

9.5 Draft Plan of Management Old Gulgong Fire Station - Adoption

REPORT BY THE MANAGER PROPERTY AND REVENUE

TO 13 DECEMBER 2023 ORDINARY MEETING

GOV400103, COU500102, 4532, 8586, 13084

RECOMMENDATION

That Council:

1. **receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station - Adoption;**
2. **note the submission received during the exhibition period as cited in Attachment 3 to this Report and accept the recommendations proposed by staff;**
3. **note that further Native Title Manager advice as cited in Attachment 4 to this Report has been considered in relation to the draft v8 Plan of Management Old Gulgong Fire Station, Crown Reserves 90876 and 90877 and Dedication 520110;**
4. **adopt the draft v8 Plan of Management Old Gulgong Fire Station as cited in Attachment 1 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016;**
5. **authorise the General Manager to make minor editorial modifications in the finalisation of the draft v8 Plan of Management Old Gulgong Fire Station Plan of Management if necessary; and**
6. **forward the adopted Plan of Management Old Gulgong Fire Station to the NSW Department of Planning and Environment – NSW Crown Lands for information.**

Executive summary

At the Meetings of Council held on 21 September 2022 and 20 September 2023, Council was presented with draft v6 and draft v7 Plan of Management (PoM) Old Gulgong Fire Station, respectively.

Council resolved on 20 September 2023 via Minute 223/23 to place the draft PoM on public exhibition in accordance with s38 Local Government Act 1993 (LGA) and receive a further report at the conclusion of the public exhibition period to consider any submissions received.

Following the enactment of this resolution, this Report now seeks Council's consideration of the submission received and a resolution to finalise and adopt the PoM in accordance with s40 of the LGA and s3.23(6) of the Crown Land Management Act (CLMA).

Draft v8 of the PoM is appended as Attachment 1 to this Report

Disclosure of Interest

Nil

Detailed report

Council Minute 223/23 of 20 September 2023 is appended as Attachment 2 to this Report. The outcome of the enactment of Resolution No. 4 is as follows –

Public Exhibition in accordance with s38 of the Act

The draft PoM was publicly exhibited from 13 October 2023 to 9 November 2023 with submissions accepted up until 23 November 2023.

The draft PoM was available for viewing on Council's website with hard copies available at Council's Administration Services Centres. A walk-in information session was also conducted on 31 October 2023 at the Gulgong Service Centre.

One submission was received. Attachment 3 to this Report contains a summary of the submission along with the Council manager recommendation.

Native Title Managers' Advice

Plans of management for Crown reserves must be compliant with the statutory requirements of the Commonwealth Native Title Act 1993 (NTA). Council cannot adopt a plan of management until it has obtained written advice from a Native Title Manager that a plan of management complies with the applicable provisions of the NTA legislation.

The Native Title Managers' Advice presented to Council on 21 September 2022 indicated that the draft PoM complied with the applicable provisions of the NTA, in this case being valid future acts under s24JA.

Council advised and gave the opportunity to comment to NTSCorp Limited as the representative aboriginal body for New South Wales, under s24JB(6) of the NTA. No comment was received from NTSCorp.

The Native Title Managers' Advice presented to Council on 21 September 2022 has been reviewed in light of the amendments brought forward by Crown and addressed by Council on 20 September 2023. It is considered that the proposed revised PoM still complies with the applicable provisions of the NTA being valid future acts under s24JA.

The reviewed Native Title Managers' advice is appended as Attachment 4 to this Report.

Recommendation

It is recommended that the PoM as appended as Attachment 1 to this Report be adopted by Council.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Strategic implications

Council Strategies

The PoM will provide strategic direction for Community classified Crown Land and is consistent with Council's responsibilities under the LGA and the CLMA. The PoM identifies the permissible

uses and potential development for the land parcel cited. Council may not undertake any activities, uses or developments which are not provided for in the PoM.

Council Policies

Not Applicable

Legislation

Crown Land Management Act 2016

Division 3.4 – Crown Land managed by Councils

Division 3.6 – Plans of Management and other plans

Section 8.7 – When advice of Native Title Manager is required

Crown Land Management Regulation 2018

Local Government Act 1993

Part 2 Division 2 – Use and Management of Community Land

Local Government (General) Regulation 2005

Part 4 Community land, Division 1 – Guidelines for the categorisation of Community Land

Native Title Act 1993 (Commonwealth)

Section 233 – Future Act

Section 24JA – Reservations, leases etc.

NSW Aboriginal Land Rights Act 1983

Financial implications

The adoption of the PoM will not have an immediate financial impact. Any future works priorities identified as part of the PoM will be considered through the normal operational planning and budget processes.

Associated Risks

It is a requirement under the LGA and CLMA for Council to produce compliant plans of management for all Council managed Crown reserves. One of the key aims of a plan of management is to ensure that management of Crown Reserves is conducted in accordance with requirements of the NSW Aboriginal Land Rights Act 1983 and Native Title Act 1993, reducing the potential for Council to be in breach of either piece of legislation. The PoM addresses all requirements and clearly sets out the obligations.

The risk of producing a plan of management which did not align with the community's vision for the reserve was mitigated by public consultation facilitated by the commissioning of 2 open on-line community surveys between October 2018 and August 2020, the exhibition of the draft PoM, additional community consultation in the form of a walk-in information session on 31 October 2023 and due consideration of the submission received.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

24 November 2023

- Attachments:*
1. v8 Plan of Management Old Gulgong Fire Station. (separately attached)
 2. Minute 223/23 20 September 2023. (separately attached)
 3. Summary of submission & recommendation. (separately attached)
 4. Native Title Managers' Advice 24/11/2023. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER