



DRAFT

# PLAN OF MANAGEMENT for Victoria Park & Oxley Park

Oxley Highway & Udora Road, WARREN



*Figure 1: Photo of Entrance Gates to Victoria Park from Udora Road, Warren.*

Prepared by

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Planning & Development Solutions

For Warren Shire Council

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(Draft for Public Exhibition)



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## Document Control

Version	Date	Document	Provided To
A	July 2019	DRAFT for Internal Review	Glenn Wilcox, General Manager WSC
B	October 2019	DRAFT for Agency Review	Glenn Wilcox, General Manager WSC Crown Lands Department
C	September 2021	DRAFT for Public Exhibition	Maryanne Stephens WSC

# 1 AIMS & OBJECTIVES

## 1.1 Aim of Plan of Management

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). Generally council managers will manage land as if it were community land. Under the LG Act, a Plan of Management (POM) must be adopted by council for all community land.

The NSW Government (December 2018) *Developing plans of management for community land Crown reserves – Guidelines for Council Crown Land Managers* ('2018 Guidelines') provide the following benefits of having a plan of management:

*A POM is a useful tool to provide strategic planning and governance for the management and use of land. POMs set out objectives and performance targets for community land and promote active land management and use, including issuing tenures over the land.*

*The LG Act requires undertaking community engagement activities when preparing POMs, including publicly exhibiting the plan and providing opportunities for the community to comment. This allows the community to be involved and represented in the contents of a plan.*

*Letting councils manage Crown land as if it were council-owned public land under the LG Act, and to implement POMs, allows councils to manage their entire land portfolios under one streamlined regime, reducing duplication, red tape, administrative complexity and confusion.*

*In the context of the CLM Act, POMs are also a critical tool to ensure that any authorisation or restriction on the use of a Crown reserve is consistent with the Commonwealth Native Title Act 1993.*

Council managers must ensure there is a compliant POM for all Crown land that they manage as community land within three years of the commencement of Part 3 of the CLM Act (currently that is, by **30 June 2021**).

## 1.2 General Aims for Recreation Grounds

The aim of Council for its recreation grounds is to provide park, garden and sporting ground facilities that:

- Meet the recreation and sporting needs of the community;
- Encourage residents to participate in recreational activities;
- Are attractive to both residents and visitors;
- Encourage tourists to stop and spend time in the Shire;
- Reflect the pride of the community in its town.

*(Note: Excerpt from Council's (2005) Parks, Gardens and Sporting Grounds Management Plan).*

## 1.3 Corporate Objectives

The Subject Land which is part of the portfolio of land either owned by Council or is Crown land and is the responsibility of Council to manage.

This Plan refers to the relevant corporate objectives in the following key Council documents that make up the Integrated Planning & Reporting ('IPR') Framework:

- "Warren Shire 2027" Community Strategic Plan;
- 2017/18 to 2020/21 Delivery Program;
- 2018/19 to 2027/28 Long Term Financial Plan;
- 2018/2019 Operational Plan;
- Annual Report 2017-2018.

**Figure 2: Integrated Planning & Reporting Framework**  
([www.warren.nsw.gov.au](http://www.warren.nsw.gov.au)).



Council has also adopted a *Village (Enhancement) Plan* ('Village Plan') for Warren that includes more detailed strategies and projects for key recreation grounds including the Subject Land and this forms the basis of the Conceptual Master Plan in this Plan.

#### 1.4 Template

Council has elected to utilise the standardised template (modified as required) from the Office of Local Government available at <https://www.olg.nsw.gov.au/content/council-crown-land-managers-resources>. Council recognises that the structure of the two sample outline documents are based on *Plan of Management for Community Land 2011* developed and adopted by Lake Macquarie City Council in 2011.

In particular, it uses '*Section C: Specific Crown Reserve POM Outline*'. The template states that Councils may wish to utilise this structure when developing a specific plan of management for Crown reserves which cover one reserve or multiple reserves of the same categorisation.

Councils are reminded that generic POMs cannot be made for land declared:

- As critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3));
- By council to contain significant natural features (section 36C(2));
- By council to be of cultural significance (section 36D(2)).

#### 1.5 Requirements for Plan

By following this template, the POM complies with the minimum legislative requirements of the *Local Government Act 1993* (LG Act) and *Crown Land Management Act 2016* (CLM Act). Section 36(3) of the LG Act sets out the minimum requirements for all POMs, which must include the:

- a) Category of the land;
- b) Objectives and performance targets of the plan with respect to the land;
- c) Means by which the council proposes to achieve the plan's objectives and performance targets;
- d) Manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.

#### 1.6 Consultant Preparation

**iPLAN PROJECTS** has prepared this Draft Plan of Management ('Plan' or 'POM') on behalf of Warren Shire Council ('Council') along with the associated conceptual plans and diagrams for future uses and layout. This Plan has been prepared using information made available by Council and does not include specific site knowledge or constraints that have not been notified by Council or available through standard desktop studies as part of our brief.

#### 1.7 Review of this Plan

This POM should be reviewed every five (5) years and, where possible, aligned with Integrated Planning and Reporting (IP&R) review cycles. However, it may be appropriate to have longer or shorter review periods in certain circumstances.

#### 1.8 Reclassification

All of the Subject Land identified in this Plan is believed to be (treated as) 'community land', not 'operational land' – so there is no need for reclassification of land to align with this Plan.

## 2 INTRODUCTION

### 2.1 Key Information

- a) This is a Plan of Management ('Plan' or 'POM') for Victoria Park and Oxley Park ('Subject Land') (as described in Section 2.2 below) and shown on Figure.3 Location Map below and the maps in the Appendices.
- b) It is prepared by and on behalf of Warren Shire Council ('Council');
- c) The date of adoption is ..... [to be determined after consultation].

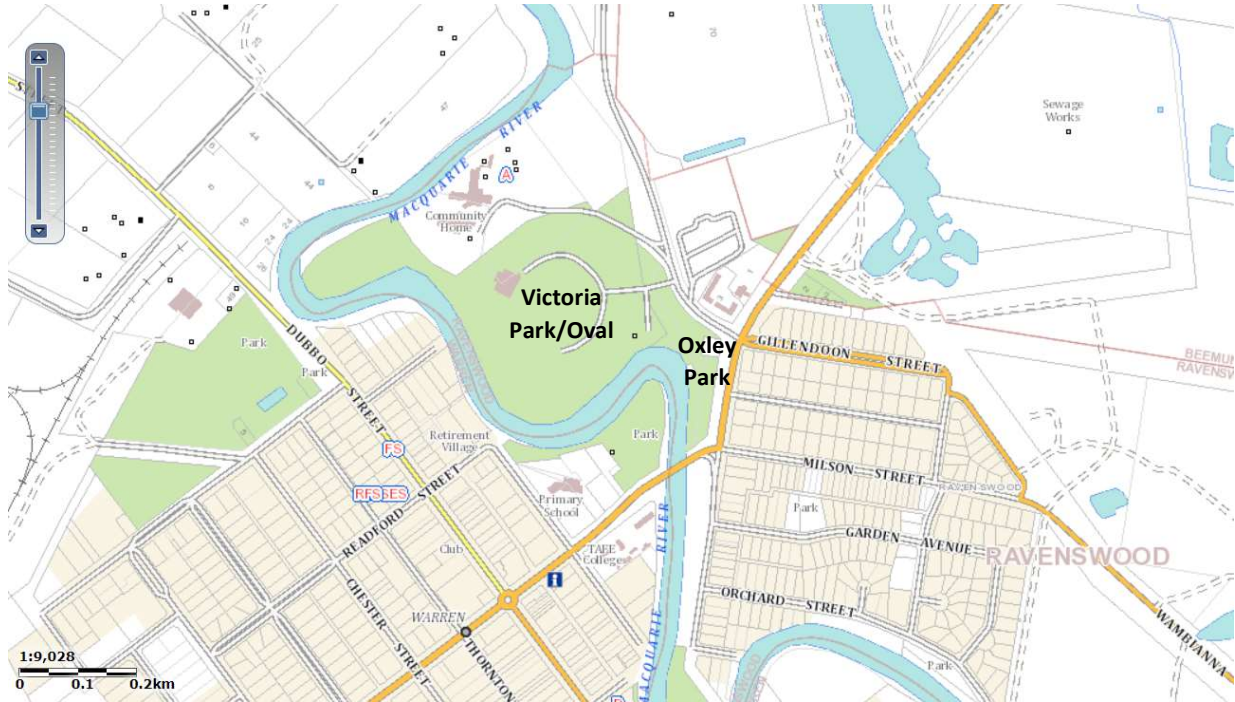


Figure 3: Location map of Subject Land/Recreation Area in the Town of Warren (Source: NSW Government SIX Maps).

### 2.2 Land to Which this Plan Applies

This Plan applies to the land known as 'Victoria Park' and 'Oxley Park' ('Subject Land') which is described as follows:

- a) **Address:** Oxley Highway (Coonamble Road) & Udora Rd, (Suburb/Locality of Ravenswood) WARREN;
- b) **Owner:** The State of NSW (Crown Lands);
- c) **Land Title(s), Ownership & Management:**

Title	Area	Land Use Zone	Manager	Comment/Reserve
Lots 176 & 179 DP820779	Total Area ~11.82ha (CL Portal)/~11.56ha (by Deposited Plan)	Zone RE1 Public Recreation	Victoria Oval (R16121) Reserve Trust (on behalf of Council)	Crown Reserve No.16121 for <b>Public Recreation</b> (Notified 13/08/1892) Lot 176 added (Gazetted 20/11/1992)
Lots 3 & 4 DP261996	Total Area ~1.764 ha (CL Portal)	Zone RE1 Public Recreation	Oxley Park (R97684) Reserve Trust (on behalf of Council)	Crown Reserve No.97684 for <b>Public Recreation</b> (Notified 15/02/1985)
Lots 7015, 7016, & 7017 DP1021004	(Note: Lot 4 not in Zone RE1 but is Crown land & part of Reserve)	(Lot 4) Zone SP2 Infra- structure		
Lot 1 DP1012134; Lots 1 & 2 DP611150	~935m <sup>2</sup> + ~700m <sup>2</sup> = ~1,635m <sup>2</sup> Total Area (SIX Maps estimate)	Zone SP2 Infra- structure	Council	Water Tank & pumping infrastructure adjacent to river not in above reserves but Crown Land.

- d) **Location Description:** The land is located on the northern bank of the Macquarie River to the north of the Town of Warren in the Suburb of Ravenswood. Primary access to Oxley Park is from the Coonamble Road / Oxley Highway and this provides primary access to Victoria Park via Udora Road.
- e) **Map:** Please see *Appendix A: Map of Plan Area & Title*. This shows the boundary of the Plan area and land titles for relevant lots. See also Deposited Plans below.

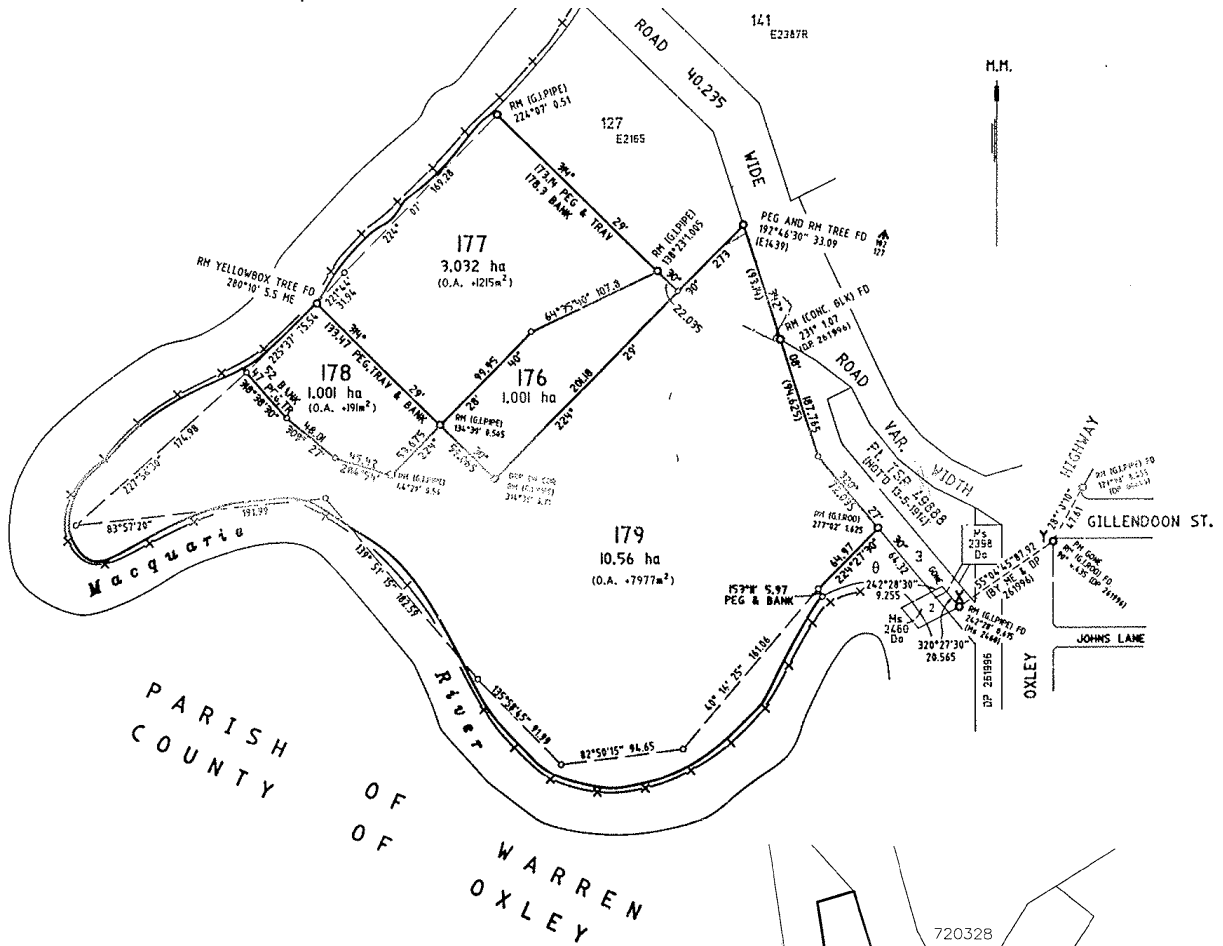
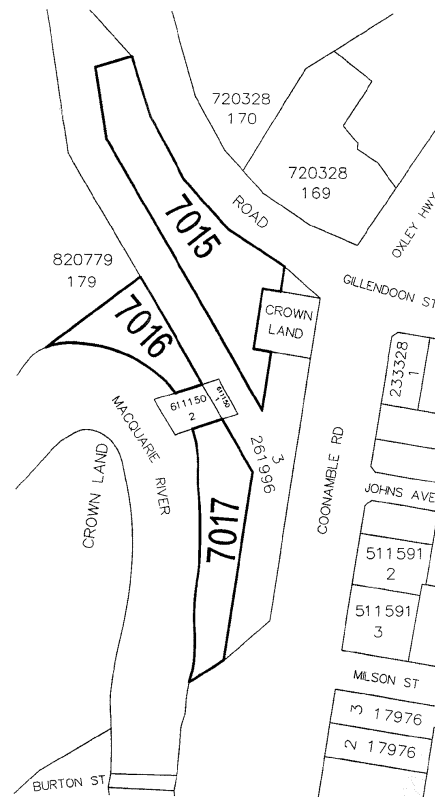


Figure 4: Excerpt from DP820779 (Plan of Subdivision) for Victoria Park.

Figure 5: Excerpt from DP1021004 (Plan of Crown Land) for Oxley Park.

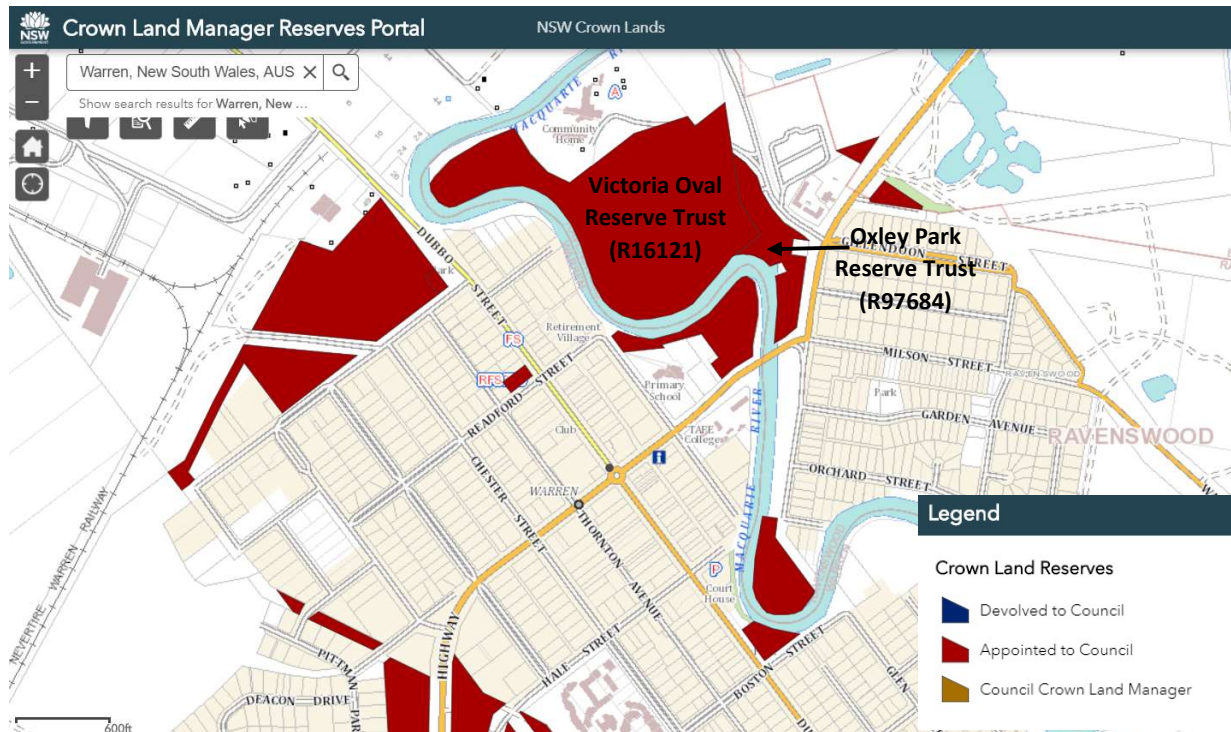


## 2.3 Ownership & Management of the Land

The land is owned by the Crown and is managed by the Trusts shown above (on behalf of Warren Shire Council) as Crown Land Manager under the *Crown Land Management Act 2016*.

The following are any restrictions, covenants, trusts, etc. applying to the land and whether the use or management of the land is subject to any condition imposed by the owner:

- a) Land excludes minerals and is subject to reservations and conditions in favour of the Crown – See Crown Grant(s).
- b) Reserve No.16121 for Public Recreation. The land is a reserve within the meaning of the *Crown Land Management Act 2016* and there are restrictions on transfer and other dealings in the land under that Act, which may require consent of the Minister.
- c) There are also water pipes that connect between the Macquarie River pump station and the Warren Water Reservoir Tank across Oxley Park. There are also sewer and water mains through the Site. There are no formal easements.



**Figure 6: Excerpt from Crown Lands Portal showing Victoria/Oxley Parks are Crown Land Reserves (appointed to Council).**

## 3 CATEGORIES OF LAND

### A OVERVIEW

#### 3A.1 Categories

Clause 3.23 of the CLM Act states that Council must (as soon as practicable) after it becomes the manager of the dedicated or reserved Crown land) assign the land to one or more categories of community land including:

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

It also enables land that is categorised as a natural area to be further categorised as bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations under that Act (or a combination of these).

Council managers must assign a categorisation they consider to be most closely related to the purposes for which the land is **dedicated** or **reserved**. Multiple categories may be assigned to Crown land where Crown land is subject to multiple reservation or dedication purposes. In the case of the Subject Land it was previously reserved for 'Public Recreation' purposes at the date of gazettal.

Clause 113 of the *Local Government (General) Regulation 2005* requires that a draft plan of management that categorises an area of community land, or parts of an area of community land, in more than one category must clearly identify the land or parts of the land and the separate categories.

**Please see Appendix D – Map of Categorisation of Land for where the specific categories below apply.**

As stated above, the PROPOSED Categorisation for the Subject Land is as follows (Please see *Appendix D – Map of Categorisation of Land* for the defined boundary of each land category):

- a) **Part – Sportsground; and**
- b) **Part – Park.**

Please note that we have **not** used the 'Natural Areas' categorisation for certain lands in close proximity to the Macquarie River as we suggest this may be inconsistent with the reserve purpose for 'Public Recreation' and that the broader term 'Park' can be consistent also with environmental outcomes.

We suggest both 'Park' and 'Sportsground' are compatible with the reserve purpose of 'Public Recreation' acknowledging that 'Park' areas are more passive with limited active recreational uses, whilst 'Sportsground' areas have more formalised recreation facilities.

In this way we believe the POM does **not** alter the categorisation (initial or otherwise) of the reserve and, whilst Council is required to submit the draft POM/categorisation to the NSW Department of Industry – no additional ministerial consent is required.

#### 3A.2 Objectives Applicable to all Subject Lands

##### 3A.2.1 Local Environmental Plan

Under *Warren Local Environmental Plan 2012* ('LEP') the Subject Land is within two land use zones:

- a) Zone RE1 Public Recreation; or
- b) Zone SP2 Infrastructure.

The Objectives for these zones are set out in Section 4 of this report. It can be seen that the objectives of this plan and each categorisation below are consistent with the zone objectives.



### 3A.2.2 Trust

No additional information has been provided by Council on the Trusts. Therefore, it is not believed that there are any objectives for the Trust that would contravene this POM.

### 3A.2.3 State Policies

The objectives in other relevant *State Environmental Planning Policies* ('SEPPs') may also be relevant and include, but are not limited to (as amended):

- *SEPP (Infrastructure) 2007;*
- *SEPP (Vegetation in Non-Rural Areas) 2017;*
- *SEPP No.44 – Koala Habitat Protection;*
- *SEPP No.55 - Remediation of Land.*

## B CATEGORY – 'SPORTSGROUND'

### 3B.1 Location

As shown on *Appendix D – Map of Categorisation of Land* – the area categorised as 'Sportsground' includes:

- a) Victoria Park Reserve - All Lot 176 DP820779 (including part of the stadium/cultural building);
- b) Victoria Park Reserve - Part Lot 179 DP820779 (excluding the bushland area addressed in the 'Park' category in the section below); and
- c) Oxley Park Reserve - Part Lot 3 DP261996 (northern section containing part of the secondary oval and access areas).

### 3B.2 Background & Issues

*Use this section to address issues such as threats to reserves categorised as Sportsgrounds or other factors impacting affected sportsground reserves. This may include factors such as:*

- type and distribution of sportsgrounds and facilities
- development of sportsgrounds
- equity of access
- impact on local residents
- use of land categorised as Sportsground for community facilities.

The Town of Warren has a reasonable supply of and range of different public sportsgrounds to meet the recreational needs of the community and its visitors, including but not limited to: Victoria Oval; Carter Oval; and the Racecourse/ Showground. Please see the *Warren Village Plan (2018)* for more details.

Warren provides the primary sporting facilities for the Shire – acknowledging that there are lower level facilities also at Nevertire and Collie that are critical to local and shire-wide sporting participation. Warren also seeks to service and attract sports for the entire western region of NSW (particularly at Victoria Oval and the Racecourse).

Broad challenges include, but are not limited to:

- a) Aligning sporting facilities with community expectations and council budgets;
- b) Ensuring efficient and appropriate usage of sporting facilities to maximise public benefits;
- c) Adapting to changing sporting needs over time including demands for new facilities (e.g. skate parks);
- d) Upgrading accessibility and useability for a wide section of the community;
- e) Addressing the broader health and well-being of the community.

Please see *Appendix B – Map/Photos of Existing Facilities / Land Use(s)*.

#### 3B.2.1 Victoria Park

Victoria Park is the primary sporting facility for Warren and the Warren Shire – particularly for football. In summary, Victoria Park has the following facilities (the type and distribution of facilities is set out below):

- a) A primary oval (Victoria Oval) as well as a secondary oval (currently used for Mod League);
- b) A third oval below the levee bank (recently used for junior cricket);
- c) Sporting & Cultural Centre including stadium seating, gymnasium, function centre, kiosk and amenities (home of Far West Academy of Sport);
- d) Six (6) tennis courts and tennis club building;
- e) Gym storage shed;
- f) Two (2) sealed netball courts, three (3) grass netball courts, and a sealed half court/basketball court;
- g) Cricket nets;
- h) Athletics facilities including discus, shot put and long jump;
- i) Outdoor health & gym equipment;
- j) Former BMX track;
- k) Walking paths.

The Victoria Park area is relatively well-located for access to most of the community – located north of the town centre and with good shared path access through Oxley Park (Matthew Collins Memorial Walk) from the bridge. However, it is recognised that more direct connections across the Macquarie River would be advantageous.

It is also relatively buffered from nearby residential areas to avoid impacts, though it is adjacent to the Multi-Purpose Health Service & Aged Care Facility (these are generally compatible).

There have been recent upgrades to drainage, fencing and oval levels and irrigation.

Key issues include, but are not limited to:

- a) Connectivity and signage both to/from and around the facility (including improved shared paths) (See the WHSCP *Connections Study 2016*);
- b) Potential conflicts in different sporting uses for the limited field areas and better co-ordination with other sporting grounds (e.g. Carter Oval);
- c) Maintenance, irrigation and avoiding over-use of playing fields to maintain playing field surfaces;
- d) Managing flood impacts below the levee bank and appropriate sporting facilities in this area;
- e) Security, lighting, safety, and avoiding damage to facilities;
- f) Upgrading and maintaining sporting facilities and buildings in accordance with community expectations, needs and budgets;
- g) Potential for improved shade tree and amenity plantings.

The current aim is to relocate and consolidate most of the cricket facilities, athletics, and soccer grounds across to Carter Oval to minimise conflicts in sporting uses and upgrade facilities.

### 3B.2.2 Oxley Park

The area of 'Sportsground' in Oxley Park Reserve is only the northern part of Lot 3 DP261996 that includes part of the secondary oval (Mod League) and entrance to Victoria Park (excluding the gates that are in the 'Park' category below).

Key issues are the same as for Victoria Park above (where relevant).

### 3B.3 Issues & Objectives

*Use this section to provide:*

- *an overview of the core objectives and purpose of the Sportsground category (as outlined in the LG Act and Regulation)*
- *an overview of any statutory guidelines may apply to reserves categorised as Sportsground (e.g. state environmental planning policies)*
- *an overview of the status of reserves in the Sportsground category in the LGA*
- *an overview of any values the council wishes to articulate associated with sportsground reserves*

These category objectives are in addition to the objectives noted in Section 3(A)(2) above.

In accordance with Section 36E of the LG Act, the core objectives for management of community land categorised as a sportsground are:

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

Additional objectives are:

- a) To be the premier sporting facility for Warren Shire and attract local, regional and higher-level events;
- b) To cater for a range of special events and permit short-term leasing of the Sports & Cultural Centre for community and private events;
- c) To co-ordinate and rationalise uses across the Shire's sporting facilities to reduce sporting use conflicts, consolidate compatible use(s), and avoid duplication or resources where they are not required;

- d) To provide both passive and active recreational opportunities that support the health and well-being of the community;
- e) To integrate with adjacent 'Park' and river-front areas to provide improved connectivity and useability of sporting and recreational facilities;
- f) To integrate with adjacent 'Park' and river-front areas to protect and enhance the environmental values of land including significant native vegetation, ecology, and water quality, particularly along the Macquarie River;
- g) To enable access (and other supporting infrastructure that enables access) to the waterfront of Macquarie River (where it minimises impacts on environmental qualities and systems);
- h) To promote accessibility to facilities and sports through appropriate shared path connections, accessibility of buildings and amenities, social equity, and lighting and safety mechanisms;
- i) To enable other supporting infrastructure that is demonstrated to minimise impact on environmental, visual, and operational values;
- j) To reduce the risk of bushfire and flooding and its impacts on sports facilities and adjacent urban areas;
- k) To maximise safety of users and protection of facilities through appropriate design & maintenance;
- l) To minimise impacts on adjacent areas and land use(s);
- m) To be designed and operated to minimise maintenance and management (where possible).

### 3B.4 Existing Use/Condition of Structures

This section sets out the specific use(s) of the land and structure(s) as at the date of adoption of the plan (Section 36(3A)(a) of the LG Act - only a brief note of the current usage is required). Please see *Appendix B – Map of Existing Facilities / Land Use(s)*.

Structure/Facility/Area	Location	Existing Use	Condition
Victoria Oval (Primary Oval)	Lot 179 DP820779 central	Sportsground – cricket, football etc. including goal posts, cricket pitch, score board, fencing, lighting & irrigation	Irrigated grass pitch in good condition. Lighting needs upgrade. Fencing surrounding main oval in poor condition.
Sporting & Cultural Centre (Oval Grandstand)	Lot 179 & Part Lot 179 DP820779 west of oval	Kitchen/ canteen, gym, function room & toilets/dressing rooms (see Floor Plan Figure below)	Very good.
Secondary Oval (Mod League) with irrigation	Lot 179 DP820779north	Sportsground – football etc.	Irrigated grass pitch in good condition
Tennis Courts	Lot 179 DP820779 east	Six (6) tennis courts with fencing and lighting.	Very good.
Tennis Club Building	Lot 179 DP820779 east	Storage & toilets	Very good.
Gym Shed	Lot 179 DP820779 (north of tennis)	Storage	Sufficient for purpose.
Long Jump Pit	Lot 179 DP820779 (west of tennis)	Athletics	Informal/poorly located. To be relocated to Carter Oval & re-use considered.
Cricket Nets	Lot 179 DP820779 (west of tennis)	Cricket	Sufficient for practice. Good condition.
Grass Netball Courts	Lot 176 & 179 DP820779 (west of Mod League oval)	Netball	Good condition (new in 2019).
Concrete Netball Courts + ½ Basketball Court	Lot 176 & 179 DP820779 (west of Mod League oval)	Netball	Very good (New in September 2019).
Discus/Hammer Throw Circle & Fence	Lot 179 DP820779(west of Mod League oval)	Athletics	To be relocated to Carter Oval & re-use considered.

Structure/Facility/Area	Location	Existing Use	Condition
Former BMX Track	Lot 179 DP820779 (near river)	No longer used	No longer used. New uses to be considered. Make safe.
Junior Cricket Oval	Lot 179 DP820779 (near river)	Overflow oval	Junior cricket to be relocated to Carter Oval. Use for overflow.
Entrance from Udora Rd	Eastern end of Lot 179 DP820779 & part Lot 3 DP26196	Entrance feature to driveway	Moderate condition.
Driveway around Oval	Lot 179 DP820779	Vehicle driveway	Northern side of field seal in average condition; Southern side of field seal in below average condition.
Driveway to Tennis Club	Eastern end of Lot 179 DP820779 & part Lot 3 DP26196	Vehicle driveway	Seal in average condition. Needs formalisation of edge & parking.
Pedestrian Walkways/ Footpaths & Lighting	Throughout	Footpath, solar lighting & CCTV cameras	Very good (New key sections in September 2019). Upgrades as per <i>Connections Study 2016</i> .
Outdoor Seating	Throughout	Furniture	<ul style="list-style-type: none"> <li>Two x steel bench seats along walkways in good condition</li> <li>Seating / fencing surrounding the main oval and mod oval (telegraph poles) in poor condition</li> </ul>
Outdoor Fitness Equipment		General fitness	Very Good
Rubbish Bins	Throughout	Furniture	Good.

### 3B.5 Leases, Licences and other Dealings/Restrictions

#### 3B.5.1 Existing Leases, Licenses or other Dealings

There is only one lease of this land to the Far Western Academy of Sport.

#### 3B.5.2 Fees & Charges/Conditions of Hire

The Warren Sporting & Cultural Centre (see floor plan below) is available for hire for sporting and community events in accordance with the Conditions of Hire on the relevant application form and Council's standard Fees & Charges (updated each year).

Temporary events are required to notify and seek approval from Council using Council's standard forms.

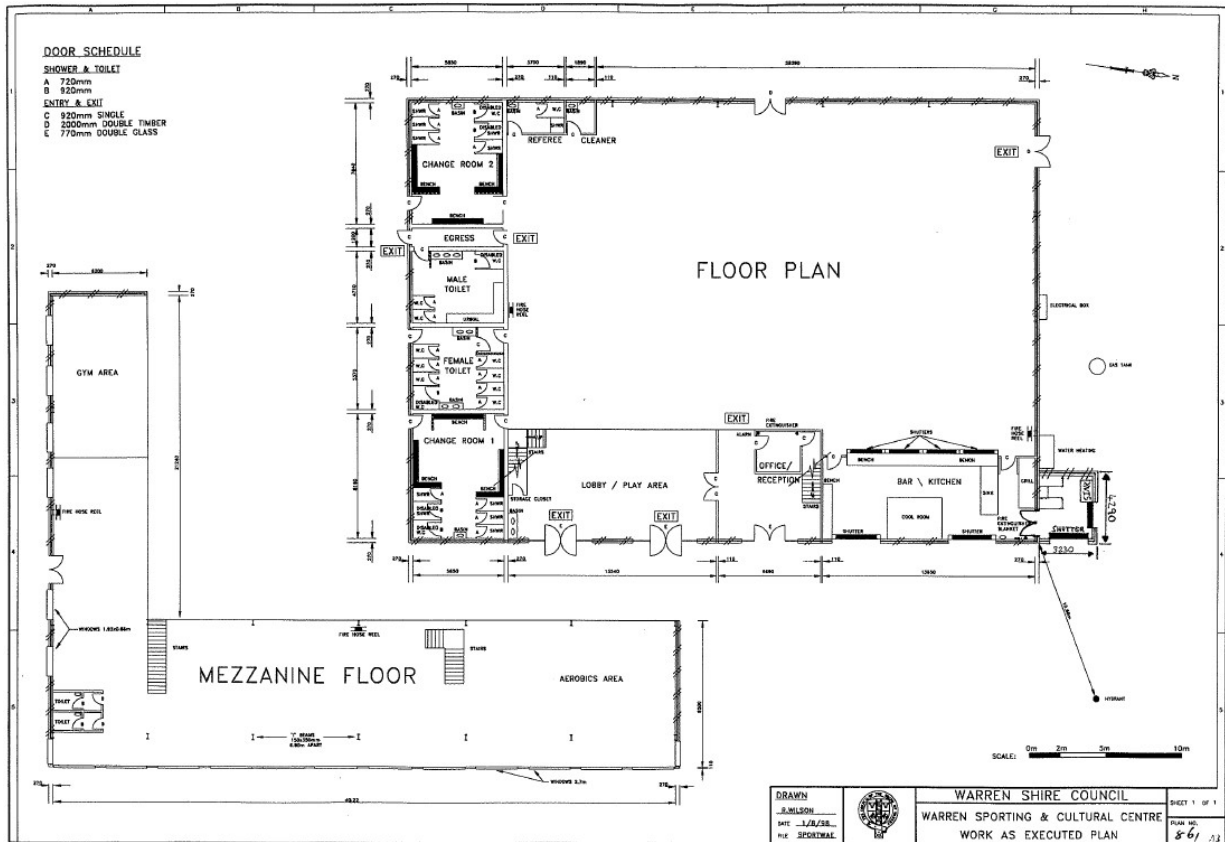


Figure 7: Warren Sporting & Cultural Centre Floor Plan (1998).

### 3B.5.3 Express Authorisation

This POM provides an Express Authorisation for the granting of leases and licences over the park and any buildings or facilities on the park:

- a) For the purpose(s) of sporting, community, environmental, recreational or cultural activities and associated/ ancillary uses,
- b) That do not conflict with the general public use of the facility, its safety and security, or the maintenance of equipment and sportsgrounds.

Generally, commercial (profit-making) activities are unlikely to be compatible with community goals unless they are ancillary to a broader community purpose or part of a temporary event. Fund-raising activities may be compatible.

Easements and other estates may also be granted where necessary to protect infrastructure, provide suitable access, and place suitable restrictions where it will benefit the community and/or address broader issues.

Generally, they will need to be consistent with the objectives for this category of land and for a purpose permitted under the Act.

Application(s) will be considered on their merits and in the best interest of the broader community.

*If council is considering granting leases, licences and other estates on a reserve, it must expressly authorise these in the POM. This is referred to as 'express authorisation' in the LG Act.*

*Further relevant information about express authorisation can be found in Practice Note No 1—Public Land Management, which can be downloaded from [www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/practice-notes-and-guidelines](http://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/practice-notes-and-guidelines).*

*As a general rule, express authorisation of leases, licences or other estates should cover:*

- *the type of arrangement authorized—i.e. council may authorise leases and/or licences and/or other estates*

- *the land or facilities to be covered—i.e. council may allow leasing, etc. of all or some of the land and facilities*
- *the purpose for which leasing, etc. will be granted—council may choose to allow leasing for community purposes, business purposes, or more limited purposes such as sports or childcare facilities.*

*Any authorisation should be consistent with a statement required in specific POMs about the permissible future development of the land.*

### 3B.5.4 Tendering for Leases, Licenses & Other Estates

*Section 46A requires a council to tender for leases, etc. of community land of more than five years, unless the lease, etc. is to be granted to a non-profit organisation. In addition, council may choose to nominate other leases, etc. that will only be entered into after a tender process (s.46A). This is optional for councils.*

This Section is left blank.

### 3B.6 Proposed/Future Use and/or Development

*Section 36(3A)(b) requires that a site-specific POM must:*

- specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*
- specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise*
- describe the scale and intensity of any such permitted use or development.*

*Any statements about these elements do not need to be long, but will be binding on council once included. So, any statement should be well thought out. A statement will apply to the activities of council on the land as well as any other person (e.g. under a lease).*

*A statement of permissible purposes and intensity of use will be closely related to any authorisation of leasing, etc. that council includes in a plan. An authorisation of leasing applies specifically to the use of community land by others apart from council. The statement under this heading and any authorisation should be consistent with each other.*

*Use this section to outline the permitted development and uses of affected areas categorised as Park. This may include factors such as:*

- *infrastructure and facilities*
- *permitted and prohibited activities*
- *special events*
- *sale of alcohol*
- *alcohol-free areas*
- *signage*
- *animals (e.g. dogs)*
- *parking*
- *buildings*
- *multiple uses*
- *temporary storage.*

*Ensure that any express authorisations set out in appendices to the POM for reserves categorised as Sportsground are cross-referenced in this section. Any express authorisations are set out in appendices for reserves categorised as Sportsground.*

The following guidelines will affect the future use and any proposed development of the Sportsground Area:

- Use(s):** The Area should be able to support the widest range of sports and ancillary activities as possible whilst recognising that other recreation area in and around Warren may seek to cater for specific sports (e.g. Carter Oval – Cricket). The focus for the Victoria Oval area is for league, tennis, and broader sporting uses. See *Appendix C – Proposed Facilities / Land Uses*.
- Signage:** Signage should promote way-finding and sporting uses and not have any substantial commercial signage (except where sponsorship of facilities etc.).
- Connections:** Pathways should continue to be upgraded in accordance with the *Connections Study* (key links have already been achieved) to improve connectivity/access for a broad-range of society including links between major bicycle paths.
- Lighting:** Pathway and street lighting should continue to be maintained/upgraded for safety and security and light-spill to adjacent properties and the river is minimised (solar lighting & CCTV has already been installed).

- e) **Vegetation:** Any development should seek to conserve and enhance environmental outcomes along the Macquarie River by preserving significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity) and also minimising bushfire risks to infrastructure and facilities.
- f) **Flooding:** Future development below the levee bank should be limited to structures that can withstand flood impacts with minimal damage and that don't exacerbate flooding downstream or to adjacent properties. Limited development of these areas is recommended to minimise economic impacts from flooding.
- g) **Alcohol:** Alcohol can be sold through the kitchen/canteen by appropriately licensed bodies. Alcohol free areas are located in Oxley Park.
- h) **Animals:** The area can be used by animals on leash. Dog-off leash areas are not currently recommended due to conflict with sporting facilities and children (O.F. Ebert Park is a preferred location at this time).
- i) **Temporary Events:** Any leasing or licensing of this area for temporary events should be for a limited period that is not inconsistent with the objectives for the land and does not prevent the general public use of the area for the majority of time.

### 3B.7 Maintenance Overview

Part of Council's role is to prioritise the maintenance of different resources within resourcing and budgetary constraints, identify revenue options, and link the strategy to the council's resourcing strategy.

Victoria Park (Sportsground Area) is maintained regularly by Council staff including, but not limited to:

- a) Mowing of grass areas & tree trimming/vegetation maintenance (as required);
- b) Cleaning of toilets and BBQ areas;
- c) Repairs to facilities, paths, infrastructure.

Council will continue to maintain grounds and facilities as required/on an as-needs basis.

Recently upgraded areas (e.g. footpaths, lights, roadways, irrigation, turf, gym equipment, buildings, netball and basketball courts) are likely to reduce maintenance requirements.

### 3B.8 Issues, Objectives & Outcomes Table

This is addressed in the following table:

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
General maintenance & management	Maintain existing and proposed facilities to a suitable standard for safety and useability.	Ensure regular reviews & maintenance of park infrastructure & grounds.	Repair or replacement of damaged equipment within a reasonable time and ongoing grass and weed maintenance.
Management of dealings	Any leasing or licensing of this area for temporary events should be for a limited period that does not prevent the general use of the area by the greater public.	Events subject to Council approval and consistency with this POM.	Review of events (as required).
Sporting facility management & upgrades	The Area should be able to support the widest range of sports and ancillary activities as possible whilst recognising that other recreation area in and around Warren may seek to cater for specific sports (e.g. Carter Oval – Cricket).	As funding allows, sporting facilities are upgraded to meet current requirements consistent with this POM.	Review compatibilities of facilities with demand every 4-5 years or as required by significant community feedback.
Event & alcohol management	Alcohol can be sold through the kitchen/canteen by appropriately licensed	Applications to NSW Police for sale of alcohol. Police	Council/NSW Police to identify if any



Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
	bodies. Maintain alcohol exclusion areas in Oxley Park.	& Council enforcement of Alcohol exclusion areas.	particular alcohol related issues.
Recreation area management	The facility should cater for both active and passive recreation opportunities to facilitate the health and well-being of the community.	Provision of a variety of spaces with active sports facilities and passive areas closer to the river.	Regular review of feedback from sporting committee and community on demand and requirements.
Animals/Pets	The area can be used by animals on leash. Dog-off leash areas are not currently recommended due to conflict with sporting facilities and children (O.F. Ebert Park is a preferred location at this time).	Provision of dog off-leash areas has been clearly identified elsewhere by Council.	Council enforcement (as required).
River & vegetation management	Any development should seek to conserve and enhance environmental outcomes, including water quality of the Macquarie River, by preserving significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity).	Council continues to consolidate most major sporting/recreational facilities away from the river in existing cleared areas. Trees/vegetation regularly managed to prevent accidents.	Consistency with this POM. Inspection of dangerous trees by Council (as required).
Driveways & Internal Roads	Allow safe vehicle access to parking areas and as required for maintenance.	Main vehicle entrances should be sealed and graded and internal roads sealed (where possible).	Appropriate vehicle access and parking (as required).
Lighting & security/safety	Pathways should be upgraded to improve connectivity and access for a broad-range of society including links between major bicycle paths.  Pathway and street lighting should be upgraded for safety and security where light-spill to adjacent properties and the river is minimised.	Upgrades as per <i>Warren Village Plan (2018)</i> and <i>Connections Study 2016</i> . Provide lighting and CCTV along major paths.	Community increases walking and cycling to key recreation areas and feels safe to do so. Recent significant path upgrades linking CBD to hospital through Park(s) with lighting & CCTV September 2019. Solar lighting turns on when someone comes in sensor range for energy efficiency.
Accessibility & Equity	Promote accessibility (where possible) for all members of the community to use and benefit from the facilities.	Upgrade accessibility to buildings as funding allows.	Regularly review access issues/ maintenance.
Signage & advertising	Signage should promote way-finding and sporting uses and not have any substantial commercial signage (except where appropriate & integrated signage for sponsorship of facilities etc.).	No commercial signage currently. All signage to be approved by Council. Navigation signage to be maintained/ upgrade as required.	Review regularly.

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
Bushfire management	Minimise bushfire impacts on people, infrastructure, and the natural environment.	Reduce fuel load & providing adequate asset protection zones that minimise damage to the natural environment & infrastructure.	Seek RFS advice annually to comply with bushfire requirements.
Flood management	Future development below the levee bank should be limited to structures that can withstand flood impacts with minimal damage and that don't exacerbate flooding downstream or to adjacent properties. Limited development of these areas is recommended to minimise economic impacts from flooding.	All significant assets should be inside and protected by the levy. Only minor infrastructure below the levy that is flood resistant.	No significant infrastructure likely to be impacted by flooding.

## C CATEGORY – 'PARK'

### 3C.1 Location

As shown on *Appendix D – Map of Categorisation of Land* – the area categorised as 'Park' is located as follows:

- a) **Oxley Park** –
  - i. All of Lots 7015, 7016, & 7017 DP1021004 & Lot 4 DP261996 (land fronting Coonamble Road/Oxley Highway, the Macquarie River & Udora Road – outside Victoria Park but including the gates to Victoria Park); and
  - ii. Part of Lot 3 DP261996 (including the Rest Area and parkland along the Macquarie River, but excluding the northern section that is within Victoria Park and includes part of the secondary oval),
- b) **Victoria Park** – only land adjacent to the Macquarie River to the west of the reserve where there is significant bushland and there is a stronger objective for environmental protection and enhancement;
- c) **Water Infrastructure** - Lot 1 DP1012134; Lots 1 & 2 DP611150 (that includes the river-side water infrastructure as well as the water tank on the corner of Coonamble Road and Udora Road).

### 3C.2 Background & Issues

*Use this section to address issues such as threats to reserves categorised as Parks, and other factors impacting affected park reserves. This may include factors such as:*

- *park distribution*
- *park development*
- *equity of access*
- *linkages to other land (e.g. natural areas, sportsgrounds and other community land)*
- *type and distribution of facilities*
- *impact on local residents.*

The Town of Warren has a reasonable supply of and range of different parks to meet the recreational needs of the community and its visitors. Please see the *Warren Village Plan (2018)* for more details. Please see *Appendix B – Map of Existing Facilities / Land Use(s)*.

#### 3C.2.1 Oxley Park

The area of 'Park' in Oxley Park Reserve is the majority of this reserve (except that categorised as 'sportsground' above). Oxley Park is part of a system of parks/Crown lands along both sides of the Macquarie River that act as:

- An environmental buffer / ecological corridor;
- An important pedestrian and bicycle linkage system and a key link from the town centre to Victoria Park and the northern suburbs of Warren;
- A key recreational space for the community;
- An important 'gateway' park to the town that is part of the 'river' character of the town;
- Provision of visitor information/facilities including an RV dump point, toilets and BBQ area(s);
- Support for water infrastructure including the water pump and reservoir/tank.

It is mostly above the levee bank and therefore has a reasonable level of flood protection. It is also outside the bushfire prone land mapping (though bushfire risk still exists along the river bank tree plantings).

Generally, most recreational areas only support passive and informal active uses as there are no formal playing fields but there are reasonably large grassed areas (though these tend to be narrow and restricted in use close to the highway). Oxley Park has good access with mostly level pathways designed for bicycles and walking.

Key issues for Oxley Park include, but are not limited to:

- a) Enhancing the quality of the 'gateway' to Warren;
- b) Protecting the town against flooding;
- c) Creating an ecological corridor along the Macquarie River;
- d) Providing suitable access to or views to the Macquarie River;

- e) Maintaining and enhancing pedestrian and cycle linkages around Warren;
- f) Protecting and enhancing the operations of the adjacent Oxley Highway;
- g) Protecting and maintaining water supply infrastructure to meet Warren's needs;
- h) Protecting and maintaining other infrastructure and utilities located in or through the park (as required);
- i) Meeting visitor needs and promoting useability.

The type and distribution of facilities is set out below.

### 3C.2.2 Victoria Park Bushland

The area of 'Park' in Victoria Park Reserve is mostly heavily vegetated land in the 'elbow' of the Macquarie River to the west of the main sportsground area.

The 'Park' land in Victoria Park is not intended to have significant public access as it has higher environmental qualities and potential for rehabilitation. Access is likely to be limited to those responsible for maintenance, weed removal, and cultural activities.

All land is below the levee bank/flood protection so it is not desirable to have significant facilities or infrastructure. Whilst it is not mapped as bushfire prone land, there is bushfire prone land nearby and the thicker vegetation is likely to have some risk (even if buffered by the Macquarie River). Bushfire impacts can be managed with suitable buffers on adjacent lands.

Key issues for this land include, but are not limited to:

- a) Enhancing the ecological corridor and protection of the Macquarie River ecological functions;
- b) Addressing invasive weed species and rehabilitating the land for ecological purposes;
- c) Managing and reducing bushfire risk to adjacent properties;
- d) Limiting access due to safety, flooding, protection of the environment and other reasons.

The type and distribution of facilities is set out below.

### 3C.3 Objectives & Purpose

*Use this section to provide:*

- *an overview of the core objectives and purpose of areas categorised as Park (as outlined in the LG Act and Regulation)*
- *an overview of any statutory guidelines may apply to reserves categorised as Park (e.g. state environmental planning policies)*
- *an overview of the status of reserves in the Park category in the LGA*
- *an overview of any values the council wishes to articulate associated with park reserves*

These category objectives are in addition to the objectives noted in Section 3(A)(2) of this POM above.

The core objectives for management of community land categorised as a 'Park' are:

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

Additional local objectives are:

- d) To provide visitor and traveller rest-area facilities;
- e) To provide appropriate water supply infrastructure to meet Warren's needs;
- f) To integrate with adjacent 'Sportsground' and river-front areas to protect and enhance the environmental values of land including significant native vegetation, ecology, and water quality, particularly along the Macquarie River;
- g) To enable access (and other supporting infrastructure that enables access) to the waterfront of Macquarie River (where it minimises impacts on environmental qualities and systems);
- h) To reduce the risk of bushfire and flooding and its impacts on sports facilities and adjacent urban areas;
- i) To be designed and operated to minimise maintenance and management (where possible).

### 3C.4 Existing Use/Condition of Structures

This section sets out the specific use(s) of the land and structure(s) as at the date of adoption of the plan (Section 36(3A)(a) of the LG Act - only a brief note of the current usage is required). Please see *Appendix B – Map of Existing Facilities / Land Use(s)*.

Structure/Facility/Area	Location	Existing Use	Condition
Pedestrian & Bicycle Shared Paths/ Walkways	Along River from Bridge to Victoria Park (multiple lots)	Pathways	Good condition.
Parkland/Recreation Areas	All Oxley Park (all lots)	Passive recreation. Grass areas	Good condition. Grass cover generally good. Well mown & maintained.
Rest Area internal driveway	Connecting Coonamble Rd to Udora Rd (Lot 3 DP261996 + road reserve)	Internal driveway to access RV waste dump & river wharf	Reasonable to good condition (Reviewed June 2019).
RV waste dump point	Adjacent to Water Tank (Lot 7015 DP1021004)	Sewage waste dump	Good condition.
Rest Area toilets/amenities block	Adjacent to Coonamble Rd (Lot 3 DP261996 + road reserve)	Toilets	Good condition.
Covered BBQ Area	Adjacent to Water Tank (Lot 7015 DP1021004 & Lot 1 DP1012134)	BBQ, shade structure & seating	Good condition.
Seating	Throughout Park (Lot 3 DP261996 & road reserve)	Standard outdoor seating	Good condition.
Entrance from Udora Rd & Gates to Victoria Park	Lot 7015 DP1021004 & Lot 3 DP261996	Two-way driveway; Brick Entrance & Gates	Sealed. Reasonable condition.
Part of 2 <sup>nd</sup> oval	Lot 3 DP261996	Sporting oval	Good.
River Vegetation & Trees (Oxley Park)	Throughout	Vegetation	Good condition.
Bushland (Victoria Park West)	Bend of River – West of sportsgrounds (Lot 179 DP820779)	Bushland (no active access or use)	Good native vegetation present but weed control required.

### 3C.5 Leases, Licenses & Other Dealings/Restrictions

This section includes details of current leases/licences or other arrangements for the use of the land. For the 'Park' areas of all of Oxley Park and the bushland area of Victoria Park there are no known existing dealings with this land. Water and sewer infrastructure connect through these lands but are not included in formal easements at this time.

### 3C.6 Proposed/Future Use and/or Development

*Section 36(3A)(b) requires that a site-specific POM must:*

*(i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*

*(ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise*

*(iii) describe the scale and intensity of any such permitted use or development.*

*Any statements about these elements do not need to be long, but will be binding on council once included. A statement will apply to the activities of council on the land as well as any other person (e.g. under a lease).*

*A statement of permissible purposes and intensity of use will be closely related to any authorisation of leasing, etc. that council includes in a plan. An authorisation of leasing applies specifically to the use of community land by others apart from council. The statement under this heading and any authorisation should be consistent with each other.*

Use this section to outline the permitted development and uses of affected areas categorised as Park. This may include factors such as:

- *infrastructure and facilities*
- *permitted and prohibited activities (including planting and community gardens)*
- *specific-use areas*
- *special events or uses*
- *sale of alcohol*
- *alcohol-free areas*
- *signage*
- *animals (e.g. dogs)*
- *parking.*

Ensure that any express authorisations set out in appendices to the POM for reserves categorised as Park are cross-referenced in this section.

### 3C.6.1 Oxley Park

- a) **Objective(s):** The park will be used in future for general community recreation, with public right of access to all outdoor areas. These facilities can be used for 'public recreation' purposes consistent with the reserve purpose and consistent with the categorisation as a 'Park'.
- b) **Existing Use(s):** Council will continue to provide and enhance the visitor rest area facilities, walking and cycling path connections, signage, active and passive recreation spaces, and environmental qualities of this important gateway area to Warren.
- c) **Signage:** Signage should promote way-finding and tourism uses and not have any substantial commercial signage (except where sponsorship of facilities etc.).
- d) **Connections:** Pathways should continue to be upgraded in accordance with the *Connections Study* (key links have already been achieved) to improve connectivity/access for a broad-range of society including links between major bicycle paths.
- e) **Lighting:** Pathway and street lighting should continue to be maintained/upgraded for safety and security and light-spill to adjacent properties and the river is minimised (solar lighting & CCTV has already been installed).
- f) **Vegetation:** Any development should seek to conserve and enhance environmental outcomes along the Macquarie River by preserving significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity).
- g) **Alcohol:** Alcohol free areas should be maintained in Oxley Park.
- h) **Animals:** The area can be used by animals on leash. Dog-off leash areas are not currently incorporated into the Area – but could be if required (O.F. Ebert Park is a preferred location at this time).
- i) **Temporary Events:** Any leasing or licensing of this area for temporary events should be for a limited period that does not prevent the general use of the area by the greater public.
- j) **Infrastructure:** Infrastructure that supports these activities should be encouraged where it avoids, minimises or mitigates impacts on the river and its vegetated banks.
- k) **Memorials/Plantings/Gardens:** It may include memorials, plantings and community gardens (where approved or constructed by Council) where it is demonstrated they are compatible with (do not conflict with) and integrate with other uses of the park and protect and enhance the natural environment along the Macquarie River.
- l) **Regular Events:** It is not the primary event area or community meeting area (e.g. for commemoration) but could support this role if required and it is more suitable than other open spaces.
- m) **Parking:** It can continue to incorporate parking associated with the rest area but in general this should be minimised and focus on RV access to the dump point – and utilise the pull-over bay on the Oxley Highway as a first preference.
- n) **Scale & Intensity:** Future development for any structures should be low-scale (~1-storey), minimise visual impact, and minimise impacts on access and sight-lines to the river. Generally, commercial uses are prohibited in these areas (unless ancillary to another permitted purpose) and they are for public purposes so no long-term leasing is permitted, though easements may be required for infrastructure.

For the area for water supply infrastructure, more specific outcomes include:

- a) **Water Supply:** The area should permit water supply infrastructure as required for the community.
- b) **Safety:** Facilities that should not allow public access for safety should be appropriately fenced and/or locked.
- c) **Visual Amenity:** Any facilities should be appropriately integrated into the park area to minimise visual impact.
- d) **Vegetation:** Vegetation should be limited to protect the safety and avoid impacts on infrastructure.

### 3C.6.2 Victoria Park Bushland

As there are limited existing facilities or infrastructure, there are no major requirements.

The primary aim will be to remove invasive weeds, revegetate with native species, and allow limited access and appreciation of the environmental qualities of this area. It is not expected that it would have major buildings or services. Generally, commercial uses are prohibited in these areas and they are for public purposes so no long-term leasing is permitted, though easements may be required for infrastructure.

## 3C.7 Maintenance Overview

### 3C.7.1 Oxley Park

Part of Council's role is to prioritise the maintenance of different resources within resourcing and budgetary constraints, identify revenue options, and link the strategy to the council's resourcing strategy.

Oxley Park is maintained regularly (on an as-needed basis) by Council staff including, but not limited to:

- a) Mowing of grass areas & tree trimming/vegetation maintenance (as required);
- b) Cleaning of toilets and BBQ areas;
- c) Repairs to facilities, paths, infrastructure.

### 3C.7.2 Victoria Park Bushland

Weed control needs to be conducted periodically subject to advice from appropriate environmental agencies.

Bushfire management advice is received from Rural Fire Service (RFS) annually and acted on as-required.

## 3C.8 Issues, Objectives & Outcomes Table

This is addressed in the following table(s):

### 3C.8.1 Oxley Park

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
General maintenance & management	Maintain existing and proposed facilities to a suitable standard for safety, useability & visually as an entrance to the town.	Ensure regular reviews & maintenance of park infrastructure & grounds.	Repair or replacement of damaged equipment within a reasonable time and ongoing grass and weed maintenance.
River & vegetation management	Any development should seek to conserve and enhance environmental outcomes along the Macquarie River by preserving significant trees (where possible) and managing soil erosion and stormwater run-off (water quality/quantity).	Council continues to consolidate most major sporting/recreational facilities away from the river in existing cleared areas. Trees/vegetation regularly managed to prevent accidents.	Consistency with this POM. Inspection of dangerous trees by Council (as required).
Pathways & connections	Pathways should be upgraded to improve connectivity and access	Upgrades as per <i>Connections Study 2016</i> .	Recent significant path upgrades linking CBD to

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
	for a broad-range of society including links between major bicycle paths.		hospital through Park(s) with lighting & CCTV September 2019. Solar lighting turns on when someone comes in sensor range for energy efficiency.
Lighting & security/safety	Pathway and street lighting should be upgraded for safety and security where light-spill to adjacent properties and the river is minimised.	Provide lighting and CCTV along major paths.	
Animals/Pets	The area can be used by animals on leash. Dog-off leash areas are not currently recommended due to conflict with sporting facilities and children (O.F. Ebert Park is a preferred location at this time).	Provision of dog off-leash areas has been clearly identified elsewhere by Council.	Council enforcement (as required).
Infrastructure	Protect & maintain infrastructure necessary to support Warren.	Avoid development of impacts on existing infrastructure and provide security (where required).	Regular checks of equipment. Locks, fences & CCTV (where required).
Land use zoning	Confirm that the land use zoning in <i>Warren Local Environmental Plan</i> appropriately aligns with appropriate boundaries and appropriate uses as set out in this Plan of Management.	Review LEP zoning and submit Planning Proposal to amend LEP (if required)	Proposed uses in this POM are permitted in the relevant land use zone.

### 3C.8.2 Victoria Park Bushland

Management Issues	s.36(3)(b) – Objectives & Performance Targets	s.36(3)(c) – Means of Achieving Objectives	s.36(3)(d) – Performance Indicators
Weed control & management	To minimise invasive weed growth in the native vegetation areas and riverbanks.	Regular weed review & control.	No significant loss of native flora/fauna and weeds limited in spread.
River & vegetation management	To protect and enhance native vegetation and riparian functions along the Macquarie River bank.	Weed control, appropriate revegetation and replanting & buffers to river.	River bank stability. Appropriate riparian buffers (where possible). Fenced/restricted areas for access.
Access management	To avoid unnecessary access to bushland and protect safety whilst providing appropriate access for management.	Appropriate fencing and signage to identify appropriate access.	Minimising anti-social activities or rubbish in bushland and providing appropriate fencing/ signage.
Bushfire management	Minimise bushfire impacts on people, infrastructure, and the natural environment.	Reduce fuel load & providing adequate asset protection zones that minimise damage to the natural environment.	Seek RFS advice annually to comply with bushfire requirements.



<b>Management Issues</b>	<b>s.36(3)(b) – Objectives &amp; Performance Targets</b>	<b>s.36(3)(c) – Means of Achieving Objectives</b>	<b>s.36(3)(d) – Performance Indicators</b>
Flood management	Future development below the levee bank should be limited to structures that can withstand flood impacts with minimal damage and that don't exacerbate flooding downstream or to adjacent properties. Limited development of these areas is recommended to minimise economic impacts from flooding.	All significant assets should be inside and protected by the levy. Only minor infrastructure below the levy that is flood resistant.	No significant infrastructure likely to be impacted by flooding.

## 4 Key Planning & Environmental Controls

### 4.1 Zoning

Under *Warren Local Environmental Plan 2012* ('LEP') the Subject Land is within either Zone RE1 Public Recreation or Zone SP2 Infrastructure. See Appendix A and Figure below for details.



Figure 8: Land use zoning under Warren Local Environmental Plan (Source: NSW Planning Portal).

#### Zone RE1 Public Recreation

- a) The Objectives for Zone RE1 are:
- To enable land to be used for public open space or recreational purposes.
  - To provide a range of recreational settings and activities and compatible land uses.
  - To protect and enhance the natural environment for recreational purposes.
  - To facilitate the improvement of the land for active or passive recreational purposes (or both), according to its neighbourhood, district or regional recreational use.
  - To recognise the dual use of public utility corridors as links between active recreation areas.
  - To protect and enhance areas of native vegetation.
- b) Uses permitted without consent are (Item 2): *Environmental protection works; Roads; Water reticulation systems.*
- c) Uses permitted with consent are (Item 3):  
*Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; **Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor);** Water recreation structures; Water recycling facilities; **Water supply systems.***
- d) Uses prohibited are (Item 4): *Any development not specified in item 2 or 3.*

#### Zone SP2 Infrastructure

- a) The Objectives for Zone RE1 are:
- To provide for infrastructure and related uses.

- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- b) Uses permitted without consent are (Item 2): Roads.
- c) Uses permitted with consent are (Item 3): Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose.
- d) Uses prohibited are (Item 4): Any development not specified in item 2 or 3.

## 4.2 Non-Aboriginal Heritage

The Subject Land is not a listed heritage item or in a heritage conservation area, but as there are no items or listings in WLEP2012 this is not conclusive and there may be items or areas of historic significance (but none have been specifically identified to us by Council). See below for brief discussion on Aboriginal significance.

## 4.3 Riparian Land

All land that is within 40m of the highest bank of the Macquarie River is likely to be considered riparian land for the purposes of Clause 6.3 of WLEP2012 and development in this area should seek to maintain water quality, bank stability, and ecology/riparian habitat. There are no other visible watercourses across the Site.

## 4.4 Flooding

The Subject Land is adjacent to the Macquarie River and parts of the land are subject to flooding so Clause 6.2 of WLEP2012 is likely to apply. A flood levee bank has been constructed through the lower portion of the Subject Area that is believed to provide protection to the majority of the sporting and recreational facilities/parkland in a 1:100 Annual Recurrence Interval (ARI) flood event. No major infrastructure is located below the flood levee bank (though the Junior Cricket Oval and former BMX track were located in this area).

## 4.5 Bushfire

Part of the land is shown on the Bush Fire Prone Land Map (excerpt below) with land to the north-west near Udora Road affected. However, it is more likely that bushfire may affect the significant vegetation area in the west if fire crossed the Macquarie River (though this area is NOT shown as bushfire prone land).

**Figure 9: Excerpt from Bush Fire Prone Land Map (Source: NSW Planning Portal 2019).**



## 4.6 Land Comprising the Habitat of Endangered Species or Threatened Species

**NOT APPLICABLE.** The Subject Land is adjacent to but largely does not include the banks of or actual watercourse of the Macquarie River (except for the pump station area). It does include an area of significant trees/vegetation to the west of Victoria Oval and partly along or near the banks of the Macquarie River. The legislative requirements are as follows:

- a) Section 36A(2) of the LG Act requires that a specific POM be prepared for an area of community land, all or part of which consists of critical habitat.
- b) Section 36B(3) requires that a specific POM be prepared for community land, all or part of which is directly affected by a recovery plan or threat abatement plan.

A search of the Atlas of NSW Wildlife (Bionet) on 2/05/19 (see Figure below) shows a number of species recorded in and around Warren but none in the Subject Land area, and no sensitive species or endangered populations. Therefore, it is suggested there is no known critical or endangered or threatened species or habitat likely on the Subject Lands.

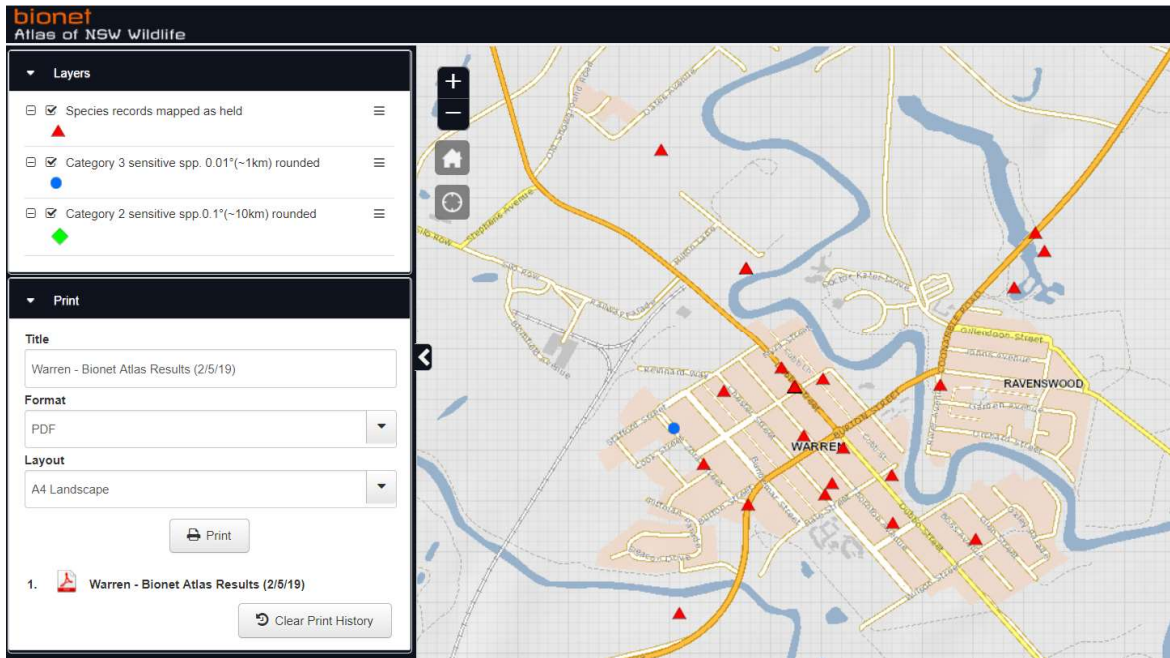


Figure 10: Excerpt from Atlas of NSW Wildlife (Bionet) for Town of Warren (Source: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)).

Threats include alteration to the natural flow regimes of rivers and streams, anthropogenic climate change, clearing of vegetation, and a range of standard threats. The existing and proposed facilities are unlikely to further exacerbate these threats.

There is no known recovery plan or threat abatement plan applicable to the Subject Lands. We suggest this land is unlikely to comprise the habitat of endangered species or threatened species (as known) at this time.

#### 4.7 Land Containing Significant Natural Features

##### NOT APPLICABLE.

As stated above, the Subject Land is adjacent to but mostly does not include the banks of or actual watercourse of the Macquarie River, however, it does include an area of significant trees/vegetation to the west of Victoria Oval and partly along or near the banks of the Macquarie River. The land is likely to have some significant ecological functions and acts in part as a riparian buffer to the Macquarie River.

However, it is not a significantly large area and has limited direct ecological connectivity due to the river (though it is part of the riparian system along the river).

There is also no known resolution of Council that declares the land as a known natural, geological, geomorphological, scenic or other feature that is considered by Council to warrant protection or special management considerations in addition to categorising this land as sportsground or park and minimising inconsistent development in accordance with the objectives in this Plan.



Figure 11: Aerial photo of area of significant vegetation in bend of Macquarie River (Source: NSW Government SIX Maps).

#### 4.8 Culturally Significant Land

**NOT APPLICABLE.**

Under Section 36D(1), this section applies to community land that is the subject of a resolution by the council that declares that, because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance, the land is an area of cultural significance for the purposes of this Part.

At this time, we are unaware of any land in the reserve declared by council to be of cultural significance (bearing in mind the specific requirements of under section 36D(3) of the LG Act). Most of the land has been significantly altered by non-Aboriginal development including the identification of the reserve in 1892 and levelling and construction of sports fields and facilities. In addition, Figure. 5 below shows an AHIMS search that does not identify any known Aboriginal sites or places in or near the Subject Land.

However, it is important to recognise that there are areas of land that have been less altered (particularly close to the Macquarie River) that have been less altered and more likely to have supported Aboriginal occupation, potential archaeology, and may have cultural significance.



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

Purchase Order/Reference : Warren PoM  
Client Service ID : 418221

iPLAN PROJECTS  
91 Heifer Station Ln  
Borenore New South Wales 2800  
Attention: Andrew Napier  
Email: andrew@iplanprojects.com.au  
Dear Sir or Madam:

Date: 02 May 2019

AHIMS Web Service search for the following area at Lot : 179, DP:DP820779 with a Buffer of 50 meters, conducted by Andrew Napier on 02 May 2019.

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



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

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

Figure 12: AHIMS Basic Search for part Subject Land (Source; [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)).

#### 4.9 Native Title Application(s)

We note that there is an active Native Title Application No. NC2012/001 (Federal Court File No.NSD38/2019 - Entered on Register 12/04/2012) for the Ngemba, Ngiyampaa, Wangaaypuwan and Wayilwan peoples. This native title application is across multiple LGAs and, as the figure below shows, it includes part of the Town of Warren (including Victoria Park, Carter Oval and the Showground).

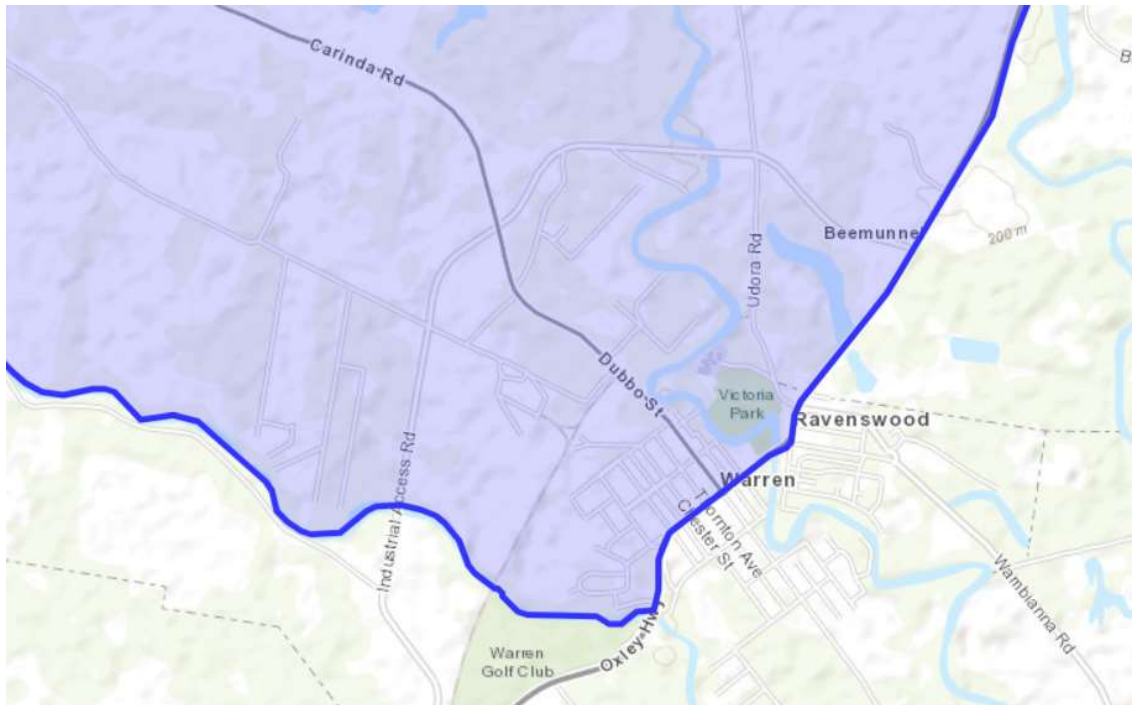


Figure 13: Extract Native Title Application Map (blue area) covering part Town of Warren (Source: [www.nntt.gov.au](http://www.nntt.gov.au)).

#### 4.10 Previous Management Plan(s)

The existing Management Plan for the Subject Land is the Warren Shire Council (July 2005) *Parks, Gardens and Sporting Ground Management Plan*. This plan was prepared as a 'supporting document' to future Council Management Plans and may not be a valid Plan of Management.

It identified and classified ALL parks, gardens and sporting grounds within Warren Shire and provided aims, levels of maintenance, resourcing/costing, specification, a survey of deficiencies, and an assessment of life-span of facilities for major upgrades.

Victoria Park was classified as an Outdoor Sporting Area/Sportsground including Victoria Park (Inner) and Victoria Park (Outer). This classification generally has the highest level of facilities/amenities/sporting areas out of all the classifications.

Oxley Park is a Regional & District Park with passive recreational opportunities.

The following pages provide a summary of facilities (as at 2005) for these areas.

### 4.3 Outdoor Sporting Areas/Sportsgrounds

#### 4.3.1 Victoria Park Inner

Facility Name:	Victoria Park Inner
Classification:	Outdoor Sporting Areas/Sportsgrounds
Location:	Udora Road, Warren
Area:	1.65ha.

General Description – Main Sports Oval for Warren

Uses		
Summer	Active Recreation	<input checked="" type="checkbox"/> Cricket <input checked="" type="checkbox"/> Track & Field Athletics
Winter	Active Recreation	<input checked="" type="checkbox"/> Rugby Union <input checked="" type="checkbox"/> Rugby League <input type="checkbox"/> Soccer

Facility Specification (based on classification)		
Item	Y/N	Comment
Amenities	N	
Announcers Box	N	
Bar	N	
Basket ball courts	N	
Benches	N	
Bubbler	N	
Canteen	Y	
Cricket Pitch	Y	
Cricket Practice Nets	N	Victoria Park Outer
Dressing Rooms	Y	
Goal Posts	Y	
Grandstand	N	Victoria Park Outer
Maintained grass areas	Y	
Irrigation	Y	
Lighting	Y	
Long jump pit	N	
Rubbish bins	N	Victoria Park Outer
Score Board	Y	
Sealed Roads	N	
Seating	N	
Sight Boards	N	
Tables and seats	N	
Toilet Block	N	Victoria Park Outer

Capital Works Programme			
Year	Item	Cost (Est)	Comment
2005/2006			
2006/2007			
2007/2008			
2008/2009			
2009/2010			
2010/2011			
2011/2012			
2012/2013			
2013/2014			
2014/2015			
After 2015			

### 4.3.2 Victoria Park Outer

Facility Name:	Victoria Park Outer
Classification:	Outdoor Sporting Areas/Sportsgrounds
Location:	Udora Road, Warren
Area:	5.80ha.

General Description – Large grassed area with many trees, tennis courts, netball courts, etc.

Uses		
Summer	Active Recreation	Tennis Field Athletics
Winter	Active Recreation	Netball Junior League

Facility Specification (based on classification)		
Item	Y/N	Comment
Amenities	N	
Announcers Box	N	
Bar	N	
Basket ball courts	N	
Benches	N	
Bubbler	N	
Canteen	N	Victoria Park Inner
Cricket Pitch	N	Victoria Park Inner
Cricket Practice Nets	Y	
Dressing Rooms	N	
Goal Posts	N	Victoria Park Inner
Grandstand	Y	
Maintained grass areas	Y	
Irrigation	Y	
Lighting	Y	
Long jump pit	N	
Rubbish bins	Y	
Score Board	N	Victoria Park Inner
Sealed Roads	N	
Seating	N	
Sight Boards	N	
Tables and seats	N	
Toilet Block	Y	
Tennis Courts	Y	Not in specification
Net Ball Courts	Y	Not in specification
Hammer Throw Circle & Fence	Y	Not in specification

Capital Works Programme			
Year	Item	Cost (Est)	Comment
2005/2006			
2006/2007			
2007/2008	Provide gazebo	6000	
2008/2009			
2009/2010	Provide tables and seats	6000	
2010/2011			
2011/2012			
2012/2013			
2013/2014			
2014/2015			
After 2015	Provide barbeque	6000	



### 4.1.2 Oxley Park

Facility Name:	Oxley Park
Classification:	Regional & District Parks
Location:	Coonamble Road (Oxley H'way), Warren
Area:	1.6ha.

General Description – Large grassed area conveniently located for tourist rest stop

Uses		
Summer	Passive recreation	
Winter	Passive recreation	

Facility Specification (based on classification)		
Item	Y/N	Comment
Barbecue	Y	
Benches	Y	
Gazebo	N	
Maintained grass area	Y	
Irrigation	Y	
Parking area	Y	
Rubbish bins	Y	
Table and seats	Y	
Toilet block	Y	

Capital Works Programme			
Year	Item	Cost (Est)	Comment
2005/2006			
2006/2007			
2007/2008			
2008/2009			
2009/2010			
2010/2011	Provide gazebo	6000	
2011/2012			
2012/2013			
2013/2014			
2014/2015			
After 2015			

## 5 RELEVANT LEGISLATION, POLICIES & PROCEDURES

### 5.1 Local Government Act 1993

POMs must be prepared and adopted in accordance with the provisions of Division 2, Part 2 of Chapter 6 of the *Local Government Act 1993* (LG Act). A detailed review of the requirements is set out in Section 3 of the 2018 Guidelines so the following is a brief summary.

- Section 35: Community land is to be used and managed in accordance with the POM for the land, any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and Division 2 of Part of the LG Act.
- Section 36(1): POMs must be prepared for all community land.
- Section 36(3): A POM for community land must identify the following:
  - a) the category of the land,
  - b) the objectives and performance targets of the plan with respect to the land,
  - c) the means by which the council proposes to achieve the plan's objectives and performance targets,
  - d) the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
    - and may require the prior approval of the council to the carrying out of any specified activity on the land.
- Section 36(3A): A POM that applies to just one area of community land should:
  - describe the condition of the land as at the adoption of the plan;
  - describe the buildings on the land as at adoption;
  - describe the use of the buildings and the land as at adoption; and
  - state the purposes for which the land will be allowed to be used, and the scale and intensity of that use.
- Section 36(4)/(5): For the purposes of this section, land is to be categorised as one or more of the following (with Sections 36E-36N setting out the core objectives for each category):
  - a) a natural area (further categorised as bushland, wetland, escarpment, watercourse, foreshore, or a category prescribed by the regulations),
  - b) a sportsground,
  - c) a park,
  - d) an area of cultural significance,
  - e) general community use.
- Section 36C: Requirements for land containing significant natural features.
- Section 36D: Requirements for land containing area(s) of cultural significance.
- Section 37: A plan of management for community land that is not owned by the council:
  - a) must identify the owner of the land, and
  - b) must state whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant, and
  - c) must state whether the use or management of the land is subject to any condition or restriction imposed by the owner, and
  - d) must not contain any provisions inconsistent with anything required to be stated by paragraph (a), (b) or (c).

In the initial POM, councils must only identify the owner of the land, and are not required to state if the land is under a trust, estate, interest, dedication, condition, restriction or covenant, or whether the use or management of the land is subject to any condition or restriction imposed by the owner.

- Sections 38-43 deal with procedures for notification, consultation and adoption of POMs.
- Section 44-47F deal with use of, development of, or granting leases/licenses/other estates over community land.

Clause 101(2) of the *Local Government (General) Regulation 2005* requires councils to have regard to the guidelines for the categorisation of community land set out in clauses 102-111 of that regulation, when preparing a draft POM.

Clauses 112-115 deal with the preparation and adoption of draft POMs for community land.

## 5.2 Crown Land Management Act 2016 ('CLM Act') & Regulation 2018

The *Crown Land Management Act 2016* commenced on 1 July 2018 and repealed a number of pieces of legislation including, but not limited to the *Crown Lands Act 1989*. One of the effects of this new legislation is that Local councils will manage Crown land under the public land provisions of the *Local Government Act 1993*.

The aims of the CLM Act are:

- a) to ensure decisions concerning Crown land consider environmental, social, cultural heritage and economic values;
- b) to enhance community engagement;
- c) to recognise Aboriginal involvement in the management of Crown land;
- d) to boost compliance and enforcement powers;
- e) to improve equity by standardising lease and licence arrangements; and
- f) to support social and community use by giving access to rent rebates and waivers.

Under Clause 1.4, the *principles of Crown land management* are:

- a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- c) that public use and enjoyment of appropriate Crown land be encouraged, and
- d) that, where appropriate, multiple use of Crown land be encouraged, and
- e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

The Act deals with a range of matters including, but not limited to:

- Dedicated or reserved Crown land;
- Management of Crown land and acquisition of land and vesting of Crown land;
- Dealings involving Crown land and other related land;
- Rents for holdings and alteration, withdrawal and forfeiture of holdings;
- Native title rights and interests;
- Protection of Crown land;
- Investigation of compliance.

Please see the Act & Regulations for more details.

## 5.3 Categorisation

Categorisation needs to align with the reserve or dedicated purpose of the land. It will need to be checked with the Native Title Manager (see below) and Minister for Lands & Forestry ('Minister') and NSW Department of Industry – Lands & Water ('Department') prior to preparation/finalisation of the POM (see below).

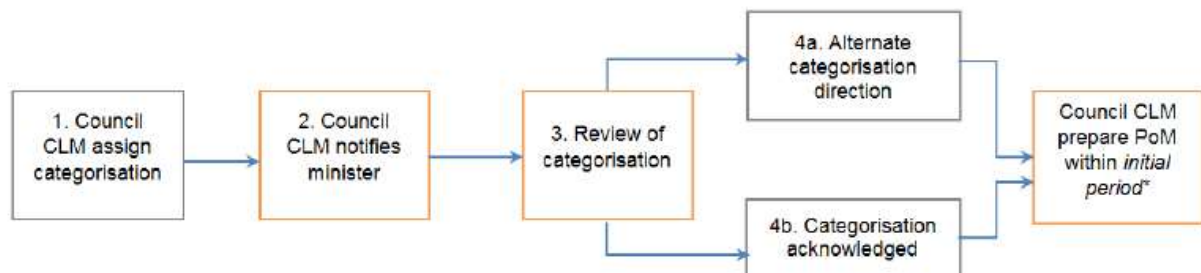
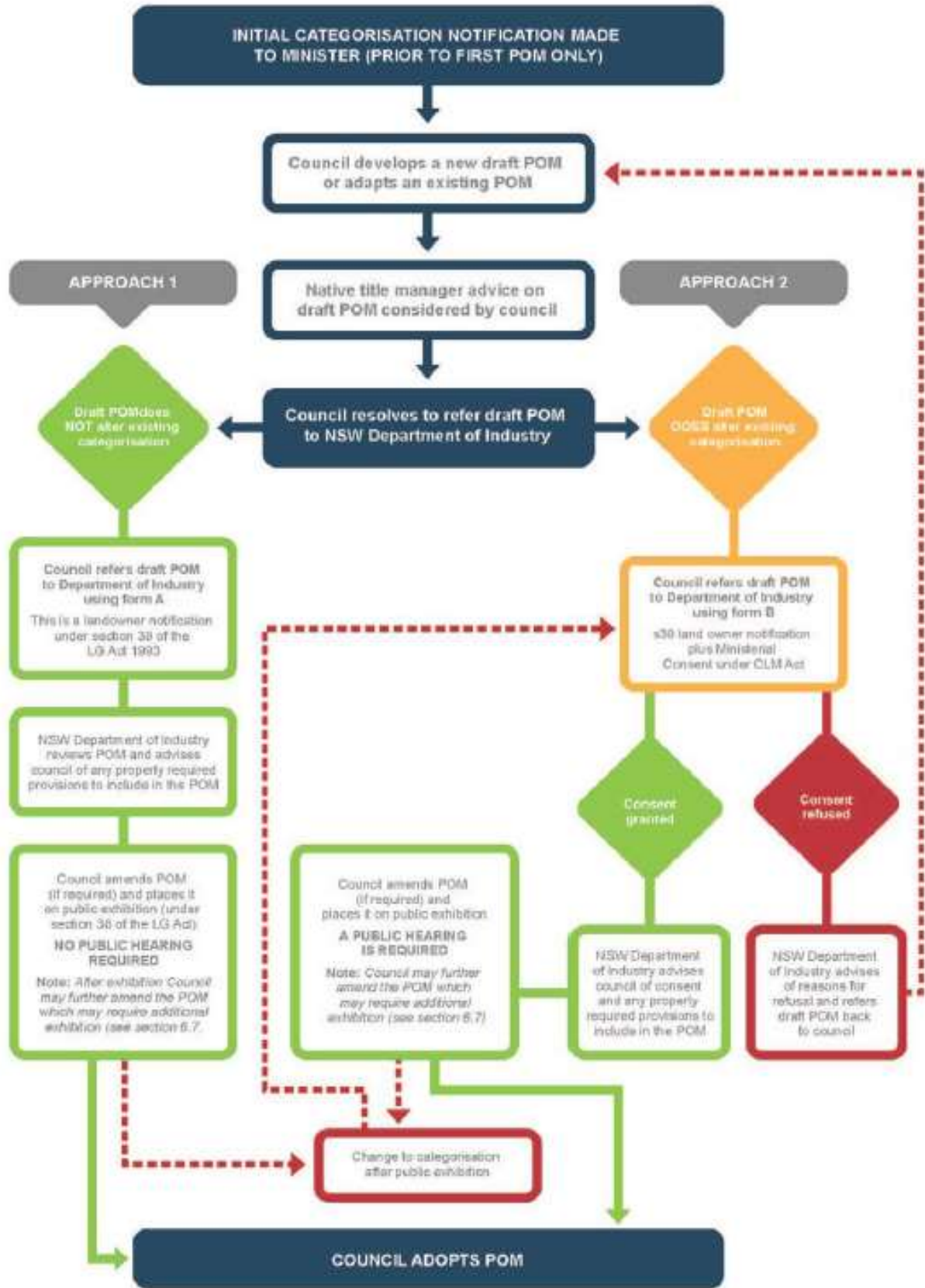


Figure 14: Process map for the categorisation of council-managed land (May 2018 Guideline).



*Figure 15: Overview of the POM adoption process (2018 Guidelines Figure.1).*

## 5.4 Native Title

There is a requirement for council crown land managers to obtain written advice from a qualified native title manager before any POM covers Crown land that is not 'excluded land' (i.e. land where native title has been extinguished, surrendered or acquired etc.).

Council staff have been appointed and appropriately trained as the relevant Native Title Manager.

Section 8.7 of the CLM Act and the Native Title Manager Workbook ([www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title](http://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title)) clearly set out that written native title manager advice is required before a council Crown land manager can submit for approval a POM that authorises any of the dealings referred to in that Section.

Under Part 8 of the CLM Act, a council Crown land manager cannot approve (adopt) a POM or deal with Crown land until they have obtained written advice from a native title manager that the approval (or submission for approval) of the POM complies with any applicable provision of Commonwealth native title legislation (specifically in regards to subdivision J of the *Native Title Act 1993* (Cwth)).

As NSW Department of Industry's Native Title Manager Workbook makes clear, unless the council managed Crown land in question is 'excluded land' (as defined by the CLM Act), council must assume that native title exists. There is an active Native Title claim over the Subject lands and this is addressed in the '*Background Information*' Section below.

## 5.5 Community Consultation

Section 39 of the LG Act requires that any draft POM for a Crown reserve, including the first plan of management prepared, is required to be referred to NSW Department of Industry as the owner of the land, in draft form prior to council placing the POM on public exhibition (including forms A & B).

The LG Act sets out a range of public exhibition requirements for POMs, including the need for public hearings where the POM amends the initial categorisation of any reserve included in the POM.

The LG Act requires councils undertake community engagement activities in the preparation of POMs, including public exhibition of the plan and opportunities for the community to comment. This allows the community to be involved and represented in the POM contents.

Specifically, section 38 sets out that:

- a council must give public notice of a draft POM for a period of not less than 28 days
- the public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council
- the council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter that it considers appropriate or necessary to better enable the draft plan and its implications to be understood. All documents referred to in a POM should be displayed at the same time as the draft POM.

Additionally, in the case of community land comprising the habitat of endangered species, or which is affected by a threatened species recovery plan or threat abatement plan, the following requirements also apply:

- when public notice is given of the draft plan under section 38, the draft POM must be sent (or a copy must be sent) by the council to the relevant director
- the POM must incorporate any matter specified by the relevant director in relation to the land, or the relevant part.

In addition to the usual community engagement activities prescribed by the LG Act in preparation of a POM, section 40A of the act requires that a council must hold a public hearing in respect of a proposed POM (including for one that amends another POM) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4).

Note that the preliminary ideas for Victoria Park/Oxley Park have already been provided to and consulted on with the community as part of the *Warren Village (Enhancement) Plans* in 2018. Please see Council's *Community Participation Plan* for more details.

## 5.6 Other Relevant Legislation & Statutory Controls

All activities should still comply with any relevant legislation and policy including (where relevant), but not limited to the *Biodiversity Conservation Act 2016*, and any relevant State Environmental Policies applying to native vegetation (e.g. *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*). See the review of Council's key planning controls in the next Section.

## 5.7 Guidelines

Some relevant guidelines include:

- a) NSW Government (Dec 2018) *Developing plans of management for community land Crown reserves – Guidelines for Council Crown Land Managers* ('2018 Guidelines');
  - i) Annexure B – Classification of Crown land managed by council Crown land managers
  - ii) Annexure C – Crown reserve POMs – Sample outlines
- b) NSW Department of Industry – Land & Water (May 2018) Guideline – initial categorisation of Crown land managed by council Crown land managers;
- c) NSW Government (2007) *Trust Handbook* (currently being reviewed and updated);
- d) Associated 'Frequently asked Question' (FAQ) Sheets.

## **6 APPENDICES**

### **A Map of Plan Area & Title**

Plan A102 – Plan Area / Title / Ownership

### **B Map/Photos of Existing Facilities / Land Use(s)**

Plan A001 – Site Photos – Oxley Park

Plan A002 – Site Photos – Victoria Park

Plan A103 – Plan Area / Existing Facilities

### **C Map of Proposed Facilities / Land Use(s)**

Plan A201 – Proposed Upgrades

Plan A202 – Proposed Upgrades (Details/Dimensions)

Plan A203 – Proposed Upgrades (Oxley Park)

### **D Map of Categorisation of Land**

Plan A301 – Categorisation of Land