

PLAN OF MANAGEMENT

Old Gulgong Fire Station



December 2023

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Council is proud to acknowledge and respect the Wiradjuri people as the Traditional Custodians of the Mudgee Area and to pay respect to elders past, present and emerging.

Plan of Management Report prepared by
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EXECUTIVE SUMMARY

A Plan of Management (POM) is required to be prepared for public land which is owned and/or managed by a council and classified as community land under the *Local Government Act 1993* (LGAct). A POM on community land is a document that provides for and directs the use and management of that land. It describes the current purposes and uses of the community lands and their values, assigns them to one or more categories and sets out objectives and performance targets for active land management and use.

The Old Gulgong Fire Station (the Fire Station), adjoining car park and a reservation for historical purposes (the Reserve) consists of Crown land which is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the *Crown Land Management Act 2016* (CLMA).

The Reserve is classified as *community land*, under the LGAct. Crown land (and council owned community land) is further categorised under the LGAct as either park, sportsground, general community use, natural area, or area of cultural significance. The land at the Reserve has been categorised in this POM, as:

- General Community Use

The intention of this POM is to provide Mid-Western Regional Council (Council) with a framework that enables decisions in regard to the Reserve to be made on an informed, consistent and equitable basis. This POM meets all of the requirements of the LGAct.

A description of this land and its assets as they exist on the Reserve is provided. The current use patterns of the main assets (the Fire Station), its condition, community needs, and emerging trends and influences have been considered in this POM. Appropriate management objectives and actions required to improve assets, a tenure strategy and a management structure for the effective utilisation of the Reserve into the future, are key outcomes provided by this POM.

This POM specifically proposes:

- Upgrades to internal layout of the Fire Station building to suitable standards to meet the needs of identified new and emerging priority uses such as the administrative requirements of local business, the arts, social gatherings and community meetings via tenure arrangements with Council
- Creation of extra floor space (as required) to meet increases in demand which may be initiated by the above, via extensions to the existing Fire Station building
- Removal of unserviceable structures, boundary fence repairs, general maintenance of all items of infrastructure, and garden/yard improvements and management.

This POM is presented in two principal sections: The site description (A) covers the physical attributes, the legal framework and the constraints of the site; and the fundamental components of Plan (B), which describes what is planned for the site's future.

PART A – THE SITE

1 INTRODUCTION

Gulgong is located in central western NSW, approximately 300 kilometres north west of Sydney and 30 kilometres north of Mudgee on the Castlereagh Highway. It is one of the significant towns within the Mid-Western Regional Council Local Government Area (LGA), the others being Kandos, Rylstone and the regional centre, Mudgee.

The Fire Station located at 104 Herbert Street, is situated on Crown Land a short walk to the south of the town's main commercial area (see Figure 1 locality diagram) and is managed by Council. This POM is for the Reserve which includes the Fire Station and its site, an adjoining car park and an additional (small) reservation for historical purposes on its western margins.



Figure 1 - Locality Diagram

Site History

The discovery of reef gold on Red Hill in 1870 by Thomas Saunders, a local shepherd, sparked a major goldrush which initiated the first town survey for Gulgong township in the same year.¹ Remarkably, by 1872, the township of Gulgong had a population of 20,000 people. Current town population is around 2,600 people.

In 1885 the subject land was part of a Reserve for Public Buildings. By 1891 this Reserve had been revoked and the northern allotment (5) of the land had been dedicated for Town Hall and the southern allotment (6) reserved for Police Purposes (see Figure 2).

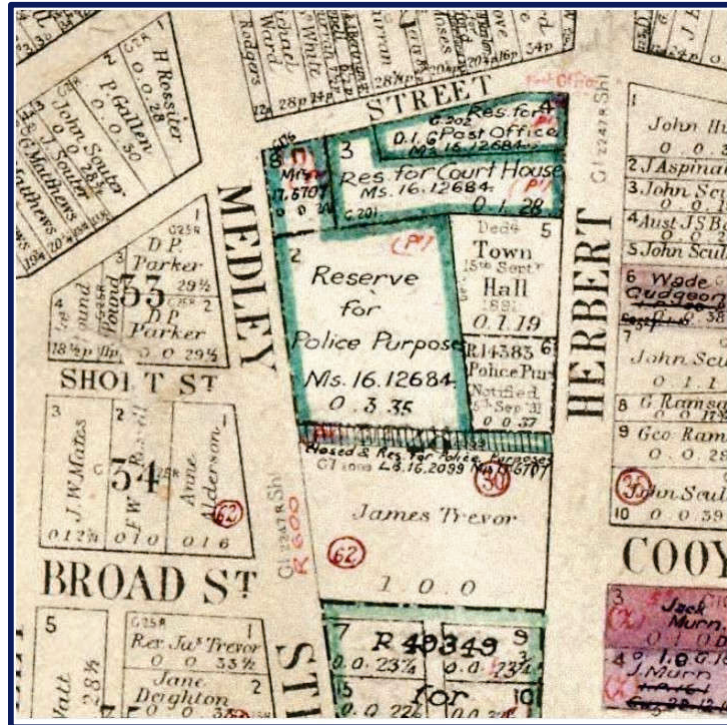


Figure 2 - 1904 Town Map of Gulgong

In 1953 the Town Hall dedication was divided again into a dedication for local government purposes in the north and the current Fire Brigade Station in the south.

The Reserve for Police Purposes was reduced to include only the Police Stables in 1957 when the Crown put the land to market as residential allotments (see Figure 3). They failed to sell and the current reservations were placed in 1977.

Fire Stations in Gulgong

The earliest record of a fire brigade in Gulgong was in 1875 during the Gold Rush, and at a time when the town had a population of 20,000 people.² However, lack of funding resulted in it being disbanded five years later. In following decades, a number of attempts were made to re-form a brigade, finally succeeding in 1934 when a fire brigade was once again established in Herbert Street (believed to be where the Pioneer Museum is now located), before moving up the road to the current position.

The Fire Station³ was built in 1935 at a cost of approximately £1000. The *Sydney Morning Herald* of 26 October in that year reports that the “new fire station” was officially opened by Mr. T J Smith, president of the Board of Fire Commissioners, who also praised the work of volunteer fire fighters in the country areas outside of Newcastle and Broken Hill.

¹ <https://www.regional.nsw.gov.au/meg>

² *Mudgee Guardian* 16 August 2017.

³ A complete history of the Fire station (*Gulgong Fire Brigade Station No. 312: a brief history 1875-1880; 1934-2017*) can be found in the Museum of Fire (Penrith, N.S.W.), or in the State Library of NSW - Request from onsite storage (Mitchell Library Collection onsite use only): H 2020/3209.

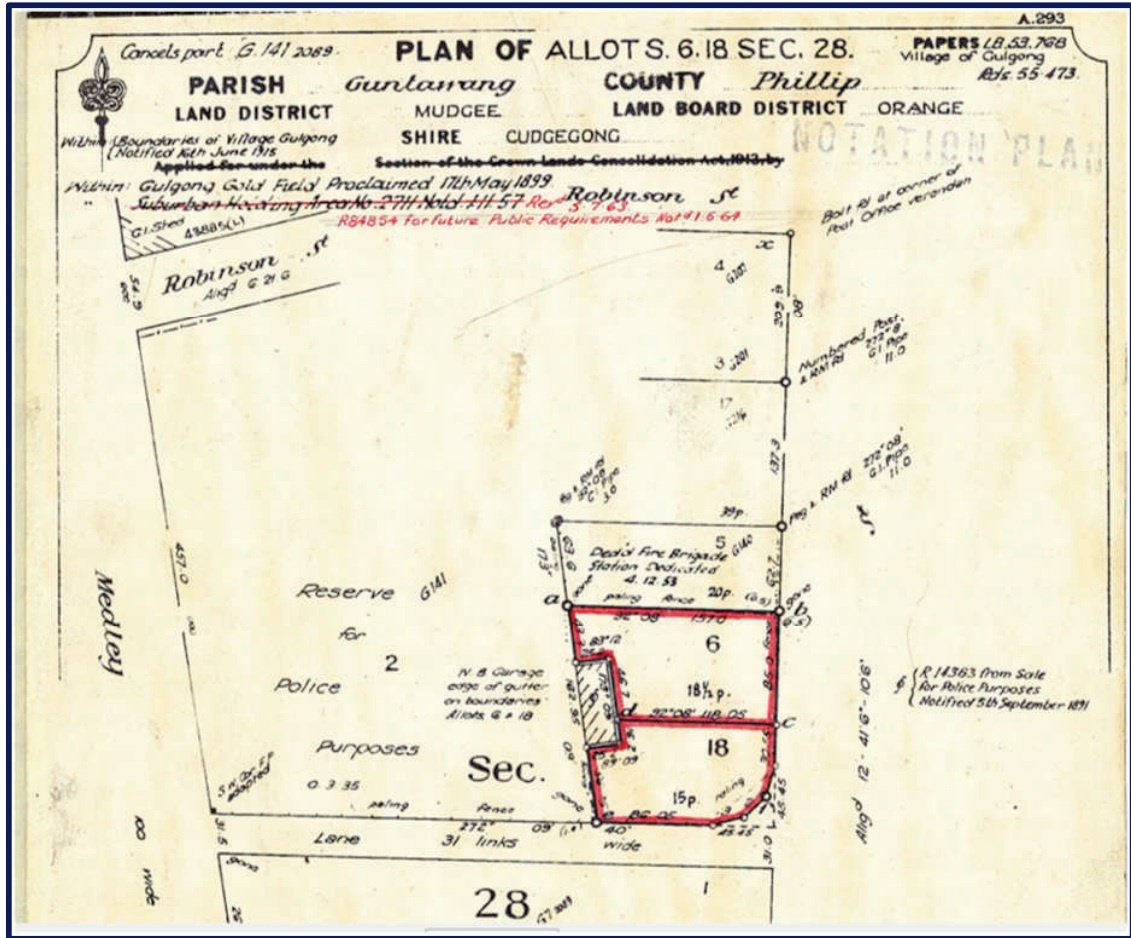


Figure 3 - Plan of Allotments 6 & 18 Section 28 Town of Gulgong

The *Mudgee Guardian* of 3 Sept 1936 describes an interesting meeting of Council, during which the tenure terms and conditions for the occupation of the new Fire Station by the Fire Commission were discussed. Sixty pounds were to be paid annually for two years, with an option to extend for another two-year period, that the “lessee pay all rates and taxes” and “have the right to purchase the property at any time for the sum of £1168”.

After eighty years of service, the Fire Station was vacated with the opening of the New Gulgong Fire Station in Medley Street during August 2017, by the Emergency Services Minister and Fire and Rescue NSW Commissioner.

This POM has been prepared in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community and the environment. It has been prepared to meet the requirements of the LGAct as amended by the *Local Government Amendment (Community Land Management) Act 1998*.



Figure 4 - Gulgong Police Station, Barracks and Lockup (circ 1870 – 1875)

Note: Sourced from the Mitchell Library, the shape of the building does not precisely match the footprint of some available Crown plans. The Stables for the Police building appear to be in the background (right).

2 LEGAL FRAMEWORK

2.1 Public Land

This land managed by Council, occurs as Crown land.



Figure 5 - Land subject to this Plan of Management
The land included in this Plan of Management is edged in green.

Crown land is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the CLMA. The CLMA provides that Council should manage the land under the LGAct. Under the LGAct, all public lands must be classified as either Community or Operational land. The

Reserves⁴ D.520110, R.90877 and R.90876 are shown in Figure 5, and have been previously classified 'Community' land, and initially categorised:⁵

- General Community Use – D.520110 and R.90877 and
- Area of Cultural Significance – R.90876.

The purpose of the classification of Community land is to clearly delineate which land should be kept for use by the general public (Community) and which land need not be kept for that purpose (Operational). The major consequence of the classification is that it determines the ease or difficulty by which the land may be alienated by sale, lease or other means. Community land would ordinarily comprise land such as a sportsground, hall, public park etc.,⁶ and Operational land would consist of land which facilitates carrying out of a public service, such as works depots, or land held as a temporary asset or investment.

Community land:

- cannot be sold
- cannot be leased, licensed or any other estate granted over the land for more than 30 years
- must have a POM prepared for it.

⁴ D.520110 for Fire Brigade Station, Community Purposes, Government Purpose and Heritage Purposes. R.90877 for Parking. R.90876 for Preservation Historical Sites and Buildings.

⁵ Authorised by Minister for Department of Planning and Environment – Crown lands and Council, 15 April 2020.

⁶ See the note to Chapter 6, Part 2 of the LGAct.

2.2 What is a Plan of Management

The LGAct requires that in the development of a POM, Council consider the views of the community in identifying the important features of the land and determining how the land will be managed, used or developed. Until a POM for Community Land is adopted, the nature and use of the land cannot be changed. To change this, the POM must be revised.

The CLMA also requires that POMs are to be created over Crown land which is managed by a council. Council will undertake the required process as per Section 36 of the LGAct and Section 3.23 of the CLMA for this POM.

Specifically, the LGAct requires that a POM must identify:

- category of the land
- objectives and performance targets of the Plan with respect to the land
- means by which the council proposes to achieve the Plan's objectives and performance targets
- manner in which the council proposes to assess the objectives and performance targets.

It must also:

- describe the condition of the land and any buildings or other improvements on the land as at the adoption of the Plan
- describe the use of the land and any such buildings or improvements as at adoption
- specify the purposes for which the land, and any such buildings or improvements, will be allowed 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.

2.3 Types of Plans

The LGAct allows a POM to cover one or multiple parcels of land.

Where multiple parcels of land are covered in one plan (Generic Plans), the LGAct specifically states what needs to be included. Where a POM covers one parcel of land (Specific Plans), like this plan, there is greater detail on what has to be prescribed in the Plan. A Generic Plan sets the framework of how the land is to be managed. A Specific Plan clearly outlines very precise management proposals.

POMs for community land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequently amendments to the Plan may occur. This POM for the Reserve will be its first.

The location of the Reserve is shown in Figure 1 and a more detailed site map, Figure 5.

2.4 Categorisation and Objectives

As required by legislation for the purposes of the POM community land is categorised as one of the following:

- Natural Area
 - Bushland
 - Wetland
 - Watercourse
 - Escarpment
 - Foreshore
- Sportsground
- Park
- Area of Cultural Significance
- General Community Use

Once categorised, community land is also subject to specified objectives which are outlined in the LGAct, and in **Appendix 1**.

3 SITE DESCRIPTION

3.1 Land Parcels

This Crown land Reserve lies within the Mid-Western Region Local Government Area, in the Parish of Guntawang, County of Phillip. The land is specifically identified as:

- Lot 5 Section 28 in DP 758482, on which the Fire Station is located, with a property address of the Fire Station on the Reserve as 104 Herbert Street Gulgong
- Lots 6 and 18 Section 28 in DP 758482 and Lot 7301 in DP 1142898 to the south containing the existing car park area, the property address being 106 Herbert Street Gulgong.

The Reserve is located a short walking distance to the south of the main commercial area of Gulgong.

Refer to Figure 5 for Lot locations.

The total area is approximately 1304m².

3.2 Ownership and Management

The Reserve is on Crown land owned by the State of New South Wales. All assets on the Reserve are also owned by the State of New South Wales.

Dedication (D.520110) for Fire Brigade Station, being over Lot 5 Section 28 in DP 758482, was notified on 4 December 1953. The additional purposes of Community Purposes, Government Purposes and Heritage Purposes were added to D.520110 on 22 February 2019. Council, as The Council of the Shire of Gulgong, was appointed trustee of D.520110 on 19 February 1954.

Reservation (R.90877) for Parking, was notified on 26 August 1977, including Lots 6 and 18 Section 28 in DP 758482. Reservation (R.90876) for Preservation of Historical Sites and Buildings, including Lot 7301 in DP 1142898 was also notified 26 August 1977. Council, as Mudgee Shire Council, was appointed trustee of R.90877 and R.90876 on 26 August 1977.

Council is now Crown land manager of D.520110, R.90877 and R.90876 for the purposes of the CLMA.

Native Title

Crown land in Australia is subject to native title under the *Native Title Act 1993* (Commonwealth) (NTA). On Crown land native title rights and interests must be considered unless:

- native title has been extinguished; or
- native title has been surrendered; or
- determined by a court to no longer exist.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues
- the construction of extensions to existing buildings
- the construction of new roads or tracks
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the issue of a lease or licence
- the undertaking of major earthworks.

When proposing any act that may affect native title on Crown land or Crown reserves the act must be authorised through Part 2 Division 3 of the NTA.

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALRA) seeks to compensate Aboriginal peoples for past dispossession, dislocation and loss of land in NSW. The lodgment of an aboriginal land claim (ALC) under section 36 of the ALRA, over Crown land creates an inchoate interest in the land for the claimant pending determination of the claim. The Department of Planning and Environment – Crown Lands (DPE-CL) advises that, if the land is subject to an undetermined ALC, any works, development or tenures authorised by this POM should not go ahead if:

- the proposed activity could prevent the land being transferred to an ALC claimant in the event that an undetermined claim is granted
- the proposed activity could impact or change the physical/environmental condition of the land, unless:
 - the council manager has obtained written consent from the claimant Aboriginal Land Council to carry out the proposed work or activity, and/or
 - the council manager has obtained a written statement from the Aboriginal Land Council confirming that the subject land is withdrawn (in whole or partial) from the land claim
- the proposed activity is a lease to be registered on title unless the council manager has obtained written consent from the claimant Aboriginal Land Council.

4 PLANNING INSTRUMENTS AND POLICIES

4.1 Land Zoning

Under the *Mid-Western Regional Local Environment Plan 2012* (LEP), the Reserve is zoned B2 – Local Centre (see figure 6).

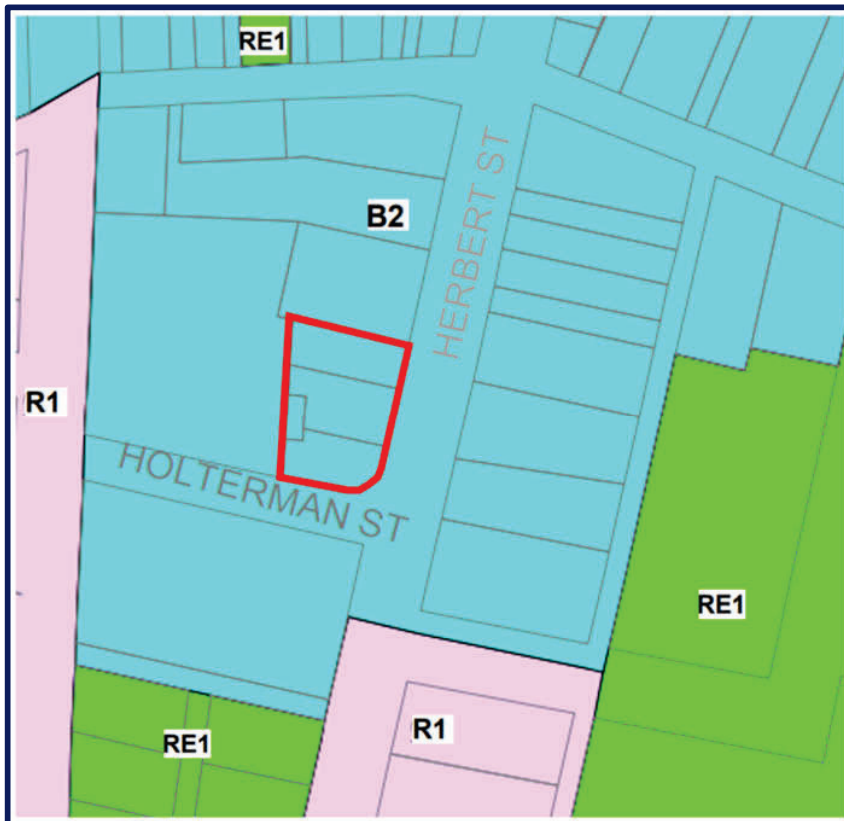


Figure 6 - Planning Zones

The Objectives for B2 land described within the LEP are:

- to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area
- to encourage employment opportunities in accessible locations
- to maximise public transport patronage and encourage walking and cycling
- to maintain the built integrity of the area by enabling development that is sympathetic to the existing heritage buildings and features.

Activities permitted without consent for land zoned B2 are shown as:

- Home occupations
- Roads
- Water reticulation systems

Activities permitted with consent for land zoned B2 are shown as:

- Boarding houses
- Centre-based childcare facilities
- Commercial premises
- Community facilities
- Educational establishments
- Entertainment facilities
- Function centres
- Information and education facilities
- Light industries; Medical centres
- Oyster aquaculture
- Passenger transport facilities
- Recreation facilities (indoor)
- Registered clubs
- Respite day care centres
- Restricted premises
- Service stations
- Shop top housing
- Tank-based aquaculture
- Tourist and visitor accommodation
- Any other development not permitted without consent, or not prohibited.

The following activities are prohibited for land zoned B2:

- Advertising structures
- Agriculture
- Air transport facilities
- Airstrips
- Animal boarding or training establishments
- Boat building and repair facilities
- Boat launching ramps; Boat sheds
- Camping grounds
- Cemeteries
- Charter and tourism boating facilities
- Correctional centres; Crematoria
- Depots
- Eco-tourist facilities
- Electricity generating works
- Environmental facilities
- Exhibition homes
- Exhibition villages
- Extractive industries
- Farm buildings
- Forestry
- Freight transport facilities
- Heavy industrial storage establishments
- Highway service centres
- Home occupations (sex services)
- Hostels; Industrial retail outlets
- Industrial training facilities
- Industries; Jetties
- Marinas
- Mooring pens
- Mooring
- Multi dwelling housing
- Open cut mining
- Pond-based aquaculture and Recreation facilities (major)
- Recreation facilities (outdoor)
- Research stations
- Residential flat buildings
- Rural industries
- Rural workers' dwellings
- Sex services premises
- Storage premises
- Transport depots
- Truck depots
- Vehicle body repair workshops
- Vehicle repair stations
- Warehouse or distribution centres
- Waste or resource management facilities
- Water recreation structures
- Water storage facilities
- Water treatment facilities; Wholesale supplies.

4.2 State Environmental Planning Policies

The Reserve is subject to the State Environmental Planning Policies. Important amongst these in the development of the Reserve is the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP).

Section 2.73 of the T&I SEPP provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a POM adopted for the land in accordance with the LGAct.

All other impacting State Environmental Planning Policies are listed below. Those that are considered more relevant to the future of the Reserve and this POM are underlined below and briefly described in **Appendix 2**.

- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resources & Energy) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy No 65 — Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2021*.

4.3 Council Policies

In addition to State planning policies and the directions of the LEP, Council has developed a number of plans and general policies which have either direct or indirect relevance to planning, management and maintenance of community land and Council reserves and of particular relevance to the Reserve:

- ***Towards 2040*** – Endorsing Council’s vision of “A prosperous and progressive community we proudly call home”, the strategy present goals, values, aspirations and a sustainable community. It is structured around a number of themes including: Looking After our Community; Protecting our Natural Environment; and Building a Strong Local Economy
- ***Open Space and Recreational Asset Management Plan – Towards 2030 (May 2017)*** (OSRAMP) – By making available open space and recreational infrastructure for residents and visitors, Council projects budgets and expenditure to operate, maintain and upgrade facilities ensuring

good functionality over a ten-year period

- **Community Grants Program Policy (2022)** – Establishes criteria by which financial assistance requests from non-for-profit groups will be determined with equity
- **Events Assistance Policy (2019)** – To assist with one-off community initiatives on community lands.
- **Long Term Financial Plan 2022–32** – Provides a framework to assist future decision making that will secure economic sustainability and ensure funding is adequate to achieve outcomes the community requires. The Plan is an integral component for the achievement of Council's *Mid-Western Regional Community Plan Towards 2040*
- **Asset Management Policy (2022)** – Council is committed to a systematic asset management methodology to ensure appropriate asset management practices are applied across infrastructure managed by Council. The Policy ensures assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priority of service delivery at the lowest life cycle cost
- **Information and Directional Signage Policy (2012)** – Provides a standard for consistent, professional and durable signage throughout the region to promote the region, enhancing visitors' ability to navigate the region using consistent directional signage to genuine tourist destinations
- **Leases and Licences of Council Owned and Managed Land and Real Property Policy (2020)** (LLCPP) - Enables Council to consider applications for the leasing and licencing of Council controlled land assets, including Crown Land whilst ensuring Council is consistent and transparent, and complying with appropriate legislative requirements when determining each application.

Given that the requirements and structure for this POM are stipulated by legislative direction, it scopes the above policies, plans and strategies for relevant ideas and initiatives. All relevant policies and plans as listed above can be found on Council's website.

4.4 Biodiversity

Under the LGAct, Council has obligations for conservation issues as determined by the *Biodiversity Conservation Act 2016*, and the *Fisheries Management Act 1994*. The LEP notes that there are no significant biodiversity issues present or critical habitat notified at the Reserve. There is no biodiversity certified land or biobanking agreement associated with this land as per the *Biodiversity Conservation Act 2016*.

4.5 Native Vegetation

Land zoned B2 – Local Centre is covered by the State Government’s native vegetation laws aimed at protecting the biodiversity values of trees and other vegetation in non-rural areas of NSW and is included within the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*⁷ and also considered within the *Biodiversity Conservation Act 2016*. Any clearing of native vegetation requires consideration and possible authorisation under these policies.

4.6 Aboriginal Significance

A search of the NSW Government’s Office of Environment and Heritage AHIMS Web Services did not reveal that:

- aboriginal sites are recorded in or near the Reserve (1km buffer)
- aboriginal places have been declared in or near the Reserve (1 km buffer).

The Reserve does not contain any items listed in the LEP as being of known aboriginal archaeological sites, nor places of indigenous heritage significance.

Any construction undertaken by Council will need to meet the cultural heritage requirements of the *National Parks and Wildlife Act 1974*.

4.7 Heritage Significance

The objectives of heritage designations in the LEP are:

- to conserve the environmental heritage of the Mid-Western Regional Council area
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- to conserve archaeological sites
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

⁷ Part 2.1 Section 2.3(b) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.



Figure 7 - Heritage Items
Item I254 – Fire Station and the neighbouring I252 – Former Ulan County Council (Cudgong House)

The LEP indicates one specific item of heritage significance exists at the Reserve. This is the Fire Station at 104 Herbert St, Item Number I254 as recorded in the LEP, being of *local significance* (see Figure 7).

The Reserve adjoins other specific items of local heritage significance being I252 – Ulan County Council and I323 – Police Station.

Schedule 5 of the LEP indicates that whilst no part of the remainder of the Reserve is listed as a Heritage Item (Part 1), the Reserve is located within a **Heritage Conservation Area** described as of General Significance (see Figure 8) which applies to the town of Gulgong.

This requires that the consent authority must, before granting consent for a development under this clause, consider the effect of the proposed development

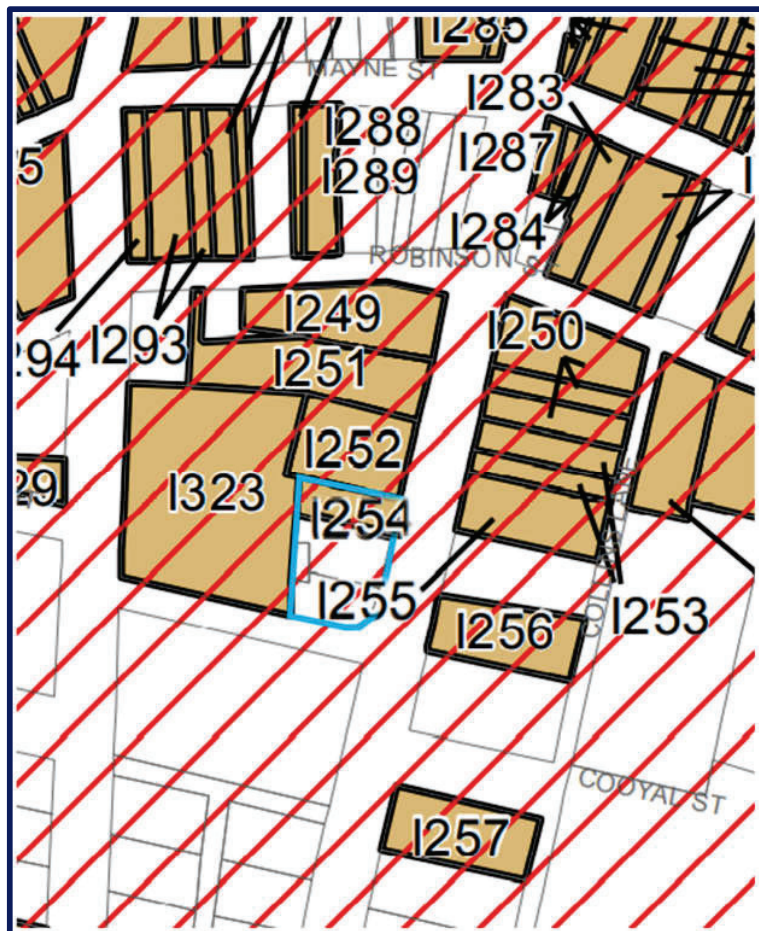


Figure 8 - Heritage Conservation Area
Red hatching showing the Reserve is located within the designated Heritage Conservation Area and I254 – Fire Station is of local heritage significance.

on the heritage significance of the item or area concerned. This will require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The former Gulgong Police Stables were previously on the western boundary of the Reserve on Lot 7301 in DP 1142898. In the late 20th century, as the stables were in disrepair and largely inaccessible, they were demolished and the wood utilised on the eastern side of the site to create the current *Gulgong Town Trail* shelter (see Figure 9).



Figure 9 - Gulgong Town Trail shelter

4.8 Bush Fire Planning

Land at the Reserve is not identified as bush fire prone land.⁸

4.9 Operating Approvals

The Reserve has no tenures or operating approvals issued under the LGAct.

⁸ www.rfs.nsw.gov.au/.../bush-fire-prone-land/check-bfpl

5 THE CULTURAL ENVIRONMENT

An initial glance at the demography of Gulgong is helpful in appreciating the social environment which influences the future use and management of the Reserve.

The latest (2021) population census⁹ showed the population of Gulgong to be 2,680. Of the total population, 28.1% were over 60 years old and 26.4 % were under 19 years old. 87.8% of the population were born in Australia, the United Kingdom or New Zealand and 3.2% of people spoke languages other than English, at home. The largest employment sector of residents was Coal Mining (18.2%) and 15.0% of the population performed some form of unpaid/voluntary work through an organisation or group. A relatively small proportion of indigenous peoples (8.1%) in the town may in some way be explained by the early and total disruption to aboriginal life with the influx of white settlers and pastoralists.

The population statistics of Gulgong currently reflect a buoyant and enthusiastic community flourishing on the back of a strong tourism industry, supported in recent times by one dominant industry sector, coal mining, an industry which is conducted at some distance to the north east of the Gulgong township. Of note, is the large proportion of people who are contributing to the town via an enthusiasm for volunteer work, complementing those employed in businesses which service the tourist industry. This enthusiasm is a reflection of the consciousness of residents belonging to a township of great uniqueness and historical value. It is driven by the memories of Gulgong's elderly inhabitants and the stories they've told to their children and grandchildren; in the weatherboard facades, built as fronts to the leaning bark and tent dwellings which defined the town's streets in the days of the goldrush; and in the crooked streets themselves that follow the tent lines, hastily pegged out by gold prospectors when the rush began.

This township character generates the energy which embraces it and paves its future. This energy also creates the opportunities for the appropriate future uses for this Reserve.

⁹ 2021 Census Quickstats Gulgong; Australian Bureau of Statistics
www.abs.gov.au/census/find-census-data/quickstats/2021/SAL11800

6 CURRENT USES

At present the Fire Station (see Figure 10) is under-utilised. It is used for storage of some Council materials.



Figure 10 - Fire Station



Figure 11 - Current Use

(Clockwise from Top Left) Car Park viewed from Herbert St, pedestrian access from Herbert St, Car Park viewed from Holtermann St, western boundary of Lot 5 with access over the fence.

The rest of the Reserve is utilised for:

- parking facilities (see Figure 11) with access from Holtermann Street used by town workers, shoppers, those attending functions at the Gulgong Memorial Hall, and other visitors to the

town

- an access way through the Reserve car park located within the western boundary of Lot 5, currently provides unauthorised access to neighbouring property “Cudgegong House”
- an emergency assembly area, and a small seat for passers-by for casual resting
- the heritage shelter noted in section 4.7
- a Mudgee Region sign-board series which introduces the Mudgee area and Gulgong’s various attractions to visitors and passers-by.

7 RESERVE ASSESSMENT

7.1 Assessment of Infrastructure

Infrastructure on the Reserve includes:

- The Fire Station (see Figure 10) double brick main building¹⁰ (good condition) and associated infrastructure:
 - Internal room layout – main garage/entrance (fair to good condition); functional kitchen (fair to good condition); common room (fair to good condition); office and amenities (fair to good condition); single toilet amenity (poor condition) (see Figures 12,13)
 - Building installations – gas connectors; air conditioner; communications tower etc, (fair condition) (see Figure 16)
 - Boundary and internal fencing - front and side picket (fair condition), side ring lock (fair condition), rear steel (fair condition), rear and side paling (poor condition) (see Figures 10, 11, 17 and 18)
 - Small structures - garden shed (poor condition); fire-hose conditioning pit¹¹ (good condition) (see Figures 14, 17, 18)
 - Underneath/subfloor storage (good condition) (see Figure 14).
- Sealed car park area, pathway with steps from Herbert Street access, seating (fair to good condition) (Figure 5, 11)
- 3 metre sealed driveway/access linking Reserve car park and Cudgegong House. (good condition)
- Signage structures and signboards – heritage styled (fair condition)
- Mature trees (three) (see Figure 19)
- Street verge (Herbert Street) garden and landscaping.

¹⁰ Heritage significance.

¹¹ Heritage significance.



Figure 12 - Fire Station Internal
Garage (left) and kitchen.



Figure 13 – Fire Station Internal
Toilet (left), common room (centre), and office.



Figure 14 - Fire Station Rear
(L-R) Rear entrance, rear view with garden shed, access to subfloor storage area.



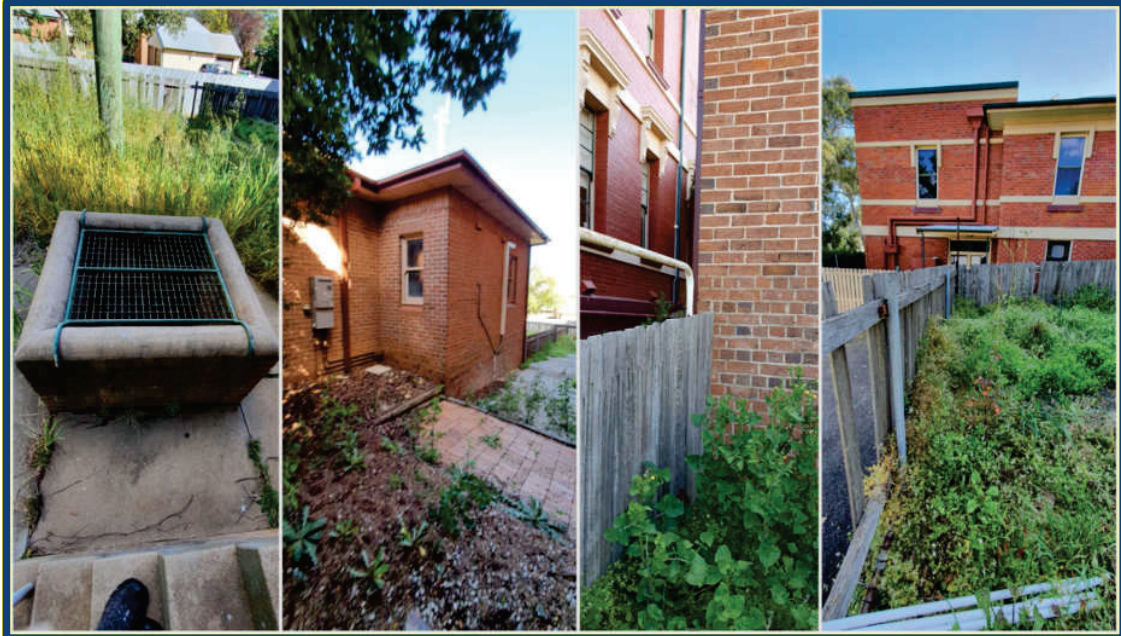
Figure 15 - Fire Station Side Boundaries
(L-R) Beyond northern boundary adjoining property (adjoining property), view across back to adjoining property, northern wall facing west and northern wall facing east.



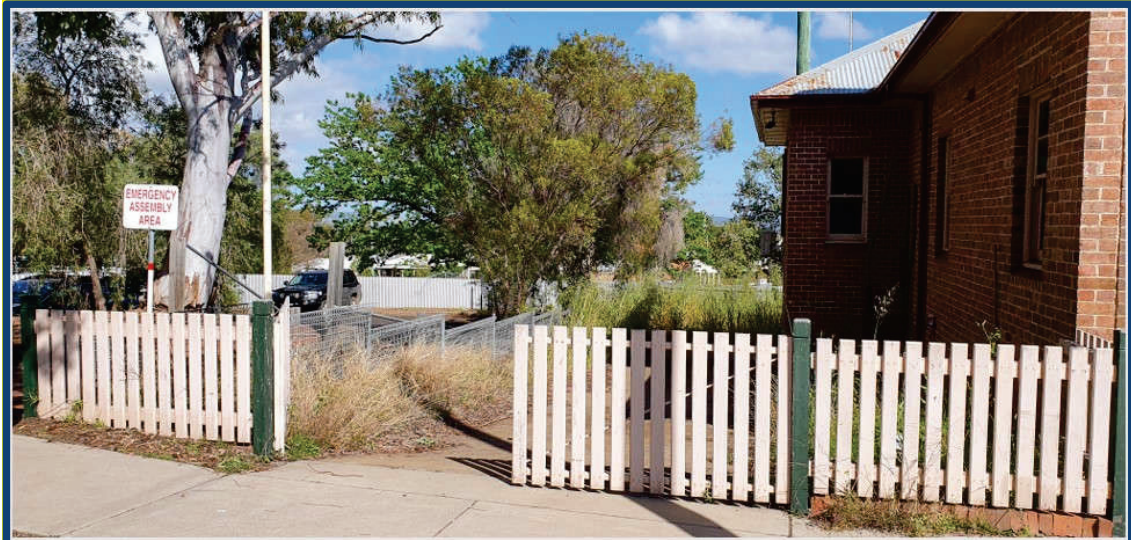
Figure 16 - Fire Station Installations



Figure 17 - Fire Station External Assets
(Clockwise top LHS) boundary picket fencing and gate, fencing and path, garden shed and rear of Fire Station.



*Figure 18 - Fire Station External Assets
(L-R) Fire hose conditioning pit; NE aspect, main building; paling fence on boundary, NW corner building; back paling fence on boundary, viewing adjoining property to the north.*



*Figure 19 - Fire Station External Assets
Fire Station picket fence on Herbert Street boundary, and boundary of adjoining car park to the south showing ringlock fencing. (Note mature Eucalypt tree near car park)*

7.2 Assessment of Management Needs

As the main asset, the Fire Station building is generally sound, well drained and appears well maintained and there is little major work required other than that associated with modifications (internal) as a requirement of any future nominated usage (see Plan). The garden shed is considered non serviceable and may be removed or repaired as per requirements. The construction referred to as the fire hose conditioning pit (brick) may have historical significance and should be managed accordingly. Otherwise, its removal may be in the interests of human safety and provide greater

flexibility for emerging and new uses of the Reserve. Any improvements to the Fire Station building by way of additional floor space which may be permitted by this POM is suggested as an adjoining rear (western) extension, rather than from the southern wall. This may effectively use existing surplus yard, as well as minimise required heritage standards (and therefore, costs) because of minimal disruption to the Herbert Street vista. Ready access especially to new additions to the building may also be facilitated in the creation of easy and more direct access from the adjoining car park, by reconfiguring boundary fencing and pathway.

Routine management of the grounds at the Reserve requires mowing, slashing, gardening, weeding, fence repairs and maintenance (especially to the paling boundary and internal fence component). Maintenance of all built infrastructure including Fire Station, car park / driveway surfaces, gardens / landscaping, seating and signage as required, will occur in accordance with Council's maintenance schedule. Particular attention is drawn to some mature trees which are within the boundaries of the car parking area and the maintenance requirements to avoid damage and human injury.

7.3 Community Consultation and Future Use Options

Prior to the development of this POM, the community was requested to cast opinion on future needs and uses of the Fire Station. This process occurred via survey and interest group consultation.

Survey

Council commissioned a survey which was open to the community for on-line opinion conducted between 31 October 2018 – 09 August 2020.

A Survey Response Report was produced by *Bang the Table Engagement*.

The first question posed to respondents in this survey called for expressions regarding the community or economic assets which are currently noted as absent from the Gulgong Area. The survey proposed a series of response options to this question including:

- Community building for hire
- Gallery or Exhibition purposes
- Museum
- Tourism Experience
- Office Space Retail Accommodation
- Food services such as café or restaurant
- Other (please specify).

The top five responses (see Figure 20) were:

- Gallery and Exhibition (72 respondents)
- Community Building for Hire (45)
- Tourism Experience (37)
- Office Space (35)
- Café or Restaurant (31)
- Other (79).

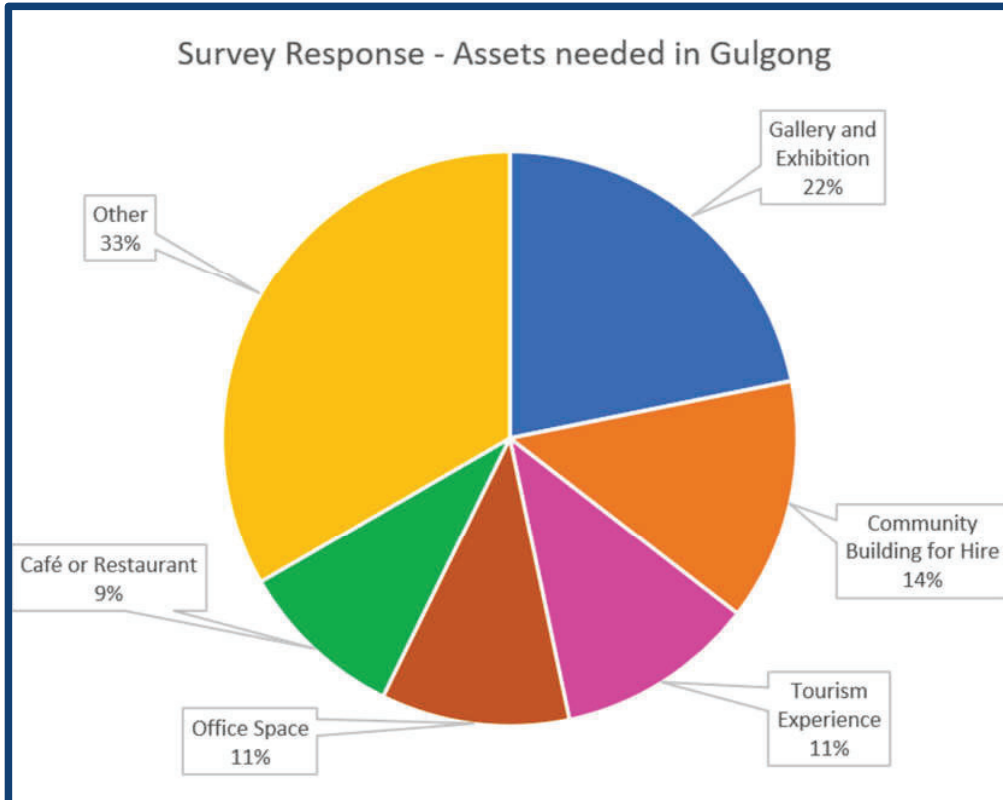


Figure 20 - Survey - Assets Needed in Gulgong

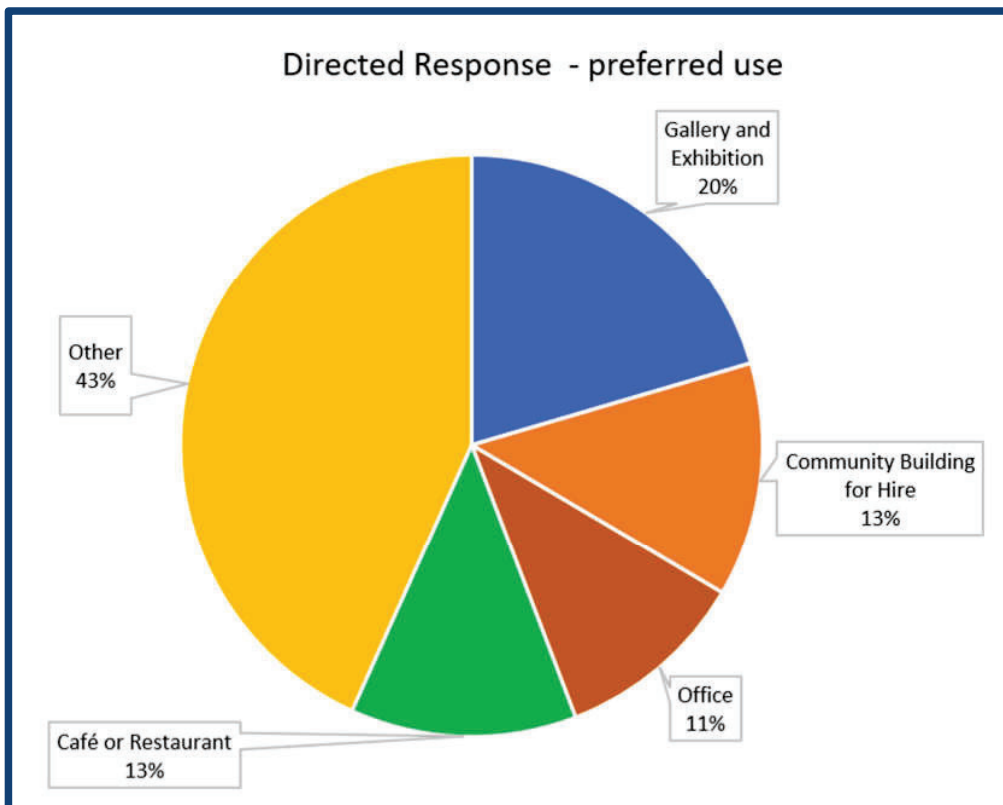


Figure 21 - Preferred Use for Fire Station - Directed Response

A further question requested respondents to nominate “the purpose that the Fire Station may best be used for into the future” (Directed response). It noted that that highest response was 20% for a Gallery / Exhibition space (see Figure 21). Specific insight is provided with a 43% return by the “Other” response option.

Finally, when asked for further feedback in regards the utilisation of the Fire Station (non-directed response), responses were received from 106 respondents¹² with the largest preferred use category for a Youth Centre (see Figure 22).

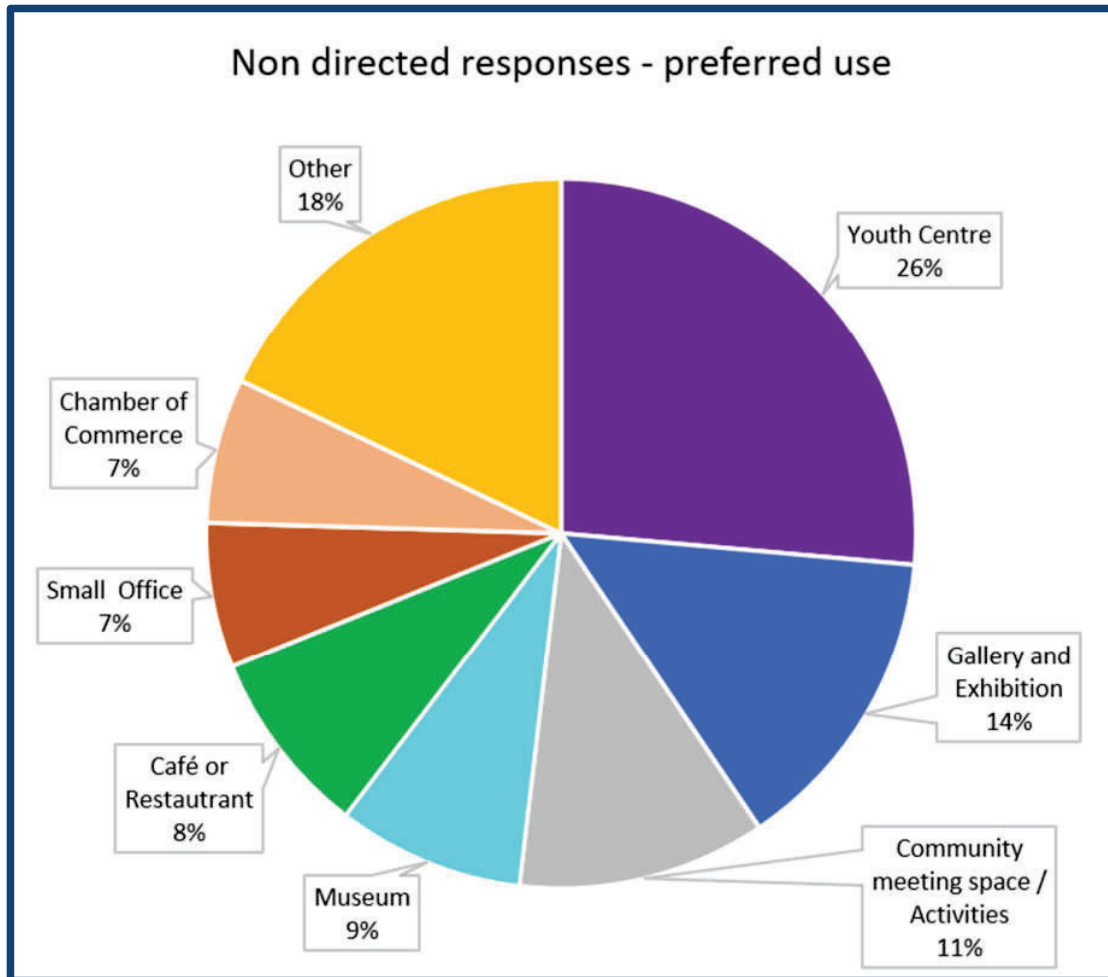


Figure 22 - Further Information Preferred Use - Non-directed Response

Figure 23 provides the word cloud prepared following the survey.

¹² Note some respondents included more than 1 proposed use.



Figure 23 - Community Survey Word Cloud

Workshop consultation

In response to a media release further consultation was conducted with registered participants representing an array of Gulgong based interest groups on the evening of 28 September 2020. With the backdrop of the earlier wider survey, participants were asked to consider the space and infrastructure at the Reserve, and to list and prioritise potential future uses of the Fire Station for the community of Gulgong.

Support was shown for the following:

- Chamber of Commerce Office for the Gulgong business community
- Chamber of Commerce Office, including an additional proposal that the building be enlarged on its southern wall
- Community Centre run by Council, for simple office space which was noted as being a rarity in Gulgong
- A Meeting Centre for interest groups within the community

- Community Art Programs in collaboration with exhibition areas located at Red Hill tourist information centre and associated venues
- Venue to assist community communication in publishing of magazines, papers (Gulgong Gossip, Mid-Western Mail).

Based on consultation undertaken, the preferred uses for the Fire Station are:

- Youth Centre
- Gallery and Exhibition Space
- Community Space for hire / meetings.

PART B – THE PLAN

8 A VISION FOR THE LAND

In proposing a Vision for the future of the Reserve, this POM considers the clear statements from relevant Council policy and strategy which have relevance to its future development and management. For instance, in the Regional Economic Development Strategy 2018-2022 and Regional Economic Development Strategy – 2023 Update, Council presents its Vision for the region as:

"a prosperous and diversified economy delivering lifestyle benefits to the community through employment, income, and sustainable economic growth."¹³

In its Regional Community Plan (RCP)¹⁴ Council endorses regional goals for the next 20 years, some of which are more directly relevant to the role and services which may potentially be provided by the Reserve to the Gulgong community. These include:

- a sustainable and resilient place.
- people, housing and communities.
- prosperity, productivity and innovation.
- location specific responses.

These statements and strategies reflect Council's broad strategic intent to create and maintain a sense of community fulfilment and enrichment through lifestyle, employment opportunity, commercial opportunities, and the values of heritage. They therefore demonstrate a strong support for the role of the Reserve as one important asset in the provision of these values within the Gulgong community.

The above references from Council's directional statements, ongoing consultation with Council and the assessment of responses from community views reflect a measured multi-purpose best use of the Fire Station and its surrounds. The following vision statement for the Reserve is therefore proposed:

"A Meeting Space Expressing Local Youth and Art"

¹³ Regional Economic Development Strategy 2018-2022 and Regional Economic Development Strategy – 2023 Update
Mid-Western Regional Council.

¹⁴ Towards 2040 – Mid Western Region Community Plan. .

9 OBJECTIVES, CLASSIFICATION, CATEGORY and RESERVATION PURPOSE

The Reserve is classified as Community Land under the LGAct as amended by the *Local Government Amendment (Community Land Management) Act 1998*.

Under Section 36(4), all Community Land must be categorised as one of the following categories:

- Natural Area - (further categorised as either Bushland, Wetland, Escarpment, Foreshore, Watercourse)
- Sportsground
- Park
- Area of Cultural Significance; or
- General Community Use.

The Core Objectives for all community land categories vary according to the categorisation of the land. All objectives are defined in Sections 36E to 36N of the LGAct and also appear in Appendix 1, of this POM.

In accordance with the guidelines set out in the *Local Government (General) Regulation 2021* and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) and the derived management directions and planning principles presented above; land at the Reserve is categorised by this POM, as **General Community Use**.

This plan is over Crown land and proposes over Lot 7301 DP 1142898, being R.90876 for Preservation of Historical Sites and Buildings a change from the initial categorisation of Area of Cultural Significance to General Community Use.¹⁵

9.1 General Community Use

Relevant Core Objectives for management of community land categorised as **General Community Use** are to promote, encourage and provide for the use of the land, and to provide facilities on the land to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

¹⁵ This change in categorisation is required noting that any items of cultural significance on this land have, for many years, been removed.

Management Directions

Directions for the use of the Reserve into the future are cast by the required responses to legislation (eg., CLMA); the original reservation purposes; the needs and responsibilities of Council and community expectation from conducted consultations (see Figure 24 describing flow of influences).

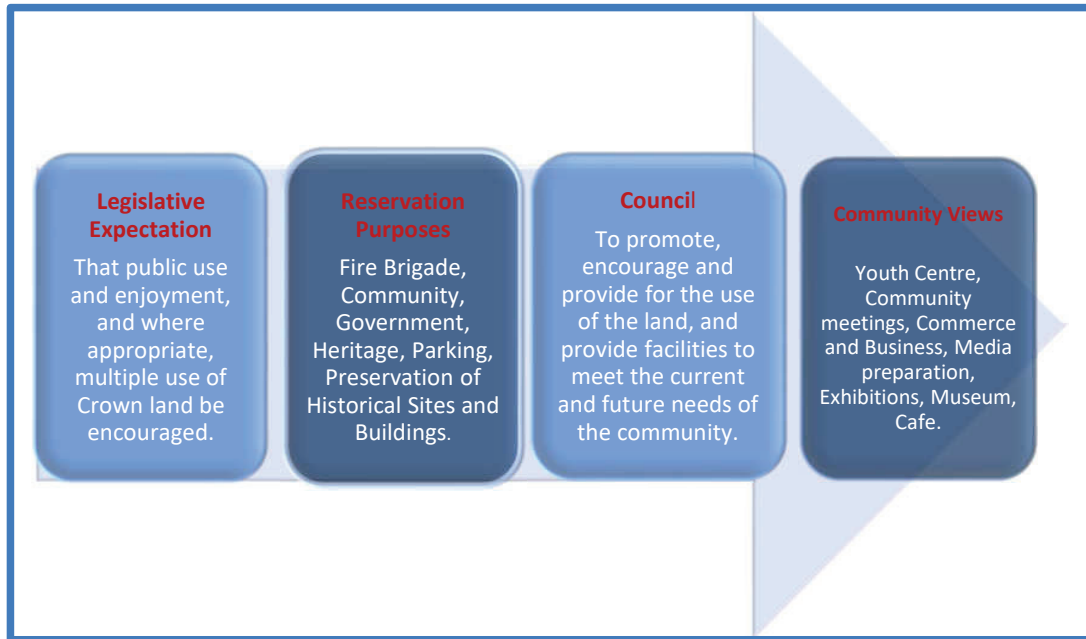


Figure 24 - Influences on the Future Use of the Fire Station

Creation of a centre for restricted multiple purposes which is practical and cost effective, would reflect the vision statement, the directions and requirements of legislation for the use of community land appropriately categorised, as well as prominent community needs as expressed through consultation processes.

10 DEVELOPMENT AND MANAGEMENT OF THE RESERVE

10.1 Development at the Reserve

Under this POM, Council reserves the right to control the use of all land categorised at the Reserve as Community Land. Tenures will also be issued to enable the removal/construction/implementation of required works consistent with future needs and requirements.

Council will also:

- create opportunities for community consultation and participation in the planning and development as required
- ensure all formal use of the Reserve is authorised through appropriate documentation
- consider how use of the site can provide funding for the maintenance of the facilities to reduce costs to Council and employ human services as required
- facilitate a system whereby enquiries and complaints¹⁶ from the public can be efficiently and promptly dealt with
- issue leases and licences for appropriate activities conducted on the Reserve, as described in Section 10.3
- grant easements as required for utilities and access, as described in Section 10.8.

Management Structure

Council manages the Reserve directly.

10.2 Permitted Uses and Activities at the Reserve

Controlled access by the public will be permitted and encouraged at the Reserve.

Permissible Uses

Table 1 lists the permissible uses on the land subject to this POM with their scale and intensity.

Table 1 – Permissible Uses

Use	Scale	Intensity
Access roads	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Amenities	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Alternate energy technology	Limited to the physical constraints of the facility	24 hours a day, 7 days a week

¹⁶ Complaints in relation to the Reserve will be addressed consistent with Council's *Complaints Management Policy*.

Use	Scale	Intensity
Art and cultural classes and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week Subject to any Hire Agreement, Tenure and/or Development Application conditions for a specific event
Business Operations	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Cafe	Limited to the physical constraints of the facility Agreement via tenure or hire agreement	Operating hours of the establishment subject to Council approval and subject to Tenure or Hire Agreement
Car parking	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Playing of games	Limited to the physical constraints of the facility	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Children’s programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Community events (markets, fundraising / charity events, special events)	Limited to the hours the facility is booked Agreement via tenure or hire agreement	7 days a week, 8.00am – 10.00pm subject to Tenure or Hire Agreement
Community Services	Limited to the physical constraints of the facility Agreement via tenure or hire agreement	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Drainage	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Education Services	Limited to the physical constraints of the facility Agreement via tenure or hire agreement	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Emergency use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Filming and photography (commercial, amateur)	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Landscaping	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Maintenance buildings	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Paths	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Personal training	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Playing of a musical instrument, or singing, for fee or reward	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Private events (i.e., weddings, birthdays)	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement
Public performance or education	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement

Use	Scale	Intensity
Public utility infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Remediation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week
Sponsorship signage (temporary) and Reserve signage	As per section 10.12 of this POM	24 hours a day, 7 days a week
Storage facilities	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Temporary structures (i.e., marquees, tents, stages)	Limited to the physical constraints of the facility	Temporary structures (no pegs, weighted only) subject to Tenure or Hire Agreement
Youth programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement

It is an express provision of this POM that Council shall provide from time to time as circumstances may require the construction and maintenance of utility services, provision and maintenance of floodways, vehicular access ways and the granting of easements.

10.3 Leases, Licences and other Estates

For this section, please see the Explanation of Terms¹⁷ set out below.

The LGAct provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of community land under Sections 46 and 47.

Tenures may be held by:

- community organisations, or
- by private/commercial organisations, or
- government agencies, or
- individuals providing facilities and/or services for public use.

¹⁷ Explanation of Terms

Tenure – A lease, licence or other estate issued by Council in accordance with Section 46 of the LGAct or Section 2.20 of the CLMA.

Holder – The company, organisation, individual or group of individuals who have been issued with a Tenure.

Hire Agreement – An estate issued by the Holder to the Hirer consistent with their Tenure.

Hirer – The company, organisation, individual or group of individuals who have been issued with a Hire Agreement.

Regular Hirer – A hirer who regularly uses the Reserve through a Hire Agreement or has an ongoing Hire Agreement.

Singular hirer – A Hirer who has a Hire Agreement as a once off or irregularly.

Casual user – A person or group of people using the Reserve for passive recreation, non-commercial purposes without a Tenure or Hire Agreement.

User – The collective term for a holder, hirer and casual user.

The maximum period for leases and licences on community land allowable under the LGAct is 30 years (with the consent of the Minister for Local Government for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of community land.

Community land may only be leased or licensed for periods of more than 5 years if public notice is given according to the requirements of Sections 47 (for terms greater than 5 years) and 47A (for terms less than 5 years) of the LGAct.

Leases

A lease will generally be required where exclusive use or control of all or part of community land is desirable for effective management. A lease may also be required when the scale of investment in facilities, necessity for security measures, or where the relationship between a holder and facilities on community land justifies such security of tenure.

Leases issued by Council will require:

- that subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council and consistent with Section 47C of the LGAct
- maintenance of the facility will generally be the responsibility of the lessees however this will be defined in the lease agreement.

Licences

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different holders can apply to the same area at the same time, provided there is no conflict of interest.

Hire Agreements

An agreement for use of the land subject to this POM may be issued by Council for any purpose listed below, subject to the approval of Council. A hire agreement may be issued to a regular hirer or a singular hirer for formal use. Any legal requirements as determined by Council will include the requirement for adequate public liability insurance cover.

Purposes for which Tenures may be issued

In accordance with Section 46A of the LGAct, a POM for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a POM.

This POM authorises a Tenure to be issued:

- for any permissible use in Table 1

- for purposes consistent with the Reserve's:
 - categorisation (see Section 9.1), and
 - zoning (see Section 4.1) under Section 46 of the LGAct, and
 - reserve purpose as required under the CLMA.

However, the CLMA allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the CLMA. This section provides that licences may be issued, inconsistent with the reservation purpose, for prescribed purposes currently as shown in Appendix 3.¹⁸

The LGAct provides that Council may grant a lease, licence or other estate in respect of Community Land, consistent with the Reserve purpose, for:

- a purpose prescribed by Section 36I of the LGAct as a core objective of the categorisation of the land; or
- for the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public.¹⁹

A tenure or hire agreement on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NTA and in accordance with Part 8 of the CLMA unless native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Council at any time in the future, reserves the right to prohibit the taking or consumption of alcohol on this Reserve. This will be indicated by conspicuously displayed signs in accordance with Section 632 and Section 670 of the LGAct (as amended).

Direction of Funds

Income produced from the Reserve will be distributed to manage community land in a fashion directed by Council.

¹⁸ *Crown Land Management Regulation 2018 Section 31.*

¹⁹ See Section 46(4)(a) of the LGAct

10.4 Other Approvals

An approval to occupy land or facilities for a specific purpose does not remove the need to obtain approval under other legislation. These approvals may include:

- a liquor licence
- to engage in a trade or business
- to direct or procure a theatrical, musical or other entertainment for the public
- to construct a temporary enclosure for the purpose of entertainment
- to play a musical instrument or sing for fee or reward
- to set up, operate or use a loudspeaker or sound amplifying device
- to deliver a public address or hold a religious service or public meeting with the use of a loudspeaker
- to install or operate amusement devices
- to use a standing vehicle or any article for the purpose of selling any article in a public place.

10.5 Allocation

The Reserve will continue to be used by a variety of user groups and individuals for purposes previously noted. Council will endeavor to generate greater utilisation of the Reserve for community purpose and other activities consistent with the Reserve's purpose.

10.6 Fees

Council applies fees for the use of Council reserves.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc., are detailed in Council's *Operational Plan – Fees and Charges* on Council's website. Council's fee structure is reviewed on an annual basis.

Where the Reserve is to be hired for a purpose not within Council's *Operational Plan – Fees and Charges*, the fee will be set by Council.

10.7 Communication in the Management of the Reserve

Communication between Council, Holders, Hirers and Casual users is important to the success of this POM. Council will establish and maintain clear lines of communication with Tenure holders and across all Reserve users, especially relating to the operations of and responsibilities within (proposed) tenure operations.

This will include:

- regular meetings between Council, Tenure holders and Regular hirers, and
- the establishment of a clear understanding that the site will be occupied on the basis of formal agreement.

10.8 Easements

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

The granting of easements over Crown land will be subject to the provisions of the NTA and Section 8.7 of the CLMA.

10.9 Development of the Reserve

Under this POM, Council reserves the right to control the use of all land classified at the Reserve as Community Land and categorised as General Community Use.

Council approval is required prior to any development or improvement made to community land.²⁰

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.²¹

To facilitate the establishment of the new and restored infrastructure, Council may issue tenders to design and restore the Reserve's infrastructure to required heritage standards.

Tenures may be issued to enable the construction/implementation of new facilities.

Native Title

Where it is proposed to construct or establish a public work²² on reserved or dedicated Crown land,

²⁰ Section 2.73 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LGAct (see Appendix 2).

²¹ The term approval refers to approval as Crown land manager of the land rather than consent under the *Environmental Planning and Assessment Act 1979*.

²² A public work is defined as:

(a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:

(i) a building, or other structure (including a memorial), that is a fixture; or

(ii) a road, railway or bridge; or

(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or

(iii) a well, or bore, for obtaining water; or

(iv) any major earthworks; or

(b) a building that is constructed with the authority of the Crown, other than on a lease.

Major earthworks are defined as:

earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.

where native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the NTA.

Where a proposed update of a Master Plan, Capital Works Program, Facilities Asset Management Plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the NTA have been addressed including the notification and opportunity to comment noted above.

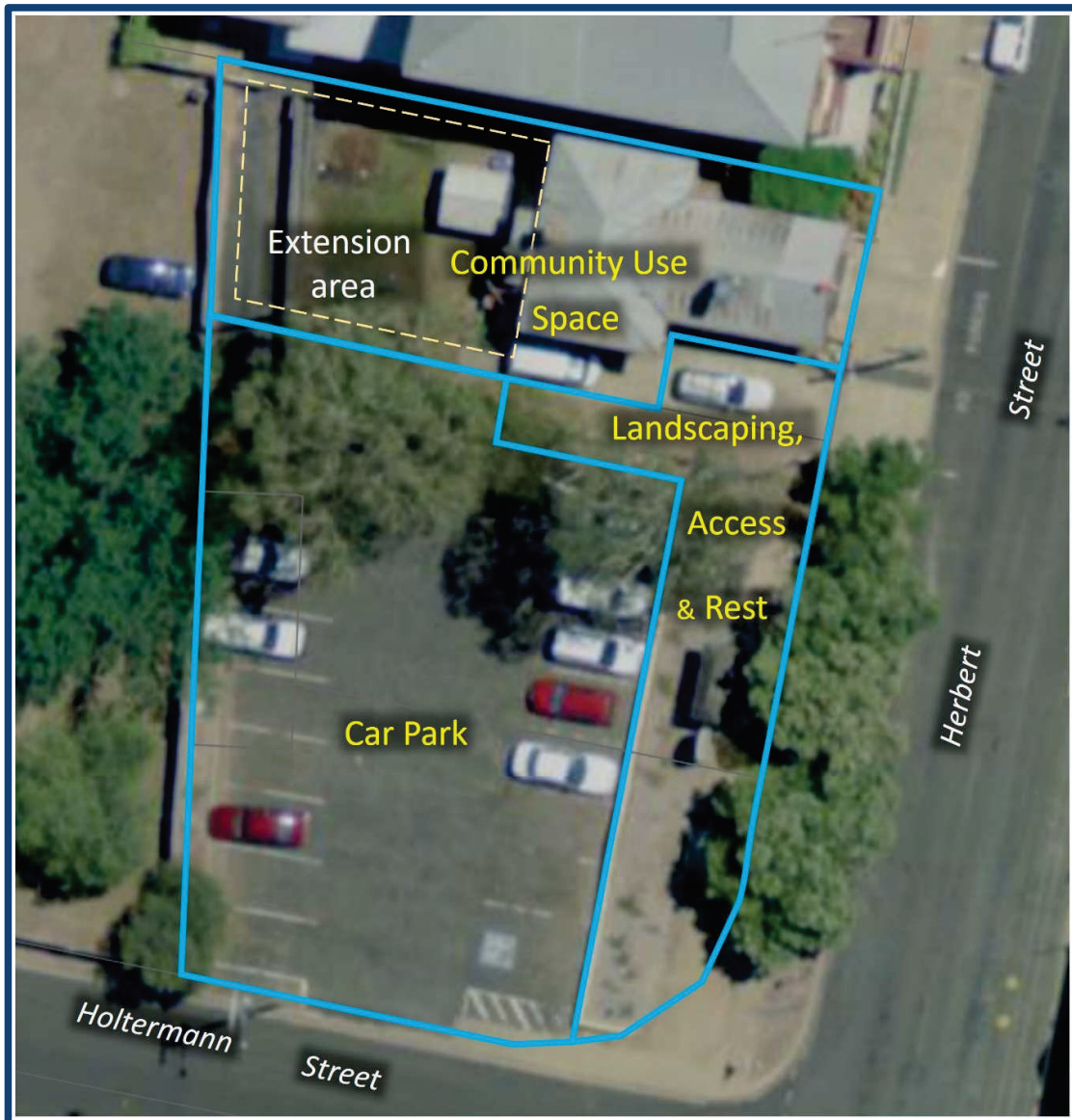


Figure 25 - Preferred Use

10.10 Development of New and Improvement of Existing Facilities

Consistent with the preferred use for the Reserve expressed through community consultation, this POM authorises the following new facilities and improvements to existing facilities:

- upgrades to internal layout of the Fire Station building to suitable standards to meet the needs of identified new and emerging priority uses
- possible creation of an extension of the existing building or new detached building (as required²³) community infrastructure as noted in Figure 25
- remove internal fencing unless of a heritage nature
- remove existing access to rear of Cudgegong House
- in association with the as-required extension to the Fire Station, reconfigure pathway to permit easy access to main infrastructure from car park, considering one option for disabled access
- landscaping to enhance the rest area.

10.11 Maintenance of Facilities

In accordance with the maintenance schedule of its asset management plans, building management plans and grounds management plans; and to measured targets within available resources, Council will ensure the facilities on the Reserve are maintained to an appropriate standard.

Council will:

- conduct essential repairs and maintenance to all facilities including the Fire Station and maintenance of the car park area
- remove unserviceable structures (eg. shed), complete boundary and subdivision fence repairs, general maintenance of all open space items of infrastructure, signage, and garden/yard improvements and management
- monitor the condition of structures on the Reserve and ensure effective maintenance procedures are in place through tenure conditions
- prepare a safety audit of the site and repair or replace any areas that may impact on public safety
- ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required
- ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish

²³ Note LEP Schedule 5 requirements for **Heritage Conservation Area** described as of General Significance, and consent requirements for alteration to structure of heritage significance to No. 1254 (LEP).

- Continue monitoring for issues of compliance and general site amenity.

10.12 Signage

Council uses signs to regulate the activities carried out on community land and to provide educational information so as to provide a safe and enjoyable place for passive and active recreational pursuits.

Whilst signs are a crucial source of information, they have a significant impact on the aesthetics of reserves such as the Fire Station. All signs must:

- meet a design standard and be approved by Council
- be sympathetic to their environment in their design, construction and location
- be placed in accordance with *State Environmental Planning Policy (Industry and Employment) 2021* or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- be consistent with the *Mid-Western Regional Development Control Plan 2013*
- be consistent with Council's wayfinding and signage strategy.

Note that for issues of safety signage, Council uses the *Statewide Mutual Best Practice Manual – Signs as Remote Supervision*.

Where a sign requires development consent,²⁴ Council must approve, as owner, the lodging of a Development Application prior to assessment by Council in accordance with Schedule 5 Assessment Criteria of *State Environmental Planning Policy (Industry and Employment) 2021*.

Where a sign does not require development consent, Council must approve the sign before erection.

All Council signs erected under Section 632 of the LGAct, plus reserve name signs and traffic and safety signs, are permissible.

Proposed Signage

Council will ensure the following signage is on the Reserve:

- directional signage for the purposes of guiding the community to required infrastructure and services
- signage for safety purposes including speed limitations and evacuation procedures.

²⁴ Development consent is not required if the sign is to be erected for the purposes of implementing this POM.

11 FINANCIAL SUSTAINABILITY

Income may be sourced from the following:

- **Council's General Revenue Fund (in accordance with annual operational budgets):** Where the Reserve is being used for informal casual use, Council will contribute to the maintenance and development of Infrastructure
- **Section 7.11 Contributions (*Environmental Planning and Assessment Act 1979*) specifically collected for community land:** This component occurs as rate payer's contributions for the general use of community land for community well-being
- **User pays for minor infrastructure works associated with nominated facilities:** This occurs through fund raising by the relevant body including entry fees and sales
- **Community contributions by way of sponsorships and community group projects (eg., Landcare, and service clubs such as Rotary, Lions Club):** This occurs through grants either sourced externally, and/or contributed locally by the group (eg., for the purposes of environmental works, social and intellectual well-being etc. and other improvements)
- **Grant and loan funding from either Commonwealth or State Governments:** The implementation of the management structure will allow primary users to apply for funds from a number of Government bodies with the concurrence of Council. Council may also apply for these funds. Funding opportunities exist from government programs including the Crown Reserves Improvement Fund managed by the DPE-CL
- **Income from commercial operations:** Where tenures are involved (eg. the major user groups), ticket and product sales etc, income will arise as per details in the revenue-split in the corresponding agreement.

In order to address the outstanding and future maintenance requirements at the Reserve, and permit any required new developments as proposed in this POM, it is important that all income which is generated from the Reserve be returned to the Reserve, and that this should be clearly demonstrated in Council's financial statements. Ensuring appropriate rental and fees for formal use of the site will assist in the maintenance of specialised infrastructure.

12 IMPLEMENTATION PLAN

Table 2 sets out a number of actions required to implement the identified Management Strategies and Performance Targets within the Reserve. These actions are the means of achieving the objectives of this POM.

A clear indication of how the completion of the aims will be assessed is also provided in the table under Performance Evaluation.

Table 2- Implementation Table

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
<p>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:</p> <ul style="list-style-type: none"> in relation to public recreation and the physical, cultural and intellectual welfare or development of individual members of the public, and 	<p>A. Complete essential works in accordance with all required approvals, available resources and as prioritised by Council.</p>	<p>(A) Council</p> <p>(B) Tenure holder/user</p> <ul style="list-style-type: none"> Engage a heritage specialist to advise on the heritage requirements for the upgrade and extension of the Fire Station and the Heritage Sign (A). Upgrades to internal layout of the Fire Station building to suitable standards to meet the needs of identified new and emerging priority uses (A) &/or (B). Creation of an extension of the existing building or new detached building (as required) for community infrastructure (A) &/or (B). Remove internal fencing unless of a heritage nature (A) &/or (B). Remove existing access to rear of Cudgegong House (A). In association with the as-required extension to the Fire Station, reconfigure pathway to permit easy access to main infrastructure from car park, considering one option for disabled access (A). Landscaping to enhance the rest area (A). 	<ul style="list-style-type: none"> All new works are completed in accordance with heritage requirements, works plans, to budget. Increase in usage and visitations to the Fire Station and car park. Increased cash flow/profit attributed to more community utilisation of the Reserve. Feedback from visitors and business sector that facilities at the Reserve are satisfactory.
	<p>B. Continue to manage and maintain existing assets with approvals as required to appropriate standards.</p>	<ul style="list-style-type: none"> Conduct essential repairs and maintenance to all facilities in accordance with heritage requirements, the maintenance schedule of Council's <i>Asset Management Policy (2022)</i> and building management plans (A) &/or (B). Conduct essential repairs and maintenance to all facilities including the Fire Station, maintenance of the car park area (A) &/or (B). Removal of unserviceable structures (eg. shed), complete boundary and subdivision fence repairs, general maintenance of all open space items of infrastructure, signage, and garden/yard improvements and management (A) &/or (B). Monitor the condition of structures on the Reserve and ensure effective 	<ul style="list-style-type: none"> Built assets are managed in accordance with prescribed Council standards, heritage requirements and community expectations. Natural assets are managed appropriately. Reserve orderly, neat and well maintained. Efficient and timely issuing of

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
		<p>(A) Council maintenance procedures are in place through tenure conditions (A). Prepare a safety audit of the site and repair or replace any areas that may impact on public safety (A) &/or (B) Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required (A) &/or (B). Ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish (A) &/or (B). Continue monitoring for issues of compliance and general site amenity. Maintain sealed car park area, access driveway, formed pathways and fences. (A) Maintain/trim mature trees in car park area and avoid hazardous incidents (A).</p>	<p>consents as required.</p>
	<p>C. Manage the land for improved and appropriate outcomes.</p>	<p>Update signs as appropriate. (A) &/or (B). Ensure appropriate management of all open space areas in accordance with relevant grounds management plan of Council's <i>Asset Management Policy (2022)</i>. (A) &/or (B) Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. (A) &/or (B). Ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across the Reserve, where required. (A) &/or (B). Ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish. (A) &/or (B).</p>	<ul style="list-style-type: none"> • Grounds operating effectively in accordance with use agreements and responsibilities, orderly, clean. • Positive feedback from user groups and individuals. • Grounds are kept tidy and orderly.
	<p>D. Monitoring and Compliance.</p>	<p>Continue to monitor the condition of major structures and ensure effective maintenance schedule and procedures are in place. (A) Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. (A) Council officers to be present to monitor all issues of compliance and general site amenity. (A)</p>	<ul style="list-style-type: none"> • Audit processes for safety and asset condition reporting developed and working well. • Tenures are well managed resulting in no complaints and showing desired cash flow. • No confusion or inefficiencies regarding use and occupation exist. • No illegal use and abuse of facilities.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
<ul style="list-style-type: none"> in relation to purposes for which a lease, licence or other estate may be granted in respect of the land. 	<p>E. Capitalise on good relationships and improve coordination and communication with occupiers of and visitors to the Reserve.</p>	<p>(A) Council (B) Tenure holder/user</p> <ul style="list-style-type: none"> Establish appropriate tenure and hiring arrangements for new hirers, at recommended/appropriate rent and hire fees where applicable. (A) Ensure that the requirements of any tenure or hire agreement are met by establishing positive relationships between Council and tenure holder through clear expectations and communications. (A) Where necessary, develop guidelines which communicate the requirement for users to concur with all tenure conditions including the maintenance of orderly and tidy surrounds at all times. (A)&(B) Ensure effective communication with user groups regarding the implementation of this POM. (A) 	<ul style="list-style-type: none"> Tenure compliance problems non-existent. Good cooperation regarding maintenance responsibilities. Number of user groups and general passive users has increased.
<ul style="list-style-type: none"> in relation to purposes for which a lease, licence or other estate may be granted in respect of the land. 	<p>F. Build relationships with existing and new users in order to:</p> <ul style="list-style-type: none"> draw more people to the Community Purposes area, to maximise business and cash flow maximise tenures to ensure good and complete use of the Reserve. 	<p>(A) Council (B) Tenure holder/user</p> <ul style="list-style-type: none"> Establish relationships with relevant cultural groups, users, Gulgong Police and other neighbours etc. to ensure an integrated and complimentary approach is adopted for attracting suitable tenure holders to the Reserve. (A) 	<ul style="list-style-type: none"> Tenure holders and other user groups are content with tenure arrangements and plan is working well with all, including improved clarity and communication. Community enjoying general access on arrangement for casual use of new recreational facilities, particularly the aged and disabled. Relationships established with appropriate user groups and others.

13 CONSULTATION DURING THE PREPARATION OF THIS PLAN

Community consultation is an important source of information necessary to provide an effective POM for Community Land and is a requirement under Section 38 of the LGAct. As such, Council is committed to the principles and activities within the participating community which guide Council's decision-making processes. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of people using the Reserve.

Section 38 of the LGAct requires that:

- Council must give public notice of a draft POM
- The period of public exhibition of the draft plan must be 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 Council
- Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

Notice was provided to the Minister for Land and Property in accordance with section 39 of the LGAct. The consent of the Minister for Land and Property is required under clause 70B of the *Crown Land Management Regulation 2018*.

Prior to the development of this POM, the community was requested to cast opinion on future needs and uses of the Fire Station. This process occurred via two separate means:

- A survey commissioned by Council was open to the community for on-line opinion conducted between 31 October 2018 - 09 August 2020. A Survey Response Report was produced by *Bang the Table Engagement*
- Discussions with all user groups and broader community representatives were conducted in Gulgong on 28 September 2020 and views on a range of issues were captured as notes transcribed onto butcher's paper. Attendees were also asked to compile prioritised needs and aspirations for the Reserve.

14 APPENDICES

- 1) Core Objectives for Categories of Community Land.
- 2) Relevant State Environmental Planning Policies.

15 REFERENCES

Australian Bureau of Statistics, *2016 Census Quickstats Gulgong*; (2016):

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Department of Local Government (2000): *Practice Note No.1, Public Land Management, Amended May 2000.*

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<http://www.legislation.nsw.gov.au/>

Prime Facts: Profitable and Sustainable Primary Industries:

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Towards 2040 – Mid Western Region Community Plan.

Appendix 1

CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND (LGAct)

36E Core objectives for management of community land categorised as a 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 *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

36F Core objectives for management of community land categorised as a sportsground

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.

36G Core objectives for management of community land categorised as a park

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, and
- (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.

36H Core objectives for management of community land categorised as an area of cultural significance

- (1) 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.
- (2) Those conservation methods may include any or all of the following methods:
 - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance

- (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state
 - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact)
 - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

36I Core objectives for management of community land categorised as general community use

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

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

36J Core objectives for management of community land categorised as bushland

The core objectives for management of community land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface.

36K Core objectives for management of community land categorised as wetland

The core objectives for management of community land categorised as wetland are:

- (a) to protect the biodiversity and ecological values of wetlands, with particular reference to their

- hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- (b) to restore and regenerate degraded wetlands, and
 - (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

36L Core objectives for management of community land categorised as an escarpment

The core objectives for management of community land categorised as an escarpment are:

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

36M Core objectives for management of community land categorised as a watercourse

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

- (a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

36N Core objectives for management of community land categorised as foreshore

The core objectives for management of community land categorised as foreshore are:

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Appendix 2

STATE ENVIRONMENTAL PLANNING POLICIES WHICH ARE RELEVANT TO THE RESERVE

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Exempt) provides that certain types of works do not require development consent under Part 4 of the EP&A Act. The General Exempt Development Code is set out in Division 1 of the SEPP, providing the limitations and conditions of the exemptions. They include:

- Access Ramps
- Advertising and signage
- Aerials, antennae and communication dishes
- Air-conditioning units
- Animal shelters
- Aviaries
- Awnings, blinds and canopies
- Balconies, decks, patios, pergolas, terraces and verandahs
- Barbecues and other outdoor cooking structures
- Bollards
- Charity bins and recycling bins
- Earthworks, retaining walls and structural support
- Fences
- Flagpoles
- Footpaths, pathways and paving
- Fowl and poultry houses
- Garbage bin storage enclosure
- Hot water systems
- Landscaping Structures
- Minor building alterations
- Mobile food and drink outlets
- Playground equipment
- Screen enclosures
- Sculptures and artworks
- Temporary uses and structures
- Waste storage containers

Section 1-16 of Division 2 of the SEPP provides the General Requirements for exempt development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) commenced in New South Wales on 1 March 2022 consolidating 4 earlier SEPPs focused on employment and advertising. The T&I SEPP focuses on:

- Planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The T&I SEPP provides that certain types of works do not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Section 2.20 of the T&I SEPP provides that a range of works are “exempt development” when carried out for or on behalf of a public authority (including Nambucca Valley Council). These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, firefighting emergency equipment, small decks, prefabricated sheds of up to 30m² in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks (size is not specified) and demolition of buildings covering an area of up to 100m².

Section 2.73 of the T&I SEPP further provides that Development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act. Further, any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- a. development for any of the following purposes:
 - i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges
 - ii. recreation areas and recreation facilities (outdoor), but not including grandstands
 - iii. visitor information centres, information boards and other information facilities
 - iv. lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard
 - v. landscaping, including landscape structures or features (such as artwork) and irrigation systems
 - vi. amenities for people using Wellington Park, including toilets and change rooms
 - vii. food preparation and related facilities for people using Wellington Park
 - viii. maintenance depot,
 - ix. portable lifeguard towers.
 - b. environmental management works
 - c. demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
- Educational establishments and childcare facilities containing planning for child-care centres, schools, TAFEs and Universities.
 - Major infrastructure corridors containing planning controls and reserves land for the protection of the 3 North South Rail Lines, South West Rail Link extension and Western Sydney Freight Line corridors.
 - Three ports containing the land-use planning and assessment framework for Port Botany, Port Kembla and the Port of Newcastle.

State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (I&E SEPP) commenced in New South Wales on 1 March 2022 consolidating 2 earlier SEPPs focused on employment and advertising. The I&E SEPP focuses on:

- Western Sydney employment area' contains planning rules and controls for the employment land within the Western Sydney
- Advertising and signage ensuring that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high-quality design and finish.

- to regulate signage (but not content) under Part 4 of the Act, and
- to provide time-limited consents for the display of certain advertisements, and
- to regulate the display of advertisements in transport corridors, and
- to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.