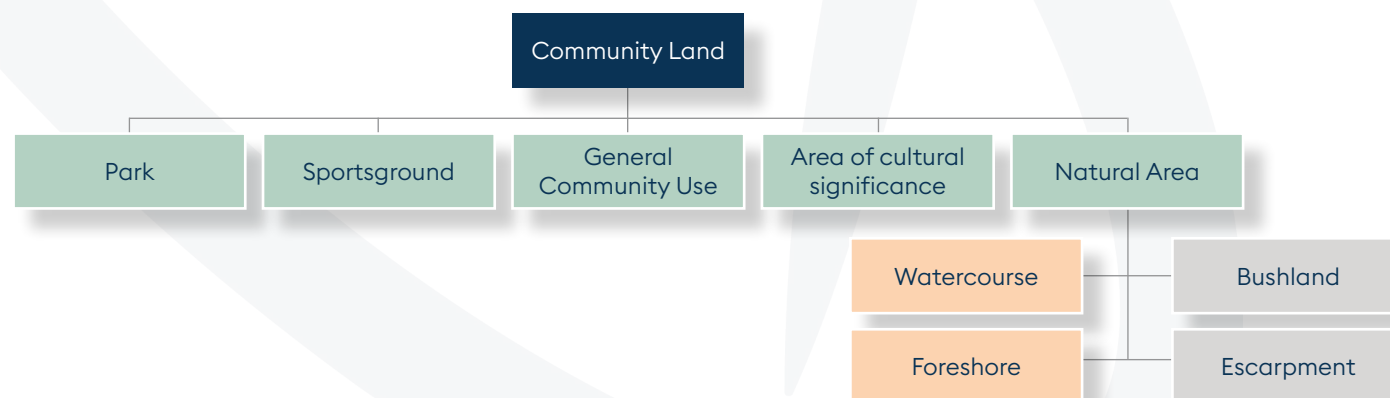
Under section 36(1) of the LG Act, Plans of Management must be prepared for all Community Land. The minimum requirements for a Plan of Management are set out under section 36(3) of the LG Act, as follows:

- Category of the land.

- Objectives 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 plans objectives and performance targets.

Some community land may comprise multiple categories, such as Memorial Hill in Parkes, which is an area of cultural significance and a park.

Section 36 of the Local Government Act 1993 requires that plans of management must identify the categories for which the land is to be used. Figure 2 provides a broad description of categories.



3.2 Crown Land Management Act 2016

The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018, consolidating eight pieces of legislation into one Act. The CLM Act introduced significant changes to the management of Crown land by Local Government Authorities. Councils are now required to manage their dedicated or reserved land as if it were public land under the LG Act. Section 3.23(6) of the CLM Act requires Council Crown Land Managers to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager. Division 3.6 of the CLM Act deals with the requirements that Council must meet in relation to Plans of Management.

3.3 Native Title Act 1993

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

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

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

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

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

- granting leases, licences, permits, forestry rights, easements or rights of way over the land
- mortgaging the land or allowing it to be mortgaged
- imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or

releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land

- approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Other Legislation

There are multiple pieces of legislation that applies to Community Land, depending on their land-use categorisation, zoning and other specific site attributes. It is not intended to list all of the legislation, standards and policies that might apply to Community Land parcels in this Overview Statement. These considerations will be undertaken in the generic plans of management by category (see Volumes 1 to 5 of the Parkes Shire Plan of Management).



4 Community Vision and Corporate Objectives

Community Land is highly valued by the Parkes Shire community. The vision and objectives for Community Land is linked to a number of strategic planning initiatives and programmes, which are detailed in this section.

4.1 Parkes Shire Community Strategic Plan

In recent community engagement processes, the Parkes Shire Council and community members have come together to determine the vision for the Parkes Shire and to map-out the framework for achieving this vision. The Parkes Shire Community Strategic Plan (CSP) establishes that Parkes Shire will be:

The performance outcomes of these four themes will be measured in Section 5 of this document - Performance Management.

FOUR THEMES SUPPORT OUR VISION

Connected, vibrant
and sustainable.
Parkes Shire 2035,
it all adds up.



5 Performance Management

The performance of Community Land is strongly linked to Council's Integrated Planning and Reporting framework, including Council's 4 Year Delivery Programs and 1 Year Operational Plans.

The following section explains the Performance Goals of Council's Delivery Program, and details how they will be achieved and measured.

5.1 Theme - Community

The objectives of the Theme Community are:

- Our community is safe, active and healthy
- Our community is liveable, growing and connected
- Our community is creative, proud and has a strong sense of belonging
- Our community is inclusive and accessible for people with disability.

Legislative Direction

Local Government Act 1993, Chapter 6, Part 2 Division 2, Core objectives for management of community land

Chapter 6, Part 2, Division 2 Section 36F (Sportsground)

- a. to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games,
- b. to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Chapter 6, Part 2, Division 2 Section 36G (Park)

- a. to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- b. to provide for passive recreational activities or pastimes and for the casual playing of games

Chapter 6, Part 2, Division 2 Section 36I (General Community Use)

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

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Provide sport, recreation and play space facilities that encourage participation and support healthy lifestyles.	Availability of facilities Promote, encourage and facilitate the use of community land and facilities to enhance recreation and culture for Shire Residents and Visitors.	<ul style="list-style-type: none"> • Increase the awareness of facilities. • Promote significant sites for recreation such as Hockey, Rugby Union, Netball, Touch Football, Rugby League and Soccer. • Promote significant parks such as Cooke Park, Kelly Reserve and Bushman's Hill etc • Use of Sportsgrounds for major events • Ensuring adequate toilet blocks and picnic facilities to those Parks which have wide community use. • Recreational camping grounds are accessible 	<ul style="list-style-type: none"> • Promotion through Council's website • Council Sportsgrounds and Reserves information published on Council website. • Council Parks and Reserves information published on Council website. • Implementation of a Facility booking system. • Well maintained Toilet blocks and picnic facilities. • Recreational camping grounds signposted and access maintained 	<ul style="list-style-type: none"> • Number of events and functions at Council Community Land • Monitoring of Usage • Monitoring of Park Bookings • Monitoring of Bookings • Number of customer complaints regarding facilities • Customer Feedback
	Fostering Relationships with User Groups Foster relationships between Council and sporting user groups in a bid to provide opportunities for the community to be involved in a wide range of active recreational programs.	<ul style="list-style-type: none"> • Positive Relationships between Neighbouring properties, Council and Facility User Groups. 	<ul style="list-style-type: none"> • Liaise with all existing sporting clubs and encourage them to be considerate of neighbouring properties. 	<ul style="list-style-type: none"> • Ongoing liaison between Council and Clubs occurs in Sports Council Committee Meetings.

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Provide sport, recreation and play space facilities that encourage participation and support healthy lifestyles.	Fostering Relationships with Sports Clubs Maintaining facilities to appropriate standards to respond to the needs and expectations of organised sporting groups commensurate with Council resources.	<ul style="list-style-type: none"> Carry out regular maintenance work to appropriate standards. Maintenance, upgrades and new works are undertaken to ensure facilities are fit for purpose and suitable quality to promote physical activity amongst the community. 	<ul style="list-style-type: none"> Maintenance Schedule for each site. The diversity of the facilities at each site caters for the variety of activities. Priority projects identified through consultation with the community 	<ul style="list-style-type: none"> Maintenance Records for land. Customer Feedback Projects delivered.
		<ul style="list-style-type: none"> Undertake emergency repairs and additional maintenance work as required 	<ul style="list-style-type: none"> Prompt response to Customer Requests in line with Council's Policy 	<ul style="list-style-type: none"> CRM response data.
Deliver and support events, festivals and celebrations that promote engaged citizenship and foster community pride.	Events Community satisfaction with events and festivals	<ul style="list-style-type: none"> Support and Grow the visitor economy through the objectives set in the Parkes Shire Destination Plan 	<ul style="list-style-type: none"> Parkes Elvis Festival delivered annually using Cooke Park is well received. Existing and new events utilising Parks are supported and developed 	<ul style="list-style-type: none"> Visitor Feedback from Elvis Festival regarding the Park. Number of events held
		<ul style="list-style-type: none"> To ensure activities are managed having regard to any adverse impact on nearby residences. 	<ul style="list-style-type: none"> Landscaping providing a visual screen. Regular maintenance. Communication of activities with 	<ul style="list-style-type: none"> Reduced reporting to Council concerning nuisance resulting from land use.

5.2 Theme - Economy

The objectives of the Theme Economy are:

- Our Shire is an attractive destination to live, work, visit and invest.
- Our economy leverages smart technology, data and innovation to solve complex problems.
- Our economy is supported by well planned and safe transport infrastructure.
- Our economy provides diverse employment pathways and education and training opportunities.

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Ensure local and regional roads are safe, well-constructed and maintained	Traffic and Parking Road network should allow for access to adequate parking on site, or nearby as public parking. Existing parking facilities should be maintained and upgraded on the basis of need.	<ul style="list-style-type: none"> • Facilitate use of major facilities through adequate provision of on-site parking. This includes provision for disabled and emergency parking. 	<ul style="list-style-type: none"> • On-site parking provided that satisfies normal level of usage for the particular site. 	<ul style="list-style-type: none"> • Nil complaints concerning traffic and parking.

5.3 Theme - Environment

The objectives of the Theme Environment are:

- Our natural environment is preserved and enhanced for current and future generations.
- Our built environment is functional, sustainable and meets the needs of our growing community.
- Our community reduces, reuses and recycles waste.
- Our utilities are well planned and efficiently managed.

Legislative Direction

Local Government Act 1993, Chapter 6, Part 2 Division 2, Core objectives for management of community land:

Chapter 6, Part 2, Division 2 Section 36E (Natural Area)

The core objectives for management of community land categorised as a natural area are-

- a. to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- b. to maintain the land, or that feature or habitat, in its natural state and setting, and
- c. to provide for the restoration and regeneration of the land, and
- d. to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- e. to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Effectively manage our public lands, reserves and cemeteries	Biodiversity Conservation Maintaining ecological processes and systems when managing natural habitat.	<ul style="list-style-type: none"> Protect the ecological biodiversity of the land 	<ul style="list-style-type: none"> Protect important land parcels through proper management (ie fencing) and restricting use, promote natural regeneration, support community groups who seek to restore and regenerate natural areas (ie. Landcare) 	<ul style="list-style-type: none"> Area of land protected/re-vegetated, area of land managed for natural regeneration (ie fencing), number of groups and events supported.
		<ul style="list-style-type: none"> Maintain the land in its natural state 	<ul style="list-style-type: none"> Protect important land parcels through proper management (ie fencing) and restricting use, promote natural regeneration, participate in national re-vegetation campaigns (ie National Tree Day) 	<ul style="list-style-type: none"> Area of land protected (ie fenced), number of events supported, amount of trees planted.
		<ul style="list-style-type: none"> Encourage ecologically sustainable use of the land. 	<ul style="list-style-type: none"> Promote ecologically sustainable practices. 	<ul style="list-style-type: none"> Media Releases, educational resources, interpretive signage generated/installed.
		<ul style="list-style-type: none"> Promote community education of the values and benefits of natural areas 	<ul style="list-style-type: none"> Install interpretive signage, promote benefits through media and Council's website 	<ul style="list-style-type: none"> Media Releases, educational resources, interpretive signage generated/installed
		<ul style="list-style-type: none"> Biosecurity (Weed) Management 	<ul style="list-style-type: none"> Participation in, and all actions dictated by, the NSW DPI Weeds Action Plan 	<ul style="list-style-type: none"> Number of land parcels inspected and treated/controlled for biosecurity matter, area inspected/controlled.

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Promote recycling, reusing and waste reduction	Waste Management Litter and general waste generated by park use requires safe and efficient disposal. General waste rubbish bins are provided at all parks.	<ul style="list-style-type: none"> Educate community on the nature of waste generation 	<ul style="list-style-type: none"> Provision of recycling services where needed at individual parks. Reduce litter through provision of adequate volume waste receptacles, appropriate siting and/or signage as required. 	<ul style="list-style-type: none"> Reduction in complaint reports to Council concerning litter. Reduced littering identified by Council staff.
		<ul style="list-style-type: none"> Discourage dumping 	<ul style="list-style-type: none"> Installation of appropriate signage and fencing 	<ul style="list-style-type: none"> Number of dumping incidents
Ensure the optimisation of water consumption by promoting reuse opportunities and waste minimisation across the Parkes Shire	Water Saving Proactively balancing water supply demands and the needs of the facilities to provide an appropriate community land space.	<ul style="list-style-type: none"> Ensure Shire Water management is in line with best practice. 	<ul style="list-style-type: none"> Assess adequacy of drainage and identify problem areas. Budget for improvement where use is compromised. 	<ul style="list-style-type: none"> Reduction in days lost to play as a result of waterlogged Parks.
		<ul style="list-style-type: none"> Irrigation water to be used from the Integrated Recycled Water Ring Main 	<ul style="list-style-type: none"> Optimum delivery of irrigation scheduling. 	<ul style="list-style-type: none"> Improved efficiency of water use – i.e. reduced water use.

5.4 Theme - Leadership

The objectives of the Theme Leadership are:

- Our local government is open, accountable and representative.
- Our local government is sustainable and plans for the future.
- Our local government is contemporary, effective and efficient.

Legislative Direction

Local Government Act 1993, Chapter 6, Part 2 Division 2, Core objectives for management of community land:

Chapter 6, Part 2, Division 2 Section 36G (Park)

(c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management

Chapter 6, Part 2, Division 2 Section 36H (Areas of Cultural Significance)

(l) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods

Chapter 6, Part 2, Division 2 Section 36I (General Community Use)

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

(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Develop and implement an asset management framework that ensures existing and future infrastructure is affordable, funded and maintained to ensure inter-generational equity.	Maintenance of the Shire's Assets and Infrastructure: To conduct maintenance activities that are conducive to providing a safe facility while mitigating against vandalism and inappropriate behaviours.	<ul style="list-style-type: none"> Ensure that children's playground equipment comply with Australian Standards (AS). 	<ul style="list-style-type: none"> Playground and equipment Maintenance activities undertaken within appropriate timeframes 	<ul style="list-style-type: none"> Playground Inspection and Maintenance records
		<ul style="list-style-type: none"> Provide a variety of equipment, catering for different age groups. 	<ul style="list-style-type: none"> Core playground equipment caters for a range of age groups and disabilities 	
		<ul style="list-style-type: none"> Maintenance is to match the level and type of use of the Park. 	<ul style="list-style-type: none"> Maintenance intervals at the Parks meet the needs of key users and the community. 	<ul style="list-style-type: none"> No of complaints from park users regarding the standard of the facility.
		<ul style="list-style-type: none"> Adequate garbage bins are to be supplied. 	<ul style="list-style-type: none"> The number of bins is commensurate with the size of the Park. 	<ul style="list-style-type: none"> Reduction in complaint reports to Council concerning litter
		<ul style="list-style-type: none"> Areas and structures of cultural significance are maintained to the relevant standard. 	<ul style="list-style-type: none"> Adoption and following Council's Leasing and Licensing Policy and Procedures 	<ul style="list-style-type: none"> Maintenance Records
		<ul style="list-style-type: none"> Land is available for lease and/or licence where appropriate 	<ul style="list-style-type: none"> Proactive inspections of facilities and removal of vandalism. 	<ul style="list-style-type: none"> Lease/License records
		<ul style="list-style-type: none"> Vandalism Mitigation 	<ul style="list-style-type: none"> Installation of vandal-proof equipment 	<ul style="list-style-type: none"> Weekly reporting of vandalism.

Link to Community Strategy Plan	Value	Performance Goal	Means of Achievement	Measurement
Develop and implement an asset management framework that ensures existing and future infrastructure is affordable, funded and maintained to ensure inter-generational equity.	Maintenance and Improvement of Community Land Maintenance and improvements of Community Land are captured in Council's Asset Management Plans and inspected and resourced appropriately.	<ul style="list-style-type: none"> Land maintenance meets community expectations. 	<ul style="list-style-type: none"> Maintenance Schedule for each site. 	<ul style="list-style-type: none"> Maintenance Records for land
		<ul style="list-style-type: none"> Land is available for a variety of activities to meet the needs of key users and the community. 	<ul style="list-style-type: none"> The diversity of the facilities at each site caters for the variety of activities. 	<ul style="list-style-type: none"> Customer Feedback
		<ul style="list-style-type: none"> Priority projects are delivered to meet the needs of key users and community groups. 	<ul style="list-style-type: none"> Priority projects identified through consultation with the community 	<ul style="list-style-type: none"> Projects delivered.
	Facilities Develop and maintain Council's sporting facilities, playgrounds, walking paths and cycle ways.	<ul style="list-style-type: none"> Council aims to provide facilities that are adequate and appropriate for the level of use, the nature of use and expected users. 	<ul style="list-style-type: none"> Facilities should match user needs. 	<ul style="list-style-type: none"> Number of users who rate the parks as satisfactory.
			<ul style="list-style-type: none"> Facilities should be maintained to a satisfactory standard. 	<ul style="list-style-type: none"> Reduction in complaints or matters of concern reported to Council.
			<ul style="list-style-type: none"> When financially viable and possible, upgrade -re-existing or facilitate initial installation of Ancillary facilities. 	<ul style="list-style-type: none"> Completion of works scheduled under Council's annual management plan and Asset Management Plan
		<ul style="list-style-type: none"> Maintain facility playgrounds to meet the communities needs 	<ul style="list-style-type: none"> Deliver priority projects that meet the needs of key users and community groups 	<ul style="list-style-type: none"> Number of projects delivered Customer feedback.

6 Development and use

Nothing in a Plan of Management negates the need for Council to obtain approvals for development proposals, permits, leases and licences as required under various legislation applying in the Parkes Shire.

This section briefly examines the appropriate environmental assessment pathways to be followed for proposed development on Community Land in accordance with the Environmental Planning and Assessment Act 1979 and relevant environmental planning instruments. This section also details the leasing and licensing requirements for Community Land.

6.1 Development Consent Requirements

Consent is required for development as defined under the Parkes Local Environmental Plan 2012, except where expressly permitted without consent or as exempt development under an environmental planning instrument. Where consent is required to be obtained, Parkes Shire Council will obtain the relevant Development Consent as required in accordance with the Environmental Planning and Assessment Act 1979.

6.2 Exempt Development

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain developments that are exempt from having to obtain Development Consent. Where developments are exempt, Council will ensure the relevant industry Codes of Practice are followed where practicable.

6.3 Development without Consent

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to assist in the effective delivery of public infrastructure across the State by improving certainty and regulatory efficiency through consistent planning assessment and approvals regime for public infrastructure and services and through the clear definition of environmental assessment and approval process for public infrastructure and services facilities. Under SEPP (Transport and Infrastructure) 2021, certain Council activities relating to roads, sewerage systems, water reticulation systems stormwater management systems, waste or resource management facilities, parks and other reserves may be carried out by or on behalf of a public authority without consent on any land.

Council still has a duty of care to consider the environmental impact of the proposed works ('activity') to the fullest extent possible. As a first step to fulfilling its responsibility to consider environmental impacts of activities on Community Land, Council will prepare a Review of Environmental Factors (REF) to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity, as well as whether the proposed activity will have a significant impact on the environment, therefore necessitating the preparation of an Environmental Impact Statement (EIS). An EIS will only be undertaken where the REF concludes there is a significant environmental impact, after consideration of all mitigating strategies.

7 Express Authorisation of Leases and Licences

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

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

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

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

7.1 Leases and Licences authorised by the Plan of Management

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

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

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

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

Community Land Covered	Maximum Term	Purpose for which tenure may be granted
Leases		
Park / Sportsground	5 Years	<ul style="list-style-type: none"> • café/kiosk areas, including seating and tables • management of court facilities • hire or sale of recreational equipment • recreational purposes, including fitness classes, dance classes and games • sporting uses developed/operated by a private operator
General Community Use	5 years	<ul style="list-style-type: none"> • childcare or vacation care • health or medical practitioners associated with the relevant facility (e.g. nutrition, physiotherapy) • educational purposes, including libraries, education classes, workshops • cultural purposes, including concerts, dramatic productions and galleries • recreational purposes, including fitness classes, dance classes and games • sporting uses developed/operated by a private operator • kiosk, café and refreshment purposes • commercial retail uses associated with the facility (e.g. sale or hire of sports goods) • caravan parks and camping grounds • grazing of stock • work sheds or storage sheds

Community Land Covered	Maximum Term	Purpose for which tenure may be granted
Natural Area	5 Years	<ul style="list-style-type: none"> • walkways, pathways, bridges, causeways • observation platforms, signs • information kiosk • kiosk selling light refreshments • bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • toilets • temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Licences		
Parks / Sportsground	3 Years	<ul style="list-style-type: none"> • outdoor café/kiosk seating and tables • management of court or similar facilities • hire or sale of recreational equipment • commercial retail uses associated with the facility (e.g. sale or hire of sports goods) • fairs / markets

Community Land Covered	Maximum Term	Purpose for which tenure may be granted
General Community Use	3 Years	<ul style="list-style-type: none"> • social purposes (including childcare, vacation care) • educational purposes, including libraries, education classes, workshops • recreational purposes, including fitness classes, dance classes • public Performances • professional Photography • café/kiosk areas • fairs / markets
Natural Area	3 Years	<ul style="list-style-type: none"> • walkways, pathways, bridges, causeways • observation platforms, signs • information kiosk • kiosk selling light refreshments • bicycle/boat hire or similar • work sheds or storage sheds required in connection with the maintenance of the land • toilets • temporary erection or use of any building or structure necessary to enable a filming project to be carried out

7.2 Short Term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

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

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- the playing of a musical instrument, or singing, for fee or reward
- engaging in a trade or business
- the playing of a lawful game or sport
- the delivery of a public address
- commercial photographic sessions
- picnics and private celebrations such as weddings and family
- gatherings
- filming sessions
- the agistment of stock.

Additionally, this Plan of Management expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act 2016 for the prescribed purposes listed in Clause 31 of the Crown

Land Management Regulation 2018. Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- access through a reserve,
- advertising,
- camping using a tent, caravan or otherwise,
- catering,
- community, training or education,
- emergency occupation,
- entertainment,
- environmental protection, conservation or restoration or environmental
- studies,
- equestrian events,
- exhibitions,
- filming (as defined in the Local Government Act 1993),
- functions,
- grazing,
- hiring of equipment,
- holiday accommodation,
- markets,
- meetings,
- military exercises,
- mooring of boats to wharves or other structures,
- sales,
- shows,
- site investigations,
- sporting and organised recreational activities,
- stabling of horses,
- storage.

7.3 Schedule of Current Leases & Licences over Community Land

The following table is a schedule of current leases and licences over community land in Parkes Shire.

Reserve (Crown Land)	Nature of Use	Tensure	Duration
97292 - Alectown Public School	Vegetation Control	Licence	2 years
97101 - Central West Lachlan Landcare	Landcare Office	Licence	3 years
97101 - Central West Lachlan Landcare	Kiosk	Licence	2 years
12361 - Peak Hill Leisure Arts & Craft	Leisure Arts & Crafts Groups	Licence	3 years
12361 - Peak Hill Leisure Arts & Craft	Fire & Rescue NSW	Lease	30 years
73880 - Girl Guides	Girl Guides Hall	Lease	30 years
64647 - Parkes Swimming Pool	Town Band Hall	Licence	3 years
64647 - Parkes Swimming Pool	Aquatic Facility Management	Lease	3 years
42891 - Berryman Oval	Aquatic Facility Management	Lease	3 years
13262 - Lindner Oval	Aquatic Facility Management	Lease	3 years
590041 - Pioneer Oval, Northparkes Oval, Spicer Park	Facility Management - Caravan Park	Lease	5 years
590041 - Pioneer Oval, Northparkes Oval, Spicer Park	Sporting Groups	Licence	1 year
62445 - Keast Park	Sporting Groups	Licence	1 year
76582 - Harrison Oval	Sporting Groups	Licence	1 year

Reserve (Crown Land)	Nature of Use	Tensure	Duration
84847 - Eugowra Road	Sporting Groups	Licence	1 year
13262 - Lindner Oval	Sporting Groups	Licence	1 year
42891 - Berryman Oval	Sporting Groups	Licence	1 year
76958 - Armstrong Park	Sporting Groups	Licence	1 year
590033 & 590031 - Woodward Park	Sporting Groups	Licence	1 year

Property Number (Council owned property)	Nature of Use	Tensure	Duration
680100 - Tullamore	Residential	Lease	2 years
680100 - Pola Park	Aquatic Facility Management	Lease	3 years
680100 - Pola Park	Sporting Groups	Licence	1 year
608000 - Peak Hill	Residential	Lease	2 years
613600 - Peak Hill	Drs Surgery	Lease	3 years
590900 - Carrington	Office	Licence	3 years
879962 - Henry Parkes Centre	Historical Society Museum	Lease	3 years
879962 - Henry Parkes Centre	Antique Car Museum	Licence	3 years
41200 - M&D	Theatre	Lease	3 years
880602 - McGlynn	Sporting Groups	Licence	1 year
371010 - Cheney Oval	Sporting Groups	Licence	1 year

8 References

The following documents, plans, policies and legislation has been referenced in preparing this report.

- Parkes Shire Community Strategic Plan
- Parkes Shire Delivery Plan
- Local Government Act 1993
- Crown Land Management Act 2016
- National Parks & Wildlife Act 1974
- Native Title Act (Cth) 1993
- Aboriginal Land Rights Act 1983
- Department of Local Government Practice Note 1 – Public Land Management Revised 2000
- Parkes Local Environmental Plan 2012

For more information
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