



Ophir (R65909) Reserve Compliance Management Plan

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Preamble

Ophir Reserve is the official site of the discovery of the first payable gold in Australia and the location of the nation's first gold rush in May 1851. These events significantly shaped the economic and social development of NSW and Australia. As well as having national significance, Ophir can claim international significance, being one of the first goldfields in the chain of international gold rushes that began in California in 1848.

Mining activity at Ophir has been almost continuous since 1851, giving Ophir the status of the longest operating gold field in Australia.

Today, Ophir Reserve 65909 is Crown land reserved as gazetted in April 1936, for the purpose of public recreation and was registered as a wildlife refuge (No.40) on 1 October 1971. The Reserve is managed by an appointed Crown Land Manager (CLM) known as Ophir Reserve Land Manager who have the authority and responsibility to exercise all required administrative functions where they relate to land management. The management is on behalf of the people of NSW as provided by section 3.13, *Crown Land Management Act 2016* - Functions of Crown Land Managers.

Crown land legislation provides CLMs with specific provisions and powers to support the care, control and management of the Crown land and allows controls to be put in place to achieve this. The Ophir Reserve CLM have a duty to ensure visitors to the Reserve are aware of and follow any regulations, imposed restrictions, and understand the permitted use of the reserve and associated activities.

Regulatory compliance can include a range of processes, procedures and actions that help ensure the application of Crown land legislation to meet land-management responsibilities. This helps ensure that the public is aware of relevant laws, policies and regulations relating to the appropriate use of the Ophir Crown reserve.

Introduction

The development of this Plan has relied on the provisions and information derived from the Crown Land Management Act 2016 (the Act) and Crown Land Management Regulation 2018 (the Regulation), Crown Lands Compliance Strategy 2020-23 (July 2020), Crown Land Compliance and Enforcement Policy (Ind-O-248) vs.3, 2018, and the Crown Land Compliance and Enforcement Policy Guidelines, 2018. Consideration has also been given to the former Cabonne Council Plan of Management for Ophir Reserve (Corkery R.W. & Co. September 1998), Ophir Reserve – Heritage Study and Management Recommendations (Pearson, M. and McLachlan, R. 1997), Flora and Fauna Survey of Ophir Reserve, in association with Orange Field Naturalist and Conservation Society Inc (Medd, R.W., Bower, C.C. & Kenna, J.I. 1997) and, An Aboriginal Archaeological Heritage Assessment: The Ophir Reserve, North-east of Orange in the Central West of New South Wales (Central West Archaeological and Heritage Services Pty Ltd 1997).

The principles of Ecologically Sustainable Development (ESD), together with the conservation principles of the Burra Charter have also been considered in the development of the Plan.

This compliance management plan (the plan) is designed to assist the Ophir Reserve CLM to convey their goals for the reserve within a regulatory framework. The compliance plan may be used as a standalone document, or form part of a management plan that the Ophir Reserve CLM has in place or is planning to develop.

The Plan is flexible to meet the changing needs of the Reserve as it changes and develops, or as new regulatory issues arise. Compliance planning should happen within a dynamic framework that allows timely and prudent responses to emerging issues. Regular review dates are typically essential to achieve this.

This CMP is set out and includes the following sections:

- Section 1 - Compliance management plan goals
- Section 2 - Ophir Reserve regulations/restrictions

- Section 3 – Regulatory compliance
- Section 4 - Responses to restriction violations
- Section 5 - CLM safety
- Section 6 – Other agencies – relationships and responsibilities
- Section 7 – Other agency support and assistance with regulatory compliance issues

Section 1 - Ophir Compliance Management Plan Goals

Ophir CLM has identified 10 management goals to assist with meeting CLM responsibilities with the care, control and management of the Reserve. These include:

1. Ensure that the reserve's use and activities are consistent and compatible with the reserve's purpose and align with the principles of Crown land management
2. Ensure CLM decisions and actions are in both the public's and the environment's best interest, and comply with relevant state legislative requirements.
3. Protect the reserve's environmental, cultural and heritage values.
4. Minimise environmental and social impacts of public use of the reserve.
5. Plan for the efficient use of the reserve's resources.
6. Responsibly manage the land and property assets.
7. Implement education and awareness strategies for users of the reserve.
8. Understand the need to be prepared for potential risks and behaviours associated with visitor use.
9. Outline and document a course of action in the case of regulation violations.
10. Understand and address health and safety concerns relating to compliance activities.

Section 2 - Ophir Reserve Regulations and Restrictions

Definitions:

Aboriginal object, means any deposit, object or material evidence (not being a handicraft made for sale) relating to Aboriginal habitation of the Ophir Reserve, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Act, refers to the Crown Land Management Act 2016

Authorised person, in relation to the Ophir Crown land reserve, means a member of the Crown land Manager Board as provided by clause 4 of the Crown Land Management Regulation 2018.

Authorised Officer means a person appointed as an Authorised Officer under Division 10.3 of the Act

Department, refers to the NSW government department that administers the CLM Act and Crown land

Penalty unit (NSW), refers to the amount payable in fines, currently 1 penalty unit = \$110

Regulation, refers to the Crown Land Management Regulation 2018.

Reserve, means the Ophir (R65909) Recreation Reserve

Responsible manager, of dedicated or reserved Crown land means, the Crown land manager board of Ophir Reserve

road related area, on Ophir Reserve, includes any public roads to which the Roads Act & Roads Regulations apply, other defined vehicle tracks, picnic and camping areas, open to or used by the public.

Using the relevant provisions of the Act and Regulation, CLMs can restrict visitor access and use if necessary, to protect the reserve from improper use and damage and ensure compliance with Crown land legislation. Accordingly, a CLM can control and restrict visitor activities on the reserve by:

- Prohibiting visitors from certain activities on the reserve, in accordance with the Act and Regulation, or
- Restricting access to parts of the reserve, or
- Closing part or all of the land, or any structure or enclosure in or on the land, to the public (but only temporarily or periodically as the reserve purpose is public recreation).

Before putting restrictions in place, the Ophir CLMs will consider:

- The purpose of the restriction and constructive outcomes.
- The gazetted purpose of the Reserve being for public recreation, and any purpose incidental or ancillary to the purpose for which it is dedicated or reserved.
- The public interest.

To effectively manage and protect Ophir Reserve from wilful damage, contamination, and unauthorised use; and ensure visitors and other users of Ophir Reserve behave in a way that preserves the environment and ensures public safety and enjoyment for all those using the reserve, the following regulations/restrictions apply in/on Ophir Reserve.

1./ Conditions of entry to Ophir Reserve

A person who enters Ophir reserve or part of the reserve or any structure or enclosure in or on the reserve, enters subject to any conditions that;

- (a) are determined from time to time by the responsible manager of the reserve, and
- (b) are displayed in public notices (including signs) erected at or adjacent to each entrance to the reserve or any part or structure or enclosure.

Visitors will be advised that the Reserve is a former mining area that contains many known and potentially unknown mine shafts, adits (mine tunnels) and other mine workings which are inherently dangerous. All visitors and users of the Reserve should be made aware of these risks and be encouraged to comply with any regulations or restrictions as set out in this document and or displayed in public notices and signs installed or erected on the Reserve.

2./ Fees and charges in connection with use of Ophir reserve

The responsible manager of Ophir reserve may, from time to time, determine the fees and charges payable in respect of any one or more of the following:

- (a) the use of the whole or any part of the reserve or any structure or enclosure in or on the land,
- (b) the parking or use of any vehicle or class of vehicles on the reserve.

The fees or charges payable under this clause must be displayed in a public notice erected at or adjacent to each entrance to the reserve or part of the reserve or building or enclosure, to which the fees or charges relate. The responsible manager may in any particular case waive payment of any fee or charge determined under this clause.

3./ General conduct prohibited in dedicated or reserved Crown Land

The Regulations - Part 2 Use of Crown land and Division 1 Protection of dedicated or reserved Crown land Clause 9, identifies conduct that is prohibited on a Crown reserve being:

- (a) damage, deface or interfere with any structure, sign, public notice, descriptive plate, label, machinery or equipment on the land, or
- (b) obstruct any authorised person or employee of, or contractor to, a responsible manager of the land in the performance of the authorised person's duty or the employee's or contractor's work on the land, or
- (c) bring in or on to the land any animal that is diseased or a pest, or
- (d) walk over, mark, scratch or otherwise mutilate, deface, injure, interfere with, remove or destroy any Aboriginal object in or on the land, or
- (e) remain in or on the land or any part of the land or any structure or enclosure in or on the land when reasonably requested to leave by an authorised person, or
- (f) bring into or leave on the land any refuse, waste material, scrap metal (including any vehicle or vehicle part), rock, soil, sand, stone or other similar substance.

Note – Clause 9 (2) It is a defence to the prosecution of an offence against this clause if the defendant proves that there was a reasonable excuse for the conduct that is alleged to give rise to the offence.

These activities do provide for penalty or prosecution should they be undertaken and proven however an Authorised Officer or other relevant authority would be required to undertake this action.

4./ Additional visitor activities prohibited on Ophir reserve by direction or notice under provisions of the Act or Regulation

To effectively manage Ophir reserve in accordance with the Act, Regulation and *principles of Crown land management*, specifically the care and control of the reserve, the following activities are also prohibited. Visitors are warned of these through signage installed on the reserve;

1. Camping without authority (a permit) and payment of the prescribed permit fee. Maximum permitted continuous stay is fourteen (14) days.
2. Cut down, poison, damage, pick or remove any tree, shrub, plant, vine, flower or other vegetation, whether alive or dead, unless authorised by the Crown land Manager.
3. Cut and or remove from the reserve any dead timber, log, stump or similar firewood, whether standing or fallen.
4. Destroy, capture, injure, annoy, or interfere with the habitat of, any animal, bird or other fauna, whether native or introduced, except for the purpose of recreational fishing.
5. Access any building, structure, enclosure, or part of the reserve not open to the public.
6. Drive or ride any unregistered motor vehicle (including motorbike) on any road related area of Ophir Reserve, and while unlicensed to operate a motor vehicle.
7. Light any fire contrary to any notice, whether temporary or permanent, or when prohibited under the Rural Fires Act 1995.
8. Allowing any dog or other animal brought onto the reserve to be uncontrolled as to cause a nuisance or harm to other reserve visitors, dog or other fauna, whether native or introduced.
9. Deface or remove from the Reserve any rock, soil, sand, stone, or similar substance,
10. Carry, have or use a firearm, imitation firearm, offensive or prohibited weapon, unless the person is a police officer in connection with the performance of their duty.
11. Carry or use any explosives.
12. Use any bow and arrow.
13. Carry, lay or set any trap, snare or poison bait.
14. Operate an audio or audio visual device at a volume likely to cause a nuisance.
15. Erect or display any sign, notice or advertising.
16. Sell, offer or expose for sale any article or thing, or conduct any commercial activity, other than activities conducted under a temporary short term licence agreement and payment of a licence fee.
17. Break any glass or throw or project any stone, missile or other object.
18. Deface with graffiti or other form of writing, picture or symbol, any trees, building, wall, seat, table, public notice, enclosure, or other structure within the reserve.

Nothing in this section shall limit an authorised person, employee or contractor of the responsible manager of the reserve from doing or authorising an activity, if the conduct is in the exercise of their function as Crown land manager. This includes any activity under the direction or written consent of the responsible manager of the reserve. Nothing permits a responsible manager to consent to the doing of anything on the reserve that is prohibited by the Act or any other law.

Section 3 - Regulatory Compliance

To support effective reserve administration, CLMs have a responsibility to promote compliance with any restrictions imposed on the reserve. They should encourage voluntary compliance and positive behavioural change through education and awareness practices and clear signage.

Education and awareness can be fostered by CLMs through:

- Being visible on the Reserve and identified as management with badges; in some situations uniforms or clothing that identifies management may be appropriate.

- Understanding the Reserve restrictions, why they are in place, and compliance management to achieve the expected behaviours and permitted use.
- Informing and directing visitors and users to regulatory signage or notice (or any other available written material) about any restrictions.
- Developing and distributing fact sheets, brochures and Reserve guidelines as necessitated.
- Conducting Reserve and activity-relevant education programs, including promotion using the various media platforms.
- Developing and maintaining good relationships with the department compliance support team members, local councils, other relevant government agencies and Police (a police visit at planned strategic times can be a deterrent).

As mentioned, the Act and Regulation require CLMs to put up signs or public notices if they want to restrict particular visitor activities or access to the Reserve or part thereof. Appropriate, clear and highly visible signage helps inform the community and visitors about what they can and cannot do in the Reserve. It can increase community awareness and reduce the number of incidents of noncompliance with restrictions. Additionally, in cases of repeated restriction breaches, clear and prominent signage is essential to facilitate enforcement action. The departments Compliance Strategy and Monitoring Team can provide detailed guidance on developing signage and notices, including templates.

Regulatory signage and notices must be displayed in an easy-to-see and prominent place on or near the Reserve (or at common visitor access points to the Reserve). It is also important to be aware of signage that may already exist at the location and ensure that additional signage does not create information overload or confuse the reader.

1./ Signage - Design and Technical Requirements

Signage information and layout should be determined by:

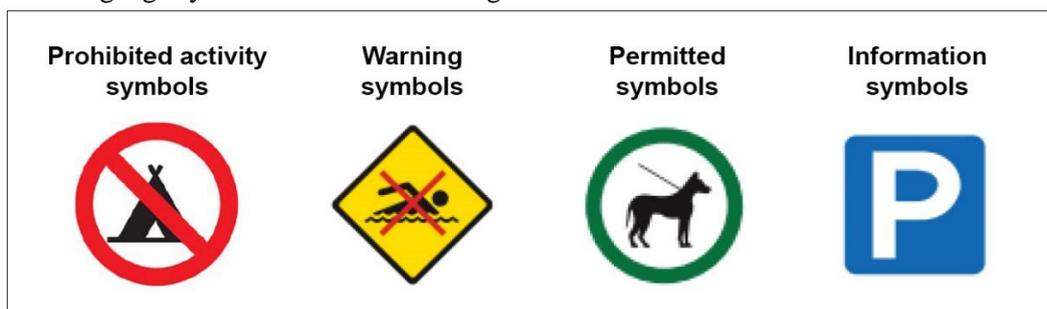
- Having a good understanding of the intent of the information (such as providing general information, safety warnings or advising restrictions)
- What the predominant message is
- The target audience
- Whether penalty provisions are available should the sign or notice be contravened

Technical requirements that must be applied to Crown land signage include:

- a 'CROWN LAND' banner or heading at the top (except for 'DANGER' or 'WARNING' signs)
- the NSW Government waratah logo
- clear, unambiguous language
- own logo, any other distinctive or individual requirements of the reserve, or both
- CLM contact details, such as phone number, email address or website.

The departments Compliance Strategy and Monitoring Team may review draft signage where signs are for regulatory purposes (such as for prohibited activities and/or where penalties may apply). Using signage symbols on signage helps visually display key messages to Reserve visitors.

These signage symbols fall into four categories:



The departments Compliance Strategy and Monitoring Team maintains a library of symbols to assist with developing signage, available on the Reserve Manager website at

https://reservemanager.crownland.nsw.gov.au/_data/assets/pdf_file/0004/1283611/CLM-symbol-library.pdf

the department also has a number of signage templates available for use or adaptation.

Signs should be of a size to suit the needs and should consider the following:

- Distance of the viewer
- Area and extent of entry points (gateway, road, open space, walking track or fenced area)
- Visibility and the clear display of information

Where a sign aims to inform about a safety hazard or regulatory prohibition, a more prominent sign is recommended.

Sign materials can be varied, depending on factors such as intention, life expectancy, environment, will the sign or notice be permanent or temporary, degree of exposure to the elements, and will the sign be in a high-public-use area (where it could be subject to vandalism).

2./ Location Plan for Regulatory Signage

The full list of Reserve regulations or restrictions can be comprehensive. A strategy must be developed to determine the more appropriate information required to be displayed at the most strategic locations. It may not be beneficial or practical to include too much information at a particular location if the information becomes overloaded, small and difficult to read.

The following plan is designed to address the need for clear and visible signage at specific locations on the Reserve, sized appropriately in accordance with 3.1 above. The plan is dynamic and is meant to be added to or amended to meet changed or new circumstances.

Sign/Notice Location	Message Category	Regulation/Information/Advice
Reserve northern and southern entrance	Prohibited activity	Dumping of waste Firewood removal Removal of any rock, stone, sand or soil Shooting or hunting Uncontrolled dogs Unregistered vehicle or motorbike
	Prohibited activity	Camping without a permit and payment of fees
Main southern picnic area toilet block wall	Prohibited activity	Comprehensive list of regulations
Main southern picnic /camping area, east side	Prohibited activity	Camping without a permit and payment of fees
	Prohibited activity	Uncontrolled dogs
	Advisory	All road transport laws apply in area
Southern picnic/camping area, west side adjacent to Lewis Ponds Creek	Prohibited activity	Camping without a permit and payment of fees
	Advisory	All road transport laws apply in area
Northern area enviro toilet block wall	Prohibited activity	Comprehensive list of regulations
Track entrance to northern picnic/camping area	Prohibited activity	Camping without a permit and payment of fees
Northern picnic/camping area	Prohibited activity	Uncontrolled dogs
	Advisory	All road transport laws apply in area
Ophir Rd/Cemetery Rd 'T' intersection	Prohibited activity	Camping without a permit and payment of fees

	Prohibited activity	Dumping of waste Firewood removal Removal of any rock, stone, sand or soil Shooting or hunting Unregistered vehicle or motorbike
	Advisory	All road transport laws apply in area
	Advisory	Wildlife Refuge
Track turnoff to cemetery	Information	Historic Pioneer Cemetery
Ophir Road reserve strategically situated between cemetery turnoff and descent to main picnic/camping areas	Prohibited activity	Firewood removal Dumping of waste
	Prohibited activity	Camping without a permit and payment of fees
Lewis Ponds Road reserve adjacent to McConnells track turnoff	Prohibited activity	Dumping of waste Firewood removal Removal of any rock, stone, sand or soil Shooting or hunting Unregistered vehicle or motorbike
	Prohibited activity	Camping without a permit and payment of fees
	Advisory	All road transport laws apply in area
Lewis Ponds Road reserve adjacent to track turnoff opposite private property	Prohibited activity	Firewood removal Dumping of waste
	Prohibited activity	Camping without a permit and payment of fees
McConnells Block camping area	Prohibited activity	Dumping of waste Firewood removal Removal of any rock, stone, sand or soil
	Prohibited activity	Camping without a permit and payment of fees
Ophir Road reserve adjacent to monument steps	Information	Historic Monument
Track head to Miller's Crossing	Warning	4WD vehicle access only
Track to former Gunnadoo mine site	Prohibited activity	Prohibited area, track closed
Track to Tinkers Point	Prohibited activity	Dumping of waste Firewood removal Removal of any rock, stone, sand or soil Shooting or hunting Unregistered vehicle or motorbike
	Prohibited activity	Camping without a permit and payment of fees
	Advisory	All road transport laws apply in area
	Warning	4WD vehicle access only
Entrance gateway to Ophir Cemetery	Information	Pioneer Cemetery
Bluff mine tunnel entrance	Warning	Mine tunnels are inherently dangerous. Enter at own risk
Spencer's Cut derelict mine workings	Warning	Mine tunnels are inherently dangerous. Enter at own risk
Salvation Bob derelict mine workings	Warning	Mine tunnels are inherently dangerous. Enter at own risk

Note: Regulatory and warning signage will be reviewed by the department

3./ Notices and Directions

Section 9.5(2) of the Act provides that a Crown land manager may cause a notice to be displayed in a conspicuous place on or near the land (or at a commonly used access point to the land) that prohibits persons from carrying on an activity on Crown land of a kind prescribed by the regulations. Further, Section 9.5(3) provides that; a person must not use a structure, or carry on an activity, on Crown land if the person is prohibited from doing so by a notice.

A regulatory notice generally consists of a paper-based document that is used:

- As a temporary measure while a more permanent sign is made
- For a one-off incident issued to an individual
- To prominently display for all users where the notice information need not be promoted all the time.

Section 9.6(4) of the Act also provides that a Crown land manager may give reasonable directions to persons concerning the entry, use and parking or storage of vehicles on Crown land for the purpose of preventing danger or harm to persons, animals, structures or property.

It is important to note that a written direction concerning vehicles on Crown land is **required only** if a person has not complied with a verbal direction. Notice and direction templates can be provided to the CLM by the department on request.

Section 4 - CLM Responses to Ongoing Restriction Violations

In most situations, the CLM's first response to a visitor breaching a restriction should be to educate the visitor and, if necessary, the wider local community, about what they can and cannot do on the reserve. If a visitor continues to breach a restriction after a CLM has attempted to inform the visitor about the restriction, the CLM can take positive actions to manage visitors by:

- issuing advisory or warning letters, or
- contacting the police where the matter is likely a criminal offence or dangerous, or
- contacting a local council staff ranger (for uncontrolled, nuisance or dangerous dogs), or
- contacting Crown Lands department staff, including appointed 'authorised officers'.

Section 10.6 of the Act provides that the minister may, in writing, appoint a specified qualified person to be an authorised officer. Appointed authorised officers hold statutory functions under the Act that provide greater compliance and enforcement powers, including the ability to issue penalty infringement notices. Additional powers of authorised officers include the ability to:

- Issue visitors with statutory directions to stop using structures or conduct certain activities.
- Remove people from the reserve.
- Enter and search structures or vehicles on the reserve for a compliance purpose.

Employment of a suitably qualified person by Ophir CLM for appointment as an Authorised Officer would place a significant financial burden on the CLM, therefore it is intended that the Ophir CLM will rely on the department's duly appointed Authorised Officers for compliance enforcement assistance.

The department may also pursue court orders, prosecution or civil proceedings.

CLMs have a duty to keep sufficient records and provide information and accurate accounts of any incidents, together with any other evidence they can collect, to help with any investigation by an authorised officer, police, or local council ranger.

Optical Surveillance

Installing an optical surveillance device such as video surveillance may be an appropriate option when noncompliance activities are regularly noticed, such as dumping of rubbish or firewood removal. Advice should be sought from Crown Lands department staff on the technical requirements and legal responsibilities if planning to install such devices. An optical surveillance device must not have the

capability to record noise (conversation). Legal obligations lie with the CLM installing such devices for compliance purposes. CLMs need to be familiar with the provisions under the *Surveillance Devices Act 2007*, *Privacy and Personal Information Protection Act 1998* and *Workplace Surveillance Act 2005*.

If the CLM proposes to use surveillance devices on Ophir Reserve they should notify the department and provide the following information:

- Rationale (must be for a compliance purpose) for installing the surveillance device
- Date of installation
- Location
- Number of devices installed

Section 5 - Crown Land Manager safety

Providing and ensuring a safe environment for the health and safety of a CLM, including any staff, contractors, volunteers and visitors is essential. CLMs should approach visitors only when it is safe to do so. If visitor behaviour threatens the personal safety of CLMs, they are expected to exercise care and due diligence, taking all reasonable and practical steps to prevent injury or illness to themselves and others.

Ophir CLMs should be familiar with and follow the Ophir Reserve CLM's Code of Conduct and Risk Assessment Procedures by:

- using a risk-based management approach in all decision making, and
- understanding and following good WH&S policies, guidelines and procedures.

Public activity can sometimes trigger unsafe situations, CLMs should avoid potentially unsafe situations. CLMs may contact the police, or relevant authority where the activity is criminal in nature and includes incidents of antisocial behaviour, such as intoxication; illicit drug use; theft; abusive, threatening, or aggressive behaviour; and any other actions that may threaten personal safety. CLMs need not tolerate personal verbal, physical or emotional abuse from visitors to the reserve.

Where someone is threatened face to face with a weapon, or if someone suspects this is about to occur, they should immediately remove themselves from the situation and contact NSW police.

Section 6 - Other agencies - relationships and responsibilities

While the CLM is the name for the body that cares for, controls and manages the Ophir Reserve on behalf of the people of NSW, a number of other agencies or government departments have regulatory responsibilities or oversight over certain activities which may be carried out on the reserve, whether legally or illegally. These agencies can support the CLM's land-management goals and obligations and may include, but are not limited to:

- Department of Planning and Environment-Crown lands
 - providing compliance support and administrative advice to the CLM. Where the department finds noncompliance, it may consider enforcing compliance through regulatory action.
- Department of Planning and Environment-Mining, Exploration and Geoscience
 - having compliance responsibility for mining activities on Ophir Reserve, whether under a mining lease (ML) authority or fossicking in accordance with fossicking rules. The Reserve is popular as a designated fossicking area however illegal mining activities have been detected on the Reserve on occasion.
- Department of Primary Industries-Fishing
 - have compliance responsibilities for recreational fishing activities on the Reserve.
- NSW Environment Protection Authority (EPA)
 - where illegal dumping of waste on the Reserve can result in serious pollution incidents the EPA can, when appropriate, investigate and pursue regulatory action.
- Cabonne Shire Council

- are the regulatory authority for the approvals required to operate a camping ground
- administers the Companion Animals Act.
- have responsibility for council public roads through the Reserve
- deals with illegal dumping incidents not resulting in serious environmental harm
- responsible for heritage conservation, including Aboriginal heritage, under the Local Environment Plan (LEP). Ophir Reserve is listed as a heritage item under Cabonne's LEP.
- Police
 - have enforcement powers for criminal activity, including antisocial behaviour or public nuisance.
 - have enforcement powers with respect to road transport law in NSW.
- SafeWork NSW
 - have enforcement powers under Work, Health and Safety (WHS) legislation with respect to CLMs and or contractors or volunteers on the Reserve. Volunteers are regarded as "workers" under the WHS legislation.
- NSW Department of Premier and Cabinet-Secretary
 - is the authority for the protection of Aboriginal objects and places in NSW. The NPW Act 1974, requires that "due diligence" be exercised in the protection of Aboriginal objects and places, i.e., if someone is planning an activity that may disturb the ground or old growth trees, they must show that they have taken steps to avoid damaging or harming any Aboriginal site.
- RSPCA and Animal Welfare League (AWL)
 - have enforcement and prosecuting powers for the Prevention of Cruelty To Animals Act (POCTA). Under legislation, animal owners and people in charge of animals must not do anything that "unreasonably, unnecessarily or unjustifiably" inflicts pain upon an animal e.g. by beating, kicking, wounding, mutilating or torturing it, over-working it, or exposing it to excessive heat or cold. To do so is a criminal offence, punishable by fine and/or imprisonment. Other specific offences include: failing to provide an animal with proper and sufficient food, drink or shelter; failing to provide an animal with adequate exercise; tethering an animal for an unreasonable length of time or by using an unreasonably heavy, or unreasonably short tether; abandoning an animal; or poisoning an animal.

Section 7 - Other agency support and assistance with regulatory compliance issues

Illegal Dumping

Illegal dumping is the disposal of waste larger than litter on land or in water. Dumping creates environmental, social and financial burdens on the land on which it is dumped.

The NSW *Illegal Dumping Strategy 2017-21* takes a multi-faceted approach to the problem of illegal waste dumping through collaboration between the Environmental Protection Authority (EPA) and their partners, local government, land managers, community organisations and industry. The strategy outlines clear actions for the EPA and its partners to reduce illegal dumping in NSW, setting out six approaches to meet its goals.

These key actions include:

- building an evidence base,
- stakeholder engagement and capacity building,
- education and awareness,
- prevention, infrastructure and clean-up,
- regulation and enforcement, and
- evaluation and monitoring.

CLM response when encountering illegally dumped waste within Ophir Reserve should follow a risk based approach by:

- for small amounts and where the waste poses no immediate environmental risk, clean-up to local council landfill, with assistance of Cabonne Council if necessary. Keeping sites clean reduces the risk of more dumping.
- for larger amounts of a trailer load or more and where the dumped waste poses an environmental risk, contact Cabonne Council, and report it through the EPA's Report Illegal Dumping online webpage at <https://ridonline.epa.nsw.gov.au/#/home> or phone the EPA Environment Line on 131 555.
- for an immediate emergency such as toxic fumes, chemicals or hazardous waste (such as asbestos), call 000 immediately.

The *Protection of the Environment Operations Act 1997* (POEO Act) sections 143 and 144 provides for significant fines and penalties for illegal dumping of \$7,500 on-the-spot fines for individuals (\$15,000 for corporations) if issued by the EPA or council.

CLMs are not expected to formally investigate or enforce actions in their role as a land manager. If a dumper is encountered in the act of dumping the most appropriate approach is to educate the offender about fines and penalties and discretely collect any details of the incident for reporting purposes.

Disruptive Dog Behaviour

Dog owners have specific responsibilities which include:

- making sure their dog wears a collar and a visible tag with details of the owner and the dog ie; name, address, or telephone number of the owner;
- taking all reasonable steps to prevent the dog from escaping;
- exercising effective control of the dog in a public place by using a chain, cord or leash;

Dog owners may also face hefty fines if their dog is not under effective control while in a public place and/or considered to be a nuisance, dangerous, or menacing to others. This may occur when the dog repeatedly runs at or chases any person, animal or vehicle, endangers the health of any person or animal or repeatedly causes substantial damage to property. A dog may be declared dangerous by a council officer if it has, without provocation, attacked or killed a person or animal, repeatedly threatened to attack or repeatedly chased a person or animal or is kept or used for hunting. A dog may be declared menacing if it has shown unreasonable aggression towards a person or animal or has without provocation, attacked a person or animal but did not cause serious injury or death.

The Cabonne Council staff ranger is the appropriate person to enforce the Companion Animals Act 1998 where a reserve visitor continues to allow any dog or other animal brought onto the reserve to be uncontrolled as to cause a nuisance or harm to other reserve visitor, dog or other fauna.

In aggravating circumstances or an emergency, the CLM should contact the police.

Road Transport Laws

A number of Council public roads traverse through Ophir Reserve. In addition, other parts of the Reserve are open to and used by the public for driving, riding or parking vehicles. Any person driving or riding a vehicle on Ophir Reserve, whether on the public roads or any road related areas of the Reserve, open to or used by the public, is subject to the provisions of the Road Transport Act 2013.

Section 5 of this Act provides that a reference in the Act to a *road* includes a reference to a *road related area*. As defined in section 4 of this Act, *road related area* includes; *an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles*. By definition, this includes the picnic and camping areas and any defined vehicle tracks on the Reserve.

Public roads include:

- Lewis Ponds Road,
- Ophir Road. and
- Doctor's Hill Mine Road.

Defined Ophir Reserve vehicle tracks include:

- Cemetery track
- Miller’s Crossing track
- Tinkers Point track, and
- McConnell’s track

The NSW Police have responsibility and regulatory enforcement powers for all provisions of the Road Transport Act 2013 relating to the bringing into and or use of vehicles on the Reserve. This includes the licenced use and registration of all vehicles while on road and road related areas of the Reserve.

Document Revision

VERSION NO.	DATE	REVISION DETAIL	REVIEWED BY:
1	23/05/2022	Draft version considered by Ophir Board members.	DM, IF, LB, P & JC, AR
2	20/06/2022	Department - Review and suggested amendments Compliance Strategy & Monitoring unit	CB, BF, HP
3	06/07/2022	Department - Review Reserves – Strategy Policy and Transformation	AS
4	22/08/2022	Final version reviewed and endorsed by Ophir Reserve Land Manager Board	Full Ophir Reserve Land Manager Board

